



Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 16 December 2004

Jeudi 16 décembre 2004

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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



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

LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 16 December 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 16 décembre 2004

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS'
PUBLIC BUSINESS

ELECTORAL DISTRICTS

Mr Howard Hampton (Kenora-Rainy River): I move that, in the opinion of this House, the government of Ontario should ensure the number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts that existed on June 3, 1999.

The Deputy Speaker (Mr Bruce Crozier): Pursuant to standing order 96, Mr Hampton, you have up to 10 minutes.

Mr Hampton: First of all, I want to say that I claim no unique intellectual property here for this resolution which I've presented today. In fact, I want to point out that in the throne speech, which was presented in this Legislature on behalf of the government about a year and a half ago, the government of the day said, "It will keep its commitment to introduce legislation that ensures a strong voice for the north, by keeping 11 northern representatives in the chamber."

I want to read from the platform of Dalton McGuinty, then-leader of the official opposition, who said during the election, in the Liberal platform called True North, "We will pass a law guaranteeing that the number of ridings in the north will not fall below 11."

In fact, I also want to give credit to the member for Algoma-Manitoulin, Mr Brown, who introduced a private member's bill, Bill 89, An Act to amend the Representation Act, 1996 respecting the number of electoral districts in Northern Ontario. I want to in fact read from Mr Brown's private member's bill, because this was introduced before the last provincial election, and in it Mr Brown makes the following points. He says, "The number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts as existed on June 3, 1999." Then he says, "This section applies when there is a federal readjustment on or after the day the Representation Amendment Act (Northern Ontario) comes into force." So Mr Brown, the Liberal member for Algoma-Manitoulin, is in some ways the original author of this concept that the number of ridings, the number of seats, the number of electoral districts in northern Ontario shall not be fewer than 11.

Regardless of what kind of distribution or what kind of reduction of seats may happen federally, provincially there shall not be fewer than 11 seats.

Some would say, "Well, if the government has said this in their throne speech and the Liberal Party said this in their election document and some Liberal members have in fact come forward with this concept, why bring this resolution forward?" I'm bringing this forward because, as we've already seen, this government has a habit of forgetting its promises, or a habit of not fulfilling its promises or a habit of breaking its promises. I am seeking from the members of the Legislature today a resolution which in effect holds this government to a promise it made in its throne speech, holds Mr McGuinty to a promise that he made during the election campaign, and indeed holds individual Liberal backbenchers to an idea that they themselves have promoted in the form of private members' bills here in the Legislature.

I just want to spend a few minutes to go over why Mr Brown has promoted this idea, why I believe Dalton McGuinty promoted this idea as leader of the official opposition, and why the government came forward in its throne speech with this idea. There are a number of things that I think need to be reflected upon.

First of all, northern Ontario is really quite distinct and different geographically from the rest of the province. Northern Ontario is dominated by the Canadian Shield. Whereas southern Ontario in some places resembles the plains of Michigan, and other parts of southern Ontario may resemble the geography of New York or Pennsylvania, northern Ontario is dominated by the Canadian Shield, which is not true of the rest of the province. So geologically, it's distinct and different.

In terms of climate, it's distinct and different. Over the last couple of weeks we've heard the government refer to that distinction with reference to other issues.

In terms of employment and industrial makeup, it's different. Northern Ontario is dominated by resource industries: pulp, paper, sawmilling, mining, smelting, refining. These are the dominant industries across northern Ontario. Even the industries which are not related to resource extraction are resource-based. Tourism in northern Ontario tends to be resource-based, whereas what you find often in southern Ontario is cultural-based tourism, certainly not natural-resource-based tourism.

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On top of that, there's just the issue of population makeup. Increasingly in northern Ontario, the aboriginal population is growing larger and is becoming more and more of a large force, population-wise. That is not true in

southern Ontario. If anything, the demographics of southern Ontario see more and more new Canadian communities. Whether those communities be from south Asia, east Asia, the Middle East or the Caribbean, there's quite a distinct and telling difference in terms of the demographics as between northern Ontario and southern Ontario.

I could go on delineating more and more of the distinctions. Southern Ontario, in geographic terms, is a relatively compact area. Northern Ontario, by any standards, is huge. Northern Ontario is larger by far than most European countries; in fact, you could say that northern Ontario, as a geographic mass, is about the size of Europe, or close to it.

So from all of these perspectives and on all of these fronts, northern Ontario is just a much larger, different geographic entity. These were some of the justifications for Mr Brown's original private member's bill, I assume from Mr McGuinty putting this in the Liberal Party platform and from the Liberal government putting it in its throne speech. I'm merely here today to call upon members of the Legislature to pass this resolution so that we can remind Mr McGuinty and the government of their promise and their commitment. Indeed, I think when you put a commitment in the throne speech, you need to see some action. So far, we have not seen action on this issue, and we're calling upon the McGuinty government once again to keep the promise that was made during the election and afterwards in the throne speech.

I'm not going to use the remainder of my time, because I know that other members want to speak to this resolution. I think I've outlined it fully. I simply ask for the support of all members to remind the government of a commitment it made in its throne speech, to remind Mr McGuinty of a commitment he made in the Liberal Party platform in the last general election of the fall of 2003.

The Deputy Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm certainly pleased to join in the debate here. I know the member from Parry Sound-Muskoka is going to speak on this, because he's directly impacted, having shown quite well that taking Parry Sound-Muskoka out of the north was strictly politically motivated.

What we're looking at here today, the resolution brought by the member from Rainy River, is that the Premier has already made a commitment in the throne speech that he would maintain the number of seats in the north. That is a fact. Currently, under our elected system, the number of seats in the north is 11. Under the new federal boundaries, if they were to change, that number would be 10. All this resolution calls on the government to do is ensure that there is no reduction in the number that currently exist.

I would add on to that that there shouldn't be any tinkering or gerrymandering with the boundaries, because that's what I suspect is going on with Parry Sound-Muskoka in terms of what they're doing by taking it out of the north. If it's taken out of the north, then they can say, "Well, we haven't changed the number of seats. The

same number are there that constitute the north." But that's strictly a technicality. That's strictly playing with the language and taking away the rights—and the member from Parry Sound-Muskoka is going to talk about that at length—that people in Parry Sound-Muskoka currently enjoy and have been taken away by this government.

I support the resolution. Certainly, it's important that we make sure that when the next election occurs—whether it's October 4, 2007, which the government says they're committed to, but that legislation hasn't actually been passed. They do have the right to call an earlier election under the Lieutenant Governor's existing powers, so we may not make October 4, 2007. But the fact of the matter remains, we do not know if the current system remains in place, we will adopt the seats that are up in the north, and there will be one less seat in the north if we adopt the federal boundaries.

I think what we're going to be talking about here is whether the federal Liberals and provincial Liberals are going to play games, especially the provincial Liberals, in terms of whether they're going to change the riding seats in their favour, they're going to gerrymander and make sure that the boundaries are set up to their pleasure, or what they're going to do is nothing, just leave the status quo that existed on June 3, 1999. That's really going to be the issue. I think that, as a principle, the government has to be held to making sure that the boundaries are fair, that there's no gerrymandering to favour themselves and their existing members. That's all I have to say. I know the member from Parry Sound-Muskoka has more to say.

Mr Michael Gravelle (Thunder Bay-Superior North): I'm glad to have an opportunity to speak to the motion put forward this morning by the member for Kenora-Rainy River, and I certainly can say that I'm pleased to support it. I think it's necessary to comment, though, on the rationale that the member has given for bringing it forward. I appreciate it, because obviously you're supporting our government policy and our northern policy platform, and we appreciate that.

May I say that one of the oddities of the last campaign—and I'm sure that the member will be thinking of this, and maybe that's why he's bringing it forward—is we wondered why you weren't supporting it during the campaign, why you didn't understand the commitments. I would not argue that the member understands the north in terms of the size of the ridings and the challenges as well as anyone, because of the large riding he has as well. But, as I say, it seemed odd to me that during the campaign, when this was obviously a key issue, the third party and Mr Hampton himself were not actually supporting this policy at the time. So I'm glad to have you coming to the table; a bit late, but it's good to have you here. I'm glad that you're supporting it, because it's something that means a great deal to us.

Obviously there are many other aspects of our northern policy that we're moving on actively, and we hope that we'll have your support in those as well. For

example, I believe later today we'll perhaps be having an opportunity to vote on a piece of legislation which will bring our grow bonds program into law, which is something that we, again, campaigned on. It came from the Northwestern Ontario Associated Chambers of Commerce. The chambers tried very hard to get the previous government to support it; they would not support it. I don't believe that you formally supported it either, in terms of the third party, but we put it in our platform. We brought it forward. This is something that will allow for real investment in small and medium-sized businesses in the north. So we're very excited about that.

We have the northern Ontario heritage fund, and this year we've got \$135 million put into that. Again, I would hope that the member for Kenora-Rainy River would be supporting what we're able to do in that to also bring some portion of that back to the private sector, which the previous government put down.

So it's great to have you supporting it. Again, my question was, why did you not support it earlier? But it's good to know that you're now on the record supporting my colleague from Algoma-Manitoulin in terms of his private member's bill, our government and our party's northern policy commitment and our commitment to bring it forward. We actually had a northern policy.

I think it needs to be said we are very proud of the fact that we had the Premier and Minister of Northern Development and Mines in Thunder Bay and Sudbury a couple of Fridays ago, I believe, announcing the details of our northern prosperity plan, and we are very excited, as are all northerners, about the fact that we are truly moving forward on those commitments.

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If I may say something else, the member for Kenora-Rainy River, the leader of the third party, made reference to our moving forward on other issues, and he didn't specify. But I think he was talking about studded tires. Another oddity that happened when our northern development minister announced in the House that we were going to be bringing forward legislation to make studded tires once again legal in the north was that the leader of the third party was actually in opposition to the studded tires, thinking that northerners wouldn't support it. As I know he knows now, that was not the reaction at all from people in the north. You were opposed to it.

I won't read all the quotes, as I'm running out of time, but the fact is that northern mayors and reeves—

Mr Hampton: Michael, where is it? Where are the studded tires?

Mr Gravelle: You can say what you want. The fact is, you didn't support it, which seemed rather odd.

There's one other point that I think needs to be made: Whenever the third party talks about their commitment to the north, there's one thing—and I must admit it pains me to bring it up again. I haven't talked about it for some time, but one of the things that really rankled me the most, and I think you know where I'm going on this, was that when the third party was in government, from 1990 to 1995, they made some changes to the heritage fund as

well—they were in support of it—but on their way out of office when there were real challenges fiscally for the party, very quietly and very secretly, they basically took \$60 million that belonged to the northern Ontario heritage fund and took it out, money that should have gone to the north, that should have been given to economic development of the north. The leader of the third party knows this is true. They sneaked it out, and it was discovered later by the auditor. That was one aspect that always rankled me as a member from northern Ontario, and I'm sure you wish you hadn't done it. But the fact is that that was something the third party, the NDP, did when they were leaving government. They took \$60 million out of the heritage fund and put it into general revenue. That was a pretty rotten thing to do, I thought.

Anyway, I'm glad to hear you're with this. I'm glad to hear you're putting forward this resolution. I'll be glad to support it when the time comes to vote.

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in the debate today talking about a resolution that has been brought forward by Mr Hampton: "That, in the opinion of this House, the government of Ontario should ensure the number of provincial electoral districts in northern Ontario shall not be fewer than the number of such districts that existed on June 3, 1999." I certainly support this resolution, although I was hoping they would be bringing forward a private member's bill, Bill 89, of which Mr Bisson had first reading on June 7 of this year. I particularly like his bill because in the section on northern Ontario, it says, "Northern Ontario' means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Muskoka, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming." As you know, today with the government's time allocation bill to bring Bill 149 before the Legislature and force a vote this afternoon, Muskoka will be getting removed from the north. I'm, of course, very concerned about that, and I will speak further about that.

I, of course, support maintaining 11 ridings in the north. In the past, the ridings have been bound to the federal ridings, and I think that's a good thing. It keeps politics out of deciding where the boundaries are. I worry about the government suddenly trying to look at the politics of where the boundaries will be. I note that the member from Timiskaming-Cochrane was quoted in the newspaper as saying that the riding boundaries in northern Ontario would stay the same, with the exception of the most southerly riding of the north, the riding of Parry Sound-Muskoka. With the removal of Muskoka from the north, which will essentially happen this afternoon, I worry about whether the government is going to start playing politics.

We've heard the term "gerrymander" get bantered around a lot this afternoon. I'll just read the definition from the dictionary. Gerrymander: "manipulate the boundaries of (a constituency etc) so as to give undue influence to some party or class; manipulate (a situation etc) to gain advantage." That's what I'm worried about as the Liberal government goes to change the boundaries for

northern Ontario, that they will somehow figure out that, "Oh, maybe we can get rid of one PC member of the Legislature by manipulating the boundaries." So I do worry about that.

I note the member from Kenora-Rainy River talked about the qualities of the north. When you cross into Muskoka, you cross the Severn River, and what's the first thing you see? The Precambrian Shield, which is what most of northern Ontario is. He made comments that in the north, another quality is its makeup—more First Nations. Well, in the riding of Parry Sound-Muskoka, we have seven First Nations. Another unique point about why Muskoka is very similar to the rest of northern Ontario is a sad one: It's the median family income. From 2001 Stats Canada, Muskoka's median family income is \$50,713, compared to North Bay, which is \$53,978, Thunder Bay at \$59,580, Algoma, slightly less at \$49,000, Kenora, \$62,990, and Sudbury, \$56,118. Muskoka is below most of the districts in the north. I think the government has confused those who live and work in Muskoka with the wealthy cottagers who come up and visit the area in this move to remove Muskoka from the north.

I certainly do support maintaining 11 ridings in the north. I mean, you need to go and visit some downtown Toronto ridings, where in five minutes you can walk around the riding. They may have more people, but in terms of the time the member spends trying to look after the constituents of the riding, it's a very small riding, whereas in northern ridings you can spend a day trying to get across the riding. In my case, it's maybe two and a half or three hours to go from one side of the riding to the other. It is a huge riding. The riding of Parry Sound-Muskoka has 26 municipalities, seven First Nations and a large geographic area. So I do support maintaining 11 ridings in the north, especially for practical reasons of trying provide good representation for the constituents of the north. I have real concerns about the government starting to play politics in how they go about making this change, especially in light of the fact that they've gone to the point of removing Muskoka from the north.

I would like to briefly, in the couple of minutes I have left, talk about what has been achieved by this government in the north.

One of their election promises was northern development councils. They've been in power 14 months, and where are the new northern development councils that are supposed to give information and guidance to the minister? There has been no announcement about that.

There is no comparable funding for small northern municipalities that don't share in the gas tax.

There has been no information on the NOHFC funding, what their plans are to change programs.

There has been no progress on Highway 69, a special interest to the minister when he was in opposition, no progress on Highway 11, no four-laning of Highway 17 in the Thunder Bay area. In fact, in October we had four washouts in one week on Highway 17.

There is no more Leslie M. Frost Centre.

There is no concrete plan to replace coal-fired electricity generating plants in Thunder Bay and Atikokan. That's half the power in the northwest, and the government has no plan to replace that power. In fact, if they do, they'll probably end up shutting down the mining and forestry industries in the northwest.

There's no northern tax incentive plan. That was something they talked about in their promises.

So there are a lot of noes.

What have they done? They've successfully managed to break their promise when they pass Bill 106 to implement the new health tax, the tax they said in the election they weren't going to implement, a 27% tax on most average families.

They have successfully passed Bill 100 to break another promise and bring in higher electricity costs.

With their mean-spirited time allocation move this afternoon, they will be successfully removing Muskoka from the north, although there was nothing in the election about Muskoka coming out of the north. I didn't hear any of the Liberal members or candidates going around saying, "Yes, we think it's a very wise idea that we remove Muskoka from the north because the citizens there are just too wealthy and they don't deserve to be in the north." I didn't hear any Liberal candidates talking about that. When they made the budget speech, I didn't see the word "Muskoka" in the budget of May 18. In fact, page 96, hidden in the fine print, was where the notation was to remove Muskoka from the north.

The good thing about this resolution is that it forces the government to actually keep a promise. That's a good thing. I thank the member from Kenora-Rainy River for introducing it. I do think it's important to maintain the best representation we can for all the deserving residents of northern Ontario.

Ms Monique M. Smith (Nipissing): It's my privilege today to get up and support this motion put forward by the member for Kenora-Rainy River. I would just like to point out, however, that our commitment and our platform, which was a northern-specific platform, was as follows: "We will improve democratically elected representation for the north. We will pass a law guaranteeing that the number of ridings in the north will not fall below 11." We were that committed to it; we remain that committed to it. We are moving forward with our promises, and we are keeping our promises in the north. We have done a number of things in the north over the last 14 months that I'm immensely proud of.

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We have introduced changes to the northern Ontario heritage fund, and we have made it an economic driver for the north. We've introduced grow bonds. We are introducing our Go North program, which will promote economic development in the north for the north. And we are returning to our definition of "northern Ontario," which the member for Parry Sound-Muskoka has some difficulty with, and I will discuss that in a moment.

I'd like to talk for a moment about the Conservative government's record in the north. The member for Parry Sound-Muskoka brought it up. He was very proud of

what they'd done, but I'd like to point out a few things that they didn't do and the abuse that the north suffered under the Conservative regime.

On the issue of four-laning: The four-laning of Highway 11 north to North Bay was promised in the 1950s by the Conservative government. Over 50 years later, we're still not there. During that time, for the vast majority of those years we had a Conservative government and we had representation in the Parry Sound-Muskoka region from that Conservative government. The highway was not completed. We are still working on it. We were proud to open 10 kilometres just a few weeks ago between South River and Trout Creek, and we'll be opening six more kilometres next spring. We are developing a northern highway strategy, which is something that the previous government never took the time to do, and we will be introducing that in the spring as part of a larger infrastructure strategy.

With respect to hospitals, the Conservative government said that they would not close hospitals. In fact, they did. They do not support our northern hospitals, either. In my particular riding, the hospital in Mattawa has been housed in portables since the 1970s. They're in dire need of a new hospital, and the Conservative government and our Conservative member, Mike Harris, was unable to deliver a hospital to the people of Mattawa.

With respect to just general northern attitudes, I find it ironic that the member for Parry Sound-Muskoka is up defending the north so vehemently, when he allowed the member for Oshawa, Mr Ouellette, to speak against more moose tags for northern Ontario hunters. Where is the defence of the north in that policy?

The previous government also allowed hundreds, if not thousands, of government jobs to leave the north and that's a tide that we are trying to stem.

I think the member from Parry Sound-Muskoka, if he was really trying to defend the north, would have to acknowledge that Muskoka has very little in common with Attawapiskat or Rutherglen or Garden Village. Under the northern Ontario heritage fund, we are investing in those communities and protecting the north.

The member for Parry Sound-Muskoka spoke of gerrymandering and playing politics with northern boundaries. I would just remind the member that it was in the year 2000 that we introduced Muskoka into the definition of the north under Ernie Eves. I'd just like to quote from the North Bay Nugget, which historically hasn't been that supportive of my political party. But in today's Nugget, John Size, the editor, says that while Mr Miller may be right about playing politics, he agrees with the Ontario government on this one:

"Making Muskoka part of the north was an absurd decision in the first place.

"It became part of the 'north' during the Tory regime under former finance minister and Premier Ernie Eves, the long-time MPP who represented the riding before Miller....

"The reason behind the Tories' decision to include Parry Sound-Muskoka was strictly political.

"It was a way to drop by a few northern Ontario heritage fund cheques off as a slush fund to buy votes—payback to the riding for being a staunch Tory riding."

The Ontario Liberal government is keeping its commitment to the north. We are investing in the north in health care. We are supporting the ONTC, which is an economic driver in my particular area of the north. We have protected it; the Tories would have sold it. They were going to sell one of our economic engines. They were going to privatize it. We protected it, we are nurturing it, and it is moving forward. They landed a wonderful contract with GO Transit. They have a strategic alliance with Telus through Ontera. They're moving forward.

In education, we're protecting our northern schools. We are rebuilding our crumbling schools and we are empowering our teachers, specifically by passing our bill yesterday stopping teacher testing, which I would note that the Conservatives again voted against.

We are keeping our promises in the north. We are working for the north. I am a proud northerner. I am proud to see the representation that we have in this government in the north. The people of the north have a strong voice in the McGuinty government, and I will continue to be part of that strong voice. Thank you for the opportunity to speak today.

Ms Laurie Scott (Haliburton-Victoria-Brock): I'm pleased to join the debate today on Bill 89. I just wanted to clarify for the member from Nipissing on the northern designation: Muskoka was created about 135 years ago, and for 110 of those years Muskoka was part of northern Ontario. It's been designated as part of northern Ontario for longer than it has not. The member is over there talking, but my friend from Parry Sound-Muskoka made that point, and I also wanted to put that on the record for him.

I think there are a lot of northern issues that certainly affect the northern part of my riding, being Haliburton county. It's certainly part of the Canadian Shield and has the second-lowest income, which I've mentioned several times in this House; it's the second-lowest household income in Ontario, second only to Manitoulin Island.

A lot of members of the Legislature represent ridings in the greater Toronto area, and the issues aren't similar to what they are in the remote areas of the province. Some of the issues we have don't seem important to the urban members here. It's hard to think about the impact, for example, of too few physicians in parts of the province where there's no health care of any sort within a drive from their home. When we're at Queen's Park, there are medical facilities and several hospitals available just five minutes away. The level of health care access is beyond the dreams of underserved northern and rural communities. Our concerns are very basic up there.

I mentioned, in a question this week in the Legislature, for example, the city of Kawartha Lakes, which is in the middle sector of my riding. It's not in the north, but we're still short 15 family doctors. There are a lot of patients without a doctor. I call them the orphaned

patients, back to my nursing days, and we use that phraseology. We just don't have walk-in clinics around the corner.

In northern and rural communities, most of the towns and villages don't have transit systems, and thanks to the way the province is allocating the gas tax dollars to municipalities, they won't be getting transit any time soon. This is not benign neglect, as my colleague the member from Parry Sound-Muskoka has mentioned; it's neglect that ultimately puts lives at risk. I think that these are real issues for real people, and we have to take them seriously.

The bill is not about the track record of the government when it comes to northern issues, neither is it about the promises they've made to northerners that they're not keeping, because they're treating everybody in the north the same as everyone else: They're just breaking promises to northerners as well as to the rest of Ontarians.

The lack of understanding of the north has played a role in the government's ill-considered decision to close the Frost Centre, as my colleague from Parry Sound-Muskoka said. I'm quite proud of all the people in the Haliburton and Parry Sound-Muskoka area and across Ontario who have come together to help local communities fight that closure and to reopen the Frost Centre. But, again, I think this is reflective of the urban focus that this government has. It didn't notice the importance of the Frost Centre. I see many members smiling, and I'm sure everyone in this Legislature is in favour of reopening the Frost Centre in some capacity; I'm hopeful. We didn't close the Frost Centre. We understood the importance of it when we were in government.

The bill would amend the Representation Act in order to maintain the number of northern ridings at 11, including the riding of Parry Sound-Muskoka. I just want to put my bid in that I would like the remainder of Haliburton county to be in my riding. There's a small section that's in the member from Parry Sound-Muskoka's riding. So when we do the redistribution with this act, I would like the rest of Haliburton county in with my riding of Haliburton-Victoria-Brock.

The Liberals are certainly trying to reduce the northern voices to 10 ridings in the new federal boundaries, which would mean there would only be nine ridings to speak up for the north. Do we want the north to lose a part of their voice in the Ontario Legislature? There are a lot more than 11 rural ridings across the province, but it's next to impossible to get the government to understand the needs of the north. It's a lot harder to get the point across when there are going to be fewer northern members.

I support this bill. I think the northern voice needs to continue to be heard in the Legislature, where decisions are made every day that affect the lives of the people of Ontario.

Mr Gilles Bisson (Timmins-James Bay): I am just so happy to stand in the Legislature and speak on this motion. It's such an important motion to northern Ontario. To put this in perspective, we know what it's all

about. There was a changing of the boundaries back in the election of 1999, because the provincial government had decided they were going to start following the federal boundaries. So when I first was elected to this House in 1990, there were 15 northern MPPs, and we 15 MPPs from the north, with that critical mass, had a bit of an ability to influence the outcome of what was going on here in the Legislature and individually within our caucuses. Unfortunately, for whatever reason, the former government decided to copy the federal electoral map, so we went from 15 ridings down to 10 in northern Ontario, excluding my good friend from Parry Sound-Muskoka. I was in opposition to that at the time. I thought it was wrong. I thought it was important that we have a sufficient number of MPPs here in the Legislature to represent the north.

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Now we're faced with this dilemma. We have this act in Ontario that says, "We're just going to blindly follow where the federal government goes. If the donkeys who draw up the election maps in Ottawa get it wrong, we don't know, we don't see, we don't care. We're just going to follow, because we're blind." I want to say that I think that's a real really dumb idea. I want to talk to you about a couple of ridings in northeastern Ontario and how the electoral maps have impacted them.

In my current riding of Timmins-James Bay, I go from just south of the city of Timmins all the way up to Hudson Bay, and from the Quebec border all the way to about Lake Nipigon, so it's a pretty large geographic riding to deal with. But now, under redistribution federally, it's a really wonky situation. We now have my riding kind of divided into two. One option is that you can have the federal Timmins-James Bay riding, which is basically Englehart all the way up to Timmins, skip over everything between Timmins and James Bay, so no Smooth Rock Falls, no Kapuskasing, no Hearst, no Constance Lake—just fly right over it; it doesn't exist—and then you go back to James Bay. So you have this riding that is disconnected geographically from any connection to be able to service it. So you've currently got a federal riding of Timmins-James Bay that says Timmins and everything south to about Englehart, and only the things on James Bay north of Moosonee. So those people who live in Kapuskasing, Hearst, Smooth Rock, Constance Lake and everywhere in between can't deal with the federal member in Timmins-James Bay; they've got to deal with their member for Manitoulin Island.

Can you just imagine how dumb this one is? If we had to follow the federal riding, I feel for my friend Mr Brown over how bad it would be, because the other riding is Algoma-Kapuskasing.

Mr Michael A. Brown (Algoma-Manitoulin): Algoma-Manitoulin.

Mr Bisson: Algoma-Manitoulin-Kapuskasing. It basically takes in Nairn Centre, Espanola, Manitoulin, Elliot Lake, goes around Sault Ste Marie almost as far north as—

Mr Brown: Manitouwadge.

Mr Bisson: —Thunder Bay, because it goes up to Manitouwadge and you may as well say you're almost in Thunder Bay, and then it skips out everything in between. The member's got to service Highway 11 from Smooth Rock all the way up to Constance Lake.

I want to put this into some perspective for people. Imagine that you represent the people of Cornwall and your riding is Cornwall and, let's say, Hamilton.

Laughter.

Mr Bisson: I say that and people laugh, but that's basically what it comes down to. It's actually farther than that. The point is, the federal member for the Algoma-Manitoulin-Kapuskasing riding, Mr St Denis, lives in Elliot Lake, I believe. When Mr St Denis wants to service his constituents in Kapuskasing, there's no highway connecting Kapuskasing to Elliot Lake directly. He either has to drive by way of Sudbury and all the way back up around to get to Kapuskasing, which is probably about an eight-hour drive, or he's got to go all the way around the other way, up Highway 11 through Chapleau, or, if he's going up to Hearst, in through the road that connects White River and Hearst. It's really a wonky, wonky riding; it has no connection whatsoever.

I can tell you that the people of Hearst, Kapuskasing, Constance Lake, Smooth Rock Falls and all the communities in between are really unhappy with this. They're saying it makes no sense. Even if you have a person who is well intentioned to service the riding, how does a member living in Elliot Lake do a good job of servicing people in Kapuskasing? It's physically impossible to do.

Mr Brown: But he is.

Mr Bisson: No, but it's physically impossible to do. It's already difficult enough, given the ridings we've got; if we were to follow the federal ones, it would be even worse.

The first point is that we'd lose members in this assembly, which I think is a bad idea. That's why we support the idea in this motion of saying, "Let's keep the boundaries as they are for northern Ontario and basically disconnect northern Ontario from the process in the legislation provincially that makes us follow the federal boundaries." Number two, those particular ridings that the feds have don't make any sense. Whoever is responsible for drawing up the boundaries for the federal ridings is so disconnected from reality that it really is a silly thing.

I want to be clear. We in northern Ontario don't want to lose any members in northern Ontario in terms of total numbers; in this case 10, if you don't count Parry Sound; 11 with my good friend from Parry Sound-Muskoka. We don't believe we should be dropping down to nine or 10, depending on how you draw the map. We need to keep a sufficient numbers of members in this assembly in order to do their jobs.

Now, why is it we're bringing forward this motion, as New Democrats? Let's call a spade a spade. In the last election, the Liberals promised, as we did, that they would do this if they were to get elected. I want to discount the comments made by Mr Gravelle, saying we

were opposed to this in the election. What hogwash. I ran around in the last election, in my platform, saying exactly that if we were elected as government, we would preserve the number of ridings in northern Ontario. So let's keep that really clear.

Anyway, why are we bringing this forward? Because the government, yes, in the last election, promised this to the people of northern Ontario. And—give the government some credit—they came back after the election and said in their throne speech that they would live up to their commitment of preserving the number of ridings in northern Ontario.

But I want to remind my provincial Liberal friends here at Queen's Park, how long have you been in government now? Is it almost a year and a half? I'm saying, nowhere on the radar screen have I seen—I'm the whip for my party, and I see all the legislation. I haven't seen one piece of legislation, I haven't heard the whisper of legislation saying that we're actually going to have legislation to amend the Election Act, to make sure that you live up to your commitment.

