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**Official Report  
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(Hansard)**

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**Thursday 19 May 2005**

**Jeudi 19 mai 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
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**LEGISLATIVE ASSEMBLY  
OF ONTARIO**

Thursday 19 May 2005

**ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO**

Jeudi 19 mai 2005

*The House met at 1000.*

*Prayers.*

**PRIVATE MEMBERS'  
PUBLIC BUSINESS**

ENVIRONMENTAL PROTECTION  
AMENDMENT ACT  
(PRODUCT STEWARDSHIP), 2005  
LOI DE 2005 MODIFIANT LA LOI  
SUR LA PROTECTION DE  
L'ENVIRONNEMENT  
(GÉRANCE DES PRODUITS)

Mr. Miller moved second reading of the following bill:

Bill 195, An Act to amend the Environmental Protection Act with respect to the stewardship of products and of the packages or containers used for products / Projet de loi 195, Loi modifiant la Loi sur la protection de l'environnement en ce qui a trait à la gérance des produits et des emballages ou des contenants utilisés pour ceux-ci.

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

**Mr. Norm Miller (Parry Sound–Muskoka):** I had originally planned on a private member's bill that would enable a deposit-return system in Ontario to help the province to meet its waste diversion goal of 60% by 2008. In Ontario, we actually have a very successful deposit-return system at the brewers' retail, which actually has a recovery rate of 96% of beer bottles. I have previously introduced a private member's bill that would require the Liquor Control Board of Ontario to implement a deposit-return system, and I'm aware that other provinces, like BC, have deposit-return programs for liquor and wine bottles.

I decided to expand my private member's bill to introduce the concept of product stewardship after meeting a constituent of mine, Dr. Jim McTaggart-Cowan. He came to see me about another environmental issue, and we discussed my desire to see a deposit-return system in Ontario. Dr. McTaggart-Cowan is a scientist. He worked in government in Ottawa and for a number of years in British Columbia, and he was familiar with the product stewardship programs in British Columbia. He suggested

that I expand my private member's bill to include the concept of product stewardship, which could enable a deposit-return system but could do much more. I would sincerely like to thank Dr. McTaggart-Cowan for all the assistance he has given to me.

And while I'm thanking people, I would like to thank my intern, Nicola Hepburn, who is the lone spectator here this morning watching from up in the gallery. She was of great assistance to me.

So what is product stewardship? It's a management system based on industry and consumers taking full responsibility for the products they produce and use, from their inception through to their final reuse or recycle state. It's cradle-to-cradle management. The way it works is that government, on behalf of consumers, has three supportive roles.

First, it identifies which products it wants embraced, establishes targets for product capture and charges industry with the responsibility of forming a management board and preparing stewardship plans. Second, it assists industry by putting in place regulations to support the collective industry approach and ensures a level playing field for all corporations involved in the relevant sector. Third, it approves stewardship plans, monitors industry progress and ensures that plans are altered to achieve overall objectives.

Through this product stewardship approach, government moves away from funding, at taxpayers' expense, waste management. Instead, it holds industry responsible for the full life cycle of a product but leaves it to industry to find the most cost-effective and efficient way to achieve it, assisting where necessary and desired.

Let me illustrate how this bill could be applied to beverage containers. First, government designates beverage containers. Then government establishes a recovery rate of, say, 85% in three years. It charges industry with the responsibility of forming a management board, which prepares a stewardship plan. Government approves and monitors the stewardship plan, which, in this case, includes a deposit-return system. If industry doesn't meet the target of 85% recovery, it must make changes to the plan. In the case of a deposit-return system, the most likely thing you would do would be to increase the deposit.

Product stewardship works because industry comes up with the solutions. They know their business best, and they will come up with solutions that are both cost-effective and that get the job done. Deposit-return systems work because there is an incentive to return the product

for the deposit and those who end up paying for this system are the polluters: the 15% in the example I just gave who didn't return their containers.

Let me illustrate the benefits of the deposit-return system currently in use in British Columbia. An analysis of the cost and benefits of the beverage container recovery systems in Canada for the year 2000 completed by CM Consulting in 2002 made the following key findings.

In BC, the beverage industry incurred no cost related to the non-alcohol container recovery program in 2000. In 2000, Encorp Pacific Canada, the program steward, on behalf of the non-alcohol beverage industry, recorded a net surplus of \$5,087,318. Consumers contributed less than one cent per unit purchased to offset the costs of the deposit-return program for non-alcoholic beverage containers in BC. In 2000, wasting beverage consumers—that is, those who chose not to return the containers for the deposit—contributed 7.2 cents per unit purchased. As I say, that's a polluter penalty.

In comparing the relative environmental impact of a deposit-return program with an optimum curbside collection program—that is, the best curbside collection program—it was found that the current British Columbia deposit-return system had far superior environmental performance in all categories investigated, despite utilizing a best-recovery scenario for a curbside system. Specifically, an optimum curbside system would recover 40% less material than the current deposit-return system, or 8,500 short tons less material, in British Columbia. An optimum curbside system would divert 50% less material from landfill, occupying an additional 70,000 cubic yards of landfill space, than the current BC deposit-return system.

Compared to the present deposit-return system, the reduced recycling rates attributable to an optimum curbside program, and the lack of scavenging, would result in an estimated 46% increase in beverage container litter annually. That translates into an additional 2.6 million containers. And I would ask, have you gone for a walk in an Ontario ditch lately? Effectively, we have 50% more litter around the roads of Ontario than in BC.

#### 1010

The present deposit-return system program is estimated to save 180,000 barrels of oil annually by replacing virgin material with recycled material as a feedstock. The decreased recovery rates attributable to substituting the present deposit-return system with an optimum curbside collection system would result in the usage of an additional 74,000 barrels of oil. If BC had the optimum curbside recovery collection system, Ontario's system, instead of the deposit-return system, they would release 12,000 more tonnes of carbon into the atmosphere.

In the year 2000, BC recovered 61% of glass bottles, compared to 45% in Ontario, 73% of PET, compared to 16% in Ontario—that's probably why we have so much plastic in our ditches—and 84% of aluminum cans, compared to 50% in Ontario.

A 1998 study undertaken by Angus Reid for McConnell Weaver, *The Deposit Program in BC: Attitudes*

and Behaviour, states, "There is a high level of support for the deposit program across the province of BC. Almost all (96%) of British Columbians think the deposit program is a good idea. The main reason for their support of the program is that the program gives people an incentive to recycle. The inconvenience of returning containers for the deposits appears to be only a minor concern."

Today, six of 10 provinces in Canada have full deposit-return programs for all beverages except milk: BC, Alberta, Saskatchewan, New Brunswick, Nova Scotia and Newfoundland.

Deposit-return systems work. This bill enables a deposit-return system and could be applied to any product.

Let's look at paint. In BC, where paint is a designated product, it has changed the way they sell paint. Here in Ontario, our system is biased toward larger containers. When you buy the four-litre container, it is cheaper than if you buy one litre, so we usually buy four litres. Who doesn't have a garage full of partly filled paint cans, and where does that paint end up? In BC, product stewardship has changed the way they sell paint. There are more water-based paints. In some cases, you can bring your own container and have it filled.

A 2003 BC government summary report looks at the paint stewardship program, which covers paint, solvents, flammable liquids, pesticides and gasoline. It is run by Product Care, a national, non-profit stewardship association made up of 100 brand owners. Product Care's membership includes manufacturers, distributors and retailers. In 2003—I'm going to summarize—they collected 5,683,000 equivalent litre containers of paint; they gave away 107,000 litres in a paint exchange program; flammable liquids collected were 121,000 litres; pesticides collected were 31,000 litres. The way they used that was that 4.6% of the paint was given back to consumers, 66% was recycled/reprocessed as paint used in concrete manufacture, 29% was used for energy recovery through fuel blending, 0.2% was incinerated and 0% was land-filled. The flammables were 100% fuel-blended for energy recovery. All the metal containers were recycled for scrap metal and all plastic containers were recycled. Funding for that particular program was through eco fees paid by member industry brand owners.

Three provinces in Canada have paint stewardship programs. They are BC, Nova Scotia and Quebec. I believe it is time we expanded our product stewardship programs in Ontario. I ask for all members' support for this private member's bill.

**The Deputy Speaker:** Further debate?

**Mr. Kim Craiton (Niagara Falls):** I'm pleased to have the opportunity to participate in private members' debate. Let me first congratulate Norm Miller, the member from Parry Sound—Muskoka, for introducing an excellent bill.

A couple of personal comments. I still remember when I was first elected to city council back in 1990. My first experience back then with waste management was

the three Rs: reduce, recycle and reuse. The general public back then had no conception of what the three Rs were all about and how important they would be for the future of waste management for Ontario and probably throughout the whole world.

We had in Niagara Falls a landfill of our own that we owned. It was on Mountain Road, and it had been a landfill that everything was put into; whether it be paint cans, tires, fridges, stoves, they were just put into the landfill because no one at that time really understood or realized the importance of waste management. Unfortunately, during my first three or four years on council, the landfill became full and we found out that we couldn't utilize it any more. Two things happened. One was, at the municipal level, the cost for waste management escalated because we had no tipping fees; it was our landfill. Secondly, and even more seriously, what happened was we found out that the landfill was having—I'm going to use the word "leakage." There were materials coming out from the landfill and actually getting into some of the residential areas. We had two things happen: We lost our landfill and our tipping fees, and we now had to pay for it because we had to move to another location, and we had products in our landfill causing problems with residents. The point I'm making is that had something like this particular bill been in place and had we the wisdom, we would have found out and realized how important our landfill was, the public would have understood the significance of recycling, and we may still have a landfill to this day.

The other thing I really recall is that my wife and I went to visit my daughter who lives in the Cayman Islands for the first time. She had been there for about seven months, and we arrived on a Monday. I think it was on a Wednesday or Thursday when my wife Helen said, "Gee, I should do her laundry. It's been sitting here," and I thought, "Oh, I'll wash down the car and I'll do some other things outside." Anyway, my daughter came home and the first thing she said was, "Where is the laundry?" My wife said, "Oh, we did it all." She said, "You don't understand how important it is that you learn to appreciate the things you have here because you live on an island." The first thing she started talking about was recycling and how, down there, many times when you go grocery shopping or you get products, you don't have all of these packages. They have a system in place down there where if you do get packages, they're returned to a specific location so they're properly recycled. It's the same thing with electricity. She educated us how down there they appreciate the importance of electricity, how to conserve it, when to use it and when not to use it, something that our government is now working on and is, through the Minister of Energy, taking forward to the public.

I still remember that there was all types of opposition to the three Rs. The public back then, when you suggested that they'd have to put things in a blue box that would have to sit out front and you'd have to organize your garbage, the reaction wasn't very positive. Today, I

know in my community, and I'm sure it's the same everywhere else, we don't just have a blue box; we now have a grey box and a box for composting meats and those types of materials. In my community, every other week different-coloured boxes go out. I'm just amazed now how well and, I guess, how educated the public has become in understanding the importance of this.

I think this bill is another step forward. We've done a lot as a government already, and this bill is just going to add on to it. So I just wanted to take a couple of minutes to congratulate the member for bringing it forward. The deposit-return system, as he said, exists already, for example, with the breweries, but this is another opportunity to enhance that in some of the other sectors like the tire industry and the packaging industry. This is a great opportunity, so my congratulations to him. I'm certainly going to be supporting this bill.

**1020**

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today to join in the debate regarding Bill 195, which my colleague from Parry Sound–Muskoka has brought forward, and to also thank Nicola, his intern, for all the hard work they do. I've certainly benefited from my intern, Bec, and I want to thank them for working with us.

The issues surrounding our society's creation of materials and what we do with these materials when we are finished using them has been a topic of discussion in the Legislature and by municipal governments across the province for many years. It creates heated debate in many communities; I know certainly in mine it's always a topic of discussion. I'm not sure when the first time "NIMBY" was used. I had to ask what a NIMBY was, but it was "not in my backyard" and, to hazard a guess, it had to do with landfill sites.

The concept of businesses accepting responsibility for the management of waste generated by their products is a hot issue, and my colleague has brought forward a progressive amendment and bill today. Packaging makes up about 25% of the weight of the residential waste stream. Packaging stewardship is a concept by which industry, governments and consumers assume greater responsibility for ensuring that the manufacture, use, reuse, recycling and disposal of packaging has a minimum impact on the environment.

Both the member from Parry Sound–Muskoka and I represent ridings that boast the most beautiful scenery in Ontario, and I think I can speak for both of us when I say that landfills are not as pretty to look at as lakes and trees. I know I have a controversial land site that's right beside the Scugog River in Lindsay. But landfills are part of our lives here in Ontario, despite the efforts at recycling that already occur throughout the province. We simply create too much waste. Packaging stewardship could help us reduce the amount of waste we create.

The city of Toronto is filling up landfills in another country and filling our air with exhaust fumes as it's hauled away by the truckload. I'm sure members representing areas to the west of Toronto have some of their

own thoughts about the trucks speeding down the highways, and many of us are concerned about what is going to happen if the border ever closes to the trash.

I think that's what my colleague is speaking about. We need to look ahead and plan ahead and be better stewards. We, as consumers and businesses or manufacturers, are filling up our landfills too quickly. Businesses, and consumers as well, need to be educated about the benefits of finding better ways to package their products, and even additional uses that products can be put to before they reach landfills. We, as government representatives, need to look long and hard at ways to reduce the environmental impact of disposing of waste and to monitor the impact of landfills that are already in place. I know from my own riding how much having a landfill nearby can affect residents, and I worry about the environmental impact of locating landfills too close to the natural features that we have.

One key waste diversion is product design. Designing a product with the intention of reusing or recycling its components will ensure that there are aftermarkets for the material at the end of the product's useful life. Today we have an aftermarket for aluminum, paper, glass, some types of plastics and I think some types of used tires, which are commonly found in many parts of Ontario. The blue box program has been tremendously important, and the producers of these products deserve praise for their willingness to respond to the call to become stewards. Between 1996 and 2003, blue box tonnage increased by 47%, outstripping population growth by 27%.

In the future, we need to develop aftermarkets for additional materials. The creation of these aftermarkets in turn will create an economic incentive to taking effective environmental action. Stewardship is a very important concept, not just in terms of packaging but in terms of our natural environment. All of you have heard me speak of the closure of the Frost Centre, and one of the most important things they did was teach the people about stewardship of the land and what they could do to become good stewards. We're hoping there will be a reopening of the Frost Centre.

In terms of protecting the natural environment, it was not really necessary to convince people why they needed to be concerned about stewardship; it was just important to show them how. We need to build that type of concern about stewardship within the business community.

Legislation on stewardship waste diversion must be based on sound principles that include: all users of the specific material type should be treated equally; the method of diverting waste from disposal should not be predicated on the type of product that is in the packaging; and if deposit return is used on beverage containers, everyone needs to recognize the detrimental effect this would have on our blue box systems.

Most people and businesses want to recycle, buy environmentally friendly products and reduce the amount of waste. Continuing promotion and education is important to help people recycle and to assist municipalities and industry to develop recycling and other waste diversions.

The previous government did a lot of work in promoting stewardship, and the Minister of the Environment during this time, Chris Stockwell, does deserve a lot of credit for his work. He brought forward the Waste Diversion Act and regulations requiring all companies that introduce packaging and printed paper into the Ontario consumer marketplace to share in the funding of 50% of Ontario's municipal blue box waste diversion programs. Those companies that are designated as stewards for blue box waste can discharge their legal obligations under the Waste Diversion Act through membership in Stewardship Ontario or seek approval from the WDO to implement the industry stewardship plan. Stewardship Ontario is playing a leading role in the blue box program, and I am pleased that this government has decided to continue on with the work begun by the previous government.

It concerns me that some people could use those deposit provisions of the bill to undermine the effectiveness of the current programs. The blue box program designates and defines as stewards brand owners and first importers in Ontario of products that result in blue box waste. That covers a lot of ground. Many products are successfully being diverted from our landfills now, and that is a good thing. For instance, most beverage containers are already being diverted, and that rate is increasing.

Not everything about recycling responsibilities that municipalities must undertake works equally well across the province, so I would hope that the current Minister of the Environment would review these regulations on an ongoing basis to ensure that they are functioning well. For instance, regulation 101/94 does not take into account the unique circumstances that exist in geographically large municipalities like the city of Kawartha Lakes. They recently wrote to the minister to express their concern with the part of the regulation that reads, "The leaf and yard waste system of a local municipality that has a population of at least 50,000 must include the collection or acceptance of leaf and yard waste in a manner that is reasonably convenient to the generators of leaf and yard waste in the municipality." The problem they have with this regulation is that it does not adequately recognize the problems faced by geographically large ridings with population densities.

I know that my other colleague would like to speak to this bill, so I want to stand in support of this bill. Hopefully, it goes to committee, and we can discuss it at a further time.

**Ms. Andrea Horwath (Hamilton East):** I was very pleased to receive the package from the member from Parry Sound–Muskoka regarding this private member's bill. I can tell you that it's a long time coming, and it's about time that the province of Ontario started doing some more proactive things around our waste production.

The city of Hamilton has gone through a very significant process over the last couple of years to try to reduce the amount of waste being produced in that community. I had the pleasure, while on city council, of heading up the solid waste management master plan steering committee,

at which time we worked very diligently with the community to come up with a waste reduction plan that would get us to a target of a 65% reduction in our waste by 2008. I know that the city is well on their way to achieving that goal, and it's because of the provision of opportunities for people to undertake more proactive initiatives around how they deal with their waste. So in the city of Hamilton that included—in fact, we just did a sod-turning, I guess maybe a month and a half ago—our new organics facility.

The city is expanding its waste collection into an organics waste collection as well. Although we have been for some time now collecting leaf and yard waste, this is an opportunity to expand. I think we have about 5,000—maybe a little more now—pilot households on a kitchen waste or a household waste, wet waste kind of collection. We'll be expanding that every year in the city of Hamilton until we reach the full opportunity for people to recycle their organic waste in their community. That's like kitchen scraps, yard waste and all of those kinds of things in one particular collection bin, which will be picked up by the city.

It has been an interesting process, because, at first, people tend to resist that kind of action. But what we have found and hopefully what this bill will do is, as people understand how important it is to divert waste from landfill, they begin to get onside, and that takes some—I don't want to use the word “education,” but it does take some information-sharing, some moving people along in terms of their understanding of the problems that the generation of waste brings to communities and ultimately the cost, because it is quite costly for municipalities to deal with the mounting problems of solid waste.

#### 1030

I know it's a problem throughout. I mean it's a problem here in Toronto. Landfills are filling up extremely quickly. There's simply no room to put the garbage any more. Anyone who understands the current situation worldwide would say that it's kind of backward to dig big holes in the ground to put your garbage in. That's simply not the solution any longer. Even if that were something that was a viable thing to do or something that we still thought was the appropriate way to deal with solid waste, it takes about 15 to 20 years to successfully site a new landfill. That's a heck of a long time. The problem is, we need a way to deal with our waste right now, not 15 to 20 years from now.

That was one of the things that led my community—and I know many other communities are undergoing the same kinds of activities—to find other solutions to their recycling. Interestingly enough, one of the frustrations we had as we were moving down this particular path was a feeling that the municipality was ahead of the province in a lot of ways. Municipalities were not feeling that the provincial level of government was keeping up with the times, if you will, when it comes to waste management issues. It's extremely positive that this private member's bill is coming forward. I know it will move us a great deal along the way in our waste management challenges.

It's interesting that the member raised the province of British Columbia as an example of a province that's well ahead of the times. I had the opportunity, in my role as chair, to visit a couple of communities. I laughingly called them the “stinky tours,” because it's kind of stinky going through some of those landfill sites and organic facilities. It's not often a pleasant thing to do, but when you're looking to find what the newest and most cutting-edge technology is, if you're going to be investing tens of millions of dollars in new waste management systems, you'd better darned well make sure you're getting the best of the best.

I had the opportunity in that role to attend a couple of different communities. Edmonton was one that had some very interesting processes for dealing with waste. One we went to, though, that I thought was very much in line with this particular bill was HRM, Halifax regional municipality in Nova Scotia. It was very interesting because they were quite a large region. They had been through restructuring. When I was there, it was about nine years after restructuring. Hamilton was just going into restructuring, and so we had many conversations about their experiences. Nonetheless, they were very interesting communities insofar as the broad range of types of areas that were part of the regional municipality: lots of challenges around very rural areas, some suburban areas and more urban downtown types of areas.

It was very interesting to see how well all of the various community types embraced their waste management plan. They spent a great deal of time in that municipality, as they were putting this together, on communications, on how you change people's opinions or their perceptions of waste, their stewardship of it or their responsibility for it. They were one community that I was really pleased to see had a significant process, a significant package of opportunities for diversion, particularly the one the member is talking about this morning, and that is the expansion of deposit systems. If I recall correctly, they had deposit opportunities for pretty much every kind of vessel. I'm thinking even milk cartons, but I might be wrong about that. But I do recall going to some of their facilities and seeing just the sheer volume of material that was diverted from landfill and then recycled and reused. It was truly amazing, and that's got to be about four years ago now. To see that this is coming forward brings two things to mind: First, that it's fabulous that it is coming forward, and I hope it gets to committee and through third reading and is implemented in this province; but also that we are a little bit behind the times, and given the large province that we are, the large population base that we have, we really need to start taking this stuff seriously because it's a serious, serious concern.

One of the things we do in Hamilton as well that I would hope every community should be obligated to do is again around the stewardship issue. The member from Parry Sound–Muskoka was mentioning whether or not everyone in this chamber or people watching today have those old half-cans of paint. In Hamilton, we have a program through Hotz Environmental that receives half-

empty, or half-full—whichever, depending on your perspective—cans of paint and actually reprocesses the paint and sells it to countries that are in need of that kind of product but are not able to afford the fresh, brand-new stuff off the line. It's quite amazing to see that they take this mish-mash of all kinds of cans of paint, reprocess it and repackage it into the big, five-gallon drums and then have a huge market in south Asia particularly, where they send these big vats of paint and sell them. They are used in home construction and industrial-commercial construction. That's a really unique way of dealing with what is in effect a hazardous waste that is paint. It has a lot of nasty stuff in it from paint bottles or any kind of varnish or chemical product, and in fact even from organic waste. I was quite interested, in my growth period, in learning about solid waste in the stinky tours, and through that process, about the amount of even organic waste when it goes to the landfill and what that does to the leachate, the soup you end up with at the end of the day, after the process of degeneration is undertaken in the landfill site. You end up with a leachate, a by-product of this liquid that has a lot of nasty stuff in it, and the organic waste going into landfill causes the leachate to be even more toxic. So as you can imagine, there are massive collection systems required to get rid of this leachate, and that's one of the reasons the landfill is not the solution going forward in terms of our environmental stewardship issues.

I think there are a lot of opportunities for people to embrace this concept. What I really like about the bill is that it's a shared responsibility. So many times, people say, "Look at all of the packaging; there's so much packaging." You buy a small thing, a little product like Krazy Glue—that one drives me crazy—but it's in a tube, and then it's in a medicine bottle thing, and then it's got packaging all around it. It's very frustrating to see that all of these products have this packaging on them. Why? Because the producers of these products—actually the marketers; not even the producers—think that the more interesting, the more unique they can make these products visually, the greater the likelihood that we as consumers are going to purchase them. That becomes a bit of a chicken-and-egg problem and it becomes a behavioural issue for us as consumers.

