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Monday 8 May 2006

Lundi 8 mai 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 8 May 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 8 mai 2006

The House met at 1845.

ORDERS OF THE DAY

PROVINCIAL PARKS AND
CONSERVATION RESERVES ACT, 2006

LOI DE 2006 SUR LES PARCS
PROVINCIAUX ET LES RÉSERVES
DE CONSERVATION

Resuming the debate adjourned on May 2, 2006, on the motion for second reading of Bill 11, An Act to enact the Provincial Parks and Conservation Reserves Act, 2005, repeal the Provincial Parks Act and the Wilderness Areas Act and make complementary amendments to other Acts / Projet de loi 11, Loi édictant la Loi de 2005 sur les parcs provinciaux et les réserves de conservation, abrogeant la Loi sur les parcs provinciaux et la Loi sur la protection des régions sauvages et apportant des modifications complémentaires à d'autres lois.

The Acting Speaker (Mr. Michael Prue): The member who had the floor on the last occasion is not here today, so we'll go to the next on the rotation. The member from Simcoe North.

Mr. Garfield Dunlop (Simcoe North): I believe we're now in our fourth day of the debate on Bill 11, An Act to enact the Provincial Parks and Conservation Reserve Act. What I would like to put on record today are a few comments about my riding of Simcoe North and the four provincial parks that I have in the riding, as well as make a few comments about some of the adjoining parks.

I have to tell you right up front, I'm someone who is a very, very strong supporter of Ontario parks. I know, just to sort of compliment the Ministry of Natural Resources, that each and every year they put out a calendar at the beginning of the year, and this year two of the parks in the calendar—one was the Awenda Provincial Park near Lafontaine in my riding, and the other was a nearby park, Six Mile Lake Provincial Park, which happens to be in my colleague Norm Miller's riding, who is also the critic for the Ministry of Natural Resources. We're very happy. I know it doesn't seem like a lot, but as I passed the calendar around and showed people, they were very proud that they were chosen as a couple of the most scenic parks in the province of Ontario.

I'm fortunate, as I said earlier, that I do support this legislation, and anything we can possibly do to strengthen our Ontario park system is an area that I would be pleased to support at any given time. But I want to put on record that in my riding I do have the Awenda Provincial Park, which is at Lafontaine. It's a park that I can tell you is huge in size. It has three beautiful beaches on Georgian Bay. Part of the Awenda Provincial Park is Giant's Tomb Island, which is one of the gems of Georgian Bay. It's an island that has remained basically natural. At one end of it there are a few leased lands and a few development sites for potential cottages or some types of homes in the future, but they're very few in number. This is one of the more beautiful islands in Georgian Bay and it's all part of the Awenda Provincial Park system. We're very pleased that that is in the riding. Each and every year that park draws capacity crowds all summer long, starting this weekend, I believe, or maybe it was last weekend. But right away, anyhow. This time of the year we get tremendous numbers of people up through that area for camping, and they have all the accessories to accommodate camping in that area.

1850

As well, I wanted to point out that I'm pleased that near the city of Orillia I have the Bass Lake Provincial Park, which is a park that is more—I guess if you could say anything, it's more of an urban park because it's near a city, but it draws a lot of campers as well. Bass Lake is a beautiful little lake just outside of Orillia. The staff at the Bass Lake park provide an excellent service to the community, and I can tell you that it's a park that gets booked up fairly quickly because they have a lot of services there and people have done an excellent job of providing those services to the general public. It's a park that has seen a lot of improvements over the year, with comfort stations and more improved campsites, that sort of thing, and it's also on a beautiful body of water.

If I go to the eastern end of my riding, I have the township of Ramara, and in the township of Ramara we have the McRae Point Provincial Park and the Mara Provincial Park, not too far apart, both beautiful parks on Lake Simcoe. Neither one of them is too far from Casino Rama. That's not to say that people go to the casino and then to the campground, but I can tell you that they add to the draw of that area for tourism. So we've got this huge casino that draws in 12,000 people per day to gamble and then to be provided entertainment. On top of that, we also have a number of beautiful campgrounds in that area, including these two. Both of those parks look

out on Strawberry Island, and if you recall, Strawberry Island is the location where, in 2001, the Pope came on his visit to Ontario.

