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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 10 April 2006

Lundi 10 avril 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 10 April 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 10 avril 2006

*The House met at 1330.
Prayers.*

INTRODUCTION OF MEMBERS

The Speaker (Hon. Michael A. Brown): I beg to inform the House that the Clerk has received from the Chief Election Officer and laid upon the table certificates of the by-elections in the electoral districts of Whitby–Ajax, Nepean–Carleton and Toronto–Danforth.

The Clerk of the Assembly (Mr. Claude L. DesRosiers):

(1) “Mr. Claude DesRosiers
“Clerk of the Legislative Assembly
“Room 104
“Legislative Building
“Queen’s Park
“Toronto, Ontario
“M7A 1A2

“Dear Mr. DesRosiers:

“A writ of election dated the first day of March, 2006, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to Elinor Kidd, returning officer for the electoral district of Whitby–Ajax, for the election of a member to represent the said electoral district of Whitby–Ajax in the Legislative Assembly of this province in the room of Jim Flaherty who since his election as representative of the said electoral district of Whitby–Ajax has resigned his seat. This is to certify that, a poll having been granted and held in Whitby–Ajax on the 30th day of March, 2006, Christine Elliott has been returned as duly elected as appears by the return of the said writ of election, dated the seventh day of April, 2006, which is now lodged of record in my office.

“John L. Hollins
“Chief Election Officer
“Toronto, April 10, 2006.”

(2) “Mr. Claude DesRosiers
“Clerk of the Legislative Assembly
“Room 104
“Legislative Building
“Queen’s Park
“Toronto, Ontario
“M7A 1A2

“Dear Mr. DesRosiers:

“A writ of election dated the first day of March, 2006, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to Wayne

Beaten, returning officer for the electoral district of Nepean–Carleton, for the election of a member to represent the said electoral district of Nepean–Carleton in the Legislative Assembly of this province in the room of John Baird who since his election as representative of the said electoral district of Nepean–Carleton has resigned his seat. This is to certify that, a poll having been granted and held in Nepean–Carleton on the 30th day of March, 2006, Lisa MacLeod has been returned as duly elected as appears by the return of the said writ of election, dated the seventh day of April, 2006, which is now lodged of record in my office.

“John L. Hollins
“Chief Election Officer
“Toronto, April 10, 2006.”

(3) “Mr. Claude DesRosiers
“Clerk of the Legislative Assembly
“Room 104
“Legislative Building
“Queen’s Park
“Toronto, Ontario
“M7A 1A2

“Dear Mr. DesRosiers:

“A writ of election dated the first day of March, 2006, was issued by the Honourable Lieutenant Governor of the province of Ontario, and was addressed to Krystianna Sofroniou, returning officer for the electoral district of Toronto–Danforth, for the election of the member to represent the said electoral district of Toronto–Danforth in the Legislative Assembly of this province in the room of Marilyn Churley who since her election as representative of the said electoral district of Toronto–Danforth has resigned her seat. This is to certify that, a poll having been granted and held in Toronto–Danforth on the 30th day of March, 2006, Peter Tabuns has been returned as duly elected as appears by the return of the said writ of election, dated the seventh day of April, 2006, which is now lodged of record in my office.

“John L. Hollins
“Chief Election Officer
“Toronto, April 10, 2006.”

Mrs. Elliott and Ms. MacLeod were escorted into the chamber by Mr. Tory and Mr. Runciman.

Mr. John Tory (Leader of the Opposition): Mr. Speaker, I have the honour to present to you and to the House Christine Elliott, the member-elect for the electoral district of Whitby–Ajax, and Lisa MacLeod, the member-elect for the electoral district of Nepean–

Carleton, who have taken the oath and signed the roll and now claim the right to take their seats.

The Speaker: Let the honourable members take their seats.

Applause.

Mr. Tabuns was escorted into the chamber by Mr. Hampton and Mr. Kormos.

Mr. Howard Hampton (Kenora–Rainy River): Mr. Speaker, I have the honour to present to you and to the House Peter Tabuns, member-elect for the electoral district of Toronto–Danforth, who has taken the oath and signed the roll and now claims the right to take his seat.

The Speaker: Let the honourable member take his seat.

Applause.

1340

MEMBERS' STATEMENTS

ONTARIO SCHOOL BUS ASSOCIATION

Mr. Frank Klees (Oak Ridges): On behalf of the PC caucus, I would like to welcome the new members of the Legislature who have taken their seats today.

I also want to welcome members of the Ontario School Bus Association, who are here today to meet with MPPs. The OSBA are valued partners in the education community, and we're pleased that they are here with us today. Under the leadership of Rick Donaldson, the OSBA has been an effective voice for safe and reliable transportation of students across the province.

The OSBA represents some 200 school bus companies operating over 14,000 vehicles throughout the entire province. Sixty per cent of their members are small, family-owned businesses with 20 or fewer vehicles.

The members of the OSBA and their drivers play an important role for our students every day. They are the first and last point of contact with the school system for over 800,000 students every day. Their members have strong ties in our communities, and I am sure many of you know your school bus operator by name.

The OSBA have long been advocates for a fair and equitable student transportation funding model. The PC caucus is committed to working with the OSBA to impress upon the government the importance of having an improved student transportation funding formula.

We are pleased that the OSBA are here to meet with us. We welcome you, and we encourage the new Minister of Transportation to have that important dialogue with the OSBA to ensure that they can be effective in this province.

VOLLEYBALL TEAM ÉQUIPE DE VOLLEYBALL

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): It is with great pleasure that I rise today in the House to recognize the girls' volleyball team from l'École Secondaire L'Escale de Rockland. This outstand-

ing team won the gold medal at the Ontario Federation of School Athletic Associations tournament in Richmond Hill. I had the honour of attending their first game.

C'est une première médaille d'or pour l'équipe des filles, qui est composée de ces superbes athlètes : Andréanne Aumont, ma nièce Amélie Laflèche, Caroline Lupien, Annik Carrière, Natacha Paquette, Émilie Lamarche, Véronique Beaudry, Becky Lefavre, Vicki Sabourin, Sabrina Leclair, Karissa Laberge et Mari-Ève Talbot.

Encore une fois, félicitations à toutes ces joueuses de l'équipe; aux entraîneurs, François St-Denis, Jason Boivin et Daniel Beaudry; et aux parents, qui tous ensemble ont contribué à ce grand succès.

Monsieur le Président, je suis fier du succès rapporté ainsi que pour l'appui de la direction de l'Escale de Rockland.

ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Mr. Garfield Dunlop (Simcoe North): I would like to draw attention to the state of animal welfare in this province. The Ontario Society for the Prevention of Cruelty to Animals is in a financial crisis, and the government should be ashamed of its slow pace of involvement to assist and maintain this valuable service.

During pre-budget consultations, we heard that the number of animals rescued by the OSPCA has more than doubled, the number of animal cruelty charges laid has increased sevenfold, the number of search warrants executed has more than quadrupled and the number of orders issued has almost tripled; all of this, and the OSPCA receives no funding to fulfill its mandate.

The OSPCA relies on its fundraising efforts to stay afloat, but these funds are not able to keep pace with demand. Shelters in Kingston and Dryden are slated for closure, and other shelters across the province are facing significant capital and internal pressures. We are headed for a crisis, and this government chose not to give financial support to the OSPCA in its recently announced budget.

We call on the government to implement the recommendations of the independent review by Grant Thornton. Conduct a legislative and governance review and provide stable, long-term funding to the OSPCA so they can continue to provide animal protection services which are critical to the safety of animals in our communities.

This government had no trouble finding the money to produce photo opportunities when promoting their pathetic pit bull legislation. It's time they came forward to properly fund the OSPCA and its affiliates.

MEL SWART-LAKE GIBSON CONSERVATION PARK

Mr. Peter Kormos (Niagara Centre): Saturday night in Niagara, the place to be was at Club Capri in Thorold,

where folks gathered for the seventh consecutive year at the annual fundraiser for the Mel Swart-Lake Gibson Conservation Park. Representatives of Thorold council and of regional council were there. Jim Bradley, member for St. Catharines and Minister of Tourism, came down from his riding to join other folks at that gathering of august people raising funds for this effort that's been the pride of Thorold for a decade plus—and of course, all the more importantly, the namesake, Mel Swart. Mel was there in fine form. Mel was there with his long-time friend and companion, Hilda Holmes, a woman who has bragging rights as one of the people who imposed upon Mel to run as a CCFer on the first occasion many, many years ago.

I want to commend the incredible work of the community of Thorold and Fred Neale, as chair of that committee, who have developed in the Mel Swart-Lake Gibson Conservation Park down on Decew Road, just down from Emma Carlson, one of the most pristine and unique pieces of land in Niagara, where people go to simply sit and reflect, where people go to walk and listen to the birds and watch the wildlife, the flora and the fauna.

I was exceptionally proud to be with Mel last Saturday and I'm looking forward to many more occasions in years to come when Jim Bradley, Mel Swart and I can sit down and raise money together.

GREAT WOLF LODGE

Mr. Kim Craiton (Niagara Falls): When the sun sets this Thursday in my riding of Niagara Falls, a great howl of joy will erupt as the Great Wolf Lodge will officially open its doors to over half a million guests annually. This 406-family-suite lodge is the home to North America's largest themed water park. It's an amazing investment in the future of tourism in the Niagara area by the Jim Pattison Group.

With an initial investment of over \$130 million to date, it's created 350 to 400 needed construction jobs, with a local payroll in excess of \$15 million. Over 800 local and Canadian vendors provided goods and services to build, equip and supply this magnificent building.

The 500,000-square-foot Great Wolf Lodge is creating 520 new jobs, providing training, mentoring and leadership skills to a new generation of adults. The lodge will employ 100 lifeguards, 57 chefs and, in the first year of operations, will pump \$32 million into the economy of Niagara Falls.

The Great Wolf Lodge is just another example of a company that believes Niagara and Ontario are great places to invest 12 months a year—and that is something to howl about.

The Great Wolf Lodge is a year-round indoor family resort that will create lifelong family memories and fun.

I urge all Ontarians to visit this new family experience in Niagara Falls. It's just one of the many reasons to come and visit Ontario's finest tourist destination. A visit to the Great Wolf Lodge will have your children howling to return.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

Mr. Norm Miller (Parry Sound–Muskoka): I'm pleased to rise today to welcome representatives of the Ontario Federation of Anglers and Hunters to the Legislature. Present today are Mike Reader, executive director of the federation; Greg Farrant, manager of government relations; Terry Quinney, provincial manager for fish and wildlife; Alison de Groot, publisher of Ontario Out of Doors magazine; Gerry Dineson, Canadian Shooting Sports Association; Tom Brooke, president of the Canadian Sportfishing Industry Association; Conrad Morin, president of the Ontario Fur Managers Federation and also a member of the fish and wildlife commission; Murray Monk, the northwestern Ontario director of the Ontario Fur Managers Federation; and Matt Nichols, the new editor of Ontario Out of Doors magazine.

Since 1928, the Ontario Federation of Anglers and Hunters, as Canada's leading conservation organization, has been working to support outdoor opportunities for sporting enthusiasts. This non-profit, registered charity is dedicated to protecting woodland and wetland habitat, conserving our precious fish and wildlife stocks and promoting outdoor education. The federation works closely with the Ministry of Natural Resources to provide information and support to provide enhanced resource management. The OFAH represents more than 80,000 outdoor enthusiasts and 600 member clubs across the province.

I ask members to join me in thanking the federation for the fine work they do and to welcome them here to the Legislature today.

ONTARIO SCHOOL BUS ASSOCIATION

Mr. Bruce Crozier (Essex): In all of our communities and ridings throughout our province today, school-children are being taken safely to school in those yellow banana buses we all recognize. In those buses are the school bus drivers and operators who are dedicated to ensuring that our most precious resource, the students in our education system, make it to class every school day on time and in a secure manner. As many of us would be aware, these operators are the lifeblood of the education system in our communities. They are most often the first and last contact that students have with the education system on a daily basis.

1350

Today, the Ontario School Bus Association is at Queen's Park to meet MPPs to discuss their role in the education system and how we can work together to ensure that the school transportation system remains efficient and safe for the children of this province.

The OSBA represents 200 school bus operators throughout the province, the majority of which are small, family-owned operations with fewer than 20 vehicles. Every day, these school buses travel over 1.9 million kilometres to transport over 800,000 students in all kinds

of traffic and weather conditions with the help of dedicated, responsible and professional drivers.

I want to welcome to the Legislature today the president of the OSBA, Rob Proctor, Executive Director Rick Donaldson and over 60 OSBA members from across the province who have travelled to Queen's Park to advocate on behalf of this important education partner.

NORTHERN ONTARIO DEVELOPMENT

Mr. David Oraziotti (Sault Ste. Marie): Recently in my riding of Sault Ste. Marie I had the pleasure to announce with Minister Bartolucci that our government is providing \$15 million toward a major tourism project on our waterfront. This investment is the largest ever through the Northern Ontario Heritage Fund Corp. and is a clear indication that our government is following through on its commitment to invest in northern Ontario communities.

It has been more than a decade since our city has had this type of support from an Ontario Premier and government. I can say that residents enthusiastically welcome this project and greatly appreciate our government's efforts.

The long-awaited Gateway project is estimated at \$54 million and is expected to create 600 full-time jobs. The development will include a 35,000-square-foot domed arboretum called Borealis, which will house natural forest exhibits, a state-of-the-art 4-D movie theatre, ACR's Agawa Canyon train station, a new Radisson hotel, themed retail and restaurants, and a live performance theatre. The Gateway tourist development is expected to attract many of the 42 million people living within a day's drive of Sault Ste. Marie.

Our record investment of \$15 million from NOHFC is in addition to the nearly \$10 million in new funding over the past few years for the Sutherland Group centre, Flakeboard Ltd. and SIAG wind manufacturing—all creating new jobs.

Unfortunately, when the NDP and Conservatives had their chance to help northern Ontario, they chose to ignore us. It's obvious to my community that our government cares about northern Ontario and Sault Ste. Marie.

RIDING OF HURON—BRUCE

Mrs. Carol Mitchell (Huron—Bruce): I'm very pleased to rise today to speak about two very good-news announcements that I had the opportunity to make in the most beautiful riding in the province of Ontario: Huron—Bruce.

Those announcements were about the land ambulance funding that Bruce and Huron counties are going to receive. The McGuinty government will be spending \$300 million over the next three years to achieve a true 50-50 funding of the cost of municipal land ambulances and those services by 2008.

Just so that we have an understanding, in Huron this represents over \$600,000 and over \$300,000 in Bruce. I can tell you, this is much-needed money.

I also had the pleasure of announcing \$300,000 for the Women's House of Bruce County. This one-time, unconditional grant will allow them to complete a much-needed capital enhancement project. This is good news for women fleeing domestic violence.

Once again, this demonstrates our government's commitment to supporting the people who need it most, recognizing that the services municipalities provide also need to be addressed—the cost ratios. This is our commitment to our municipalities. We recognize them as true partners as we go forward, and that \$300 million recognizes that—

The Speaker (Hon. Michael A. Brown): Thank you.

GIRL GUIDE COOKIES

Hon. Steve Peters (Minister of Labour): On a point of order, Mr. Speaker: Just a reminder that it is Girl Guide cookie time. I encourage you to buy your Girl Guide cookies. My niece Olivia Peters graces the box.

The Speaker (Hon. Michael A. Brown): That was not a point of order, but a good commercial interruption.

INTRODUCTION OF BILLS

INCREASE IN ELECTRICITY CONSUMPTION REPORTING ACT, 2006

LOI DE 2006 SUR L'OBLIGATION DE SIGNALER TOUTE AUGMENTATION DE LA CONSOMMATION D'ÉLECTRICITÉ

Mr. Lalonde moved first reading of the following bill:

Bill 98, An Act to require reporting on increased electricity consumption / Projet de loi 98, Loi sur le signalement obligatoire de toute augmentation de la consommation d'électricité.

The Speaker (Hon. Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

Mr. Jean-Marc Lalonde (Glengarry—Prescott—Russell): The act requires that every person who causes a building to be constructed report the anticipated annual electricity use in the case of a new building, or the annual increase, if any, in electricity use in a building that is being extended, materially altered or repaired. The report is made to the chief building official in a municipality. On an annual basis, the chief building official is required to report to the Minister of Energy on the anticipated annual increase in electricity use in the municipality.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Mr. Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Michael A. Brown): Mr. Bradley is asking for unanimous consent to put forward a motion regarding private members' public business. Agreed? Agreed.

Hon. Mr. Bradley: I move that, notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Mr. Orazietti and Mr. Wilkinson exchange places in order of precedence such that Mr. Orazietti assumes ballot item 51 and Mr. Wilkinson assumes ballot item 37.

The Speaker: Mr. Bradley has moved that, notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Mr. Orazietti and Mr. Wilkinson exchange places in order of precedence such that Mr. Orazietti assumes ballot item 51 and Mr. Wilkinson assumes ballot item 37. Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, April 10, 2006, for the purpose of considering government business.

The Speaker (Hon. Michael A. Brown): Mr. Bradley has moved government notice of motion 97. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1359 to 1404.

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

Ayes

Arnott, Ted	Dunlop, Garfield	O'Toole, John
Arthurs, Wayne	Elliott, Christine	Orazietti, David
Balkissoon, Bas	Flynn, Kevin Daniel	Parsons, Ernie
Barrett, Toby	Gerretsen, John	Patten, Richard
Bartolucci, Rick	Hardeman, Ernie	Peters, Steve
Bentley, Christopher	Hoy, Pat	Peterson, Tim
Berardinetti, Lorenzo	Hudak, Tim	Phillips, Gerry
Bradley, James J.	Jackson, Cameron	Qaadri, Shafiq
Broten, Laurel C.	Jeffrey, Linda	Ramal, Khalil
Bryant, Michael	Klees, Frank	Sandals, Liz
Cansfield, Donna H.	Kular, Kuldip	Smith, Monique
Caplan, David	Kwinter, Monte	Smitherman, George
Chambers, Mary Anne V.	Lalonde, Jean-Marc	Takhar, Harinder S.
Chudleigh, Ted	Levac, Dave	Tascona, Joseph N.

Colle, Mike	MacLeod, Lisa	Tory, John
Craitor, Kim	Marsales, Judy	Van Bommel, Maria
Crozier, Bruce	Martiniuk, Gerry	Watson, Jim
Delaney, Bob	Matthews, Deborah	Wilkinson, John
Dhillon, Vic	Meilleur, Madeleine	Wilson, Jim
Di Cocco, Caroline	Miller, Norm	Witmer, Elizabeth
Dombrowsky, Leona	Mitchell, Carol	Wynne, Kathleen O.
Duguid, Brad	Mossop, Jennifer F.	Yakabuski, John
Duncan, Dwight	Munro, Julia	

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

Nays

Hampton, Howard	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	Tabuns, Peter
Kormos, Peter	Murdoch, Bill	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 68; the nays are 8.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY
AND RESPONSES

ONTARIO DRUG BENEFIT PROGRAM

Hon. George Smitherman (Minister of Health and Long-Term Care): Mr. Speaker, I rise today to advise you and members of this Legislative Assembly that our government is about to embark on a major effort to bring about much-needed changes to Ontario's drug system. These changes will result in a stronger, more effective, more transparent drug system for the people of Ontario, a system that puts people first and enhances their access to truly innovative drugs, a system that gives our province and her people good value for the money that they spend.

Innovation in public health care has been one of the defining characteristics of this government. This package of reforms is one more part of that agenda of innovation. As with all of the health care reforms we've introduced, our purpose is clear: to preserve and strengthen Ontario's system of public health care. Our government believes passionately that our public health care system is the best system for Ontario's patients and for our province, enhancing our economic competitiveness and making us a more desirable place to live, work and invest.