I think we also have an obligation, as people who are collectively responsible for the waste we produce—and we pay for it one way or the other—to start sending the message to the marketers and producers of the products we consume that we don't appreciate all that extra packaging, that we don't need it. If there is a requirement for the packaging in order to maintain the integrity of the product, for example, then that's one thing and that's understandable. But so many times you have to go through layers of different pieces to get to the product that you have purchased. I recently got my son some headphones for his Walkman, and I won't say what company they were made by, but I was shocked at the amount of effort it took just to get the darned headphones out of the package. When I thought about it, they could

just be hooked up on a peg where you buy them. They don't need to be in piles and piles of plastic, cardboard and everything else you can think of.

**1040**

The other challenge is—and I learned this through the process in Hamilton—that there are parts of the packaging we now consume that you can't actually recycle. We think we can throw everything in that's paper now. The types of paper you can recycle have been quite well expanded. It used to be that you couldn't recycle envelopes with the plastic windows on them; you can do that now. It used to be that you couldn't recycle cardboard in the same bins. Well, you can do that now. The idea is to make it easier for people to do that.

However, a lot of times you get packaging—I think about my toothpaste brand particularly. It's in a cardboard box, which normally you would throw in the recycle bin, of course. But it's interesting to see that on that box there is that shiny metallic lettering. That's not good. That stuff has to be pulled out when it gets to the line in a cardboard recycling facility. I don't know if people know that, but that's something that shouldn't really be recycled because the metallic paint or whatever it is that's being used on that product is problematic in the paper recycling process. So, again, if we can get those marketers and producers of products to start taking those shiny things out—guess what? It's shiny, it attracts us, it's marketing, that's what it is there for, but on the other end it reduces that product's feasibility in terms of recycling.

There's another issue I wanted to touch on in terms of recycling and product stewardship, and that is around how we convince those who are not quite along this road yet. It becomes an economic argument, plain and simple. It becomes an argument that says, "As a society, we can't afford to continue to generate this waste because—guess what?—we don't have ways to get rid of it." Even for the most stalwart person who just doesn't want to recycle, I think there are ways to appeal to their economic sense in regard to this problem and perhaps bring them along the road.

I commend the member for bringing the bill forward. I look forward to its getting to committee and I was very pleased to have an opportunity to speak to it.

**Mr. Khalil Ramal (London-Fanshawe):** I'm honoured and privileged to get a chance to speak about Bill 195, An Act to amend the Environmental Protection Act with respect to the stewardship of products and of the packages or containers used for products, introduced by Norman Miller, MPP for Parry Sound-Muskoka. I think it's a very important issue to speak about.

I come from the business community. I had a business for a length of time and I know exactly what the member is trying to do to encourage many people in this province to divert waste and protect our environment, protect our landfill, because it's become a very big problem concerning all the people in this province. As you know, especially in Toronto, we don't have places to put our garbage—we ship it to the United States—and many

different cities across the province are facing the same problem. So I think it's very important to educate the people in this province and create some kind of awareness about the problem we're facing.

I want to just mention—not to discredit the member—our government's initiatives. For the last two years we have done a lot of things to protect the environment—more than any other government in the last 15 years. Also, since taking office, we've promoted and approved the blue box program, making industry responsible for covering at least half the cost of operating the municipal blue box programs. As a government, we are pushing very hard to protect our environment for future generations.

As I mentioned, I used to be in business. I operated a distribution company. We used to service many different companies, especially Beckers Milk. If you returned a milk container to them, you got a refund of 25 cents. Let me tell you, I think it's very important to have a levy or a deposit, and when you return the product, you get your money back. But let me tell you, it's a very difficult concept, because it would cost business a lot of money. Also, it's not feasible.

I believe the blue box is a very good initiative and will help all the people—every individual, every household—across the province to participate in this program and make them responsible to help their community, their city, their government and their society protect the environment. So that's why, for instance, we have a blue box program, and every week, when I walk or drive around the streets, in many different neighbourhoods in London, the people always have blue boxes in front of their houses. They segregate the cardboard and the paper, and there's also the other blue box for containers, for glass, for plastic. I think it's a very important initiative. All the people in the city of London, all the people in many different cities across the province, are participating in protecting the environment and helping their societies to divert some kinds of garbage to eliminate the problem that we might face in the future.

Besides those initiatives, many different companies—I will mention one of those important companies in London, Ontario, Try Recycling—help to recycle many different products: concrete, plastic, roof materials, wood and drywall. They'll recycle it and use it again many different times, in different companies and in different industries.

In principle, I think the member brings forward a very important issue, a very important topic. We should all support it. I hope, like myself, everyone in this House will stand up and support my colleague for his initiative, for his important bill, which I think will create good awareness for all of the people in this province.

**Mr. Ted Arnott (Waterloo–Wellington):** I'm very pleased to have an opportunity this morning to speak to Bill 195, An Act to amend the Environmental Protection Act with respect to the stewardship of products and of the packages or containers used for products. This bill, of course, has been brought forward by the member for

Parry Sound–Muskoka. He introduced it in the Legislature actually fairly recently, in the last three weeks or so, on May 4, 2005. It is a private member's bill that I would expect will enjoy the support of most, if not all, of the members of the House in principle. There have been a number of interesting speeches made this morning so far to discuss this issue, and I would think that, in all likelihood, the government will want to ensure that they're seen to be supportive in principle of this legislation and will want to ensure that the bill goes to committee for further discussion. I would think that the member for Parry Sound–Muskoka would welcome that. I didn't hear all of his speech at the outset because I had another meeting in the building, but certainly I've had a chance to discuss this issue with him at some length this morning. I want to commend him for bringing this issue forward in the Legislature.

This is the kind of bill that should be discussed on Thursday mornings during private members' public business. I have brought forward a number of private member's bills on my own over the years, and I've always found that this is a very useful vehicle for raising an idea, bringing forward an initiative that otherwise perhaps wouldn't be discussed in the Legislature in a timely way: You put your name on a bill, set down a marker and say, "This is my position, and this is something that I think needs to be done." I believe that the government should be prepared to take a good, hard look at these bills that come forward on Thursday mornings.

In fact, I have a bill before the House right now, Bill 77, that is now redundant, because the government in its budget last week adopted my idea. It wasn't in the budget speech, but it was in the budget papers. Actually, the member for Kitchener Centre made reference to it in the House on Tuesday. Unfortunately, he forgot to give me some acknowledgement that it was my idea, but that's to be expected, I suppose. The idea was to give a retail sales tax exemption for people who have to buy booster seats for their larger children, given the fact that the government has brought forward safety legislation which will compel parents to have their kids in booster seats much longer than we've traditionally done, I suppose, in Ontario, until the child is up to eight years old or 80 pounds. This was something that was in the budget, and I was obviously very pleased to see that. I'm glad that the Minister of Finance listened to the suggestion that was brought forward as a private member's bill. But I've digressed to some degree talking about my own initiative, and I certainly apologize for that.

**1050**

The member for Parry Sound–Muskoka has done an extraordinary job since his election to the Legislature in 2001. He came in on a by-election, and he's been a great addition to the caucus. Mr. Speaker, as you know, there is a great deal of public cynicism these days about politics and politicians in general. It's reaching a crescendo out there this week with what's happened in the House of Commons. Norm Miller is one of the good guys around here, and we're very, very pleased to have him representing the people of Parry Sound–Muskoka.

Bill 195 is intended to introduce the concept of product stewardship, which is a management system based on industry taking on the full responsibility for the products that they produce or sell, from their inception through to their final disposition state. It is referred to as cradle-to-cradle management.

Bill 195 will help to reduce the generation of the amount of solid waste materials produced in Ontario, which, in turn, will help in reducing the amount of product containers, packaging materials and other non-biodegradable waste going to the landfill sites. Bill 195 will help the government meet its ambitious waste diversion goal of 60% by the end of 2008.

You look at this initiative by the member from Parry Sound–Muskoka, and he’s trying to help the government. In opposition, he’s trying to bring forward a constructive idea to assist the government. If the government is able to achieve its waste diversion target by 2008, you can expect to hear about it during the 2007 election campaign; they’ll be boasting about it. But what we’re trying to do with this bill, and what the member is trying to do, is give you assistance in that regard.

This was—well, it continues to be—a huge issue. Waste management will be an issue forever in this province. It is an important responsibility of the provincial government. I think back to when I was first running for office in 1990. I remember the issue of the environment coming up repeatedly, and one of the things that I had said during an all-candidates meeting was that we need to encourage industry to take greater responsibility for the packaging they produce. Consumers need to be part of that. In terms of the purchases they make, consumers need to try to influence industry to take more responsibility.

Fifteen years later, here we are, still talking about it, and I would suggest that we need to give serious consideration to adopting the member’s bill, building on the work of the previous government through the establishment of Waste Diversion Ontario, which I had an opportunity to participate in as PA to the Minister of the Environment.

Once again, I want to commend the member for his initiative, thank him very much, and I would encourage all members of the House to support it. I would hope that the bill will be sent to committee for further discussion.

**Mr. John Wilkinson (Perth–Middlesex):** From a former parliamentary assistant to the Minister of the Environment to the current parliamentary assistant to the Minister of the Environment. I rise today to support our colleague Mr. Miller, the member for Parry Sound–Muskoka, and his private member’s bill, Bill 195.

I just want to make sure that we’re clear on the record that we believe that the principle of this bill is very good. Product packaging, as the member from Hamilton East and other members said, is an impediment to our goal of 60% waste diversion. I think that the debate we’re having today is yet another opportunity for all of us to bring focus to this very issue.

Municipalities have asked the province for a complete set of tools to divert more waste from landfills, because,

as you know, Mr. Speaker, waste diversion is a municipal issue that has a provincial context. The development of our waste diversion strategy does not preclude the possibility of proposing new rules for product packaging, as envisioned by the member from Parry Sound–Muskoka.

Last summer, our ministry posted a discussion paper on the environmental registry, which is on our Web site, so that all matters environmental are actually posted in this province. I think it’s a very wise idea, because it allows the government to share information with the public before things become law, whether in this place or through regulation. That was posted to attract ideas to help achieve our government’s stated commitment to divert at least 60% percent of waste from landfills by the end of 2008. I know that my colleague from Niagara was talking about the need to become less and less reliant on landfills and the problems we have with them.

The discussion paper included a section that was entitled—I just want to share this with you—Reducing Packaging and Increasing the Recycled Content in Products and Packaging. So our government is aware of that.

Ideas were also gathered in six public forums held in communities across Ontario last summer. Ideas were contributed by scores of citizen, municipalities, industries, environmental groups and academics. I would, on behalf of the government, and I think all of us here in the Legislature, want to thank all of those good people who actually participated in that very public process. Those ideas are now informing the development of our government’s comprehensive strategy to help municipalities divert more waste from landfills.

It’s worth noting that the province already has powers through the Environmental Protection Act and the Waste Diversion Act to impose product packaging rules like those proposed by my friend Mr. Miller. Debate about this bill will help to inform the development of our government’s comprehensive waste diversion strategy. Even though this bill, in one sense, could be considered redundant, my government colleagues and I appreciate the effort put into this bill by the member from Parry Sound–Muskoka and his helping us bring further attention of the public at large to this important issue.

I would say in all honesty that our government has done more for waste diversion planning in our first 19 months as a government than previous governments had done in the last 15 years. Upon taking office, we promptly approved the blue box program plan, making industry responsible for covering at least half the cost to operate municipal blue box programs. This gave municipalities the funds they needed to expand their waste diversion efforts.

It’s not enough just to talk about waste diversion. We can all get up here and talk about how blue boxes are great—my home community of Stratford is one of the leaders of the blue box program across this province—but there are costs associated. We needed to come up with a plan to make sure that there was an equitable distribution of costs and that we’d be in a position to expand the blue box plan so that we could get to the very

important goal of 60% waste diversion. That means that more than \$64 million will flow to our municipalities this year. The previous government, for whatever reason, had refused to approve the blue box program plan, leaving many municipalities unable to expand their waste diversion efforts. So on one hand, they were being told, "You've got to do something about landfills," but on the other hand, they were not being given the financial resources to make that happen.

As a complement, because this is a complicated issue—landfills, waste diversion, recycling—our government has also appointed an expert panel that will recommend ways to improve the environmental assessment process. I might add, and I agree with the member from London–Fanshawe, that we share a wonderful recycling facility called Try Recycling. He was speaking about that in his comments. My minister, Leona Dombrowsky, and I have visited it, and he's absolutely right. It's amazing what they're doing in that facility about recycling, particularly of industrial-commercial and institutional waste. Under the previous government, the EA process frustrated the abilities of municipalities to site waste diversion facilities, which is why we have the expert panel to move that along. Through several complementary initiatives, our government is demonstrating the strength of its commitment to help municipalities find better waste diversion solutions.

I did want to speak briefly about the blue box program. I want to give a great deal of credit. My ability to understand this issue goes to a chap named Mike Jorna, who was the deputy mayor of Stratford for many years. It was Michael, who was the environmental studies teacher at Central High School in Stratford and serving his community as a Stratford city councillor, who moved the blue box program forward—I might add, at some political price to him, because the other thing that he was great for was the institution of bag tags in Stratford. People were very unhappy with that about garbage, but our reliance on the landfill went down substantially when people saw that they could either pay to have their garbage disposed of by the community or recycle for free. When that was instituted, our waste went down and our recycling skyrocketed.

You should know that 98% of households are served by the blue box program. There's an interesting thing I've learned, as the PA at MOE, about aluminum cans: The amount of energy required to make an aluminum can is substantial, but it is infinitely recyclable. That's why we have to urge people, particularly the children in the gallery today, to recycle. I say to the young members in the gallery, we don't inherit our natural environment from our grandparents; we're just borrowing it from our grandchildren. I support the bill today in that tone.

1100

**The Deputy Speaker:** Mr. Miller, have you two minutes to respond.

**Mr. Miller:** I would like at this point to thank Michael Wood, the legislative counsel who drafted the bill and spent a lot of time on seven drafts coming forward with

the bill. So thank you, Michael, and also the members who commented today: the member from Niagara Falls, who stated that this bill is a "step forward"; the member from Haliburton–Victoria–Brock, who stated that we create too much waste and we have to change the way we design products; the member from Hamilton East, who stated that landfills are not the solution and that we have too much packaging; the member from London–Fanshawe, who supports the bill but also pointed out that the blue box system does work here in Ontario as well; the member from Waterloo–Wellington, who stated that we need to encourage industry to take more responsibility; and the member from Perth–Middlesex, the PA to the Minister of the Environment, who supports the bill in principle.

This is an issue that is very current. I look at yesterday's clippings and I see in the North Bay Nugget, "Climate, Garbage Threaten Province." The Environmental Commissioner "said municipalities must take a more active interest in recycling and other ways to reduce energy demands.... He said the public and the government have to show more" than "concern over what is happening to the environment."

You flip it over, and there's a story, "Democrats Dump on Trash Imports," in the Windsor Star. They've hauled out the Trash-O-Meter and stated that "2,180,411 tons of garbage" have been trucked into Michigan, and they're not happy about it.

If you look at yesterday, there was an Ipsos-Reid poll done on waste management problems in Ontario that shows that three quarters of Ontarians believe the province is facing a garbage crisis. Two thirds of Ontarians indicate that the province needs to seek new and expanded facilities and increase recycling and diversion efforts.

The Ontario Waste Management Association study indicates that the business sector generates nearly two thirds of the waste produced in Ontario. Product stewardship can help the province meet its goal of diverting 60% of waste from landfills.

I hope all members will support this bill.

#### PAYDAY LOANS ACT, 2005

#### LOI DE 2005 SUR LES PRÊTS SUR SALAIRE

Mr. Kormos moved second reading of the following bill:

Bill 193, An Act respecting payday loans / Projet de loi 193, Loi traitant des prêts sur salaire.

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

**Mr. Peter Kormos (Niagara Centre):** Thank you, Speaker.

Last March in Ottawa, a judge ruled that two companies were trying to exploit the vulnerable by charging criminal rates of interest. Deputy Judge George House

described one company, Affordable Payday Loans, as having “engaged in an organized, consistent and concerted pattern of conduct designed to exploit the vulnerable.” He described the interest rate of another firm, Stop ‘N’ Cash 1450, as “unconscionably usurious.” The judge said that the victims of these companies did not have to pay the exorbitant fees that were charged to them, but these 34 plaintiffs were merely a handful of the thousands of Ontarians who have been victimized by payday lenders.

I submit to this chamber that it’s time for this Parliament to pay attention to the industry’s well-documented abuses and to take action to protect ordinary Ontario families. It’s not enough to wait for the courts or other levels of government to take the lead. Five provinces presently have some form of regulation, licensing or registration required for payday lenders: New Brunswick, Newfoundland, Nova Scotia, Quebec and Saskatchewan. Last month, Manitoba announced their plan to crack down on the payday lending industry. Manitoba’s legislation is going to license the industry, force them to include all service fees when advertising interest rates, ban rollover loans and ban companies from confiscating the paycheques of people who stop making payments. Payday lenders are also regulated in South Africa, Australia, the United Kingdom and most of the United States. Ontario cannot sit and wait for somebody else to address this problem.

Over four months ago, I was proud to be amongst those supporting the resolution brought forward by Ms. Deb Matthews, the member for London North Centre, when she presented her resolution calling for all of us to move to ensure that consumers are protected from excessive charges and hidden costs in the payday loan industry. This bill today flows as much from her work in that regard as it does from the others and groups that I’ll refer to in the course of this 10 minutes.

So we’ve all committed ourselves to take action to restrain an industry that habitually breaks the law and engages in nothing more than loansharking, to an extent that Tony Soprano would be embarrassed. Well, think about it. We’ll get to some of the numbers; they’re pretty dramatic figures. The mob doesn’t extort money as thoroughly and in as huge numbers as some of these bad payday loan operators do. With this in mind, the New Democrats have sat down with consumer groups and payday lending victims, and of course with the assistance of legislative counsel, to develop the bill that’s presented here today for second reading. Consumer and public interest groups have joined payday lending victims in calling for this sort of legislation for some time now.

Sue Lott of the Public Interest Advocacy Centre is the author of reports such as *Fringe Lending* and “Alternative” Banking: The Consumer Experience. She says, “Bill 193 would be an important step by this province to regulate the payday lending sector. We urge MPPs to move this bill forward and bring it into law.” John Young is the author of ACORN Canada’s special report, *Protecting Canadians’ Interest: Reining In the Payday Lend-*

ing Industry, and he says, “The Ontario government must act in order to protect Canadians from what is now an unaccountable and unethical industry. If passed, Bill 193 will do exactly that.”

The bill includes setting payday lending interest rate caps, and that’s incredibly important. Currently, payday lenders regularly charge annual interest as high as 1,000%—that’s one and three zeroes.

Many here will know of the excellent series of articles in the Toronto Star by Nicole MacIntyre and Jim Rankin. They exposed in great detail how these payday lenders do precisely this. The Star article details how a loan of \$100 for three days at a Toronto-based Payroll Loans cost a borrower \$25.48. That’s over 25% interest over the course of but three days. Using the legal accounting standards, that works out to an annual interest rate of over 3,000%. A loan of \$120 from Stop ‘N’ Cash cost the borrower \$41, or an annual interest rate of 1,782%. Jane Spooner, an ACORN member who was charged an annual interest rate of 410% on a loan of \$100, borrowed that money from a Money Mart in Weston, Ontario. A 410% interest rate on a loan of \$100.

The Criminal Code of Canada makes it quite clear that annual interest rates of over 60% are illegal, but as Manitoba Finance Minister Gregory Selinger recently noted, the federal rate is not enforced at all. We have serious concerns about this. It is a very labour-intensive thing for the police to be using the Criminal Code to investigate these payday lenders and charging them under the appropriate sections of the Criminal Code. We wish it were done, but we understand the scarce resources with respect to policing and we say that this bill is the approach that’s going to enable this province to protect these borrowers from these predators, the payday lenders, in an effective way, without the utilization of scarce police resources.

By bringing in the strict regulatory regime that’s in Bill 193, we will be enforcing the Criminal Code and its prohibition on excessive interest rates and we’ll be protecting the public from this loansharking. Bill 193 also includes a ban on payday lending’s most insidious loans; these are the rollover, extension and back-to-back loans. These are the practices that create inescapable debt cycles. Some of you may remember when Rob Ferguson was here, a legally blind Brampton man who receives ODSP. His cycle of payday loans began over a year ago when he borrowed \$200 to pay back an outstanding hydro bill. He was supposed to have paid back \$325 on that short-term \$200 loan, but couldn’t meet the payments so he rolled over the loan into a subsequent one, extending the repayment period at an exorbitant new cost. He then re-borrowed money again and again, rolling it over and over until that \$200 turned into \$1,600 in debt.

#### 1110

Sherry, another member of ACORN, got trapped in a similar debt trap. A little over a year ago, she took out a payday loan from a Money Mart in Brampton. Her loan came due on a Thursday but her payday, when she got paid, was on a Friday. Unable to cover the cost of late

fees because she was a day late, she took out another loan. There you are again, another loan and another loan and another loan. She, like Rob Ferguson, was trapped in the payday lender's debt cycle. Oh, they love it. The payday lenders love it when you don't pay your loan on time.

Bill 193 will impose a cooling-off period between loans to prevent lenders from taking advantage of clients in this way. These measures will be enforced through the establishment of a tough payday lending registrar who will oversee the industry, enforce rate caps and levy fines. All payday lenders will have to be registered. The registrar will be responsible for enforcing the act, reporting on the industry to the government and educating the public. The registrar will ensure that payday lenders play by the rules laid out in the act, and violations of this act can yield fines of up to \$250,000 or two years in jail.

The measures in Bill 193, I submit to you, will stop the predatory practices that have victimized so many Ontarians. These are lower-income Ontarians. These are incredibly vulnerable Ontarians. These are Ontarians who are supporting themselves on social assistance, or are trying to support themselves, scraping by on ODSP payments.

I want to thank ACORN and its members. Some of them are here today in a gesture of support for the bill. They've been critical in helping us put this bill together and their expertise is extremely valuable. I want to thank David Halporn, our legislative counsel, who of course drafted it. None of us sits down at the computer and writes these bills ourselves. We'd be foolish if we tried. Legislative counsel David Halporn was extremely useful to us in this exercise and we appreciate it. Elliot Anderson from NDP research, who quite frankly did most of the heavy lifting around this bill—again, I appreciate his work.

The act is a small and simple step that this Parliament could take immediately to show that we're serious about cracking down on today's loan sharks. We've got to keep working with other levels of government, the federal government and provincial governments across Canada, as well as alternative financial institutions and credit unions, to see that the banking and financing needs of working communities are met. In the interim, I look forward and wish and hope that this Parliament will send this bill to the appropriate committee.

**The Deputy Speaker:** Further debate?

**Mr. Ted Chudleigh (Halton):** This is an interesting bill that the member for Niagara Centre has brought forward. It deals a lot with integrity and honesty of financial dealings, and I'm very supportive of what this bill intends to do.

But I find it somewhat amusing when I look at this one-pager that came around explaining how the NDP bill will put a ban on legalized loansharking. I see up in the corner a picture of a chap and the name underneath it purports this person to be Peter Kormos. Now this person has, first of all, a full head of hair. Secondly, his full head of hair is very dark in colour and his face is definitely

oval shaped, not round. It doesn't have nearly the cheeks or jowls—

**Mr. Kormos:** This is ad hominem stuff. This is cruel.

**Mr. Chudleigh:** Peter, if you're talking about integrity and honesty in loansharking, I would suggest that you could look a little closer to home at some point early on and change this picture. This is a picture of a guy—you know, he's a pretty good-looking guy. He could be in Hollywood. A person might vote for this guy.