So I wanted to put that on the record, that in the riding of Simcoe North we're extremely pleased that we have four beautiful provincial parks to help tourism, to help the environment, to help naturalists. People are proud of the provincial parks in my riding. As well, they employ a number of people, both students and some year-round help, who do an excellent job.

I'll be supporting the bill. I think that anything we can do in this House—of all the things that should be non-partisan, it should be our provincial park system, our natural heritage systems, areas of the province that attract people and give people a sense of the strength of the province of Ontario with these beautiful parklands and our natural heritage legacy. Thank you for the opportunity to speak to this tonight. I think my time is almost up, and I would appreciate hearing any comments on my speech here this evening. Thanks so much.

The Acting Speaker: Questions and comments?

Mr. Peter Kormos (Niagara Centre): I'm going to be able to speak to this bill in but a few minutes' time. Regrettably, we have only 10 minutes permitted us to speak to a bill that is not insubstantial. That is a sad reflection on the state of affairs, conditions, here at Queen's Park, where you've got 103 elected members, but for one who's moving to Quebec, who still expects to be an elected member—well, Mr. Kennedy, I trust, still expects to get his paycheque; one Gerard Kennedy, who doesn't have enough confidence in the French-as-a-second-language programs, the FSL programs in any number of community colleges.

Come on down to Niagara College, take the FSL program there. He can do it at night in a Bill 8 community, where we have a strong francophone—18%-plus of our population is francophone. So I say to Gerard Kennedy, don't abandon Ontario in the course of your political ambitions. Stick with the folks that brung you here. Dance with the people who brought you to the soiree. So I find it regrettable that 103 of us, shy one, Mr. Kennedy, who's off to Quebec to study French, with his family—he's going to rent a house, as we're told, going to settle in. He's moving lock, stock and barrel, and he's still going to sign those paycheques at the end of the month, on the dot. He's still got his office here at Queen's Park and he's got his office down there in Parkdale-High Park.

Ms. Shelley Martel (Nickel Belt): Is he getting paid?

Mr. Kormos: He's getting paid. He's pocketing the cash—no qualms about that. Has he no shame? It's incredible. Sometimes I'm still amazed by what I witness here.

Mr. Dave Levac (Brant): I'm glad the member from Niagara Centre spoke about Bill 11. It was very refreshing and quite animated.

One thing he did mention to us was the time on task. Let me remind him—I know he wants to be fair about this—that we've had four days of debate on this bill.

There is a rule that says that when you get down to the seventh hour, you're only allowed the 10 minutes, so I'm sure that he would want to have that clarified for people, to let them know.

Quite frankly, straight to the member who spoke for his time, I appreciate the debate. I understand that he takes care of his riding and he's got some beautiful parks up there. He knows that when I went up there, we did visit them, and they are absolutely, knock-dead gorgeous. I want to thank him for pointing that out to us in today's debate.

Mr. Norm Miller (Parry Sound–Muskoka): I'm pleased to add some comments to the speech from the member from Simcoe North, who seemed to be mainly promoting parks in the riding of Simcoe North. You can't blame him for promoting the beautiful area of Simcoe North, but I would like to point out to the member that there are far more parks in the riding of Parry Sound–Muskoka—many more parks.

Mr. Levac: The battle's on.

Mr. Miller: Well, I haven't actually counted. There are at least 60 parks—probably more than that—in Parry Sound–Muskoka—some beautiful parks. A lot of them are important to their communities as well. There's Arrowhead Provincial Park, right near the town of Huntsville, which is used by a lot of the local people and visitors to the area. It has some recreational activities like camping, cross-country skiing and others. Mikisew Provincial Park is in the township of Machar. I've met with the Machar councillors and mayor, and they're quite concerned about getting Mikisew open earlier and also getting it on the provincial reservation system. I believe it's on the reservation system for camps, but it opens quite late in the year: It doesn't open on Victoria Day weekend, when a lot of the other ones open. Because it is so important for the township of Machar in terms of the economic activity it generates, they'd like to see it open earlier.

This bill we're talking about is not just dealing with parks that are higher-use parks, where camping is allowed. There's actually six classifications of parks and conservation reserves, the most remote and not touched by humans being wilderness class parks. There are actually wilderness class parks, nature reserve class parks, cultural heritage class parks, natural and environment class parks, waterway class parks and recreational class parks, plus conservation reserves.