Our challenge, our obligation, is to ensure the system's sustainability, and one crucial part of meeting this challenge is ensuring that taxpayers receive fair value for their dollar. When it comes to Ontario's drug system, this has not been the case. Not only have taxpayers not received fair value for their dollar; there are a number of other weaknesses and problems throughout the entire drug system. The drug review process is too slow. Patients' voices are not heard. It's not transparent, and that lack of transparency has permitted shrewd marketing campaigns to portray drugs that offer only incremental benefits as "breakthrough" drugs. Pharmacists aren't sufficiently involved in the system. There are disturbing

problems with the drug distribution system and with the business practices of some who operate within it. It is a system riddled with inefficiencies, where doctors, for example, are forced to spend far too much time on paperwork instead of patient care. The list is long and the case for change is strong. So I stand before you today, Mr. Speaker, to inform you and this House that changes are coming.

Later this week, our government will be introducing legislation to address a number of these issues. There will be a package of reforms built on one overriding principle: Patients will be the beneficiaries. There will be no reduction whatsoever to the benefits they are currently receiving—none. The changes we are introducing will provide patients with greater access to better drugs faster, and if we are unable to fund a drug, people will be told why not.

1410

Our reforms will also save taxpayers money. What this proposal is all about is ensuring that the \$3.5 billion that we spend every year on drugs for Ontarians is respected; that taxpayers are rewarded for the enormous volumes that are involved. Standard business practice: Volumes are rewarded. The biggest customer gets the best price. But for some reason, that hasn't been the case here in Ontario when it comes to government purchasing drugs. Well, that has to change, and it's going to change.

Mr. Speaker, let me also tell you and all of those who are listening to these remarks that our package of reforms is a very balanced package. It's a package that balances the needs and interests of retailers, drug manufacturers, doctors, pharmacists and, most important, our patients. All of these groups are key players in Ontario's drug system, and each of them has a role to play in building a stronger and more effective system. Our package balances their needs and expectations and is fair to all.

Let me also state clearly that our government recognizes the tremendously valuable work done by Ontario's drug companies, particularly with respect to research. The money they spend on R&D is money well spent. No one should doubt that they deserve to be fairly compensated for truly innovative breakthrough drugs—and they will be.

In the coming days, there may be those who attempt to take one or two elements of our package out of context and raise a cry of alarm about the hardship being inflicted upon them. That is neither appropriate nor helpful. So I have a challenge for them, particularly for my colleague the Leader of the Opposition, who today indicated to me that he intends to run against me in the next election. His health care policy appears to rely on his finding efficiency in the current system. Why does he not support the kind of innovation that secures better access to better drugs for patients and respects taxpayers by obtaining better value for their money? That will be the challenge for all of our opponents in the coming days, because on this file, simplistic negative rhetoric will not be good enough.

As I said a moment ago, the reforms we are planning to introduce are essential. They are about providing

patients with the right drug, in the right place, at the right price and at the right time. They are about creating a drug system that is efficient, transparent, accountable and fair as part of an overall public health care system that is sustainable for generations to come. The people of this province deserve no less, and we will deliver no less.

RENEWABLE FUELS

Hon. Donna H. Cansfield (Minister of Energy): I'm pleased to share some excellent news with my colleagues in the House. Last week, I had the pleasure of opening Ontario's second large-scale commercial wind farm. It's just one more step in our government's plan to ensure that Ontario has safe, clean, reliable power now and in the future.

The Kingsbridge I wind farm near Goderich, Ontario, has 22 turbines, with a generating capacity of 40 megawatts of power—enough to power 12,000 homes. Kingsbridge I is the first phase of a project that will ultimately add 200 megawatts of power, making it one of the largest wind projects in Ontario, capable of powering 57,000 homes in total.

Kingsbridge is a great example of a project that has tremendous economic and environmental benefits for all Ontarians. Not only are we benefiting from clean, renewable energy, but the Kingsbridge I wind farm is also expected to create 52 jobs, with a total investment of \$80 million. It is certainly good news for the surrounding community, and it's equally good news for the people of our province.

Our government is building a new energy future that will keep the lights on and ensure that our children have cleaner air. This wind farm and dozens of others now operating or being built across the province will allow us to create a stable supply of clean, renewable power, and it is an important milestone towards our future.

In 2003, Ontario had a wind capacity of 15 megawatts. By 2008, this province's wind capacity will be over 1,300 megawatts, an 80-fold increase, and will make Ontario, Canada, the leader in wind power. That's leadership.

Combined, these projects will help Ontario reach its goal of generating 5% of its electricity capacity through renewable generation by 2007 and 10% by 2010. All these projects, which include wind, small hydro, biomass and conservation projects, represent only one part of our approach to renewable energy. We recently announced one of the most ambitious and forward-looking standard offer contract programs in North America. We now have in place a net metering regulation that helps consumers consider renewable energy generation right at home.

Our approach to renewable energy is comprehensive, from large-scale wind farms like Kingsbridge to smaller community projects to steps that homeowners themselves can now take. The opening of the Kingsbridge I wind farm is exciting news for our province and a further sign of the bright energy future that we are creating for the people of Ontario.

PUBLIC LIBRARIES

Hon. Caroline Di Cocco (Minister of Culture): The Ontario government is committed to a strong and vital public library sector, and invests over \$28 million annually to support library services across the province.

I am proud to announce today that the provincial government, under Premier Dalton McGuinty, has approved a one-time new investment of \$15 million in three new programs to strengthen the role of Ontario public libraries as community hubs of literacy, learning and information access. This investment will ensure that all Ontarians, regardless of where they live, have access to library programs and services that empower them to be fully engaged in the life of our province.

In many rural, francophone and First Nations communities, the library is a place people can turn to for help with basic literacy skills. This government, under Premier Dalton McGuinty, has earmarked \$6 million of this \$15 million to support family literacy and lifelong learning at public and First Nations libraries that serve communities of under 20,000 people. Additional funding of \$10,500 per library branch has already been sent to public and First Nations libraries across Ontario. The Federation of Ontario Public Libraries will receive a \$200,000 grant to market the literacy services available at Ontario libraries.

The government will invest \$8 million to support the Ontario Digital Library in providing quality digital information to 6,500 public school, college and university libraries. This new funding will ensure that digital information resources currently available in large urban libraries will soon be available across the province in every community library, regardless of size.

Finally, the last \$1 million of this one-time \$15-million cash infusion will go to Ontario Library Service—North to improve services at public and First Nations libraries in northern Ontario. The money will be used to promote interlibrary loan system use by small, rural, remote, francophone and First Nation public libraries.

These three library initiatives will make an enormous difference in the quality of life in Ontario's First Nations communities as well as in the library services provided to other rural and northern Ontario communities. As Ontario's new Minister of Culture, I am proud to have the honour of championing our public library system. The hard work and dedication of library boards and staff across Ontario make a strong and compelling case for increased support for the library sector. This new investment of \$15 million is a testament to their record of achievement.

The Speaker (Hon. Michael A. Brown): Responses?

1420

ONTARIO DRUG BENEFIT PROGRAM

Mrs. Elizabeth Witmer (Kitchener–Waterloo): Mr. Speaker, I notice that the Minister of Health is not here to

listen to the response to his statement. This is absolutely—

The Speaker (Hon. Michael A. Brown): You can't refer to a member's presence or absence.

Mrs. Witmer: Mr. Speaker, this is the height of the ridiculous: We now have a minister making a statement that he is going to be making a statement. I will tell you that the statement today was contrary to the standing orders, section 35, which says, "A minister of the crown may make a short factual statement relating to government policy, ministry action or other similar matters of which the House should be informed," the key word being "factual."

I would submit to you that, instead, what we had here was a minister who stood up, contrary to the standing orders, and proceeded to criticize the opposition, the Leader of the Opposition or anyone who might voice some legitimate concerns about what may be coming, which is the role of the opposition. I would say to you today that the minister was totally dismissive of any future legitimate concerns. He demonstrated some contempt and some arrogance.

This entire process that Helen Stevenson has embarked upon has been cloaked in secrecy, and as of today we still have no idea what may be coming forward, nor do the stakeholders. I understand from the stakeholders that they have no idea what the recommendations are going to be and they had no opportunity to respond to the recommendations that might be put before us.

So we will wait; we will see. But I will tell you that we are the opposition, and our role is to voice the legitimate concerns that are expressed to us on behalf of the people in the province of Ontario.

RENEWABLE FUELS

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): In response to the Minister of Energy, the minister's statement is another flowery announcement with no real, concrete action on the electricity situation in this province. They use the formula and give us the numbers and say that this wind farm—and we do support wind farms, but we have to be honest about what we are actually doing here. Those 20 windmills are going to provide electricity for 12,000 homes. Minister, using that formula, your government's policy to shut down 20% of our generational capacity in this province, 6,500 megawatts, is going to be tantamount to cutting off the power to almost two million homes in this province. It's time to be honest with the people about your electricity policy in this government.

Let us not confuse capacity with generation. They go on and talk about how the government is going to ensure that we have 5% of our capacity from renewables by 2007. "Capacity" does not mean terawatts being produced. It's only capacity on the ground. The people of Ontario have to know what this government can actually expect from those sources that we're paying premium prices to put on the ground. It is time to be honest. What

needs to be shut down in this province is your policy and your government.

PUBLIC LIBRARIES

Mrs. Julia Munro (York North): I'm pleased to be able to respond to the Minister of Culture's announcement with regard to libraries.

Frankly, I'm glad that the government has finally realized the importance of libraries, since it cut the budget of the Southern Ontario Library Service last year. Libraries and their patrons have worked hard to make the case to the government that they needed the appropriate funding to do their jobs.

Over 600 of my constituents, patrons of the East Gwillimbury Public Library, signed petitions demanding that the government properly fund libraries. They know that libraries are important to communities. The Friends of the East Gwillimbury Library started their own literacy fundraising campaign just last Thursday with the launch of a library quilt. The Newmarket Public Library has suggested making libraries part of Early Years Centres, as well as expanding other programs, all of which are designed to move ahead on literacy.

So I'm glad that the government is finally providing some funds to help the libraries in my community and communities across Ontario.

Mr. Rosario Marchese (Trinity-Spadina): I'm happy to respond to the Minister of Culture. I've got to tell you that New Democrats agree that a library is a place that people can turn to for help with basic literacy skills; that is true. We also agree that giving \$6 million of the \$50 million to support family literacy among First Nations is a good thing. I've got to tell you that for a library system that has been starved for cash for so long, any money is better than no money.

Mr. Peter Kormos (Niagara Centre): It's better than a kick in the teeth.

Mr. Marchese: It is better than a kick in the teeth.

I know that every school is going to get some \$3,000 to support it. I also know, from the Ontario School Library Association, that they had eight days to spend the money to purchase books. I want to remind the minister that the Ontario Library Association says that school libraries lack the expertise of qualified library staff. In fact, People for Education reminds us that "80% of elementary schools had teacher-librarians in 1997-98; in 2004-05 that number had declined to 54%." Don Klinger, lead researcher on the study from the Queen's University Faculty of Education, says the following: "We have shown that there is a relationship not only between students' reading scores and school libraries, but between students' attitudes toward reading and the staff in those libraries."

I want to say to you, Minister, that it would be a good idea to work with the new Minister of Education and inform her of this research that speaks about libraries, reading and how well they succeed in schools where we have librarians and well-stocked libraries, but particularly

where we have librarians. Talk to her, please. Urge her to restore some of those cuts, bring back some of those librarians in our school system so we can, in fact, arrive at better educational outcomes for our students. If you could do that, then you would find a little praise from this critic on this side.

ONTARIO DRUG BENEFIT PROGRAM

Ms. Shelley Martel (Nickel Belt): In response to the statement made by the minister, I want to focus on the promises he made, in particular that the changes he will introduce later this week will provide patients with "the right drug, at the right price, in the right place, at the right time." I wonder if that applies to my constituent, Patricia Bourque, who was diagnosed with colorectal cancer three years ago, which has metastasized to her liver. She's had bowel reconstruction and several rounds of chemotherapy, and her oncologist tells her, because she's got new tumours growing, that her last hope is Erbitux. But she can't get Erbitux in Ontario, and her family can't afford to buy that or send her to the United States.

Her husband says the following: "Unlike some situations, ours does not have the luxury of time. We are fighting for every moment and urgently need your help to push for funding.... We need to have this drug available and covered. To tell someone who is [in] the last stage of their life that they can get this drug in the United States or at a private clinic at the cost \$10,000-\$15,000 per month is cruel. Is health care only for the rich?"

I wonder if the minister's changes are going to allow people like Patricia to get access to Erbitux, or if the minister's promise is going to apply to patients who have multiple myeloma and require Velcade for treatment: patients like Carolyn Henry, Neil Koven, Pat Maloney, Dawn Warner, Mr. Northwood, Bruce Coleman and Laura McCallum.

Laura McCallum was here at Queen's Park on November 17 for a press conference on this very issue. Laura, who has already had a stem cell transplant, who has had chemotherapy and whose cancer is back, is now paying thousands of dollars to have Velcade given to her at a private clinic here in Toronto. I wonder if the minister's reforms are going to allow people like Laura and the others I've named access to drug treatment like Velcade, or patients like Darren Nesbitt, who need "the right drug ... in the right place, at the right time."

Darren Nesbitt has Fabry disease and needs enzyme replacement therapy. This minister promised two years ago, in June 2004, when he met with Donna and John Strauss here at Queen's Park—John, at that time, needed ERT—that he would have an answer for them about coverage within two months. That should have been in August 2004. Tragically, John has died, but other people still need this treatment, and we have no response from the minister in this regard. I wonder if a patient like Darren Nesbitt, who needs treatment for Fabry disease, is going to get some relief in the reforms the ministry brings forward. We'll be looking very carefully at the

reforms, and I can tell you, we'll be very critical if patients like these don't get the drugs that they need.

1430

ORAL QUESTIONS

COMMUNITY SAFETY

Mr. John Tory (Leader of the Opposition): My question is for the Minister of Community Safety. Ontarians want a province where their families and friends feel safe and secure. This weekend, I think, will mark one of the darkest days in Ontario's history: eight people found viciously executed just outside of St. Thomas, Ontario, in what media reports indicate was some kind of gang-related hit. Alongside the guns and violence that we've seen this past year here and around the GTA, it has got to be one of the most gruesome events ever witnessed by people across Ontario.

What is your government doing to stem the activity of guns and gangs outside of the GTA?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member for the question. It's really interesting that he should raise this question. It seems that every time something like this happens, the leader is out there right up front, grand-standing, trying to make some capital out of an incident that happens to be very tragic.

I just want you to know that we have been providing funding for the 1,000 officers across the province of Ontario. We've been funding the weapons enforcement unit. We're funding a centre to look after organized crime. We have been doing things to combat organized crime, to combat guns, to combat all of these incidents.

It is not helpful for the Leader of the Opposition to stand up and ask these questions when in fact it's under police investigation. It is something that everybody is concerned with. There seems to be some idea that you have a monopoly on this particular situation.

Mr. Tory: Actually, my question was about what you are doing to stem gun and gang violence outside of the GTA, without reference to any specifics of anything that's under investigation. It is my job to come to this House on behalf of the people of Ontario and ask those questions, and it is your job to answer them.

You talked about the 1,000 police officers. Let's talk about that for a minute. This was something you and the Premier announced over and over again—10 times, I think—without any bodies actually getting to the streets. But in the end, only 5% of those officers were allocated to the already thinly stretched OPP, the very group of officers tasked with carrying out investigations of this kind. Not only has gangs and guns violence dramatically increased in urban centres, but we're now witnessing a degree and manner of violent and organized criminal activity not before seen in this province.

The question, again, was this: What specifically are you doing to stem the tide of gang- and criminal-related

violence outside of the GTA? If you don't have a plan, when will you have one?

Hon. Mr. Kwinter: I just want to share with the member one of the things we've been doing against organized crime that he should be aware of. On January 19, the OPP announced that Project Husky had resulted in 27 charges in relation to organized crime, conspiracy and drug trafficking. This was an operation, a two-year covert investigation, focusing on specific Hells Angels motorcycle gang members and associates. These people were arrested. It was a two-year operation which involved every major police service in Ontario, the intelligence section of Ontario, the RCMP—the OPP, by the way, got 59 new officers under our 1,000 officers program, plus the fact that the OPP is a provincial organization. We pay 100% of their costs as they need officers.

To suggest that somehow or other—where were you last week on this question? It's only because of what happened this weekend. Then you're up there trying to get capital out of it and—

The Speaker (Hon. Michael A. Brown): Thank you. Final supplementary.

Mr. Tory: Mr. Speaker, my record in terms of asking questions about crime in this province—I don't have to apologize to you or anyone else for that.

We had no answer from you as to whether you have a plan or whether you plan to have a plan. I would point out to you, notwithstanding the arrests you referred to last January, that there obviously are still quite a few people left to round up. If the OPP had the proper share of resources, if they had more than the 5% of the police officers to help them with all the things they have to do—the specialized services they're performing, the tasks they are having to do in a provincial organization under your direct control and decision-making—they'd be better off.

You are just not taking the issue of crime and organized criminal activity in rural and smaller centre Ontario seriously. I give you one more opportunity to get up and confirm the fact that you know Ontarians don't want to see any more of this and to talk about a plan that you are going to bring forward by a specific date to give the OPP the resources they need and to get on with rounding up more of these people. When are you coming?

Hon. Mr. Kwinter: If the member had any idea about police enforcement, he would know that these particular investigations, when it comes to organized crime, do not happen overnight. Project Husky took two years. The projects that went into taking down the Galloway and Malvern gangs took many months and many years. The program that went on to other areas takes a lot of time. I can tell you that the Ontario intelligence service is working very diligently. The OPP is working very diligently. They are making progress. To suggest other than that is irresponsible.

Mr. Tory: If you just gave them the help they need, they'd be able to get more done, by the way, to the Minister of Community Safety.

HEALTH CARE

Mr. John Tory (Leader of the Opposition): The question is to the Minister of Health and Long-Term Care. Ontarians want a health care system where they're receiving the right care at the right time. During the last election campaign, your Premier promised to reduce wait times. You have repeatedly indicated that you're going to reduce wait times. Can you explain to me why you have broken this promise and why, according to your own website data, cancer surgery wait times are going up all over the province? Why are they going up, not down?

Hon. George Smitherman (Minister of Health and Long-Term Care): The honourable member, as relates to the subject matter of wait times, is kind of like the head of the cherry pickers' union. Across the breadth of hundreds of different statistics, he seeks out those that offer the storyline that he most likes.

The reality is that in each of the five key areas where we targeted tremendous additional resources, wait times are being reduced for Ontarians. The measurement system for wait times is like exit-polling data. What it does is capture the information about those who had surgery in a certain period of time and offer a number, an analysis, of how long they waited.

As our resources, our targeting, and addressing those who have waited the longest, it's appropriate that from time to time the numbers will demonstrate that those who have waited the longest have just been treated, and numbers will be higher. But the evidence is clear: In all of these areas, wait times are being reduced. Speak to the member from Barrie. Wait times for an MRI at Royal Victoria Hospital in Barrie have gone from 52 weeks to six.

Mr. Tory: There's the champion cherry picker himself. He just happened to have that one little fact handy.

It was fine for the Minister of Health and the Premier to tell us we should rely on this data as if it was gospel when the website was opened. Now, when the website is there for all to see and the data indicates that cancer wait times are up, it's erroneous, it's factually incorrect, and there's some complicated formula we don't understand. Cancer surgery wait times at the Hotel-Dieu Grace Hospital in Windsor are up 42%. This certainly doesn't look like a lowering of wait times. Stratford General Hospital—the brunt of your and Mr. McGuinty's broken promise is being felt there: Cancer surgery wait times are up 38%.

Why are you and all of the McGuinty Liberals asking people to pay more through the health tax and to get these huge increases in cancer surgery wait times across the province? Explain it.

Hon. Mr. Smitherman: For the first part, which is statistical, the honourable member does not have any interest in the explanation. The circumstances are clear. We inherited circumstances where the prior government had not invested in any registry with respect to people who were waiting. Accordingly, we've begun to analyze the data as patients leave the system. In July, we will make the transition to a system that actually has names

associated with a registry of those who are waiting. This is the work that we are in the midst of doing.