**Mr. Kormos:** Why do you think I'm using the picture?

**Mr. Chudleigh:** I suspect. However, I do point that out.

This bill is a good one. One of the problems I have with this bill, and it's not a serious one—it's an amendment—is you can't paint everyone in this province with one brush. It's a very diverse province and every business within it has very diverse people. I'm sure all the examples that the member from Niagara Centre used were very accurate, but I suspect there are also agents, same-day loan people, payday loan areas, who are very reputable and conduct their business at a very high level. In my experience, I have always found painting the entire province with one brush to be difficult and quite often inaccurate.

Payday loans are also something that very few of us have ever had any experience in, and very few of our friends would have ever had any experience in this. But, as the member points out, this is a very real problem for some sectors of our society. We should pay attention, as members in this House, to the needs of all of the people in Ontario and, in particular, those people who perhaps are less able to help themselves when they fall outside the constraints that we so often set.

As I pointed out, there are probably some same-day loan outfits that operate very regularly, but there are unfortunately always, in these industries that are unregulated, a few bad apples that spoil the barrel. Excuse me if I use that term. Of course, the bad apples spoil the barrel. Many years ago, we always packed our apples in barrels. You would get a couple of hundred apples in a barrel, and if you had two bad ones in there, by the time they got shipped to wherever they were going, quite often you had a barrel full of mush. So it's important that we clean the business up to make sure that those who are reputable in the business can survive. Yes, regulation in this area is sadly lacking. I would suggest that the Financial Services Commission of Ontario would be the organization under which umbrella this legislation should come.

These regulations should also allow—and perhaps this can be done through an amendment, I say to the member for Niagara Centre—that when someone has a cheque that is drawn on a bank, and that person has reasonable identification, that bank should be committed to cashing that cheque, even though that person who is submitting the cheque does not have an account with that bank or, perhaps, with any other bank.

It's always been a problem with me that if you're dealing with ABC bank, and ABC's customer writes a

cheque to a person who has done some service for them, and that person takes that cheque over to ABC branch and wants to cash it, with proper identification, that bank will not cash that cheque unless that person has an account somewhere. Many of these people will not have bank accounts. That cheque that has been issued on that bank is like a piece of money, and in order to get hold of that money, the duty of that bank is to convert that piece of paper into cash. When that doesn't happen, then that begins to drive that person into the arms of the payday loan company, and therein lies part of the problem: How do I cash this cheque when I'm outside the normal financial channels? In my mind, that is wrong and it is something that should be corrected.

I think FSCO could set terms and conditions, within Ontario at least, with the trust companies and other financial institutions—perhaps not the banks, but trust companies—whereby those cheques could be cashed.

#### 1120

The other problem with the payday loan area being unregulated has been pointed out most clearly by Mr. Kormos from Niagara Centre, and that, of course, makes the bill a necessary one and one that would improve the lot of many Ontario residents, particularly those who are trying to get themselves established, to get themselves on their feet financially, as it were. Because they have had a problem—perhaps they don't have a bank account; perhaps they are trying to get themselves out of a loan spiral—those are the people who are most vulnerable in our society, and those are the people whom we in this House should be very concerned about.

I will be supporting this legislation. I would like to see a few amendments to it. I think it could become a stronger piece of legislation. I would like to see it be as fair a piece of legislation as it could possibly be to all involved, including reputable loan dealers.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** We come together in this place each day and begin the session by praying that we may govern wisely and well and seeking a country where freedom prevails and justice rules. I think on a good day that is where we're all coming from. In that sense, I want to say that there's a difference between praying for people and preying on people.

I want to commend the work of my honourable colleague Deb Matthews, and also the member from Niagara Centre, who brought forward this bill, although I do need to note that it's ironic—I think if you look up the word "ironic" in the dictionary, it would read "Peter Kormos" as the definition.

The simple truth of the matter is that the McGuinty government, since coming to office, has been working hard to address the issue of payday loans through Bill 70, and we've done what we can to protect consumers within our provincial jurisdiction. We've also been lobbying the federal government to make the required changes to the Criminal Code, because the jurisdiction for interest rate issues is in fact at the federal level. We've been pushing the feds to do that so we can consider regulating the in-

dustry in an effective and meaningful way. The provinces that were mentioned that have moved to licensing in the payday loan sector have each acknowledged that they are having great difficulty with respect to section 347 of the Criminal Code. In fact, the licensing provisions are, for all intents and purposes, ineffective in that regard.

Instead of working together on many fronts, we've seen some filibustering around Bill 70, which is interesting because it in fact moves to ensure that consumers are protected and that the costs of loans are spelled out. But over and above that, let's be honest, it is in fact the feds who have jurisdiction under the Criminal Code. I've already mentioned that those provinces that license acknowledge the significant problems.

Importantly, not that long ago, our Minister of Consumer and Business Services, the Honourable James Watson, wrote to federal Justice Minister Cotler on the issue, and as a result of that, there was a special federal-provincial-territorial group that came together called the consumer measures committee. That task group has been working diligently, through a subgroup called the alternative consumer credit market group, to frame a joint response to high interest rates and the alleged unfair trading practices of certain companies. It should be pointed out that some lenders are quite reputable and are as concerned about rollover loans and what have you as the member from Niagara Centre and some others who are here. So that group has been working to develop a consumer protection framework that will be the locus and subject of their upcoming June meeting—it's June 2005—to look at what legislative framework might be put in place to provide the very kind of protection that the member from Niagara Centre and my colleague Deb Matthews would like to see in place.

I want to provide assurance to this House that when the federal government moves, and we have every reason to believe, based on the working group that has been set up, that they will in fact be moving to make changes to the Criminal Code and bring in better enforcement provisions, we will move to regulate the industry through legislation. We share the concern about rate caps, the need for regulations and rollover difficulties. Personally, I would simply ban back-to-back loans. I think that ought to be in place. We intend to move with our federal, territorial and other provincial partners on this front.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to rise to speak to Bill 193. I want to start off by talking about who the victims of this nasty regime are right now. The victims of this nasty regime are, generally speaking, low-income people who are perhaps working at minimum wage jobs, and in some cases working at two or three part-time minimum wage jobs just to make ends meet, because our economy unfortunately doesn't provide a good quality of life for all our residents and all the people who need to make a living to support their families. In some cases, it's people who are relying on social assistance, the Ontario disability support plan and other kinds of income supports: pensioners, senior citizens, people who are not in a position to have decent

wages and decent amounts of regular income they can rely on.

Why do people in this income bracket or in these positions tend to have to turn to a payday loan operator? Mostly because they live very precariously, from payday to payday, from pay to pay, and something comes up, something unexpected, something for which they weren't able to acorn away any money in case of an emergency. They're living from pay to pay so they don't have the little nest egg set aside in case some major trouble arises or some unexpected expense creeps up. When I say unexpected expense, I'm not talking about something that any one of us would think is a major, huge expense: an unexpected car repair of maybe \$500, \$600, \$700. Where's that money going to come from if you don't have a bank account with savings in it? A leaky roof, a broken washing machine—there are all kinds of things that come up that people are not expecting, that people are not ready for, that are not factored into the weekly expenses that go out the door just for regular daily life.

When those kinds of things creep up, when those kinds of issues arise, unfortunately—I think it was mentioned already—many of these residents in our communities from all across Ontario don't have accounts at the regular banks, and if they do, the regular banks are not prepared to provide small loans to people. Oftentimes, the people in question won't have a good credit rating; they might not have a rating, period. They might be new to the community; they might be newcomers. They might be people who don't have English as their first language, who are recent immigrants to our communities, who don't have a good grasp of the kinds of opportunities that exist for them to perhaps go through the more mainstream financial services that can be available, but are often not available, unfortunately. So we have a banking industry that discriminates against some of these people, and they are then forced to seek out the services of these loan-shark-type payday lending facilities.

**1130**

It's really kind of interesting to see what has not happened in Ontario to address this problem. We have a government that at this point in time is not acting on this problem, although we know it's been raised several times in the Legislature. It's well overdue that somebody gets serious and puts a stop to this nasty business. Apparently the government is relying on some future dialogue, some discussion paper and all that. Meanwhile, people are getting ripped off day after day in community after community across the province.

It's just not good enough to say that some time soon we'll be having a discussion about the problem. We know what the problem is. We know this industry needs to be regulated. We know there need to be stronger consumer protections in place to address the problem of payday loans. It's just a matter of getting off the collective tush of the government and getting it done. Bill 193 does that. I'm really hopeful that we'll get the support we need for this bill, move it into committee and come out at the end of the process with a good, solid

piece of legislation that tries to go after these sharks who are ripping off consumers every day.

I was looking through the materials, and they have a quote here from Jim Watson, the minister, who says, "I think it's a good first step." The idea is that it's a good first step that the businesses themselves get together to try to do some self-regulation. That's like the fox in the henhouse, quite frankly. I don't think that self-regulation, although it sounds like a good thing, will bring the results we need to see. Unfortunately, it's taken a significant amount of nastiness published in various newspapers and news outlets about these disgusting practices. Self-regulation is just not going to cut the mustard when it comes to dealing with this industry.

I want to mention something that was in the Ottawa Citizen on March 31, referring to Stop 'N' Cash 1450. This is in regard to the Ottawa judge who recently made a decision on this particular industry: "The judge wrote, 'The plaintiff has displayed an organized deceptive pattern designed to exploit the vulnerable.' The actions of the other company, Affordable Payday Loans, were akin to loansharking, the judge said." This is what we all think. Anybody who has ever had the experience of talking to someone who's been ripped off, anybody who reads any of the volumes of material that are available regarding this industry, will know that this is quite clearly a sentiment we should all be sharing. Not only is it a sentiment we should be sharing, but it should be a motivator for us to get this bill passed and make sure we put a stop to the organized, deceptive pattern of exploiting the vulnerable that these payday loan operations unfortunately make so much money out of.

From the same article: "Consumer protection is part of the job of Consumer and Business Services Minister Jim Watson. But where's Watson? The omnipresent minister has kept a low profile on the payday loan issue. New consumer protection legislation this summer will mean the payday loan companies have to more clearly spell out how badly they are gouging customers. Ministers from other provinces will meet in June to discuss what else to do."

It's really clear what else needs to be done. In the interim, while we push this bill through the process and get some real legislation, the Attorney General needs to lay charges whenever these things are brought forward, whenever they are brought to the light of day. The laws do exist, and unfortunately they're not being enforced. Yes, it will likely cost a significant amount of money to start prosecuting some of these, but the message has to get out there one way or another. Until we can get a better regulated system in place, for the time being we have to find a way to dissuade these loan sharks from preying on the vulnerable in our communities.

I want to spend a few minutes talking about how exactly this industry breaks the law. I think it was adequately illustrated by the member from Niagara Centre in his description of the bill during his initial 10 minutes. What happens is that these payday lenders charge annual interest rates of sometimes over 1,000%. The Criminal

Code of Canada says that annual interest rates should not exceed 60%. That's where the breaking of the law is occurring.

There's an example we have here that I wanted to go through with you because it really illustrates the problem. Canada Cash Advance allows a short-term loan of up to \$500 and demands a return of \$612.50. They're allowing rollovers of the original amount, provided that the interest is repaid, so you can just keep paying the interest but your loan continues to be outstanding. Lenders claim that it's actually a new loan, but it's really borrowing the same amount again and again and again. That means that after about a year, you could be paying \$1,350 on a \$500 loan and never pay down any of your principal. That's an interest rate of 268% annually. This is the kind of thing that, unfortunately, is happening time and time again, and we need to get active on putting a stop to it.

So how do you do that? How do you put a stop to it? Well, Bill 193 does that by putting together a framework of both consumer protection and a licensing and regulation regime.

It will give the government the power to put a hard cap on the interest rates charged by the payday lenders.

Under the Payday Loans Act, no payday loan would exceed 25% of the borrower's net income from their next paycheque, so you can't borrow more money than you're actually going to receive in your pay in the short term. This is a practice that has to stop, that people are allowed to borrow money at these exorbitant interest rates while the company knows full well that that person is not going to have the opportunity to pay back that loan because they don't even have enough money coming in their next pay to cover it off. This bill would prevent that from happening and would ensure that the maximum amount of the loan couldn't be any more than 25% of the person's net income for their next paycheque.

A full ban of the rollover loans and the imposition of a cooling-off period at the end of one loan before the next loan can be taken out: These are real consumer protections and these are things the minister should have been looking at, but instead we now have an opportunity to bring them forward with Bill 193.

It also would ensure that the consumer is very clear on exactly how much they are paying on the payday loan they're taking out versus what it would be on a standard loan in the mainstream financial sector.

Then there's the licensing and regulation of operators that needs to occur so that not just any person, any group of people, anybody who feels like maybe making a cool quick buck can set these things up. It's unbelievable that there's no licensing required for these facilities. Anybody who at all thinks, "This might be a lucrative thing to get into"—and guess what? It's very lucrative—can just set these things up. This bill says that's not right, that if in fact you're going to set up a payday loan facility, you need to be licensed and there are going to be requirements of your licence. Not only the basic requirements around licensing fees to pay for administration of the regime, but minimum operating capital, a presence in the

jurisdiction—you can't just be a fly-by-night type of person coming in and out—and details of the corporate structure and governance of your business are going to be required. These are things that will then be on record, so that should fines—well, that's another part of this, in fact.

There's the establishment of a regulator that can then ensure that regulations around payday loan facilities are being enforced. Then, of course, there are the abilities that regulator would have to make sure that the regime is being appropriately operated: powers to renew, suspend, cancel and grant licences, as well as the ability to prosecute those who are not following the rules that are set out and not complying with registration under the act.

The other piece would be spending some real time as a regulator to provide education to consumers so that they understand what it is they're getting into and to ensure that the complaints that will still likely come forward have a place to go. The regulator can follow up on those complaints as a way of ensuring that there is integrity in the system.

A system that right now has no integrity whatsoever, that a judge called—what was that quote again?—"legalized loansharking" is something that is banned forever in this province through Bill 193. If we're going to have to have these payday loan facilities, then they would be regulated and consumers would be protected from the kind of financial usury that is currently rife within this industry.

Thank you very much. I'm very proud to support this bill.

**Mr. Jeff Leal (Peterborough):** I intend to support Bill 193, the Payday Loans Act, introduced by my colleague from Niagara Centre. It builds on the work that has also been done by my colleague from London North Centre.

To try to bring this home, during the time that I was in municipal politics in the city of Peterborough, I chaired the social services committee on two occasions. Through that experience, you would often encounter individuals who would make appointments with you to come and talk about why, because of the particular set of circumstances they were in, they would have to avail themselves of one of these payday loan organizations to seek funding on a short-term basis over the next two months. It was always very distressing for me personally to deal with these individuals. You looked at their situation and tried to perhaps steer them to other sources to assist them to get through the short-term difficulty they were having, but inevitably they would end up in the door of one of these payday loan organizations to get a short-term loan, often to address some immediate family needs.

That's one of the reasons I was pleased that the Minister of Community and Social Services, the other day in this House, talked about providing some transition for individuals who are moving from Ontario Works into the full-time job area, because often those were the individuals who would come to see you. They were anticipating moving into a full-time job, but often they were on

OW/ODSP, and being a recipient of OW/ODSP, they would have dental and drug cards for their family. What would happen is that they would move into full-time employment, and in six months, because they didn't have those benefits for their family—they may have a sick child or another loved one they were looking after—they would have to go to a payday loan organization to acquire extra dollars to provide for their family.

I see this bill in the context of a few years ago when right across Canada we had to clean up some of the regulations regarding interest charged on credit cards. There was a great swell of consumer concern, not only in this province but right across Canada, to make sure that credit card companies clearly, in a very transparent way, would provide a schedule of charges that individuals would face if they didn't pay off their credit card balance within a prescribed period. I think that's important.

The member from Halton raised the important issue that there are some bad apples, but there are others who conduct themselves in a reasonable business fashion. But if you bring in this bill and have a schedule of charges to make it much more transparent, then everybody who walks through that front door sees very visibly what charges they may anticipate if they avail themselves of that particular service.

Indeed, I've heard and had a chance to read newspaper accounts of the judge's comments, particularly in Ottawa, when he talked about these activities bordering on loan-sharking and usury types of situations. I think all parliamentarians have a responsibility to clean this up.

Also, you have a situation where a crisis may occur. For example, last July we had the flood in Peterborough and, before insurance would kick in for those who had insurance or before provincial support kicked in for those who didn't have insurance, people who were at the lower-income strata of our society had to take advantage of these payday loans because they had to replace furniture or appliances. So people in crisis at least need to have some knowledge that if these activities are going to take place in one's community, there are a series of regulations.

I see this legislation as a complement to any changes that may be made at the federal level.

My friend from Oak Ridges is here. I remember he was at the Ronnie Hawkins concert in Peterborough, which raised a lot of money to support primarily those individuals who were caught without appropriate insurance or no insurance after that flood. I know we had a great time that evening. I appreciate that the member came to Peterborough to generously support that event.

I think it's important that we move this bill forward. It does indeed come to the assistance of people who are the most vulnerable in our society, and I happen to think it's important that we provide that protection. On that basis, I will give my wholehearted support to this piece of legislation.

**Mr. Frank Klees (Oak Ridges):** I, too, want to join with other members in the House in expressing my support for this legislation. I commend the member for

Niagara Centre for bringing it forward. It really does go to the heart of what we as legislators are all about, and that is to ensure that there are protections in place for consumers and that the laws are here to protect those who need protecting.

I'm always concerned when we bring forward another piece of legislation that calls for more regulation. I think all of us will agree that we are so overburdened, as a society, with rules and regulations. Every time we turn around, it seems that there's more red tape being added, and we continue, in this place, to add more loads of regulation. However, as someone once said, there is such a thing as good regulation, and I believe this falls into that category.

It is unfortunate that people have to resort to using this kind of facility. Really, the fact that we're even debating this is an indication that there is a deeper concern. The problem isn't so much with loans; it's the fact that people find themselves in a circumstance where they have to resort to getting a loan to take them over the next month or two. That's a fundamental problem in our society today. It seems that it doesn't matter if someone is on welfare or is working for minimum wage or is earning a \$40,000 income or an \$80,000 income; in today's society, people are always spending more than they should be.

#### 1150

I have felt for a very long time that we have a responsibility, as a society, to help people become more responsible in the use of their financial resources. I am an advocate of starting right in our school system. Within our curriculum, at the very early ages in our curriculum, there should be something there to teach young people about the value of money, the source of money and how it should be budgeted, so that young people begin to appreciate the fact of stewardship, meaning how you use what you have responsibly.

I have watched people, as you may well have, go into these places. It's saddening when you realize that it is in fact the most vulnerable in our society who are taking the few dollars they have, because they need it today, but what's being skimmed off is 25%, 30% and 40% of that, which they need to buy the next loaf of bread or to put groceries on the table for their families. You know that a business is skimming that, but there aren't the protections in place to protect people like that from their own weakness. So there is a responsibility that we have, but I suggest that there are things that we should be doing beyond this legislation and beyond this kind of regulation to get at the heart of the problem.

I want to implore the Minister of Consumer and Business Services because, while I thank the member from Niagara for bringing this forward and while I will be supporting this—and I'm sure this bill will pass today, and it will hopefully go to committee and there may well be some changes to the regulation and then it may well be referred back to this House for third reading. My concern is that that will be the end of it, because there have been many other good, private member's initiatives

very similar to this that have enjoyed the support of this House, but when it gets to the point of the government actually implementing the legislation, because it's not a priority for the minister, it's not a priority for the ministry, the bureaucracy will say, "The last thing we need on our plate now is one more piece of legislation to administer," and all of the good intentions of this House are frustrated.

One example of that is the Collision Repair Standards Act, Bill 186, which was introduced in this House. You recall it well; I know you spoke to it, Speaker. It was passed unanimously by this House and received third reading. It is still sitting on the minister's desk awaiting implementation. As recently as a couple of weeks ago I had a discussion with the minister encouraging him to implement that because it, like this, protects consumers against those in the collision repair industry who are ripping people off across this province. But it's not a priority for the ministry—and that's from the minister's own statement to me. How disappointed I am in that, because it's a solid piece of legislation. The stakeholders within the industry support it; they want it. As with this legislation before us, I encourage the minister to implement it because it's in the best interest of the people we represent. These are the pocketbook issues that affect people across this province and, for that reason, I again commend the member from Niagara Centre for bringing it forward. I will be supporting it, but I look forward to the minister implementing it.

**Mr. Dave Levac (Brant):** I do appreciate taking the last few minutes to address Bill 193, the private member's bill from the member for Niagara Centre, who brings to us a passion about this particular industry. It's a little late, because I do remember having this conversation with him about that quite some time ago.

The member from Oak Ridges wants to talk to us a little bit about private members' bills. I want to tell him that I have a positive example of how private members' bills get going, and that's Bill 3, the anaphylactic law. I would suggest to you very strongly that I look forward to improving the circumstances of private members' bills and engaging that, and that's going to be taking place in the democratic renewal. I know that in this House, each one of us would like to see private members' business become a little bit more focused and allow us to speak to the voice of the particular bills that are coming up.

I want to support another statement made by the members opposite. There was a comment about, "Let's not paint everybody with the same brush." I've met with the organization of payday loan people and they are on-side with looking at regulations. Unfortunately, though, there are people outside of that membership who I believe the member is talking about more succinctly, in that there are some really nasty things going on out there. But that organization is speaking very clearly that they see this as an important issue. They have taken steps and actually started a code of ethics and a code of behaviour. They are looking at everyone joining in with that organization and presenting it to government. The govern-

ment's bill itself is starting to speak about that industry. We do have some serious issues with how people are used to get that money and to make money off it.

The member from Oak Ridges also mentioned education in schools. I wholly agree with him, but I want to remind him that even as far back as 1977, when I started my teaching career, we were doing that. I was using my grade 7 class to experiment with how banking operated. Each member of the class eventually had the responsibility of holding the bank book, making deposits and—talking to the other private member's bill of today—we actually ran out and collected pop bottles, raised money for charity, deposited the money in the bank, and each one became a treasurer or a secretary.

I would suggest to you that it's a good idea that we use that as a stepping stone to move on to the high school level, where we start talking about serious stuff like investing and budgeting and all the things that are necessary for us to achieve that knowledge base that helps us with this particular issue. I fully concur with his observation: The more we can educate our young people in the budgeting process, no matter how much money one makes, the easier it will be for us to avoid the circumstances we're talking about today.

I would suggest that we are painting too many people with one brush, but at the same time I laud the member for bringing it forward and asking us to debate it in private members' business. The government has been listening very carefully to what is transpiring today. We're looking at options in Bill 70 that will be speaking directly toward what Mr. Kormos is bringing up today.

I want to suggest to this House that, indeed, this is a topic that is timely. This is a topic that is going to be addressed. With all of the members' assistance and help, and the industry itself—I want to challenge the industry itself to continue to grow in its responsibility and professionalism, to treat the people out there who are using their services with respect and dignity, and make sure that they don't lose those customers in the long term. So I appreciate the member bringing this to the House's attention. Thank you for this opportunity.