So we want to help you along. We as New Democrats are very good-spirited people, we're very positive about making things work in this Legislature, and we're trying to help our Liberal friends. We know they have a problem keeping their promises, and we know we've got to put a little bit of pressure on you because, you know, you northern members may not have the clout that you need in cabinet to make this happen. So by having this motion here, it helps you to lobby your Premier, to make sure your leader keeps his promise. So we want to be helpful. Mr Brown, Mr Gravelle, Madame Smith and others, we want to be helpful. We say to you, we support—because we said the same thing in the last election—the intent of what you said in the last election vis-à-vis the number of seats, and we're here to be helpful. We want to help you. It's the Christmas spirit. We're just coming up to Christmas. The least we can do is give northern Ontario a nice Christmas gift and say we will respect northerners in the next election and we will not diminish the number of seats in the Legislature after the next election.

Mr John O'Toole (Durham): Yes, but you can't trust them; that's the problem. They say it.

Mr Bisson: Well, that's my point. That's exactly our point. We know they have a problem keeping their promises. This is just to help them along, just to push them along and say, "You have a promise; let's keep it."

Now on a separate point—and this might be an issue that northern members want to listen to—there's another thing that we need to do, and it's something that has to be done at the Board of Internal Economy. For those people who are watching and don't know what I'm talking about, the Board of Internal Economy is responsible for giving the appropriation of money for members of this assembly to do their jobs. I'm one of the members on that board, as a representative of our caucus.

One of the things that we need to deal with is to make sure that northern members, as all members in this

province, have a budget for their constituency office that allows them to service their constituents. We are now in a situation where—two elections ago, prior to 1999, the area that I represent basically had two ridings. So we had the riding of Cochrane North and the riding of Cochrane South. The combined budget to run those two ridings was probably somewhere around \$400,000, when you combined the two budgets together.

After the 1999 redistribution, I now represent what used to be two ridings in northern Ontario, because we've gone down to one. Mr Gravelle has the same problem; Mr Brown has the same problem; my friend Mr Hampton has the same problem. We're operating with budgets that are less than what the total was before. It's a huge problem, and people need to understand this.

I want to put this into some perspective: Most of us have multiple constituency offices. There are members in southern Ontario who have the same thing, and I want to say that, but in the north, in ridings as large as mine or Mr Hampton's or Mr Brown's or Mr Gravelle's, in most cases you've got multiple constituency offices. I have to pay rent in two different communities; I've got to pay staff in two different communities; I've got to pay for phones and fax machines—all of that stuff to service constituents. Why? It's because they're large ridings. They're huge geographic areas. To have somebody say, "Well, I've got a problem in Hearst," so therefore they have to drive three and a half hours down to Timmins to get their problem, or they happen to live in Attawapiskat and they've got to get on a plane to get to Timmins—that doesn't make any sense. So you need to have a budget to be able to service your constituents. One of the things that really irks me is that we have never dealt with, at the board, making sure that members have an adequate amount of money in their budgets to be able to service their constituents.

If I'm in an urban riding, let's say like Sudbury or Sault Ste Marie or Thunder Bay, it's a bit of a different kettle of fish. They're urban ridings. Ask my good friend from Beaches-East York.

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Mr Michael Prue (Beaches-East York): One end to the other.

Mr Bisson: One end to the other; you can service that riding in one day. So there should be a budget for members in northern Ontario and Thunder Bay comparable to somebody in Hamilton or Toronto.

But for ridings like ours, there should be a sufficient amount of money to say, "You have enough money to pay the rent for your constituency offices," and you're not forced to put one person in the constituency office, as I have to do in Kap, because it's not fair to that person. As far as a safety issue and all of that, there should always be a second person in the office, in my view, and the money so that we can travel and have our staff travel to do the various clinics that we've got to do in our ridings. For example, in my riding—I'm going to say it here—since 1999, I have gone over my budget each and every year. In some cases, I've had to pay that out of my

own pocket, and it really irks me that I have to do that to service my constituents. The Legislature has to deal with that by way of the Board of Internal Economy to make sure there's enough money for us to service our constituents.

But then there's another issue, and this is an issue that's only particular to Mr Hampton and myself. Any member in this assembly who decides they want to attend a meeting or go to a function or visit a constituent can get in their car and drive to see that constituent. It could be an eight-hour drive, depending on how big the riding is, or a two-hour drive, and then they charge mileage which is outside of their global budget. In other words, it's paid by the assembly and doesn't affect your global budget. Mr Hampton and I don't have that luxury. Half of our ridings are only serviceable by air. There are not even commercial flights to most of them, so you have to charter. They say, "It's not a problem. We'll give you \$20,000 extra to service the northern parts of your constituencies." A charter to Peawanuk is almost \$8,000. Imagine if you have to service a riding like mine or Mr Hampton's. Now you've got to make some decisions: How often are you able to service those constituents who don't have roads, where you have to fly in to visit them? You're limited. You say, "I've only got \$20,000, so I can only go to your community"—well, you can't even go to all of your communities in a given year. If we have to follow the budget as it is now, especially Mr Hampton—he has more northern reserves than I do. But in the current budget structure, I cannot physically go to each of the communities in the northern part of my riding within my global budget. I just can't do it.

How did I respond? I learned how to fly and I bought myself an airplane. But, listen, it's not everybody who's prepared to do that. It's not fair to me and it's not fair to Mr Hampton.

Mr Hampton: And not everybody is prepared to fly with him, either.

Mr Bisson: Exactly. Nobody's prepared to fly with me; that's the other issue.

But it is not fair to another member who will come behind me and who says, "I don't want to learn how to fly, and I don't want to buy an airplane as a condition of employment." Members should have the right to go to their constituents whenever they need to. If it costs me \$60,000 or \$100,000, I don't care; that's the cost of servicing your constituents. If we're going to have large geographic ridings and it costs \$50,000 or \$40,000 or \$100,000 outside of my global budget for me to attend meetings in communities that are fly-in communities and reserves, and the same thing for Mr Hampton, it should be picked up by the assembly. It's as simple as that. If you don't want to have big ridings, then make them smaller. Have a James Bay riding only, where that's all they've got to service. Let a member be elected in James Bay to deal with the ridings up there, and you can have some efficiency of scale. But when you're asking us to have ridings as big as they are now, from Timmins to Hudson Bay, and for the member from Kenora all the

way from the southern part of northern Ontario up to Hudson Bay, which is a larger riding than mine, it's really unreasonable and unfair to those constituents.

I put it on the record today: The Board of Internal Economy has got to deal with allowing members who have fly-in reserves to be able to travel to those ridings whenever they need to, and if the cost is \$50,000 or \$100,000 per year per member, so be it.

With that, I appreciate the time that we've had in this debate today and I look forward to all members voting in favour of this motion to make sure we do not reduce the number of ridings in northern Ontario beyond the point it is now, which is pegged at 11 members.

Mr Brown: It must be Christmas. It is the season, and I'm delighted to be here.

I appreciate Mr Hampton's motion; I might as well say it. I thank the leader of the third party for pointing out that on two separate occasions I had introduced a bill essentially doing what we're asking today. I would also point out that in the northern Ontario Liberal platform—we actually had a northern Ontario platform—this was a commitment that was made. It was also a commitment that the government made in the speech from the throne. I would remind members that the next election will be—when is it?—October 4, 2007, and the government will enact this legislation by then.

I am thankful, because the member for Kenora-Rainy River has a long history of supporting my initiatives in this Legislature. He'll remember that in the last Parliament he tried to get unanimous consent of this House for my bill, which would bring Great Lakes Power under rural rate assistance. He vigorously supported my efforts in order to have that passed. So there's a long history here, Mr Hampton.

It is the Christmas season, it's the holiday season, and it's nice to see that they're finally here.

I'm interested in the Conservatives' approach to this. This was the party that in 1999 reduced the number of seats in northern Ontario from 16 to 11. A third of our seats were eliminated by the Conservatives.

I was listening to the member for Timmins-James Bay. He was talking about the absolute difficulty with servicing the large, rural northern Ontario ridings. My friends from Thunder Bay-Atikokan, Thunder Bay-Superior North, the two members who spoke for the NDP, Ms Smith from Nipissing and myself all understand the kinds of difficulties there are in providing service to our constituents over the large area.

This bill doesn't really address that. What it addresses is keeping the 11 we now have. It would be impossible for me to visualize what a Parliament with fewer northern members might be like. We have a significant impact because the most important member of the northern Liberal caucus, the northern government caucus, of course, is not a northerner at all but the Premier of Ontario, who vigorously supports our efforts in northern Ontario. We've witnessed a number of things that have happened in very recent history: the changes to the heritage fund that make the economy, job creation and

job growth go forward. We've witnessed the grow bonds initiative, which I'm hoping the NDP will vote for this afternoon; it is something that came out of northwestern Ontario chambers of commerce. Two western provinces have grow bonds, which have been effective in providing opportunities for business and job creation in those provinces and certainly will in this province.

So this afternoon, in response to this Christmasy support for our efforts on this file, it's kind of nice to know the NDP is finally with us on these things. We're very interested to see what the Conservatives are going to do on this particular file, because I heard some people from the front benches of the Conservative Party saying things totally opposite about this initiative when we mentioned it in the speech from the throne. So when they stand up, as they will at noon, we will be interested not only in knowing the number of Conservatives supporting this, but who from the Conservative Party is here to support it and who is not. I think that will tell a lot of tales.

So thank you very much for this brief opportunity to intervene.

The Deputy Speaker: I did notice that the third party had 10 seconds left, but perhaps we're now ready for—

Interjection.

The Deputy Speaker: The member for Kenora-Rainy River, you have two minutes to respond.

Mr Hampton: I just want the opportunity to summarize and to thank members from all parties and all sides of the House for supporting this resolution.

I want to conclude by pointing out why this resolution is necessary, why it will be necessary to change the electoral law of Ontario. As the law now stands, Ontario automatically adopts whatever federal redistribution of seats or federal redistribution of ridings happens. I think that's a bad idea for a number of reasons, but if we're going to adopt what Mr Brown has called for, if we're going to get the government to adopt what it said in the throne speech, if we're going to get Mr McGuinty and the government to adopt what they said during the election campaign, the electoral law in Ontario will have to be changed. It will have to say that we do not automatically follow the federal redistribution or whatever federal distribution of seats, ridings and electoral districts may happen. In this case, this resolution calls for there to be no less than 11 ridings, 11 constituencies, 11 electoral districts, in what is defined as northern Ontario. So that's why this is necessary.

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The other reason it's necessary is because we're already seeing that despite this government putting something in their election platform, despite them putting something in the throne speech, they have broken a lot of these promises, or they've forgotten them. I want them to keep their promise. I want them to keep their other promises too. I want to see those studded tires. I want to see those Scandinavian studs. I don't know why we don't have them already. I look forward to support from all members for this resolution.

CONSUMER PROTECTION
PROTECTION DU CONSOMMATEUR

Ms Deborah Matthews (London North Centre): I move that, in the opinion of this House, the government of Ontario should take steps to ensure that consumers are protected from excessive charges and hidden costs in the alternative financial sector and payday loan industry.

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

Ms Matthews: In my riding of London North Centre, a single mom with two children living on social assistance is charged \$54.30 to cash her social assistance cheque at National Payday. If she had gone to a Royal Bank, however, or a TD Canada Trust or a CIBC, she could have cashed that cheque for no charge at all, even if she didn't have an account at that bank. That means \$54.30 that could have been spent on food for the kids was spent instead on unnecessary cheque-cashing fees. If that same woman had cashed that cheque, worth \$1,086, a week before it was payable, she would have paid \$112 for the privilege at Moneyline. That works out to over 530% per annum interest on a government cheque that had virtually no risk of bouncing.

Today, in the heart of my riding of London North Centre, someone is borrowing \$100 for three days and paying \$18 interest. That's 18% for three days, or 2,188% annual interest. That is the cost of a loan from the Money Mart located right across the street from the police station at Dundas and Adelaide Street.

This is not happening just in my riding, it's happening in yours too. It's happening right across Ontario. These customers are getting ripped off, and it's time we, as legislators, used the full extent of our power to protect them.

Payday loan companies and cheque-cashing services are popping up all over the place. From being virtually non-existent just 10 years ago, there are now over 1,200 storefront operations across Canada.

They are a very big business. Money Mart, the largest payday lending firm in Canada, reports over \$4 billion in annual transactions. The stores are predominantly located in low-income neighbourhoods, and they target their advertising and other marketing initiatives to people with low incomes.

According to research into the industry, the best customers, not surprisingly, are economically disadvantaged consumers. That is the group that is most likely to make habitual use of payday loans or to borrow from several simultaneously. Those in financial distress due to bad credit or recent bankruptcy are also more likely to use the alternative financial sector, a sector that comprises a number of businesses, including pawnshops, cheque-cashing services and payday loan services.

Payday loans are short-term loans typically under \$200 that are taken out to tide someone over to their next payday. There are many, many unsavoury practices associated with them, including back-to-back loans and rollover loans that trap people into an increasingly deep whirlpool of debt from which they can never escape.

Another problem with payday loans, raised by a consumer debt counsellor in my riding, is that people are asked as part of the application process to sign wage assignments in the event of failure to repay the loan. These wage assignments attempt to circumvent the legal process that is required to deduct money from people's wages. The debt counsellor told me that people often don't even recall signing the form. It is one of many forms put in front of them to sign as they wait anxiously for the cash. These wage assignments have no actual legal force. A court order is required to assign wages, but they are often enforced anyway, despite their highly questionable legality.

A recent series of articles in the Toronto Star in June of this year written by Nicole MacIntyre and Jim Rankin exposed in great detail, using real-life examples, many of the odious practices of the industry. I urge people to read those articles if they are interested in learning more about this industry, and I congratulate the authors and the Toronto Star for highlighting serious issues in this sector.

There are many questionable practices in this industry, but perhaps the biggest problem is that interest rates charged are far above the legal limit of 60%, the maximum allowable level stipulated by the Canadian Criminal Code section 347. These companies get around this law by charging fees over and above the interest rate: set-up fees, brokerage fees, per item fees and so on.

Let me share with you a few examples from the Toronto Star investigation. A loan of \$100 for three days at Payroll Loans cost the borrower \$25.48. That's over 25% interest for three days. It works out to an annual interest rate of over 3,000%. A loan of \$120 for seven days from Stop 'N' Cash cost the borrower \$41, or an annual interest rate of 1,782%. Just so you don't think that I'm choosing the most exorbitant examples, here's the lowest rate found by the Toronto Star investigators: Cash Now charged a mere 487% interest on a 15-day, \$100 loan.

The reasons for the growth of this industry are many. To name only a few: Banks have closed branches in lower-income neighbourhoods and they don't offer loans for small amounts of money; another reason is that people are increasingly reliant on and comfortable with credit, and income levels in the lowest income brackets have stagnated, causing more economic instability in that group of people.

But this new industry that preys on the most financially illiterate, the most desperate, is thriving. Some attention, I'm happy to say, is already being paid to bringing this unregulated industry under control, and I applaud Minister Watson for taking the action in the first year of our mandate.

Bill 70, the Ministry of Consumer and Business Services Statute Law Amendment Act, 2004, includes amendments to the Consumer Protection Act, 2002, and will require payday lenders to disclose the full credit cost of the loan to their consumers. It goes into effect in June 2005. This is a very good first step, and I urge the drafters of the regulations to ensure that the costs are

posted in a highly visible manner, that they are clearly communicated to the customers and explained in ways that are appropriate, given the low levels of financial literacy of many customers.

This is an issue that's governed by both federal and provincial jurisdictions, and the federal-provincial-territorial consumer measures committee has been working to develop a comprehensive national strategy to address the unethical practices of the alternative financial sector. I urge the Minister of Consumer and Business Services, along with the Minister of Finance and the Attorney General, to put the full force of their weight behind measures that will protect consumers across Ontario from unconscionable practices. In Ottawa, Senator Madeleine Plamondon has introduced Bill S-19 to amend section 347 of the Criminal Code that, if passed, will enshrine in law the notion that interest includes all costs associated with borrowing money, including insurance and administrative fees that are charged on top of very high interest rates. This bill passed second reading just last week and has been referred to the standing Senate committee on banking, trade and commerce. I applaud the senator's initiative and urge the federal government to make this bill a priority for debate and passage.

Even the industry itself, through the Canadian Association of Community Financial Service Providers, has responded to the increased scrutiny their sector is under and recently announced a code of conduct that addresses many of the unsavoury practices found in this industry, including the elimination of rollover loans and a commitment to fair collection practices.

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I am encouraged that the industry is showing signs of improving their standards, but there are two very major problems with this code. The first problem is that it is entirely voluntary. It is not binding on the industry. About 25% of outlets are not even members of the association, and the code is not binding even on the 75% of storefront operations that are members.

The second problem is that this code fails to address the most glaring abuse in the industry: The interest rates charged are exorbitant, well in excess of the 60% limit allowed under the Criminal Code. Let me quote from a National Post editorial dated December 4, 2004. "Alas, noticeably missing from the code is any pledge to cap interest rates at the legal limit, which, according to section 347 of the Canadian Criminal Code, is 60% interest per annum."

So I'm asking you to please take our responsibility to protect consumers seriously. Let us not fail to protect some of the most vulnerable people in Ontario: those with low levels of financial literacy and those who are in desperate financial circumstances. We don't have a problem protecting people from themselves in many other ways, so why would we fail to respond to this rapidly growing sector that bases its entire business plan on excessive charges to their customers? Let us remember that it is our job as members of provincial Parliament

to represent the public, especially the people who have little power and who rely on us to protect them from corporations that appear to be concerned with little more than their bottom line. Let us never forget that single mom struggling to feed her two children. Our poorest people are very poor indeed. Let us as a government work together to take the action necessary to protect them from the hidden costs and excessive charges and help them keep more of their money for the food, clothing and shelter that they and their children need. Thank you.

The Deputy Speaker: Further debate?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):

I'm certainly pleased to join the debate on the resolution from the member from London North Centre. It goes without saying that consumers should be protected where there is not full disclosure, where there are practices designed to take advantage of their vulnerability. As a principle, I think that is accepted by anyone in this House. Why it has come to this stage, that a backbench member from the government is bringing forth a resolution that should already have been acted upon and dealt with from the date Minister Watson took over his portfolio, if he was concerned about this—because we just put through legislation that was supposed to be dealing with consumer protection—I don't know.

Certainly this is symbolic in a sense, but it's not going to do anything unless the minister—I don't know the reason why this is being brought forth, other than the fact that maybe she's prodding her own minister to do something, which in her own way is laudable. But why is she doing this? Why is the government not acting—they are the government—in dealing with what, as she points out quite accurately, is a serious problem? In a December 15 letter to me, she says, "This industry is a rapidly growing one. In the last decade, the payday loan sector has grown from almost nothing to over 1,200 outlets across Canada." Certainly it's an industry, a business, and their objective obviously is to provide payday lending.

I was given an article by my colleague from Cambridge, Gerry Martiniuk: "Consumer Group Pushes for Regulator." They're looking at some new rules intended to protect customers who use the payday loan services. "But at least one consumer group says that the new rules don't address the real problems with payday lending, won't be enforced strictly and are merely an attempt by the companies to avoid government intervention in their industry." A code of best business practices was set out in this area.

That's part of the problem: They want self-regulation in a situation that obviously needs government intervention. When we're dealing with what I read today—"Loan Rollovers Face Axe in the New Year." For the listening public, the loan rollover practice, what they're going to put an end to supposedly, though this is strictly self-regulation—among the new rules is the end of a rollover practice used by some companies. A rollover practice, from what they say here in the article, extends an outstanding loan to a customer's next paycheque for an added fee. So what's happening here is that you've

taken out a loan—these are unsecured loans, as they call them, but this is a way of getting security, because if you come the first time and say you want this amount of money, and you get that amount of money, you're expected to pay it back at an interest rate and whatever, but if you come back the next time, what they're doing, in terms of a way of securing their loan, is adding an extra fee.

That practice has been going on, and obviously it's designed to bring some security into the system. Why this is such a popular industry, if you wish, is that—what was stated by the president and CEO of the CACFS organization, which is the Canadian Association of Community Financial Service Providers, yesterday, or on December 14, more correctly, from Ottawa is, "There is a strong consumer demand for small-sum, short-term unsecured credit, and both governments and consumer groups have acknowledged that there is a need for this product. This study shows that there are significant fixed costs associated with providing small, short-term loans." This is a study done by Ernst and Young.

No kidding. If you're going to get into the business of providing unsecured credit, of course there are going to be costs in terms of your operating costs, of course there are going to be debts. That goes without saying. That's why people are not going for these short-term hits from a bank or using a line of credit. If they had a line of credit, they wouldn't be going there. What they're doing is going to these payday loan operators.

In BC, from what I understand, BC officials are probing an Ontario loan firm—this is provided to me again by my colleague from Cambridge. He's very, very well researched into this area. The British Columbia investigators are looking into whether Stop 'N' Cash, an Ontario-based payday lending company, is charging criminal interest rates on its short-term, paycheque-to-paycheque loans. This was reported in the newspaper by Jim Rankin, a staff reporter from the Toronto Star, October 15, 2004.

So we've got a situation here where the consumers do need protection. We all agree on it. The government has to move to regulate this industry. Why? It's because it's a growing industry and, obviously, it's lucrative. Obviously, they've got practices in place to make sure that what appears on the surface to be an unsecured loan doesn't in fact become an unsecured loan, because the fact of the matter is that they're charging, from what we're hearing here, excessive interest. They're charging fees on the next loan in terms of the practice they're into. They're making sure that they're getting their money back.

Certainly, this isn't going to be good. I think there's a ripple effect in terms of where this can go, because obviously they're going to enforce their loan eventually, and they'll do that through the courts or through a credit rating agency. That's where I think we get back to concerns of consumer reporting. If an individual does get in real trouble with respect to this type of situation, they're going to get their consumer credit rating impacted, obviously, because it's going to go on their con-

sumer credit rating because of the situation they're dealing with. It may be that they could fix the problem if they weren't being charged excessive interest, if they weren't being put in a position where it's not fair in terms of what they have to pay.

So I don't think self-regulation is going to work. I think the government is going to have to move in on this industry, because the fact of the matter is that this industry obviously needs some regulation. The people shouldn't have to go to the Criminal Code. They shouldn't have to go to court in terms of dealing with what is supposed to be a payday loan operation. It's much more than that, and the government is going to have to act.

1120

Mr Gerry Martiniuk (Cambridge): I'm very pleased to rise today to support the resolution brought by the member for London North Centre. If I'm not mistaken, this matter has come before this House before, brought by the member for Glengarry-Prescott-Russell, if not once, possibly twice, because this is a growing problem, the proliferation of the payday loan offices across Ontario and Canada. I understand there are now 90 companies operating in Ontario, with some 1,200 outlets.

Ernst and Young, in a report issued just yesterday, I believe, estimates that between 1 million and 1.4 million Canadians used the services over the past three years. That's an outstanding number. They point out—and this surprised me to a great extent—that contrary to expectations, the typical customer had an average income of \$51,400, which is basically close to the Ontario average, and that these customers had a steady income, an active chequing account, and most customers own their own home. I, along with many others, just assumed that the attraction of these outlets was for low-income workers or other persons on government assistance, but it seems there is a very good mix.

What do these shops do, these 1,200 shops we have in Ontario? They provide a very short-term loan, usually under two weeks, and it's for a relatively small amount of money. The average loan, according to the Ernst and Young report, is \$279. So they're providing a service. What seems to be the problem?

Well, the first problem is that I think the proliferation of these shops illustrates the failure once again, I'm afraid to say, of the Canadian bank system in meeting the needs of ordinary Canadians and small businesses. The banks seem to be more concerned with using our money to increase their exposure in the foreign markets than with satisfying the obvious demand at home.

The payday shops unfortunately are totally unregulated. There is no protection for the consumer other than a bill passed the other day, which I will mention. I understand that some of the payday shops are under investigation in BC by the police for possible criminal activity. I was astonished to read that in Ontario, a group of the shops charged an insurance fee which equated to 25% of the amount. Of course this wasn't done openly, because the insurance fee was paid to a Barbadian

company, as I understand it, and then 97% of the insurance fee was rebated back to the loan shop as a secret commission. We sometimes question our neighbours to the south in the US, but I think that if this had occurred in the United States of America, these individuals would now be residing in jail. Not in Canada: They got a slap on the wrist and they're still going about their business, though they have stopped the secret rebates, as far as we know at this stage.

Recently the industry in Ontario and this Legislature provided for full disclosure of the cost of such loans. But this certainly does not go far enough to protect the consumer. That's why I'm very pleased that the member for London North Centre has chosen to use her valuable choice in bringing this resolution. The resolution before us recommends controls on the cost of borrowing. That is the innate problem with the operations as presently flourishing in Ontario, because the interest rates taken on an annual basis, if you include the various costs—insurance and other fees—I understand can range up to 900% per annum, far exceeding the usury rates as set forth in the Criminal Code.

I understand that the government and the Minister of Consumer and Business Affairs, Jim Watson, is studying the matter and will be meeting in June 2005 to discuss the matter with other ministers. This may be a Canadian problem but, more importantly, it's a problem in Ontario that affects our consumers, and we do need action now. I think it's an urgent problem, and this resolution will be wholeheartedly supported by myself and members of the PC caucus. Again, I thank the member for London North Centre for bringing the motion.

Mr Michael Prue (Beaches-East York): It's a pleasure to support this, but I have to tell you that, in doing some research, I came across an article in the Ottawa Citizen dated December 4, 2004, which is just a little over a week ago. I'd like to read into the record the last few paragraphs of that article because I think it sets it all in a nutshell. I think the author is to be commended. He writes:

"In one of the few court cases involving payday lenders, an Ottawa judge this summer ruled that one payday loan company's 290% annual charge was 'interest at a criminal rate.' The company was ordered to repay all interest above the legal 60% limit. Over three months, the borrower had paid \$728 in interest and charges on a \$1,000 loan. The loan company also seized his car, sold it for \$1,211, and said he still owed them \$576.

"These moneylenders are probably useful to people in desperate financial straits, but the fees they charge are obscene. Why does the government continue to let them get away with it?"

Then it quotes the minister:

"I think we're going to have to be more aggressive,' Consumer and Business Affairs Minister Jim Watson says. The payday loan industry 'is growing at a pretty rapid rate, and I'm just afraid that there are too many vulnerable people who are going to get caught in these cycles of debt, to the point where they are going to end

up being bankrupt at the hands of a payday loan operator.'

"Despite that concern, the Ontario government isn't exactly moving at top speed. Canadian consumer affairs ministers will issue a position paper on payday lenders early next year, then discuss it in June. Action might follow, but it will need to be coordinated with the federal government, Watson says.

"It's difficult to fathom how a provincial government that's prepared to tell us what snacks kids can eat in schools can stand by while consumers are victimized in apparent contravention of the law. What's wrong with enforcing the rules we already have?"

That's a good article and I think it has done it all in a nutshell.

Today we have a motion, which I'm going to vote for and I'm sure every member of this House is going to vote for, but it is in fact a motion asking that this minister do what should be readily apparent to every single person in this House, indeed every single person in this province: It is a motion to ask him to do his job. This is a backbench MPP, one who has, I'm sure, the public interest at heart, asking her minister to do what is so obvious.

The government of Quebec has already decided that this is an illegal activity, and they have outlawed it in large part and licensed that which remains. If the minister is looking at what to do, he doesn't need to have a round table in Ottawa. He doesn't have to have discussions in June. He simply has to get on the phone and ask the Quebec government to send by fax or by e-mail a copy of their legislation. We could have that legislation in front of this House today. We could pass it this afternoon. That is what is important, not so much this motion asking him to do something but the reality that he actually does it.

1130

The Criminal Code of Canada, for nearly 50 years, has set out an interest rate cap of 60%. Anyone who charges above 60% is deemed to be loansharking. Everyone who charges above 60% can go to jail for it. Everyone who charged above 60% in the days before this Criminal Code provision was deemed to be a loan shark. Today, we have legalized loan sharks with storefronts in virtually every city and town in Ontario, with signs: "We'll give you money till payday." But what they don't tell the poor unsuspecting and sometimes illiterate people who walk in there is that they are going to be ripped off in a way they cannot possibly imagine.

There is nothing here before us except the goodwill that the government will some day do something right. I will tell you, if the government is keen on doing something right, they will stop what are called rollovers. That's where a person goes in and pays the interest and is told, "Well, that's OK. We'll roll it over to your next paycheque," and most of these companies consider that to be a brand new loan.

So if you take out a \$500 loan, if you pay the standard interest, which is at 268%—that's the average in Ontario—and make loan payments each and every month of about \$110, at the end of the year you will have paid

\$1,350 to this company and you will not have paid off a single penny of the principal. This government needs to stop rollovers—not talk about it. They need to do it today, especially in view of the Christmas season, when desperate families are out there trying to find a few dollars to put a toy under the tree or a little bit of food on the table. No matter how poor you are, you want to celebrate this Christmas season, this holiday season in Ontario, and many of the most vulnerable people get ripped off, particularly at this time of year.

This industry, if you want to call it an industry—I would like to call it more like organized loansharking—now proposes to regulate themselves. I read the press release of Peter Kormos, which was put out yesterday or perhaps this morning. He knows how to turn a phrase, and I'd like to steal this from him, although I am giving him credit. He puts it this way: "Asking payday lenders to regulate themselves is like asking Al Capone to guard a bank."

I think that if all this government is intent on doing is asking this industry to regulate itself, if that's all the minister is going to do after he comes back from Ottawa, if that's all that's going to happen next June, then we simply want no part of it. This is an industry that needs to be shut down. This is an industry that needs to be stopped in its tracks. This is an industry that should not be on the streets of the towns and cities of Ontario.

If you're in Ottawa, as Minister Watson is, and you cross into Hull, you will go from having dozens and dozens of payday loan operations on Bank Street, Bronson Avenue and all the other streets in Ottawa, to having absolutely none in Hull. If he wants to know how to do it, if this government wants to know how to do it, simply cross the river and see how it is done. It is done because it is not allowed.