On the issue of cancer surgeries that the honourable member likes to speak about, in the province of Ontario we've established medically appropriate wait times. I can assure the honourable member that, in each and every case, cancer surgeries are being provided in the province of Ontario consistent with the medical direction, consistent that all hospitals in Ontario are meeting the target for wait times with respect to cancer surgery. This means that Ontarians are receiving appropriate care.

Mr. Tory: Appropriate care? It's 42% longer in Windsor and 38% longer in Stratford. I don't know about that.

You've had a variety of explanations already today. In your first answer, none of us understood your numbers. In the second answer, you inherited something. But the facts are the facts. You have presided over a 14% increase to cancer surgery wait times in the Waterloo–Wellington LHIN. Then, let's look at the Grand River Hospital in Kitchener, where wait times for cancer surgery are up 23%.

This is a system that is not working. People want the right care at the right time. They have had enough of your broken promises and paying more and getting less. Why are you not being straight with Ontarians about these wait times? Why are you breaking yet another promise by failing to reduce wait times for cancer surgery? Why are you doing that?

1440

Hon. Mr. Smitherman: The honourable member wants me being straight with Ontarians. It was delightful, today at least, that he stepped up to the plate and confessed that he's going to challenge me in the next provincial election, and I accept that challenge.

I also would want to report to the honourable member, who had a reputation in private practice of not being so good with the numbers and he's bringing it to the floor of the Legislature today: cataract surgery, a decrease of 16% across the board, province-wide; hip replacement, median average decrease 10% across the board; knee replacement, median average decrease 18.7% across the board; cancer surgeries, all hospitals meeting established medically necessary wait times. All of these are performing below the pan-Canadian benchmarks that we established. The honourable member likes to use the word "system" and he likes to talk about cancer surgeries. We inherited, from the government that you—

The Speaker (Hon. Michael A. Brown): Thank you. Sit down, Minister. New question?

CHILD PROTECTION

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Children and Youth Services. The death of little Jeffrey Baldwin represents the most horrific example of child abuse ever to come to trial in Ontario. Jeffrey died after a children's aid society placed him with his grandparents, who were known child

abusers at the time. They were convicted of his murder last Friday.

New Democrats have put forward Bill 88 to give Ontario's Ombudsman independent investigative oversight of children's aid societies and their decisions affecting child welfare and child protection.

Minister, given the terrible death of Jeffrey Baldwin, why aren't you passing Bill 88? Why do you refuse to give Ontario's Ombudsman the independent investigative authority over—

The Speaker (Hon. Michael A. Brown): The question has been asked.

Hon. Mary Anne V. Chambers (Minister of Children and Youth Services): The leader of the third party is treading on pretty dangerous ground here. First of all, I'd like to suggest that this is an incredible tragedy, and I think we should all see it as that. He should also know, as a former Attorney General in this province, that this case is still before the courts. The judge has not passed sentence.

I am pleased, however, to report that the coroner has also started his inquest. I'm very pleased that there has been that very smooth transition to further investigate the situation, and I think we should at this point do the appropriate thing and remain silent as the proper processes are followed.

Mr. Hampton: Minister, I'm not asking you to comment on the case.

Interjections.

The Speaker: Order. Stop the clock. Order. Leader of the third party.

Mr. Hampton: My question is about whether or not this government is going to provide the Ombudsman with the legal authority to do independent investigative reviews of children's aid societies. This is what the Ombudsman says about your steps so far. He says that what you've announced so far is "a stopgap measure, which does not go far enough. All it does is add another layer of bureaucracy to internal processes." He says that your announcement of a Child and Family Services Review Board "will operate under a limited jurisdiction" and "lacks both investigative powers and the power to address systemic issues affecting children and families."

This is about the policy. The Ombudsman says this was such a horrific situation that it demands a policy response from your government. I'm asking you, why do you refuse to give the Ombudsman—

The Speaker: The question has been asked. Response?

Hon. Mrs. Chambers: With the first reading of Bill 210, the proposed bill contemplated having the role of the director eliminated. That is where the Ombudsman quite rightly saw a reduction in independent oversight. But as a matter of fact, the director's recommendations followed very lengthy processes and indeed were not binding on the boards of children's aid societies.

We did not see this as the best way to serve children who are in the care of the children's aid societies. This did not ensure that children were better off because they

were in protection than they were before they were brought into protection. The amendments that were brought forward and approved by this House do give the Ombudsman oversight, because of his jurisdiction, over the Child and Family Services Review Board.

Mr. Hampton: Minister, The Ombudsman is very clear. If you look outside of Ontario, other provinces—Alberta, British Columbia, Manitoba, New Brunswick and Nova Scotia—have given their Ombudsmen independent investigative authority to oversee children's aid societies. In three other provinces—Saskatchewan, Quebec and Newfoundland—they've actually created special Ombudspersons. In Ontario, we've had the horrific death of a child who was placed by a CAS with his grandparents, who were known child abusers. The Ombudsman is saying, "Look, you need to make a policy change to ensure that this doesn't happen again." He says that what you've offered up so far is inadequate.

Why does the McGuinty government refuse to give the Ombudsman the independent investigative oversight of children's aid societies to ensure that our children are indeed being protected?

Hon. Mrs. Chambers: Last week, a member of the third party actually spoke about the child advocate. I'm very happy to tell you that the child advocate actually spoke to the media over the past weekend, expressing her pleasure with the work that my ministry has been doing to protect children. She spoke about the direction that my ministry has issued in recent months to ensure that every children's aid society provides background checks on all potential adults who could be assigned to care for these kids.

But the leader of the third party might want to be interested in hearing what the coroner has to say: "Mr. Marin also commented on the tragic death of Jeffrey Baldwin. He seemed to suggest that the police were"—

The Speaker: Thank you. Please sit down, Minister.

HYDRO ONE

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Energy. Last week, you said that you would meet with the boards of directors of Ontario's hydro agencies to discuss outrageous hydro executive pay packages. I want to ask you today, have you held those meetings yet, and if so, what have you found out about those bloated pay packages; and what are you prepared to do to stand up for working families who will have to pay those bloated hydro pay packages on their hydro bills?

Hon. Donna H. Cansfield (Minister of Energy): The meetings are in the process of being set up. The first one will be next week.

Just to clarify for the member, it was my request for this meeting so that the chairs of the boards of the various organizations and their compensation committees could give me some understanding of how they arrived at their compensation packages. That's a very reasonable request.

I look forward to meeting with all of the agencies. As you know, there are five of them, so it will take me a little time to get through to all of them.

1450

Mr. Hampton: Minister, I want to ask you specifically about Mr. Parkinson, the chief executive officer of Hydro One. I know that the compensation guidelines stipulate that the board of directors can give Mr. Parkinson a bonus worth 80% of his salary, provided he meets certain performance targets. But Hydro One's board went above and beyond that; they gave him a 90% bonus. This was after he got caught using the Hydro One helicopter to go back and forth to his cottage and after he locked out the Hydro One engineers for three months during a very risky power supply situation.

Can you tell all those people who have to pay for this on their hydro bill how you justify a pay bonus that goes above and beyond even the rules when someone didn't even do his job properly?

Hon. Mrs. Cansfield: As the member knows, the board of directors for Hydro One has been put together under the Canadian business act; therefore it is the board itself that hired Mr. Parkinson. He's not an employee of the government of Ontario.

I look forward to having the opportunity to ask the questions and to have some understanding of how they in fact have done their compensation packages. I will do that with all the agencies. I think the questions are good. I look forward to the opportunity of having that conversation. In particular, I look forward to having the conversation with Mr. Bob Rae, who is chair of that compensation committee.

Mr. Hampton: Minister, I understand that Bob Rae has been giving lots of raises to lots of Liberals lately. That's not going to be a defence for you anymore.

But Tom Parkinson didn't just get a bumped-up performance bonus; he got a bumped-up performance bonus without meeting performance targets. I refer to the Hydro One report. One of the targets he had to meet was health and safety. The number of workplace accidents and injuries hasn't gone down under Mr. Parkinson's watch; it's gone up every year. So it's almost like bumping up the Toronto Maple Leafs' salaries after they continue to lose games. How could he fail to meet the targets that were set out in the performance review and still get an increase in salary above and beyond anything that could possibly have been called for?

Hon. Mrs. Cansfield: Possibly the member can be of some benefit to me in a conversation, because obviously he would have gone through the same process when Mr. Strong was the CEO of Ontario Hydro. He certainly had something like \$93,000 worth of expenses that I'm sure the board had to ask those questions about. So I'd be happy to have the conversation. Certainly there's no question he was paid \$425,000 a year, he spent \$58,600 on airline tickets, he even charged for that limousine—that was back in 1993, so in today's dollars. I'm sure the questions that were asked by the government at that time would be very similar to the questions that are being

asked today. The difference is that that was a crown agency of the government.

HEALTH CARE

Mrs. Elizabeth Witmer (Kitchener–Waterloo): My question is for the Minister of Health. Despite the fact that your government claims to be reducing wait times, the number of letters coming into my office is increasing each day, as people tell me they are paying more through the health premium tax of \$2.6 billion, and they are getting less and waiting longer.

Shelley Campagnola wrote, "On December 2, 2005, my husband fell, sustaining a serious head injury," with memory lapses, dizziness and balance issues. "Our doctor tried to get him an MRI, stating that it was urgent—we were told he would have to wait until June 2006."

Minister, that would be a five-month wait for an urgent MRI. MRIs are one of your five key priorities. What do you say to Mrs. Campagnola, her husband and others who are paying more for health, getting less, and waiting longer for much-needed treatment?

Hon. George Smitherman (Minister of Health and Long-Term Care): First off, the honourable member I think would know from her time as Minister of Health that it's inappropriate for any minister, and in fact illegal by the provisions of Bill 31, to speak about a particular case. But if we look at the wait time data that is available and that the honourable member's party has some capacity, obviously, to look at, we would know that the median wait times for MRIs in the province of Ontario are at approximately a month. Urgent cases are dealt with much more quickly.

I can say to the honourable member that I realize someone has offered an estimate of time. I'm not sure that's actually what has occurred. If she would like to send that file over, or more appropriately address it to Scott Lovell in my office, we'd be very happy to deal at the local level with the kind of advocacy that seems possible on the member's behalf. But the reality is that in the province of Ontario the median wait time for MRIs is one fifth of that outlined in the estimate that the honourable member raised in the question, and accordingly I do feel quite confident that the gentleman referenced in the letter is going to receive care in a much more timely and appropriate way.

Mrs. Witmer: Well, not only are the five priorities not meeting the wait times, but I can tell you that the problem is even more serious in those areas which are not designated key priorities. In fact, Jackie Genereaux, a 39-year-old female, has been waiting to see an orthopaedic surgeon for back surgery since June 2005. She is in pain 24 hours a day. She can no longer work or look after her children, and this is causing financial hardship. She writes, "I did see the new wait time website and money allocated—but there are other conditions that need your attention as well."

Mrs. Genereaux is still waiting. She continues to wait. Why, I ask you, Minister, are she and others paying your

\$2.6-billion health tax and getting less in service and waiting longer?

Hon. Mr. Smitherman: On several of the honourable member's assertions—first the honourable member says there's no value for a \$2.6-billion investment. I guess we'll see when the honourable member presents the plan to show us where the \$2.6 billion is coming out of health care. Then we'll see what the honourable member's constituent has to say about that circumstance.

I do think one thing that we have to be very clear on is that the honourable member made an assertion in her question that things are more challenging in other areas. But of course, because the honourable member's government made no investment in actual capacity to measure these things, nobody would really know, would they? We're working strenuously to build a system where one didn't exist.

Let's face one other fact: With respect to orthopaedic surgeons, there is a reason why people are waiting too long, and it's not so much about money as it is that the finite resource of those surgeons is a real challenge. The honourable member had a direct role to play in that when she stood idly by while medical schools in our province were constrained to a size not appropriate for Ontario's growing needs. We're increasing medical schools by—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

ELECTRICITY SUPPLY

Mr. Peter Tabuns (Toronto–Danforth): I have a question for the Minister of Energy. Madam Minister, I've been instructed by the voters of Toronto–Danforth to send you a loud and clear message: The people of Toronto–Danforth do not want your portlands mega power plant. Will you listen to the community and shelve your misguided plans for a mega power plant?

Hon. Donna H. Cansfield (Minister of Energy): I thank the honourable member for his first question in the House, and I'd like to tell him that we will keep the lights on in downtown Toronto. The Independent Electricity System Operator identified an urgent need—"expedient" was the word that was used—signed by not only Toronto Hydro but Hydro One, the Ontario Power Authority and the Independent Electricity System Operator, that we need to deal with this crisis now, because if we don't, we will have rolling blackouts in downtown Toronto.

You know, it was interesting: I heard just recently that the last time there were some challenges, even by trying to regulate the power flow—the sensitivity of the equipment that is used in our hospitals is such that they need stability, ensuring that their lights and their equipment work. We are committed to that. We will keep the lights on and the power flowing for our hospitals, our schools and our residents in downtown Toronto.

Mr. Tabuns: Madam Minister, as you know, there are any number of solutions that are both energy-efficient and will ensure that the lights stay on in downtown

Toronto. Toronto Hydro alone could double their conservation target of 240 megawatts if only they had adequate support from the province.

Minister, I repeat: Will you listen to the community? Stop your plans for a mega power plant and invest in the kinds of real conservation that have worked around the world.

1500

Hon. Mrs. Cansfield: I thank the member for the question. As a matter of fact, we did include a 300-megawatt conservation demand-side management for downtown Toronto specifically. Currently, the 250 megawatts that Toronto Hydro is looking at includes all of Toronto. They have 12 of those megawatts; 137 of them are under contract.

The fact of the matter is, we have two years. Time is urgent. We need to be able to keep those lights on. So yes, we will do both. There is no question that the demand side in conservation is just as critical as ensuring that we have sufficient supply. So we will do both. That was the directive that went out. The directive specifically stated that the Ontario Power Authority, Toronto Hydro, the mayor's office and the conservation office are to work together to find those 300 megawatts on behalf of the people in downtown Toronto specifically.

ONTARIO DRUG BENEFIT PLAN

Mr. Bob Delaney (Mississauga West): My question is for the Minister of Health and Long-Term Care. Minister, as you know, western Mississauga is home to many prominent pharmaceutical firms. They're highly valued as employers and they're centres for ground-breaking research and development. In your statement today, you spoke about some substantive and innovative changes that are coming to the Ontario drug system. I wonder if you could tell our western Mississauga residents a little bit more about the importance of innovation in our drug system.

Hon. George Smitherman (Minister of Health and Long-Term Care): The reality for Ontario's drug system is that it's not one, frankly, that's very responsive and it's not one that's very transparent. Accordingly, we think it's fundamentally necessary to make alterations to the way that we deal with drugs in order to provide more timely access for our patients. Especially when what is referred to as a breakthrough drug, a truly innovative product, is available to patients, our procedures in terms of approval related to that are very challenging, very complex, very cumbersome and very slow. I think that the changes that we talk about are to give us the capacity to respond in a more timely way and to be far more transparent.

This is necessary because sometimes products which actually are incrementally beneficial are marketed as if they are breakthrough drugs. We need to be able to provide patients with access to the information they need so that they can see the rationale for decisions and, most appropriately, so we can get breakthrough drugs to our patients much quicker than we can today.

Mr. Delaney: In his response, the minister speaks strongly about the importance of innovation, transparency and getting value for taxpayers' money. Some \$3.5 billion is a lot of money, and it's important to my constituents and their employers that taxpayer funds be invested wisely.

Minister, could you please tell us in a bit more detail how that might apply to drug funding decisions?

Hon. Mr. Smitherman: One of the best-known adages from the retail world is, "How do we do it? Volume"—not just loud, but quantity. I think the reality for many of us, as we've looked closely at Ontario's drug system, is that even though we stand as one of the largest single purchasers of product to be found anywhere in the world, we're not gaining benefit necessarily of all of the benefit of price. The recognition out there typically is that the highest purchasers receive the best price, but this hasn't been the reality for us.

What we seek to do is to get the best price possible, so that we can dedicate those resources—that efficiency bonus, if you will—to making sure that Ontarians are able to access those new, truly innovative products that can provide them with a degree of relief from the challenges they're facing. Accordingly, we will be striking out in a direction that will get appropriate respect for the volumes that the Ontario taxpayers are paying for their drugs.

ONTARIO HUMAN RIGHTS COMMISSION

Mr. John Tory (Leader of the Opposition): My question is for the Attorney General. Attorney General, will you please commit here today that you will have a full, open and inclusive consultation process with disabled and minority groups before you introduce legislative changes to the Ontario Human Rights Commission?

Hon. Michael Bryant (Attorney General): I want to say that this issue has been before us for many years, that the coroner's report that was commissioned by the NDP government in 1992 made a number of recommendations that really gained a consensus over the years. That's why many people, including past commissioners of the Ontario Human Rights Commission as well as the current human rights commissioner, Barbara Hall—whom I know Mr. Tory has experience of and some respect for—are supportive of moving forward on direct access. We have moved and will continue to move forward on this issue, which the member's party was not remotely interested in when it was in power and did not move forward on.

We're very committed to making these reforms. At the same time, we want to make sure we hear from as many Ontarians as possible along the way.

Mr. Tory: I asked for a simple commitment that you would have a full, open and inclusive consultation process before you introduce the bill, and your response is to cite a report that was written 14 years ago as evidence of the kind of consultation you've done.

Many different stakeholder groups are going to be affected—negatively, they believe—by the changes they've read about, and they haven't been consulted. I have here a long list who have written: the Canadian National Institute for the Blind, the Canadian Paraplegic Association, the MS society, the Peterborough Council for Persons with Disabilities, the coalition of Ontario disabilities associations, and Community Living Ontario. These people have written in and said they have not been consulted by you. In fact, some of them have even asked for a meeting with you and have not obtained such a meeting.

I'm asking you very simply: You have said, and your Premier has said, that the human rights tribunal will function as the watchdog, for example, for complaints people have under the new disability legislation, and yet this is the very thing you're going to change without consultation. Will you commit, here and now, to a full, open and inclusive consultation process with these and other groups who want to be heard before you bring a bill to this House? Will you do that?

Hon. Mr. Bryant: I note with some interest that the disabilities reporter from the Toronto Star, Helen Henderson, referred to concerns that have been articulated here—by the leader of a party that did nothing on the subject of human rights reform for many years—as Chicken Little. She also said, "This province may be closer than it has ever been to achieving an efficient, effective, accessible means of justice for those whose rights have been trampled."

Cynthia Wilkey: "[This] initiative marks the first time in almost two decades that a government has stepped up to address the long-standing dysfunction...." That's it.

I had a very positive meeting today with Mr. David Lepofsky and the great organization he represents. We had a very good meeting. We had a very good discussion, and I look forwarding to following up that discussion with him and many other Ontarians in the days to come.

TUITION

Mr. Rosario Marchese (Trinity-Spadina): My question is to the Minister of Training, Colleges and Universities. Tuition at the University of Toronto law school is set to rise this coming school year to \$17,280 annually. Could you explain what improved quality measures the university will implement to justify this staggering fee?

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I don't know where the member's question was during his years, when his party allowed tuition to go up 50%. But it's a different day, and we did inherit a long period of time with no investment in colleges and universities. That's why we brought in the Reaching Higher plan. A quarter of the Reaching Higher plan is for improved access to university and college education—\$1.5 billion. That's why, for the first time, we've restored the upfront tuition grant that the member's party eliminated in 1992-93; that's why we increased the amount of assistance for which you're

eligible for the first time since it was frozen by the member's party; and that's why we are investing additional money to ensure that students get more education than they've been able to have in the past.

I'll have more to say in the supplementary.

Mr. Marchese: Last September, Statistics Canada reported a 50% decline in the likelihood of enrolment in high-fee programs among students from middle-income families. You've justified gouging students by promising improvements to education, but your secret arrangements with universities have been leaked and they show no plan for improvement at all. At U of T, where students are being forced to pay over \$17,000 in tuition, the faculty contingent will increase by barely 1%. Universities aren't improving quality at all. To quote them, they are "treading water."

Will you make these so-called accountability agreements publicly available so students can see exactly what they're getting?