**The Deputy Speaker:** Mr. Kormos, you have up to two minutes to reply.

**Mr. Kormos:** I want to thank all members for their interest in this matter and for their participation in the debate. I welcome the comments that have noted, among other things, that of course it's not all payday lenders who have to be reined in. But we pass laws against theft to control people who are inclined to steal, to control thieves, not to control honest people. I understand that.

I reinforce the observation made that it was the resolution passed unanimously by this House on December 16, 2004, sponsored by Ms. Matthews from London North Centre, wherein this House committed itself to moving on this. I made reference to that, obviously, as you'll recall, in my opening comments.

I want to repeat my gratitude to ACORN. This grassroots organization has done a tremendous job generating familiarity and insight into the impact of bad payday

lenders on low-income people, people on social assistance, people trying to survive on disability benefits. They have played a critical role in bringing this matter forward.

Look, if this bill should receive second reading—and I sincerely hope that it does—it becomes the government's bill for the purpose of calling it for third reading or for dealing with this matter in any way that it sees appropriate.

I ask this chamber to understand and acknowledge this: We have the model. Other provinces have embraced and adopted it. Most American jurisdictions have, and other countries have. People are being hurt badly. People are being impacted very, very significantly. People's lives are being torn apart by the vicious lending style and the usurious interest-charging by bad payday lenders. I simply urge this chamber to move quickly on creating a regulatory regime to rein in these operators and protect some of our most vulnerable sisters, brothers and neighbours when it comes to the attack on them by these operators.

**The Deputy Speaker:** Thank you to all members. The time allowed for private members' public business has expired.

ENVIRONMENTAL PROTECTION  
AMENDMENT ACT  
(PRODUCT STEWARDSHIP), 2005  
LOI DE 2005 MODIFIANT LA LOI  
SUR LA PROTECTION DE  
L'ENVIRONNEMENT  
(GÉRANCE DES PRODUITS)

**The Deputy Speaker (Mr. Bruce Crozier):** We will deal first with ballot item 69, standing in the name of Mr. Miller. Is it the pleasure of the House that the motion carry? Carried.

**Mr. Norm Miller (Parry Sound–Muskoka):** To the committee on the Legislative Assembly, please.

**The Deputy Speaker:** Mr. Miller has asked that it be sent to the standing committee on the Legislative Assembly. Agreed? Agreed.

PAYDAY LOANS ACT, 2005  
LOI DE 2005 SUR LES PRÊTS  
SUR SALAIRE

**The Deputy Speaker (Mr. Bruce Crozier):** We will now deal with ballot item 70, standing in the name of Mr. Kormos. Is it the pleasure of the House that the motion carry? Carried.

**Mr. Peter Kormos (Niagara Centre):** I ask that this House refer this bill to the standing committee on justice policy, please.

**The Deputy Speaker:** Shall it be referred to the standing committee on justice policy? Agreed.

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

*The House recessed from 1201 to 1330.*

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: I just wanted to bring to the attention of the House a very important demonstration going on outside by our young people. High school students from the Toronto area are bringing attention to a very serious problem of violence against women. I want to congratulate them. The security has told me that it has been an exemplary demonstration and everything has gone well. I want to thank them for doing that.

**The Speaker (Hon. Alvin Curling):** That is not a point of order, as you know.

## MEMBERS' STATEMENTS

### FOREST INDUSTRY

**Mr. Norm Miller (Parry Sound–Muskoka):** I would like to take this opportunity to draw attention to a serious situation developing in northern Ontario.

Recently, I stopped in more than a dozen different communities while driving 3,700 kilometres across the north. Most of the meetings I attended had representation from the forestry industry. For instance, I met with the mill manager at Red Rock on Lake Superior, where linerboard is produced. I also met with Jacques Dorval, the mayor of Opasatika. Opasatika is a one-industry community, as are many of the towns in northern Ontario, and its mill is scheduled to close next month. This week, Tembec announced that it is closing four paper and lumber mills, three in Quebec and one in Brantford. The Brantford closure immediately affects 56 employees.

This is just the beginning. The Ontario Forest Industries Association is warning that as many as 12 forest industry mills are at risk in northern Ontario. The forest industry makes a huge contribution to northern Ontario. As Jamie Lim, president and CEO of the Ontario Forest Industries Association, points out, "The forest industry is in crisis and the loss of our industry is a loss for the entire province."

Consider the lost tax revenue, should these 12 mills close: \$340 million for the province and \$75 million at the municipal level. The association said that the closures would cause the loss of 7,500 jobs in the north and wipe out 13,000 indirect jobs in the south. Consider the impact on individuals, families and communities.

The Minister of Natural Resources was quoted as saying that he was "quite surprised to hear that a dozen mills are on the brink." I would like to say to the minister, isn't it your job to know the state of the forestry industry in Ontario? Isn't it about time you did something to address the problem?

## REFINERY CLOSURE

**Ms. Shelley Martel (Nickel Belt):** As Inco finalizes a deal to ship raw copper to a refinery in Quebec, the Premier and the Minister of Northern Development and Mines have done nothing to stop this plan to ship our resources and our jobs out of Sudbury.

I've asked the Premier twice now if he's prepared to intervene in this serious matter. Twice he has ducked my questions in the Legislature. I've written and called his office, requesting a meeting between myself, himself and Steelworkers representatives to determine what he will do to save these jobs—no reply.

Some 160 good-paying union, management and support staff jobs will be lost from Sudbury if this deal goes through. This doesn't include the spinoff jobs which will also be lost locally if the refinery is closed. Yesterday, the Minister of Northern Development and Mines said that Inco has created 125 new union jobs in Sudbury since January 2005. The truth is that more union members have retired than Inco has hired to replace them. So the union has actually lost members overall. The Steelworkers union confirmed yesterday, and again today, that from January to May 2005 the union had a net loss of 33 jobs, and in the past 17 months, from January 2004 to May 2005, a net loss of 136 jobs. Losing another 140 union jobs with the closure of the Copper Cliff refinery is a loss that Sudbury can't afford.

It's time for the Premier and the Minister of Northern Development and Mines to get off the sidelines and take a stand. I'm standing with the workers and the community, who know how devastating the loss of the refinery and the jobs will be. Whose side is the Liberal government on?

## SOCCER EXCHANGE

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise in the House today to recognize the 2005 Nunavut soccer exchange involving the Pickering and Ajax soccer clubs, coordinated by Mr. Terry Gariba.

In May 2004, a group of students from Inuksuk High School in Iqaluit, Nunavut, journeyed to Pickering to play their first outdoor soccer game. While in Ontario, they were able to see a live Blue Jays game, and Pickering designated a Nunavut Day and flew the territory's flag at city hall.

This year, Iqaluit is returning the favour. Last week, 16 soccer players in Pickering and Ajax had the opportunity to participate in traditional hunting and fishing, traditional Inuit games, dog sledding and igloo building, and experience drumming, dancing and throat singing, all in addition to an indoor soccer tournament. The soccer club also toured Nunavut's Legislature and met with its Premier, the Honourable Paul Okalik.

I would like to commend the Pickering and Ajax soccer clubs for embarking on such an exchange, as well as the citizens of Pickering, Ajax and Iqaluit, and ex-

change coordinators and sponsors in both the north and the south.

Many Ontarians—or Canadians, for that matter—will never have the privilege of experiencing the rich culture of Canada's north such as this. It's thanks to the Pickering and Ajax soccer clubs that youth in my riding were able to do so.

## MISSISSAUGA YOUTH WEEK

**Mr. Peter Fonseca (Mississauga East):** I rise in the House today to acknowledge Youth Week in the fine city of Mississauga, and one of the recipients of the Mississauga Young Citizens of the Year award.

Youth Week is a festival organized by the Mayor's Youth Advisory Committee of Mississauga to encourage volunteerism and a spirit of community that celebrates the achievements of young people in the community and that endeavours to foster the leaders of tomorrow.

Some of this week's activities include a city-wide scavenger hunt, a park cleaning, a live concert featuring the best of Mississauga's rising local bands, and a youth forum dedicated to introducing youth to global issues and critical analysis. The week culminates with Mississauga's Youth Achievement Awards, which honour local youth for outstanding achievements in all facets of their lives.

One of this year's youth citizens of the year is Naema Tharani, a resident of my riding of Mississauga East. A grade 12 student at Glenforest high school, Naema has served as chair of the Ismaili Youth Club of Mississauga. In this role, she has coordinated volunteer days at the local food bank, organized university tours for the Ismaili Youth Club, as well as arranged for motivational speakers to come and inspire the club members.

In addition to her role as chair, Naema volunteers her time teaching math and reading to child refugees from Afghanistan. Through her work with refugee children, she feels that she can help raise not only their marks but also their self-confidence.

Naema is a true leader and serves as a role model, not only for the youth of Mississauga but for all of us.

## COMMUNITY COLLEGES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to ask the Legislature to join in the celebration of the 40th anniversary of the establishment of Ontario's colleges. This year marks 40 years since Ontario colleges were established in legislation. A lot has changed since then, but the need for colleges has not. They were created to serve those who specifically were not university bound and who were seeking technical or vocational education.

On May 21, 1965, then Minister of Education William G. Davis, who served in the Progressive Conservative government of John Robarts, introduced the legislation establishing the colleges of applied arts and technology. The bill received all-party support, and I think support for the important work of colleges continues to this day.

Forty years after they began, Ontario colleges have evolved into 21 colleges of applied arts and technology and three college institutes of technology and advanced learning. These institutions annually serve 150,000 full-time students, close to a million part-time students and employ approximately 30,000 people in 200 communities across Ontario.

William Davis, when asked about the success of colleges in 2003, commented, "The success rate of the graduates of colleges of applied arts and technology in obtaining employment, which we had all hoped would be the case, has gone beyond what we might reasonably have anticipated."

I ask members of all parties to join in celebrating 40 years in which colleges have helped add to the prosperity of our province. Let us wish them more years of success.

### NURSES

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** Last Friday, I had the privilege of visiting with the wonderful nursing staff from the Henderson site of the Hamilton Health Sciences Corp. I've now done this three years in a row.

I was delighted to acquaint myself with Andrea, Nancy, Kathy, Jennifer and others, as they led me through a fascinating tour of their nursing world. This tour opened my eyes to the challenges and successes nurses face daily. Their professional team approach, their ability to keep up with evolving medical developments and the challenges of working in an ever-changing environment is really quite remarkable. Above all, it was clear that regardless of the circumstances, the patient relationship always comes first.

1340

My guides reminded me that last Thursday was the birthday of Florence Nightingale. Today she may seem like a fairytale character, but as the first nurse in modern medicine, she laid a foundation for a great profession. Nurses are now highly skilled managers, co-ordinators, leaders and mentors; all this in addition to their traditional role as skilled professionals and highly efficient and empathetic caregivers.

Last week's Ontario budget had much to offer in our government's ongoing commitment to health care. We are continuing with our plan to make Ontarians healthier by increasing the number of doctors and nurses and reducing waiting times. For the first time, there will also be predictable multi-year funding for hospitals. This plan should bring more nurses and quality health care professionals to our wonderful health care teams.

### ELECTORAL BOUNDARIES

**Mr. Norman W. Sterling (Lanark–Carleton):** In 1962, Premier John Robarts appointed Ontario's first electoral boundaries commission and said that it was "designed to remove the whole matter from the field of politics." Not since that time have we had electoral

boundaries changed by legislation without the advice of an independent electoral boundaries commission—until now. To revert to the practice of changing boundaries without a commission could be seen as gerrymandering.

In 1970, a committee of this Legislature recommended that a process of appointing an electoral boundaries commission be enshrined in legislation, as our federal Parliament has done. Although there have been redistribution commissions for every riding boundary change since that time, none has been done pursuant to a provincial act of this Legislature.

Today I will introduce a bill that will legislate regular reviews of our riding boundaries by an independent commission. Many members of this Legislature wish to maintain 11 constituencies in the north. The bill I will introduce today will not only ensure that there are 11 ridings in the north for the next election but forevermore.

The Electoral Boundaries Commission (Ontario) Act sets up a boundaries commission to readjust all boundaries in Ontario, leaving the total number of seats up to the commission but ensuring that 11 remain in the north. This will no doubt lead to a larger number of MPPs in this Legislature, but you can't have it both ways. This process would ensure that all Ontarians are treated fairly, that voting power is equally distributed to all citizens and that section 3 of our Charter of Rights and Freedoms will be respected.

### MAGNETIC RESONANCE IMAGING

**Mr. Ernie Parsons (Prince Edward–Hastings):** I would like to take this opportunity to talk about the achievements our government is making in the area of wait times. Our government has set an aggressive agenda with a plan to increase access to MRIs and reduce wait times in key areas, and it's a plan that is very clearly working. In our short time in office, we've reduced wait times significantly throughout the province.

In Kingston, we provided the Kingston General Hospital with \$85,400 to increase hours of operation and add 333 more exams in 2004-05. We've also allocated \$3 million to Kingston General Hospital for a new, more efficient MRI which will provide 420 more exams per year. This MRI is scheduled to be installed in 2005-06.

It's not just our government and the public saying that things are better. Today, in the Kingston Whig-Standard, I read, "There will be even more scans after a newer, faster machine is installed at Kingston General Hospital in late July." This is on top of the fact that, as the Whig-Standard noted, "Waiting times for MRI scans in Kingston have dropped dramatically in the past six months, both at Kingston MRI and Kingston General Hospital."

We have also repatriated an MRI back into the public realm and increased the hours of operation at that clinic from 40 to 60 hours per week.

The medical community and the patients, along with their families, are thrilled at our reduced MRI waiting times. How far have they dropped? In the Kingston area

alone, the waiting list shrank from about 1,500 under the previous government to about 200 in two years.

People are no longer waiting four to six months for a non-urgent MRI. Our government has made huge headway in improving the quality of health care in this province.

BOB HUNTER

**Mr. Mike Colle (Eglinton–Lawrence):** Bob Hunter was a trailblazer, a mentor to many of us, a role model, a teacher, an artist, a journalist, an author, a green crusader of international stature, a hero, a son, a husband, a father and a grandfather.

Bob Hunter's passion and love for this planet inspired a generation, and you could see that at the memorial held for Bob this past weekend. As in life, his death brought all walks of life together. He left us far too soon, with so much to be done. Fortunately, Bob's spirit will always be with us. Bob always stood up for what he believed, no matter what the risks, no matter what the cost.

Bob shared his knowledge with us in so many ways: through television, literature and his art, for which he was internationally recognized. In 1991 he was awarded the Governor General's award for English non-fiction for *Occupied Canada: A Young White Man Discovers His Unsuspected Past*, which he co-authored with Robert Calihoo to raise awareness about the plight of aboriginal Canadians. He received residency from the Canadian Centre for Advanced Film Studies. In 1994 he received the Canadian Environment Award from the government of Canada, and in 2000 *Time Magazine* named Bob an environmental hero of the 20th century.

Bob Hunter was our own David Suzuki, our own Jacques Cousteau. As Liberals, we were honoured to have him run for public office under our party banner. He was relentless in raising awareness about the impending danger of climate change and the urgent need to change our energy regime. Even when he was sick, at a time when he could have given up his work, he still did not focus on himself; he worked on. He continued to try and make this planet a better place for all of us and for our children's children.

Although Bob has passed on, he has not left us, for all we have to do is enjoy a walk in a conservation area or paddle a canoe or hear a bird sing in a protected habitat, and Bob is there. From the Galapagos Islands to the Arctic Circle, from the Leslie Street spit to the Oak Ridges moraine, he is there giving us a gentle nudge.

Mr. Speaker, I wonder, with the family here, if we could have a moment's silence in respect of Bob's passing. I seek unanimous consent.

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

All rise, and those in the gallery also.

*The House observed a moment's silence.*

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr. Phil McNeely (Ottawa–Orléans):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption.

**The Clerk-at-the-Table (Ms. Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 186, An Act respecting the composition of the council of The Regional Municipality of Peel / *Projet de loi 186, Loi traitant de la composition du conseil de la municipalité régionale de Peel.*

**The Speaker (Hon. Alvin Curling):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

## INTRODUCTION OF BILLS

### TYNDALE UNIVERSITY COLLEGE & SEMINARY ACT, 2005

Mr. Klees moved first reading of the following bill:

Bill Pr12, An Act respecting Tyndale University College & Seminary.

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

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

1350

### ELECTORAL BOUNDARIES COMMISSION (ONTARIO) ACT, 2005

#### LOI DE 2005 SUR LA COMMISSION ONTARIENNE DE DÉLIMITATION DES CIRCONSCRIPTIONS ÉLECTORALES

Mr. Sterling moved first reading of the following bill:

Bill 204, An Act to provide for the periodic establishment of a commission to readjust the number and boundaries of electoral districts for the purposes of the Legislative Assembly / *Projet de loi 204, Loi prévoyant la constitution périodique d'une commission chargée de réviser le nombre et les limites des circonscriptions électorales aux fins de l'Assemblée législative.*

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

Mr. Sterling?

**Mr. Norman W. Sterling (Lanark–Carleton):** This bill does what we have been doing in this province for the last 50 years, and that is appoint an electoral boundaries commission before we legislate boundaries in the

Legislative Assembly. Unfortunately, we have in front of us today a bill which legislates the boundaries of ridings in this province without a non-partisan approach. That was done away with back in the early 1960s. It has been done away with at the federal Parliament. We want democratic reform; we don't want to be retrogressive in our approach to our democratic institutions.

This would set up a boundaries commission ensuring that there would be 11 ridings in the north of Ontario for the next election and every election thereafter. However, it would readjust boundaries in the southern part of Ontario as well. So this is a bill that is fair to all Ontarians and ensures that forever there will be 11 ridings in the north, of which the present bill in front of the Legislature by the government does not assure the northern people.

## MOTIONS

### HOUSE SITTINGS

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I seek unanimous consent to make a motion without notice respecting this evening's sitting.

**The Speaker (Hon. Alvin Curling):** The government House leader requests unanimous consent. Agreed? Agreed.

**Hon. Mr. Duncan:** I move that, notwithstanding the order of the House dated Tuesday, May 17, when this House adjourns at 6 o'clock today, it stands adjourned until 1:30 p.m. on Monday, May 30, 2005.

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

## STATEMENTS BY THE MINISTRY AND RESPONSES

### WALKERTON TRAGEDY

**Hon. Leona Dombrowsky (Minister of the Environment):** Five years ago today we all watched and listened with shock and great sorrow as the magnitude of a disaster slowly revealed itself in a quiet Ontario town called Walkerton. It was almost impossible in those early, awful hours to believe that such a thing could happen in Ontario. The seven deaths and thousands of illnesses were all the more terrible because these people were betrayed by something they thought they could trust entirely: their drinking water.

People deserve the reassurance that they can trust something as fundamental as the water coming out of their taps. The Walkerton tragedy shook the foundations of our faith in many institutions, including government. It is not for the government itself to judge when trust has been restored. We need to earn it back. Only the people

of Ontario will decide. Perhaps for many of us the sadness of Walkerton has subsided with the passing of time, but trust takes a great deal of time and effort to rebuild.

Our government came into office with a promise to implement the recommendations of the Walkerton inquiry, and we have accomplished a great deal to protect drinking water, human health and the environment. Our government has invested in key areas to ensure that our water is cleaner and safer.

We have increased the number of water inspectors by 25%.

We now require all operators of municipal water systems to be certified, and we have implemented the toughest training requirements in North America for water operators.

We have invested in the science of water protection by creating an Advisory Council on Drinking Water Quality and Testing Standards. The council was vital to our work to amend the drinking water systems regulation, regulation 170, and they continue to work on important subject areas such as chlorination of wells.

Our government has created the Walkerton Clean Water Centre, a new agency to focus on improving training for water systems operators. It will ensure that training is available and accessible to operators in rural and remote communities and determine the long-term needs of operators.

The people of Ontario deserve access to information about their water supply. We are committed to openness and transparency. The ministry is working hard to make all the information that we gather on drinking water accessible to the public. I have asked for a progress report from the chief drinking water inspector at the end of this month and a comprehensive report this fall on the performance of our province's water treatment plants. We are also developing an Internet-based information centre that can be accessed by anyone looking for information on their local water quality.

We have strengthened how permits to take water are issued, to protect against the wholesale draining of our watersheds.

We established the technical experts committee and the implementation committee to bring their best recommendations on how to implement source water protection. These recommendations have been posted on the Environmental Bill of Rights registry for public comment, and with their input we look forward to introducing source protection legislation this year.

We have also invested millions of dollars in the cleanup of the Great Lakes.

On Tuesday I announced that, through public health units, we will implement a risk-based approach that is an effective and affordable approach to ensure that drinking water is safe. We will expand oversight to private water systems to ensure that people can trust the water wherever they go in Ontario.

We are also looking forward. Our government's five-year, \$30-billion infrastructure plan includes money to upgrade municipal water and waste water systems. That

means better access to clean water in communities across Ontario.

Our government is working very hard to regain the trust of the people of Ontario. I believe we have moved forward, providing cleaner, safer water from source to tap for all Ontarians. I believe we are creating more workable solutions to allow more communities to offer a safe and sustainable supply of drinking water.

Protecting the health of Ontarians, our communities and our environment is an ongoing task. We take it seriously, and we will commit whatever is necessary to keep Ontario safe and healthy.

The people of Walkerton paid a great price. We owe it to them to ensure that no community will ever need to deal with such pain again.

1400

**The Speaker (Hon. Alvin Curling):** Responses?

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** As we take a moment to reflect on the tragedy in Walkerton, I welcome the opportunity to examine our post-Walkerton climate and issues that have emerged in the ensuing years. As you know, the former PC government was swift in its response. The O'Connor report was commissioned in the aftermath and set the wheels in motion for a series of initiatives, set the wheels in motion for legislation and set the wheels in motion for a plethora of regulations to ensure the protection of people's drinking water in Ontario. The report contained a series of recommendations that were acted on almost immediately upon its publication, and a number of those steps were taken before publication of the report.

However, given the tragic nature of the events that took place, I do question the present government's inability to take action in a number of areas, and there is a case for continuing concern. For example, earlier today I met with members of OASIS, a group that represents sewage haulers in Ontario. They're frustrated that the options for disposal of the septage waste that we all produce in rural areas are fast dwindling. It leaves a dangerous situation where septic tank waste, left on its own, can find its way into water and has the potential to find its way into people's drinking water. Obviously, that's where it does not belong. Many of our municipal treatment plants don't want this stuff, or feel they don't have the capacity to handle rural septage.

I feel that there is a role for the province to deal with the municipalities directly, albeit for a short-term solution. Many of us will recall the septage haulers circling Queen's Park a month or so ago with their trucks and their tractor-trailers and their trailers with the portable toilets on the back.

There are over two million septic tanks in this province. Sewage haulers solve our septic waste problems for us. They're now running into a brick wall. You don't just send this stuff to the moon; it has to go somewhere. We in rural Ontario produce this waste. Rural waste—and this may be a surprise to the minister—also has to be safely disposed of, just as it is through urban municipal sewage and treatment structures. These people have a

strong reputation for providing a service. They're looking to this government for some leadership in this area.

There is a feeling out there that this government has somewhat failed to show continued leadership with respect to nutrient management. We know that there was a quick hit: Right after the election, our Minister of Agriculture lost that file. He may be feeling a little sensitive about that. There are many rural people and farmers out there who would prefer that Steve Peters was looking after nutrient management. There's a concern that it has gone to another ministry, the Ministry of the Environment. Whichever ministry, they are looking to this government for support in helping them meet the regulations.