We need to stop these payday loan people from extending outstanding loans to the next paycheque. They have said they're going to regulate themselves that way. They're going to extend the outstanding loan to the next paycheque that some poor individual might get in, whether that's a welfare payment or something from the place they work.

The minister was quoted, and I'm quoting him from this same story: "I think it's a good first step," the minister says. Wrong. It's not a good first step. It is not a good step from this industry. All that is going to happen is, they're not going to do the rollovers; they're going to do new back-to-back loans, which are still there and which some of them rely on, or consecutive loans, which are also in their arsenal. If they don't do the rollover, they'll do one of the other two.

The minister is naive if the minister thinks that this is a good first step. It is, in fact, not a good first step. It is simply allowing them some other loophole that they're going to take advantage of. It is to justify an extension of time to them until next June, when they need to be stopped today.

There was a man in here watching or listening to the proceedings the other day, and I'd like to tell his story.

His name is Rob Ferguson. He was sitting here listening to a question that was asked by my colleague the member from Niagara Centre. This is Rob Ferguson's story.

Rob Ferguson is legally blind. Rob Ferguson lives on his ODSP payments, as meagre as they are, and I believe they're somewhere around \$1,100 a month. Rob Ferguson had a dream that maybe one day he could get off ODSP, and he wanted to start up a small business. He went to a payday lender last year. This was a big, big mistake. He took out a \$200 payday loan. Then he had to keep borrowing, because at the end of every week he had to pay back the \$200 loan. So he got himself caught in a vicious cycle. He has had to borrow first from one lender and then from another to pay off the first lender, and then from another to pay off the second lender. He's had to borrow \$210 since then from Cash Advance, \$200 from Stop N Cash, and \$690 from the Cash Store, all to service this first \$200 loan. Over the past few months, he has literally repaid hundreds of dollars over top of the \$200 loan. What has happened is, with the rollover policy, he couldn't pay any more, so they simply kept rolling it over and rolling it over.

At the end of this month, on January 1, Rob Ferguson owes the following amounts: He owes Cash Advance \$400, he owes Stop N Cash \$300, and he owes the Cash Store \$950. This poor man, at the end of this month, has to pay \$1,650 for taking out a \$200 loan, a man who's legally blind, on ODSP, and who had a dream of starting his own small business—a dream, I might say, that has been shattered, a dream that will never come true. In fact, if he doesn't pay that, the only alternative, and what this company has threatened to do, is to take his entire ODSP payment that he will get on January 1.

That is who they are. I want to say that there is probably no more reprehensible group in our society than these guys, these thugs.

I'm telling the member opposite, I'm going to vote for her motion, but I can't wait. The people of Ontario can't wait. I don't want a ministers' conference in the spring. I don't want to wait until June. I don't want to wait. I want the minister and your government to do what needs to be done today. You merely have to go to the province of Quebec and ask them. The legislation will come in both official languages. It can be read and implemented.

The minister needs to do the following, and it's absolutely important:

The first is that there needs to be an interest amnesty so that interest cannot be charged above 60% contrary to law.

The minister, in his legislation, needs to lay charges, and needs to do it even before the legislation comes down. Instruct the Ontario Provincial Police, the Royal Canadian Mounted Police and the police forces of all of the municipalities to go in and lay charges against every single one of these companies wherever more than 60% has been levied. We know there's one court case and, by God, I know that there are sympathetic judges out there who will throw these guys in jail if that's what needs to be done, because that is what needs to be done.

We need to have immediate legislation based on Quebec. We need to have interest rate caps. We need to have laws that do not permit rollovers, extensions or back-to-back loans.

If these companies are to exist in any guise at all in the future—I hope not, but if it's legally impossible to stop those storefronts from remaining—they need to be licensed, as they are in the province of Quebec. There needs to be legislation that allows us to fine them whenever fines are necessary. We have to have the authority to refuse licences for anyone who has been convicted of usurious lending. We need to be able to have revocation of the licences.

1140

We need the authority to publish all the complaints. In this city, if a restaurant has a dirty kitchen, there is a poster on the front that says they were complained about in the past six months, even though they may have cleaned it up. We need to have that same complaint form, that there have been complaints about the usurious interest, on every one of these right in the front window so anyone who goes in there is going in with that knowledge and that understanding: “This is a rip-off place. The government of Ontario says so. We’ve had complaints in the last six months.”

We need public disclosure of corporate structures. I want to know who's involved in this. If there's public disclosure, we may come to know that a lot of this is criminally run, and if it isn't, it's offshore, and if it isn't, it's still probably illegal. We need to have a structure, when the new law comes in, of reporting to regulators of fines, of education and of reporting to the Legislature.

All of us can grouse about the banks in this province, but if the banks ever did this kind of stuff, we would shut them down too. I'm asking the member—we're voting for this—to tell the minister we can't wait till June.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I too want to compliment my colleague for bringing forward this resolution. It's a really important discussion we're having, and I want to thank her for initiating it.

A while back, when I was contemplating getting involved in provincial politics, one of my daughters and I were having coffee at Tim Hortons, and when I asked her about her thoughts about coming to this place, she said to me, “You know, Dad, you've been involved for some time now in jumping in the river and rescuing people municipally, people who were struggling against the current. I've been thinking that maybe it's time you went upstream and looked at who was throwing them in.” I think, in some significant way, that's what the member is doing this morning. We need to go upstream, I would dare say together, in the context of accepting our responsibility in this people's place to defend people who are often living on the fringes of life in the debt cycle that my honourable colleague opposite talked about.

We've got folks in our society who, sadly, are quite prepared to exploit people on the fringe, the greedy lenders who take advantage of needy borrowers who get

into a cycle that is just impossible to get out of. I think it's the role of government to get involved in situations like that, to intervene. Some have used the term “financially illiterate.” If that's true, to whatever extent that's true, there's a particular onus on government to get involved.

We get involved to protect, as my colleague said, the quality of food in restaurants. We're talking aggressively about closing coal-burning plants, having to do with the air we breathe. We moved yesterday to bring in the strongest prohibition against second-hand smoke, smoking in the workplace—all of those, quite justifiably, to protect the common good. Here we've got a situation where we need to move together to protect people and in the common good.

In that context, referencing my colleague's admonition calling on the Minister of Finance, the Attorney General and the Minister of Consumer and Business Services to, I think the phrase was, “throw the full weight of their offices behind changes,” I'm pleased to report that a recent letter was sent, co-signed by the Minister of Finance, Greg Sorbara, and Michael Bryant, our Attorney General, and Jim Watson, to the Honourable Irwin Cotler, the Attorney General of Canada, drawing attention to the provincial-federal-territorial working group known as the consumer measures committee and some of the recommendations they have made around controlling this industry and really highlighting for the justice minister the belief of the CMC that this is an issue desperately crying out for some federal leadership and some amendments to the Criminal Code.

There were some references already to consumer awareness, the need for credit disclosure, fair collection policies, limits on alternative consumer credit market loans and rates, the obvious amendments to the Criminal Code, limits on loans, perhaps to a fixed percentage of a borrower's net income, coupled with, the CMC has suggested, government regulation with broad oversight, enforcement and disclosure requirements.

We also need to be talking to the bank about appropriate adjustments to the Small Loans Act so that those with particular credit difficulties can, under some prudent guidelines, have access to some of the funds they need.

Again, I want to commend the member for her initiative, and I want to urge all of the members in this place, particularly on private members' day, to join hands, to walk upstream, to spot those who are throwing people in the river with the rapidly moving waters up to that precipice from which they can't return, and to stand together and say, “Stop. We've had enough.”

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): C'est un plaisir pour moi de me joindre à ma collègue la députée de London North Centre. Je la félicite d'avoir présenté cette résolution, une résolution qui a pour objectif la protection du consommateur.

Hier soir, j'ai pris la rue Yonge ici à Toronto. Sachant que nous étions pour discuter de cette résolution à la Chambre aujourd'hui, j'ai visité une des entreprises pour m'informer davantage sur la façon dont nous fonctionnons. J'ai les pamphlets ici. Puis, laissez-moi vous

dire que, après avoir visité cette agence sur la rue Yonge, dont on en compte huit à partir du Centre Eaton jusqu'à la rue Bloor, je suis rentré à deux endroits différents. J'ai posé plusieurs questions. Mais, malheureusement, ils se sont aperçus que je m'informais concernant une discussion que nous avons eue à la Chambre ici hier et que, possiblement, le tout était pour revenir. Je ne sais pas où elle aurait appris son information. Mais à Toronto, nous comptons 123 de ces entreprises qu'on pourrait appeler des points de vente, dont les 123 représentent 12 différentes agences. La majorité sont affiliées avec la Western Union. Western Union Canada a 2 800 points de vente au Canada et 196 000 dans le monde entier.

En retournant au bureau à 10 h 30 ensuite, j'étais sur mon Internet afin de trouver de l'information additionnelle. Oui, c'est vrai qu'on en profite. Comme souvent les gens nous disent, ce sont des « money grabbers ». On ne peut pas dire d'autres mots. Je regarde ici un article paru dans le National Post de Toronto. As stated by Laurie Campbell, in some cases, total lending costs translate into loan rates topping 1,000%.

Let me tell you that lately I received a phone call, because we have some in eastern Ontario too. This what they call money-grabber manager called me. He said, "Mr Lalonde, I want some help from you." I said, "What do you mean? What type of help? I'll see what I can do." He said, "I have this lady who is on welfare, on Ontario Works, who has signed this post-dated cheque, and now that her time is up, I went to the bank to cash that cheque and the bank refused to cash the cheque." I said, "Definitely, I have to call this bank manager back and congratulate this bank manager because you cannot withdraw any money that has been received by an Ontario Works recipient."

1150

Those companies really go after people who are sometimes in urgent need. Through my past experience, those who are going to knock at those doors or visit those money-grabbers, I am told they're called—

Mr Peter Kormos (Niagara Centre): Thieves.

Mr Lalonde: I'm not going to say they're thieves. You're saying that.

It does happen quite often to hockey players, especially—if I look at the London Knights today, they're the top team in Canada. Around Christmastime—and I've lived the experience, because I used to run a junior hockey team—those hockey players needed money to buy gifts for their girlfriends, for their mothers, because they'd been away from home for a certain period of time. They go and knock over there. They get \$55 a week to play hockey in major junior hockey, but they just can't afford to get the money at the last minute. I've seen a person pay interest rates of over 1,100%.

Let me tell you that in all those places that I was looking—there are 12 in Toronto—the interest rate varies from 891% per year to Money Mart, which is 519%. This is why today all in this House have to support the motion brought by the member for London North Centre.

Ms Laurel C. Broten (Etobicoke-Lakeshore): I'm very pleased to stand in support of my colleague the member for London North Centre, who has brought this very important issue before the Legislature today. I recall sitting with my colleague for London North Centre when we had some Ontario Works hearings in Etobicoke. We talked about this issue and the lack of opportunity for those who are living in a cycle of poverty, caught by cycles of debt, to be able to get out of that cycle. I think at that time we both really started thinking about, as legislators, as advocates, what we could do to bring this issue to the forefront in response to a number of journalists who, I have to say, have been doing an excellent job of bringing this issue up.

I just want to talk for a couple minutes about what we can do and who are the individuals we all need to watch, as advocates in our community, to help deal with these issues.

Obviously, what we're talking about today is a cycle of giving loans where you provide a loan for a very short period of time for generally a very small sum of money, based on individuals who are caught up in a cycle. It allows those individuals to prey on those in our community who are vulnerable.

I have to say that there has been a proliferation of payday loans and other businesses in this industry coming into my own riding in Etobicoke. They target poorer areas, areas that are underserved by our bank branches and those who, unfortunately, are living paycheque to paycheque, those who are financially illiterate, those who have no other means of securing credit, those who have no savings, no investment and who are desperate consumers: the low-income and the vulnerable. I guess what I'd like to talk about is what we can do as legislators.

I asked for a section of the Criminal Code today and I pulled out section 347. It's not user-friendly, if you're going to read it, so I won't share the wording with all of us here in the Legislature. But at its heart, it is a section which is expected to capture an interest rate as being illegal if it is over 60%. What we have to ensure is that those individuals who are using the services are educated. So what can we do?

We are examining regulations, as the consumer affairs minister has said. We can also, as the Premier has committed, speak to the financial sector to step in and service the areas and service the needs in our communities for those individuals who need their cheques to be cashed. When we spoke to individuals in Etobicoke, we found out that many individuals in fact were not aware that they could go to a chartered bank to do that.

We need to educate for the wise use of credit. We need to follow some of the jurisdictions in the US who have clamped down on this sector, who have regulated this sector, and also to help those individuals in our community who are caught in this cycle. As someone who has litigated bank contracts in the past, there is a lot of information in those bank contracts which is not necessarily easy to read or user-friendly. We need to

make sure, at the very least, that it is absolutely crystal clear what the annualized and effective interest rate is—no hidden costs, no additional charges—and to make sure that those who are not abiding by the law are being prosecuted.

As advocates in each of our communities, it is our job and our opportunity today to give a voice to those who cannot be heard. I know that we've had some individuals say, "Well, there are very few complaints about this sector." Perhaps we should look at the fact that there are very few complaints about the sector because of who the individuals are who are being caught and who are vulnerable as a result of this sector.

I'm proud to stand in the Legislature today to be a voice for those people in Etobicoke-Lakeshore and across the province who don't have a strong voice, to be an advocate on their behalf and to say, "We here in this Legislature are watching out. We want to do what we can to make sure that this sector abides by the law and that you are protected and not vulnerable."

The Deputy Speaker: The member for London North Centre, you have two minutes to reply.

Ms Matthews: I have to say I'm delighted with the expression of support from all parties in the House. I would like to thank the members who took the time to prepare and speak to us today. The member from Barrie-Simcoe-Bradford and the member from Cambridge expressed their wholehearted support and reinforced a call for action now. The member from Beaches-East York made an impassioned plea, offered very specific advice on what needs to be done immediately and reminded us of the gentleman who was with us in the House earlier this week.

My colleague from Ancaster-Dundas-Flamborough-Aldershot reminded us that the role of government is to protect the common good and to protect consumers. This is something we're hired to do, so let's do our job. His reference to going upstream and finding out who is causing the problems is something we should keep in mind. The member from Glengarry-Prescott-Russell—I appreciated his undercover work on Yonge Street, even though he failed, I suppose: He had to go on the Internet to find out what was going on in this industry. I also appreciate his reference to the London Knights. Thank you very much.

The member from Etobicoke-Lakeshore recalled that this issue came up at a meeting we had in her riding. I appreciate her constructive comments on what steps need to be taken.

The government has taken steps on this, and they're important steps. We need to do more. I appreciate the support of the House on this.

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

ELECTORAL DISTRICTS

The Deputy Speaker (Mr Bruce Crozier): We'll first deal with ballot item number 47. Mr Hampton has moved private member's notice of motion number 37.

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.

We'll deal with this after the next item.

CONSUMER PROTECTION

The Deputy Speaker (Mr Bruce Crozier): We shall now deal with ballot item number 48, standing in the name of Ms Matthews. She has moved private member's notice of motion number 33.

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

ELECTORAL DISTRICTS

The Deputy Speaker (Mr Bruce Crozier): We shall now deal with ballot item 47. Call in the members. This will be a five-minute bell.

The division bells rang from 1200 to 1205.

The Deputy Speaker: All those in favour will please rise and be recognized by the Clerk.

Ayes

Arnott, Ted	Flynn, Kevin Daniel	Milloy, John
Berardinetti, Lorenzo	Fonseca, Peter	Mitchell, Carol
Bisson, Gilles	Gravelle, Michael	Mossop, Jennifer F.
Bradley, James J.	Hampton, Howard	O'Toole, John
Brotten, Laurel C.	Hardeman, Ernie	Patten, Richard
Brown, Michael A.	Hoy, Pat	Prue, Michael
Brownell, Jim	Hudak, Tim	Pupatello, Sandra
Bryant, Michael	Jeffrey, Linda	Qaadri, Shafiq
Cansfield, Donna H.	Kormos, Peter	Racco, Mario
Caplan, David	Kular, Kuldeep	Ruprecht, Tony
Churley, Marilyn	Lalonde, Jean-Marc	Scott, Laurie
Colle, Mike	Levac, Dave	Smith, Monique
Craitor, Kim	Martel, Shelley	Tascona, Joseph N.
Delaney, Bob	Matthews, Deborah	Van Bommel, Maria
Dhillon, Vic	Mauro, Bill	Wilkinson, John
Di Cocco, Caroline	McMeekin, Ted	Wynne, Kathleen O.
Duguid, Brad	Miller, Norm	

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

Nays

Martiniuk, Gerry

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 50; the nays are 1.

The Deputy Speaker: I declare the motion carried.

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

The House recessed from 1207 until 1330.

MEMBERS' STATEMENTS

NEWCASTLE STARS

Mr John O'Toole (Durham): I want to pay tribute to the hockey superstars that made Durham region proud. On December 5, the Newcastle Stars novice rep hockey team won the prestigious Silver Stick tournament in Wasaga Beach against the hometown opposition by 4 to 0. Because of their win, the team will travel to Michigan in the new year to compete in the International Silver Stick tournament. I'd like to congratulate the players: Marc Ouellet, Ryan Taylor, Ben Choiniere, Joshua Turner, Connor Sikma, Dylan Owen, John Wood, Thomas McHardy, Hayden McCool, Jacob Vanhaverbeke, Adam Young and Brent Sikma.

Also, this morning I received a leaked confidential memo from Team Santa headquarters in the North Pole, outlining who has been naughty and who has been nice. While the Newcastle Stars are on Santa's list—they've been nice, of course—it's my dubious distinction to inform the Minister of Energy that he is on the naughty list.

The minister awarded a fat power generation contract to his friend Mike Crawley, the Ontario president of the Liberal Party of Canada, then flip-flopped on his promise to shut down all coal-fired generation stations by 2007. Now he has been saying that they're going to keep the plants on-line "just in case." Another broken promise.

Merry Christmas, Mr Speaker, to you and to all members of the House, and specifically to the Minister of Energy. Santa has advised me to place a piece of coal in his stocking for Christmas. Keep careful watch, I'd advise the minister, because he's going to need this piece of coal to keep the lights on in the province of Ontario. Here is the piece of coal for the Minister of Energy. I'll ask one of the pages to take it over to his desk.

CLARE LEWIS

Mrs Linda Jeffrey (Brampton Centre): I'm happy to stand in the House today to recognize the long and outstanding career of Mr Clare Lewis, the fifth Ombudsman of Ontario. Today will be the last day that Mr Lewis will serve as Ombudsman while this House is sitting.

Mr Lewis was appointed Ontario Ombudsman in January 2000. Since then, he has used his extensive legal background from his previous role as a lawyer, prosecutor and judge to resolve complaints with the Ontario government. Over the last four years, Mr Lewis has been an important advocate for patients in psychiatric hospitals, seniors, children with disabilities and many others. Mr Lewis has been an important voice for those who are often left voiceless.

Mr Lewis has also raised the profile of his office, and is not only recognized here in Ontario but is recognized around the world. In October 2002, Mr Lewis was elected president of the International Ombudsman Insti-

tute. Mr Lewis has been an important ambassador for Ontario and a representative for fairness internationally.

Mr Lewis once said, "My job is to lift the veil on government work and act as a buffer between the government and Ontarians."

Mr Lewis has left some very big shoes to fill and he has set the standard for fairness and accountability. For four years, he has served as the conscience for our government, and I would like to say thank you: Thank you for your service, thank you for your guidance and thank you for your integrity

AUTOMOBILE INSURANCE

Mr Jim Flaherty (Whitby-Ajax): I too, on behalf of our party, congratulate Mr Lewis.

I rise today to talk about broken promises and, more specifically, broken Liberal promise number 162: "We will require public hearings for all major legislation."

We recently learned that the government wrote to concerned stakeholders with respect to proposed changes to the DAC system in automobile insurance in Ontario; that's the designated assessment centre system. They want to eliminate it without public consultation. Further, they will not even be consulting the members of this Legislature. A change of this magnitude should take place by way of legislation, not by regulation, as they have proposed, and with full consultation.

Indeed, on October 4 in estimates committee, I asked the Minister of Finance whether he would be consulting and he said, "We will make sure we have the considered opinion of the members of the Legislature as we bring forward our next package of reforms."

The opinion is that we need to have some time to consult on this proposed change in the regulations. They affect automobile drivers across the province of Ontario. The proposed deadline for consultations is January 7, which, as you know, is over the Christmas holiday season and is totally inadequate for those concerned about the issue in Ontario who want the time to have their say during the course of the consultations. I commend extended consultations to the members opposite and to the minister.

JUSTICES OF THE PEACE

Mr Peter Kormos (Niagara Centre): The government of Ontario downloaded responsibility for administering provincial offences courts in the prosecution of large numbers of provincial offences on to municipalities, but of course it's the province and the Attorney General who retain the power and responsibility for the integrity of the administration of justice, and for the appointments of justices of the peace to staff those courts that are being administered by municipalities.

This government, the Dalton McGuinty Liberals, have remained heedless to the urgent call by municipality after municipality, particularly in the central east and central west regions—central west includes, of course, the

regional municipality of Niagara. This government has refused to heed the call of those municipalities for an immediate appointment of new justices of the peace so that these courts can be staffed and operated.

Closing provincial offences courts because justices of the peace are not available brings the administration of justice into disrepute, and it threatens the ability to prosecute offences due to institutional delay. The problem is immediate, urgent and capable of swift resolution. The crisis this government is going to create once again in courts in this province is going to have untold consequences if this government doesn't move promptly and start appointing justices of the peace, if this government doesn't accept its responsibility and fulfill its part of the bargain with those municipalities.

BLUE LIGHT PROGRAM

Mr Kim Craiton (Niagara Falls): I rise to bring to this House's attention a very important initiative by some of my members in the riding of Niagara Falls called the Blue Light program. This program asks residents to put blue lights in their Christmas holiday windows and tie blue ribbons on their car antennas to show support for law enforcement officers who have given their lives in the line of duty and for those who continue to work for the safety of their community.

The program needs to shine brightly with the Christmas spirit and has been doing so in Niagara Falls since 1998. A committee headed by Yvonne Zanussi and Robin Agenta promotes this bright blue idea. The committee owns a mascot that takes part in the annual Niagara Falls Santa Claus parade. During the parade, supporters hand out candy and blue light bulbs to further this memorial project.

Supported by community service clubs like the Chippawa Lions Club, and business communities such as Star Warning Systems, they provide candles for people to shine their blue bulbs in. The idea is to have one significant blue light, and not just one on a string, to recognize fallen officers.

This year the Blue Light Committee in Niagara sent candles to stations across Canada to ask them to shine their lights. We hope this will continue throughout Ontario and across Canada, and we ask the House to recognize those who are involved in it.

GOVERNMENT'S RECORD

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): Here we are on the last day of the session, and I just felt I had to respond to the government House leader's glowing assessment of the McGuinty government's performance.

Yes, it's been quite a performance, but not in a positive way. It's been a time of broken promises and sheer incompetence: a government that jeopardized the privacy of 27,000 individuals because they couldn't do a mail-out properly; a government that declared war on

doctors and hospitals, leaving doctors shaking their heads at the absolutely unbelievable inconsistency in the government's approach: "We'll impose. We'll negotiate. Take it or leave it. Let's talk."

The question is: What's next? They've left hospitals wondering how they're going to continue to operate. They've tried to ram through a poorly conceived piece of greenbelt legislation without proper public hearings or input. They've tried to muddy the waters by pushing through bills of little consequence, while ignoring the real issues and continuing to break promise after promise. It's a government that wants to take your money and be your nanny.

I fear some stockings this year will have little more in them than a note saying, "Sorry, I spent it on the McGuinty broken promise, punishing health tax."

Having said all that, I still move that there be no suppression of joy and happiness this Christmas.

1340

HEALTH CARE

Ms Laurel C. Broten (Etobicoke-Lakeshore): Ontario patients have told us that wait times for common procedures have been unacceptably long, and we have listened. From my visits to organizations and health facilities in my riding of Etobicoke-Lakeshore, I understand that protecting the health of Ontarians is essential, and this government will continue to work to transform health care to reflect these values.

This Tuesday, I had the pleasure of visiting the Trillium Health Centre with Minister Smitherman, along with my Etobicoke colleagues, to deliver the great news that our government is tackling wait times in the health care system by delivering 5,380 more cancer, cataract and hip-and-knee replacement surgeries in Etobicoke. Our wait-time strategy will provide people with better, faster access to critical medical services. This will ease pain, reduce suffering and ultimately save lives.

This is not the only good news in Etobicoke-Lakeshore these days. I campaigned to advocate for greater funding and expansion of services at the two amazing community health centres in my riding, LAMP and Stonegate Community Health Centre. I advocated and fought for increased services because after 10 years of Tory neglect, the people of Etobicoke couldn't stand any more cutbacks, hypocrisy or phantom announcements. Etobicoke demanded change, and we've delivered.

Last month, I had the pleasure to announce \$955,000 in new dollars for front-line health care services, and an expansion of both the LAMP and Stonegate services across Etobicoke and Mississauga. We are building healthier communities right across Ontario because we are committed to the people of Ontario.

LEADER OF THE PROGRESSIVE CONSERVATIVE PARTY

Mr John Wilkinson (Perth-Middlesex): I've got a question for the members opposite, to my right—actually

to my far right: Where is Mr Tory? Where's Waldo? Where is the peekaboo member from west lobby? Because he's not here. He hasn't been in the House for the last three months.

On Monday, he said he'd be here. He said he'd give us hell. Well, where the heck is he? As far as I can tell, he has only shown up here once this week, and you know why he showed up? Just so he could say, "Well, nothing's changed. I'm still not running for a seat, and I still won't be around."

When the peekaboo member from west lobby won the leadership, Ernie Eves said, "We'll see what the leader wants me to do. I've always done what the leader has asked me to do." But today John Tory said that he in fact has no control over Ernie Eves and when he leaves.

No control—exactly, Mr Speaker. The peekaboo member from west lobby has no control over his own agenda, no control over his own caucus and no control over any hope of ever getting a seat in this Legislature. While it only took Ernie Eves 12 days to find a seat, it appears that the peekaboo member from west lobby has hardly started to look. I'd like to remind him that Mr Eves's seat is usually empty, and it's getting cold because, Lord knows, Ernie hasn't been keeping it warm.

John Tory, you said today that you'd be here by March 29—of no particular year. We eagerly look forward to whichever year that is.

GOVERNMENT'S RECORD

Mr Brad Duguid (Scarborough Centre): This has been a tremendous session for this government. As we go back to our ridings now to enjoy the Christmas break, we're finding that time and time again, when we speak to people, they tell us that, yes, we've had to make some tough decisions and we did make those tough decisions.

Now we're moving on to make improvements in health care, as was announced just this week. People are going to notice a difference now when they are waiting in line for these procedures. People are going to notice a difference when they are looking for cataract surgery. People are going to notice a difference when they are waiting in line for cancer treatment. People are going to notice a difference when they are waiting in line for cardiac treatment, for MRIs and joint replacements.

People are noticing a difference already in their schools, where they're seeing their classes get smaller, where they're seeing the commitments that we made time after time coming forward to fruition. They're seeing their schools being fixed up. The leaky roofs and all the problems we've seen in the schools before are being improved.

A difference is being made in this province; there's no question about it. I'm proud of this last little session of Parliament we've had here. I think all of us on this side of the House are proud. We've turned the corner in Ontario. We've got great things to come for next year:

2005 will be a spectacular year here in Ontario. These changes are going to continue.

We are delivering a province that is stronger. We are delivering a province where people will be much better off than they were over the last number of years.

Hon Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr Speaker: I just want to acknowledge with gratitude the gift sent to me for Christmas from the member for Durham, Mr O'Toole: a lump of coal. I did want to point out that it's not in fact coal; it's charcoal. More Tory misadvertisements.

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

Mr Rosario Marchese (Trinity-Spadina): Mr Speaker, I seek unanimous consent to proceed with the order for third reading of Bill 60, An Act to amend the Ontario Heritage Act, 2004.

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

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

The Speaker (Hon Alvin Curling): I beg to inform the House that I have today laid upon the table the special report of the Information and Privacy Commissioner on the disclosure of personal information by the Shared Services Bureau of the Management Board Secretariat and the Ministry of Finance.

INTRODUCTION OF BILLS

CORPORATIONS TAX AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR L'IMPOSITION DES SOCIÉTÉS

Mr O'Toole moved first reading of the following bill:

Bill 166, An Act to amend the Corporations Tax Act /
Projet de loi 166, Loi modifiant la Loi sur l'imposition des sociétés.

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

Mr John O'Toole (Durham): The export film sector and others in Ontario's film and TV industry are in a crisis; they are jobs of some 50,000 Ontario citizens. The bill amends the Corporations Tax Act to increase the amount of Ontario film and television tax credits for a qualified production company for 20% to 33% of the company's qualifying labour expenditures. It also expands the tax credit to cover 40% of the company's qualified labour expenditures in the case of feature films. This is not the first time productions have been disappointed by the current government.

EDUCATION AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI
SUR L'ÉDUCATION

Mr Kennedy moved first reading of the following bill:
Bill 167, An Act to amend the Education Act / Projet
de loi 167, Loi modifiant la Loi sur l'éducation.

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

All those in favour, please say "aye."

All against, say "nay."

I think the ayes have it.

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

The division bells rang from 1349 to 1354.