1510

Hon. Mr. Bentley: In fact, we've always said the agreements would be publicly available, and they'll be released quite shortly, but we had to wait until they were all signed. It's a multi-step process. For the first time ever, universities and colleges are being asked to justify what they'll do with the money before they get it. This year, the first year, was an interim process. Now we're involved in the multi-year, the three-year discussions. Those discussions will involve not only quality improvements but access improvements, something the member didn't seem to be interested in when he had the ability to do something as the government.

With our new tuition framework, one of the key goals is to ensure that more Ontarians are going to have greater access to post-secondary education. Under our approach, already more students have greater access to more assistance, and more of it is in grants, than ever before. That's the approach we'll be following as we continue our discussions with universities and colleges in the future.

RENEWABLE FUELS

Mr. Lorenzo Berardinetti (Scarborough Southwest): My question is for the Minister of Energy. Last month you announced that the government has directed the Ontario Power Authority to implement a standard offer program for small-scale renewable projects. This is an exciting time for renewables, first with our RFP projects that are bringing on over 1,300 megawatts of wind and now the standard offer program, which will help to add up to 1,000 megawatts of renewable energy to Ontario's electricity supply over the next 10 years.

Since that announcement, there has been some confusion about the program. I've read letters that question the difference between the standard offer program and net metering—something that Ontarians already benefit from. Minister, could you please clarify how the standard offer program differs from net metering?

Hon. Donna H. Cansfield (Minister of Energy): Thank you for the question. Net metering is 500 kilowatts of generation that, for example, a farmer could generate on the farm. If they don't use it all they can actually bank it into the grid and then draw it down as it's needed. The standard offer, on the other hand, is a fixed-price, long-term contract for projects around 10 megawatts and under for wind, water, solar, biomass—for example, biodigesters.

I can tell you that I was up in Strathroy, and the farming community is really excited about the possibilities of what can happen with the standard offer contract.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): David Suzuki likes it.

Hon. Mrs. Cansfield: Well, I'm telling you, everybody likes it. So it's our responsibility to ensure that this does happen on behalf of the farming community, because they not only can generate sufficient electricity to run their own farms but in fact can help us by generating electricity to sell back into the grid at the local level, which is really where it is needed.

Mr. Berardinetti: Thank you, Minister. Just picking up on what you said about the fact that it's locally driven, I have met with constituents in my riding of Scarborough Southwest who have asked me questions about small-scale renewable projects such as windmills and solar-power panels. These are residents, as well as some businesses in my area, located right in the riding of Scarborough Southwest here in Toronto. They want to generate their own energy, their own power for their own buildings. They want to play a part in the standard offer program, but they need more information on its specifics. Minister, I want to ask you, what information can you share with people watching today about what projects are eligible for a standard offer contract?

Hon. Mrs. Cansfield: Thank you for the question. The most important thing that folks can do is to go to the Ontario Power Authority website, www.opa.com. They'll be able to draw down all the necessary criteria to participate in any of the four areas—wind, water, biomass or solar voltaics. They also need to work very closely with their local distribution company, because they need to be able to hook into the local grid, and, of course, with the Ontario Energy Board, which has responsibility for the regulatory oversight.

There are people in place to help someone who wishes to put small solar voltaic panels on their roof or someone who wishes to put in a 10-megawatt run of the river or a wind turbine of one or one and a half megawatts on their farm. All the criteria are laid out on the website, and they can call the person directly who has the support for the renewables within the Ontario Power Authority itself.

FISH AND WILDLIFE MANAGEMENT

Mr. Norm Miller (Parry Sound–Muskoka): I have a question for the Minister of Natural Resources regarding cutbacks in fish stocking. I've heard from the Con-

servationists of Frontenac-Addington—and to give you some history, COFA is a non-profit group. For the last 11 years, they have been building their pickerel hatchery. They have been encouraged by the Ministry of Natural Resources to expand that hatchery. They have some 40 to 50 volunteers. Now they have a capacity of some 3.3 million eggs, and that's what they've been delivering in recent years. They have never had a success rate below 70%. But now you're cutting them back to some 200,000 eggs this year. Why has the MNR pulled support for the Conservationists of Frontenac-Addington? Why are you reducing stocking of the most sought-after game fish in North America—pickerel?

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): The preservation and conservation of wildlife in Ontario is of prime importance to the McGuinty government. I would say to the member that when you look at the big picture of how to do that, one of the most important aspects of conservation with regard to fish stock is improvement of habitat. It certainly was the prime method years ago to have what they would call a put-and-take fishery, whereby you artificially raise fish, put them in a lake and then take them out via anglers, but we've understood over the years that the proper way to do that is to improve habitat. That's where a lot of our thrust is today.

The Speaker (Hon. Michael A. Brown): Supplementary, the member for Oshawa.

Mr. Jerry J. Ouellette (Oshawa): In regards to that, I know there are a lot of partner hatcheries throughout the province who have similar concerns. As recently as last Friday, Minister, I happened to be with seven classrooms who were doing a rainbow trout egg collection. The concern that came forward comes from the article in the April issue of Ontario Out of Doors, where it specifically says, "At the recent OFAH conference, Minister of Natural Resources David Ramsay said the ministry is moving away from stocking and that Chinook stocking will eventually end." There is a lot of concern in regards to this; there are a lot of charter boat operators and tourism operations concerned with how it would have a huge impact. What is the ministry's position going to be in regard to Chinook stocking?

Hon. Mr. Ramsay: I think the member knows that the ministry—while it was under his watch also—became very interested in improving habitat and the environment of our waterways, especially the Great Lakes, and that we have embarked upon the idea of actually reintroducing the Atlantic salmon, which is the fish native to the Great Lakes. It was years ago that someone had made a decision to put a Pacific salmon in the Great Lakes.

As you know, we've done our DNA research. We've discovered, by looking at many of our grandfathers' mounted fish on the wall, by looking at the scales, what is exactly the right match. It turns out that that fish exists today off the Argentinian coast. We're looking at that and looking at getting the Great Lakes back to the natural habitat that they were years and years ago.

TENANT PROTECTION

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Municipal Affairs and Housing. On Saturday, I attended a tenant rally at 500 Dawes Road. These people are forced to live under absolutely appalling conditions. Often, there's no hot water. There is garbage on the front lawn. There is garbage all over the site: There's garbage in the halls and there's garbage on the overhang of the doorway. There are more cockroaches than I think you would ever want to see in your lifetime.

You promised tenant protection legislation one year to the day, at the latest, after your election. Today is day 920. I'm counting, and the tenants are counting too. Minister, you are nearly 600 days late on your time commitment. How much longer must the tenants endure this neglect?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing): Let me first of all state that the kind of conditions that have been described by the member and that we've all heard about in the media over the weekend are totally unacceptable. But as the member also knows, he can certainly have the property standards officers of the municipality take a look at the situation. They can deal with the situation. We don't necessarily need the Tenant Protection Act to deal with that kind of a situation. It's also possible, under the current Tenant Protection Act, for a tenant or tenants to make an application to the Ontario Rental Housing Tribunal. I would suggest to the member and to the individuals who are involved in this particular situation to take advantage of that: either to make an application to the Ontario Rental Housing Tribunal or to speak to the appropriate officials at city hall to make sure that, from a property standards viewpoint, the building is up to date. The tenants certainly have the right to live in—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

1520

Mr. Prue: As the minister knows, or should know, there are five outstanding work orders from the city of Toronto. As the minister knows, or should know, the people who are in there have been forced and coerced by the landlord not to say anything. They are suffering, Minister. The tenants at 500 Dawes Road and thousands more across Ontario are tired of your rhetoric. They're tired of the broken promise. They want action. They need new tenant protection legislation, which your party said was coming in within 365 days and which you said was absolutely necessary. Bad landlords cannot be allowed to provide substandard housing any longer and hide under the present Tenant Protection Act. When will you introduce real tenant protection and real rent control? When, more importantly, will you keep your promise?

Hon. Mr. Gerretsen: As I've indicated to this member and to the House before, we will be bringing in new landlord and tenant legislation within the very near future. There have been over 30 years of attempts to

bring this kind of legislation forward. It has swung from one extreme to the other. We want to make sure the legislation that we bring in is fair to both good landlords and good tenants and will deal with the situations of bad landlords and bad tenants.

He also knows, with respect to the work orders that he mentioned, that the city can take corrective action immediately in order to deal with those if the city really intended to do so. I would suggest that since he still has contacts at city hall, he can contact city hall to make sure the work orders are being complied with, and I ask him to stay tuned with respect to the new landlord and tenant legislation that will be brought in sooner rather than later.

STUDENT ASSISTANCE

Mr. Kevin Daniel Flynn (Oakville): My question today is for the Minister of Training, Colleges and Universities. As you well know, this is an exciting time of year for the graduating high school students in my riding of Oakville and around the province. Soon they'll be starting new jobs, they'll be working as apprentices, and they'll be going off to college and university.

When talking to students and parents in my riding, I tell them about the programs the Ontario government offers to assist them in their post-secondary studies, some of the changes that have been made recently. Minister, will you tell all the students and parents in my riding and across the province of the new improvements and the enhancements made to our student financial aid system in Ontario?

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I'm pleased to address the issue raised by the good member from Oakville, who is a passionate advocate for access for all to post-secondary education and, in particular, access to Sheridan College's education.

For about 12 years before we became the government, there were no substantial improvements at all to the Ontario student assistance program. So what have we done, just this year and last, in improving access to students?

First of all, 60,000 students this September will be eligible for upfront tuition grants covering anywhere from 25% to 100% of their tuition. Those grants had been cut by the NDP in 1992-93. We've increased the amount of assistance that's available to all by 25%.

We've recognized costs that had never been updated before, such as the book allowance cost, which hadn't been updated since the mid-1980s. We've recognized computer costs that had never been recognized from the student assistance program. And we are about to be cut off.

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary?

Mr. Flynn: I'm sure the parents and students in Ontario will be relieved to see some of the action that will be taking place now after the years of inaction, stagnation and freezes by previous governments.

Minister, this is also the time of year that our college and university students will be graduating and they'll be moving on to new jobs or new programs. I've been made aware of a program in your ministry called the Ontario student opportunity grant, or OSOG. I understand this is a good program that helps new graduates but is not well known by students at this point in time. Could you please tell the people of my riding of Oakville and the people of the province about this program, how it helps graduates, and how the recent improvements in the OSAP program have also affected this program?

Hon. Mr. Bentley: What it does is limit the amount of repayable loan for students. When we increased student assistance by 25% last year for the first time, up to \$11,900 as a maximum, we said to any student, "No matter how much you get, you don't have to pay a penny more than \$7,000 of it." So there can be up to a maximum of \$4,900 in grants for students qualifying for student assistance. It's part of our commitment to improve access for students: You limit the repayable but you increase the amount of assistance you can actually have access to.

Some of the other things we've done: We have improved debt relief for students once they've graduated; improved interest relief for students once they graduate. It's part of our commitment to ensure that all students have access to an affordable post-secondary education, the best quality possible.

LONG-TERM CARE

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): My question is for the Minister of Health and Long-Term Care. Minister, you promised a revolution in health care, a revolution in long-term care. What you've created in long-term care in this province is a crisis. You promised \$6,000 per resident of long-term-care centres in this province; \$2,000 of that has flowed. That doesn't even cover the increased costs of supplies, wages, and heat and hydro, which your government is responsible for.

When are you going to admit that you have broken your promise to long-term-care centres, that you have broken your promise to the most vulnerable residents in this province? Will you make good on your word and fund those—you didn't even talk about them in the budget—give them the money that they are due now to provide that care to our most vulnerable residents?

Hon. George Smitherman (Minister of Health and Long-Term Care): Here we have yet another example of the propensity of the opposition party to get both sides of the matter corralled. On the one hand, they've got the capacity to be able to reduce health care expenditure by \$2.6 billion. On the other hand, the honourable member stands in his place today and says that our investment in long-term care this year of 157 million new dollars, or a 5.8% funding increase, isn't enough.

The reality is that, based on the work of our colleague from Nipissing, Monique Smith, we have been working very, very carefully with the long-term-care sector, whom I addressed at their conference today. Much pro-

gress has been made—much progress that local communities and our more than 600 long-term-care homes can celebrate.

I would agree with the honourable member only on one point: On this file, as on all others in health care, there is more work to do. Accordingly, we have considerable energy to do it, and alongside our allies and partners in health care, like the Ontario Long Term Care Association, we will.

Mr. Yakabuski: When I met with long-term-care providers in my riding last week, I have never seen them more discouraged with the response of government to their needs, never more discouraged at any time that I've met with them. What you gave them was a 1.98% acuity increase this year, and 1.98% doesn't cover the costs at all.

Minister, you've given them all kinds of new jobs to do—new standards, new forms, new paperwork—but none of the funding to address them. You are turning your back on our most vulnerable citizens. Are you going to come through on your word, or do those people simply not matter to the McGuinty Liberal government?

Hon. Mr. Smitherman: There we go with the cheap ending, but you notice that the primary question is left unanswered. They were discouraged, were they? Imagine how discouraged they must have been, then, when you told them about your party's plan to cut health care spending by \$2.6 billion. What was the step below discouragement? That's the one they must be prepared for, were they ever to hand the responsibility to the honourable member and to his party.

Across the breadth of long-term care we've made resource increases, not just the ones the member speaks about but also for specific initiatives. Today I was very pleased to be able to announce \$2.4 million worth of funding to provide training to more than 5,000 people who are providing assistance to our loved ones in long-term care, some of the most vulnerable, dealing with Alzheimer and serious dementia. We have the capacity, across the breadth of more than 600 long-term-care homes, to provide a very high level of care to our most vulnerable, and we will—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

1530

NORTHERN ECONOMY

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Minister of Transportation. The Thunder Bay area has already lost over 1,000 good manufacturing jobs, thanks to the McGuinty government. Today, they found out that the McGuinty government is going to allow the city of Ottawa to have their light rail transit cars built in either California or Germany, even though the project is being funded by the taxpayers of Ontario.

Minister, you could have prevented this. You could have said, "Those cars will be built at the Bombardier

plant in Thunder Bay." Why didn't you? Why are you ignoring the economy and the needs of northern Ontario?

Hon. Harinder S. Takhar (Minister of Transportation): Let me tell you what we have done for Bombardier and for the city of Thunder Bay.

Since 2003, GO Transit has purchased about 50 bi-level rail cars from Bombardier. The total investment has been about \$140 million. After decades, we are the first government that is making record investments in public transit, which directly or indirectly is going to benefit Bombardier one way or the other. We are very proud of what we have done for transit from that point of view, and we look forward to working with Bombardier and other companies as well.

VISITOR

Mr. Norm Miller (Parry Sound–Muskoka): On a point of order, Mr. Speaker: I want to take this opportunity to introduce my son Stuart, who's here visiting from the University of Guelph—studying for exams—in the members' west gallery.

PETITIONS

LONG-TERM CARE

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

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years."

I've also signed this.

DISABILITY BENEFITS

Ms. Andrea Horwath (Hamilton East): I have a petition to the Legislative Assembly of Ontario.

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

“People with disabilities are entitled to the full support of their government with respect to income security and the dignity of a job; and

“The Ontario disability support plan does not provide an adequate income to cover the ever-increasing costs of living that people with disabilities face, and those who receive ODSP and find employment are punished with an earnings exemption that is far too low and needs to be increased; and

“An ODSP recipient will have their earnings clawed back by the McGuinty Liberal government if they earn more than just \$160 a month as an individual or only \$235 a month as a family; and

“Employment not only gives people on ODSP the dignity of a job and the pride in making meaningful contributions to their community; it also enables them to augment Ontario’s inadequate disability cheque and keep up with the ever-rising cost of living;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario for an immediate increase to the employment earnings exemption threshold for ODSP recipients so they are able to keep more of what they earn without the government clawing back their disability support.”

I agree with this petition and send it down to the table by way of Leah.

MACULAR DEGENERATION

Mr. Kim Craitor (Niagara Falls): I’m pleased to introduce this petition on behalf of my riding of Niagara Falls, and the petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario’s health insurance plan covers treatments for one form of macular degeneration (wet), and there are other forms of macular degeneration (dry) that are not covered,

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

“There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for most individuals and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program.”

I’m pleased to support this petition and give it to page Mark to deliver to you.

GASOLINE PRICES

Ms. Lisa MacLeod (Nepean–Carleton): I’m pleased to present this petition in the House today:

“Whereas gasoline prices have continued to increase at alarming rates in recent months; and

“Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to

Ontario’s drivers while also impacting the Ontario economy in key sectors such as tourism and transportation;

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

“That the Parliament of Ontario consider an immediate gas price freeze for a temporary period until world oil prices moderate; and

“That the provincial government petition the federal Liberal government to step up to the plate and lower gas prices by removing the GST on gasoline products and fix the federal Competition Act to ensure consumers are protected and that the market operates in a fair and transparent manner.”

I’m pleased to affix my signature and send it.

SOCIAL SERVICES FUNDING

Mr. Tim Peterson (Mississauga South): I have a petition for the Legislative Assembly.

“Whereas the population of the region of Peel has been experiencing significant growth for the past 15 years and now has the second-highest growth rate in the province;

“Whereas demand for social services in Peel has exploded as a result of the population and other social changes;

“Whereas provincial social services funding has not responded to the increases in population, and therefore the people of the region of Peel receive 50% less funding on a per capita basis than the average provincial per-capita funding for social programs;

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

“That the Ministry of Community and Social Services and the Ministry of Children and Youth Services correct the funding inequity in all of their social programs with new funding formulas that address population and needs.”

I’m happy to affix my signature to this petition.

LONG-TERM CARE

Mrs. Christine Elliott (Whitby–Ajax): I’m pleased to present this petition to the Legislature on behalf of Extencare Canada.

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I’m pleased to affix my signature thereto in support.

EDUCATION FUNDING

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I have a petition here to the Ontario Legislature to end discrimination.

“Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding, as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces except the Atlantic provinces fund faith-based schools and have thriving public school systems;

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“Whereas the cultural survival of the affected minority groups is at stake; and

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable and protects and enhances the public interest;

“We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I affix my name to this petition and send it down to the table with Sharmarke.

LONG-TERM CARE

Mr. Kevin Daniel Flynn (Oakville): I’ve got a petition that I’ve been asked to read into the record by the family advisory committee of Wyndham Manor in Oakville. It reads:

“To the Legislative Assembly of Ontario:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is ... not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents’ councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

ORGAN DONATION

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

“Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

“Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

“Whereas hundreds die every year waiting for an organ transplant; and

“Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

“Whereas the private member’s bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver’s licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006.”

I affix my signature in support.

SCHOOL BUS SAFETY

Mr. Ernie Parsons (Prince Edward–Hastings): “To the Legislative Assembly of Ontario:

“Where it has been shown that crossing control arms on school buses reduce or virtually eliminate instances of students being struck by their own bus; and

“Whereas 91% of all front-bumper fatalities involve buses not equipped with crossing control arms; and

“Whereas the safety of the children of Ontario is our number one priority;

“We, the undersigned, petition the Legislative Assembly of Ontario to require that all future school buses be equipped with crossing control arms and that all existing school buses be required to be immediately retrofitted with crossing control arms.”

I'm pleased to add my signature to this petition.

LONG-TERM CARE

Mr. John O'Toole (Durham): I'm pleased to present a petition on behalf of Fosterbrooke Long-Term Care: Tina Bravos, the administrator; Jessie Watkins, the resident council president; and Marjorie Caswell, family council representative. It reads as follows:

“Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

“Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

“Whereas those unacceptable care and service levels are now at risk of declining;

“We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007).”

I'm pleased to sign this in support of long-term care.

MACULAR DEGENERATION

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common ‘dry’ type and the ‘wet’ type. Although the wet type occurs in only 15% of AMD patients, these patients account for

90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

“Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

“Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

“We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service.”

I'm very pleased to sign my name to this as well.

EDUCATION FUNDING

Mr. Ernie Hardeman (Oxford): I have here a petition similar to some of the others, but I think it's appropriate to read it on behalf of all the good citizens of Oxford county who signed the petition.