I don't think I'm suggesting that this government purposely chose to antagonize farmers, but in many quarters, regrettably, that has been the result. At least two farm organizations—I think the Minister of Agriculture would know—have called for the Nutrient Management Act to be rescinded. That's a pretty serious situation for us to face.

I think of the days and days of consultations. I and the Minister of Agriculture sat in on these hearings.

*Interjection.*

**The Speaker:** Minister of Agriculture, come to order.

**Mr. Barrett:** To have these groups turn around and actually call for the act to be rescinded—

**Hon. Steve Peters (Minister of Agriculture and Food):** Do you agree with that statement?

**Mr. Barrett:** Well, there may be reason—

*Interjection.*

**The Speaker:** Minister of Agriculture, when the Minister of the Environment was giving her statement, I didn't hear any shouting over on this side. I'd like you to come—

*Interjection.*

**The Speaker:** I'd like you to show some respect for Parliament sometimes.

Member?

**Mr. Barrett:** I will get back to the Minister of the Environment in a minute. But there may be reason to agree with some of these initiatives coming from both the Christian farmers' organization and also the Rural Revolution group. We now have source water protection legislation waiting in the wings.

Thank you. I regret that I lost my time to the wrong minister.

**Ms. Marilyn Churley (Toronto–Danforth):** It's hard to believe that it was five years ago that this happened, because it is still fresh in the minds of those of us who are here and across the province. The breaking of the news of the Walkerton tragedy was one of those events horrific enough that, for me, and I'm sure for many of the people of Ontario, I remember exactly where I was and what I was doing when the news started to break about how serious it was: the horror of this happening, that people were dying, and the vision of the helicopters taking off from that tiny, beautiful town and taking children to hospitals. There were weeping parents. It was just so horrible.

I spent a lot of time in Walkerton as the environment critic, then under the Conservative government, an environment critic who spent a fair amount of time in this Legislature asking questions and warning the previous government that such a thing as Walkerton could happen. In fact, during the O'Connor inquiry, when Mr. Harris, the then Premier, was on the stand, a couple of my questions, along with other things, were mentioned as signals to the government that the cuts that were being made, over 30%, and the complete privatization of the labs and all of that could cause some serious problems, and unfortunately it came to pass.

I think one of the reasons the government of the day was allowed to get away with cutting so much out of the environment at that time was that nobody was paying all that much attention, because so much work had been done over the years to build a Ministry of the Environment and put resources into protecting our environment that we started to take it for granted. The message from Walkerton is that we can never take the stewardship and the care of our environment—that means the water we drink and the air we breathe—for granted. That was the lesson for all of us to learn, and particularly the people of Walkerton, the hard way.

When I stand in the House and question this government about what is happening with the Ministry of the Environment, making sure that the resources are there, I know the minister agrees with this, and at times I'm sure she is appreciative that I'm putting pressure on her from this side so that around the cabinet table she can make her case, with all the pressures on the finance minister and the government. I think that is a vital role the opposition plays in this place. I see the minister nodding.

I want to say that based on that, a Liberal election promise stated, "Source water protection is critical, as Justice O'Connor said." I was hoping the minister might be able to—I know it's very complicated legislation, but I was hoping, as we're all hoping, that we will see that long-promised source water protection legislation. We had hoped to see the source water protection legislation in 2004. Then we heard 2005, and we are still not seeing it today. I think it's vitally important—I see the minister nodding in agreement—that we cannot wait another year for this to be brought forward.

I was also somewhat dismayed to see that both the Ministry of the Environment and the Ministry of Natural Resources were flatlined in this year's budget. Again, I'm saying to the Minister of the Environment that I'm sure she is happy I'm raising this. If she had her druthers, she would like to see more money going into both of those ministries. Implementing meaningful source water protection legislation is very expensive, as we all know, so we really need to see, if this is going to take place, a rise in the MOE's budget as a consequence.

1410

MNR is responsible for conservation authorities. Conservation authorities play a huge role in source water protection, and the previous government cut them back by over 70%. I know the government put a little money

back in, which was a good thing in terms of starting the work on source water, but they're going to need a huge infusion of resources to continue.

So in the memory of the Walkerton tragedy and Justice O'Connor's recommendations regarding the importance of sound protection of our source water, I call on the minister and her government to immediately increase the funding for conservation authorities and to bring forward source protection legislation as quickly as possible.

## DEFERRED VOTES

### EDUCATION AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT LA LOI SUR L'ÉDUCATION

Deferred vote on the motion for third reading of Bill 194, An Act to amend the Education Act / Projet de loi 194, Loi modifiant la Loi sur l'éducation.

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

*The division bells rang from 1410 to 1415.*

**The Speaker:** Order. Would all members please take their seats.

Mr. Kennedy has moved third reading of Bill 194, An Act to amend the Education Act.

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

#### Ayes

Arnott, Ted	Fonseca, Peter	Ouellette, Jerry J.
Arthurs, Wayne	Gerretsen, John	Parsons, Ernie
Barrett, Toby	Hardeman, Ernie	Peters, Steve
Bartolucci, Rick	Horwath, Andrea	Peterson, Tim
Bentley, Christopher	Hudak, Tim	Phillips, Gerry
Berardinetti, Lorenzo	Jackson, Cameron	Pupatello, Sandra
Bisson, Gilles	Jeffrey, Linda	Qaadri, Shafiq
Bountrogianni, Marie	Kennedy, Gerard	Racco, Mario G.
Bradley, James J.	Klees, Frank	Ramsay, David
Brotan, Laurel C.	Kormos, Peter	Runciman, Robert W.
Bryant, Michael	Kular, Kuldip	Scott, Laurie
Cansfield, Donna H.	Kwinter, Monte	Sorbara, Gregory S.
Caplan, David	Leal, Jeff	Sterling, Norman W.
Chambers, Mary Anne V.	Levac, Dave	Tascona, Joseph N.
Chudleigh, Ted	Marchese, Rosario	Tory, John
Churley, Marilyn	Marsales, Judy	Van Bommel, Maria
Colle, Mike	Martel, Shelley	Watson, Jim
Cordiano, Joseph	McGuinty, Dalton	Wilkinson, John
Craitor, Kim	McMeekin, Ted	Witmer, Elizabeth
Delaney, Bob	McNeely, Phil	Wong, Tony C.
Di Cocco, Caroline	Meilleur, Madeleine	Wynne, Kathleen O.
Dombrowsky, Leona	Miller, Norm	Yakabuski, John
Duguid, Brad	Milloy, John	Zimmer, David
Duncan, Dwight	Munro, Julia	
Flynn, Kevin Daniel	Oraziotti, David	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 73; the nays are 0.

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

## LEGISLATIVE PAGES

**The Speaker (Hon. Alvin Curling):** Before we ask for the famous question period, let me just take the opportunity to thank these wonderful pages. This is their last day.

*Applause.*

**The Speaker:** They also assured me that the best way to give them a nice farewell is for us to conduct ourselves in the best parliamentary manner today, especially in question period.

*Interjections.*

**The Speaker:** So the first word I say is, "Order." I will hear silence, and then I will say, "Oral questions." The leader of the official opposition.

1420

## ORAL QUESTIONS

## HYDRO GENERATION

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Promise number 32 that you made during the last election—I distinguish that from broken promise number 32; this is promise number 32—was, "We will shut down Ontario's coal-burning power plants by 2007."

We're a year and a half away from 2007. Do you still stand by that promise?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Let me say that we have made some tremendous progress with respect to our plan to shut down coal-fired generation. Notwithstanding the Conservative government's addiction to coal-fired generation, we believe the quality of our air and the number of admissions to our hospitals of people who have been affected by poor quality air is something that is of a high priority. Just recently, I'm proud to say, we shut down the Lakeview coal-fired generating station. That is the equivalent of taking 500,000 cars off Ontario roads. So we've started, and there is more to do.

**Mr. Tory:** I'm sure the Premier just forgot to indicate that that closure was initiated by the member sitting beside me here today, Mrs. Witmer. The addiction we had was only to sound planning and actually to doing what we said we would do when we were in government.

Premier, last Saturday an article ran in the Sarnia Observer, quoting none other than the Liberal member for Sarnia-Lambton. Here is what Ms. Di Cocco is quoted as saying about the coal-fired plant in her riding: "Lambton generating station may be needed anyway after 2007 in whatever state it's in if we don't have the kilowatts." She goes on: "The date of 2007 is a goal, but I also know things happened on the way to the forum," whatever that means.

Who should the residents in Sarnia-Lambton believe, you or the local member?

**Hon. Mr. McGuinty:** This gives me an opportunity to speak to Ms. Di Cocco and her unwavering commitment to a clean and safe environment for the people in her community and the people throughout Ontario.

I will allow the final supplementary to be turned over to the Minister of Energy, because I know that shortly we will be releasing our detailed plan with respect to eliminating coal-fired generation in Ontario.

Let me tell you why it is so important that we commit ourselves to this together and that we be ambitious in this regard. We have commissioned a report recently. I don't have the exact numbers at my fingertips, but it commented specifically on the number of people being admitted to our hospitals. It talked about the number of people who are being affected by an illness that is induced by poor quality air. It talked about the economic costs connected with failing to close coal-fired generation. So we are determined, on behalf of the people of Ontario, to move aggressively to shut down coal-fired generation in the province.

**Mr. Tory:** I'll address the final supplementary to the Premier, even though he's indicated it's going to be answered by the Minister of Energy. It's so much more fun when the Premier answers the questions.

All this does sound like the breaking of another McGuinty promise. We had the admission from the very same Minister of Energy last December 2 when he said that "it may be prudent to keep one or more of the" coal plants "on reserve," past 2007. Now we have the member for Sarnia-Lambton, this great advocate for a clean environment, as the Premier said, saying that 2007 is only "a goal."

May I ask you, Premier, what is the specific date on which we can have the detailed plan that will specify the dates and the times when these plants will be closed and where the power is going to come from to replace them? When are we going to see the plan with the specifics?

**Hon. Mr. McGuinty:** To the Minister of Energy.

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** The plan is well underway. Our coal consumption is down, the last time I checked with the ISO, from 25% last year to 16%. That's an enormous drop. Maybe you can't understand the plan to close coal plants, because here's what you've said to the same Sarnia newspaper: "The elimination of coal-fired plants is a good goal." Then you said that coal can't be ruled out. You said that to the Sarnia Observer. Then you said, "I don't know how you could rule coal in or out."

We've ruled coal out. We are moving to achieve our goal according to the time frames we've laid out, and we will meet those goals in a responsible and prudent fashion in a way that you, sir, nor your party, never would have.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order.

**Mr. Tory:** People will find that bluster particularly reassuring when the brownouts and power shortages take place in 2007.

## COMMUNITY HEALTH SERVICES

**Mr. John Tory (Leader of the Opposition):** I have a new question for the Premier.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. I had a promise, I thought, that you were going to conduct yourselves in a good parliamentary way.

*Interjections.*

**The Speaker:** Order—that you'd conduct yourselves in a better parliamentary way.

Now the new question from the leader of the official opposition.

**Mr. Tory:** A question again to the Premier: Premier, as you make way for your new regional health bureaucracies, all of the district health councils were shut down on March 31 of this year. My question is simple: How many people were laid off from the Ontario district health councils, and how much did it cost taxpayers to fund their severance?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I don't have the specific details at hand for that kind of a question, but I can undertake to provide some further information to the member opposite.

But I can tell you something: that we are proud of the transformation that we're bringing to health care in the province of Ontario, proud of the additional investments we're making in public health care and our medicare system for the people of Ontario. I know the people of Ontario are somewhat concerned about Mr. Tory's plans to take \$2.4 billion out of Ontario's health care system.

We are committed to the system. We are committed to bringing about the kinds of transformative changes that will result in shorter waiting times, more doctors, more nurses and better quality of care for all Ontarians.

**Mr. Tory:** I know you keep saying that, I say to the Premier, hoping that it might actually become true.

Having said that, I would say to the Premier that this is an issue you should be familiar with, because your government reaffirmed its commitment to regional health care bureaucracies on page 8 of the budget delivered just last week. In fact, the government has been advertising and recruiting for the senior positions in these new bureaucracies for months now. Presidents and directors have been sought and appointed by you. Many of them are being reviewed at the present time by legislative committees.

I wonder if the Premier could share with us how much it cost to search and recruit these appointees of yours. What was the total cost of that to the taxpayers? Maybe you could add that to the request with respect to severance and the layoffs in the former district health councils.

**Hon. Mr. McGuinty:** Let me tell you about some of the numbers that I think are particularly important for the people of Ontario.

Since taking office, we've invested an additional \$4.8 billion in health care. This year's budget provides for \$1.8 billion, including \$500 million more for our hospi-

tals. We are investing more in hospitals; they shut down hospitals. We are increasing MRI exams by 20%, cataract surgeries by 13%, cardiac procedures by 8%, hip and knee replacements by 16%. It would seem to me that those are the kinds of numbers that Ontario families have a real interest in.

**Mr. Tory:** I find it fascinating that the Premier can recite all of these numbers, and yet when I make two simple requests for information about the cost to the taxpayers of laying off dozens and dozens of people and hiring on dozens more, many of them paid \$200,000 a year or more, you are utterly unable to give us any of those details.

You've made 42 appointments so far, many of them being paid in excess of \$200,000 apiece. Anyway, be that as it may, it is really much more fun when the Premier takes questions. One day he might actually answer one.

Here's one more. I'll try one more time. It has been indicated there's going to be legislation with respect to these LHINs. There is no legislation before this house, no direction from your government and no sense of really any idea as to what you're doing that could be debated by this Legislature. Could you tell me when your minister or your government will be bringing legislation before this House that will set out what the LHINs are going to do, what they're going to cost, how they're going to be set up and those details which I think this Legislature and the public have the right to know? When will we see that legislation?

**Hon. Mr. McGuinty:** That kind of legislation will be introduced in the fall. I think it's important for all of us to remember and compare and contrast our commitment to public health care in the province of Ontario with the record of the former Conservative government. As indicated earlier, we are investing billions more in our health care system, producing shorter wait times, more doctors, more nurses and better localized delivery of health care. Under the Tories, we went from 63 underserved communities in Ontario to 142. The former government spent \$400 million to fire thousands of nurses and compared Ontario nurses to Hula Hoop workers. They cut \$557 million out of Ontario hospitals over two years; they closed 28 hospitals and 5,000 hospital beds. Again, I remind the member opposite and all Ontarians that if they had their way, they would take at least \$2.4 billion out of Ontario's health care system, resulting in more hospital closures, more nurse layoffs and fewer doctors in Ontario.

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ONTARIO DISABILITY  
SUPPORT PROGRAM

**Mr. Howard Hampton (Kenora-Rainy River):** I want to ask the Premier about the fiscal gap that the lowest-income Ontarians are facing: the gap between what disabled people receive from your disability support program and what they actually need just to make ends meet. For example, the average rent for a two-bedroom

apartment is \$866 a month, but your disability support program provides a monthly shelter allowance for a disabled parent with two children of only \$729, \$150 a month short of what is needed. Before the election, you promised to increase disability support program benefits to match the cost of living every year. That didn't happen in your budget. Premier, what happened to your promise to the lowest-income Ontarians?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The leader of the NDP tells us—well, he certainly indicates by the tone of the question—that he has a sincere desire to help out Ontario's most vulnerable, which leads me to ask why it was that his party voted against our budget. Amongst other things, it brings better student assistance to 135,000 students; for the first time in 10 years, it brings grants to 32,000 low-income students; it invests in over 4,000 new child care spaces; it invests in over 15,000 new units of affordable housing and 5,000 rent supplements. It would seem to me that if the leader of the NDP were truly committed to helping Ontario's most vulnerable, then at a minimum, he would be supporting our budget.

**Mr. Hampton:** Here's the reality for somebody who's disabled and trying to live on your Ontario disability support program. If you factor in the cost of inflation with the cuts to their income, they are now 37% behind, and you promised that you were going to increase their benefits according to the cost of living.

But there's another gap, the gap between how much disabled parents are supposed to receive from the national child benefit supplement and how much you actually let them keep. A disabled parent with two children should receive an additional \$2,800 a year from the federal government to help her or him look after their kids. Instead, the best they can hope for is \$280 a year, because you claw back the rest of that \$2,800. Before the election, you said you were going to end the clawback; you said you were going to stop taking money from the lowest-income kids in Ontario. In your budget you didn't do that. What happened to your promise to the lowest-income kids in Ontario, Premier?

**Hon. Mr. McGuinty:** I'm not sure that the leader of the NDP thoroughly read our budget, because in the budget we are increasing national child benefit supplements directly to parents. On top of last year's increase, this means \$36.7 million directly to families in need. That works out to \$507 per year for a family with two children. That may be something the member opposite may be prepared to dismiss as not being meaningful, but we happen to think that \$507 per year for a family is pretty significant. Of course we are prepared and looking forward to doing more, but that is simply another one of our budgets.

Beyond that, let me say we have been increasing the minimum wage. We have done that twice so far. We've made changes to our welfare system to make it easier for people to move from welfare to work. We have increased rates for social assistance and disability, and that was the first time we had an increase in this province in the past 10 years.

Is there more to do? You bet there is. There's always more to do, and we believe that we set out, given our financial constraints, in a very positive direction.

**Mr. Hampton:** The Premier talks about financial constraints. I don't see any evidence of financial constraints in terms of your willingness to pass along a further 5% or 6% or 7% to Bay Street financiers.

But let me deal with another promise. Last year at this time, your Minister of Community and Social Services boasted after raising ODSP rates by a paltry 3%. She said, "We promised to raise welfare and disability rates, and we kept our word.... We are finding a way to help people in need." Another quote: "I will repeat the McGuinty commitment during the last campaign: an increase to the ODSP and welfare rates to match the cost of living. That is what we will implement." That's what you said.

Premier, we looked at your budget. There was no cost-of-living increase for people trying to survive on social assistance or on the Ontario disability support program. What happened to your promise? What happened to your minister's promise to the lowest-income Ontarians?

**Hon. Mr. McGuinty:** To the Minister of Community and Social Services.

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** Let me be clear. Last year, when COLA was at about 1.5%, we brought in a 3% increase to people on disability. I want to remind this House that yesterday, we were on our feet raging about \$41 million going into developmental services, all of those individuals being on ODSP; that NDP party panned that investment to help our most vulnerable people. And why is it that last September, when people on Ontario disability, our individuals who have developmental disabilities, saw a \$110-million investment and growing supports for that sector, that party panned that announcement as though we weren't doing right by people on disability? This is the government that increased by 3% the monies that go to shelters. We increased by 3% all of our homeless agencies. We added \$2 million to our homelessness programs. We restored the pregnancy allowance for people on welfare, eliminated the lien on houses. Those are the kinds of initiatives that that party voted against.

#### LOW-INCOME ONTARIANS

**Mr. Howard Hampton (Kenora–Rainy River):** The Minister of Community and Social Services might like to know that what we pointed out is that you are not keeping your promises.

To the Premier: You used to talk about Ontario as a family. You used to say, "In a family, nobody gets left behind." "I see Ontario as one big family. If some are in trouble, I think we all have a responsibility to help." "As Liberals, our focus is to ensure that we all are moving forward together."

Premier, your budget has been very kind to Bay Street financiers while it leaves hundreds of thousands of the

lowest-income Ontarians behind. Your budget failed to provide even a modest cost-of-living increase to Ontario's lowest-income citizens. I ask you again, what happened to your words about a family where no one gets left behind? Were they insincere?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The leader of the NDP just can't have it both ways. When we introduced a bill that would roll back corporate tax cuts, the leader of the NDP and that party would not support that bill. He decided he was going to stand up for Bay Street, he was going to stand up for the financiers in Ontario. He was the one who was there as the champion of capitalism—right there, the leader of the NDP. Just so we understand that the leader of the NDP can't have it both ways.

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It has become patently clear that we could never, ever do enough to satisfy the NDP. But we're not directing our policies toward satisfying the NDP. What we're doing is the best we can for the people of Ontario. He may not think grants for 32,000 low-income students are a worthwhile enterprise; we think it's a very important thing to do. He may not think that better student support for 135,000 young Ontarians is a good thing to do—he may not think it's enough—but we think it's a very important thing to do.

**Mr. Hampton:** This is not about satisfying the leader of the NDP. This is about Premier Dalton McGuinty keeping the promises he made to the lowest-income Ontarians and the lowest-income kids in Ontario.

Premier, last year the Minister of Community and Social Services said, "Our government refuses to balance its books on the backs of the poor.... After years of neglect, Ontario's social assistance recipients are finally being treated with the dignity and respect they deserve. This is the change Ontarians voted for." But this year she's eating her words. When she was asked why you have broken your word to increase the cost-of-living allowance for the lowest-income Ontarians, she couldn't answer. The entire, all-in cost of raising ODSP benefits to the cost of living would be \$40 million. But you wouldn't find \$40 million. You received billions in unexpected new revenue, but you couldn't find \$40 million for the lowest-income Ontarians. What happened to your promise, Premier?

**Hon. Mr. McGuinty:** There's at least one fallacy in that lengthy question: The leader of the NDP said that the Minister of Community and Social Services didn't have an answer. I have never in my life known her not to have an answer.

The leader of the NDP may be dismissive of the efforts we are making, but we are convinced that we're setting out in the right direction—there is always more to do. Again, I'll list some of those things: over 4,000 new affordable child care spaces; 15,000 new units and 5,000 rent supplements. We're increasing the minimum wage; it's on the way to \$8 per hour. We're making changes to welfare to make it easier for people to make the transition to work. We've established a \$10-million rent bank.

We're improving community support services for seniors and the disabled and expanding community health programs to reach 79,000 more Ontarians. I contrast that with the fact that the NDP, on their watch, cut mental health funding by more than \$65 million.

**Mr. Hampton:** The Premier talks about answers. What we're hearing are excuses. I want to recite the promises again, Premier. You promised to stand up for the average Ontarian. Instead, you ignored them in your budget. You promised to raise disability support plan payments. In this budget, you froze them. You promised to freeze hydro rates. You've raised them by 34%. You promised to stop the clawback of the national child benefit from the lowest-income children. You haven't done that. You promised not to raise taxes, but you hit modest- and middle-income Ontarians with a very regressive and unfair health tax.

You said you wanted a province in which the strong looked out for the weak, the privileged helped the disadvantaged and no one was left behind. But in this budget, you've virtually ignored the lowest-income Ontarians. What happened to your promise, Premier? You had a lot of new revenue in this budget, and you forgot all about the lowest-income children and the lowest-income Ontarians. What happened to your promise?

**Hon. Mr. McGuinty:** We have done more for Ontario's vulnerable in the last two years than has been done in the previous 10, and we are prepared to stand up and take a little bit of pride in doing that. There's always more to be done. The leader of the NDP may feel that this is not enough from his perspective. But we think—in fact, we're confident—that we are moving in the right direction.

We think that providing grants for 32,000 low-income students is a good idea. We think that better student support for 135,000 young Ontarians is a good idea. We think that 4,000 new child care spaces is very helpful. We think that 15,000 new affordable housing units is a good thing. We think that increasing the minimum wage for the people of Ontario is a good idea. We think that our \$10-million rent bank is an important innovation. We think that providing for improved community support services for seniors and the disabled is a very good thing. We've done more in our limited time on the job than has been done in the previous 10 years, and we're prepared to put that record, in terms of our debut as a government, against any former government in this province.