We're looking forward to this bill going to committee so that anyone with an interest in it can make their points and viewpoint known.

Ms. Martel: It's a pleasure for me to participate in the debate. I just want to indicate that I'll have the opportunity to speak to it here in a few minutes, after my colleague from Niagara Centre participates in the debate.

I think the important part is to note that we in the NDP do understand that after 50-some years it makes some good sense to have a revision of the parks act. There has been enough change in the technology and scientific background to give us a much better perspective about

how we need to manage, look after and better care for our protected areas.

To that end, we owe a great deal to both the MNR staff, who have done great work in this area, but also, frankly, to a lot of community-based organizations and provincial organizations who have essentially never let up in encouraging the government to have some more protected areas, to bring the best scientific information forward that would provide a good, sound reason for those areas to be protected. To those folks who have, for many years, lobbied various governments for more protected spaces, for better use of scientific information to protect those spaces—my hat's off to those people, who I hope were involved in the process of consultation that went on before the bill came forward and who will be able to come and give their perspective once this bill goes to committee, because I understand that is where it is headed.

We do recognize the need for change. We recognize there have been very significant changes in scientific understanding that would support the necessary change, and we hope that during the course of the public hearings there will be some good information that comes to those who sit on the committee to really flesh out how that needs to be done in the best possible way in the province.

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The Acting Speaker: The member from Simcoe North has two minutes in which to respond.

Mr. Dunlop: I thank the members from Nickel Belt, Niagara Centre, Parry Sound–Muskoka and Brant for all of their comments on my short speech.

I just wanted to say that I concentrated on my riding. You have to remember in this House that the people who elected you come from your riding. I can tell you, as the MPP for Simcoe North, that we have a lot of different provincial issues at any given time, but something that very seldom comes to our office, or offices in a lot of rural parts of Ontario, is complaints about our provincial parks; it simply doesn't happen. I think all governments have done a fairly good job of allowing the ministry to operate the Ontario parks program. I consider them to be jewels in our ridings. They employ people. They are a natural attraction to citizens from other parts of the province who like to come to visit or to camp or just to see some of the natural heritage systems that occur in the provincial parks.

I don't think there's anything wrong with someone standing in this House and bragging about their riding and bragging about the parks, even if your colleague gets up and thinks he's got a better riding and a better group of parks in his riding. That's all part of the reason we're here, to tell people what beautiful things we have in our ridings. I consider the four provincial parks in my riding, as well as a number of other parks that we have, like the Copeland forest and thousands of acres of crown land—these are all areas that are government-controlled as well. They all contribute to a great parks system, and I'm proud that I have an area that has a number of them included in it.

The Acting Speaker: Further debate?

Mr. Kormos: There's no two ways about it: Our provincial parks are an incredible provincial asset about which all Ontarians are extremely proud, whether it's in southern Ontario—the types of conservation parks we have down where I come from, along the northern Lake Erie shore, Turkey Point and places like that; Mr. Bradley knows them well—or whether it's those parks as you get into the near and then farther north. Increasingly those parks become the wilderness parks, the wilderness areas. As proud as I am about those parks and what incredible assets they are for Ontario—assets that have to be treasured, valued and maintained—I'm as proud, if not prouder, of the women and men who work in those parks, OPSEU members who work incredibly difficult jobs with great dedication and great passion.

Just last summer, late in August, I had occasion to attend a gathering of OPSEU workers in Algonquin park. It was just down Highway 60, right around Whitney, that I met with OPSEU members who worked in Algonquin. At the end of the summer season they had a little gathering. They got together and welcomed some of their retirees. I was fortunate to be amongst them, especially since that was the local of Ethel LaValley, president of that local and one of Ontario's great trade unionists, an outstanding woman trade unionist, an outstanding woman aboriginal Canadian trade unionist. You know her, as most folks do, as one of the vice-presidents of the Ontario Federation of Labour, until her recent well-deserved retirement. Leah Casselman was there too, and a whole lot of other OPSEU folks for whom I have the highest of regard. These are the people who work in the parks, who keep them safe, keep them clean, keep them pristine. They keep people safe who are in those parks as well.