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

Ayes

Arthurs, Wayne	Duguid, Brad	Oraziotti, David
Bartolucci, Rick	Duncan, Dwight	Parsons, Ernie
Bentley, Christopher	Fonseca, Peter	Peters, Steve
Berardinetti, Lorenzo	Gerretsen, John	Phillips, Gerry
Bountrogiani, Marie	Gravelle, Michael	Pupatello, Sandra
Bradley, James J.	Hoy, Pat	Qaadri, Shafiq
Broten, Laurel C.	Jeffrey, Linda	Racco, Mario G.
Bryant, Michael	Kennedy, Gerard	Rinaldi, Lou
Cansfield, Donna H.	Kular, Kuldip	Ruprecht, Tony
Caplan, David	Lalonde, Jean-Marc	Sergio, Mario
Chambers, Mary Anne V.	Levac, Dave	Smith, Monique
Colle, Mike	Marsales, Judy	Sorbara, Gregory S.
Cordiano, Joseph	Matthews, Deborah	Van Bommel, Maria
Craitor, Kim	Mauro, Bill	Watson, Jim
Crozier, Bruce	McNeely, Phil	Wilkinson, John
Delaney, Bob	Meilleur, Madeleine	Wong, Tony C.
Dhillon, Vic	Milloy, John	Zimmer, David
Dombrowsky, Leona	Mossop, Jennifer F.	

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

Nays

Baird, John R.	Kormos, Peter	Prue, Michael
Bisson, Gilles	Marchese, Rosario	Runciman, Robert W.
Chudleigh, Ted	Martel, Shelley	Scott, Laurie
Churley, Marilyn	Miller, Norm	Tascona, Joseph N.
Hardeman, Ernie	Murdoch, Bill	Wilson, Jim
Jackson, Cameron	O'Toole, John	Yakabuski, John
Klees, Frank	Ouellette, Jerry J.	

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 53; the nays are 20.

The Speaker: I declare the motion carried.

Mr Frank Klees (Oak Ridges): Mr Speaker, on a
point of order.

The Speaker: On a point of order, the member for
Oak Ridges.

Mr Frank Klees (Oak Ridges): Speaker, I rise on a
point of privilege pursuant to standing order 21. This
legislation that was tabled for first reading today—

Interjections.

The Speaker: I'm hearing the point of order from the
member here. Order.

Interjections.

The Speaker: Order. There's a point of order on the
floor.

Interjection: No, there's a point of privilege on the
floor.

The Speaker: Did you say a point of order or a point
of privilege?

Mr Klees: Point of privilege.

Speaker, I thank you. I'm rising on this point of
privilege because, as a member of this Legislature, I am
highly offended by the actions of the Minister of Edu-
cation today.

Yesterday during question period, I raised the issue
that the Minister of Education, on November 29, issued a
four-page letter to boards and directors across this
province instructing them to negotiate four-year contracts
with teachers. On that same day, I find out today, the
same Minister of Education issued a letter to the Ontario
Secondary School Teachers' Federation local bargaining
units asking them, instructing them, to effectively do the
same thing. Today we have this Minister of Education
tabling a piece of enabling legislation—

Interjections.

1400

The Speaker: I'd like to hear the point of privilege.
I'm hearing a lot of discussion on the government side.
Could I have a moment to listen to the point of privilege
coming out of the statement made by the minister on the
bill?

Mr Klees: Speaker, thank you.

Today we have the Minister of Education tabling for
first reading in this House amendments to the Education
Act that would allow him to do what he instructed boards
to do on November 29. There are two concerns that I
have. First, that by tabling this legislation today and
having written to boards, and also interfering with the
collective bargaining process with the OSSTF, this
minister has presumed that we in this House will in fact
pass this legislation. I suggest that is contempt for the
House. Every member in this place should reserve the
right, first, to see the legislation, second, to have an
opportunity to debate it, and third, certainly to have an
opportunity to vote on it before the minister of the crown
issues his directives to bargaining units across this pro-
vince to boards of education and to directors of education.
This is a gross interference with the rights and privileges
of myself as a member of the Legislature and, I suggest,
of every member of this Legislature.

I ask, Speaker, that this minister be found in contempt
of the Legislature, and at the very least that he be asked
to withdraw the letter that he sent to the boards and to the
directors, and that he be asked to withdraw the letters that
he sent to the OSSTF, which essentially are interfering
with the collective bargaining process that is traditionally
the right of collective agreements in this province.

The Speaker: Let me just respond to the member for
Oak Ridges. I have not seen the bill; I do not know what
is the content of the bill until it has been printed and
distributed. There's no prima facie case of privilege that I
can see arising out of this unless I can see the content.
Maybe you can file the proper papers and tell me

specifically what part of the bill is in contempt, and then I can proceed with that.

Mr Klees: I appreciate your response. I will in fact file the appropriate documentation. I would ask that you give very serious consideration to the actions of the minister that have arisen from this, what I contend is a major affront to every member of the Legislature.

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): On a point of order, Speaker—

The Speaker: Order. One second. The bill has been voted on. I'm going to ask the Minister of Education to make a comment.

Hon Gerard Kennedy (Minister of Education): The bill introduced today simply amends the terms from three years to two to four years for collective agreements, as we wrote to school boards our intention to do so, to bring about this legislation to have that effect. It is technical in nature. The only other aspect of the bill is that it also gives certainty, in the absence of conformance, on what would happen to the terms of other contracts. That's the content of the bill, and I'm happy to rise and explain it in this House.

CORRECTION OF RECORD

Hon John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): On a point of order, Mr Speaker: I would like to clarify the remarks I provided to the House in response to a question from the member from Beaches-East York yesterday, wherein I stated that I had not received the resolution from the city of Kawartha Lakes on the issue of municipal restructuring.

The fact is, a letter from Mayor Barbara Kelly of Kawartha Lakes was received by my ministry approximately three weeks ago. It was brought to my attention following yesterday's question period that the letter was under review by my ministry and staff. I've responded to her letter today and my office has been in contact with Mayor Kelly to clarify any misunderstanding that my remarks yesterday may have created.

VISITORS

Mr Norm Miller (Parry Sound-Muskoka): On a point of order, Mr Speaker: I would like to introduce Danika Hawthorne's relatives who are here visiting: an uncle from the Cayman Islands, Kyle Broadhurst, an aunt from British Columbia, Debra Broadhurst, and friend Nipkonnie Rice. They are in the gallery.

Hon Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): On a point of order, Mr Speaker: On a matter of a question raised in the House yesterday regarding the member from Burlington, where he was discussing a family and the reduction of benefits, I'd just like to report that we are following up with this family and are hoping

the family will be able to provide the documentation required, which has been lacking on that file.

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

Mr Mike Colle (Eglinton-Lawrence): On a point of order, Mr Speaker: Today, Anthony Palmieri, the long-serving parking superintendent, is retiring. After all these years of service, I hope the House would congratulate him and wish him well in his retirement.

The Speaker: Maybe it's time for me to make a statement too. Over this session, many members have gotten up on points of order to introduce visitors in the House. I would much prefer that those messages come to the Speaker, and I will do the introductions if they are appropriate to introduce. It is getting a bit out of hand here.

STATEMENTS BY THE MINISTRY AND RESPONSES

DISCLOSURE OF CONFIDENTIAL INFORMATION

Hon Gerry Phillips (Chair of the Management Board of Cabinet): I rise to address the honourable members on the government's response to the Information and Privacy Commissioner's recommendations arising from the investigation into the recent disclosure of personal information of some recipients of the Ontario child care supplement.

As members of the assembly know, the disclosure of personal information occurred on the counterfoil of cheques as a result of human error during a computer software upgrade. These cheques, dated November 30, were mailed to recipients and were part of a run of approximately 27,000.

First, on behalf of the government, I would like to repeat our sincere apologies to those recipients whose personal privacy has been breached.

I would like to inform the public and members of this House that the government co-operated fully with Information and Privacy Commissioner Ann Cavoukian throughout this process. In a report tabled today, the privacy commissioner made three recommendations and set out timetables for action. I want to inform the House that we are acting on all three of these recommendations immediately, in addition to taking other actions to strengthen the protection of individuals' personal information.

The privacy commissioner has recommended a comprehensive, independent and what she calls an "end-to-end audit" of all shared services bureau functions, operations and privacy practices. I am pleased to inform the House that we have engaged Deloitte and Touche to conduct this review.

She also recommended that the Management Board Secretariat and the Ministry of Finance discontinue the

practice of using social insurance numbers and create a purpose-specific, unique identifier for each of the clients. The government has initiated work on an urgent basis to discontinue the practice of using SIN numbers, except on the limited occasions we are legally required to do so.

1410

The privacy commissioner also recommended that Management Board Secretariat ensure a trial print run and manual examination of the cheques be undertaken before full printing is commenced. I can assure the public that action has been taken and from now on that will be the case. In fact, the December 15 batch of the child care supplement cheques has already been distributed. They underwent a trial print run and were hand-checked for errors before being distributed.

In addition to implementing the privacy commissioner's recommendations, the government is going further. We are undertaking a number of additional measures.

First, on a high-priority basis, we will consider the feasibility of creating the position of chief privacy officer for the province of Ontario. This person would recommend how the government can strengthen its policies and practices to ensure the protection of personal information in all government operations.

We will also implement the results of our own internal audit that is currently underway. This internal review is expected to be completed early in the new year. Importantly, we will keep the Information and Privacy Commissioner advised of our progress on these fronts.

I would be remiss if I failed to inform the House of a new aspect to the privacy breach of November 30. The initial report, based on the best information at the time, indicated that the personal information of a single recipient was included on only one other cheque stub. Further investigation by the government has determined that that was true for virtually all of them, except seven individuals, who had their personal information issued to more than one person. In four of those cases, this information was mailed to two individuals. In the three remaining cases, individual information was sent to nine other people, another individual's information was sent to 20, and in a third case, the recipient's information was sent to 220 others.

I might add that, frankly, on the good news side of it, it was discovered that in the case of 1,220 individuals, only partial information was distributed to another individual. In all cases, the government is aware of who was mailed each individual's personal information, and the privacy commissioner was informed as soon as it was discovered.

A senior director from the Ministry of Finance has contacted the seven affected individuals to offer assistance and support, as well as the government's apologies. For the recipient whose information was shared with 220 others, we are offering special arrangements and will continue to do whatever is necessary to support and assist that individual.

While I am heartened that each incident was addressed quickly and appropriately, we can and we must do better. We will take all necessary steps to further strengthen the protection of the privacy of an individual's personal information that we use for government purposes. I want to give the people of Ontario this government's assurance that we take the protection of privacy extremely seriously. All major organizations that manage personal information are attempting to address privacy issues. We want to be leaders. We will take all the necessary steps to guard privacy and personal information.

RESEARCH AND DEVELOPMENT

Hon Joseph Cordiano (Minister of Economic Development and Trade): I'm pleased to rise in the House today to announce that our government will invest \$53.2 million to support 48 research projects at 17 Ontario institutions.

Ontario has a reputation for knowledge, innovation and invention. Our government is working hard with research institutions and industry to ensure that our reputation and our expertise continue to grow. That's why we are committed to funding research infrastructure, as well as the direct operating costs of research at Ontario institutions.

These diverse projects range from DNA and forensic science research, the Centre for Functional Genomics and Chemical Genetics, the Fuel Cell Research and Innovation Centre, to the impact of stressors on the ecosystems of the Great Lakes.

Projects such as these will build on our capacity for innovation and economic growth, health and environmental quality; strengthen our research capabilities; and encourage partnerships with the private sector. These projects will now move ahead in Ontario's world-class research institutions such as Lakehead University in Thunder Bay, Queen's University in Kingston, the University of Toronto, McMaster University in Hamilton, and the University of Western Ontario in London.

We are pulling out all the stops to strengthen our competitive position and increase our prosperity.

In October, at the Ontario Chamber of Commerce economic summit, Premier McGuinty announced \$300 million in support of research infrastructure. This is part of our government's four-year plan to invest \$1.8 billion to support scientific, technological and medical research and discovery in our universities, colleges, research hospitals and institutions. After all, the most valuable resource in the world today is a good idea or a new discovery, because good ideas and new discoveries develop into good, high-value jobs for Ontarians. Our government recognizes the important contributions that research makes to Ontario's economic growth. It helps us remain globally competitive, and it is a critical component in positioning our province as a leader in the innovation economy. This is the key to a brighter future for all Ontarians, and we'll make sure that Ontario becomes an even stronger and more prosperous province.

The Speaker (Hon Alvin Curling): Responses?

DISCLOSURE OF
CONFIDENTIAL INFORMATION

Mr Robert W. Runciman (Leader of the Opposition):

At the outset, I want to compliment the privacy commissioner on her speedy investigation in response to this massive breach of the privacy act, the release to complete strangers of some 27,000 names, addresses and social insurance numbers. Her report is a damning commentary on the competence of the McGuinty government. At the conclusion of her report, the privacy commissioner makes three recommendations and sets out timelines for compliance. We have no difficulty whatsoever with those recommendations; however, they fall short of the information that should be provided.

On page 4 of the commissioner's report, she advises that despite her office's continued inquiries, the government has failed to provide an explanation as to why this massive breach took place. Also on page 4, the report describes an individual—"someone else"—as the responsible party for the second missed opportunity to catch this immense privacy trespass.

We believe the people of Ontario have a right to know why this happened, who the responsible persons were and the role of the ministers' offices in this matter. We urge the privacy commissioner to expand her list of requirements to incorporate these important issues.

Also, I would be remiss if I didn't comment on the government's failure to acknowledge that this enormous breach of privacy may constitute a criminal offence under the federal Income Tax Act. Yesterday, we witnessed a shameful abdication of responsibility on the part of the Attorney General when he refused to respond to questions dealing with a possible criminal offence by his government. Instead of respectful and responsible answers to serious questions, Her Majesty's loyal opposition was subjected to this Liberal government's stock stonewalling on issues of importance. It was another sad day in this assembly, an assembly that is supposed to be the people's place.

RESEARCH AND DEVELOPMENT

Mr Ted Chudleigh (Halton): It's a pleasure to see the minister stand in the House today. It's the first time we've heard from him since his press release of last November 23, and this is perhaps the first substantive thing he's done in almost a year. The last time we heard from him it was about the corporate welfare he was handing out to the Ford Motor Co of \$100 million, while the film industry in Toronto is in jeopardy of losing 55,000 jobs unless the proper tax incentives are put in place.

Minister, you have to get off this corporate welfare kick you're on, and you have to start creating a competitive jurisdiction that businesses across North America will flock to. With a competitive environment, businesses will come or expand, and jobs will follow. They'll flock to such places. If you don't create that

environment and get off the corporate welfare kick, those jobs are going to be exported to other jurisdictions across North America.

1420

Look what you have done in the year and a bit that you've been here. You've increased corporate taxes 28%. That's not friendly to business. You've got the largest tax increase in Ontario's history: in little more than a year, over \$7 billion of extra taxes coming out of people's pockets and flowing to the government. You've implemented health tax premiums that some companies are going to have to pay, and that is not creating an environment which is friendly to business. You've revamped labour laws, which has caused two of the largest retailers in Ontario, Wal-Mart and Costco, to indicate they will stop expanding in Ontario. Those are signals that things are not good in Ontario and that you should pay attention to those.

You've increased electricity costs for businesses in Ontario. One of the primary things that businesses look for is a source of energy, the cost of that energy and the competitiveness of that energy. You have let that competitiveness slip through your fingers.

Minister, it's a reflection of the smoking law that you brought in yesterday. You're ignoring the wants and needs of small business in Ontario, and that's destroying the competitive advantage that Ontario had for so many years, years in which we saw one million new jobs created in this province because those jobs came to businesses that were expanding in a competitive tax jurisdiction, something that you are ignoring completely in your term of office.

Interjections.

The Speaker (Hon Alvin Curling): Could I have the noise of the discussions lowered. Responses?

DISCLOSURE OF
CONFIDENTIAL INFORMATION

Mr Michael Prue (Beaches-East York): I welcome the privacy commissioner's report. I think it has been timely and it is well said. For 27,000 people, though, their privacy and security of person has been compromised. For some of them, for most of them, and perhaps, I hope, for all of them, at least if their information ends up in the hands of an honest citizen, there will be no further consequences. But I'm very worried about those whose information ends up in the wrong hands.

Two of the recommendations that have been made—I'm glad to see that the minister has acted on them speedily. But the one that remains is the government use of social insurance numbers. For the life of me, I do not understand why this government or any government continues to use those identifiers. They are not necessary. Many people choose not to give those numbers out. However, for people like this, who are relying on child care supplements, the fact that they would not give it out would, I am sure, be tantamount to their not getting the

child care supplement. So they really have no choice. Now they are at risk for identity theft.

We know what the consequences are. Anyone who has ever been the subject of identity theft, or knows someone who has been, knows the consequences. Not only are tremendous amounts of money lost, not necessarily by the individuals but by banks and credit companies, but the more important thing is that someone who is subject to identity theft spends hours, sometimes hundreds of hours, trying to go through all the minutiae to clear out the wrongful charges. There are phone calls that follow after that, charging you and saying, "When are you going to pay up?" and calling you a deadbeat. There are the credit ratings and the whole problem of getting additional credit cards. I know all of these things because it happened to me.

I know that what might happen to the 27,000 people is of utmost concern. This government has to move very fast to stop the use of social insurance numbers. They are not intended for this purpose. You should do it right away. We welcome the privacy commissioner's report, and we trust that the government will move equally as fast on this third aspect as it did on the other two.

RESEARCH AND DEVELOPMENT

Mr Rosario Marchese (Trinity-Spadina): In response to the Minister of Economic Development, I want to quote the Provincial Auditor, who said the following:

"The Ontario Innovation Trust was set up through a trust agreement between the former Ministry of Energy, Science and Technology and a trust corporation without a business case justifying its creation.... the ministry did not implement the mandatory accountability controls to ensure that more than \$1 billion in public funding, provided or committed to the trust, is being spent for the purposes intended. The ministry receives virtually no information from the trust and does not have the required monitoring process in place to ensure compliance with the trust agreement. Therefore, neither the Legislature nor the ministry have any control over spending by the trust."

Given these problems, that trust was eliminated by the government and, in so doing, failed to deliver the \$53 million in funding to match the Canada Foundation for Innovation. So, mercifully, the government found a way to give the \$53 million, and we're happy that the minister has done so. Hopefully, the minister and this government will initiate more effective monitoring processes to avoid future criticism from the Provincial Auditor.

Speaking to transparency and accountability, I want to urge this minister to go to the Chair of Management Board and say to him, "We are spending two billion of public dollars that go directly to universities, yet they are not subject to the freedom of information legislation."

Interjection.

Mr Marchese: And given that this is so critical, why don't you, Joe Cordiano, Minister of Economic Development, step over to the other minister and say to him,

"Universities need scrutiny and they need to come under FOI legislation." Help us and help the minister to bring that about.

Mr Howard Hampton (Kenora-Rainy River): I thought that when the Minister of Economic Development and Trade was making an announcement today, we would really hear something. I read his announcement. He talks about the importance of research; he talks about the importance of encouraging partnership; he talks about the importance of innovation and economic growth.

I thought that just perhaps he was going to announce that the government has a plan for the Bombardier C series jet. After all, it's 2,500 assembly-line jobs, 2,500 supplier jobs, \$250 billion of ongoing economic activity, but once again it's another McGuinty government broken promise. No plan; no plan whatsoever. Just more talk. Where is the government's plan to attract the final assembly of the Bombardier C series jet?

DEFERRED VOTES

EXECUTIVE COUNCIL AMENDMENT ACT, 2004

LOI DE 2004 MODIFIANT LA LOI SUR LE CONSEIL EXÉCUTIF

Deferred vote on the motion for third reading of Bill 17, An Act to amend the Executive Council Act / Projet de loi 17 Loi modifiant la Loi sur le conseil exécutif.

The Speaker (Hon Alvin Curling): Mr Bryant has moved third reading of Bill 17, An Act to amend the Executive Council Act.

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

The division bells rang from 1426 to 1431.

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

Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Peters, Steve
Bartolucci, Rick	Fonseca, Peter	Peterson, Tim
Bentley, Christopher	Gerretsen, John	Phillips, Gerry
Berardinetti, Lorenzo	Gravelle, Michael	Pupatello, Sandra
Bountrogianni, Marie	Hoy, Pat	Qaadri, Shafiq
Bradley, James J.	Jeffrey, Linda	Racco, Mario G.
Brotten, Laurel C.	Kennedy, Gerard	Ramsay, David
Brown, Michael A.	Kular, Kuldip	Rinaldi, Lou
Bryant, Michael	Lalonde, Jean-Marc	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Sergio, Mario
Caplan, David	Marsales, Judy	Smith, Monique
Chambers, Mary Anne V.	Matthews, Deborah	Smitherman, George
Colle, Mike	Mauro, Bill	Sorbara, Gregory S.
Cordiano, Joseph	McGuinty, Dalton	Takhar, Harinder S.
Craiton, Kim	McMeekin, Ted	Van Bommel, Maria
Crozier, Bruce	McNeely, Phil	Watson, Jim
Delaney, Bob	Meilleur, Madeleine	Wilkinson, John
Dhillon, Vic	Milloy, John	Wong, Tony C.
Dombrowsky, Leona	Mossop, Jennifer F.	Wynne, Kathleen O.
Duguid, Brad	Oraziotti, David	Zimmer, David
Duncan, Dwight	Parsons, Ernie	

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

Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Churley, Marilyn	Marchese, Rosario	
Hampton, Howard	Martel, Shelley	

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 62; the nays are 7.

The Speaker: I declare the motion carried.

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

FISCAL TRANSPARENCY
AND ACCOUNTABILITY ACT, 2004

LOI DE 2004 SUR LA TRANSPARENCE
ET LA RESPONSABILITÉ FINANCIÈRES

Deferred vote on the motion for third reading of Bill 84, An Act to provide for fiscal transparency and accountability / Projet de loi 84, Loi prévoyant la transparence et la responsabilité financières.

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

The division bells rang from 1435 to 1440.

The Speaker: Mr Sorbara has moved third reading of Bill 84, An Act to provide for fiscal transparency and accountability.

All those in favour, please rise 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	Pupatello, Sandra
Bountrogianni, Marie	Gravelle, Michael	Qaadri, Shafiq
Bradley, James J.	Hoy, Pat	Racco, Mario G.
Brotten, Laurel C.	Jeffrey, Linda	Ramsay, David
Brown, Michael A.	Kennedy, Gerard	Rinaldi, Lou
Bryant, Michael	Kular, Kuldip	Ruprecht, Tony
Cansfield, Donna H.	Lalonde, Jean-Marc	Sergio, Mario
Caplan, David	Levac, Dave	Smith, Monique
Chambers, Mary Anne V.	Marsales, Judy	Smitherman, George
Colle, Mike	Matthews, Deborah	Sorbara, Gregory S.
Cordiano, Joseph	Mauro, Bill	Takhar, Harinder S.
Craitor, Kim	McGuinty, Dalton	Van Bommel, Maria
Crozier, Bruce	McMeekin, Ted	Watson, Jim
Delaney, Bob	Meilleur, Madeleine	Wilkinson, John
Dhillon, Vic	Milloy, John	Wong, Tony C.
Dombrowsky, Leona	Mossop, Jennifer F.	Wynne, Kathleen O.
Duguid, Brad	Oraziotti, David	Zimmer, David

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

Nays

Baird, John R.	Klees, Frank	Ouellette, Jerry J.
Bisson, Gilles	Kormos, Peter	Prue, Michael
Chudleigh, Ted	Marchese, Rosario	Runciman, Robert W.
Churley, Marilyn	Martel, Shelley	Sterling, Norman W.
Dunlop, Garfield	Miller, Norm	Tascona, Joseph N.
Flaherty, Jim	Munro, Julia	Wilson, Jim
Hardeman, Ernie	Murdoch, Bill	Witmer, Elizabeth
Hudak, Tim	O'Toole, John	Yakabuski, John

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 60; the nays are 24.

The Speaker: I declare the motion carried.

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

MINISTRY BRIEFINGS

Mr Jim Flaherty (Whitby-Ajax): Mr Speaker, I rise, pursuant to standing order 21, on a point of privilege with respect to which I gave notice in writing earlier today. It has to do with the mandated tape recording by the Minister of Finance of briefings of me as the MPP for Whitby-Ajax and as the opposition critic in finance.

The facts are that my office requested a briefing with respect to Bill 149. We were told by the minister's office at finance that that could only happen on the condition that it be tape-recorded by staff at the Ministry of Finance. My staff went ahead and were briefed on that basis. Subsequently, I had occasion to go to a briefing on December 8, at which time I asked the counsel from the Ministry of Finance why the tape recorder was on the table—it was in this building in one of the boardrooms—and he advised that it was because of the political staff, specifically the MPP liaison for the Minister of Finance, Karim Bardeesy, who had this recording device on the table. It was a condition of being briefed that this tape recording device be used to tape what was said by the civil servants who were present as well as by me, as MPP and opposition critic, and the other people who were present in the room.

I consider that a breach of my privilege as a member, in fact, a breach of the collective privileges of the members of this Legislative Assembly that that would be done. As far as I know, there is no precedent for this. It has not been done by previous governments. It has not been done by political staff. I don't know whether it's being done to try to intimidate the opposition or whether it's being done to try to intimidate the members of the Ontario public service who provide these briefings. In either event, it's a very serious matter that I would ask you to address as a matter of privilege, Speaker. It is a serious issue.

My privilege as a member includes access to information, not because I'm a member but because I represent people in Ontario, and it's the people of Ontario who have the right to information from the executive branch of the government of Ontario. This includes, specifically, as critic for finance, information concerning bills brought forward by the Ministry of Finance. Access should not be conditional. It should not be the privilege of the minister to decide what the conditions will be with respect to briefings of members of this House. The Minister of Finance, as I've said, has made access conditional on tape recording what is said, and if there is no consent, then the briefing will not take place. The specific date was December 8, as I've already mentioned.

The authorities in this regard speak of the collective rights of members of this place and of the individual members. I'll just cite a few of the authorities. I think the

point is self-evident, but I will cite them to make it easy for you to consider.

Marleau and Montpetit talk about the privilege itself, quoting Erskine May: "Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively ... and by members of each House individually, without which they could not discharge their functions...."

My submission to you, sir, is that it is an impediment to me discharging my function as a member of this House and as opposition critic that I can have access impeded at the whim of the minister of the day in finance and that he would be permitted to impose conditions on people in this place.

The condition, in fact, being imposed is greater than that imposed on other people. We know that the Criminal Code itself has prohibitions with respect to tape recording and other interception of private communications in section 184.

The freedom-of-speech privilege is referred to by Marleau on page 51 as one of the privileges of members collectively and individually in this place. Marleau goes on on the same page to say, "The House has the authority to invoke privilege where its ability has been obstructed in the execution of its functions or where members have been obstructed in the performance of their duties."

This is a clear example of attempted obstruction and the imposition of unwarranted conditions by the Minister of Finance.

Marleau goes on on the same page: "The privileges of the Commons are designed to safeguard the rights of each and every elector. For example, the privilege of freedom of speech is secured to members not for their personal benefit, but to enable them to discharge their functions of representing their constituents...."

He goes on on the next page, quoting Erskine May again: The privileges that are enjoyed by Parliament "are enjoyed by individual members because the House cannot perform its functions without unimpeded use of the services of its members."

Again, Marleau himself says on the same page, page 52, "Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results."

1450

The historical perspective, the reason for this rule, is also referred to by Marleau on page 53, where he says, "In any case, these privileges were found to be necessary to protect the House and its members, not from the people, but from the power and interference of the king and the House of Lords." Today, they are represented by the executive council of the province of Ontario, of which the Minister of Finance is a member. We on the opposition side are clearly not members of the executive. We are members of this place, charged with representing our electors. We have the right, sir, to access to informa-

tion from the government unimpeded by arbitrary rules imposed by members of the executive council. I would ask you, Mr Speaker, to consider the issue of privilege and to consider directing that the House consider that unauthorized taping, surveillance or other similar monitoring of members, their staff or visitors to this Legislature is not tolerated, except in those instances where agreement already exists, such as scrums and, of course, Hansard as per the traditions of this House.

Mr Tim Hudak (Erie-Lincoln): I'd like to add to my colleague from Whitby-Ajax's point of privilege a circumstance that similarly befell my duties and those of my staff here in the assembly. I feel strongly that my rights as an honourable member have been violated, and my ability to do my job as a member of the opposition and to exercise my parliamentary duties and responsibilities has been threatened through unauthorized recording of briefings held with members or political staff.

What makes this case worse is that the government House leader's office was ultimately responsible for the violation of freedom of speech and intimidation of members, as all inquiries were directed to the government House leader's office. Therefore the government House leader, an officer of this very assembly, has established a dangerous precedent whereby the rights of all honourable members of this assembly have been threatened.

I'll lay out my arguments and precedent with the facts specific to my case; I won't repeat those of my colleague from Whitby-Ajax. I believe you will find that a prima facie case of breach of privilege has occurred. Mr Speaker, I will ask you to rule that a prima facie case of privilege has in fact occurred in these circumstances.

On Monday, December 6, I was to have a briefing from Ministry of Municipal Affairs and Housing staff on Bill 135 for myself and other members of our caucus and staff. On December 3, 2004, my executive assistant was informed by political staff from the office of the Minister of Municipal Affairs that the briefing was to be taped. I have no knowledge in my nine-plus years as a member of this assembly of ministers' offices or the House leader's office demanding that meetings with members of this assembly be taped.

My executive assistant contacted the minister's office and informed them that we did not approve of the meeting being taped. We then received a voice mail message from the minister's office staff informing us that this was standard practice and that the government House leader's executive assistant was the administrator of this practice. I note that the government House leader is an official officer of this Legislature and is therefore bound to comply with the rules and respect the traditions of the Legislative Assembly.

Upon receiving the voice message, my executive assistant contacted the government House leader's office, spoke with the executive assistant to the government House leader and was informed that this was standard practice. When he asked for examples of other tapings that had occurred, she provided two explicit examples: a

briefing with the member for Whitby-Ajax and a briefing with the member for Burlington.