#### ADOPTION DISCLOSURE

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Premier. Yesterday, the privacy commissioner, Ann Cavoukian, appeared before the committee on social policy to express her concerns and the concerns of hundreds of birth parents and adoptees about your plan to retroactively change adoption legislation to unseal adoption records. She said that the bill was a serious breach of privacy for women who fear reliving the trauma of giving up a child for adoption and worry

about such potentially life-changing disclosure of their records. Ms. Cavoukian urged that the bill be amended to give birth parents and adoptees a disclosure veto, as has been done in every other Canadian province. Premier, will you consider the concerns that have been expressed and take the privacy commissioner's advice to allow for a disclosure veto?

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

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** As you know, our government spent many months in the development of this adoption bill. It wasn't new territory for any of our parties, because for the last 10 years, this House has voted on this bill. In fact, the bill that had been voted on for many years in this House was a bill that included no disclosure veto. However, we understand that when the government comes forward with a bill, it is seen more seriously. So we've very much appreciated the opportunity that we've had yesterday and again today with our bill in hearings right now, and we are listening to people. Many of these individuals are people who have contacted us directly as a government, and have contacted both parties in opposition, to speak to us about what their issues are. I can tell you that overwhelmingly people are very supportive of the bill. We are, however, concerned about some of the fears that people have, and we have said that we are prepared to listen. I can tell you that retroactivity is in fact the cornerstone of this bill.

**Mrs. Witmer:** I hope that the government will reconsider and I hope they will amend the bill. I hope they will take into consideration the letters and portions thereof that were read into the record yesterday by the privacy commissioner. She talked about an individual who, in one instance, said, "I was raped at the age of 17 ... I became pregnant after that and gave up the child for adoption ... it would be a nightmare for me to have to face this whole situation...."

"I've been suffering from depression my whole life, having to hide this from my family and ... I'm afraid that I would just simply go in the garage and shut the garage door and block the exhaust in my car and end my life over this."

I can tell you that this is only one of hundreds of letters that the privacy commissioner has received, that we as members have received, and I would ask the government again, I would ask the Premier, will you please listen to the pleas of the adoptees and the birth mothers about their concern and the potential for harm to the lives of these individuals?

**Hon. Ms. Pupatello:** As the member opposite knows and everyone in the House understands, we have diligently looked at all of the angles of this bill. What we have presented in this House is a bill that has safeguards; it is a bill that protects people. I need to contrast that with what we have currently in society: a very high level of technology—Web sites, the Internet—where there are no

safeguards for people, where that fateful phone call is happening today in the absence of any opportunity for protection of identity. What we are doing today is saying that that fateful phone call can't happen. We need a bill that puts in a provision of no-contact. In extreme circumstances, potentially such as the member opposite has mentioned, we have struck the opportunity for a board to be operable that would be presented with the case. In those circumstances, I believe that we really need to have hearings on this bill. That is the point of it. I can tell you that the shenanigans viewed by opposition yesterday at committee were completely unhelpful. What is helpful is we have time to—

**The Speaker (Hon. Alvin Curling):** Thank you.

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#### ENVIRONMENTAL LEGISLATION

**Ms. Marilyn Churley (Toronto-Danforth):** I have a question for the Minister of the Environment. Minister, your flagship environmental legislation has suffered a Kinsella collapse. Why have you allowed Liberal insider Warren Kinsella and his coalition of Ontario's biggest polluters to water down your spills bill, Bill 133?

**Hon. Leona Dombrowsky (Minister of the Environment):** Well, to say that I disagree with the honourable member would be an understatement. I would say that with the bill as presented, and the bill we are working on with the amendments, we are prepared to entertain the suggestions that have come from the deputants we heard from, and we are entertaining the amendments from the third party and from the government. We are actually doing that this afternoon, so I would suggest that without having seen the amended bill, it is absolutely premature for the honourable member to come into this House and make that kind of a statement.

**Ms. Churley:** Well, Minister, your government's amendments to be introduced today in committee include reducing the liability for directors and officers of polluting companies under the Environmental Protection Act and reducing crucial protection for our water supplies.

Minister, if you want to keep your promise on this legislation, you are going to have to stand up to the province's big polluters and immediately withdraw your amendments to the spills bill. Will you do that?

**Hon. Mrs. Dombrowsky:** The member should review those amendments very carefully. I think she would find that the government amendments reflect requests that have been made by the many deputants that I believe strengthen the bill, and some of those are in fact similar, if not the exactly the same, as some of the amendments that have been offered by the third party. So I would say that as they go through clause-by-clause today, and members of all three parties have an opportunity to review the amendments that are put on this very important piece of legislation, it will be evident that the amendments the government is bringing forward are amendments that reflect that we have listened to the deputants and we

continue to want to bring the very best and soundest environmental protection legislation for the people of this province.

#### TORONTO LEGISLATION

**Mr. Mike Colle (Eglinton–Lawrence):** My question is to the Minister of Municipal Affairs and Housing. Minister, our government is working with municipalities, not against them, unlike the previous government. We have delivered on our commitment to provide municipalities with a share of the provincial gas tax for the first time in Ontario's history. We are committed to rural infrastructure investment under COMRIF, and we have created a fair municipal grant allocation system, unlike the downloading of the previous government.

Yesterday, your ministry and the city of Toronto released a progress report that detailed—these progress reports are very important, and they have been worked out in co-operation with provincial and city officials. They have made various recommendations for a new legislative framework for Toronto. Minister, could you please outline for my constituents and for all Torontonians why this report is so significant?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors):** I thank the member very much for the question and for the outstanding work that he does on a continual basis for the city of Toronto and the people of Ontario. Yes, he is correct that the progress report released yesterday was from the Joint Ontario–City of Toronto Task Force review of the City of Toronto Act and related legislation. The report represents a commitment by both this government and the city to build a stronger Toronto for a stronger Ontario. As Mayor Miller said yesterday, “It is groundbreaking. People will look back on this report as a historic turning point for the future of Toronto.”

In particular, the report describes the broad, permissive nature of powers that the city could be granted under the new act. City and provincial staff continue to work out the details of the new act, which will be ready later on this year. We know that a strong Ontario needs a strong Toronto.

**The Speaker (Hon. Alvin Curling):** Supplementary, the member from Ottawa–Orléans.

**Mr. Phil McNeely (Ottawa–Orléans):** Minister, it is great to hear of the development that provincial and city officials have made in establishing recommendations for a new legislative framework for Toronto. Other municipalities outside Toronto are watching with interest and wondering, “What does this mean to us?” Clearly our government is listening to municipalities and respecting the importance of local government to Ontarians. My own city of Ottawa is asking me what implications the city of Toronto process will have on us in Ottawa.

**Hon. Mr. Gerretsen:** I want to compliment that member on speaking strongly for the city of Ottawa on a continuing basis, as well as the people of Ontario.

In addition to recognizing that the City of Toronto Act review is in process and is of interest to all Ontario municipalities, you may recall that in June last year a review of the Municipal Act, 2001, was initiated by the Premier and myself. Phase one of the review is now complete, and we have received more than 80 different submissions with suggestions for changes to the act. We are now focusing on the next phase of the review and analyzing the identified issues with the help of AMO, the other municipal stakeholders and business stakeholders as well. We are looking at both legislative reviews with a similar approach as we are to the City of Toronto Act.

With respect to your city of Ottawa, the Premier has offered to work with the city of Ottawa on proposed amendments to the City of Ottawa Act. We look forward to hearing from the city, and we will be dealing with that act as well.

#### JUSTICE SYSTEM

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** My question is for the Attorney General. Earlier this week, you stonewalled questions in the Legislature about problems in Small Claims Court by hiding behind a lawsuit. That lawsuit was initiated by the Ontario Deputy Judges Association in December 2004 and there is a court date fixed for June 10. As it turns out, you have stonewalled on that, too. As Attorney General, you have not filed any response. All the deputy judges can get out of the Attorney General's lawyer Janet Minor is that she has not received instructions from her minister and that she wants to adjourn it. You are hiding behind a lawsuit you have ignored for the last six months. Attorney General, when are you going to stop your stonewalling and get the deputy judges' application heard?

**Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal):** As the member knows, to engage in some negotiations or discussion with respect to a piece of litigation in this House is totally inappropriate and amounts really to an attempt to ask me to abuse a process that is before the courts and that has been initiated, as the member says, by the Ontario Deputy Judges Association.

I have said before, and I will say again, that many excellent lawyers from across the province of Ontario, on average about three times a month, agree to serve as a deputy judge in Small Claims Court. I'm grateful for that public service that they engage in. Some members of this Legislature are former deputy judges. They understand the issue very well, and I understand the issue very well. As for the matter that's before the courts, I say again to the member, it's before the courts.

**Mr. Tascona:** Those court proceedings, Attorney General, were brought by the Ontario Deputy Judges Association. The judges who walked out in Toronto almost three weeks ago are members of the Toronto Deputy Judges Association, a completely different organization. The minister's statement that he cannot talk to the Toronto Deputy Judges Association because of the

lawsuit is complete nonsense, and the Attorney General knows it.

Ontario has a system of mandatory mediation and everyone in a lawsuit has an obligation to try and settle it. Most of the work done by deputy judges in Toronto is presiding over settlement conferences. The Attorney General should be doing what every other lawyer is supposed to do and try to settle this dispute. When will you start talking to these deputy judges in Toronto—that's all they've asked for—so they can get back to the courthouse and the people of Toronto can get their own conflicts resolved?

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**Hon. Mr. Bryant:** The member's characterization of the facts I am afraid is not quite on. Yes, I did receive a letter from a group of deputy judges who said that if I don't cave in on their application and meet with them, they will walk out of the courts and not serve. It has turned out that what has happened is that the Small Claims Court continues to operate with either zero disruption or very minimal disruption, and the Chief Justice has done her usual excellent job in ensuring that the court functions appropriately.

There are 386 deputy judges in this province, 386 lawyers who act as deputy judges from time to time. They perform a great service. They do it out of public service. I note that the member is talking about how much they are paid. While his government was in power for some eight and a half years, of course, they did not once make any changes to how much deputy judges were paid, because at the end of the day, these lawyers do it on a volunteer basis, and I thank them for it.

#### OFFICE OF THE REGISTRAR GENERAL

**Mr. Howard Hampton (Kenora–Rainy River):** I have a question for the Minister of Consumer and Business Services. Eight months ago, I asked you about the difficulties that people living on a First Nations reserve were having in terms of getting a birth certificate. Today, I'm sending you a letter from Sandy Lake First Nation, where they have over 85 children in their community who cannot get a birth certificate. They're asking you, as I asked you last fall, to simplify the birth registration process. It's creating all kinds of health care difficulties and financial difficulties, not to say embarrassment, for Aboriginal people that your registration process literally pulls them through the keyhole and causes years of delay in getting a birth certificate. Are you going to respond to these First Nations, especially these children, who can't be registered as persons in Ontario or persons under the Indian Act because of your delays?

**Hon. Jim Watson (Minister of Consumer and Business Services):** I do recall very vividly the question that the honourable member raised with respect to having chiefs act as guarantors. In fact, just a few days after the member raised that question, I did write to Chief Fox. I've met with him on two occasions, because we need the chiefs' concurrence in order to bring forward this process

to put them on the list of guarantors. I'm quite prepared to do that; I'm just waiting to hear back from the chiefs. The moment I do hear back from them, I'd be pleased to add them on as equal representatives, similar to mayors and other individuals that are accepted by the Office of the Registrar General.

**Mr. Hampton:** Minister, I don't think this is the responsibility of chiefs. You are the minister. Eight months ago, I told you that people living on reserve were being discriminated against. Because Sandy Lake is a fly-in community, they literally would have to fly to Red Lake or Sioux Lookout to have someone guarantee their birth registration application. They can't do that. As a result, children can't be registered under the Indian Act, so they're denied medical benefits that come as part of the treaty obligation. It means that children who are one year old who have to go to Winnipeg or Sioux Lookout to see a doctor aren't covered under Aboriginal health benefits. It means the parents are ending up with medical bills in the thousands of dollars. Why? Because your government refuses to deal with the situation in terms of these birth certificates.

This First Nation is asking you, other First Nations are asking you, when are you going to move to deal with this situation so that they don't face this kind of discrimination and they don't have to wait years to get a birth certificate?

**Hon. Mr. Watson:** As I indicated in my first answer, I'm quite prepared to move on this but I need the support of the chiefs. They have to come together and they have to agree to follow the procedures that every other guarantor follows in order to allow me, as the Registrar General of Ontario, to ensure that their names are placed on the birth certificate guarantor list.

It's quite simple. As I've indicated, I've written at least once, if not twice, to the chief. I've talked to him as recently as, I believe, two weeks ago, when they were here at the Legislature. He has expressed his support and he is trying to get the other chiefs to agree. The moment they reach a consensus, I'd be pleased to add their names to the guarantors' list.

#### STUDENT DROPOUT RATE

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I would like to pose a question of the Minister of Education. First of all, Minister, I would like to congratulate you on your announcement the other day of the \$158 million allocated to the student success program. This is an exciting initiative that works to improve the unacceptable dropout rate that has plagued our schools.

Since the poorly implemented curriculum change introduced by the opposition, our high school dropout rate has increased dramatically. This government is addressing serious challenges in our schools. You have taken bold new steps to make education relevant for struggling students. Last year you funded over 100 programs to create a more successful environment for students. Your continuing efforts to improve the future of

our children have not gone unnoticed. Minister, how will your efforts in the student success program help those struggling students?

**Hon. Gerard Kennedy (Minister of Education):** I thank the honourable member for her question. This is not something I have any illusion that the Ministry of Education can accomplish. In fact, it is going to be accomplished by the parents and the teachers in each individual school.

We have a challenge. One of the toughest legacies for all of us is that the dropout rate increased under the reforms of the previous government from 22% of students not achieving a diploma to 30%. We're determined to drive that back to a success rate as quickly as possible.

The student success program that we've announced will see a special teacher, a student success teacher, in every school in the province, who is charged with the responsibility to make sure that we don't let students slip through the cracks. We will have individual plans for them to make sure that they can catch up and get the credits they require. As well, the classes they require will be smaller and they will have more attention. We'll make sure that the curriculum is a match, that they will take more math, have more courses and, generally speaking, have more learning than in the last number of years.

**Mrs. Van Bommel:** It's very encouraging to know that you've taken concrete steps and are moving forward to improve student success in our secondary schools.

Not all students plan to go on to university. We need to make sure that the trades and other various technological programs are promoted and understood to be extremely viable options for young people. My own son has made a great success of his career starting as a tool and die maker.

Success is achieving excellence in whatever one chooses to do, and that is why I applaud the student success program. It will allow struggling students to help find their own excellence and become the success that they can see in the world. However, struggling students are not the only ones who need help. How will your new initiatives create opportunities for all students?

**Hon. Mr. Kennedy:** Just before I answer the direct question, I want to say that the member's son and others who become tool and die makers are actually making more money four years after training than university graduates are. We need to adjust and amend some of our outlook. We want to see more of them going to university, we want to see more of them going to college, but we also have got to shift and change the channel on an attitude that says there isn't a great destination in apprenticeships or work placement with training.

A significant number of the 1,300 new teachers who are going to report for duty this September—some 400 of them—will just help in general the quality of education in our high schools. We'll bring back library and guidance. We'll bring back lower class sizes in a range of subjects to make sure that our students, who need to be able to compete to get into universities, to get their full education, won't get lost in the crowd. They too will have a better chance of being successful.

We look forward to our high schools, in an atmosphere of peace and stability, delivering the education advantage that every single one of our students deserves and needs to have.

#### PLANT CLOSURE

**Mr. Ted Chudleigh (Halton):** I have a question for the Minister of Economic Development and Trade, who was here a few minutes ago.

*Interjection.*

**Mr. Chudleigh:** Perhaps I'll redirect it, then, to the Premier. Nestlé is one of the top three food producers in the world. They have recently announced that they will be shutting down their operations in Chesterville. This will leave about 300 people out of work in a town of 1,600 people. This is certainly going to have a devastating effect on the town of Chesterville.

This comes in the wake of the loss of the Bombardier deal to Quebec, with a weak offer from your government, that saw 2,500 jobs and an additional 2,500 spinoff jobs land outside the province. What do you have to say to the soon-to-be-unemployed people of Chesterville?

**Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** To the Minister of Economic Development and Trade.

**Hon. Joseph Cordiano (Minister of Economic Development and Trade):** With respect to the particular plant, there is a labour adjustment council that's going to be put in effect to deal with the affected workers. Of course, we feel for the loss of those jobs. By the same token, our economy is performing extremely well. We have an unemployment rate which is at 6.8%; 26,000 new jobs were created in the month of April. Since we've been the government, 146,000 new jobs have been created in this great province. The economy is on a roll. Things are going really well.

1510

**Mr. Chudleigh:** The economy isn't performing very well in the town of Chesterville. Your answer, of course, always has a bit of bluster to it, but there's never any meat. The people of Chesterville aren't interested in your bluster; they'd like an answer. People in Chesterfield are soon going to be without a major employer. Your tax-and-spend policies are not working.

Under the last Liberal government, Ontario watched Nestlé close down their Libby, McNeil and Libby plant in Chatham in 1989. It appears Liberal governments are a little tough on Nestlé.

The word is getting out: Liberal Ontario is not an industry-friendly jurisdiction. Jobs are leaving Ontario. All bluster; no meat. Tell the people of Chesterfield, where is their next meal coming from?

**Hon. Mr. Cordiano:** I would correct the member: It is Chesterville that you're talking about, not Chesterfield.

What utter nonsense. We've had a major vote of confidence in this province: the great deal that we've brought forward with respect to the investments made by Ford, which, by the way, we announced was \$1 billion

dollars; it has actually been upped to \$1.4 billion because there are additional suppliers involved. Need I remind you of the GM deal, which saw \$2.5 billion invested in Ontario—great for our post-secondary institutions right across this province—creating research and development and adding value in terms of more engineering and more design? When I look at the breadth and scope of the economy of this province, it is increasing in terms of the number of opportunities that are out there for people. I remind the member that in our budget we have highlighted the most important thing: ensuring that we have a highly skilled, highly educated workforce. We're investing in that, because that—

**The Speaker (Hon. Alvin Curling):** Thank you. New question.

#### HIGHWAY 406

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Tourism: Will the minister please explain the importance to Niagara's economy, including tourism, of the four-laning and extension of Highway 406?

**Hon. James J. Bradley (Minister of Tourism and Recreation):** I would defer that question normally to the Minister of Transportation of the province of Ontario, but of course I know that many highways, roads, airports and railways are exceedingly important to the field of transportation and the field of tourism. Many people come to various parts of Niagara using the Queen Elizabeth Highway, using the railroads that we have. Some fly in. Some will come across, for instance, on the ferry, whenever there's a ferry boat there. I consider every roadway that I know of to be of some significance in terms of the promotion of tourism in the province of Ontario.

**Mr. Kormos:** Will the minister please confirm his government's commitment to the four-laning and extension of Highway 406, in view of its considerable relevance and importance to the tourism economy in Niagara?

**Hon. Mr. Bradley:** As I say, I wouldn't want to discriminate against one roadway over another, because my friend who represents Erie-Lincoln would say that he has highways within his area that he would consider to be exceedingly important. I have within the city of St. Catharines—as you know, at this time, the highway is being widened through the city of St. Catharines in a major multimillion-dollar project. On the Queen Elizabeth Highway, all along to Niagara Falls, there's all kinds of activity taking place, which enhances the tourism experience in Ontario.

I would be delighted to see all of our highways proceeded with as expeditiously as possible and within the framework of fiscal responsibility that I know the member would insist upon with this government and with other governments. I will be happy to share his views and my views with appropriate ministers, to ensure that they are well aware of the impact that four-laning of a highway such as Highway 406 can have in a particular jurisdiction.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Jeff Leal (Peterborough):** This afternoon, I have a question to the Minister of Community and Social Services. It's an important question for Community Living Peterborough and for community living organizations right across the province. Yesterday we learned of a new investment to the tune of \$41.1 million that you're making in the developmentally disabled services sector. This announcement will see the establishment of four community networks of specialized care.

Many individuals who have a developmental disability also have to deal with mental health issues and challenging behaviours, many of which seriously affect their quality of life. They often need extra support to cope with eating disorders, psychiatric illness or behaviour that leads them to hurt themselves or others.

These four regionally based networks will improve the way specialized care is delivered across the province. The networks will provide service, training and teaching. A portion of your announcement also provides funding for staff recruitment and retention. The third component of the announcement creates 390 new homes in the community for those with developmental disabilities. Minister, can you expand upon—

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

**Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues):** I think the best thing about this question is that it really shows that that particular member is deeply rooted in his own community and is a huge proponent for people with developmental disabilities living in their communities. That's why he is so supportive of this plan that we unveiled yesterday: four networks across Ontario, covering all regions, that deal with specialized care for people.

We know there is expertise right across the province, but what we haven't had is that coordinated highway, so that all those agencies can get access to where those services are. We are working on that, and we are pleased with the result so far, that people in lead agencies will be linked up: things like our interactive videos, for example, where our specialists in Toronto help our people in Wawa. It is a tremendous opportunity for us to enhance specialized services for people living in their communities.

**Mr. Leal:** As this House is aware, governments of all political stripes have committed to the closure of the remaining three institutions. It started during the Peterson years and went through the Rae years to the Harris years to the Eves years. This government, since announcing the closure date, has been working tirelessly to make the transition of these residents seamless. We've learned that individual plans are being developed to ensure that each resident need is met. This includes input from staff, families and, where appropriate, the residents themselves. Yesterday's announcement addressed the needs of those already in the community. What is this government doing

to address the needs of the 1,000 people who will be moving to the community from the remaining three institutions over the course of the next five years?

**1520**

**Hon. Ms. Pupatello:** I very much appreciate the opportunity. People in the community who have children with developmental disabilities, who have always kept their kids at home, who have always needed support—those parents, in many cases today, are in their late 70s, their 80s or their 90s, and need help. Yesterday's announced 300 new places in communities across Ontario are for people who have always been in their own homes but who now need to move into independent living.

It really is support for people who have always kept their kids at home, and that's an important distinction. Those 1,000 that are moving into our communities from our institutions are part of a completely separate pot of money that was set aside and announced last September—\$110 million for those people. Let me say as well that we announced 90 beds. What is so important is that half of those beds are for long-term placement of people who have extremely high needs, and who require very complex care: individuals who have mental health issues, for example, as well as other serious high needs.

## PETITIONS

### COMMUNITY HEALTH CENTRES

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**  
“To the Legislative Assembly of Ontario:

“Whereas Brock township has been declared an underserved area by the Ministry of Health with respect to physician services since 1996;

“Whereas the Ontario government announced the creation of 150 family health teams, just like the community health centre in the spring budget;

“Whereas a CHC in Brock township could provide a range of community-based health and social services provided by a multidisciplinary team including physicians, nurse practitioners, nutritionists, health promotion coordinators, social workers, counsellors and other health professionals needed in our local community;

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

“That the Brock CHC proposal submitted on February 27, 2003, be funded as recommended by the district health council.”

It's signed by many people in my riding.

### LESLIE M. FROST CENTRE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**  
“To the Legislative Assembly of Ontario:

“Whereas the Leslie M. Frost Natural Resources Centre has a long history in the county of Haliburton and

provides an important historical link dating back to its use in 1921 as a chief ranger station; and

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

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

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

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

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

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

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

It's signed by hundreds and thousands of people from my riding, and presented to Trishaala.