“Whereas the Ontario government already fully funds 93% of faith-based schools in Ontario, but the remaining 7% receive no funding, solely because they are not Catholic;

“Whereas the United Nations Human Rights Committee ruled in 1999 and again in 2005 that this arrangement is discriminatory and violates basic international human rights law that Ontario formally agreed to uphold;

“Whereas all three parties represented in the Legislature support Catholic separate school funding as guaranteed by the Constitution of Canada, so that the only fair and viable solution to the discrimination is to extend funding to the small religious minorities that are currently excluded;

“Whereas the Supreme Court of Canada has ruled that Ontario has the constitutional power to provide funding to non-Catholic faith-based schools;

“Whereas Ontario is the only western democracy that fully funds faith-based schools of one religion to the total exclusion of all other religions, while all other provinces

except the Atlantic provinces fund faith-based schools and have thriving public school systems;

“Whereas the cultural survival of the affected minority groups is at stake;

“Whereas faith-based schools produce responsible and productive citizens; and

“Whereas the Multi-Faith Coalition for Equal Funding of Religious Schools in December 2004 submitted to the Minister of Education a detailed proposal for the funding of non-Catholic faith-based schools in a manner that is fair and accountable, and protects and enhances the public interest;

“We call on the Ontario Legislature to pass legislation to provide equitable funding in respect of all faith-based schools in Ontario, without religious discrimination and without any reduction in funding for public education, with accountability requirements and standards in place to ensure that the public interest is safeguarded.”

I present this petition on behalf of residents of the county of Oxford.

ORDERS OF THE DAY

EMERGENCY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA GESTION DES SITUATIONS D'URGENCE

Resuming the debate adjourned on April 6, 2006, on the motion for second reading of Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997 / *Projet de loi 56, Loi modifiant la Loi sur la gestion des situations d'urgence, la Loi de 2000 sur les normes d'emploi et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.*

The Deputy Speaker (Mr. Bruce Crozier): The member for Beaches–East York had the floor when we last debated this.

Mr. Michael Prue (Beaches–East York): I see I have four minutes and 18 seconds left, so I will do my best.

On the last occasion, for the first 16 minutes, or nearly 16 minutes, I talked about the bill itself: how the bill was an extraordinary bill in that it would grant powers to the province and to the Premier in case there was an emergency of such a magnitude that it was deemed to be necessary. Some of the debate that I witnessed earlier that day by other members of this Legislature seemed to me to indicate that it was not really understood how and when such a bill as this one on emergency management would ever be instituted, because some people talked about a borer beetle being an emergency, or raccoon rabies being an emergency, or a flood being an emergency, or a forest fire, and they went on and on about

those. Quite frankly, I would hope that many of the situations that Ontarians find themselves in year after year, whether it be a forest fire or a flood, or even in the time of our SARS epidemic, or bird flu—we have managed quite well without this emergency management. I say that because this is a very tough bill; it's a draconian bill. I gave as an example an earthquake of the magnitude of that which was inflicted upon Pakistan about a year or so ago, where tens of thousands of buildings were destroyed and hundreds of thousands of people lost their lives. Then, of course, we would need such a document. But, as has been described by most of the members of the Legislature, this ought not ever to really happen in the scenarios that most of them have outlined.

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Part of the reason I'm saying that is because of what you can find in the bill on page 10, subsection 13.1(1). I'd just like to read these two sections, because this is how tough and how draconian this bill can be. It says, “Nothing done under this act or under an order made under this act constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (3).” What that means in layman's terms is that if the government appropriates your land or your property or your car or your truck or your boat, or whatever is deemed necessary, there is no compensation except as occurs under subsection (3).

For clarification, subsection (3) says, “If, as a result of making an order under subsection 7.0.2(4), a person suffers the loss, including a taking, of any real or personal property, the Lieutenant Governor in Council may by order authorize the reasonable compensation of the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council.” What that means, in layman's terms, is that the government would set how much they thought you lost for your boat, for your house, for your car, for whatever property was seized or whatever property was used, and you would have to take it, and there is no redress through the courts. I'm telling you, this is quite a draconian measure.

Now, I can understand, in a time of natural calamity, I can understand, in a time where we have gone and experienced something in Ontario which I hope we never experience, that such a bill may be necessary. I can see that it would be necessary should there be an earthquake, as I said earlier, of the magnitude of Pakistan, or the tsunami that affected much of the world the year before that. But quite frankly, this is not something that Ontarians should welcome. Ontarians may need it, but be very, very careful. When this goes to committee, we want to define what kind of a province-wide calamity would ever need the exercise, because I do not want to see it even in the event that we should be revisited with SARS; I do not want to see it for the bird flu or the raccoon rabies or the borer beetle or the other things that members of this

Legislature have talked about. This bill goes far too far for those commonplace occurrences.

The Deputy Speaker: Questions and comments?

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I had the opportunity to hear the member from Beaches–East York both the last time the bill was before us and in his few minutes that were left in the course of today. I do want to say that I believe the legislation is important. I appreciate his comments, that he may feel that to some extent it might be considered overkill. But the reality is, you want to have in place the legislative framework that provides authority for the government to act in the event of an emergency that is determined to be of a scale or a nature that affects all or a part of the province of Ontario such that it can be dealt with in an effective fashion.

It's no longer good enough for us, after the experiences of a couple of years back, where we had the SARS situation and the blackout, both in rapid succession, to say that we really don't need this; we can't imagine that there would ever be a situation where this level of authority would be required. We really don't want, I don't believe, the government of the day, the Premier or others, coming back to this Legislature after the fact and effectively begging forgiveness for the actions they took because they didn't have the authority to do what was necessary.

We also want, I think, the opportunity to ensure that when those actions are being taken, in spite of the fact that we would all look to the leaders then and say, "They're doing a great job and we're sure they're acting in the public interest"—we want to have the opportunity as a legislative body to be able to keep them accountable, whether it's the government itself or the loyal opposition in their role, to make governments accountable in this place for actions of this magnitude. I can see where an avian flu epidemic might very well require a part or more of the province to be declared an area where an emergency is in place. I could see, where there was an earthquake—and that potential always exists—the need for that. I can see, where there's a significant tornado or a calamity of that nature, that that might require a part of the province to be declared an emergency. I think it's important to have the authority to act, but equally important to ensure that the bodies who are acting are accountable to the people of Ontario through this Legislature.

Mr. John O'Toole (Durham): I'm pleased to respond to the member from Beaches–East York, because I think he does raise a very fundamental issue of rights and appropriateness. I'm troubled when I think of the famous Liberal statement during the FLQ crisis. At that time I was living in Quebec. Pierre Trudeau said, "Just watch me," when he implemented the War Measures Act.

It goes too far, as has been pointed out. If you read even the preamble, you'll see that offences under section 7.0.13, for example, are up to \$10 million for corporations, \$500,000 for corporate directors and \$100,000 per person for simple violations.

The exclusions here are quite another thing. If you look at section 13.1—this is with respect to, "constitutes

an expropriation or injurious affection for the purpose of the Expropriations Act," generally, compensation is not paid for loss of property. It exempts the Premier. The appropriateness of when and where and if this particular act is invoked certainly requires good, sound judgment.

I would say that what's missing here is further debate. I would think, as with any measure, as they are doing in Ottawa today, that there would be an appropriate amount of time given for debate and unanimous consent before the invoking of any of the kinds of what I would call draconian measures in here, powers that reflect back—as I said earlier, similar to the War Measures Act. So it's a long time waiting. We do need to prepare for emergencies. If you're not prepared, of course, you will pay the consequences. But again, I just want to be somewhat reflective for a moment on the powers of Dalton McGuinty; I'm troubled there. During the election he made a lot of promises, and maybe after the election he sort of broke most of them. It's in that context that I support the member from Beaches–East York's concern with what the real government agenda is here.

Ms. Shelley Martel (Nickel Belt): I just want to follow up on the points that were made by the member with respect to some other members talking about the need for these extraordinary powers and relating that to the context or situations involving either fire protection, fire emergencies or rabies control. I've listened to one day of debate and I didn't hear anybody say that, but I guess on a second day there were some folks who were starting to reference that as the need for this bill. I've got to tell you, that is stretching it really far. The Ministry of Natural Resources, for a number of years now, has instituted a rabies control program that has been extended, in fact, to many jurisdictions in the United States. It is very successful. It is very effective. The staff who were involved in that program at the onset of it did a great job, and our program is the envy of a number of other jurisdictions. So to suggest for one second that we would need these kinds of measures to deal with a rabies outbreak is just ridiculous.

Secondly, the MNR has long-standing procedures in place with respect to fire suppression, fire control, fire emergencies. I hear regularly every summer, as we head into fire season, Bob Thomas in Sault Ste. Marie giving us a regular update on CBC at home about how many planes are in the air, how many staff are out and how we are helping other jurisdictions when we have to. Again, the MNR has long-standing policies, protocols, procedures and agreements with other jurisdictions to deal with fire, not just in Ontario but when we send fire crews elsewhere. So to use that or this bill as a reason to deal with fire is kind of silly as well.

Why should we be concerned about this extraordinary power? Well, from my perspective, because Justice Archie Campbell has said very publicly that he has a concern about the extraordinary powers that are listed here. When someone of his stature, who did the work that he did on SARS, raises that publicly, then we should all take heed.

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Mr. Bas Balkissoon (Scarborough–Rouge River): I just want to add to the comments of the previous speakers such as to clarify a few items. It was just stated that the existing legislation is working well to deal with emergencies. That may be so, if the emergency is confined. As the minister said the last time we debated this bill, the Emergency Management Act that we have today worked well in Peterborough because we were dealing with a situation confined to one community. It was a flood. But let me say to you that the current Emergency Management Act does not work very well for the government. Some of you will remember that during the blackout the gas pumps were shut down. When the power was restored, we actually had service stations gouging the public on the price of gas because there were lineups at the pumps etc. This bill will give the government that needed power to fix prices when you have a situation like that again. We want to make sure that the public is not gouged.

If you had another epidemic in Ontario and you wanted to attract volunteers and professionals from outside of our jurisdiction, this bill makes for easy deployment of those professionals, rather than having to go through the rigours of making sure that they are qualified, that they have the right certification from the professional association before they can practise in our province. It makes it easy to deploy these professionals, like firefighters, doctors, medical staff on the whole, police etc.

The government has made it very clear that this bill would only be used when you have extraordinary circumstances.

The Deputy Speaker: The member for Beaches–East York, you have two minutes to respond.

Mr. Prue: I thank the members from Pickering–Ajax–Uxbridge, Durham, Nickel Belt and Scarborough–Rouge River. They all had very valid comments to make, and I thank them for their kind comments.

In the minute and a half I have left, I'd like to talk about the final statement made by the member from Scarborough–Rouge River, because I think this is the point of this entire exercise: We need to define what is a province-wide emergency that the other emergency management structures that we have had in place for a century would not be capable of handling. When I go back into my own lifetime, I'm trying to think of the emergencies that I think have been handled so beautifully and so well by our communities over all that time without an act like this. There was, of course, the Peterborough flood of just a year or so ago. There was the SARS epidemic in Toronto and its environs. There was the electricity shutdown for three or four days.

Mr. Arthurs: Hurricane Hazel.

Mr. Prue: I'm getting to that. There was the flooding of the Red River, not in our province but in Manitoba—I can remember that quite distinctly—the tornado in Barrie and, of course, Hurricane Hazel, the biggest one of them all. None of those required an emergency management

system of the scope or nature of what we are arguing today.

Mr. Dave Levac (Brant): The ice storm.

Mr. Prue: The ice storm is another one. There's another good one. It did not require the emergency management bill that we have before us today.

I want us to be very careful as a Legislature. Is there a possibility that something could eclipse all of these? Is there something that could be so large that we would need this bill? I would say that there is always that possibility, and that is why I'm not going to say to not do the bill, but I want people to understand that it has to be in the most extraordinary of circumstances where you take away people's property without compensation, and in the most extraordinary of circumstances where you force them, against their will, to do things for government benefit.

The Deputy Speaker: Further debate? The member for Kitchener–Waterloo.

Mrs. Liz Sandals (Guelph–Wellington): Guelph–Wellington.

The Deputy Speaker: Guelph–Wellington. I have you moving.

Mrs. Sandals: I'm actually going to stay in Guelph. It's a very nice place, so I'm going to stay there.

I'm very pleased to rise and speak to Bill 56, the emergency management amendment act. I'd like to start off by talking about what this is not, because I agree with the previous speakers. I was sitting eating dinner the other night after I'd gone back to Guelph and was quite appalled to hear a catalogue of some of the things that were being suggested as being subject to this bill. Things like recurring spring floods, rabies in raccoons and maybe even avian flu, as long as it is confined to the bird population, are not—and I want to emphasize “not”—subjects of this legislation. In fact, there's already legislation on the books which deals with local municipal emergencies, and that legislation continues to exist. Municipalities are responsible for having an emergency plan at the local level, and that continues to exist.

This is about things that would qualify as provincial emergencies. Two examples of things that have been declared provincial emergencies in the recent past are the SARS outbreak and the massive blackout we had in the summer of 2003. Those were provincial emergencies. Other things that you might imagine would be declared provincial emergencies: The ice storm in eastern Ontario might have qualified, and certainly something like a major terrorist attack like 9/11. Something like the damage from Hurricane Katrina that we saw in New Orleans this past year would certainly be the sort of thing that's contemplated. These are very serious events that are contemplated as being controlled by a provincial emergency, which is what this is specifically about.

How did we get here? People have mentioned that the SARS provincial emergency and the provincial blackout were in fact generally well managed, and we don't argue about this. But what the previous speaker might be surprised to know is that in the management of those

emergencies, it's questionable whether the orders given were actually based on legislative authority; that is, while those emergencies were well managed, they were not necessarily based on the sort of authority.

We, as a government, believe that if you are going to manage a major emergency at the provincial level, you need a sound legislative basis on which to build that. In fact, all nine other provinces have legislation very similar to the legislation that is proposed here. Ontario, in fact, is the odd province out in lacking basic provincial emergency management legislation. Quite frankly, the bottom line here is that our government is trying to correct that oversight and make sure we have a proper provincial framework for managing major egregious emergencies.

How did we get to Bill 56? When we came into government, the Premier actually asked an all-party committee to look at the whole issue of provincial emergency management, and this bill is largely based on the work that committee did. That committee held extensive hearings. It talked with people who, by invitation, had some expertise in managing emergencies. We talked to hospitals and health workers. We talked to emergency workers. We talked to utility companies. We talked to people who had had past experience managing emergencies. That actually included politicians who had had past experience.

One of the people we talked to, for example, was Tony Clement, the Minister of Health at the time of the SARS crisis. He came and talked about his experience. One of the things that Mr. Clement—and I must say that Jim Young, the province's former Commissioner of Emergency Management, managed these emergencies we have experience with so very well. One of the messages that came through very clearly is that there will be another emergency, but we don't know what it will be. I'll refer back to what Mr. Clement said to the committee. He said that the response structure must be flexible enough to meet any new situation. He said, "Any emergency legislation must be broad enough to include powers of evacuation, cordoning off, price stabilization, resource control and so on." So what emerged from all of this was a consensus that there will be another emergency but we really don't have the legislative structure to manage that at the current time; what we do need to do is make sure we put that structure in place.

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We looked at things the committee told us or that other people who spoke to the committee told us. They made a number of suggestions. When the committee thought them over, we thought, "You know, those aren't really suggestions that belong in emergency management." The committee actually wrote an attendant report that said, "Here are things that came up which are really good ideas but they're really not about provincial emergencies."

For example, there seems to have been a lot of talk about animal health. The committee said, "We should really have a chief veterinarian in Ontario to manage animal health emergencies." In fact, the government has

done that; it has appointed a chief veterinarian, as the committee suggested.

The livestock and poultry industry came to us and said, "We really need to upgrade our animal health lab facilities in this province to make sure that we have the capacity to do both the research and the testing when something presents to manage a major animal or poultry health crisis." I was absolutely delighted that in this year's budget there was \$25 million to do exactly that: to upgrade the animal health lab facilities at the Ontario Veterinary College at the University of Guelph.

Another suggestion—I have heard members of all three parties talking about this—was that we should really have an animal health act in Ontario. That's something that I understand the chief veterinarian is looking at.

There were a number of suggestions that came that were good ones but weren't really the suggestions we needed for this extraordinary provincial emergency.

As I've mentioned, all nine other provinces already have existing legislation similar to this, so the committee looked very carefully at the existing legislation in the other nine provinces. As we listened to people talk and as we looked at the legislation in other provinces, one of the things the committee decided was that if you are going to give someone extraordinary powers, you need to have a balance. You also need political accountability. That was something the committee spent a great deal of time thinking about: How do we set up a structure in which you have powers that can be used in an unusual emergency circumstance but you have an appropriate balance? This legislation does that. It provides a balance between emergency powers and political accountability for the use of those powers.

Let's look at how you get to have an emergency. As I said previously, we're sure that sooner or later there will be another provincial emergency, but we don't know whether it's going to be a health crisis, a natural disaster, a failure of infrastructure or a terrorist attack. We don't know what it is going to be, so we can't give a precise definition. What the committee did say was that if you're going to declare a provincial emergency, it has to be something so serious that the management of that emergency goes well beyond the normally existing legislative authorities; that is, you need to move outside the normal legislative authority.

That's a scary thing to do. I agree with people that that's a very heavy onus, when you move outside the normal legislation of the land. The way the authority works here is that while the Premier can declare an emergency, he must have, within 48 hours, confirmation by cabinet that this emergency should stand. If in fact the emergency declaration were to go beyond 14 days, it has to come to this place, to this Legislature, to be debated. Somebody made reference a little while ago to, "Things of this import should really be debated in this place," and that's exactly what's in this legislation. If this unusual power is going to be used for an extended period of time, in fact this Legislature must confirm that that is going to happen.

A similar thing happens with orders being given. If that's going to be going on for an extended period of time, it needs legislative confirmation. It's also possible within the legislation for the cabinet to delegate its power to the Commissioner of Emergency Management or to a cabinet minister so that decisions can be made in a timely manner. But again, if that happens, those orders have to come back to the entire cabinet to get authorization within a matter of 24 or 48 hours. So again, while you may delegate to the Commissioner of Emergency Management, a civil servant, the authority to micromanage the emergency, to give orders and respond in a timely manner, if you're going to do that, those orders have to come back to cabinet to be confirmed. So there are checks and balances in this bill.

So what are the powers that we're looking at people being able to use? What are the things that could happen in an emergency? Let me give you some examples. The bill, in a provincial emergency situation, gives the power to restrict travel or order evacuations. In fact, that doesn't exist in Ontario law right now—wholesale evacuation. So if you were to think of some major, major problem, it might be necessary to evacuate. We saw with Hurricane Katrina what happened when there was a necessity to evacuate an area with nobody in control. We saw huge confusion in that case because nobody seemed to be running the show. This bill provides the authority to evacuate in an orderly manner.

One of the issues around SARS, when we saw SARS—and this is more and more an issue because epidemics become pandemics, become international—was that there was a great concern about people travelling internationally, or even maybe travelling within the province. This gives extraordinary powers to control travel so that in the case of a health emergency, we're not spreading disease around the province willy-nilly.

This includes the ability to fix prices for necessary goods, services and resources and prohibit price gouging, and also, quite frankly, to manage who has access to supplies. So think of a couple of examples here. When we had SARS, there was a panic around people wanting to have masks; once it became clear that this was airborne, people wanted to be managing masks. There was one particular kind of mask which was much more effective than other masks. Well, the people it was most important to get those masks to were the health workers in the hospitals who were dealing with the actual people who were sick. So it was very important to make sure that the supply of masks was going to health care workers and to hospitals, not being hoarded by the general public. This would provide the authority to make sure that those necessary supplies are not being hoarded. You can think of a situation where people might be hoarding food and we might need the ability to manage the distribution of food. Certainly during the blackout—you mentioned, Speaker, that I come from Guelph. Guelph, given the way the power distribution system in the province works, was one of the very last places in the province to come up again. We were without power for

several days. The only power line that was actually working for about three days was the power line that the sewage treatment plant is on. There happen to be two gas stations on the sewage treatment plant line. We had two gas stations serving a town of over 100,000 people, and that included some of Mr. Arnott's riding as well, so there were probably about 125,000 people all lining up at two gas stations.