By taping briefings, the government House leader effectively impedes our ability to ask open and honest questions for fear that the questions could be taken out of context, for example. It is an act to intimidate and obstruct an honourable member of the assembly from asking questions freely. I wonder if this tool of intimidation has been used not only on members of the assembly but the general public—taxpayers at large—as well.

I have tremendous respect for the work of our civil servants. Working in three different capacities as a member of the executive council, I enjoyed my time with them. I never would have contemplated ordering meetings with MPPs, of the government, of the opposition, in my time—I never would have contemplated ordering tapings of briefings. I believe this is also an effort to intimidate the civil service from giving fulsome responses to opposition members and to obstruct our duties as members.

As I said, this is a matter of privilege because it impedes our ability to serve as informed critics of the government, and therefore of our individual rights as honourable members, as it relates to exercising our parliamentary duties, and a breach of them.

On a reference, I'd like to duplicate the reference my colleague made to Marleau and Montpetit. Furthermore, from our own Legislative Assembly Act, paragraph 2, subsection 46(1) of the Legislative Assembly Act, it says, "Obstructing, threatening or attempting to force or intimidate a member of the assembly" serves as a breach.

I wanted to refer to one precedent, and it took place on February 20, 1984, where Speaker Francis on a prima facie case of breach of privilege, when a threat was made to withhold information to Mr Albert Cooper, the member of Peace River, for not fully co-operating with the department's request for advance knowledge of questions—a bit of background:

The opposition critic for Canada Post, the member for Peace River, alleged an official had been abusive from the department. "The official had complained that Mr Cooper's office had not cleared questions asked by" the member in the House or "the president's office and warned that if this was not done in the future, Mr Cooper could expect little co-operation from Canada Post. Mr Cooper argued," in his role as spokesman for the official opposition, "that this was an attempt to inhibit his freedom of speech, influence his actions in the House...."

As you may know, Mr Speaker, Speaker Francis found a prima facie case of privilege involving the intimidation. He stated, "A threat emanating from any government department or public corporation to withhold information or co-operation from a member of Parliament would undoubtedly hinder that member in the fulfillment of his or her parliamentary duties and therefore constitute a breach of privilege."

I argue that by demanding that taping take place of a briefing as standard practice is an implied threat that if

we didn't co-operate, it could be understood that that briefing and our access to knowledge would be cancelled.

Secondly, this involves the free exchange of information between civil servants and my role as the opposition critic on Bill 135.

Mr Speaker, you know full well that legislators have an implied duty to make good, well-informed decisions on how they will vote, how they will speak in the assembly, and how they will conduct their duties as members. Tapings of briefings as standard practice constitute an act to intimidate or obstruct us from fulfilling our duties. Ultimately, by impeding the ability of myself and my colleagues to serve as informed critics of matters before the assembly, it has violated our responsibility and, therefore, my individual right as an honourable member, as it relates to exercising my parliamentary duties, and there is a breach.

Mr Speaker, I ask you to rule that a prima facie case of breach of privilege has occurred.

Mr Cameron Jackson (Burlington): Mr Speaker, I too served notice to your office before noon today that, in accordance with section 21 of our standing orders, my privileges as a member have been breached, and the actions of the Liberal House leader and his government have also demonstrated contempt for this House.

The circumstances I wish to share with the members of the House vary somewhat with the depositions that have been read into the record by my colleagues before me. The matter in question occurred well in advance of the objectionable conduct being referenced by my colleagues from Erie-Lincoln and from Whitby-Ajax. The incident I wish to share with you, Mr Speaker, occurred on November 15 and was the subject of a briefing that the minister responsible for citizenship and immigration had called for and requested that I attend. For the record, that office called our whip's office and my office three times and insisted that there be a briefing from the ministry staff to myself prior to second reading debate on Bill 118, the disabilities act.

1500

What I found interesting, Mr Speaker, was that the staff insisted that this was a briefing for me, and for me alone, and that my caucus and any members of my caucus were specifically not invited. I found this very strange, having been a minister in a Parliament of Ontario and also having been in opposition for 10 and a half years. This was the first time I had ever heard of that.

Our reply was that we would like an explanation as to why only I was invited. They indicated that the civil servants were uncomfortable briefing MPPs. I am not convinced that that is a fair and factual statement to be made on behalf of public servants whose oath of service to this province includes fulfilling their responsibilities, which include briefings, whether requested by a member of this House or when directed, as in this instance, by the Minister of Citizenship.

What ensued at this meeting did not reveal itself to us for at least a month. What happened is that, unbeknownst to us, these proceedings were being secretly taped,

without the knowledge or the consent of the members who were present at that time. I consider this a grievous act. I consider this to be of the most serious nature. One of the reasons that it has taken us a while to respond to you, sir, is that we needed to ensure that all the individuals in that room could confirm that no one was ever informed or advised or had permission sought to have their conversation secretly taped, and therefore the surveillance equipment that was used by the minister's staff was not revealed to us.

The purpose of this meeting was solely to discuss the content of Bill 118, the disability act. During that period of time, I raised a significant number of questions, as I have a working knowledge of this legislation. I wish to report that, for some reason, the bureaucrats were unable to answer a significant number of those questions. The question now becomes, were they aware that they were being taped or were they not? This is an important issue, although it may not be a matter for your subsequent ruling, as to the issue—

Hon Greg Sorbara (Minister of Finance): Why are you bringing it up?

Mr Jackson: The Treasurer will know in a moment, because this has implications.

Mr Speaker, the fact of the matter is that we do not know at this point if the bureaucrats were aware that they themselves were, as well, being taped. This is an important point to share with you, because if the purpose of that was to intimidate or in any way offer up a future disciplinary action to a civil servant who was performing their duty, and in any way that inhibited the free flow of information, which all members of this House are entitled to under our House rules and as duly elected members of this Parliament, it should be upheld that we have access to that information. I am not sure at this point if those bureaucrats were aware that they were being taped or whether they were not aware of it. I think it's egregious in both counts, but it's more egregious if the civil servants involved had no knowledge that they were being secretly taped by, in this instance, their employer, the Ministry of Citizenship and Immigration. This demonstrates a pattern of contempt—

Mr John O'Toole (Durham): And disregard—

Mr Jackson: —and disregard for the rights and the access we have to information.

Simply, there is a pattern of contempt here for the open exchange of information to which I have a legislated right. My freedom of speech, my voice in Parliament, and, by extension, the voice of my constituents on the floor of this Legislature is predicated on my ability and my right to access information that the government is obliged under the law to share, and public servants take an oath in order to uphold that.

The purpose was to determine the substance and the content of disability legislation. However, what occurred was a clear pattern, as I say, of contempt for the manner in which information is transferred.

In my instance, I not only have order paper questions that have gone way past the time that they are required to

be in; as the Chair of estimates, we've asked ministers to report to the committee, and they have failed to do so. Now we have secret tapings of conversations that I'm having as a member with the public service of the province of Ontario and agents of the Minister of Citizenship for our province. We do not know—whatever purpose these secret tapes are going to be applied to, I find them objectionable and I find them disturbing. They can lend themselves to such abuse, because one party is in possession of what they set out as a documented transcript of a meeting when the party who could be harmed by it has not got the same access to that information.

Access to this information is a key issue and one that I raised yesterday in the House. This is the fourth example that I wish to bring to the Speaker's attention. Yesterday, the House leader approved a meeting of the social policy committee to deal with the issues around the very same Bill 118, dealing with the disabilities act. Yesterday, I shared with the committee, an all-party committee of this Legislature, my concerns with respect to the incident of secret tapings around this bill. This is the motion that I tabled, and I quote it for the record: "That the committee"—the social policy committee—"request that the tape recording and the transcript of the Ministry of Citizenship and Immigration briefing of the Conservative caucus on Bill 118 that occurred without notice or approval be immediately released to the member for Burlington."

I am saddened to report that the committee decided that this motion would fail, because it failed to receive the support of the Liberal members and therefore the majority of the members of the committee, and therefore was lost. So I was even impeded from my ability to acquire these documents that were taken without my approval and without my knowledge.

Finally, Mr Speaker, I wish to raise the most important issue of all, and that is the issue of a prima facie case of contempt for this House. As you know—

Interjections.

The Speaker (Hon Alvin Curling): A point of privilege is a very important point, one of the most—

Interjections.

The Speaker: Order. It's one of the most serious points that can be raised on this floor. There are an enormous number of different discussions going on. I'd ask members, if they want to have discussions, there are lobbies on each side where they can do that, so that I can hear the member very clearly.

The member from Burlington, do you want to continue?

Mr Jackson: Thank you very much, Mr Speaker. This brings me to the issue of contempt for this House. I wish to bring to the attention of the House—of course, it's already been referenced—the House of Commons Procedure and Practice edition. It talks about, "Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed, is referred to as a contempt of the House. Contempt may be an act or an omission; it does not have

to actually obstruct or impede the House or a member, it merely has to have the tendency to produce such results.”

I read that into the record because I wish to share with you two other pieces of important information about this whole sordid affair on behalf of the government House leader and his conduct in this regard.

1510

It has come to my attention that within the last 10 months, a similar incident of taping of government officials, without their knowledge or consent, occurred within this Parliament. That incident occurred between the parties of the OPSEU union and the office of the Attorney General. When this matter finally was brought to light, the situation was such that the Attorney General's office received a legal opinion. That legal opinion was that the conduct of secretly taping without consent was not only offensive to the rights of the government, it was also offensive to the rights of a member of this House, namely, the Attorney General and his ministry.

I wish to enter into evidence, which I will provide to your office, a memorandum of agreement signed by this government's Attorney General's office, between the Attorney General, as employer, and the Ontario public service union, as the union.

I will read the one paragraph: “Without prejudice and without precedent”—and it's important to note that the word “precedent” here means that this may have been occurring previously by either the employer, the Ministry of the Attorney General, or the employee, OPSEU—“the parties hereby agree that all verbal communications in any forum, occurring between any OPSEU members and the employer cannot be taped or recorded, in any form, without the expressed written consent and agreement of all parties, except where required by law.”

Several issues flow from this important document signed by the Attorney General's office. The first is that there may be a breach of conduct by the government in accordance with this very agreement, because, as I have stated earlier, there were members of OPSEU in the room who may not have known that they were being taped. That is one of the concerns.

The second is that the Attorney General would have received legal opinions which would have supported the notion that the conduct in question is not only inappropriate but probably illegal. On that basis, and not only on that basis, this matter should be referred to you for examination as a matter of a *prima facie* case of contempt.

The document clearly states that this conduct should not occur, yet it is still occurring. It begs the question, why is the minister, the Attorney General, who, I might add, is responsible not only for democratic renewal for his government—which professes it will do that in an open fashion—he is also the minister responsible for the human rights commission and the minister responsible for protecting the rights of the citizens of this province. He took the initial step to ensure that he and his ministry were protected with this document from the conduct which his House leader, the Liberal government House

leader, was so liberal in performing behind the backs in a fashion that was unknown to the people who were affected, and certainly to myself.

Hidden surveillance equipment, without consent, so offends the authority and the dignity of any member that clear legal guidelines were contracted to protect the Attorney General's office, his ministry and his government. We asked that we be given the exact same treatment, and we were not. In fact, this speaks to the issue of whether or not the actions of the government were intentional, whether they were advertent, whether they were calculated and whether these were planned activities of the government when they had a legal opinion.

I'm closing off very quickly here, Mr Speaker, but I'm going to ask that you ask for the legal opinions from the Attorney General's office that were used for them to draft a contract, a document between the Attorney General's office and the OPSEU union—and we, as members, deserve treatment no less. I would like you to look at those legal opinions.

Finally, I wish to suggest that there is a violation of the rights of one member. The conduct of the government was clear in protecting the rights of one of their members, but when there is a case of contempt to one member, it is to all members of this House. I believe this is clearly a case where it has been calculated, it has been premeditated and it has been intentional in terms of denying me my rights and privileges as a member, but it has clearly shown contempt for the workings of this House.

I ask you, Speaker, to investigate this matter thoroughly and to report back to the House when you are ready with all the answers to the questions that have been raised. As I said, I will be more than pleased to share with you all the documentation I have rendered into the record today.

Mr Peter Kormos (Niagara Centre): I'm going to be brief, Mr Speaker, because you've already heard exhaustive reference to all the sources of authority, be it Erskine May, be it Marleau and Montpetit, be it Maingot. I want you to know that the New Democrats join with the official opposition in appealing to you to intervene to protect the rights and privileges of each one of this assembly's members as well as to defend the authority and dignity of this Legislature.

The member for Erie-Lincoln, in his submission to you, talked about how briefings are back-and-forth exchanges, that any one of us in the course of a briefing explores any number of options or considerations, or attempts to, with the bureaucratic civil servants who are there.

I want you to know, sir, that on December 10, a New Democratic Party caucus staff person, while attending a briefing around Bill 149, sponsored by the Minister of Finance, was advised by a political staff person of the Minister of Finance that he, that political staff person, would be tape-recording the briefing, and indeed the New Democratic Party caucus staff person believes that was done.

It's an incredible affront to the authority and dignity of this Parliament for there to be clandestine, surreptitious recording. It is an impediment to the member's ability to perform his or her function when there is the intrusive monitoring by political staff of a briefing by independent, non-partisan civil servants. We have an extremely professional, skilled civil service in this province who know full well what they can and cannot relate to an individual member in the course of a briefing. They do not need surveillance by political staffers during the course of those briefings.

I say to you, Speaker, that you must not only decide upon the outright contemptuousness of clandestine tape-recording but also upon the literal blackmail of overt recording, because of course the implication is that if you don't let us record this, there won't be a briefing. But I ask you to go one further; that is, I ask you to consider the propriety of compelling individual members to receive their briefings from professional civil servants while that briefing is being monitored by a political staff person.

There has become a sense of ownership of the civil service by the government of the day, and I say to you, sir, that that is an inappropriate conclusion. The civil servants belong to the people of Ontario and to every member of this assembly—every backbencher, every opposition member—as much as they belong to the minister to whom they are directly accountable in the performance of their job.

1520

I'm asking you to go beyond the obvious conclusions that I presume you'll reach with respect to clandestine taping. I'm asking you to consider the appropriateness of even overt taping with the clear messages that it expresses. And then I ask you to go one further, because in the context of this incredible series of revelations, the issue of the presence of political staffers, their *raison d'être*—are they there to report back to the minister about the questions that the opposition member put to the civil service? Are they there to survey, to supervise and to inform on civil servants who may not, in their view, have been as circumspect as they might be in response to questions? In either of those cases, I think the desirability of their presence, unless their presence is necessary for a full and thorough briefing, is very much put into question.

I'm asking you, sir, in your consideration of this and in your determination, to conclude that, amongst other things, access to the civil service is part of the privilege of every member of this assembly and does not depend upon the willingness of a minister or his political staff to provide access. They've got \$250-a-pop fundraisers to do that. We, as member of this Legislature, to perform our jobs, must have unfettered, open, unrestricted access and uncensored access to the civil service, but for their need to maintain confidence to the extent to which it encompasses the performance of their duties.

So I ask you to take these revelations incredibly seriously. You're being called upon to make a very import-

ant ruling that will have significant repercussions around the quality of policy development and the quality of work done in this Legislature.

Thank you kindly, Speaker, for your patience.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): On a point of order, Mr Speaker: A little change of pace here—

Interjections.

The Speaker: On the same point? The government House leader.

Hon Dwight Duncan (Minister of Energy, Government House Leader): Thank you, Mr Speaker. I wish to respond to the points raised by the members for Whitby-Ajax, Erie-Lincoln, Burlington and Niagara Centre.

First of all, I categorically reject that this is a breach of privilege or of contempt as outlined in Marleau and Montpetit.

Interjections.

The Speaker: Would you allow me to hear the government House leader. I think there was some co-operation when the points of privilege were being put forward.

Interjection.

The Speaker: Yes, I know. There are some others too who did not conform. But I would like to hear the government House leader.

Hon Mr Duncan: The official opposition would want to comment on briefings provided by ministers, because when they were the government, they consistently refused to do that.

Interjection: Over and over.

Hon Mr Duncan: Over and over again.

With respect to the obligations of the government in the House, we have met, in all the bills, all of the requirements of the standing orders. As I read Marleau and Montpetit, as I read the other authorities and indeed as I read the Speaker's decision of 1984 that was referenced by the member for Erie-Lincoln—that was a case that dealt with the restriction of information—in this case, the government has provided information well beyond what is required by the standing orders.

In the case of the issue raised by the member for Whitby-Ajax, I have an e-mail here that was sent to their caucus advising them that the conversations would be recorded. There was no objection raised to that. This was sent to their office, and they've raised the objections today. By contrast, on another bill, when a minister asked if it would be OK to tape—Mr Gerretsen—the opposition said no, and the tape recorders were turned off.

So the other thing I would like to say, the other response I would like to make to the member for Burlington, is that we categorically reject the accusation that anything was taped surreptitiously at the meeting he referenced. He has presented no evidence to that effect.

This government has provided a number of briefings. In fact, yesterday I noted with interest that the opposition House leader said as follows, and I quote from Hansard: "I would like at the outset to acknowledge ... the Minister of Health" and his "practice that other ministers should

follow,” which we do. “They actually brief you about the bill before he or she introduces it,” and we do that routinely. We have met all of the obligations under the standing orders, under the various authorities. There have been no surreptitious or clandestine tape recordings.

The privileges that were outlined by the members for Whitby-Ajax, Erie-Lincoln, Burlington and Niagara Centre were not violated. In fact, the government has exceeded the requirements of the standing orders on each occasion referenced. There were no secret tape recordings done of anyone, no evidence to that effect was produced, and none of the accusations, in our view, represent either a breach of the members’ privileges or a contempt of an individual member or of the Legislature as outlined in our standing orders and by the various authorities.

This government has been open in providing briefings to the opposition. We want to continue that practice and will continue that practice. That is beyond what is required in the standing orders. It is certainly beyond what the Harris-Eves government ever did with respect to legislation. We are providing briefings before introduction of legislation. We have made the public servants available to the opposition and to the third party to provide them in-depth briefings. Not only have we exceeded the standard; we’ve set the new standard in the context of what is appropriate and in what we believe is a fair and open manner.

None of the accusations raised by the member for Burlington are true. No evidence was provided to that effect. The context of these briefings, particularly in view of what’s gone on here in the last nine years, is a major extension of information and accessibility offered by this government.

I invite you, sir, to reject the allegation of privilege or violation of contempt, because in fact not only have we met the standards required by the standing orders, but this government in every instance has exceeded them, and exceeded them appropriately, not only without contempt, but in an attempt to allow the opposition to have more detailed understanding of legislation even before it’s introduced.

Hon Mr Sorbara: On the same point of privilege, Mr Speaker: I want simply to put a couple of points on the record to assist you in your deliberations. In fact, I’m responding to the allegations made by my friend from Whitby-Ajax.

If I could summarize the case he is trying to put before you suggesting that it’s a breach of privilege, my friend from Whitby-Ajax says he requested a briefing from the Ministry of Finance on a number of occasions. As I listened to his remarks, he referred to me personally and suggested to you that somehow I had insisted that the remarks be taped. To summarize the case, sir, he requested a briefing. Apparently the briefing was organized. An e-mail was just read into the record by my friend the government House leader saying that someone in my ministry advised my friend that the briefing would be taped.

That’s the story that he put on the record. Let me just see if I can complete the story.

My friend from Whitby-Ajax refers to the fact that I somehow had insisted that a briefing be taped. I want to tell you, sir, and I want you to hear this very clearly, this is the very first time that I have been made aware of this matter. It suggests to me that rather than the member for Whitby-Ajax simply picking up the phone or walking across the aisle and saying to me, “They want to tape the briefing. Do you mind if it’s not taped?” instead of putting that simple call or that simple question, my friend prefers to take up your time, the time of this House and the time of all of us on our last day of sitting to raise a spurious point of privilege which would never have arisen had he simply walked the 10 feet across this aisle and asked me about it. I resent and I regret that rather than raising the matter with me in a simple way, he would raise the matter in this Legislature.

The Speaker: On the same point, the member from Toronto-Danforth.

1530

Ms Marilyn Churley (Toronto-Danforth): Just very briefly, in my case, and I want people to hear me clearly. I do have a point here and it’s a little different, and I’m going to get to it. It’s related. I’ve been a member of this Legislature since 1990. I’ve served in cabinet and government and sat in opposition, and I’ve never seen such a breach of privacy in this place. I consider this to be Orwellian. I consider this to be totally beyond the pale—in fact, insidious—and it’s sending a chill down my spine.

Here’s what I want you to do, Mr Speaker. Given the seriousness of this matter and the tepid response from government members—that frightens me even more—I would ask you to also look at the possibility of an investigation into what has been happening in the cabinet offices of those members of the Liberal Party. I want to feel assured that when I go into a briefing or when my staff goes into a briefing, there are no secret tape recordings going on. The evidence, the information, the allegations that came before us today suggest to me that that is a possibility, and that concerns me greatly and should concern all members of this House. So for me, it goes way beyond the fact that we heard today that these things are taking place, either with the member’s permission or without it.

Mr Speaker, my request to you on this point of order is to conduct from your good offices an investigation within the ministries of the Liberal Party to find out just what is going on, what the policies are, whether they’re open or whether they’re behind closed doors, around the taping of conversations which I consider to be private. When I sit down with bureaucrats, even within government briefings, I may ask questions that might suggest to the government where I might be going in the House on this. There may be private information that is going on in a privileged way in that particular briefing.

This indeed is very serious, Mr Speaker, and I would appreciate it if you would consider investigating this entire matter.

The Speaker: The points have been extensive and I've listened very carefully. I hope the point that the member from Erie-Lincoln is going to make is going to add more, will be more helpful to me and has not been repeated before.

Mr Hudak: Absolutely, Mr Speaker. Thank you for your indulgence. I will be brief and I will add to the discussion.

Just to make sure the facts are correct with respect to the Ministry of Municipal Affairs and Housing briefing and the points the government House leader made: We had objected to the taping of the meeting. We were referred then to the House leader's office, who informed us it was a standard of practice. Despite our objections, taping in the meeting still took place. During the meeting, we strongly objected to the taping, our second objection, at which point the Minister of Municipal Affairs' staff did turn off the tape recorder.

I have high regard for the minister's staff. I've enjoyed working with them professionally. My issue is with the House leader and the office of the House leader, who have informed us that this is a standard of practice that I believe instructed the Ministry of Municipal Affairs staff to tape our briefings, despite our clear objections to the taping of this briefing with the civil service.

Second, while the government House leader says that what the member from Burlington said was not based on fact, it was indeed his own executive assistant in the office of the House leader who told us that the meeting with the member from Burlington was taped. His own office told us that the member for Burlington's meetings had been taped.

Mr Jackson: On a point of order, Mr Speaker: I failed to share with the House—I will be brief—the fact that in that briefing was also the member for Parry Sound-Muskoka and the member for Bruce-Grey. So there were actually three members of the Legislature in the room for the briefing that was taped.

I reject categorically what the Liberal House leader has stated, because it has now been put on the record that not only did Maria Papadopoulos confirm to us, but the only reason I would know that a tape and a transcript of that meeting exist is because the Liberals told us. They shouldn't have told us, but they did. Last night, at the committee hearing, Carol Price confirmed to me as well that they had a copy of it and that they were willing to share it with me. I just couldn't get the committee to agree with it, for the record.

Mr Gilles Bisson (Timmins-James Bay): Just very quickly, on a point that has not been raised on the comments by the government House leader, saying that the Conservatives had never given briefings, I want to say I attended many briefings by Conservative cabinet ministers and I was never taped.

Interjections.

The Speaker: Order. Member from St Catharines, I'd like to respond—and the member from Oak Ridges. Thank you.

I want to thank all members, especially the members from Burlington, Whitby-Ajax and Erie-Lincoln, who put it in writing and gave me notice that this was coming. I want to thank them very much, and also those who have made their contribution to this point of privilege.

I also want to say that, as we all know, a point of privilege is a very serious matter and I would like to reserve my decision and return to the House at a later date with my decision. Thank you.

Mr Robert W. Runciman (Leader of the Opposition): On a point of order, Mr Speaker: Given that today is the last opportunity for Her Majesty's loyal opposition to hold the government to account, I would ask for unanimous consent to provide the full hour of question period.

Interjections.

The Speaker: We have just finished a long discussion about decorum in the House, and now I'm going to put the question.

You have asked that you would like extension for the full hour of question period beyond 4 o'clock. Do we have unanimous consent? No.

ORAL QUESTIONS

MINISTRY BRIEFINGS

Mr Jim Flaherty (Whitby-Ajax): My question is for the Premier. Premier, although you were wandering around the chamber during the discussion of the point of privilege, it is a serious matter, and I ask this question of you in your capacity as president of the executive council responsible for ministerial responsibility in the province of Ontario. It's about the relationship between the Ontario public service, elected members of this place who are not members of the executive council, and interference by political staff; that is, staff hired by ministers, like the Minister of Finance, like the government House leader, like the Minister of Culture.

The point is this, Premier: Tape recording of briefings of members of this place by members of the Ontario public service has been taking place by political staff. Some people on that side of the House seem to think there's no problem with that, that intimidation is OK. What on earth could be the purpose of this, other than some kind of Nixonian problem with information flowing freely to members of this place by the Ontario public service? When did you find out about this, what are you going to do about it, and for what purpose did you authorize it?

Hon Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Mr Speaker, the matter has just been brought to the attention of the House, a number of representations have been made to you, and I'm some-

what perplexed as to whether you are to be left to yourself when it comes to speaking to this matter, or whether the member opposite is now saying that the exercise you're about to undertake is purely academic in nature and of no particular relevance. It would seem to me, Mr Speaker, that the matter has been referred to you and we should give you the opportunity to speak to this.

The Speaker (Hon Alvin Curling): Supplementary.

Mr Tim Hudak (Erie-Lincoln): With all due respect, Premier, you're the leader of your party, you're the president of the executive council, you're the Premier of the province of Ontario. The buck, sir, stops with you. Don't tell me you're perplexed, standing in your place not sure what to do. Make the gut call. Is this right; is this wrong? This is an act of intimidation that is absolutely reprehensible. It's an act of intimidation that is sending a chilling effect throughout the civil service. Sir, you're the leader. Show some leadership. Make the call. Condemn this policy. Is it right or is it wrong?

1540

Hon Mr McGuinty: Nobody can muster instant indignation like the member opposite can.

Interjections.

The Speaker: Order. Could I have some order, please. Premier.

Hon Mr McGuinty: Let me make it clear—

Interjections.

The Speaker: There is a lot of emotion going around today. I would like us to be civil for the last few minutes so we can conduct our question period in a civil manner.

Premier.

Hon Mr McGuinty: At some risk of being in breach of your responsibilities, any authority that you're about to take on, I want to speak to this matter directly.

First of all, let me say it is somewhat unfortunate that nobody on that side picked up the phone at any particular point in time and raised this with me or members of my staff or other ministers. Let me say as well that we will not be taping any further briefings with members opposite.

Maybe it speaks to something that we might all want to give just a little bit of thought to over the coming holiday period, and that is, if there is a concern of this nature, rather than consuming so much House time, I recommend that you pick up the phone and that you speak with us and raise the matter with us directly.

Interjections.

The Speaker: I'd like to hear the supplementary. Final supplementary from the member for Burlington.

Mr Cameron Jackson (Burlington): Premier, the reason I didn't pick up the phone is because no one told me I was being taped. The reason I didn't pick up the phone to you is because I was picking up a phone to a lawyer to ask for the section of the Criminal Code, subsection 184(1), that prohibits the interception of private communication. An exception is where the originator or the recipient consents to that interception. That's why I didn't pick up the phone, because I thought this might have been a matter to send to the police.

Premier, I have read into the record a signed document. Your Attorney General has come over and asked me for the information, and I confirmed to him that a Valerie Neville in his ministry signed the document. My question to you is very simply this: If you, as Premier, support the conduct of your Attorney General to ensure the protection of the civil service and your member by signing a document prohibiting this conduct, do you not believe that all members of this House deserve to be treated in the same fashion?

Hon Mr McGuinty: My information was that the member opposite was not taped, just so we have some clarity injected into that matter. Secondly, I think I've made it perfectly clear we will no longer be taping our briefings.

The Speaker: New question.

Mr Robert W. Runciman (Leader of the Opposition): My question is to the Premier. It's a sad reflection with respect to this government's approach to Her Majesty's loyal opposition that during the questioning earlier from the member from Erie-Lincoln about a very serious issue in terms of secret tapings of members of Her Majesty's loyal opposition, the Premier could hardly control himself in terms of laughing. If he was sitting on this side of the House, he would be showing true indignation about this occurring. He gives words about believing in democratic reform, and here his government is responsible for secret tapings of members of the opposition. That should truly upset the Premier of the province.

I ask him today, what is he going to do about this, other than saying, "We will not do it any longer"? Will he make sure that he has a full investigation, cleans house and makes sure the people who are responsible for this pay a penalty?

Hon Mr McGuinty: Sometimes some people just don't want to take yes for an answer. I've given them the answer they were seeking. I think it is the right answer. We will not be taping these briefings.

The Speaker: Supplementary.

Mr Flaherty: Again, the question, Premier, that you have not answered is the one relating to ministerial responsibility. The Speaker will deal with the Speaker's concerns about privilege and contempt in this House, but this is about your responsibility as the chief executive officer of government dealing with members of the Legislature and members of the Ontario public service.

Who authorized this policy of secret taping by the executive branch of government for which you are responsible, when was it authorized, and if it wasn't your decision, will you demand the resignation of the minister or ministers who made this the policy of your government?

Hon Mr McGuinty: The members were always—always—informed when any briefings were being taped. There were never any secret tapings, just so we're very, very clear on that score. Again, we will not be conducting any more tapings of any kind, with or without consent.

The Speaker: Final supplementary.