### HEALTH CARE FUNDING

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present a petition signed by Clara Crane of Vineland and Kay Davis of Wellandport, among others, that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Dalton McGuinty Liberals promised a health care system that gives us all the care we need when we need it; and

“Whereas chiropractors, optometrists and physiotherapists provide the necessary health care to the people of Ontario to maintain healthy and active lifestyles;

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

“The Dalton McGuinty Liberals should keep their promise to invest in health care and restore funding to cover optometry, physiotherapy and chiropractic care under OHIP.”

In support, I add my signature.

### CHIROPRACTIC SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present another petition, signed by folks in Grimsby and throughout west Niagara, which reads as follows:

“To: Legislative Assembly of Ontario

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

“Whereas,

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

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

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

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

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

Above the signature of Misty Flynn of Slesser Boulevard, I affix my signature in support.

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**  
“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close the Rideau Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing the Rideau Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities;

“Whereas Ontario could use the professional staff and facilities of the Rideau Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Rideau Regional Centre open as a home for people with developmental disabilities and to maintain it as a ‘centre of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

#### ONTARIO BUDGET

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas the McGuinty government inherited a hidden structural deficit of \$5.5 billion upon taking office in October 2003;

“Whereas the McGuinty government is committed to a balanced fiscal approach that eliminates the deficit and restores essential public services;

“Whereas Ontarians demand the best public health care, public education, and economic prosperity; and

“Whereas passing the 2005 budget will ensure new funding for post-secondary students, reduced waiting times for medical procedures, more child care spaces, and new investments in public infrastructure;

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

“To pass Bill 197, Budget Measures Act, 2005, as soon as possible.”

As I agree with this petition, I affix my signature to it and I hand it to the page, Elizabeth.

#### CHIROPRACTIC SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** I’m pleased to read a petition signed by Mark Bronson and Linda Eikelboorn, among others, from Dunnville, Ontario, that reads as follows:

“To: Legislative Assembly of Ontario

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

“Whereas,

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

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

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

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

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

In support, I affix my signature.

#### HEALTH CARE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):**  
This petition is signed by many people from my riding,

including Marilyn Johnston, and I want to send get-well wishes out to her husband, Ron:

“To the Legislative Assembly of Ontario:

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

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

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

1530

### CHIROPRACTIC SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** I’m pleased to present a petition signed by William Blyleven of Lowbanks and Wayne Faulkner of Dunnville, and many other residents of the area, that reads as follows:

“To: Legislative Assembly of Ontario

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

“Whereas,

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

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

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

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

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

In support, my signature.

### LESLIE M. FROST CENTRE

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “Save the Frost Centre:

“To the Legislative Assembly of Ontario:

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

“Whereas the history in the use and management of natural resources in Ontario stretches back to the 1600s and forms an integral part of the overall history of the province and MNR, and the history of the ministry and

the Frost Centre itself easily qualifies as a significant historic resource; and

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

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

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

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

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

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

Signed by Devin Hogg in Minden, Joan Harding in Cavan, and hundreds of other people from the riding.

### ONTARIO FARMERS

**Mr. Ernie Hardeman (Oxford):** I have here a petition signed by a great number of my constituents and by constituents of the riding right next door to me that’s being represented by the Minister of Agriculture and Food. It is to the Legislative Assembly of Ontario:

“Whereas thousands of Ontario farmers have been forced to take their concerns directly to Queen’s Park because of a lack of response from the Dalton McGuinty government to farm-related issues; and

“Whereas farming in Ontario is in crisis because of the impacts of BSE, unfair subsidies from other jurisdictions, rising costs for energy and a crushing regulatory burden on farmers; and

“Whereas current prices for farm products do not allow for sustainable agriculture in Canada, with a 10.7% decline in the number of Canadian farms reported between 1996 and 2001;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to consult with Ontario’s farmers to develop a long-term strategy to ensure the viability of agriculture in our province that protects our rural way of life, and to work in the short term to alleviate the farm income crisis and listen to the concerns of farmers about the greenbelt.”

I affix my signature to this, as I totally agree with the petition, and I give it to Nathan to take it up for me.

### CHIROPRACTIC SERVICES

**Mr. Tim Hudak (Erie–Lincoln):** I’m pleased to present a petition—

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** Again.

**Mr. Hudak:** This one's different. It's signed by Franca Stinson of Beamsville, Rick Voortman of Grimsby, and many other constituents in western Niagara.

**Hon. Mr. Caplan:** I'll sign it.

**Mr. Hudak:** I hope the minister does sign it. That would be very helpful. I suspect that he may be supportive of this petition. I'll read it and we'll see what he says.

"To: Legislative Assembly of Ontario

"Re: Support for chiropractic services in Ontario health insurance plan:

"Whereas,

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

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

"Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; ..."—Mr. Speaker seems to have changed his clothes rather quickly, like SuperSpeaker—

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

In support, I affix my signature.

#### COMMUNITY HEALTH CENTRES

**The Acting Speaker (Mr. Wayne Arthurs):** The member for Haliburton—Victoria—Brock.

**Ms. Laurie Scott (Haliburton—Victoria—Brock):** Thank you, Mr. Speaker. Welcome to the chair.

"To the Legislative Assembly of Ontario:

"Whereas Brock township has been declared an underserviced area by the Ministry of Health with respect to physician services since 1996;

"Whereas the Ontario government announced the creation of 150 family health teams, just like the community health centre in the spring budget;

"Whereas the community health centre in Brock township could provide a range of community-based health and social services provided by a multidisciplinary team including physicians, nurse practitioners, nutritionists, health promotion coordinators, social workers, counsellors and other health professionals needed in our local community;

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

"That the Brock community health centre proposal submitted on February 27, 2003, be funded as recommended by the district health council."

Signed by Bill Jackson and Kerri Jebson and brought to the Legislature by a former MPP, Larry O'Connor.

#### ORDERS OF THE DAY

##### FILM CLASSIFICATION ACT, 2005

##### LOI DE 2005

##### SUR LE CLASSEMENT DES FILMS

Mr. Watson moved third reading of the following bill:

Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

**The Acting Speaker (Mr. Wayne Arthurs):** Minister Watson.

**Hon. Jim Watson (Minister of Consumer and Business Services):** I'm not going to speak for a long time because I did speak at second reading. I just wanted to remind members of the House and those people who are watching the parliamentary channel exactly what Bill 158 is.

Bill 158 is an act to modernize Ontario's film classification system. The reason we're here is quite simple. There was a judge's court ruling that indicated that the censorship powers of the Ontario Film Review Board were too broad. What we decided to do, as a government, was bring forward legislation that would address the court's concerns but also modernize the film classification system, because in fact the system and the OFRB have not really been updated, I was told, since Lawrence of Arabia won the Oscar award. So that was some time ago; I think it was before I was born, as a matter of fact.

We have spoken with parents and consumers, the film distribution industry, the video game industries, to develop what I consider a very balanced approach to film classification. We've listened to the views of the Consumer Council of Canada, the Retail Council of Canada, the Canadian Motion Picture Distributors' Association, the Motion Picture Theatres Association, the Public Interest Advocacy Centre, the Media Awareness Network of Canada, the Interprovincial Film Classification Council, parents, educators and a whole host of individuals who have an interest in this particular issue.

I want to read a couple of comments from individuals who expressed their support for Bill 158.

Sue Lott is a wonderful individual from my hometown of Ottawa. She's counsel for the Public Interest Advocacy Centre. Let me quote her: "As a consumer organization, the Public Interest Advocacy Centre supports the government's initiative through the Film Classification Act to provide helpful information to Ontario consumers. We are also pleased that this legislation respects the Charter of Rights' important protections around freedom of expression."

I don't want to be too parochial talking just about Ottawa issues, but I'm proud of my hometown. An

Ottawa Citizen editorial on December 13 said, "The Ontario government is doing the right thing by getting out of the film censorship business."

I want to also quote a gentleman whom I know the member from Erie–Lincoln knows well, Bill Moody, who is a great member of our community, very involved in the Rotary Club. He was the chair of the film review board. He just retired from his term a few months ago—a public educator as well. This is on the issue of the importance of the role of a classification system so that parents and children know exactly what film they're going to see and what the rating is. He brought up a very good point. He said, "It has become impossible for parents to be able to be at the cutting edge of every movie or electronic game their child may be exposed to. A classification system that provides a consistent reporting to which parties can refer, that is clear and transparent has become a very real necessity."

#### 1540

Our ministry works with the Retail Council of Canada where we have a very good relationship. I want to quote Doug DeRabbie, who is their director of government relations. He said, "This legislation reflects this government's belief that when it comes to protecting our children from access to video game material that is inappropriate for their age, the first and best line of defence is parental education."

There are a number of people who have come forward in support of Bill 158.

Let me deal with the issue with respect to censorship for a moment. It addresses the court's ruling by greatly reducing the OFRB's approval process. Only explicit adult films that appear to meet the criteria for criminal obscenity can be refused approval, and criteria will be set out in regulations under the act. It will be exactly the same as interim changes that were made to regulations under the Theatres Act in July 2004.

Just to be very clear, what we are going to do is, if an adult film is in breach of the Criminal Code, according to the OFRB, that film will be handed over to the police and the police will take whatever action they deem appropriate.

Let me read to you the court ruling, the Butler decision, which defines criminal obscenity: "explicit sexual depictions coupled with violence, explicit sex that is degrading or dehumanizing, and explicit sexual activities that involve children." According to the court ruling, the Butler decision, those kinds of films are in breach of the Criminal Code. They should be dealt with by the police. If the police feel that they are not in fact in breach of the Criminal Code, they will be sent back to the OFRB, and the OFRB will classify them and they will be distributed.

This does very much go in line with the court ruling, the Glad Day decision, that was reached over a year ago. We were given instructions to deal with this within a one-year period. We had to go back for an additional four-month stay simply because we didn't have the legislative time to get it through.

I thank the opposition for their co-operation on this. I was pleased that Mr. Tory supported this legislation at second reading. We had thorough discussions at committee.

I want to thank, in absentia, my parliamentary assistant, Ted McMeekin, who is a great parliamentary assistant who has helped us stickhandle this piece of legislation.

I am proud of this legislation. I believe the court ruling was quite clear, and our lawyers and the lawyers from the Attorney General were quite clear that they wanted to adhere to that ruling. Our ministry lawyers very much reviewed the Glad Day decision.

Let me just point out a couple of aspects with respect to prior restraint, because that was part of the ruling as well. It said, "The court did not rule on the constitutional validity of requiring films to be submitted solely for the purpose of classification before they're released into the market. Classifying films ensures that parents and consumers are provided with information on age and content suitability before viewing films or making a decision on whether to purchase films for themselves or their families. Without this requirement, that films be submitted to the OFRB before release to the market, there would be no effective way to protect our children from harmful material."

That's what it boils down to. I think it is a fair and reasonable approach, a balanced approach that our government has taken, between the two extremes. On the one extreme, anything goes. You simply produce a film, you don't need to have it classified and it goes right into the marketplace, regardless of how obscene, how inappropriate it is to children in this province. The other extreme, of course, is the full censorship route, which we have chosen not to follow. So it's very much a balanced approach, based on the court decision on Glad Day.

It also ensures that the OFRB, which is a very good group of men and women who work on our behalf in the province of Ontario, ensures there is a classification system, both on video games and in movie theatres.

I think, as you know, and as I've said in this House before, video games today are a lot different than when we were growing up, when there were simple video games like Pac-Man and these things that were not threatening, that were not violent. Today some of the video games are so realistic that the OFRB, in one instance, had to put an R rating on one of the video games because of the excessive violence and inappropriate language.

I think it's fair, in our society, that parents know what their children are going to see, that parents understand what an R rating means and what a PG and a PG-13 and an A rating are within the context. I think the OFRB, over the years, has done a very good job. You go into a theatre now and the rating system is up, prominently displayed at the ticket counter so you know up front what exactly an A or a PG or a PG-13 and so on is.

I'm very pleased to take part in this third reading debate. I look forward to working with the OFRB as we

develop the regulations that will be required to make sure this law comes into effect. I want to thank all those individuals who have come forward from a wide variety of organizations over the course of the last year to offer their advice, their input, their suggestions. I believe we have a good piece of legislation. We've listened to those individuals, we've respected the court's decision, and the result today is Bill 158. I humbly ask for the Legislature's concurrence so that we can move forward on this piece of legislation. Thank you very much.

**The Acting Speaker:** Questions and comments?

**The Acting Speaker (Mr. Joseph N. Tascona):** Further debate?

**Mr. Ted Chudleigh (Halton):** On a point of order, Mr. Speaker: We would like to stand down our leadoff speaker.

**The Acting Speaker:** Is there unanimous consent to stand down the leadoff speaker for the opposition party? Agreed? Maybe we should have a five-minute recess to straighten this out. The House stands recessed for five minutes.

*The House recessed from 1547 to 1553.*

**The Acting Speaker:** Please be seated. The Chair recognizes the government House leader.

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** On a point of order, Mr Speaker: I seek unanimous consent that the clock show 37 minutes for each caucus as it speaks in rotation.

**The Acting Speaker:** Is there unanimous consent? Agreed.

Further debate?

**Mr. Frank Klees (Oak Ridges):** I'm pleased to speak to Bill 158. In fact, I made the request to our House leader to have the opportunity to speak to this bill because I will be voting against this bill. I look forward to the opportunity to set the record straight as to why, what my objection is.

I suppose that one of my first concerns is that here we are, once again, in the Legislature of Ontario, debating a bill that will be passed by this government, because they have a majority, and they'll do that. But we are here because of a decision of a judge, who has made a ruling. One judge out of some 250 judges on the bench in Ontario—one individual judge—has made a decision in one court case, and we're now passing legislation in response to that.

I say to my colleagues and members in this House—and I ask people who are observing the proceedings to ask themselves—who should be making laws, whether it be in this Legislature or in the Parliament of Canada? My contention is that it should be the elected representatives, the people who are put here for the purpose of making laws. Once again, we're reacting to a decision in a court, and we're creating legislation in response to that. Had the initiative come from the Legislature because of a need that was seen within our province and within society, had it come from individuals within our communities saying there is something fundamentally flawed in the way we are approving what is being viewed, what films are being

put into the marketplace, I could understand that and would of course participate in that debate as well, but much more willingly, because that's our role.

I take exception as well to the incremental way in which standards are being whittled away within our society. It's interesting when you hear the words that are being used in this debate. I hear again from the minister that this is to modernize the film classification system within our province. Of course, that sounds very good, and it is, in the sense that we're bringing how we do this into the modern day. But what isn't being said is that it's much more than modernization. The reality is that by passing this legislation, we are removing any and all standards from legislation and regulations that exist today, and we're replacing standards with classification, with which I have a fundamental problem. I believe that most Ontario citizens, if they fully understood what was in this legislation and what this legislation will do, would also be opposed to that. I still believe that in this province of Ontario, parents and citizens want standards. They want standards because they want to ensure that the community has standards. They want to ensure that their children are protected and that certain material in films should not even be on the market—they shouldn't be on the shelf. That's my belief, and I believe that the vast majority of Ontarians believe that as well. I feel that I have a responsibility, as a member of this Legislature, to let people know what this bill is in fact going to do.

I believe that the system we currently have is functioning quite well. In fact, when we speak to members of the Ontario Film Review Board, they tell us that there are few occasions when they perform the function of censorship. But what is important is that they have the authority to do so within the current regulations. I want to place on the record that under regulation 103.1 of the Theatres Act, there are very specific criteria in place today under which members of the Ontario Film Review Board do their work. I want to read this into the record so that people understand what is there now so they know what is being removed through the passage of this bill.

**1600**

I am quoting what the regulation states:

"After viewing a film, the board may refuse to approve a film for exhibition or distribution in Ontario where the film contains,

"(a) a graphic or prolonged scene of violence, torture, crime, cruelty, horror or human degradation;

"(b) the depiction of the physical abuse or humiliation of human beings for purposes of sexual gratification or as pleasing to the victim;

"(c) a scene where a person who is or is intended to represent a person under the age of eighteen years appears,

"(i) nude or partially nude in a sexually suggestive context, or

"(ii) in a scene of explicit sexual activity;

"(d) the explicit and gratuitous depiction of urination, defecation or vomiting;

"(e) the explicit depiction of sexual activity;

“(f) a scene depicting indignities to the human body in an explicit manner;

“(g) a scene where there is undue emphasis on human genital organs; or

“(h) a scene where an animal has been abused in the making of the film.”

Those are standards that exist today in the province of Ontario. Those are the standards that guide members of the Ontario Film Review Board in carrying out their responsibilities.

Those standards will be removed, they will no longer exist once this bill is passed, and the bill before us in debate contains no standards. It simply says, as you well know, that there will now be classifications, and honourable members in this place have been debating and saying this is most appropriate, that in our modern world it is inappropriate to censor certain material, that regardless of how offensive and harmful that material might be, in our modern world it's inappropriate to censor that material. So we would simply have classifications and somehow we leave it up to parents to teach their children, to guide them, to educate them to abstain from accessing certain classifications of material.

I submit to you that there is a responsibility the Legislature has in this country, specifically our Legislature in this province, to assume the role of a parent in terms of guidance when in fact a parent refuses or abdicates that responsibility. That is a responsibility that we as legislators have. It is a responsibility under law that we have to ensure the protection of vulnerable children within our society. I suggest that by passing this legislation, we are abdicating that responsibility. That's why I am going to be voting against it.

I know there are those who say, “Come with us into the modern world. You're something of a dinosaur.” I ask you to look around and to consider why we have the kinds of problems in our society today that we do, and I suggest to you that one of the reasons is that we have lost sight of standards, that we are afraid to say, “This is wrong, this should not be viewed, this is inappropriate, this is abusive, and this will lead us down the road to serious problems.”

What have we learned from the Homolka case? What have we learned from the many circumstances that we read about daily on child abuse? We read about one child in Toronto who was abused and killed, and the perpetrator of that crime admits openly that it all started with his viewing of pornographic films. Why can't we learn from something as basic and fundamental as that, to say, “Isn't it about time that we enforce standards?” Instead, we have this Legislature coming forward with Bill 158, which says, “No, do you know what? We're going to do away with standards. We're moving into the modern world. We're going to relax standards. We're simply going to classify.”

The argument that “the court made me do it” shows the dysfunction of our Legislature here in Ontario and it shows the dysfunction of every Legislature in our country and the Parliament of Canada. There is an

authority that we as legislators have to challenge whatever ruling a judge may make, and that is our responsibility. If we aren't going to take that responsibility, then why are we here? Let's do away with it. We've got 250 judges in the province of Ontario; let them run the province. Let the judges and the civil service have their way, because that effectively is what we're doing. Why are we here, when every time a judge makes a decision, we say, “Okay, we'll do that”?

So you say, “Well, what can we do?” We do what is within the framework of the law here in Canada. If we don't like what the court says, we challenge it. This province, this Attorney General, should have appealed that decision. In appealing that decision, what the Attorney General does is elevates this debate, elevates this discussion, and the dialogue begins to happen between the court and the Legislature. In the Legislature, we then have an opportunity to come forward on behalf of our constituents, who I believe should truly be setting the standards in our communities, not a judge. Not one man, one fallible man, who may well have good intentions but who I believe is fundamentally wrong.

We have the opportunity as legislators to bring into the debate the views of our constituents and of the community at large. Through an appeal of a court decision, we elevate that debate and we sharpen the tools of justice. That's what we're here for. But no; this government, as with other legislation, abdicates its responsibility, washes its hands and says, “It's not my fault. We were forced to do it.” I don't believe we were forced. It's the weakness of this government that has us here today, and I believe that's fundamentally wrong.

I have some other points that I wanted to make, but I'm going to defer to my colleagues who also want to speak to this issue. We had an agreement at the outset that there would be an opportunity to split my time with them, and I defer to them. You may hear a different point of view from even my colleagues. I appreciate the opportunity to put my view on this issue on the record. As I said, I will not be standing in favour of this legislation. I will be voting against it, and I believe that that in fact is the will of my constituents as well.

**The Acting Speaker:** The Chair recognizes the member from Halton.

1610

**Mr. Chudleigh:** Thank you, Mr. Speaker. It's a pleasure to be here. This bill continues to build upon the nanny state, the Liberal nanny state, the principles that have been guiding the Liberal government for well over a year now. The government claims this bill is about breaking down the censorship barriers that resulted in a 2004 Supreme Court ruling that said our existing laws restrict freedom of expression. In fact, the Liberals have not torn down these barriers at all; they have simply reconstructed them.

The bill will now allow any person to distribute or exhibit an unclassified film, but that person must first obtain a licence from the government. This could mean that we will all need to obtain a licence to show home

movies to our family and friends. I don't think this is what the government intended, but this is one of the consequences that this act may put in place.

And why not? Why wouldn't they say we need a licence to show our home movies at home to our children or to our friends? This government is already telling us what our kids can eat at school. They're telling us what kinds of dogs we can or cannot own. They're telling us whether or not we can eat sushi and what kind of sushi we should be eating. They're telling us whether or not we can build on our own property. The list goes on and on.

There is no doubt in my mind that if George Orwell were alive today he would recognize Liberal Ontario. Dalton McGuinty would be watching him. Soon it could be true. Perhaps the Liberals should spend less time telling people what they can and cannot do and start providing a modicum of leadership. Leadership is what this province needs.

I spoke earlier today about the closing of the Nestlé coffee plant in Chesterville today. In 1989, when Jim Cummings was there as the general manager of that plant, that was the largest coffee plant in North America. Today it's closing.

In 1989—that was under a Liberal government, back in 1989—the Gerber plant in Niagara Falls was the largest baby food producing plant in Canada. Under a Liberal government, in 1989, it closed. Jack Merritt—his wife Noreen—used to run that plant. He ran it extremely efficiently. Ron Downey was their chief purchasing agent. I still see Ron Downey every once in a while. He tells me that he occasionally watches the parliamentary channel. If he's watching today, I'm sure he is just about falling off his couch, if he's not having a nap. He probably played golf someplace today, and he's just getting himself acclimatized. But Gerber was a plant that closed in 1989 under a Liberal government.

Hunt's Foods, down on the other side of Chatham, in between Chatham and Leamington, closed down their plant in 1989 under a Liberal government. There were many, many other food plants in Ontario in those days that closed down.

Premier Peterson went up and down the province, all around the province telling people how bad free trade was going to be for Canada, for Ontario. Many of those things that he talked about, how bad that free trade agreement was going to be for Ontario, were in the purview, were in the hands of the provincial government. They could have made it better.

We are talking about Bill 158. I have to mention that every once in a while.

They could have made it better, but they didn't. They wrung their hands and watched these plants close.

I think that these same kinds of activities are beginning to happen again today. We saw the Bombardier deal go to Quebec, and that was through a lack of attention from the minister and from this government. They didn't make the right decisions and they didn't make them quickly enough. Under the Film Classification Act, Bill 158, a very good short film could be made about the loss

of that Bombardier plant. A very good short film could be made.

Today we find that the Nestlé plant in Chesterville, which was at one time the largest coffee-blowing plant in Canada, is closing. That plant opened, I think, in 1916 as a Borden's canned milk plant. It was part of the First World War effort. They would can milk. The entire production, in those war years, was sent across the ocean to the war area to supply milk to the armed forces. After the war, that plant continued to can milk for some time. Nestlé, I think, purchased it in the late 1930s.