1620

I must congratulate the owners of those two gas stations. They did not raise the price of gas. They were very responsible. They worked very hard to keep the tankers rolling in and the gas rolling out, and they were really good citizens; they did not price-gouge. I'm not suggesting they did that, but we saw other areas of the province in which price-gouging was going on and people raised the price of gas unreasonably. But even in that case where people were being responsible and not price-gouging, you certainly had some people who had greater need of gas than other people. People whose job it was to manage the emergency and to put the pieces back together needed to be able to get to the front of the line, because it took two or three hours to get gas those three days. You didn't want the emergency workers, the people who were putting things back together, lining up for two or three hours. Somebody needed the authority to manage who was getting what supply. So those are the sorts of things that are in this bill.

Some people have suggested that somehow the bill may give the government the authority to bring in conscription. That is absolutely not true. That was something on which the committee had, again, an extended debate, because in some provinces, in fact, the emergency legislation does include a power of conscription. So the committee thought about this very carefully and said, "Should we or should we not have a power of conscription in Ontario?" We decided that that was too onerous a law, even within the realm of emergency management, to have a power of conscription in Ontario.

What this law does do, however, is authorize people who are reasonably qualified to do something to do it—although they may not be formally licensed—under emergency circumstances. So if you were to think about a pandemic situation and a lot of people sick, we might well need to have doctors come in from the east, from Quebec; or from the west, from Manitoba; or maybe even from the south, from the US, in order to help us manage that health crisis. Because doctors are licensed on a province-by-province basis, those people wouldn't normally be licensed to practise medicine in Ontario. What this act allows us to do is to temporarily license people who are reasonably qualified to do things.

Something I didn't know before we got into this is that, the way the law works at the moment, ambulance workers, who are highly qualified in terms of their paramedic skills, normally are only qualified to use their paramedic skills when working for an ambulance company. They're not individually licensed. So an ambulance worker who is qualified to work in Guelph theoretically

can't go to Kingston and help with a crisis and really be legally authorized to be a paramedic, because they would then no longer be working for their normal employer.

Those are the sorts of situations where we're legally giving people authority to do things which, as I say, they wouldn't normally be able to do. It gives us the authority to both close down public places—for example, you don't want a school operating in the middle of a crisis—and also to set up emergency shelters. So there are a number of things here which I think most people would agree are things that we need to do in an emergency, and this bill provides those powers.

The Deputy Speaker: Questions and comments?

Mr. Cameron Jackson (Burlington): I want to commend the member from Guelph–Wellington for her well-thought-out comments about this legislation. There's absolutely no question that the province needs to strengthen its ability to respond to the kinds of potential disasters and emergencies that could befall us. Having worked on the Ontario floodplain commission, I'm very familiar with the history of Hurricane Hazel. Who would have imagined, prior to the ice storm, that we would have three substantive challenges facing the people of Ontario so close together? In many respects, the province did not seem as prepared as it could and should be.

There are elements to this bill that cause concern. My first year at McMaster University was the fateful year in which the War Measures Act was implemented, and I recall it vividly. I recall, as one of the many angry young students, what it meant for our civil rights. Clearly, this legislation contains within it the suspension of a substantive number of civil rights—more invasive, I would argue, than ever before in Ontario's history. Although we can rationalize that as legislators, the measure of the success of this legislation will be the manner in which the hand of government implements it. These are extraordinary powers to suspend people or to seize people's property, to override everything from working conditions to safety issues. I remind everyone that there are laws to protect nurses who willingly put themselves at risk in these situations. Firefighters and police officers accept that as part of their profession and the need to step forward. Although we will be proceeding forward with this legislation, I think it's important that we note, for the record, that we hope that it is handled judiciously.

Ms. Martel: There are two things I want to say in response. I want to go back and spend some time quoting this to all of the members who have made comments. I really do want us to take heed of what Justice Campbell said. Justice Campbell spent a lot of time, effort and energy to do some incredible work on SARS. When he was presented with Bill 56, which essentially came after Bill 138—and we heard the minister, when he spoke, say that much of what is in Bill 56 was lifted from Bill 138—he said that the bill was “awesome.” I don't think he said that in a positive note. In fact, I know it wasn't in a positive note. For someone of his stature and calibre, someone who did incredible work on behalf of the province with respect to what went wrong with SARS and

what we need to do—when someone like that makes a comment with respect to the government's proposals for emergency measures, we'd better be thinking very seriously about why he has those concerns. That is why I'm glad the minister has said in this House that the bill will go again to committee. I certainly hope that Justice Campbell will be able to make a presentation before the committee to outline his concerns with respect to Bill 56.

The second point I want to make has to do with SARS. I'm glad that the committee had the former Minister of Health, Mr. Clement, before it. We operated through SARS without these kinds of emergency measures, and I would argue that, in dealing with a similar SARS situation again, what is going to be most critical is the state of the public health system in the province of Ontario, so I wait for the government to make some significant announcements with respect to that. For example, there has already been a major recommendation for a new public health laboratory, a state-of-the-art laboratory with all of the technology and all of the instrumentation that is required to identify new viruses and to identify vaccines. We know that there is a report that's coming with respect to recruitment and retention in public health units, because they are at the front line of what happens in so many of our communities. That's not forward yet. There's a report before the government now with a major recommendation for major investment, and that, more than anything else, is what we are going to need to deal with the next SARS.

Mr. Khalil Ramal (London–Fanshawe): Before we start, I want to thank my colleague the member from Guelph–Wellington for her thorough explanation of Bill 56. She mentioned all the details of the bill and why we need it in this province. As she mentioned too, nine other provinces already have the same bill. They tried it, and it's working perfectly for them.

It's important that these days, with all the issues facing us, like disaster, natural disaster, many different issues, terrorism acts, whatever happens in this province of Ontario—hopefully nothing will happen, but we have to have some kind of mechanism ready, in place, in order to give the government—who are, in the end, ultimately responsible for whatever happens in this province, and also to protect the people of this province.

1630

That is why this bill is so important to the government, to create those mechanisms, to put everything in place, to have the right to evacuate certain areas, to open certain places as shelters, to open some kind of warehouses for food and to call on people who have some kind of expertise to help. This, I think, is very important. At the time of a disaster or problem, you don't have time to recall Parliament to put all these pieces together; you have to have them ready before.

It's exactly as the member from Guelph–Wellington mentioned about Katrina. When that natural disaster hit, what happened in New Orleans? They had nothing in place. They had no ability to evacuate people. We heard a lot about it. It was just a disaster for the people of New Orleans.

We don't want to have the same situation and then come back and say, "We wish we did this; we wish we did that." We should have something in place. I believe it's very important to give the government the ability to act before anything happens. It's a very important bill, and that's why I'm supporting it.

Mr. Norman W. Sterling (Lanark–Carleton): I want to say that I enjoyed the comments of the member for Guelph on this particular bill. As she mentioned, the bill is a balance between what a government sees as an emergency situation and must act, and what our laws of the day provide for action without that emergency being there.

It's going to be very difficult for us to vote on this particular bill on second reading, because we haven't really heard from those people who are confronted by these very arbitrary powers that are given to very few people. I must say, given the record of leadership of this government, that it's very difficult for us to entrust these powers to people who can't keep their word.

We know this government has a very low standing in esteem with the people of Ontario. Therefore, it makes it very difficult for us to act in a responsible manner, while we sit in opposition, to say we will pass legislation to give this Premier and this cabinet decisions over our lives which are arbitrary—the right of entry, the right to tell you to do things, the right to deny you access to the courts—which they have done in legislation before in this particular Legislature. Notwithstanding that there may be a need for this kind of legislation within the province of Ontario, it is at a very poor time when the esteem of this government is so low and the trust in the government is so low with the people of Ontario.

The Deputy Speaker: The member for Guelph–Wellington has two minutes to respond.

Mrs. Sandals: I'd like to thank the members from Burlington, Nickel Belt, London–Fanshawe and Lanark–Carleton for their remarks. There was some reference to the whole issue around workers' health and safety. Again, one of the things we discussed at great length in committee was, which acts should emergency legislation have the power to override?

The recommendation of the committee, which has been carried through in Bill 56, is that the workers' health and safety legislation, which protects the health and safety of workers, should not—I repeat, not—be overridden by emergency management legislation. That prohibition on overriding the workers' health and safety legislation remains in Bill 56. I would like to assure anybody who is out there working, particularly in the health care field, that this bill does not override their rights as workers to expect that they will be, as far as possible, protected by their employer.

I would also like to note that, understanding there were some difficulties with the Public Health Act, our government has already strengthened the Public Health Act. That's one of that list of things where people said, "Here's something you need to do," and we did that in the routine legislation because it's something that applies at all times, not just during a provincial emergency.

In conclusion, I would like to emphasize that this is legislation similar to what already exists in the nine other provinces. It does improve the province's capacity to manage a major provincial emergency.

The Deputy Speaker: Further debate.

Mr. Garfield Dunlop (Simcoe North): Mr. Speaker, I just want to let you know that as critic for community safety and correctional services, I'll be doing the leadoff now. I do thank the members for agreeing to give me consent to defer it until today because of some previous commitments when the bill was called earlier.

This bill is the Emergency Management Statute Law Amendment Act, 2006, Bill 56; the long title is An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997. I'm very pleased to be able to rise today to make a few comments on the bill.

I do want to take a couple of moments and congratulate all the new members of the Legislative Assembly we have here today—the member from Nepean–Carleton, the member from Whitby–Ajax and the member from Toronto–Danforth—on their successful elections to this Legislature. I know that all the people I've talked to today are excited about the opportunities that exist here in the future. It's all part of the democratic system that allows them to be here. I congratulate their teams and all their opponents in the election, which was held on March 30.

I want to talk a little bit about emergency management and emergency planning in Ontario and go back a little bit in history and just review some of the issues, some of the incidents and some of the more serious emergencies—in my lifetime, anyhow—and reflect upon how far we've come and where we're heading with this. I do understand, listening to the members in the House here today, that there are people who have a number of concerns about the sweeping powers of this bill. But it's amazing to see how little we had in the past, in a lot of cases.

Someone talked earlier—I believe it was the member from Burlington—about Hurricane Hazel. I was just an infant at the time. I can remember, as long as my parents lived, and my grandparents, and many of the older folk around our area even today, talk about that particular disaster in the early 1950s and how really and truly unprepared the communities were for a situation like that. They hadn't seen flooding like that before. Rivers flooded all over. Even in Toronto there were a number of issues and problems. I can't recall how many people lost their lives due to Hurricane Hazel, but certainly in modern history that was one of the landmark disasters we had in our province.

The reality is that it started a lot of people in their thoughts towards more emergency planning by municipal, provincial and federal governments. As a result, there's no question that we have come a long, long way. Just after I was in my early 20s, I think, we had the Mississauga train derailment. That was the disaster in the GTA that brought probably more people together in the Ministry of Municipal Affairs and Housing, and in all the

other ministries at that point, to realize, “Do you know what? We have problems here, with all these heavily populated areas, with transportation corridors”—in this case it was the train system, and we needed to do more to identify people and to plan for any type of disaster that might occur.

1640

I recall that that was what I would consider the first real disaster in my adult life, which probably had the most impact on municipal councils and on provincial legislation as well, as they tried to plan their way through. I can recall shortly after that that all the municipalities in Ontario started to put together emergency plans. In a lot of cases, of course, they were coordinated by all the different ministries; for example, by the Office of the Fire Marshal, the Ministry of the Environment, the Ministry of Agriculture—all these organizations that stood in and helped plan emergency plans for municipalities as a direct result of the Mississauga train derailment. That happened to be one that I felt was the beginning of emergency plans in Ontario.

When we talk about train derailments, I can tell you that shortly before I got elected to municipal council for the first time in 1980, we had a train derailment in Simcoe county. At the time, it was a disaster very similar to Mississauga, only it was in a more remote area and there was not nearly the population around. We had a lot of publicity on it. The train companies and all the planning people were in place at that time and were trying to coordinate the county plan as well as the local plan—at that time, it was the township of Medonte plan.

They did an extremely good job of the cleanup of the derailment, but again, in hindsight, it was a situation where people were not informed. There were probably opportunities for a lot of propaganda or misinformation out there at that time. It was a fire type of disaster, but it was well controlled by the fire departments.

As I walk through this speech today, I want to make sure that I mention a number of these modern-day emergencies that happen in our municipalities that, when you put them all together, allow the province of Ontario and the municipalities to improve their emergency services plans.

The next disaster that I felt had a major impact on the province of Ontario happened in 1998 with the ice storm in eastern Ontario. There is absolutely no question that that happens to be one that caught a lot of people completely off guard. First of all, who would have thought we would have—you know, we often had ice storms and freezing rain, and we'd have schools closed for a day, roads closed etc. But in that particular storm, they tell me that in some cases there was actually three and four inches of ice buildup on some of the limbs on trees in the forests. It was treacherous for hydro lines. It was treacherous for our roads. People told me over and over about being down in eastern Ontario and actually being in forested areas, standing near a maple sugar bush where they would make maple syrup and just hear this enormous cracking of limbs, one after the other. It was just

mind-boggling, the type of noise it was making as these huge limbs broke off of trees as a result of the weight of the ice on them. Of course, there were people who lost their lives.

The ice storm of eastern Ontario was the first time I really heard about planning—actually of financial assistance. I was a member of county council at the time, and a lot of municipalities in eastern Ontario had a lot of huge expenses as a result of the plan. The government of the day, under Premier Harris, put a plan together that if another municipality wanted to donate to help the cause in eastern Ontario, the province of Ontario would four-to-one that. So for every dollar a municipality sent in, the province of Ontario would put in, I believe, an additional \$4 for that magnitude of disaster. That was very well received.

At that time, I was the warden of the county of Simcoe, and we were doing all of the local services' realignment work. I can tell you that that came up at a very difficult time. We were looking at what was being downloaded and what was being uploaded in all this “Who does what” stuff. At that point, we were honoured to be taking part in a program that would help our eastern Ontario neighbours. I think the county of Simcoe at the time put around \$20,000 into that pot and, as a result, with the province of Ontario's \$80,000, allowed the eastern Ontario municipalities to receive \$100,000.

That was the first one of those that I had actually come across. The magnitude of the eastern Ontario storm allowed the other municipalities to help in other ways as well by sending in hydro crews to help Hydro One—Hydro One had a tremendous problem there, trying to get hydro back on—sending in supplies, baked goods, etc. that could help our eastern Ontario neighbours. As I worked my way towards Queen's Park, that was the one incident where I recall being very pleased to be an Ontarian, to see how we did try to help our eastern Ontario neighbours at both the provincial and municipal levels. I thought we did a good job of that. Hopefully, we learned from that action as well that if there's a storm in the future, we will have learned from the eastern Ontario ice storm.

That takes me to the planning—I think we've all forgotten about it now—for Y2K. It was six years ago; it seems like it was yesterday but it doesn't seem to be much of an issue today. But if you recall, almost all the municipalities had put together plans. They were very, very concerned about this impact. We were getting these rumours from around the world that there may or may not be issues around clocks etc. as we went from 1999 to the year 2000. I can remember one of the biggest proponents in that area was my father, who was convinced that something was going to happen for sure. He had the house rewired with generators just in case the hydro went out, and he was all prepared to help other people out because his house was wired. I think it was a diesel generator he had installed, with a lot of wiring to help it along.

Today it seems like it was not a big issue, but at the time that we thought of changing over to Y2K, it was

certainly a big issue around the world. Everyone got up really early. I can recall people getting up in the middle of the night to see what was happening as Y2K came in. As it came in across the world, nothing was happening. We all felt like fools because we thought we were planning for something that was going to be maybe a disaster right around the world, and the reality was that almost nothing happened and time went on. Everybody had done a superb job of preparing for it. The computers came in without a glitch, and away we went. Today it seems like it was nothing, but at the time, if you recall, if you read newspaper articles leading up to that and media interviews, certainly a lot of people were very concerned about where we would be going as we switched over to that.

Then, of course, who can forget September 11, 2001? That is one of those days in the history of our country, in the history of the United States, in the history of the world, that I don't think anybody alive today who recalls that particular day will ever forget, or what they were doing and where they were.

I had the opportunity of being the parliamentary assistant to Janet Ecker, who was the Minister of Education at the time. I can recall one of the people coming into my office and saying, "Turn on the TV. There's something major happening at the World Trade Center." They turned on the TV, and here was this one tower burning away. Within about 30 seconds of the tower being shown on TV, a plane flew into the second tower. When I saw the one tower, my initial reaction was—you know, here we have a tower on fire—"Some plane has hit it by accident." The reality was that the United States was under attack that day. That was a day that I think even here in Ontario we were all a little bit leery of what was actually happening. Here we were at Queen's Park, and Ontario is the economic engine that basically drives the Canadian economy, and we all kind of forgot that we might even be under attack that day.

1650

I was in the Mowat Block on the 22nd floor, in the Ministry of Education. I just sat in my seat and continued to work throughout day, not thinking that maybe there were other attacks taking place, other disasters. That would be the highest building in Queen's Park, along with all the other huge buildings we have downtown. That didn't happen; it was directed at the United States. But I can tell you that was a time in our lives when we stood up and realized that as a nation, as a province and as a good friend of the United States, we had a lot to lose by terrorist attacks and terrorist emergencies that could affect our beautiful province.

After that, the economy of the province took some fairly severe damage that fall. You'll recall that that was the fall when all of a sudden people from the United States didn't travel anymore. Almost no one came to Ontario from the United States. They stayed at home.

The Premier of the day, Mr. Harris, appointed Major-General Lewis MacKenzie and retired RCMP Commissioner Norman Inkster to advisory positions to help him

with border issues, security issues, and really needed that backup. I don't think anyone had ever faced that before. At that time, if we look back to Ottawa, they were considering changes as well.

As a country and as a society, we had never seen anything like this in North America before. It became probably one of the highlights of our lives to live through that. As I said earlier, as on the day John F. Kennedy was assassinated, as long as you live you will always remember where you were on the day the planes struck the World Trade Center and the Pentagon, and the other damage that was done that day by terrorist activities.

Then we go to 2003. We were preparing for an election. All the parties here were in election mode early in the year. In hindsight, I have to give our new leader at the time and the new Premier, Ernie Eves, a lot of credit for the way he handed himself throughout that whole year. That was a very, very difficult time in the history of our province. We had one thing after another, it seemed, all year.

One of the first things, which doesn't seem major today but was certainly a major event at the time, was the west Nile virus. There was the fear of bird flu and what could happen with mosquitoes etc. that infected certain birds. The government, the Ministry of Health, were all trying to work towards a resolution to that.

Right after that, along came BSE, the mad cow disease, and the closing of the border. That also had a major impact. We sat in this House asking question after question, and in a lot of cases we didn't know any of the answers because we hadn't had that type of background or training before, here in Ontario. It was a sort of new disaster. When we look back now, in hindsight, as I mentioned earlier with Y2K, it probably doesn't seem to be that much of an activity today, but obviously at the time in the farming community it had a huge impact. Prices were driven lower, and it hung around a long, long time. And there are still today negative effects as a result of that closing of the border to Canadian beef.

Then we had SARS. SARS was probably the one area where you began to read. I have satellite at home and I started reading, and listening on the satellite through CNN, about this disease that was breaking out in the Orient. You just sort of saw clips of it, and you didn't think a lot about it. All of a sudden we had a case where we thought there could be a SARS outbreak or a SARS epidemic right here in Ontario. If we look at Bill 56 today, there is no question in my mind that the SARS outbreak is one of the key areas or key reasons why we have Bill 56 in front of us today, and a little while later we'll have Bill 138, because we started losing lives.

I have to tell you that, although I know this new bill gives us sweeping powers, right to this day I have to give so much credit to a number of people. I think of Dr. Colin D'Cunha, the medical officer of health of the day for Ontario, and Dr. Jim Young, a resident of Simcoe county who played a key role, along with our Minister of Health at the time, Tony Clement. I think one of the proudest days I ever had in this House was the day that Tony Clement and Dr. Colin D'Cunha came into the

Legislature following a trip that Tony had made along with Dr. D'Cunha over to, I believe, Geneva, Switzerland, to talk to the World Health Organization about freeing up some of the restrictions put on Ontario at that time.