Mr Hudak: Premier, as I brought up in my point of privilege, we learned from the government House leader's office, his executive assistant, that meetings with the member from Burlington had been taped. Obviously that was done without his knowledge or his permission.

Sir, you want to blame somebody else, it seems. The civil servants are absolutely embarrassed about this policy. This is about your responsibility and ministerial authority. We need to know, what is your next step? Will you investigate this matter and ensure sanctions about those who have made this a standard policy in the Dalton McGuinty government?

Hon Mr McGuinty: Again, all opposition members were informed if any conversations during the course of a briefing were to be taped, so there were no secret briefings at any time. I think that ends the matter.

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Premier, you promised more open and transparent democracy in Ontario. Can you tell us, as the Premier who supposedly stands for more open and transparent democracy, why the political staff of ministers would want to tape-record the conversations between civil servants and members of the opposition in any case?

Hon Mr McGuinty: Well, Speaker, I think I've indicated pretty clearly that it's not a practice that I think is acceptable. I think I've indicated very clearly as well that there were never any secret tapings. I've indicated very clearly as well that any tapings were brought to the attention of opposition members. I think that deals with the matter.

1550

Mr Hampton: Once again, Premier, you haven't answered the question. We, in fact, are not satisfied that all members of the Legislature knew that a conversation was being taped. In fact, we have information to the contrary, that members' conversations with civil servants were, in fact, being taped without their knowledge.

I think this is a matter for the privacy commissioner. The privacy commissioner is an officer of this Legislature, there to protect the privacy of citizens.

Interjections.

Mr Hampton: I'm asking you, Premier—if you can shut the Minister of Finance up for a second, who obviously doesn't think this is a serious issue—will you insist on an independent investigation by the privacy commissioner so that she, independently, can determine to what extent this happened, who authorized it and to what extent the privacy of members of this Legislature was, in effect, breached by political staff of your government?

Hon Mr McGuinty: If the member opposite has information, titillating or otherwise, that he'd like to present to this Legislature or to the Information and Privacy Commissioner, then he should do so.

Mr Hampton: Once again to the titillating Premier, the very specific question is: Are you prepared to protect

the privacy of members of this Legislature or are you not? That's the question.

The privacy commissioner is an officer of this Legislature. She's not beholden to you, she's not beholden to the Minister of Finance. She was good enough to conduct an investigation of the breach of privacy of individual citizens. Will you authorize the privacy commissioner to conduct an investigation of this matter to determine, if she will, if she can, if the privacy interests of members were breached by political staff from your government? Were the privacy interests of members of the civil service breached by members of your government? What was your government doing, in any case? What were political staff of your government doing, in any case, trying to tape the conversations between members of the opposition and civil servants? Will you do that, Premier?

Hon Mr McGuinty: Again, the member opposite claims to have some evidence. It would be nice to get that. Apparently as well, this is a matter of privilege that has been referred to you, but now he suggests that, no, it's really the responsibility of the Information and Privacy Commissioner.

It is not up to me to authorize the Information and Privacy Commissioner to do anything. If she, in her wisdom, feels that there's a matter which she ought to consider, then I'm sure she will. If the member opposite feels that he has some evidence that is worthy of consideration, then I ask him, why does he not present it to me or the Information and Privacy Commissioner?

The Speaker: New question.

Mr Hampton: To the Premier, I'm trying to determine if the Premier, who says he stands for open and transparent government, in fact knows anything about it. What I'm getting from his answers is that he wants to advertise himself as the Premier who stands for open and transparent government, but while he's doing that, it's OK for political staff to tape conversations between civil servants and members of the opposition. He doesn't see anything wrong with that.

Premier, that kind of conduct is prohibited by the Criminal Code. It is not permissible for a third party to surreptitiously tape the conversations of other individuals without their knowledge. One of the allegations that has been raised here today is that that in fact happened. So I'm asking you, what are you prepared to do about it, Premier? Are you prepared to do anything about it?

Hon Mr McGuinty: Again, the member opposite says he has some kind of evidence. It would be interesting at some point in time to know exactly what he's talking about. My information is that no member was ever taped without their consent. That was brought to their attention. We will not continue with tapings of any kind in the future when it comes to these kinds of matters.

Mr Hampton: Premier, here is the information: Carol Price, in the office of the chief government whip, confirmed that the member for Burlington's conversation with a civil servant was in fact taped and that she offered him a transcript of that. It seems to me that if those allegations are true, this would constitute not only a

breach of the privileges of members of this Legislature, not only contempt of this Legislature, but a breach of the privacy of an individual citizen and possibly a Criminal Code issue. My question to you is, what are you going to do about it, other than say it might be titillating?

Hon Mr McGuinty: I think I've said all I can on this. The members opposite do not want to take yes for an answer. Apparently they are very impatient to have you rule on this matter, Speaker. I know you will take the appropriate time to give it every possible consideration. If the member opposite feels there is something here that is worthy of consideration by the Information and Privacy Commissioner, then I'm sure he's going to want to bring that to her attention.

Mr Hampton: At the very least, I would have expected you to get on your feet and say that if this ever happened, it was reprehensible, that this should never have happened and that it is completely contrary to any principles of open and transparent government, but you didn't do any of those things.

I'm going to ask you this one final question, Premier: Will you issue a directive to all political staff and all cabinet ministers in your government today to turn over any information, any tapes and any information where members of the opposition have had their conversations taped, either with their knowledge or surreptitiously? Will you at least do that?

Hon Mr McGuinty: To be clear, because I think what actually happened from time to time counts, in the case of Ms Price and Mr Jackson, that conversation was never taped.

The Speaker: New question.

Mr Jackson: Premier, when you were first asked the question in this series of questions regarding the taping incidents in this Parliament, you indicated that the matter was new to you. Will you please confirm to the House right now, did you know that your ministers were taping either with or without the consent of any member of this House? Were you aware of that before question period started today?

Hon Mr McGuinty: The members opposite tell us that this is a serious matter. They claim it is something that is worthy of your consideration, Speaker. They spent a considerable amount of time making representations to you a short while ago. Obviously they put some thought into that. It would seem to me that you now should be given the time to appropriately consider these representations. I've made it perfectly clear that this will not continue. I think we owe you the courtesy of providing you with the time to rule on this matter.

The Speaker: Pursuant to standing order 30(b), I am now required to call orders of the day.

1600

ORDERS OF THE DAY

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: The Premier is saying that in no way, shape or form did Carol Price—

Interjections.

Mr Bisson: What are you guys going on about?

The Premier is trying to deny that in any way, shape or form was anybody taped. I was told directly by the chief government whip's office that in fact it was taped. Carol Price told me she offered the transcript to Mr Jackson.

The Speaker (Hon Alvin Curling): That wasn't a point of order.

May I just ask the minister, you have to call them concurrently, Bills 106 and 149.

Hon David Caplan (Minister of Public Infrastructure Renewal): Mr Speaker, you're quite correct. As per the order of the House, government orders G106 and G149 are called concurrently.

Interjections.

The Speaker: I'll wait until members who are leaving the chamber do so quietly before I ask the Minister of Finance to proceed on the bill. Could I ask all members on the floor, if they're leaving, to please do so quietly, and if they are talking while here, to do so quietly.

Now I'll ask the Minister of Finance.

Mr John R. Baird (Nepean-Carleton): On a point of order, Mr Speaker: I ask for unanimous consent that orders of the day be called and that Bill 60, by unanimous consent, be the first order of business so that we can debate the Heritage Act before we rise.

The Speaker: Orders of the day have been called already.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004

SUR LES MESURES BUDGÉTAIRES (N^o 2)

Mr Sorbara moved third reading of the following bill:

Bill 106, An Act to implement Budget measures /
Projet de loi 106, Loi mettant en oeuvre certaines
mesures budgétaires.

The Speaker (Hon Alvin Curling): Mr Sorbara?

Hon Greg Sorbara (Minister of Finance): I'm looking across at my own MPP, Mr Klees, the member from Oak Ridges, and he's shaking his head. I think all of them over there are somewhat intoxicated by the notion that today is the final day. Perhaps I might make the point that, given it's the last day, we're wrapping up a number of bills, and personally I think it has been a marvellous fall session of the Legislature. In a non-partisan way, both sides of this House, across the aisle and on this government side, have worked diligently on a number of very important pieces of legislation.

On Bill 106, I'm going to be sharing my time with my parliamentary assistant, the member from Eglinton-

Lawrence. As we complete debate on this bill, I want first to express my appreciation for the co-operation I've received from our own caucus, from my colleagues in cabinet, and in particular from the hundreds of people who have worked directly on our legislative program in the Ministry of Finance.

This bill, along with its companions, Bill 149, which we'll debate in a moment, and the fiscal transparency act and the Audit Act, are the four major underpinnings of the spring budget. Together those four bills represent, in my view, a comprehensive plan to set the province on a stronger course economically and to set this province on the road to financial recovery after eight and a half years of what I have described in other places as Conservative mismanagement and misrepresentation.

Bill 106 does a couple of very important things. It implements the measures that we placed under the personal Income Tax Act, the Ontario health premium. It also protects from liability holders of units in income trusts. That's a minor matter, but it's one that has been waiting for this Parliament to deal with it for quite some time. The next bill, Bill 149, which is what we call the fall budget bill, implements a number of steps in the budget. I'm delighted to hear that both of these bills will be completed today, and before we rise for Christmas, I am hoping they will be voted on and receive royal assent.

Bill 149 is, I guess, the major foundation stone of the budget. It does a number of things, but if I might just point to one or two: I want to mention the fact that with this bill we have made a substantial increase to the seniors' tax credit, a budget measure that I think was even hailed by the opposition, with some reluctance, because they're in a mood not to say a good thing about anything. All of us agree that in this province there are thousands and thousands of senior citizens living on fixed incomes, whose major objective in life is to stay healthy and to stay in their homes. As a result of these measures, we're going to take significant funds from the treasury and increase the seniors' property tax credit by some 25%, as we described it in the bill.

Interjections.

Hon Mr Sorbara: I hear my friends in the Conservative Party shouting about the tax credit that they were proposing in the election. I want to tell my friends that that seniors' credit was one of the things that actually lost them the election. They had the audacity to pass in this House, before it was dissolved for the election, a tax credit in which the very richest of seniors got the very biggest amount of largesse. That, as much as anything, characterized eight and a half years of Tory mismanagement and misrepresentation to the people of Ontario.

So I tell my friends—and through you, Mr Speaker—

Interjections.

Hon Mr Sorbara: I want to tell my friends opposite, if they will ever just tone down a little bit, that as they pass Bill 106 and its companion, Bill 149, they will have joined in an effort that is going to have a very, very positive impact on this province.

The first and most important thing to say is that we are emerging out of the debt spiral that we inherited 14 months ago when we were sworn into government. We begin the process of recovering to financial health. We also begin a new model of government, a new approach to government. In that, I'm referring to the passage earlier today of the Fiscal Transparency and Accountability Act. It sets a new standard, and I believe it's a standard that is going to be replicated right across the country, and perhaps in many jurisdictions.

At the same time, while I think about standards that are going to start to be established across North America, I think of the bill that my friend the Chair of Management Board introduced that makes Ontario a North American leader in banning partisan political advertising at the expense of taxpayers.

Interjections.

Hon Mr Sorbara: I want to tell my friends opposite in the Conservative Party that as they jeer and shout across, it says to me that they still haven't learned the lesson of what went wrong during their eight and a half years in government. I don't want to say that it's all bad, but I want to tell them, as they heckle when I mention the elimination of taxpayer-funded partisan advertising, which they got so into, that it was offensive to the average Ontarian to open the mailbox and get yet another picture of Mike Harris or Ernie Eves or the finance minister of the day telling Ontarians, with their own money, what a great job the Conservative government was doing. We've eliminated that, and that will never happen again in Ontario. That's part of our budgetary measures as well.

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Interjections.

Hon Mr Sorbara: I know that this is hard for my friends in the Conservative Party to listen to. I want to say quite directly to my friend from Simcoe North that I'm not saying that through eight and a half years there were no achievements. There were achievements. I look out the window of the Ministry of Finance and I see the MARS building going up—medical and related sciences. That was a project started by my friend from Whitby-Ajax and his government. At the time, we congratulated them for it, and I continue to do so. But for my friend from Whitby-Ajax, who had his fingerprints on that great project, to stand in this House today and raise a point of privilege complaining about the fact that someone in the Ministry of Finance said that the conversation in a briefing would be recorded, and for him not to stand up in this House and acknowledge that he didn't walk the 12 feet across this aisle and ask me if I supported that, just says to me that my friend from Whitby-Ajax and his party are still in a terrible, terrible funk.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): When Jim was the Minister of Finance, he knew what was going on in his ministry. That's the problem. Why don't you know? Jim knew what was going on in his ministry.

The Acting Speaker (Mr Joseph N. Tascona): Order. Member from Renfrew, I'm trying to hear the Minister of Finance.

Hon Mr Sorbara: My friend from Renfrew was a newly elected member 14 months ago, and I want to say to him that I think he's doing a great job. He really adds value to this Parliament, and I know that he's working very hard for his constituents, as all of us are. I think we've got some great new superstars on this side of the Legislature as well. I really think that my friend from Renfrew may spend many, many decades in this House as a member of the opposition, and, if that were the result, it would not be totally unacceptable to me.

Just in conclusion—because my parliamentary assistant is going to speak to this bill as well—as we close up this session, I want to say that I honestly believe that this has been a very productive session of Parliament. In a nonpartisan way, I say to the people who are watching that the opposition has been strong and aggressive and I think sometimes a little off the mark, the third party has rallied their band of eight members and done a very commendable job, and I think the Parliament has worked very well.

As we turn the lights down and take a few weeks off for a holiday, I want to wish all of my colleagues a good vacation.

I want to say to you, sir, and to my colleagues around the House that I appreciate that soon these bills will come into law and that, as a result of the measures passed by this House, we will have a much stronger Ontario economy and a much healthier province of Ontario.

The Acting Speaker: Further debate?

Mr Yakabuski: I want to thank the Minister of Finance for those nice comments about my 14 months here so far. I hope I can live up to that, other than that story about my staying on this side of the House. I'd like to think we're going to get over there, and sooner than he may think.

I know we're debating Bill 106, but an awful lot of stuff went on in this Legislature today. Before I move farther, I want to take the time to recognize Emma Dobson from Cobden, Ontario, who served here as a page this last session. She's done a tremendous job and I know everyone in my riding is extremely proud of Emma's work here. I wanted to get that on the record, because she's done a tremendous job, as have all the pages, but I want to particularly recognize Emma, as she is a resident of my riding and I have a long-standing relationship with her grandfather, Harold, and my father knew Harold very well as well. I want to wish each and every one of the pages good health and success in the future and a very merry Christmas.

Where were we? Bill 106. Of course that's the budget bill, and that's the one that talks about that hated—

Mr John O'Toole (Durham): Dreaded.

Mr Yakabuski: —dreaded—we want to be certain we're not unparliamentary. There's something I'd like to say, but I don't think I can because you might rule me out of order, Mr Speaker. You know what I'm thinking, and

the people out there in Ontario know what I'm thinking because they're thinking it too. The difference is, they can say it; I can't, because you'll throw me out of the House. However, we're all thinking it. It was a terrible thing to do to the people of Ontario.

The now-Premier, Dalton McGuinty, as long ago as 2002 or maybe even before that—good Lord, he probably was against it his entire life. I've got a couple of quotes here from the Premier. I guess there was some speculation that the prospective Conservative leader might consider a health tax. I can assure you, the Conservatives had a leader in 2002 and that leader, Ernie Eves, who became Premier, at no time imposed a health tax. However, the current Premier, Dalton McGuinty, back in 2002, said, "Tory leadership candidates Ernie Eves and Chris Stockwell may want to raise taxes, by charging families an additional \$1,000 a year for health care. I do not." He was four-square opposed to a health tax and he campaigned in 2003, not only specifically on a health tax, but, "I won't raise your taxes, period."

He created this marvellous photo opportunity, speaking to the Canadian Taxpayers Federation and signing this great big pledge card. If you use a big card, does it mean the promise is more likely to be kept? I guess that's what he hoped the people of Ontario would believe. They did believe him, and they elected him Premier. This is what they've got as a result: They've got that health tax. This Christmas, as I said earlier in the House today, I'm afraid that in some people's stockings is going to be that little note, "Sorry, but daddy's got to pay the McGuinty health tax." That's all you might get in the stocking, "Sorry, but daddy's got to pay the McGuinty health tax."

I would suggest to the members opposite, get a pay stub from a real working person in this province and take a look at it, pre-McGuinty to today, and see what effect this government's decisions have had on working Ontarians.

It's a shame. It's a shame what they're doing to working Ontarians. They have raised the hydro rates, and on top of that those taxes that you can see directly on a payroll stub. They have raised the hydro rates, they have delisted essential medical services, all while getting an additional \$800-and-some million from Paul Martin's Liberals in Ottawa. All of that. So how can we stand here and support this government in this bill, which basically puts into law this health tax? They're not even making the additional investments in health that they're taking out of the pockets of Ontarians. If you take that, coupled with the money they're getting from Paul Martin, they're not even making that kind of investment in health care.

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Oh, but I tell you, the sewer pipe manufacturers are very pleased because they are putting some of that money into sewer pipes. That might as well be where you flush down a promise made by Dalton McGuinty, because that's about what it's worth. You might as well flush it down the drain because it's not worth the paper or that plastic card or whatever they had at that photo opportunity; it wasn't worth what it was written on.

Now, I'm not sure how much time I've got here. There are a couple of things I did want to touch on before Christmas, if you will bear with me. We had quite a raucous day in the House today. Question period was abbreviated because it became known that the behaviour of the government has slipped to a new low in what they're subjecting members of the loyal opposition to with regards to briefings. But that's all in Hansard, and we won't spend a lot of time talking about that.

I noticed the Minister of Finance talking about how their tax credit for seniors is so much better than the tax credit of ours that they took off. Well, I can tell you that in my riding of Renfrew-Nipissing-Pembroke there are a lot of seniors who will not agree with the Minister of Finance. We don't have mansions, but we have a lot of seniors who are living in their homes and would like to stay that way, very marginally financed people, and that education tax credit meant a great deal to them. This government took it away, and now, only because they're under a lot of pressure from seniors for what they did to them, they're instituting this tax credit as a kind of a get-even thing.

I did want to talk about a couple of things. The government is talking about this great agenda they've had and this ambitious fall session where they've passed all of these bills. Look at some of the bills they passed. Bill 17: The government actually has to bring in a law to tell cabinet ministers they have to show up for work. They actually have to bring in a law to tell cabinet ministers to come to work. My goodness gracious, I don't think we need a law for that. Just show up for work. However, in spite of what they've done, all they've got to do is call the Premier and say, "I can't come to work; I've got a hangnail," or whatever. Then the Premier says, "Well, you won't be subject to Bill 17, because I have the right to absolve you of any sin when it comes to breaking that law." Now, wouldn't that be something in this province if all you had to do to get an exemption from a law was call Dalton McGuinty? I would have loved to be able to do that on a couple of occasions when I got caught on Highway 60, going over the limit. I'd like to be able to just call the Premier and say, "Dalton, can I not be exempted from the laws?" He can do that with Bill 17. So that's pretty interesting, isn't it?

Then we've got Bill 25. The finance minister was talking about Bill 25 and the advertising. Well, come on, now. You saw that glossy pamphlet. We all saw that glossy pamphlet. That was nothing but an absolutely jaded picture of what has gone on in this province in the last year. It in no way was a fair representation of what this government has done or what the people of Ontario view this government as having done. So Bill 25 is sort of, "Fill up this agenda, because we really don't want to face the real issues in this province. We know we're breaking promises, but let's throw a few crumbs out there, and maybe the people won't notice."

Bill 96, bring-your-own-wine: I voted for the bill because there's nothing there. It's not one that's going to

be objectionable to people, but it wasn't necessary. We just tied up a lot of time on the agenda.

However, I do want to talk about the electricity policy in this province. I do hope that Minister Duncan will be up in my riding soon to visit AECL and talk about the new reactors when it comes to fulfilling the needs to service Ontario's electricity future.

At this time, I want to mention too that I had the opportunity to tour Camp Petawawa a couple of weeks ago. What a wonderful experience, to see where these troops are doing their pre-training before they get stationed in Afghanistan in February. We toured a mini Kabul, where they could recreate simulated situations as to the kinds of dangers they may face when they're over in Afghanistan. I want to thank Lieutenant Colonel Dave Rundle and Colonel Alan Howard for having me there as their guest. What a tremendous job they are doing in preparing our troops to face the dangerous missions that they must do in Afghanistan. I want to take my hat off to them and thank each and every one of those troops in advance for their devotion and dedication to this country as they embark on this mission. They've finished their training now and they're off for Christmas, but I know their families will be missing them, and we in the great riding of Renfrew-Nipissing-Pembroke will be missing them as well. We wish them Godspeed and good health.

I'm just going to wind up here now, because the time is running a little short and I do want to share the time with my colleague from Haliburton-Victoria-Brock.

I did want to say that I can't vote for this bill. The McGuinty government will go down in history. Rudolph the red-nosed reindeer will go down in history, as you know, and he has gone down in history, but this government will most certainly go down in history as the promise-breaking champions of all time.

The Acting Speaker: I want to thank the member from Renfrew-Nipissing-Pembroke.

On that note, it's the last day for the pages for this particular part of our session and the year, so if we can thank the pages for their hard work.

Applause.

The Acting Speaker: Thank you.

The Chair recognizes the member from Niagara Centre.

Mr Peter Kormos (Niagara Centre): I'm pleased that you acknowledged the important role that these pages have played in this Legislature over the course of the last—how many weeks, four or five?

Interjection: Five, Mr Kormos.

Mr Kormos: Five weeks, Daniel says. They are as good a group of pages as has ever worked with us. I join you and other members of the assembly in congratulating them for their great work here and thanking them for their faithfulness to the tasks they have undertaken, and to tell them that we expect to read good things about them in the years to come, in five, 10 and 15 years' time. I'm not quite as old as Mr Colle is, but I look forward, when I'm Mr Colle's age, to seeing some of these pages sitting in some of these seats right here in this Legis-

lature. I think the people of Ontario will be in good hands with these skilled and talented young people.

Here we are at third reading. This is it; this is the end. After the course of today, I can't think of a government that would welcome a Christmas break more thoroughly than this one does. Boy, oh boy, are they going to be glad to get out of here. I've got money on the fact that there are people sitting in the Premier's office just counting the minutes off. They've got the engines started outside in the government parking lot, with the limos revved up and heated up, because they want to skedaddle. They want to move on. They want to make haste, because it hasn't been a good day. Quite frankly, it hasn't been a good week; it hasn't been a good month; it hasn't been a particularly good year for the Liberals here at Queen's Park.

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A Premier who says, when he's campaigning—"Tory leadership candidates Ernie Eves and Chris Stockwell may want to raise taxes, by charging families an additional \$1,000 a year for health care. I do not," McGuinty said... "Families are already paying for health care with their taxes. Pay more for health care, pay twice for health care, but get less health care—that's the Tory plan. It's certainly not the Liberal plan."

"If Eves were Premier, you'd pay at least three times: with your taxes, with your premiums, and, if you have the cash, out of your pocket to get premium service," McGuinty said.

"Instead of looking for ways to make Ontarians pay more, we must look for better ways to invest the precious dollars Ontarians already give us, so they get improved health care," McGuinty said.

This is the same Dalton McGuinty, the Premier of the province of Ontario, the leader of the Ontario Liberal Party, the Premier with the limo with the engine running, with the backseat heaters warming up the leatherette, with the centre console folded down—Lord knows if they got the Waterford crystal out yet—who said, "Those horrible Tories want to charge premiums for health care, but the Liberals won't. Those horrible Tories want to get more money from you, more taxes, more premiums and, if you have the cash, money out of your pocket to get premium service, but the Liberals won't."

Where I come from, you know what they call that? When you say something and you don't mean what you say, when you make a promise that you have no intention of keeping, what do they call it? I know what they call it where I come from. So do you. What do they call people who say those things? There is a word for them too. Unfortunately, parliamentary convention prevents me from using the word. I can't say the word.

I can read lips. You know that, don't you? There is a woman up in the gallery who knows exactly what the word is. She knows exactly what's going on. She saw that movie with Jim Carrey. She knows that biblical reference to lying with dogs: lying with dogs and you get fleas. It's from the Bible. If you lie—if you lie—with dogs, you get fleas. It's in the Bible.

It happened again today: revelations—

Interjection: Let sleeping dogs lie.

Mr Kormos: That's from the Bible too—revelations about the government House leader secretly taping conversations between members of this assembly and civil servants. At first the Premier said, "It didn't happen." Then the Premier said, "If it did happen, it shouldn't have happened." Then the Premier said, "Well, I'm not sure it happened but if it did happen, it shouldn't have happened and I'm going to do my best to make sure it doesn't happen again." I don't know whether he went so far as to promise to do his best to make sure it doesn't happen again. All I know is that if the Premier promised to make sure it doesn't happen again, you can bet your boots it will happen again. Because when Premier McGuinty promises, it ends up being nothing but a big fib, to put it kindly.

What do we end up with, a year and change after Premier McGuinty gets handed the keys to that long stretch limousine with the leather interior and the armrest that folds up to reveal the Waterford crystal in the back seat? A year and change later, what have we got? We've got privatized health care. If you want to go to a chiropractor, if you want to go to a physiotherapist, if you want to go to an optometrist, you've got to pay. You don't pull out your OHIP card any more. You've got to pull out money. You've got to pay, and if you don't have the money, you don't go.

Do you understand what I'm saying? In Dalton McGuinty's Ontario, if you want to get treated by an optometrist, you've got to pull out your wallet, not your health card. In Dalton McGuinty's Ontario, if you've got a herniated disc and need chiropractic treatment and you want to get treated by a chiropractor, you don't take out your health card, you take out your wallet. In Dalton McGuinty's Liberal Ontario, if you need physiotherapy because you've been in an accident or you've just had your hip replaced, if you can get your hip replaced, or you've got arthritis and you need some physiotherapy to maintain mobility to enable you to do the things you used to do every day and take for granted, if you want to get physiotherapy—not if you want to. Nobody wants to get physiotherapy; you've got to. Nobody wants to get eye treatment; you've got to. Nobody wants to get chiropractic treatment; you've got to. So if you've got to get chiropractic health care, optometry health care or physiotherapy health care, you've got to pay. If you can't pay, if you can't afford it, you don't get it in Dalton McGuinty's Liberal health Ontario.

Dalton McGuinty promised—by God, he promised—to never impose premiums for health care. He scoured the Tories for daring to consider it, for daring to contemplate it. Dalton McGuinty promised no new premiums and that was conjoined with his promise—what was the promise?—no new taxes.

Did you see that Jim Carrey movie, *Liar Liar*? You didn't see that movie? It's not a travelogue of the province of Ontario. It's not on the biography or documentary channel as a history of the Liberals at Queen's Park, but

it might as well be, because a whole lot of people—down where I come from too, down where Tim Hudak comes from, down in Erie-Lincoln, a whole lot of people—I acknowledge it, voted for the Liberals because they were voting for change. They voted for the Liberals because the Liberals promised not to privatize health care, not to impose new premiums, not to impose any new taxes, not to create a two-tiered system. Well, those people got taken to the cleaners. They got hoodwinked. They got scammed. They got fleeced. They got rolled in a back alley, and the mugger still holds them by the ankles upside down, shaking every last nickel and dime out of them, the government of Ontario.

In Dalton McGuinty's Liberal Ontario, hard-working folks, senior citizens, retirees—you know what's the most disturbing thing? I talk to retirees who, on their modest incomes, are paying the health tax premium. They've been paying taxes all their lives. They built public health care. I'm going to tell you something that I've probably had occasion to tell you before, and that is, like you, I'm old enough, not really that old but old enough, born in 1952, to remember a time in this province—and it wasn't that long ago, was it?—when after the supper table was cleared of the dishes, a mom and dad might have to sit at that red Formica table with the chrome legs splayed out and, in hushed tones, debate whether or not to take a sick kid to the hospital tomorrow, because to do so meant dipping into the mortgage money or the rent money or the food money. Nobody went to a doctor lightly.

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I remember those debates. I remember those hushed, muted arguments, and I remember the tragedies when people didn't quite make the right decision. Kids were crippled, kids died, because there was a period of time not that long ago when we didn't have public health care in this province, when Tommy Douglas was still fighting to build it, and when the victims of privatized health care were kids, and a whole lot of times their folks too, or their grandparents.

You see, Speaker, notwithstanding our age—both of us are just about the same age—we didn't build health care; our parents and grandparents did. They did it with a tremendous amount of hard work and sacrifice, and they did it with a goal of a healthier province and country, and one in which parents didn't have to worry about whether or not there was enough money in the—did your folks keep mortgage money in the coffee can? A whole lot of people did. They would have to worry about going to the coffee can and counting out the mortgage or the rent money to see whether they could accommodate a trip to the doctor for a kid whose fever was running maybe 103, so they hoped against hope that the fever would break in the middle of the night because they really couldn't afford medical care.

I remember that. I was a little kid. I remember it too well. And I remember being a witness to the incredible sacrifice of so many Canadians—so many of them new Canadians. I don't know if your parents, like mine, came

from places other than Canada. Mine came from Europe; they were immigrants. We still have new Canadians coming to this country. I hope we welcome them and continue to welcome them with open arms. Maybe your folks, just like mine, were immigrant Canadians, building things, building a public health care system.