It eventually became a coffee plant and expanded to well over 200,000 square feet. It's a very substantial plant of 240,000 to 250,000 square feet. It has an office complex attached to it. It's a very modern facility. There is no reason why it shouldn't be kept going if the economic situation in Ontario were right. But with increasing corporate taxes, that has not been the right area to keep that plant busy and to keep it going.

The tough decisions that this government had to make in order to keep these plants open have not been made.

Here we are in the House on a Thursday before the parliamentary break, and we're not discussing some of the issues facing Ontarians. We're not discussing health care; we're not discussing the kinds of things that each Ontarian is concerned about as to whether or not they have access to the right kind of health care when they need it and where they need it. Those are questions that every family in Ontario comes to face at some point in time, and here we are in the House and we're not talking about health care; we're talking about film classification, which, I can almost guarantee you, would not be discussed around one dinner table in 100, perhaps one in 1,000 tonight when people sit down to dinner.

I suspect that if you were to ask that same question about health care in some aspect, health care might be discussed in a great number of households, whether that be one in 10 or one in 20. It might not be this evening, given the political activities going on in Ottawa today, but on a normal weekday health care would be discussed quite often, while film classification would be rarely, if ever, discussed. Education is something else that would be discussed. Are we here to fix the problems of education this afternoon? No, we're not.

The other thing happening in Ontario is that every spring, on the roads in Ontario, the winter damage comes to be seen; you come to notice what has happened over the past winter. This was an interesting winter in that it was quite cold but very moist and damp, and we had some warm spells. That's a bad combination for roads because it tends to create potholes where old potholes were, and it tends to create new potholes as well. So you not only have to repair the old potholes but you have to repair the new potholes, and that's because of the warming and freezing aspects we had last winter.

**Mr. Peter Kormos (Niagara Centre):** Maybe we should classify roads.

**Mr. Chudleigh:** The member for Niagara Centre says we should perhaps classify roads. Of course, we do that

to a degree in Ontario. I think that has been done for about the last 60 years—about the same length of time we've done film. Perhaps that will be the next initiative of this government, that we will classify roads and take short films of roads and show the size of the potholes that can actually swallow up some small cars. That's one very good reason not to drive a small car in Ontario, because I think some of the potholes could actually swallow up one of those smaller cars.

**1620**

Of course, the cars that are made in Ontario are made for conditions that are faced here, so you're safe to buy any car built in Ontario, because they're built to withstand the potholes on Ontario roads. I think some of them come with pouches in the back that are filled with sand so that if you do get stuck in the pothole, you can break out the sand, fill it in and roll yourself out of the pothole, because some are getting just about that big.

But we're not here this afternoon to discuss potholes; we're here to discuss film classification. Of course, if you're in a pothole on an Ontario road, you might look around for some help, and perhaps somebody with a police radio could radio for a tow truck to come and help you get out of the pothole. They could radio for the police, but it might be a long time before you saw a policeman, because although this government promised to put 1,000 more police officers on the streets of Ontario, they have yet to materialize. They have yet to be funded. Of course, nothing happens without funding, and that funding hasn't taken place yet.

A fairly major motion picture, perhaps even an epic motion picture, could be shot in the time it takes for this government to get those 1,000 police officers on to the streets of Ontario, which is one of the issues that the people of Ontario really want to see. One thousand police officers were promised. I know that in our last term in office, we delivered 1,000 new police officers to the streets of Ontario. The Liberals thought that was a great idea, and they put it in as one of their campaign promises: "We're going to put 1,000 police officers on the streets of Ontario, too. Aren't we wonderful?" They announced it. They came out and announced it.

Monte Kwinter, the Solicitor General, announced that he was going to appoint 1,000 new police officers to the streets of Ontario, but then, prior to the budget, found out that it required funding. Of course, that funding had been pulled. It wasn't the full Monte; it was the poor Monte. Poor Monte was sent out there to make the announcement, and then they pulled back the money. I know Mr. Kwinter, the Solicitor General of this province, to be a very honourable individual, and I'm sure he was distraught when this trick was pulled on him—to go and make this announcement and then withhold the money. Again, an epic film could be shot in the time it takes to get those 1,000 police officers on the streets with this government holding the reins of power.

When we think about Bill 158, we wonder, was this bill promised during the election? Was this one of the 231 promises to all the different people in Ontario? No, it

wasn't. But here we are on Thursday afternoon, prior to going home to our constituencies, and we're not debating any controversial legislation that might come up during conversation next week at home among the electorate of Ontario. No, we're debating something that is extremely low key, will not be discussed around any dinner tables, I give you, and it's just going to bring the temperature down.

It's kind of strange that the government would do this, because given the activities that are going on in Ottawa today, given the impending vote, which is coming up—it's going to start in about an hour and five minutes—all the newspapers, the fourth estate, who are listening in their offices I'm sure, won't be giving much ink—in fact, their editors won't give them much ink—about what happens in Ontario's Legislature today. I think this government could have brought in extremely contentious legislation for this afternoon's debate, and I think it still wouldn't have made any press, given the activities that are happening in Ottawa. But that didn't happen.

The Minister of Consumer and Business Services has also been called the minister of trivial distractions. That was from my friend from Leeds–Grenville. He called you the minister of trivial distractions. This bill comes forward every time the government needs something to lower the temperature. It's just something to have nice, quiet debate on; nothing contentious. Most of the contentious members—I say most of the contentious members—I'm sure they're listening in their offices; it's not appropriate to mention that they may not actually be sitting in the House. But their activities are certainly very low key today.

The other thing that this bill doesn't do is address agriculture or food. There is a myriad of issues that are facing the farmers of Ontario. I would think that we could make a very major motion picture under Bill 158 about the things that are happening to agriculture and how this government is ignoring them. The progress that they're making with nutrient management, and the way in which they're approaching it, is very scary. This province is going to be out of the meat-producing business if you proceed with implementation of nutrient management in the direction that you're going. You have already destroyed the long-term future of the dairy people, the swine industry and the beef industry by your cancellation of the dairy herd improvement act, the swine improvement act and the beef improvement act.

The dairy herd improvement act, which was one of the longest-standing of those acts—I believe it started in 1942 or 1943—registered every dairy cow born in Ontario as to its sire. Over the course of a number of years, the record of every dairy cow registered in Ontario was known. You knew how much milk it produced, you knew who its sire was and you knew how long it produced milk for. It was a complete genetic record of the bulls and cows in Ontario. The entire province became a laboratory for developing the best dairy genes in the world. Today, Ontario has the best dairy genes in the world. We were working on that same program for swine and beef. With

the mad cow disease, it's particularly important to have a genetic record of where those cattle or swine came from.

This government has cancelled those three acts. It will take a while for those things to kick in, but that terrific gene pool that we've got, the best in the world, will gradually be eroded and disappear, and we will gradually not be able to tell people, with proof, how good our gene pool really is. That's a shame. We should be discussing that this afternoon, not film classification and Bill 158, something that doesn't really affect many people in Ontario.

I share the rest of my time with the member just over here.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's a pleasure to follow the member from Halton and see his devotion to his riding and his knowledge of many issues that are facing Ontarians.

To the bill brought forward by the Minister of Consumer and Business Services: Certainly, the Film Classification Act is an interesting one that's been brought forth to deal with the rating process outlined in the current Theatres Act, in order to conform with the Supreme Court ruling in April 2004. In this, the Supreme Court ruled that the review boards have "extremely broad" powers and that they violate the rights and freedoms section of the Canadian Constitution: "The mandatory submission of films and videos to the board for its approval prior to their distribution and exhibition infringes on the fundamental freedom of expression guaranteed by ... the charter."

The judge also criticized the board's ability to order cuts or edits in films to be distributed in Ontario, which could leave the impression that the final product was what the producers intended, or could even alter the intent of the film. So the legislation is the government's attempt, I believe, to conform with the Supreme Court ruling. As the minister has been emphasizing, and I guess it's been to committee, it would still need to censor what was covered in the Criminal Code. For those watching, in short, the board may refuse to approve a film for exhibition or distribution if the board considers that the film has as its main object the depiction of explicit sexual activity, if the film includes the depiction of explicit sexual activity coupled with violence, or explicit sexual activity that's degrading or dehumanizing—

**Mr. Kormos:** There are children here; please.

1630

**Ms. Scott:** Exactly. Sorry. This is whom we're trying to protect, and I'm sure they've had quite an education since they've been here, so the member for Niagara Centre says. Certainly, the protection of children is what we need to keep most in our minds.

I'm sorry that my time has run out, but it will be interesting to follow up with the minister.

**The Acting Speaker:** Questions and comments? Seeing none, the Chair recognizes the member from Niagara Centre.

**Mr. Kormos:** Thank you kindly, Speaker. This is third reading debate, the completion of debate, around

Bill 158. I'm here with my colleague Ms. Martel. I don't know whether she'll have an opportunity to speak to this bill this afternoon or not. I can tell you that I speak for the New Democratic Party caucus in this matter and that the NDP simply can't support this incredibly irresponsible response to the Superior Court ruling here in the province of Ontario.

Section 7 alone demonstrates that this government thumbs its nose at the rule of law. Section 7 preserves approval. That's exactly what the court was talking about. The province doesn't have the jurisdictional capacity to approve or disapprove films. The province can classify. New Democrats support the classification of films. I'm going to speak to that a little more elaborately in just a few moments. But section 7 of the bill offends, in fact shows contempt for, the ruling of the court. Understand that the province, in its own capacity, decided not to appeal that decision. The province understood full well, and anybody who has read the lengthy and thorough judgment understands—the reason the province didn't appeal it was because it was unappealable. In any event, Judge Juriansz, who made the ruling, is now in the Court of Appeal, so that gives you a little signal, an indication, of what the Court of Appeal would have to say about the position established by Judge Juriansz, doesn't it? Section 7 preserves censorship. For that reason, and we don't have to go any further, this bill should not pass. It's not what the court said. The court said the province can't censor movies. Whether people like that or not is irrelevant.

I want to say this, though: No other medium, artistic or communicative or whatever, in our province, in our country, is subject even to any classification scheme. Do we tell publishers to submit books so that they can be classified, never mind censored? No. And quite frankly, if someone were to stand and say, "Yes, we should be censoring books," they'd be mocked. That would be a repugnant proposition, wouldn't it? The mere concept of saying, "Let's create a legislative regime whereby books have to be submitted for approval," like section 7 continues to require movies that would have to be submitted for approval, or disapproval, and if they don't get the approval of the province, they can't be shown, or the book can't be read—or magazines, or stage plays. I was excited to read today that a stage play written by Jack Kerouac had just been discovered by his manager in the archives, literally in boxes that had been stored in, I presume, a mini-storage in New Jersey or thereabouts. It's going to have tremendous commercial value as well as, according to the small, modest news report I read, a tremendous insight into their lives, because of course Kerouac, as he wrote, wrote about himself, he wrote about Neil Cassidy, he wrote about Ginsberg, he wrote about that whole group of writers and poets and thinkers in that beat era.

But we don't ask people who write plays, playwrights, to submit their plays, the text for the play, for approval or classification. We don't tell photographers to submit their negatives or their prints for approval or disapproval or

even classification before they can be displayed. We don't tell artists to submit their canvases for approval before they can be displayed, or even for classification. There's something very troubling about the underlying concept of preapproval, censorship and, in my view, the need, the legislative requirement that a matter be submitted for even classification because, understand, failure to submit for classification means you can't display the movie.

I don't know if people share my concern about this. We condemn jurisdictions wherein the state exercises that type of control over what people can hear. We don't tell a musician to submit his or her songs before they can be performed, do we? And is there troubling stuff from time to time that musicians write? Of course there is. Are there photographs that from time to time are taken and printed and displayed that are troubling? Of course there are. Are there paintings, is there artwork, is there sculpture that from time to time is troubling? Of course there is. Are there plays that shock and offend? Of course there are. Are there books that offend or even disgust? Of course there are. But in a democratic society we would express repugnance at the proposition that a playwright submit his play, that a poet submit his poem, that an author submit her novel, that a photographer submit her photographs.

Diane Arbus—you may be familiar with her work: tragic, tragic life which ended all too soon, at her own hand. But she was the leading edge in some very disturbing photography, very American photography, portraits of Americans, yet those very disturbing and shocking photographs have become classics not just in the world of photography but classic documents about the state of America at the period of time when Diane Arbus was taking those photographs. There are people far more sophisticated than I am in their familiarity with the arts who would tell you that one of the purposes, one of the goals, one of the motives, one of the objectives of art is to shock and provoke and to rattle the cage, to make people reflect on things perhaps in a very disturbing way, even to the point of being offensive.

**1640**

So while New Democrats agree that the state should provide a classification system, we have grown increasingly convinced that to require submission to that classification system before a film/DVD/movie can be displayed is in itself problematic, which is why we called, during the course of committee hearings on this bill, for the creation of a class of film that would be called—well, “unclassified,” not submitted for classification.

I don't want us, please, to get distracted by the ranting and railing about pervasive pornography sort of finding its way into our kids' or grandkids' hands, because we've got a Criminal Code, and that's what Judge Juriansz was very specific about as well. When something violates the Criminal Code in terms of being obscene, pornographic from a criminal perspective, then you arrest the people who publish, distribute, sell or display that item, and there has been no shortage of prosecutions in that regard.

What's remarkable is that this bill still requires SpongeBob SquarePants films to be submitted for classification. Think about it. The pages here have got younger brothers and sisters who are SpongeBob SquarePants fans, I'm sure. OK?

**Interjection:** I like it.

**Mr. Kormos:** All right. Did we get the interjection, because I responded to it?

**Hon. Mr. Caplan:** Who interjected?

**Mr. Kormos:** Inderraj Singh, Etobicoke North, took the liberty, on his final day here of participating in the debate. I'm proud of him.

**Hon. Mr. Caplan:** He'll be back.

**Mr. Kormos:** You're darned right, and maybe sooner than you think. Come on down to Niagara Centre, my friend, and let's get working on building a profile for you. You've got a head start here today. Good for you.

These pages have been the most impressive group of young people that anybody could ever meet. You have been a real delight to work with. It's remarkable how you learn the standing orders within a matter of days, and I've got colleagues here who haven't learned them over the course of years. It's true. The pages have just been superlative, and I want to take this opportunity to thank them once again for their service here at the Legislature. I am confident, yes, that there will be pages returning to this chamber as members of this Legislature, and I'm looking forward to that.

So here we go. In the year 2005, in the 21st century, you've got a government, the Liberals here at Queen's Park, that wants people who make movies like SpongeBob SquarePants to pay—because you've got to pay when you submit the film for classification—so that the film classifier can, surprise, surprise, say, “This is a children's film.”

Mind you, there are some religious leaders down in the southern United States who say SpongeBob SquarePants may be a little too gay for our kids and grandkids to watch, because after all, SpongeBob SquarePants holds hands with his best friend. What stupid stuff that is. What's obscene is any religious leader who would say something like that. That's what's obscene. I know that Jonathan Hampton, for instance, is a big fan of SpongeBob SquarePants. He's a SpongeBob SquarePants addict, if you will; Jonathan can't get enough of SpongeBob SquarePants.

I know I've talked about Nicholas Losier-Brown and his brother, Joshua Losier-Brown, a couple of the other people I've consulted during the course of this debate around 158 and they're big SpongeBob SquarePants fans down in Welland, as well as Bob the Builder. Do you know Bob the Builder?

**Interjection:** Yes.

**Mr. Kormos:** Interjection “yes” from Singh. Bob the Builder.

*Interjection.*

**Ms. Shelley Martel (Nickel Belt):** He was provoked.

**Mr. Kormos:** I provoked the page. OK. We're going to get the union cards out, Mr. Butt, if there's a problem

here. Bill 144 hasn't passed yet. We'll get some card certs.

So you've got Nicholas Losier-Brown and Joshua Losier-Brown, who are fans of SpongeBob SquarePants, and Jonathan Hampton, who's a fan of SpongeBob SquarePants and Bob the Builder. Is Bob the Builder the guy with the train? I don't know. There's another guy who rides a train around a lot.

These filmmakers of obvious children's films have to submit their films and pay X number of dollars per minute to have them viewed so that the film classification board can say that these are children's films. Give me a break. What a silly proposition.

That's why jurisdictions like Manitoba, where there are self-identified classification categories, have the requirement that if you indeed have a film that contains things that would elevate it in the ranking of classification, then the film does have to be submitted.

I raise once again the need for a category of film where the label on the box says "Unclassified" or "Not submitted for classification."

Think about this: If your church group or your temple or your synagogue makes a DVD of the choir singing—and it's so easy to do now with the equipment you've got. Your Mac can burn DVDs like that. Ms. Di Cocco, catch this: If your church makes a DVD of the choir singing and then sells it to raise money as a fundraiser, you've got to submit that movie for classification and pay to have it reviewed. That's silly.

If Bob Vila putting up drywall has got to be submitted for classification because there might be some dirty stuff in there, that's silly.

Volunteer groups that raise money with a film that, oh, could be somebody's travelogue have to submit the film for classification. That's nuts.

Bright, brilliant, creative filmmakers here in the city of Toronto who are doing some of the leading-edge experimental work in terms of—

**Hon. Harinder S. Takhar (Minister of Transportation):** On a point of order, Mr. Speaker: I have some very distinguished dignitaries in the lobby and I would like to introduce them.

We have the Honourable Captain Amarinder Singh. He is the Chief Minister of Punjab. He's the equivalent of the Premier here. He's here with the trade delegation.

We have the Honourable Partap Singh Bajwa. He's the Minister of Cultural Affairs.

We have the Honourable Jagmohan Singh Kang, the Minister of Tourism.

We have the Honourable Gurmeet Singh Sodhi, Minister of Sports and Youth Affairs.

We have the Honourable Avtar Henry, the Minister of Food and Supplies. Actually, he's from the same area that I am.

We also have other distinguished guests with them, who are equivalent to the rank of our deputy ministers.

I wanted to introduce them to the Legislature and welcome them to Ontario and Canada.

**The Acting Speaker:** We welcome you to the Legislature.

We continue the debate with Mr. Kormos.

**Mr. Kormos:** Welcome. It's good to have you here in the chamber as we're wrapping up the debate on this minister's obsession with dirty movies.

One of the things that this minister was confronted with, shortly after his appointment to his ministry, was the—

**Hon. Mr. Takhar:** On another point of order, Mr. Speaker: I missed the High Commissioner of India to Canada, Ms. Cowsik.

1650

**The Acting Speaker:** The Chair recognizes the member from Niagara Centre.

**Mr. Kormos:** Back to Minister Watson and his dirty movies.

Look, we understand the need to have a classification system, but we also submit to you that a legal requirement that a film be submitted for classification before it can be legally shown is something so serious as to be worthy of consideration. We don't impose that same requirement on other forms of expression, and were we to, we would be held in incredible disregard. That would be considered something very repugnant and it would become something that would be publicized internationally.

The solution here is so simple. Accommodate the bright, young artists and filmmakers—and some not so young. There is a whole community out there that is making film where the market is so limited because it is being shown in a small circle of other filmmakers and other film experimenters. These are the people who become the Egoyans and the Cronenbergs, two of our great filmmaking Canadians, and people who sustain a growing economy across Ontario. This bill ignores the dilemma it creates for small experimental filmmakers.

The Ontario College of Art and Design, just down the road—given degree-granting status by this chamber not that long ago—home to the academic, home to a community of filmmakers who, to display a film, unless they get special dispensation, have to submit it for review and pay the costs associated with that. Wouldn't it be so much easier and so much more preferable to simply require that a film that has not been submitted for classification be identified as not submitted for classification? It's very much a caveat emptor; in other words, don't buy or view this film unless you are prepared for anything, or unless and until you have a reasonably good sense—if it came from the church and purports to be a movie of the choir singing, then you can reasonably expect it to be a movie of the choir singing, and it shouldn't have to be classified. If it comes from an experimental filmmaking community that may be risqué and leading edge, then be prepared for perhaps a forearm to be displayed or even an elbow, and don't register too much shock when that happens on the screen. It's eminently reasonable and, I believe, far preferable in a free and democratic society.

The debate isn't about the incredibly illegal and grossly offensive sort of things we're forced to talk

about, those things that reveal and display the basest of human nature. I'm talking about illegal pornography and of course child porn. This bill isn't about that. That stuff is illegal. That stuff is *prima facie* illegal. That stuff you get busted for—bang, Criminal Code. Never mind Minister Watson and his nonexistent team of investigators. That ministry, of course, has been gutted, as you well know, and flatlined once again, or reduced, in terms of the budget. Was it reduced? Yes. There's nothing left there. There is nothing left of that ministry, the Ministry of Consumer and Commercial Relations.

I want to thank the pages. I thank them on behalf of New Democrats most sincerely. They are bright young people and very capable.

I want to thank Frank Addario. Frank Addario was the lawyer who acted for Glad Day books in the litigation before Judge Juriansz. He is one of this country's best young legal minds and has taken on some of the most challenging and complex charter cases, among others. His work in the Glad Day case was critical to generating not just a response by the government—of course, the government failed that with Bill 158 because it maintains censorship powers—but more importantly, a review, a reconsideration of this whole business of forcing filmmakers, as compared to poets, authors, novelists, playwrights, sculptors, musicians, artists—none of them have to submit their work for classification before it can be performed or displayed, do they? Yet a filmmaker does. There's something very peculiar about that. We're saying, as everybody in this debate has said, that the prospect of classification as a consumer aid is a very desirable thing. We agree the state should be in the position of providing it. But it shouldn't be a precondition, for a creative person to produce something and to display it, that it be submitted for a classification process.

I want to thank the Canadian Civil Liberties Association. They, of course, were instrumental in the litigation, the prosecution of Glad Day books by this province. Alan Borovoy and his stewardship of that organization—talk about somebody who should be short-listed for sainthood. He's still alive, and he still should be short-listed for sainthood, even as a live person. What an incredible, strong, effective and important voice for civil liberties. He is a Canadian treasure.

His staff and the Canadian Civil Liberties Association were present at the committee hearings and made their submission. Regrettably, the government chose to ignore what they had to say. I tell you this: Ignore Alan Borovoy at your peril. There's very little documentation of his ever having been wrong, in terms of his interpretation of the law and certainly in terms of his interpretation of what's right in a free and democratic society.

New Democrats have been put in a position where we will not support illegal legislation. This bill offends the ruling. It fails to comply with the ruling. It continues to violate the principles that were the foundation of that ruling. We reject this bill on that basis. This bill, furthermore, fails to understand what artistic expression means in a free and democratic society. While we understand the importance of film classification as a guide to consumers, we reject film classification as an artificial form of pre-screening expression that should, in a free and democratic society, be free and unfettered.

**The Acting Speaker:** Questions and comments? Seeing none, are there any other honourable members who wish to participate in the debate? Seeing none, does the minister wish to make a reply? No.

The minister has moved third reading of Bill 158. Is it the pleasure of the House that the motion carry?

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

All those opposed to the motion, please say "nay."

In my opinion, the nays have it.

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

Pursuant to standing order 28(h), it's requested that the vote on the motion by Mr. Watson for third reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film, be deferred until May 30, 2005.

Orders of the day.

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I move adjournment of the House.

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

This House stands adjourned until Monday, May 30, at 1:30 p.m.

*The House adjourned at 1659.*

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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