I want to address, however peculiar you might find it, the whole issue of wilderness parks, because this legislation, so apparently benign, as the government would have us believe, has attracted a considerable amount of attention from people across Ontario, but notably, in the context of what I have to say, from folks down in southern Ontario and in urban Ontario. There are people who travel great distances. I know folks who drive up to the Atikokan area to Quetico, truly one of the world's great wilderness areas. This is an annual event for them and so many others. The people who go up there are people who have incredibly busy, intense lives, who work jobs that have long hours and who, when they have the opportunity to spend a couple of weeks in Quetico, just find it an incredibly refreshing experience. It has a satori quality to it.

Why I mention that is because—and, look, I've driven past and through Quetico, because I've driven past and through Atikokan any number of times, like I'm sure so many other folks here have, but the concern that was expressed was the rather surreptitious reference in the new definition of “wilderness class parks,” the objective, which, to the shock, dismay, horror and disappointment and in a most frightening way told Ontarians that rather

than being a wilderness park—and I looked at the definition on the ministry’s website: “Wilderness parks are large areas left to nature where visitors may travel on foot or by canoe.” Look, don’t go there if you’re not prepared to do some hard work, if you’re not in reasonably good physical condition, because if you’re travelling on foot or by canoe, you’ve got to do the portaging, the lifting, the carrying and the climbing. “Offering little, if any, facilities for visitors, these areas provide the solitude of an undisturbed natural setting.”

They are indeed pristine. In fact, what you can bring into them—you can’t bring bottles. You can’t bring the sort of things that would constitute refuse that would be left behind, that would stay there for however many years. But the disappointment and the concern and the fear of so many people, folks down where I come from in the Niagara region who have great respect and regard for wilderness parks like Quetico, was the introduction of travel by motorized means in these parks. That is indeed a shocking thing.

I recall on an earlier occasion—I know the government says, “Oh, this bill’s been debated for four days,” but if this bill passes, it’s for 40 years or more. Surely, when we’re talking about maintaining the quality of something as valuable and scarce as the pristine nature of a Quetico or other wilderness park, we should be interested enough to spend a little bit of time debating it here at Queen’s Park, shouldn’t we, rather than trying to rush off and pass the bill willy-nilly because, oh, the government says, “Trust us”? The world’s three greatest lies: “Your cheque is in the mail,” “Your money cheerfully refunded,” and “Hi. I’m from the government and I’m here to help you.” “Trust us,” the government says.

Interjection: “Primarily.”

Mr. Kormos: Well, the response by one government member, for whom I have great admiration and regard, was, “Oh, it says ‘primarily by non-motorized means.’” Well, you see, you take the corollary of that and that means you can use motorized means, and then you get into the remarkable discussion about “primarily.”

Look, I have a second fear, and that is the prospect of privatization of the operation of these parks. It’s been entertained in this province more than once, hasn’t it, Ms. Martel?

Ms. Martel: Yes.

Mr. Kormos: It’s been entertained by this Parliament more than once. When I connect the prospect of privatization and the pressure to commercialize our parks, including our wilderness areas, and the government’s own legislation that in a historic way introduces motorized travel into these parks and doesn’t qualify it, other than saying that the primary travel shall be unmotorized, that means the secondary travel can be motorized. Does that mean one of those four-wheelers? Does that mean a two-stroke engine on your small boat spitting out oil mixed with gasoline into the lakes and rivers that fish live in and people drink and swim in and walk in when they’re in these parks? Does it mean a big Dodge Magnum truck with four-wheel drive that takes you

where you’re going because, “Oh, it’s not our primary means of travel; it’s just taking us to our campsite that historically folks had to walk or canoe to”?

1910

So I share the concern, and I say to the government, “No, I don’t trust you.” Over the course of three years, you’ve not given people one single reason to trust you. You promised you’d cap and control the price of electricity. You broke that promise. Do people trust you about electricity? No. You promised you’d extend treatment for kids with autism beyond the age of six. You promised, but you broke that promise. Should people trust you when it comes to kids with autism? No. You promised to restore the child benefit clawback. You promised, you promised, you promised, and people counted on you. But you broke that promise. So the poorest families, women and their kids in this province, have their pockets picked by Dalton McGuinty and the Liberals on a monthly basis. You broke that promise. Is there any reason to trust you when it comes to the welfare of the poorest kids in this province? No. So do I trust you when it comes to promises about maintaining the pristine quality of wilderness areas, wilderness parks? Too late, friends, I say sarcastically; far too late.