That was a time, in the SARS outbreak, that brought a lot of people together. I know we lost lives, and that will always be a sad point. I want to make sure that I put on the record how sad the case was. But I have to tell you it really proved to me the level of the health care professionals we have in this province and the job they did no matter where they were, no matter which hospitals they were in, whether they were in the downtown hospitals, whether they were being drastically affected or whether they were in some of the more rural hospitals, where they had plans in place as well. Overall, I think they did an extremely good job. We have to learn from that outbreak, and of course it's one of the reasons right to this day that we have Bill 56 in front of us and we're able to debate that.

Who will ever forget what we call the other disaster, or mechanical disaster, the blackout of 2003—another whole world. The whole eastern seaboard of North America and a large part of Canada were without electricity for a number of days as the blackout occurred. I think people will recall the leadership shown at that time by Ernie Eves. That was actually his fourth disaster that year, as we headed towards a fall election. I still to this day compliment the Premier of the day, how he got on the TV, how he made sure that we tried to communicate with the general public to use less power and to bring that system back on. Then, of course, since that time we knew that the problem had been caused in the United States. Improvements have been made and will continue to be made so that if there's ever any type of blackout like that again, it may not affect as many people, because of the types of transmission safety nets that have been put in place as a result of that.

1700

I can tell you, thinking back to that blackout—I want to put this on the record—I was actually at a golf course up near Orangeville at the time, and I was supposed to go over at 6 o'clock that night to the Premier's nomination meeting for his election. We heard on the radio that there was no power at the clubhouse at the golf course. I was with the Rotary Club of Midland; they were golfing there for the day. They came out and said that the whole eastern seaboard was out. I think at that point everybody was trying to blame Ernie Eves somehow for the blackout through the whole eastern seaboard. I think the Liberals of the day and the New Democrats would have loved to have the blame put on the Premier with an election coming up so quickly. However, it was found to be, I believe, in Ohio, and we did work our way through that.

The people of Ontario deserve a lot of respect for the way they handled themselves. Sometimes there are good ideas that come out of things like the blackout, and one of them might be, to this day, conservation. We realized,

even in our own homes, how much power we actually use at times. As we tried to bring the power back on with the nuclear reactors and with the coal-fired generation, we realized very quickly that we do use a lot of power in our homes. During that blackout period and when they were bringing the power back on, they said, "Please don't use as much power," and quite frankly, I think most people realized from that point on that they didn't need that kind of power. Right to this day, I can tell you that my wife and I and our family use a lot less power as a result of the blackout that occurred in the summer of 2003. I think that would be safe to say for a lot of people. You just simply leave a lot of lights on; you leave appliances on that probably are burning too much power. It's an opportunity for all of us to conserve the valuable electricity that we have.

I'll come back to the blackout in a second, because I wanted to put on the record some of the moves the government is making in the form of energy that I think could cause another disaster if we're not careful. I wanted to touch on the last two predominantly major types of disasters that occurred, one being the Peterborough flood in the spring of 2004. There was no question that was a major Victoria Day weekend rainfall. I know that Peterborough was fortunate enough to receive assistance because they were flooded out so badly, but I can tell you it was—someone said here earlier today that it was only restricted to Peterborough. The reality is that many communities in the province of Ontario were affected that weekend by that storm: the city of Orillia, for example, in my riding; the village of Coldwater, part of Severn township. These are all places that had major floods. Peterborough was fortunate enough to get the funding. I believe they got somewhere around \$15 million to \$20 million of assistance. Other communities weren't that fortunate. They didn't get any help at all, and they've had to work their way through that. But I hope, if we have floods in the future, that the province will come to bat for all the other municipalities the same way they did for the city of Peterborough on that weekend in the spring of 2004. It hadn't been their first flood; we know that. Most of these communities that are along rivers are on flood plains. There is always the chance that there will be a flood at some point in their future.

Then we had the more recent one just last year, the tornado that went through the Waterloo–Wellington area. I thought the tornado we had in Barrie in 1985 was probably the only tornado we would ever see in the province of Ontario, because they said at the time it was a disaster that was kind of a freak of nature. We don't have tornados in Ontario, that's what we were told, and in 1985 we had one. A number of people lost their lives, and millions and millions of dollars in damage was done. I can tell you that when I heard about the tornado, the devastation that was done in Waterloo–Wellington in 1985—I guess what I'm saying is that, 20 years later, in 2006, it's clear that we can have tornadoes. These are a natural disaster, and there's a role for the province to play. There's no question that we'll probably see others

in the future as well. I guess that ties in as part of global warming, or maybe it's just a change in climate, but we're starting to see larger and more intense disasters around the world. We look at things like Katrina and the tsunami last year, and then the tornado disaster last summer in Guelph-Wellington.

I want to put something on the record for my colleague and seatmate Ted Arnott. I know Ted Arnott is a phenomenal MPP for Waterloo-Wellington, and I want to read into the record some of the comments that were made. The headline was, "Government Must Increase Funding for Tornado Devastation, says MPP Arnott."

"On August 19, 2005, two tornadoes touched down in Waterloo-Wellington. The disaster was described in the Guelph Mercury: 'Both funnels whipped up winds of 180 to 240 kilometres per hour, cutting trees in half, downing power lines, tossing cars into ditches and damaging homes and barns.'

"I am very grateful for the quick and compassionate way people from the surrounding area responded and pitched in to help us get through this," said Waterloo-Wellington MPP Ted Arnott.

"At the request of our local councillors, I urged the Ministers of Community Safety and Municipal Affairs to come to Waterloo-Wellington as soon as possible. Both of them took the opportunity to survey the devastated parts of the townships of Centre Wellington and Mapleton," he added.

"Immediately after the House resumed sitting in October, Mr. Arnott began raising the issue at the Legislature. He called for disaster assistance from the province, requesting funding on behalf of the townships of Centre Wellington, Mapleton and on behalf of the Grand River Conservation Authority.

"He demanded support from the government in the Legislature by way of three member's statements, during question period, and then in a 'late show' debate he triggered after filing a motion of dissatisfaction with the reply he had received from the Minister of Municipal Affairs. At that point, the townships had been promised \$335,100 in disaster assistance from the provincial government.

"Centre Wellington Mayor Russ Spicer publicly described Mr. Arnott as being 'tenacious' in his pursuit of adequate provincial funding for the tornadoes.

"Township of Centre Wellington Mayor Russ Spicer, Township of Mapleton Mayor John Green and" Grand River Conservation Authority "Chairman Peter Krause all wrote to the Minister of Municipal Affairs to explain that the funding promised to date is insufficient. Mr. Arnott insisted that the minister meet with the local municipal officials, and announce a 'doubling' of the provincial grants.

"After weeks of delay, the mayors received written commitments of an additional \$162,500 in provincial funding over and above the \$335,100 initially offered in October.

"We worked together to convince the government that our needs were real and merited provincial financial

assistance," Mr. Arnott said. "The government should be confident that the funding will be put to good use."

I remember my colleague Ted Arnott mentioning this on a number of occasions in the Legislature. What I wanted to point out is that we've seen a major tornado in Barrie in 1985, and we saw one last year in Guelph-Wellington. As we work toward the implementation of Bill 56, how will we define which are a provincial responsibility and which are strictly municipal? But no matter what we do as we proceed toward the implementation of Bill 56 and government programs to assist municipalities, I hope there would be a consistent program to help all municipalities in a timely fashion as they try to work their way through some of these natural disasters in Ontario.

I wanted to put Mr. Arnott's comments on the record, because he has worked extremely hard to get that assistance. He only felt that, following the great deal of money that was put into the city of Peterborough, there was no question that the community of Guelph-Wellington and the communities around Ted Arnott's riding deserved some of that assistance as well. He would have liked to see more, but Ted worked hard to get the money they did get from the government, and, as he said before, it would be put to good use.

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I did want to say that these series of disasters that I've outlined all have a kind of common theme behind them: that there is definitely no question that there is a role for the Ontario government. Of course, they cover a wide variety of areas. They cover almost all the different ministries, if you look at the Ministry of Health with SARS, and the Ministry of Community Safety and the Ministry of the Environment and the Ministry of Municipal Affairs. We need to know that whatever plan we have in place will treat all citizens equally in the province of Ontario. There should be no partisan politics played with any of these as we put together our plan for the future.

That takes me to some areas that I wanted to discuss on Bill 56. I have a number of comments that are sort of our key messaging around the bill before I wrap up with some comments on hydro. There's no question that the bill would grant extraordinary powers to the Premier and give the cabinet authority to override almost all of Ontario's laws when an emergency is declared. We have some problems with that. When I go through these key messages, one of the things I'm most concerned about in the future is that we have some good, sound committee hearings here in the province, and they should not be restricted just to the city of Toronto. Now that we've seen areas like Peterborough and we've seen flooding in different parts of the province and we've seen tornadoes, there's no question that we have to get out to all the public and debate this bill with good, solid committee hearings no matter where we go, so we can come back with the proper amendments and correct the bill the way we'd like to see it corrected. That was one power we were concerned about.

The proposed powers include the authority to compel anyone to disclose any kind of information it wants and

force citizens to be vaccinated against a spreading illness. There certainly will be concerns around that, particularly from people who don't want to be vaccinated no matter what. The government would have the power to close down any public or private place that they deemed necessary, prohibit travel and force the removal of a person's personal property. They can also regulate the use and distribution of goods and services, including water and electricity, and fix prices on goods and services. The emergency measures act seems, in our opinion, to be too broad in its scope in its current position. While proper planning for emergencies is imperative, the bill seems more about giving the government broad additional powers than proper emergency planning procedures.

The PC caucus offered to work in a collaborative way to come up with an improved bill that addressed these urgent matters in a timely manner, but that was rejected out of hand earlier.

On the background of this bill, the bill is almost identical to the committee Bill 138 that we introduced on November 1, 2004, but that was never brought forward by the government for debate. I sat as the PC caucus representative on Bill 138, and I could never understand why it was brought forward in the way it was. We formed a committee. I can't remember Mr. Colle's riding, but Mike Colle was the Chair of the committee at the time, and a number of Liberals were on the committee. It was almost as though, the way it was set up, this committee was to travel around a lot—or they thought it would be travelling a lot. It was almost like a reward for some of the members to be part of that. One of the things that I recall was that we had this plan in front of us, but we had not asked a lot of the proper people. I remember going to the committee and asking, "How come I don't see any police associations on the committee hearings? How come I don't see the Ontario Professional Fire Fighters Association on here?" The reality is that they weren't invited. It was more of a medical bill at that time. It was the medical officers of health and tended to be sent in that direction. So it was a very difficult bill to actually support at that point, and as result I lost interest in the way the bill was done. I thought it should have been dealt with the way we're dealing with Bill 56 today—having our debate in the Legislature and going back to committee. I think, if we look in hindsight, Bill 138 was probably a mistake, how it was done. As a result of that, the minister has reintroduced it.

However, the minister did make comments in the House. The minister alleged that it was necessary to replace the committee bill with this government bill because of a lack of opposition co-operation, despite the fact that our offer to collaborate on this legislation was rejected. I could never understand why the minister made that comment in the House that day. But the reality is that Bill 138 is a thing of the past. We can talk about it for days if we want, but it's not going to do us any good. The reality is that we have Bill 56 in front of us, and we have to work with that to the best of our ability at this time.

The Ontario Nurses' Association had indicated that provisions in their collective agreements provide them

with the right to safe working environments, and they expect the government to ensure that the collective agreements are upheld. The legislation does not appear to require the provisions of collective agreements to be followed in times of emergencies. We know that in the SARS outbreak, one of the top stakeholders, one of the top health care professional groups, was the Ontario Nurses' Association. I think we've all learned from a lot of the good advice they have given us, whether it's at the riding level or through some of the ONA bulletins or some of the meetings we've had with them. They've provided a lot of leadership, and of course some of them lost their lives during the SARS outbreak. We certainly need to know, whatever the ONA says, or the Ontario Medical Association, that these people are key stakeholders, and need to listen to them very, very carefully as we develop the bill and go to committee. I would be extremely disappointed if different nursing associations and fire associations and police associations were not given the opportunity to make good possible amendments to the bill. We should listen to the amendments, very carefully examine what they say, and implement them in a proper way.

The other person whose comments have come out is Justice Archie Campbell. The investigating judge on the province's response to SARS stated that the power is "awesome"—and I think the member from Nickel Belt mentioned this a little earlier—in reference to the nearly identical Bill 138. He noted that it would literally give the provincial cabinet the authority to override any other Ontario laws when an emergency is declared. I know that our former Solicitor General, the member from Leeds-Grenville, takes Justice Campbell's advice very, very seriously. Again, if we can come up with committee hearings throughout the province, I'm hoping that people like Mr. Campbell would be allowed to come before the committee and make comments and we can get the bill really right and really good by listening to their comments.

"The primary purpose of the bill is to provide emergency powers to the Lieutenant Governor in Council and to the Premier" to protect public health, safety and welfare during a public emergency. Of course, we want that to happen, and we want to make sure that no matter what happens in any kind of emergency, the safety and health of our citizens are paramount and they are allowed to get over the emergency as quickly as possible without too many roadblocks in their lives.

"The bill amends the Emergency Management Act and makes consequential amendments to the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997."

The bill "amends the definition of emergency to include dangers caused by disease or health risk," and "permits the establishment of a cabinet committee to advise the cabinet on matters relating to emergencies...."

"The bill provides that an emergency may be declared by an order of the Lieutenant Governor in Council or the Premier, if in the Premier's opinion the urgency of the situation requires an immediate order.... An order of the

Premier that declares an emergency is terminated after 72 hours unless it is confirmed by an order of the Lieutenant Governor in Council.... An order declaring an emergency may be made if the Lieutenant Governor in Council or the Premier are of the opinion that an emergency exists that requires immediate action to prevent, reduce or mitigate a danger of major proportions and that one of the following conditions exists: the resources normally available to the government cannot be relied upon without risk of serious delay, the resources normally available to the government may be insufficiently effective to address the emergency or it is not possible, without the risk of serious delay, to ascertain whether the resources normally available can be relied upon.”

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I understand that the purpose of the power to make emergency orders is to protect the “health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the Canadian Charter of Rights and Freedoms.... During a declared emergency, the Lieutenant Governor in Council may make emergency orders that the Lieutenant Governor in Council believes are necessary and essential to prevent, reduce or mitigate serious harm or substantial damage if, in the opinion of the Lieutenant Governor in Council, the harm or damage will be alleviated by the order and making an order is a reasonable alternative to other measures that might be taken to address the emergency....

“Orders may be made in respect of many matters, including the regulation or prohibition of travel to or from a specified area, the evacuation of persons and the removal of personal property from a specified area, the establishment of facilities for the care, welfare, safety and shelter of individuals, the construction of works and the restoration of necessary facilities, the procurement of necessary goods, services and resources, the fixing of prices for necessary goods, services and resources and the prohibition against charging unconscionable prices for such goods, services and resources, the authorization of any person to render services of a type the person is qualified to render and the requirement to collect, use or disclose necessary information....

“The power to make orders may be delegated to a minister of the crown or to the Commissioner of Emergency Management....” In this case, it would be former chief Fantino. “Where the commissioner exercises the delegated power to make an order, the order is revoked within two days unless it is confirmed by the Lieutenant Governor in Council, the Premier or the minister who delegated the power to make the order.... orders ... are effective for 14 days and, during a declared emergency, may be renewed for 14-day periods....

“If there is a conflict between an order and any statute, regulation, rule, bylaw or order, the order prevails. Except to the extent that there is a conflict with an order, nothing in the act shall be construed as abrogating or derogating from the powers of the Chief Medical Officer of Health. The rights of a person to bring an application for judicial review are preserved. Despite the general

provision, in the event of a conflict between the act or an order made under it and the Occupational Health and Safety Act or a regulation made under it, the Occupational Health and Safety Act or the regulation made under it prevails....

“Upon application without notice, a judge of the Superior Court of Justice may make an order in respect of the contravention by any person of an order under the act and the order of the judge may be enforced in the same manner as any other order or judgment of the Superior Court....

“During an emergency, the Premier, or a minister to whom the responsibility is delegated, must report to the public on the emergency....” Of course, we’ve done that consistently over the years, that we report to the public. Tony Clement, I believe, during the SARS epidemic held over 30 press conferences on that particular disaster at the time.

“Declared emergencies are terminated 14 days or earlier after the day they are declared but may be extended by the Lieutenant Governor in Council for one period of 14 days. The assembly may extend emergencies for periods of up to 28 days....

“The assembly may by resolution disallow the declaration of a state of emergency....” That’s a resolution of this assembly. “The Premier is required to report to the assembly within 120 days after the termination of the emergency. The report must include information with respect to making orders and an explanation on how the order met the criteria for making an order and how the order satisfied the limitations on making an order....

“Failing to comply with an emergency order or interfering with a person acting under an emergency order are offences which carry a fine of up to \$10 million for corporations, \$500,000 for corporate directors and officers and \$100,000 for other persons.” Now, we may want to revisit that in our amendments. “These fines may be further increased for convicted persons who profited financially from the offence. Individuals may be sentenced to imprisonment for up to one year....

“[No] action or other proceeding ... shall be instituted against a member of council, an employee of a municipality, a minister of the crown, a crown employee or any other individual acting pursuant to the act or an order made under the act for any act done in good faith in the exercise or performance or the intended exercise or performance of any power or duty under this act or an order under this act or for neglect or default in the good faith exercise or performance of such a power or duty. Neither the crown nor municipalities are, however, relieved of liability.... nothing done under the act or under an order under the act constitutes an expropriation or injurious affection for the purposes of the Expropriations Act or otherwise at law. Generally, compensation is not paid for loss of property except in accordance with the act. However, the Lieutenant Governor in Council may make an order authorizing the payment of costs for providing any assistance under the act or as the result of an emergency and, if a person does

suffer a loss to property as a result of an order, the Lieutenant Governor in Council may authorize the reasonable compensation of the person for the loss.”

That’s basically all of the preamble in Bill 56, what we’ll have to work our way through as we decide whether or not this is the bill we want passed in this Legislature.

Before I wrap up here, I wanted to just spend a few moments on the blackout in 2003 and where we’re going, as a province, as a result of that. I’ll tell you, we have some very interesting data that’s coming towards us on our hydro supply and where we’re going with hydro in the province of Ontario.

It seems so amazing that we had the blackout just prior to the election. One of the election promises was that the new government, the Liberal Party, would close all coal-fired generation by the year 2007, which is now nine months away—the beginning of 2007.

I recall Dalton McGuinty on Steve Paikin’s show one night. Mr. Paikin was interviewing Mr. McGuinty, and he said, “Mr. McGuinty, would you close the coal-fired generation early in 2007 or later in the year?” He looked like a deer in the headlights when he answered the question. He said, “I’d close the coal-fired generation late in 2007.” That means sometime in November or December, 2007. That’s 6,416 megawatts that we’ll have to close down. As of today in the province of Ontario, the only coal-fired generation that has been closed down is Lakeview, and that’s the one that we had planned on closing down four years ago; Elizabeth Witmer made the announcement and was at the ceremony that actually closed it. The Progressive Conservative Party’s plan for coal-fired generation was that we would close the facilities down by 2015. That is still, today, the most realistic figure we can come up with, because we have to find a way to find 6,416 megawatts in the province of Ontario.

I was really interested today: It’s amazing that the minister’s comments on wind power came up the same day we’re debating Bill 56, we’re talking about blackouts and all that sort of thing. One of the things that really was amazing is that the government is counting on the total capacity of the wind power generation as fact. This all ties in to our need for power, so we don’t have another blackout, another natural disaster. To date: Melancthon Grey wind project, which is 67.5; the Kingsbridge wind project, 39.6 megawatts; Erie Shore’s wind farm, 99 megawatts; the Prince wind farm, 99 megawatts; and the Blue Highlands wind farm, 49.5. That’s a total of 354.6 megawatts. The minister keeps saying that’s how many megawatts she has coming on-stream.