Does the Dalton McGuinty Liberal government, the Dalton McGuinty Liberal agenda have a stronger, better vision for health care? For public health care, no. The Liberal-Dalton McGuinty agenda for health care is new premiums and taxes that hit middle- and low-income people the hardest. Once again, the very rich friends of Dalton McGuinty or the Conrad Blacks—may he go to jail sooner rather than later, the thief—the Barbara Amiels—may she go to jail sooner rather than later, the thief. These people get a huge break from Dalton McGuinty and the Liberals because their health tax premiums amount to but a pittance. It's middle-income and low-income people, the people on the lowest incomes in this province, paying the biggest chunk. It's folks who are retirees having their pockets picked once again, while the very rich—the Ferrari and Mercedes-Benz S500 set, the Bentley and Rolls-Royce and Jaguar set—get off scot-free.

Maybe we should feel sorry for them. I'm told that those Mercedes-Benzes only take high-test gas. So maybe those rich people need a break. Maybe that's what Dalton McGuinty and the Liberals had in mind: "Give those rich people a break. Don't quite impose the same level of health taxes on rich folks as you do on hard-working, middle-income and low-income folks because, after all, rich folks have to put high-test gas in those Mercedes-Benzes, and that's expensive." That's a \$60 gas tank fill-up. You know that, don't you? It's not cheap. So we've got to feel sorry for those rich folks in Dalton McGuinty's Liberal Ontario—the ones who got the biggest tax cut from the Tories, not a penny of which the Liberals will dare roll back.

Oh, the Liberals will beat up on minimum wage workers. The Liberals will beat up on persons receiving social assistance or ODSP benefits. The Liberals will beat up on single moms working two and three jobs to keep food on the table and to keep the bailiff away from the door. But the banks of Ontario—oh, we should feel sorry for them. Oh, my goodness. Quick, page, get me a tissue; I'm going to shed tears for the banks.

The banks got a huge tax cut. "Merry Christmas," says Dalton McGuinty and the Liberals. The insurance companies, the private, for-profit insurance companies, those vultures, those parasites, got breaks once again from this government: "Oh, go ahead and charge higher and higher premiums, higher than ever before, and go ahead and reduce benefits and, by the way, laugh all the way to the bank."

I should indicate Liberals are voting against Bill 106, Speaker. Make no mistake about it.

Mr Mike Colle (Eglinton-Lawrence): I just don't understand the member from Niagara Centre saying

Liberals are going to vote against 106. I think it's typical. He doesn't know what he's voting for or against.

I guess the thing I say to him is, there's Bill 2, the second bill we introduced in this House. We rolled back \$2.3 billion in corporate tax cuts that were supposed to go to the insurance companies, to the banks he talks about, to the rich. We said we were going to roll those back, because the previous government had a policy of increasing tax cuts. Some \$2.3 billion is a lot of millions.

The Conservatives voted against our rolling those back because we felt we needed money for health care and education. Guess what the NDP did, the ones who keep saying, "You're just helping the rich or big business"? The NDP voted to give the big corporations another \$2.3 billion in corporate tax cuts. This is the thing I could never get an answer on from my NDP friends. That's why I'm saying they're not quite sure what they vote for or against or why they do it.

To get on to these bills, essentially Ontario faces challenges, and the main reason we face the challenges is that we found, as Erik Peters, the very respected former Provincial Auditor, found, there was a \$5.6-billion hole that we had to make up. We're working to get rid of that, but we strongly believe—that's why these bills are important—that Ontario is a great place to live, work and invest in.

I know you've heard all the doom and gloom from the NDP—"It's the end of the world as we know it"—but the people I know in my riding of Eglinton-Lawrence think that Toronto and Ontario and Canada are great places. In my riding, half the population are immigrants like myself. We weren't born in Canada or Ontario. We came to this province. We came to this city. Our parents worked. I know the Acting Speaker from Barrie-Simcoe-Bradford knows the same thing.

That's why Ontario is so strong: because we had an open-door policy for these immigrants who came from every part of the world. Whether they came from India or Italy, or from Sudan, wherever, we said, "Come to Ontario," and they've been coming. They've made Ontario strong because they're willing to work for low wages and they're ambitious. They worked their way up, like my father who started in a steel plant. That's where he started. He worked his whole life so that my sisters and I got a chance to work and go to school.

That's what Ontario is made of, and that's why Ontario keeps on leading the rest of this country. That's why we built over 80,000 new homes in this province last year. That's why, despite the fact the Canadian dollar has increased in value by 30%, we have still had economic growth of 2.4%. We're still doing well in Ontario, but we need to do better. That's why we need to make some changes so that we can continue to say to all these wonderful people who come from all over the world, "Come to Ontario. You get a chance to work, to go to school, to raise a family, to buy a house, to do something that is good for you and your family."

That's why we have to keep investing in our schools, as we've done. Our schools are finally getting some sem-

blance of peace. We're sitting down and talking to labour unions for a change, face to face. There are many good things happening. We've given the cities the gas tax so public transit can come back up. We've said to seniors, "You're going to get \$625 off your property taxes." That's what's in this bill. So we've got 485,000 low-income seniors who are going to get 625 bucks. That's the type of thing. We're going to say to seniors waiting for a cataract operation, "You're going to get a cataract operation. You won't have to wait and wait." We're going to say to young babies that everybody can get immunization against smallpox, chicken pox and meningitis.

That's what we're saying with these bills. I know the NDP doesn't believe in that, doesn't want that. They want everything to go down in Ontario. They don't believe in our progressing and giving people a chance. We're saying that not everything is perfect, but we think all Ontarians want to move ahead. We want Ontario to be a place where people get equal opportunity. But they're not going to get equal opportunity unless we have good health care, good education, good public transit and a good environment. That's where this money goes from these bills. It doesn't go nowhere; it goes to people.

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The Acting Speaker: Further debate? The Chair recognizes the member from Haliburton-Victoria-Brock.

Ms Laurie Scott (Haliburton-Victoria-Brock): Excellent. Thank you, Mr Speaker: You got the name right and everything.

I'm pleased to rise today speak to Bill 106. It has been made clear by the members of the official opposition that we believe the bill is about Ontario families paying more and getting less.

In 2003, Dalton McGuinty made promises to the people of Ontario, but we know what has happened to those promises: He breaks them daily, and we just keep adding them up. He just doesn't care about the promises. If you did, you would not be bringing this bill forward; you would not be taking money out of the pockets of the hardworking families. The health tax you're imposing on the people of my riding and across the province is a direct repudiation of your election promises to not raise people's taxes. You are levying a health care tax on people, and you're not even spending the money to improve health care.

We keep telling you: You're spending more and we're getting less. You're clawing back \$2.4 million out of the hands of Ontarians—modest- and middle-income earners. There's going to be little or no improvement in the health care services. They're not realizing this yet; they're going to realize it soon. It's not going to make them get a doctor; I don't know how you're going to produce a doctor. So they can pay all this money but they're still not going to have a family doctor. Not one person, probably, will be getting an MRI, because the wait times won't be reduced by even a single hour.

The hardest thing for Ontarians to understand is how your government can levy this new health care premium

at the same time that they're delisting key health services such as routine eye exams, chiropractic, physiotherapy. On the one hand you're taking more money from Ontarians, and on the other you're reducing their access to health care services.

I have spoken in this House before about the importance of these services in my riding. I've heard from thousands of my constituents who've called my office, writing letters and signing petitions, like Jim Belfry, who wrote to me about his concern about the delisting of eye programs. I wrote to the Minister of Health on his behalf. He did not receive a response that addressed the concerns he raised. Mr Belfry has an A2 licence and has to renew his prescription every five years. That means he has to get an eye test every five years.

The delisting of the eye care services will also affect Pauline Lees, who has said that she will have trouble affording eye exams. Jerry Smith is a diabetic and is dependent on the Ontario disability support plan for his income. Because the ODSP will not pay for his eye exams, how's he going to pay to have an \$80 eye exam done?

These are real people with real problems, whose lives are going to be made more difficult because you're delisting health care services.

We live in an underserved area of the province. The city of Kawartha Lakes alone is underserved for 15 doctors. Doctors have, on average, 1,300 patients. Really, in rural Ontario, they easily have over 2,000 patients each. So you do the math.

I keep saying about the orphaned patients: In January, there's a doctor retiring in Minden, orphaning more thousands of patients in that part of my riding. My riding has the second-highest percentage of seniors in the province, but we have more than our fair share of orphaned patients throughout Haliburton-Victoria-Brock. We can't afford to lose even one more doctor.

The doctors should be upset with the Liberal government's response to their vote: to issue a press release in which the government outlined the terms of a deal they planned to impose upon the doctors. I think it's important for the two sides to meet because an imposed deal, such as the one the government introduced by press release, is not the way to convince doctors that Ontario is where they want to practise. They just pick up and leave, and where is that going to put our patients and our people at risk? There's going to be a higher mortality rate, and that's the bottom line.

It's well past time for everyone to concentrate on creating an environment where doctors would want to continue to practise, to create sufficient new places in medical schools, and to improve the process of recognizing the credentials of foreign-trained physicians.

Anyway, this bill, Bill 106, should be opposed. As I said, Mr Speaker—and I'm almost finished—people are going to be paying more and getting less.

The Acting Speaker: That's very well said, member from Haliburton-Victoria-Brock.

APPOINTMENT OF HOUSE OFFICER

Hon David Caplan (Minister of Public Infrastructure Renewal): I believe we have unanimous consent to consider a motion, without debate or amendment, concerning the Third Deputy Chair of this Legislature.

The Acting Speaker (Mr Joseph N. Tascona): Agreed? Agreed.

Hon Mr Caplan: I move that, notwithstanding any standing order, Michael Prue, member for the electoral district of Beaches-East York, be appointed Third Deputy Chair of the committee of the whole House and that he be entitled to exercise the powers and duties of office as set out in standing order 4(c).

The Acting Speaker: Is that agreed? Agreed. Congratulations to Mr Prue.

The question on the third reading motion on Bill 106 will be put at 5:50 pm.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES BUDGÉTAIRES (AUTOMNE)

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

Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts / Projet de loi 149, Loi mettant en oeuvre certaines mesures énoncées dans le Budget de 2004, édictant la Loi de 2004 sur la Société d'émission d'obligations de développement du Nord de l'Ontario et modifiant diverses lois.

The Acting Speaker (Mr Joseph N. Tascona): Debate?

Mr Mike Colle (Eglinton-Lawrence): I want to take time to congratulate the former and the last mayor of the great and last borough of Ontario, the borough of East York, for his elevation to Third Deputy Speaker. I hope he's allowed to wear his chain of office when he's up there in the Speaker's chair.

Hon David Caplan (Minister of Public Infrastructure Renewal): Just the chain of office?

Mr Colle: No.

Anyway, I want to share my time, as I begin on Bill 149.

This morning the minister gave an update on the economic progress for the province. In his presentation this morning to the finance committee, ably chaired by my good friend from Chatham-Kent, Pat Hoy, he put forward the fact that we are on track with progress and modernization.

We have reviewed every ministry over the last couple of months. Every ministry has had to account, and there has been a program review. We've had a lot of good suggestions from the public service on improvements and changes, and those are under way. We have already identified \$350 million in savings. We had projected to find \$750 million over the four years, but we've already identified \$350 million in savings. We've also done some

streamlining in our purchasing practices. That's another saving. We've consolidated some of our technological services, our IT applications. We've also had \$15 million in savings in our accommodation costs by tightening up some of the overhead with the Ontario Realty Corp.

So there are some good things happening behind the scenes, and as I said, I give credit to our fine civil servants in the Ministry of Finance for doing this, and for the work they do endlessly.

There's more work to be done on modernization and updating our public service and the government of Ontario. That will continue. We are collaborating with the federal government to have one federal tax collection system implemented. That should also save us some money. We are also enhancing our partnership agreements with the federal government for post-secondary education, child care and infrastructure. The Minister of Public Infrastructure Renewal is very involved in that. We hope to hear some news on the housing front very soon.

Also, I should mention that the general projections for the province of Ontario for the next fiscal year seem to be on track. The only real question mark is what's going to happen with the American economy. Generally speaking, we are growing in Ontario. We made that significant investment in the automotive sector, which is going to make Oakville, Ontario, the cutting edge for automotive technology in that workplace. That's a great investment in the future of Ontario with good, high-paying jobs with good benefits. That's a real investment in the future, and that will continue.

1700

Those of us who travelled with the finance committee, with our colleague Gilles Bisson, went to northern Ontario. We saw the compelling message to help the north and invest in the north. That's why I'm glad to see that the grow bonds initiative is in Bill 149, which helps Ontarians invest in the north. That is a very positive part of Bill 149.

We're also gradually eliminating, over the next decade, the capital tax. When we had our pre-budget consultations last spring, we were told that the capital tax is very much a job killer. In essence, it punishes you if you hold on to assets but does nothing to take into account the fact that you may have had a bad year or two or three, so you get taxed, essentially, on your assets. It was something that was encouraged by a number of deputants who said, "You should eliminate this capital tax. It really doesn't serve a useful purpose." We're not eliminating it all at once, but over the next decade it will be eliminated, and I think that will help create more jobs in Ontario.

Also, the apprenticeship training tax credit: 7,000 Ontarians will get a chance at apprenticeship training with this tax credit. That is a meaningful investment in young people: apprenticeship. We've got a lot of work to do on that front, but again it's about jobs. We can't pay for the health care, we can't pay for the environmental cleanup, we can't pay for our water inspectors or meat inspectors unless there are revenues coming in. That's why the job

creation, the economic growth—thankfully that's still strong in Ontario—is going to enable us to collect taxes to pay for those essential public services that everybody counts on and everybody demands. This is what will be done with Bill 149.

We also have closed some loopholes. There were a number of tax credits that weren't of any real value. Those are gone. We've made sure that the ones that are there are of value.

As I mentioned earlier, the one benefit that is quite sizable is that 485,000 low-income Ontario seniors who are tenants or homeowners will get up to \$625 off on their property tax. I know that in the riding of Eglinton-Lawrence that means a lot, especially for people who are finding it hard to pay all their expenses. This will help them. It's not going to be the total solution, but it is a step in that direction.

We're also giving GO Transit some support in allowing them to extend their power to levy development charges so they can pay for that essential service in the GTA, getting people out of their cars and going from Ajax, Oshawa and Hamilton to come to work and live in the GTA. That's in here.

I know that the Attorney General is very strong on this: We are also waiving court fees for needy litigants. That is in here too. We are also expanding the rights for investors in the stock market to sue when there is false information.

So there are a number of very positive initiatives, as we roll up our sleeves and undertake a lot of needed work in Ontario through these two bills before us. As I've mentioned before, there are a number of initiatives that sometimes go unnoticed, but the main thing is that there is a paradigm shift—in health care, the protectors of the old silos and the status quo that say, "You can't change the hospitals. You can't change the way doctors do things."

I had a fascinating meeting yesterday with two directors in my community health centres. I don't know if you have them in your riding. They are not all across Ontario. Community health centres are these dynamic centres where people can walk in and sometimes make an appointment with a doctor. By the way, the doctor is on salary. There is a practical nurse there, and there may be a nutritionist there. There are social workers in that setting. They have perhaps outreach, and they are usually connected very closely with Meals on Wheels. I met yesterday with the Lawrence Heights Community Health Centre and the director of the Anne Johnston community health centre.

In our past budget, one of the things we did for the first time in about 10 years was to increase the investment in the community health centres by about \$14 million. We're also going to expand into 10 new satellite centres. We think that's a very exciting part of the transformation agenda in health care. We can't keep on pouring money into the hospitals, because what happens is that it becomes a system whereby you treat the symptoms, the sickness, and you don't do anything about pre-

vention and getting people to get that care in the community. That's why we're investing in community health centres. I hope that in next year's budget we can continue the same thing.

If you don't have a community health centre in your area, ask me about it or ask other members who do. They are amazing, dynamic centres that provide a whole spectrum of health care. They're a heck of a lot better than going into those walk-in clinics, which I guess are a necessity. They know who you are. They know your family. You get counselling. You can get a doctor to spend an hour with you, because the doctors are not working on number of patients; they're working on salary. Some doctors really like doing it. They really want this approach.

We're investing in community health centres. We're transforming health care by putting hundreds of millions of dollars more into the community, and it's something run through the CCACs, which give people home care. I know most seniors really don't want to leave their apartment or their home; they want to stay there. If we can get a nurse or a support visit at home, they can stay there in dignity and be a lot more comfortable, rather than taking up an expensive hospital bed where they feel very alienated and under more pressure. That's why Minister Smitherman, with this budget, has made massive investments in home care.

Also, for the first time, we've made a massive investment in public health. We're very fortunate to have Dr Sheela Basrur take on that job, as the public servant in charge of public health in the province of Ontario, because we've been told over and over again, "If you don't undertake preventive measures in communities, you're going to suffer the consequences of outbreaks of all kinds of potentially hazardous infectious diseases." We've seen that with SARS. Hopefully, we'll never go there again. Luckily, we've reinvested in public health, and we're going to upload part of public health where 75% will be funded by the provincial government. We can't do it overnight, but it's starting to happen.

In the health care area, we're also saying, "Why not immunize children, all children?" That's what is happening now. The immunization of children is happening right across the board. That's a very progressive thing.

Dr Hudson—a very impressive individual—has been brought in to finally quantify the wait times. I also want to mention another very impressive individual I had the pleasure of meeting, Dr David Naylor, probably one of the most brilliant doctors in terms of public policy. He did the national SARS report. He is the dean of medicine at the University of Toronto. If you talk to Dr David Naylor, he really opens your eyes because he's been involved in federal-provincial relations on funding for health care and the federal-provincial cost-sharing arrangements.

Dr David Naylor makes a very strong case when he says that one of the real challenges is that it's not that Ontario necessarily spends too much money on health care; our problem in health care is that when you compare what we spend per capita and what we get per

capita from the federal government, we spend not enough. He's saying that the critical thing we have to overcome is the fact that not enough health care dollars—and it's our own money—stay in Ontario so that we can ensure our citizens in Ontario get proper hospital care, home care and community health centres.

That's what the minister said this morning in the finance committee. He said that one of our real challenges here in Ontario is we have the \$23-billion Naylor gap. By that I mean that \$23 billion of Ontario money goes to the federal government and out to the rest of Canada. We think we have a crucial role to help the rest of Canada. We've always done it and we'll always continue to do that. But what Dr Naylor is saying is, "You've got to be able to keep more of that \$23 billion in Ontario so that you can really undergo this transformation of health care, because if you continue to have the \$23-billion outflow"—every year, we write a cheque for \$23 billion. It strikes me as strange that we write a cheque for \$23 billion when we're scrambling for money for hospitals, schools, roads, police. We're scrambling because, inherently, with the present fiscal arrangement we have with the federal government, we're not able to keep enough of our own money.

1710

The thing Dr Naylor talks about is, if we were able to reinvest in more auto plants, reinvest in Bombardier's aerospace plant, reinvest in our hospitals and schools, we would be able to generate even more wealth to help the rest of Canada. But by hampering Ontario's ability to build sewers, roads, hospitals and schools, we cannot meet our traditional historical obligation to help the rest of Canada.

That is something we've got to start to get our heads around, and that's why I'm so pleased that the minister mentioned again this morning that we have to do something about that \$23-billion Naylor gap. We are going to struggle; there's no doubt about it. The economy is doing well. We are taking strong initiatives, but we're still going to struggle to meet our infrastructure deficit here in Ontario. Whether it be in our municipal infrastructure, our sewer separation system, or the building of all these new hospitals we need through growth in parts of Brampton, Oshawa and Barrie, we need that money to build our infrastructure. It's like saying, how can we afford to send our money down the street when we've got a hole in our own roof and our furnace doesn't work? We have to start fixing the furnace and we have to start fixing the roof here in Ontario.

But the Ontario population works very hard. As I've said, half of them are new Canadians. The old stock of Canadians in Ontario work very hard, pay a lot of taxes and really have a great deal of pride in Canada, but we can't continue to take them for granted. That's why when we take these initiatives with the modernization of government, we've got to listen to spokespersons like Dr Naylor, who's looking ahead. We can't always look back and protect the silos of yesterday.

I know it's much easier to protect the status quo and be comfortable and very negative as we try to move ahead in our transformation agenda and change. We have to change things in order to make Ontario better for our people, to make Canada better. Ontario is willing to do its part, and the people of Ontario have always done their part. We've always rolled up our sleeves to help the rest of Canada. We always want to be the gateway for people from all over the world.

As I said, I wouldn't be here myself today if we didn't have an open-door policy for immigrants after World War II. I thank God I got that chance, that my parents made that sacrifice. So let's make sure other Canadians are able to come here and make this the great province that it should be.

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise to make a few comments on Bill 149. Of course, it's a time allocation motion, and we will not be supporting this. We call this bill the you-pay-more, you-get-less bill. Although they sometimes refer to it as something—what is it? The northern Ontario grow bonds bill.

It's almost hilarious to listen to the previous speaker make a few comments, particularly around the \$23-billion deficit from the federal government. I can remember sitting in this House when a motion came across the floor from Mike Harris asking the federal government to pay more money into the health care system. Mike Harris signed it, Howard Hampton signed it on behalf of the third party and Dalton McGuinty refused to sign it. Here they are today actually standing up and saying, "We should do more with the federal health care system. The federal government should do more." It's a joke. Everything they campaigned on, anything they ever said in the past, is now history. You can't believe a word these people say any more, and here we are again.

The gas tax, the two cents a litre or whatever it was supposed to be: Not a penny of it is going to rural Ontario, and rural Ontario citizens pay into that system. They deserve to have money paid for their roads and their bridges, but it's going into transit for some reason, only in the urban centres. It's hilarious to listen to them.

The health care tax that we've watched: When we were in government for the nine years or the eight-and-a-half years, we increased health care spending by almost \$11 billion. These guys get into government for one year, they increase health care spending, and what do they do? They put in a premium to do it with. What do they do at the same time? They delist services: physiotherapy, chiropractic, optometry services.

We're getting hundreds of letters. I could come in here and speak for three hours with a pile of e-mails I've gotten from people who are already mad, including doctors, physiotherapists, chiropractors, etc, who are opposed to this. I could read this into the record.

They make it sound like it's actually rosy out there. We already know that housing starts are down in the province. We know that projected housing starts for next year will be down a further—I believe it's 12%. What do they do? Instead of trying to increase the people building

homes and helping the economy, what do they do? They take away the Ontario home ownership savings plan. They've reduced that. They've eliminated that with this bill that will become law, probably sometime in the next couple of days.

People who would have spent that money on washers and dryers or some furniture or maybe some work on their rec room—young homeowners—will no longer get that advantage, that \$2,500 they received before from the previous government over the last few years, which was hugely successful. Now, all of a sudden, it has disappeared with this bill.

Again, they get less. In fact, that list of tax credits—we can now call it a tax increase—amounts to \$85 million, \$85 million right out of the pockets of the citizens of Ontario, particularly the young citizens.

What have they done for rural Ontario? I represent a large rural Ontario riding. They start with Muskoka and take it out of northern Ontario. Anything that could have possibly been a good step to help the great citizens of the district of Muskoka, in a mean-spirited attack, they've eliminated. This bill will take Muskoka out of the north. All those little communities like Mactier, Bala, Port Carling and Baysville—all those little places now will have a very difficult time, because those people on that side of the House, the Liberal government, think everybody in Muskoka has a home on Lake Muskoka. They don't realize the very difficult times some of those families have in Muskoka. Now this bill will eliminate it because of a mean-spirited attack on the former Minister of Finance, the great Minister of Finance, Ernie Eves. I can tell you that it's just heart-wrenching to see this kind of idiocy taking place with a piece of legislation like this.

We've seen the democratic renewal process taking place here today. Now we're finding out there's almost a Watergate type of scandal going on across the House, where we're seeing meetings being taped in secrecy. We're talking about democratic renewal here, and on the same day, at the same time, we're seeing the sneaky attempt at taping conversations at briefings. That's unbelievable. It's painful to think that you would actually do that to the citizens of the province, to the civil servants, and now to the opposition parties because they asked for a briefing.

I don't think Howard Hampton and Bob Rae ever did that—I know Ernie Eves and Mike Harris didn't—but suddenly now, we have to tape meetings. Why do we have to tape briefings? I've got to ask the deputy House leader today, because I'm wondering, are the House leaders' meetings being taped? I don't know. Are they being taped in secrecy? I don't know. Possibly they are, and it's a scary thought, but we can't do anything about it.

You're the government. You're going to pass this bill. You've time-allocated it. A lot of people on this side of the House wanted to speak to this bill, and now, here we are, on the last day, and it's being time-allocated so you can get out of here early. Mr McGuinty obviously doesn't want to face the press. He doesn't want to face the opposition. We've seen that today in the motion that

would have allowed a full hour of Qs and As under question period. We got cut off at 10 minutes each, or something.

1720

It's a pathetic day when a government that preaches time allocation on the last day of the House won't give the opposition parties even an hour of question period. We have discovered today this controversy, this corrupt type of movement, with this sneaky attempt at taping meetings. That's probably just the beginning of it, as far as we're concerned. You'll hear a lot more about it, come February 15. There'll be a lot more questions and answers asked on that as we move on.

We're more excited in this House about the pit bull legislation. That was an exciting way to end the session, with that wonderful bill that the Attorney General must be so embarrassed about now. We've hardly seen him in the House since he introduced it.

Those are the kinds of things that are difficult to understand from this side of the House as we move forward.

The Minister of Community Safety and Correctional Services has introduced three bills in this House since this government came to power. Three bills, and we have not had debate for one second on one of them. This is a government that is trying to pretend that they actually care about community safety, and we haven't debated one second of legislation in this House on Minister Kwinter's three bills that he's introduced so far. That's disgraceful.

Option four: Look what they've done to the Ontario Association of Chiefs of Police. With absolutely no consultation, the minister gave out a directive to eliminate option four, without one penny going back into helping the chiefs of police and the police service boards of the province of Ontario, wondering where they would find that money that option four made up.

Those are the types of things that become very alarming and very disgraceful for a government that's talking about democratic renewal. If you listen to the parliamentary assistant to the Minister of Finance, he actually thinks that things are rosy out there.

I can tell you, I spent a lot of time in my riding—and I will be particularly spending a lot of time in the next six or seven weeks—and what I've heard in the last few weeks is, things are not very rosy for Dalton McGuinty. People don't like him, people don't trust him, and they're saying that he campaigned on one set of principles and has completely discarded those—

Mr Peter Kormos (Niagara Centre): What do they call him, Garfield?

Mr Dunlop: I don't want to talk about what they call Mr McGuinty because I think the ordinary citizen in Ontario knows what Mr McGuinty is, and that's somebody they can't trust.

My colleague for Parry Sound-Muskoka will be speaking as well, but I did want to acknowledge a couple of friends of mine that Mr Kormos briefly introduced today: my friends Winnie Pickell and Margaret Williams,

who are with us here today in the gallery. Winnie works on my campaign team and she also helps me out during Parliament with fall fair displays and everything. Margaret is the daughter of a former colleague of mine at county council, Thelma Halfacre, who was the deputy mayor of Oro township. I'm so pleased that they could join me here this afternoon. Ladies, it's great to have you here in the House.

With that, we've had a long session. I'm not in a good mood—I don't know how everybody else is—but I'm happy to see that the session is coming to an end. I do want to say to the folks here in the House, to my colleagues and to the citizens of Ontario, I want to wish everybody the very best of the holiday season, a Merry Christmas and a very safe, healthy, happy and prosperous 2005.

Mr Howard Hampton (Kenora-Rainy River): I only have a few minutes to be able to speak to this bill, but I want to again put New Democrats on the record as to why we oppose this government's budget measures.

Let me see if I have this straight: someone named Dalton McGuinty staring into the camera saying, "I will not raise your taxes," and then, in this budget, tries to bring in a health premium, and has the audacity to come here to the Legislature and say, "It's a premium; not a tax. It's not a tax; it's a premium." Then, when labour unions look in their collective agreements and see that a health premium would have to be paid by the employer, what does Mr McGuinty say? "Oh, it's a tax; it's not a premium."

Interjection.

Mr Hampton: One of the government members said that sometimes I try to nail Jell-O to the wall. That's why I try to nail Jell-O to a wall. When someone like Dalton McGuinty looks into the camera and says, "I will not raise your taxes," then introduces something he calls a health premium and says it's not a tax, but as soon as labour unions read their collective agreements and discover that employers will have to pay the premium, flips again and says, "Oh, it's a premium; it's not a tax," that kind of Jell-O, that kind of flip-flop, that kind of—

Mr Kormos: Gelatinous policy.

Mr Hampton: —yes, gelatinous policy or that kind of disassociation with the truth has to be commented on.

Then there was the other promise: "I will not cut health care." What do Ontarians find in association with this budget bill? A lot of ordinary Ontarians need to see a chiropractor. Now, under Dalton McGuinty, that's cut. You'd better have a credit card if you want to see a chiropractor, because it's not covered by OHIP any more. Particularly in my constituency, a lot of industrial workers need to see a physiotherapist. They'd better have a credit card to see a physiotherapist now, because in Dalton McGuinty's definition of not cutting health care, that's cut.

All those Ontarians who need to see an optometrist—and believe me, it's important to see an optometrist. A lot of very serious afflictions and diseases are discovered when you see an optometrist. Optometrists are very good

at discerning our susceptibility to stroke. In fact, it is often an optometrist who tells people, "You know what? You've had a stroke," because they're able to test the vision. It's often an optometrist who is able to say to someone, "You may not know this but it looks as if you are now afflicted by diabetes." These are important health care services provided by optometrists. But in Dalton McGuinty's definition of "I will not cut health care," this is now cut. You'd better have a credit card if you want to see an optometrist now in Dalton McGuinty's Ontario, because that doesn't cut it any more. That doesn't qualify as a health service insured by OHIP.

I apologize that I don't have more time to speak to this, because I have much more to say, but I think that summarizes it for New Democrats. When someone looks into the camera and says, "I will not raise your taxes," and then doesn't have the honesty initially to say, "I'm raising your taxes," but tries to call it a premium, except when somebody catches him in that little manoeuvre, then says, "Oh, no, it's not a premium; it's a tax," and someone who says, "I will not cut health care," and then cuts three health care services that ordinary Ontarians need, that ordinary Ontarians find very important, New Democrats have to oppose that.