1730

The reality is that in this book put out by the Independent Electricity System Operator—which I think is a government body, part of the old Ontario Hydro—it says, under an asterisk at the bottom, “For capacity planning purposes, wind generation has a dependable capacity contribution of 10% of the listed figures.” So of the 354.6 megawatts that Minister Cansfield talked about today,

according to our own Independent Electricity System Operator, we really only have 35 megawatts, if you consider 10%.

The reason is that we can never shut down the other systems. We can’t shut down a nuclear reactor and use all 354 megawatts. We can’t shut down a power dam. We can’t shut down a natural-gas-fired system, because it takes too long to fire them up. Even if we bring all these wind turbines on stream, we still have to leave all the other ones in place. So not only do we have to replace 6,460 megawatts of coal-fired—we should even maintain that, or replace it with something other than wind, because the wind turbines certainly don’t have the ability to work all the time. If you have a hot summer day—30 or 35 degrees Celsius outside—and there’s no wind, there’s no wind power. There’s no turbine going to operate that will feed our air conditioning systems across the province of Ontario.

The same thing applies to the ones that she has planned. The Wolfe Island wind project, the Leader wind project A, the Leader wind project B, Prince II wind power, Kingsbridge II, Ripley wind power project, the Kruger energy port and the Melancthon II wind project total 955 megawatts. The reality is that, under the Independent Electricity System Operator, they will only have a total capacity, probably, of around 130.9 megawatts, if you take into account the fact that this booklet says they’re only at 10% of capacity.

My concern is that we’re creating this illusion out there that we’re doing all these wonderful things in power. I’m very, very concerned that if they do close those coal-fired generators down in 2007, like they promised they would to the citizens of the province of Ontario, we won’t have nearly enough power to operate in the province and we will be in a serious blackout right here in Ontario.

Up our way, we’ve got a couple of projects, one by a company named Ventus Energy. They’re one of the companies that want to put wind power into Simcoe county; apparently there are a couple of proposals there. I understand now that a guy by the name of David Peterson is one of the members of the board of directors. I hope that’s not the David Peterson that was the Premier here. In my opinion, his ties to the Liberal Party would make this very, very uncomfortable if we go towards awarding contracts to this company. I believe that the contracts will be awarded for a 20-year period at 8.5 cents or nine cents a kilowatt-hour. My understanding, talking to people who have a lot more knowledge about wind turbines than I do myself, is that they stand to make a fortune out of this over the next 20 years, because the first 10 years will pay off the cost of the turbines.

If there’s anything we can do around electricity, because it has such an impact on emergency planning in the province of Ontario, if there’s anything we can do whatsoever, it’s to make sure we tell the people in the province, our citizens, that wind power may be wonderful—everybody wants to have their energy come from green, if it possibly can—but let’s not put them under an illusion that there’s something seriously wrong here, and

we're spending millions and millions of dollars for only 10% of the capacity they actually perform at. That scares me, particularly if someone is foolish enough to actually close down that coal-fired generation in 2007, as Dalton McGuinty promised in his Liberal platform. That is a scary thought.

I understand that they're going to put one on hold—I think it's Atikokan, or maybe Nanticoke—but the reality is, if we close the other three, we're still in a serious problem. If we thought we had a blackout and emergency planning was required in the summer of 2003, God only knows what we'll need if we shut that coal-fired generation down without a proper, adequate supply of electricity for the future.

Mr. Speaker, my time is winding down. I'm quite sure you've heard enough of me, unless you want to give me more time. I can carry on with some of this hydro stuff.

One comment I want to make is that I'm listening to my good friend Dr. Jim Young, who says that we do need changes. Okay?

I look forward to going to committee. I look forward to listening to everyone from civil liberties to policemen to firemen, to all the people in the hydro system. I want to make sure we get this bill perfect. I hope that the government will listen and we'll have good committee hearings around the province, and I look forward to being part of those committee hearings. Thank you so much for this opportunity.

The Deputy Speaker: Questions and comments?

Mr. Peter Kormos (Niagara Centre): Shortly—in fact, in around 10 minutes' time—Shelley Martel, the member for Nickel Belt, will be addressing this bill from the perspective of her constituents up there in Sudbury and the Sudbury area.

At the end of the day, emergency management is all about preparedness and emergency management is all about what's out there on the ground capable of responding in an appropriate, timely and safe way. You can't talk about emergency management, like this government is trying to do, without addressing real needs in municipalities across Ontario for adequate staffing and resourcing of police forces, firefighting services, paramedics and, I say to you, nurses, nurses, nurses and the other related health professionals. You want to talk about emergency management? Then talk about making sure that every emergency room in this province is capable of handling the deluge of patients that will confront it in the event of a regrettable catastrophic event. You want to talk about emergency management? Make sure that our firefighting services are adequately staffed and resourced.

We know that hard-hit, downloaded-upon municipalities are increasingly harder and harder pressed to fund even those core services when it comes to firefighting, yes, and policing: 1,000 new police officers. In the year after year after year that that promise hasn't been kept, the demand, the need has risen to almost 2,000 police officers. Again, that's just for core service delivery, not for responding to catastrophic and exceptional events.

We insist that this bill go to committee. There is a strong public interest in this government's failure to meaningfully respond to the prospect of a crisis or a catastrophe, and we want the public to have its say too.

Mr. Balkissoon: I want to thank the member for Simcoe North and the member for Niagara Centre for their comments. I just want to say that it's nice to hear that the member for Simcoe North believes that the province has to play a role in disasters and he believes that we need this legislation. But I just want to provide a little bit of clarity to a couple of statements he made that is clearly stated in the bill.

There is no place in this bill that says the government will have the power to force vaccinations, as he stated. I just want to make sure that is clear and understood by everyone. It's also very nice that he read sections of the bill, and I'd like to repeat that subsection 7.0.6(2) clearly states that the chief medical officer's role will remain as is, per legislation under this act, and subsection 7.0.6(5) says that the Occupational Health and Safety Act will remain in force and does not affect any worker who is involved in emergency work during a declared disaster.

He read all these clauses, and it's clearly stated that the government is being accountable. The Premier has to report to cabinet. The Premier has to report to this House.

But I just want to make sure I clarify something too that he mentioned about health care workers, especially nurses. There's no place in this act that says that health care workers will be forced to work. There is no place where the act actually says that. In fact, what the act says is that the Employment Standards Act will be amended to allow workers to go on leave if there is an emergency declared and it affects their workplace. The only thing that will happen is the province's pandemic—

The Deputy Speaker: Thank you. Questions and comments?

1740

Mr. Norm Miller (Parry Sound—Muskoka): It's my pleasure to add some comments on the debate this afternoon on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997.

We just had our leadoff speech from the hard-working member from Simcoe North, who spoke for an hour on this bill. Toward the end of his speech, one of the points he brought up was the emergency that is being created in this province by this government, by its irresponsible plan to shut down coal-fired generation in the province before it has an adequate supply of electricity to replace that coal-fired generation. I can tell you that there's an emergency being created in northern Ontario. Every week there's another paper mill, another forestry company announcing layoffs or slowdowns.

When they talk about some of the recent announcements to do with electricity and solar power at a cost of 42 cents a kilowatt hour or wind power at a cost of 12 cents a kilowatt hour, I can tell you that will not sustain the economy of the province.

Originally, their plan was to shut down coal-fired generation in 2007; that was the first announcement. That

has now been backed up to 2009, and I hear rumours of maybe 2011. Of course, that's well beyond the next election, so this will be another broken promise, thank goodness, that this government will not be able to keep.

In today's world, we are seeing many new types of emergencies arising. We had SARS, we had the black-outs and we've got threats of avian flu. The next emergency is probably going to be something we won't think of. So there is a need for legislation. We support this legislation, but we want to see that it's balanced. We want to see that it goes to committee and that there is full public input so that we get this bill right.

Ms. Martel: In response to the comments by the member from Simcoe North, let me reinforce that we are pleased that this bill is going to committee, because it does need to have a much broader set of eyes taking a look at it. The member from Simcoe North talked about some of those very folks who would be responsible to provide emergency services on the front line as some of the groups that are most necessary to have a second look at this and to come before the committee and make their comments.

I have had concerns relayed to me by the Ontario Nurses' Association with respect to the bill, for example, which I will be reading into the record a little bit later when I get a chance to speak, but I assume that we would hear similar concerns around the whole issue of human resources, human resources planning, adequate staffing and training of those front-line folks we're going to rely on most heavily in the event of an emergency. Of course, it includes nurses, police officers, firefighters, paramedics and other emergency services personnel.

Frankly, I would also be very interested to hear what Justice Campbell has to say, because he has had a chance to look at the bill. I will be making some contrasts between some of the concerns he raised about Bill 138—about what was missing—and whether these have been addressed in Bill 56. I don't believe they have, and I will be making that point. But he and others deserve an opportunity to come forward and really make clear what they think about what, from our perspective, are some pretty serious powers—new powers, exceptional powers—that appear in the bill, whether all of them are wholly necessary and whether some restrictions can be applied to curb some of the changes that have been proposed by the government. But that is only going to happen with public hearings, and I'm glad the minister has agreed to those.

The Deputy Speaker: Member for Simcoe North, you have two minutes to respond.

Mr. Dunlop: I'd like to thank the members from Niagara Centre, Scarborough—Rouge River, my colleague from Parry Sound—Muskoka and my colleague from Nickel Belt for their comments on the leadoff.

We can talk all day about types of emergencies. Every time we've had emergencies in our province, a select group of people helped our citizens. Whether it's a large-scale emergency or even on a smaller scale, they help and do a phenomenal job. In a lot of cases, they're volunteers,

like firemen or people who go in and help; municipal employees, in the case of an emergency. But I've got to tell you that in all the emergencies we've had—for example, SARS, where we counted on our health care professionals, flooding or where we count on the police over and over again, the paramedics or the fire departments—they do a phenomenal job. We don't realize how lucky we are in a society like we have here in Ontario to have all these resources available to our citizens, people who put in a lot of time and a lot of effort. As critic for community safety, I just want to say how important it is that we acknowledge during this debate the fine work that's done by all of our emergency volunteers and our emergency employees who keep our society safe and who in a lot of cases will provide the assistance and the knowledge to help create this legislation.

I hope that we can go to committee, have good, solid committee hearings and get this bill right. It will be a good foundation for the next few years as we work towards better emergency planning in the province of Ontario.

The Deputy Speaker: Further debate? The member for Nickel Belt.

Applause.

Ms. Martel: The cheque's in the mail, folks.

I'm cognizant of the time, so I'm going to get started in this debate. I'm not going to be able to finish, so I'm trusting that you're going to give me a bit of leeway to stop at an appropriate time rather than right in the middle of some of my remarks. I hope you can bear with me and allow me some leeway to do that.

I want to start with something the minister had to say, which was that a lot of what was in the previous Bill 138 found its way into Bill 56. I won't go through the process of Bill 138 and how that led to Bill 56. Mr. Kormos, my colleague who is critic for this area, had a great deal to say about that Bill 138 process and how flawed it really was, but I do think it's important to reiterate the shortcomings of the bill. I would have hoped that the minister had learned from the experience of Bill 138 and the concerns that were expressed about it and brought forward a new Bill 56 that would have addressed some of the shortcomings in Bill 138. I don't think that has taken place.

I want to start my remarks by going back to some comments that were made by Justice Archie Campbell, who was very highly critical of the Bill 138 that came out of committee. He said the following: "The essence of the commission's concern"—that is, the SARS commission that he was working on—"is that the unusual process of proceeding to a draft bill of such profound legal importance, without prior policy and operational analysis by departments of government and without prior legal and constitutional scrutiny by the Attorney General, deprived the bill of the solid underpinnings that ordinarily precede the development of any important piece of legislation.... A sober second thought is now required."

One would have hoped that, based on that analysis by Justice Archie Campbell, the government would provide a sober second thought and would bring forward a second

bill, Bill 56, that would respond to some of those concerns. I want to highlight the areas where in fact there is very little difference between Bill 138 and Bill 56 and where our concerns—and I suspect Justice Campbell's concerns—still remain. Let me deal with a number of them.

First of all, voluntary compliance: A lesson from SARS is that advance planning for emergency health compensation is vital. There has been a recent US study that has shown very clearly that loss of income was the number one barrier for people voluntarily complying with emergency orders. The SARS commission recommended that any emergency legislation should, and I quote, “require that every government emergency plan provide a basic blueprint for the most predictable types of compensation packages and that they be ready for use, with appropriate tailoring, immediately following any declaration of emergency.”

Bill 56 does not address this recommendation from the SARS commission appropriately. The bill does set out conditions under which employees are entitled to a leave of absence, but that leave of absence is without pay, during an emergency. That is quite contrary to what Justice Campbell recommended after he did the work he did on the SARS report. One would hope that given that he was asked by the government to look at the shortcomings in the system as a result of SARS, what we could have done better and what we should do better the next time, the government would take heed of this recommendation that says very clearly that emergency plans have to provide compensation that has to be put in place. That is a flaw in Bill 56, and it needs to be dealt with.

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Secondly, prevention, preparedness and co-operation: Without preparedness, emergency powers are of little use. Specific emergency plans are required for specific threats; generic plans are not enough. In this regard, the SARS commission actually made several recommendations regarding coordinated emergency plans: ensuring the integration of all emergency plans; requiring that every emergency plan specify clearly who is in charge—who does what; clarifying the rules around the administration of and compensation for seized property; and clarifying the legal effects of emergency powers.

Regrettably, Bill 56 does not deal with this very important set of recommendations from the Campbell Commission adequately. It leaves, “the implementation of any emergency plans formulated to cabinet orders, and doesn't specify very much at all in the way of any further requirements after that.” I remind you what Justice Campbell had to say: that the plans should be integrated, that every emergency plan specify clearly who is in charge, that we have rules around administration of and compensation for seized property. So the bill fails in this regard to deal with some of the recommendations that came from the commission, and these changes have to be addressed through the course of public hearings and clause-by-clause.

Number three, who is in charge? It is essential, during an emergency, that the public and those who are fighting the emergency know who is in charge. The SARS commission report stated, “It is essential that the chief medical officer of health be in charge of medical decisions, medical advice and public communication about health risks and safety; that the Commissioner of Emergency Management be in charge of all other matters, and their respective roles be clear.”

The SARS commission report recommended that emergency management legislation be very clear that the special powers that are available in an emergency are in addition to the powers that are found in the Health Protection and Promotion Act, and the declaration of an emergency does not prevent the continuing use of the Health Protection and Promotion Act and the powers found within.

Again, Bill 56 does not address this recommendation adequately. It does acknowledge the continuing rights and roles of the chief medical officer of health, except to the extent that there is a conflict with an order under the new bill—so again, a clear recommendation from the commission to clarify who is in charge of what, and what those specific responsibilities are. Bill 56 goes some way to addressing that, but not all the way with respect to the recommendation that was made in the Campbell report. That needs to be addressed.

The role of the chief medical officer of health: The most important thing in a public health emergency is public confidence that the medical decisions that are being made are being made by a trusted independent medical leader, such as the chief medical officer of health, free from any kind of bureaucratic or political pressures. It is why, when the amendments were made to the Health Protection and Promotion Act, New Democrats argued that the new chief medical officer of health should be independent of government. She should not be an assistant deputy minister in the way she is. I very much like Dr. Basrur. I respect her judgment. However, one of these fine days, her role as chief medical officer of health and her role as an assistant deputy minister of public health in the Ministry of Health will come into conflict and that will cause a lot of chaos and may well undermine the confidence that we have in the decisions that are being made. She should have been independent. Her only role, her only important role, should have been as the chief medical officer of health, independent from government. I regret that that is not the situation.

The SARS commission report recommended that emergency legislation provide that the chief medical officer of health have clear primary authority in respect of public health aspects of every provincial emergency, and it recommended clear lines of communication between the Commissioner of Emergency Management and the chief medical officer of health. However, under Bill 56, the Commissioner of Emergency Management appears to be given primacy in all emergency situations and there seems to be no requirement for the two offices to exercise their authority in consultation with others.

That has to be addressed during the public hearings and during the clause-by-clause.

With respect to specific public health emergency powers, the SARS commission report recommended that every proposed emergency power, before it is enacted, be thoroughly subjected to stringent legal, practical and policy analysis and that the evidence in support of each power be presented in a comprehensive fashion before it is enacted. The report also recommended that "Bill 138 be subject to a fundamental legal and constitutional overhaul" by the Attorney General's office to ensure that it meets the necessary legal and constitutional requirements regarding some of these very specific powers.

Most of the powers remain in Bill 56. There have been some minor wording changes to bring the intended powers in line with existing statutes, but there is no evidence in the bill of the analysis that may have been undertaken before instituting emergency powers enabled by this legislation. Again, if you look at what the chief justice had to say, he was very concerned about the powers that were found in Bill 138 and very concerned about the prior legal and constitutional scrutiny by the Attorney General, and my concern is that not much has changed in moving from Bill 138 to Bill 56 in this regard. If Justice Campbell comes before the committee, I expect that he'll have something to say in that regard.

Bill 138, the "power to override provincial laws": That's under the old bill. What has changed with the new bill? Under the former bill, there was an override power which states that orders under the emergency management legislation prevail over all other rules. The SARS commission report recommended that the government amend the override power in order to do a couple of things: (1) clarify whether the override power affects collective agreements; (2) protect our fundamental legal statutes, such as the Human Rights Code, against an emergency override; (3) clarify whether a journalist or a lawyer who refuses to disclose confidential information or the identity of its source is liable to the penalties provided; and (4) clarify that the override power does not constitute a constitutionally impermissible delegation of legislative powers to public officials.

Bill 56 does not amend the override provision in Bill 138, nor does it give it more prominence in the statute. There is no mention of collective agreements at all despite the fact that Justice Campbell said very clearly in his report that there is a need to protect employees' rights and collective agreements during emergencies. It was one of the recommendations he made, and that does not make its way into Bill 56.

With respect to personal information, the section on offences does now limit the use of personal information during an emergency and clarifies that FIPPA applies as

soon as the emergency is declared to be over. So there are some minor changes, but certainly not a major change around collective agreements, which was clearly articulated by Justice Campbell, as well as some of the override concerns that still exist.

Let me deal with the power to implement emergency plans. The SARS commission report argues that under Bill 138, "The power ... to 'implement emergency plans' is at best ambiguous and at worst lacking in transparency." The quote is, "Arguably what the provision really provides, through the opaque technique of incorporation by reference, is a series of blank cheques which authorize public officials to do anything they see fit so long as it is written down in some plan."

The SARS commission report recommended that there be no hidden powers other than those explicitly set out in an emergency planning bill, and "provide that every emergency plan requires protocols for safe and speedy court access developed in consultation with the judiciary, and that the Courts of Justice Act be amended to ensure an early hearing for any proceeding under or in respect of emergency legislation." Regrettably, the same wording that Justice Campbell had concerns with in Bill 138 seems to make its way into Bill 56. Again, there have to be some changes in that regard.

One final point with respect to the basket clause: At the end of its list of emergency powers, Bill 138 provided a basket clause to catch and include any powers similar to those expressly provided that may prove necessary. Most emergency statutes contain such a clause. However, unlike most statutes, "Bill 138 does not impose any reasonableness standard. Indeed the requirement of reasonable grounds is strikingly absent from Bill 138 as a whole."

So the SARS commission recommended that the basket clause be reviewed on the basis of reasonable apprehension. Regrettably, this concern is not addressed in Bill 56. The original provisions that Justice Campbell had a problem with still remain in Bill 56.

Speaker, you're giving me the nod to wrap up, and this is probably a good time for this particular section. There are a number of concerns that remain that haven't been dealt with, that haven't been fixed from the old Bill 138 to the new Bill 56, and they have to be during the course of the public hearings.

When I speak again, I will talk about some of the very specific concerns that the Ontario Nurses' Association has.

The Deputy Speaker: It being 6 of the clock, this House is now adjourned until 6:45 of the clock.

The House adjourned at 1800.

Evening meeting reported in volume B.

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