It is wrong. It was wrong to tell people those things and not mean it. It is wrong to tell Ontario citizens those things and then do exactly the opposite. What's more, it's regressive and unfair, because the health tax goes after modest-income and moderate-income Ontarians. A single-parent mum with two kids and an income of \$30,000 a year will see her provincial income taxes increase by 4% as a result of this unfair and regressive health tax. Meanwhile, someone who has an income of \$300,000 a year will see his provincial income tax increase only 3%. That illustrates the degree to which this government's health tax is regressive and unfair and is specifically aimed at taking as much money as it can out of the pockets of lower-income, modest-income and moderate-income Ontarians. That's another reason New Democrats oppose it.

1730

Mr Norm Miller (Parry Sound-Muskoka): I have to tell you that this is a sad day for the people of Parry Sound-Muskoka, and I'm noting this day by wearing the Muskoka district pin on my jacket. This bill we're debating, Bill 149, is a bill that will remove Muskoka from the north and will hurt the people of Parry Sound-Muskoka.

First of all, I'd like to point out that it's being debated under time allocation rules, so that for third reading of the bill we get all of 17 minutes for the official opposition. The normal process, just for those out there who aren't aware, is that after second reading a bill will be referred to a standing committee of the Legislature. At that point, there is an opportunity for the public to come before the committee to give their perspective on the bill, to give input into the bill. Then it goes to clause-by-clause consideration, at which point members of the Legislature can make amendments to improve the bill.

The time allocation motion on this bill in fact missed the whole committee process completely, went from second to third reading, and we get all of 17 minutes, total, for the official opposition to debate this important bill. That is a very sad thing.

In the brief time I have, I'd like to talk a bit about some of the things to do with this bill. The mayors of Muskoka were invited down—or rather, they had a meeting arranged with the Premier of this province that they had been promised they would have before this bill passed. They went to go to that meeting, and the Premier bailed the day before, so they weren't able to present their case to him. They didn't get an opportunity to do that, and I think that's very unfortunate.

Prior to that, they had a meeting with the Minister of Finance, which came about because I asked a question of the Minister of Finance. In response, after that meeting, the chair of the district of Muskoka, Mr Gord Adams, received a letter from the Minister of Finance:

"Thank you very much for your letter following up on our meeting on July 12, 2004, regarding current challenges faced by the residents of the Muskoka district municipality. I appreciate your taking the time to come to Toronto with your colleagues from Muskoka to meet with me.

"The ministries of Northern Development and Mines and Municipal Affairs and Housing are working together with other concerned ministries to ensure a smooth and effective transition for Muskoka from northern programs to the appropriate rural programs.... As I noted at our meeting, the government will continue to consult with the district of Muskoka on other measures to ease transition to non-northern status."

I guess that's the government's idea of consulting.

What has happened since then? One of the biggest projects being funded by the northern Ontario heritage fund is the Muskoka wharf project, a very critical project for the town of Gravenhurst. The project was approved December 2001—a long time ago. Since then the town of Gravenhurst has been going ahead full speed on that project. The work is well underway. They've gone through a consultation process. If anything, the scale of the project has increased. It's about a \$60-million project.

What does "transition" mean for this government? It means the town of Gravenhurst recently learned that their \$4.9 million in approved funding has been slashed in half to \$2.5 million. This is very unfair for the town of Gravenhurst. It's going to hurt the people in the town of Gravenhurst. The town's total tax revenues are something like \$4.8 million.

As I mentioned, the mayors were of the understanding that they were going to have a meeting with the Premier prior to this bill being approved. They went down to Toronto and they didn't get their meeting with the Premier. They got a meeting with the Minister of Municipal Affairs and Housing. I'd like to quote from the Huntsville Forester shortly after that meeting:

"The Muskoka delegation was originally scheduled to meet with Ontario Premier Dalton McGuinty, but the

meeting with the Premier was cancelled and is being rescheduled for some time in January.” That’s going to be after this bill is passed.

A quote from Gord Adams:

“The minister wasn’t able to promise us anything, but he was interested in what we had to say,” said Adams, who argued that Muskoka was considered part of northern Ontario long before Mike Harris’s government put it there in 2000.

“Adams recalled Muskoka being classified as part of northern Ontario in the mid 1960s until the electoral boundaries changed and Muskoka and Georgian Bay were lumped together.”

I quote further along, “We are on the Precambrian Shield and we are a district. If you look at Ontario, northern Ontario is comprised of districts and southern Ontario is comprised of counties,” said Adams.

The minister “said he could understand why we were upset. He was pleased to learn some of the history and that he would take our position forward.”

“Muskoka was created, I think, 135 years ago, and for 110 of those we were part of northern Ontario,” argued Adams. ‘I am hopeful until the Premier looks me in the eye and says, “I believe this is the right decision for the government to make and this is why,”’ said Adams. ‘That is part of the problem. We have been continuously asking for the evidence and information that has been used to support this decision.’”

The Premier has not looked the mayors of Muskoka in the eye. He has not been able to give them the reasons why Muskoka is being removed from the north.

I can tell you, this is going to hurt the people of Muskoka. We have seniors on fixed incomes, more and more retiring to Muskoka, who rely on the northern health travel grant that makes them able to afford to access medical care. We have the hospitals in Bracebridge and Huntsville, both in a deficit position, that rely on the funding they receive from the northern Ontario heritage fund. We have the municipalities that rely on the funding from the northern Ontario heritage fund.

This really is a slap in the face to the mayors of Muskoka, an insult to the people of Muskoka, that this government is going ahead, time-allocating this bill, ramming it through without allowing the mayors the chance to plead their case with the Premier of this province, as he said he would.

I just want to note one thing in the last 20 seconds I have. We had a briefing. The bureaucrats briefed the PC research staff—

Mr Dunlop: Were they taped?

Mr Miller: They probably were taped.

Unfortunately, I’m running out of time. I’m not even going to be able to make that important point I wanted to make.

I’m very disappointed that the government is ramming this legislation through and hurting the people of Parry Sound-Muskoka.

Mr Kormos: It is indeed regrettable that a bill with this kind of sad and tragic impact receives such little

debate time. It wasn’t for want of trying on the part of the opposition parties, I’ll tell you that. As it ends up, I’m going to be the last speaker in this Legislature in the year 2004. I have such little time.

As you know, Speaker, behind you are chairs for minions, various levels of minions. One of the people behind you, and perhaps for his last time, at least in his current status, is Bob Lopinski, because he tells me, and I was sad to hear, that he’s moving on.

Let me tell you, if Dalton McGuinty was uncomfortable this afternoon—and he was—without Lopinski, he’s in deep trouble, because Lopinski, as you know, was the issue management guy. He has been a busy camper. He has been a busy beaver, let me tell you, because it has been issue management after issue management. It has been minefield after minefield, broken promise after broken promise. So a guy like Lopinski, who’s incredibly skilled and talented—I have no hesitation in saying that; I’ve known him for a good chunk of time—has got a right to spin. He comes in here at 7:30 in the morning, saying, “Oh, my goodness. What dung is going to cling to us today, because my job is to try to make it look like feathers?” That has been his job. So I certainly wish Bob Lopinski well, and I am pleased that he was able to drop in to the Legislature for its last sitting day, here to the chamber, of 2004.

Also sitting behind you, Speaker, is a young staff person here, a political staffer who has acquired some notoriety today, because during the incredible exposé of the surveillance taping, the surreptitious and clandestine taping of conversations between opposition members and civil servants, it is alleged that one of the staffers of the Minister of Finance, Mr Sorbara, and a young person whom I know to be extremely talented but I’m sure extremely obedient as well—he knows what side his bread is buttered on. I want Karim Bardeesy to know that already his colleague are calling him “reel-to-reel.” He has been referred to as “eight-track” a couple of times. In more obscure references, one of his colleagues called him first “Grundig” and then “Wollensak.”

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Of course, reel-to-reel Bardeesy, good old eight-track Bardeesy, is the political staffer, one of many, who was sent in there with the Wollensak recorder to develop those audiotapes so that they could be stored away with Lord knows what other confidential information that this government sends its staffers out collecting on members of the opposition. It’s not a very attractive sight.

I want to be very, very clear. I expect that reel-to-reel Bardeesy will be using that old defence, that classic defence, “I was only following orders.” I suspect that eight-track Bardeesy is going to say, “Look, they made me do it. If I didn’t, I’d lose my job.” Now, I anticipate that—I don’t want to put words in his mouth—but I say to reel-to-reel, to eight-track Bardeesy, have you never heard of digital recording? They don’t use tape any more. It’s really illustrative of how this government simply doesn’t get it right, ever, no matter how hard it seems to try. Integrated chip recorders are the way to go.

I want to tell you, before we wrap this up this afternoon, about a community of people here in Ontario, throughout Canada. These are diabetics who can't tolerate or safely use biosynthetic insulins, and currently they rely upon foreign sources for both beef and pork insulins for their survival. They have no supply of beef insulin, and only two pork insulins remain available, imported from the United States.

This community of good Canadians, Canadian diabetics, who simply cannot tolerate the biosynthetic insulins and have to use the more traditional beef and pork insulins for their survival, call upon this government to investigate the questionable safety of synthetic insulins and the deaths associated with the use of these insulins. They call upon this government to assist in the open importation of insulins from the United Kingdom, their only source of beef insulin, and call upon this government to halt any further withdrawal of pork insulin from the Canadian market and investigate providing a domestic supplier.

This community of diabetics who cannot tolerate biosynthetic insulins asks this government to identify ways to better inform the public and medical community about the dangerous side-effects of synthetic rDNA insulin and to ensure that diabetics, physicians, pharmacists and other health professionals are reporting suspected adverse reactions to Health Canada and to investigate the degree of influence that insulin manufacturers have on disease-related charitable organizations such as the Canadian Diabetes Association.

This community of Canadian diabetics who have negative and incredibly adverse reactions to biosynthetic insulins deserve attention from their government. While there were no petitions permitted today because of the government's refusal to allow us to extend routine proceedings to accommodate petitions, I'll be presenting a petition to the effect of the requests that I just made when we get back here in February.

Today was not a good day for the government. As a matter of fact, there have been very few good days for the government since October of last year. I'm hard-pressed to recall one, and here we are with pretty sparse pickings when it comes to members.

I don't know how many of these pages were here earlier this afternoon when I had occasion to have the floor. How many of you were here? How many weren't here? OK. Some weren't here, but having the chance to speak to those who weren't here, like I spoke to those who were—I'll dare to say that I speak for every member of the assembly, except maybe the occasional old curmudgeon who won't identify himself or herself; no two ways about it. I want to once again thank the pages for their incredible hard work over the course of the last four and five weeks and to tell them that we all appreciate your service here in the legislative chamber. We hope it was as positive and productive an experience for you as it was for us, because sometimes I think we learn more from you than you learn from us. So I wish you all a good holiday season. That is so politically

correct, but not inappropriate under the circumstances. As I told you earlier, I expect as a very old man to be watching the legislative channel and seeing some of you occupying some of the seats here in the legislative chamber. All of us wish you the very best. Thank you.

It's regrettable that the government ends this year in such a blighted way. The government has stumbled, fallen and will perhaps take so many down with it in this incredible scandal of surreptitious audiotaping and Lord knows what other types of surveillance, and in this government's bullying of hard-working and professional civil servants here in the province of Ontario. It is reprehensible. I, along with New Democrats sitting around me, have nothing but disdain for this government's abuse of its powers. We condemn this government's attempt to threaten, coerce and intimidate professional civil servants, and this government's lame and feckless effort to try to hinder the role of opposition members.

We're coming back in February, will come back next week if you want to, and regret that we weren't able to pass David Levac's Bill 3, protection of anaphylactic students. For the life of me, I don't know what Mr Levac, the member from Brant, has done to be punished like this by his own government. For the life of me, I don't know what he has done or hasn't done to leave such an important piece of legislation like Bill 3 in the dust, behind the accelerated bring-your-own-wine. Oh, please, bring-your-own-wine ain't going to save a single life. Bill 3 will. New Democrats have been clear and on the record from the get-go. We want to see Bill 3 become law. It appears that the Liberal House leader and the Liberal Premier do not share our passion for Bill 3. That is a shame.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004

SUR LES MESURES BUDGÉTAIRES (N^o 2)

The Speaker (Hon Alvin Curling): Pursuant to the order of the House dated December 7, 2004, I am now required to put the questions.

Mr Sorbara has moved third reading of Bill 106, An Act to implement Budget measures. Is it the pleasure of the House that the motion carry?

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

All those against, say "nay."

I think the ayes have it.

The division on this bill will be taken once all questions have been put.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES

BUDGÉTAIRES (AUTOMNE)

The Speaker (Hon Alvin Curling): Mr Colle has moved third reading of Bill 149, An Act to implement 2004 Budget measures, enact the Northern Ontario Grow Bonds Corporation Act, 2004 and amend various Acts. Is it the pleasure of the House that this motion s carry?

All those in favour of the motion, please say "aye."
 All those against, say "nay."
 I think the ayes have it.
 Call in the members. There will be a five-minute bell.
The division bells rang from 1749 to 1754.

BUDGET MEASURES ACT, 2004 (NO. 2)

LOI DE 2004
SUR LES MESURES BUDGÉTAIRES (N^O 2)

The Speaker (Hon Alvin Curling): Mr Sorbara has moved third reading of Bill 106.

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

Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Mossop, Jennifer F.
Bartolucci, Rick	Fonseca, Peter	Oraziotti, David
Bentley, Christopher	Gerretsen, John	Peters, Steve
Berardinetti, Lorenzo	Gravelle, Michael	Phillips, Gerry
Bradley, James J.	Hoy, Pat	Pupatello, Sandra
Broten, Laurel C.	Jeffrey, Linda	Qaadri, Shafiq
Brown, Michael A.	Kennedy, Gerard	Racco, Mario G.
Cansfield, Donna H.	Kular, Kuldip	Rinaldi, Lou
Caplan, David	Lalonde, Jean-Marc	Ruprecht, Tony
Chambers, Mary Anne V.	Levac, Dave	Sergio, Mario
Colle, Mike	Marsales, Judy	Smith, Monique
Cordiano, Joseph	Matthews, Deborah	Smitherman, George
Craitor, Kim	Mauro, Bill	Van Bommel, Maria
Crozier, Bruce	McGuinty, Dalton	Watson, Jim
Delaney, Bob	McMeekin, Ted	Wilkinson, John
Dhillon, Vic	McNeely, Phil	Wong, Tony C.
Dombrowsky, Leona	Meilleur, Madeleine	Wynne, Kathleen O.
Duguid, Brad	Milloy, John	Zimmer, David
Duncan, Dwight	Mitchell, Carol	

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

Nays

Baird, John R.	Jackson, Cameron	Prue, Michael
Bisson, Gilles	Kormos, Peter	Scott, Laurie
Chudleigh, Ted	Marchese, Rosario	Sterling, Norman W.
Churley, Marilyn	Martel, Shelley	Tascona, Joseph N.
Dunlop, Garfield	Miller, Norm	Wilson, Jim
Hampton, Howard	Munro, Julia	Witmer, Elizabeth
Hudak, Tim	Murdoch, Bill	Yakabuski, John

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 56, the nays are 21.

The Speaker: I declare the motion carried.

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

We will now open the doors for 30 seconds.

BUDGET MEASURES ACT (FALL), 2004

LOI DE 2004 SUR LES MESURES
BUDGÉTAIRES (AUTOMNE)

The Speaker (Hon Alvin Curling): Mr Colle has moved third reading of Bill 149.

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

Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Mossop, Jennifer F.
Bartolucci, Rick	Fonseca, Peter	Oraziotti, David
Bentley, Christopher	Gerretsen, John	Peters, Steve
Berardinetti, Lorenzo	Gravelle, Michael	Phillips, Gerry
Bradley, James J.	Hoy, Pat	Pupatello, Sandra
Broten, Laurel C.	Jeffrey, Linda	Qaadri, Shafiq
Brown, Michael A.	Kennedy, Gerard	Racco, Mario G.
Cansfield, Donna H.	Kular, Kuldip	Rinaldi, Lou
Caplan, David	Lalonde, Jean-Marc	Ruprecht, Tony
Chambers, Mary Anne V.	Levac, Dave	Sergio, Mario
Colle, Mike	Marsales, Judy	Smith, Monique
Cordiano, Joseph	Matthews, Deborah	Smitherman, George
Craitor, Kim	Mauro, Bill	Van Bommel, Maria
Crozier, Bruce	McGuinty, Dalton	Watson, Jim
Delaney, Bob	McMeekin, Ted	Wilkinson, John
Dhillon, Vic	McNeely, Phil	Wong, Tony C.
Dombrowsky, Leona	Meilleur, Madeleine	Wynne, Kathleen O.
Duguid, Brad	Milloy, John	Zimmer, David
Duncan, Dwight	Mitchell, Carol	

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

Nays

Baird, John R.	Jackson, Cameron	Scott, Laurie
Bisson, Gilles	Kormos, Peter	Sterling, Norman W.
Chudleigh, Ted	Marchese, Rosario	Tascona, Joseph N.
Churley, Marilyn	Martel, Shelley	Wilson, Jim
Dunlop, Garfield	Miller, Norm	Witmer, Elizabeth
Hampton, Howard	Munro, Julia	Yakabuski, John
Hudak, Tim	Prue, Michael	

The Clerk of the Assembly (Mr Claude L. DesRosiers): The ayes are 56; the nays are 20.

The Speaker: I declare the motion carried.

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

Hon Dwight Duncan (Minister of Energy, Government House Leader): Mr Speaker, His Honour awaits.

The Speaker: Order. His Honour not being available, this House stands adjourned until 1:30 of the clock on February 15, 2005.

The House adjourned at 1804.

ERRATUM

No.	Page	Column	Line(s)	Should read:
103	4958	1	31	surpasses auto as the largest net contributor to

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman
Speaker / Président: Hon / L'hon Alvin Curling
Clerk / Greffier: Claude L. DesRosiers
Deputy Clerk / Sous-greffière: Deborah Deller
Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Arnott, Ted (PC)	Waterloo-Wellington	First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Arthurs, Wayne (L)	Pickering-Ajax-Uxbridge	Parliamentary assistant to the Chair of the Management Board of Cabinet / adjoint parlementaire au président du Conseil de gestion du gouvernement
Baird, John R. (PC)	Nepean-Carleton	Opposition house leader / chef parlementaire de l'opposition
Barrett, Toby (PC)	Haldimand-Norfolk-Brant	Deputy Opposition whip / whip adjoint de l'opposition
Bartolucci, Hon / L'hon Rick (L)	Sudbury	Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Bentley, Hon / L'hon Christopher (L)	London West / London-Ouest	Minister of Labour / ministre du Travail
Berardinetti, Lorenzo (L)	Scarborough Southwest / Scarborough-Sud-Ouest	
Bisson, Gilles (ND)	Timmins-James Bay / Timmins-Baie James	Chief New Democratic Party whip / whip en chef du Nouveau Parti démocratique
Boutrogianni, Hon / L'hon Marie (L)	Hamilton Mountain	Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Bradley, Hon / L'hon James J. (L)	St Catharines	Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs
Broten, Laurel C. (L)	Etobicoke-Lakeshore	Parliamentary assistant to the Premier / adjointe parlementaire au premier ministre
Brown, Michael A. (L)	Algoma-Manitoulin	Parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire au ministre des Richesses naturelles
Brownell, Jim (L)	Stormont-Dundas- Charlottenburgh	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
Bryant, Hon / L'hon Michael (L)	St Paul's	Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique
Cansfield, Donna H. (L)	Etobicoke Centre / Etobicoke-Centre	Parliamentary assistant to the Minister of Energy / adjointe parlementaire au ministre de l'Énergie
Caplan, Hon / L'hon David (L)	Don Valley East / Don Valley-Est	Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint
Chambers, Hon / L'hon Mary Anne V. (L)	Scarborough East / Scarborough-Est	Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Chudleigh, Ted (PC)	Halton	Deputy Opposition whip / whip adjoint de l'opposition
Churley, Marilyn (ND)	Toronto-Danforth	Deputy New Democratic Party House leader / leader parlementaire adjoint du Nouveau Parti démocratique
Colle, Mike (L)	Eglinton-Lawrence	Parliamentary assistant to the Minister of Finance / adjoint parlementaire au ministre des Finances
Cordiano, Hon / L'hon Joseph (L)	York South-Weston / York-Sud-Weston	Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Craitor, Kim (L)	Niagara Falls	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Crozier, Bruce (L)	Essex	Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative
Curling, Hon / L'hon Alvin (L)	Scarborough-Rouge River	Speaker / Président
Delaney, Bob (L)	Mississauga West / Mississauga-Ouest	
Dhillon, Vic (L)	Brampton West-Mississauga / Brampton-Ouest-Mississauga	
Di Cocco, Caroline (L)	Sarnia-Lambton	Parliamentary assistant to the Minister of Children and Youth Services / adjointe parlementaire à la ministre des Services à l'enfance et à la jeunesse
Dombrowsky, Hon / L'hon Leona (L)	Hastings-Frontenac-Lennox and Addington	Minister of the Environment / ministre de l'Environnement
Duguid, Brad (L)	Scarborough Centre / Scarborough-Centre	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Urban) / adjoint parlementaire au ministre des Affaires municipales et du Logement (Secteur urbain)
Duncan, Hon / L'hon Dwight (L)	Windsor-St Clair	Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	Chief opposition whip / whip en chef de l'opposition
Eves, Ernie (PC)	Dufferin-Peel-Wellington-Grey	
Flaherty, Jim (PC)	Whitby-Ajax	
Flynn, Kevin Daniel (L)	Oakville	Parliamentary assistant to the Minister of Labour / adjoint parlementaire au ministre du Travail
Fonseca, Peter (L)	Mississauga East / Mississauga-Est	Parliamentary assistant to the Minister of Health and Long-Term Care / adjoint parlementaire au ministre de la Santé et des Soins de longue durée
Gerretsen, Hon / L'hon John (L)	Kingston and the Islands / Kingston et les îles	Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Gravelle, Michael (L)	Thunder Bay-Superior North / Thunder Bay-Superior-Nord	
Hampton, Howard (ND)	Kenora-Rainy River	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie (PC)	Oxford	
Horwath, Andrea (ND)	Hamilton East / Hamilton-Est	
Hoy, Pat (L)	Chatham-Kent Essex	
Hudak, Tim (PC)	Erie-Lincoln	
Jackson, Cameron (PC)	Burlington	
Jeffrey, Linda (L)	Brampton Centre / Brampton-Centre	
Kennedy, Hon / L'hon Gerard (L)	Parkdale-High Park	Minister of Education / ministre de l'Éducation
Klees, Frank (PC)	Oak Ridges	
Kormos, Peter (ND)	Niagara Centre / Niagara-Centre	New Democratic Party House leader / leader parlementaire du Nouveau Parti démocratique
Kular, Kuldip (L)	Bramalea-Gore-Malton-Springdale	Parliamentary assistant to the minister responsible for democratic renewal / adjoint parlementaire au ministre responsable du Renouveau démocratique
Kwinter, Hon / L'hon Monte (L)	York Centre / York-Centre	Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Lalonde, Jean-Marc (L)	Glengarry-Prescott-Russell	Parliamentary assistant to the Minister of Transportation / adjoint parlementaire au ministre des Transports
Leal, Jeff (L)	Peterborough	Parliamentary assistant to the Minister of Training, Colleges and Universities / adjoint parlementaire à la ministre de la Formation et des Collèges et Universités

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Levac, Dave (L)	Brant	Chief government whip / whip en chef du gouvernement
Marchese, Rosario (ND)	Trinity-Spadina	
Marsales, Judy (L)	Hamilton West / Hamilton-Ouest	
Martel, Shelley (ND)	Nickel Belt	
Martiniuk, Gerry (PC)	Cambridge	
Matthews, Deborah (L)	London North Centre / London-Centre-Nord	Parliamentary assistant to the Minister of Community and Social Services / adjointe parlementaire à la ministre des Services sociaux et communautaires
Mauro, Bill (L)	Thunder Bay-Atikokan	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines
McGuinty, Hon / L'hon Dalton (L)	Ottawa South / Ottawa-Sud	Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales
McMeekin, Ted (L)	Ancaster-Dundas- Flamborough-Aldershot	Parliamentary assistant to the Minister of Consumer and Business Services / adjoint parlementaire au ministre des Services aux consommateurs et aux entreprises
McNeely, Phil (L)	Ottawa-Orléans	
Meilleur, Hon / L'hon Madeleine (L)	Ottawa-Vanier	Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound-Muskoka	Deputy opposition House leader / leader parlementaire adjoint de l'opposition
Milloy, John (L)	Kitchener Centre / Kitchener-Centre	Parliamentary assistant to the Minister of Intergovernmental Affairs / adjoint parlementaire au ministre des Affaires intergouvernementales
Mitchell, Carol (L)	Huron-Bruce	Parliamentary assistant to the Minister of Agriculture and Food / adjointe parlementaire au ministre de l'Agriculture et de l'Alimentation
Mossop, Jennifer F. (L)	Stoney Creek	Parliamentary assistant to the Minister of Culture / adjointe parlementaire à la ministre de la Culture
Munro, Julia (PC)	York North / York-Nord	
Murdoch, Bill (PC)	Bruce-Grey-Owen Sound	
O'Toole, John (PC)	Durham	
Oraziotti, David (L)	Sault Ste Marie	Parliamentary assistant to the Minister of Education / adjoint parlementaire au ministre de l'Éducation
Ouellette, Jerry J. (PC)	Oshawa	
Parsons, Ernie (L)	Prince Edward-Hastings	Parliamentary assistant to the Minister of Community and Social Services (Disabilities) / adjoint parlementaire à la ministre des Services sociaux et communautaires (Personnes handicapées)
Patten, Richard (L)	Ottawa Centre / Ottawa-Centre	Parliamentary assistant to the Minister of Economic Development and Trade (innovation) / adjoint parlementaire au ministre du Développement économique et du Commerce (Innovation)
Peters, Hon / L'hon Steve (L)	Elgin-Middlesex-London	Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Peterson, Tim (L)	Mississauga South / Mississauga-Sud	Parliamentary assistant to the Minister of Tourism and Recreation / adjoint parlementaire au ministre du Tourisme et des Loisirs
Phillips, Hon / L'hon Gerry (L)	Scarborough-Agincourt	Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Prue, Michael (ND)	Beaches-East York / Beaches-York-Est	Deputy New Democratic Party whip / whip adjoint du Nouveau Parti démocratique
Pupatello, Hon / L'hon Sandra (L)	Windsor West / Windsor-Ouest	Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Qaadri, Shafiq (L)	Etobicoke North / Etobicoke-Nord	
Racco, Mario G. (L)	Thornhill	
Ramal, Khalil (L)	London-Fanshawe	Parliamentary assistant to the Minister of Citizenship and Immigration / adjoint parlementaire à la ministre des Affaires civiques et de l'Immigration

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Ramsay, Hon / L'hon David (L)	Timiskaming-Cochrane	Minister of Natural Resources / ministre des Richesses naturelles
Rinaldi, Lou (L)	Northumberland	Parliamentary assistant to the Minister of Public Infrastructure Renewal / adjoint parlementaire au ministre du Renouveau de l'infrastructure publique
Runciman, Robert W. (PC)	Leeds-Grenville	Leader of the Opposition / chef de l'opposition
Ruprecht, Tony (L)	Davenport	
Sandals, Liz (L)	Guelph-Wellington	Parliamentary assistant to the Minister of Community Safety and Correctional Services / adjointe parlementaire au ministre de la Sécurité communautaire et des Services correctionnels
Scott, Laurie (PC)	Haliburton-Victoria-Brock	
Sergio, Mario (L)	York West / York-Ouest	Parliamentary assistant to the minister responsible for seniors / adjoint parlementaire au ministre délégué aux Affaires des personnes âgées
Smith, Monique M. (L)	Nipissing	Parliamentary assistant to the Minister of Health and Long-Term Care / adjointe parlementaire au ministre de la Santé et des Soins de longue durée
Smitherman, Hon / L'hon George (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Sorbara, Hon / L'hon Greg (L)	Vaughan-King-Aurora	Minister of Finance / ministre des Finances
Sterling, Norman W. (PC)	Lanark-Carleton	
Takhar, Hon / L'hon Harinder S. (L)	Mississauga Centre / Mississauga-Centre	Minister of Transportation / ministre des Transports
Tascona, Joseph N. (PC)	Barrie-Simcoe-Bradford	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative
Van Bommel, Maria (L)	Lambton-Kent-Middlesex	Parliamentary assistant to the Minister of Municipal Affairs and Housing (Rural) / adjointe parlementaire au ministre des Affaires municipales et du Logement (Secteur rural)
Watson, Hon / L'hon Jim (L)	Ottawa West-Nepean / Ottawa-Ouest-Nepean	Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Wilkinson, John (L)	Perth-Middlesex	Parliamentary assistant to the Minister of the Environment / adjoint parlementaire à la ministre de l'Environnement
Wilson, Jim (PC)	Simcoe-Grey	
Witmer, Elizabeth (PC)	Kitchener-Waterloo	
Wong, Tony C. (L)	Markham	Parliamentary assistant to the Minister of Economic Development and Trade / adjoint parlementaire au ministre du Développement économique et du Commerce
Wynne, Kathleen O. (L)	Don Valley West / Don Valley-Ouest	Parliamentary assistant to the Minister of Education / adjointe parlementaire au ministre de l'Éducation
Yakabuski, John (PC)	Renfrew-Nipissing-Pembroke	
Zimmer, David (L)	Willowdale	Parliamentary assistant to the Attorney General / adjoint parlementaire au procureur général

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Clerk / Greffière: Anne Stokes

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