I’m looking forward to this bill being in committee.

The Acting Speaker: Questions and comments?

Ms. Martel: I don’t know where to start. I’d like to start on the clawback, but I recognize—

Interjection.

Ms. Martel: All right, then. My colleague here has a good point with respect to trust, and it will be all taken care of, especially in light of the three major promises that were made by this government that have been broken.

I raised some more this afternoon on a statement from the Minister of Health that had to do with hiring nurses. The government said in the last election that with a Liberal government 70% of nurses were going to be working full-time in the province of Ontario, and here we are, falling far short of that target in the third year of the Liberal mandate—the third budget and with a \$3-billion windfall. It’s the same government that said they were going to hire 8,000 new nurses—

Mr. Howard Hampton (Kenora–Rainy River): Additional new nurses.

Ms. Martel: Additional new nurses. Thank you, Leader.

Here we are with about 3,052 nurses hired in the province, by the government’s own statistics, and 1,000 of those are temporary positions for new graduates in hospitals, up to six months—or maybe even less; three to six months—of employment in the province of Ontario. But the government counts those as new full-time nursing positions.

We’ve got a huge problem: By 2008, 30,000 nurses in the province of Ontario are going to qualify to retire—30,000. That’s going to have a significant impact on patient care in our hospitals, home care, long-term-care homes and public health. The minister comes forward

today and says, "We're going to guarantee jobs for 4,000 new graduates." Well, I sure hope so, because we're going to need 4,000 plus 4,000 plus 4,000 more, aren't we, by 2008, by the time all those nurses who can qualify for a pension take their pension? This government needs a plan on nurses. Should we trust their promises? No. Why should we? And we shouldn't on this bill either.

The Acting Speaker: Questions and comments? There being none, the member has two minutes—sorry, I thought he was sitting down. The leader of the third party.

Mr. Hampton: I'm always pleased to have the opportunity to comment on the comments of the member for Niagara Centre.

Interjection.

Mr. Hampton: I hear a Liberal member across the way saying, "You didn't hear anything." I listen better than some of the Liberal members.

The member for Niagara is somebody who has been around this Legislature for 17 years. The member from Niagara Centre has often said he has heard it all before, but I think what he correctly observes about this government is that this government sets new heights for making promises that are never fulfilled. This government sets new records for speeches that are filled with platitudes, loaded with platitudes, but if you check six months after the announcement is made or the speech is given, what do you find? Not much has happened. In some cases, nothing has happened. In some cases, the opposite of what was said has happened.

I would urge the members of the McGuinty government to listen thoughtfully and carefully to what the member for Niagara Centre says. As I say, many times, on many occasions, he's heard it all before, has heard the platitudes, has heard the promises and has also witnessed the fact that not much has come to pass. If I can offer a word of advice to the McGuinty government, it would be better for you if you actually fulfill some of your promises and stop making more empty promises; actually get down to fulfilling some of the promises you've broken heretofore.

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

Mr. Kormos: My colleague the member for Nickel Belt will be speaking to this bill. My colleague and the leader of the New Democratic Party, Howard Hampton from Kenora–Rainy River, will be speaking to it, and I'm hoping he has enough time during his brief 10 minutes to address the issue of aboriginal rights and the treaty rights of First Nations people.

I find it remarkable that it was the government that brought the motion earlier today to sit this evening. They wanted another sessional day without a question period; that's what evening sittings are all about. But do they want to work? No. Mark my words: I sit here anxiously, eagerly, in anticipation of any one of these backbenchers standing up and explaining to their constituents why they're supporting legislation that will introduce motorized vehicles, motorized travel, into our wilderness parks,

into places like Quetico. Not that it will be the primary form of travel, but it will surely be the secondary, because all that the legislation does is identify wilderness parks—these are the most pristine of the parks, the most pristine areas—as places where visitors travel primarily by non-motorized means. Well, what does that logically mean? It means that the secondary mode of travel is by motorized means: two-stroke outboard motors, four-by-fours, Dodge Magnum trucks, the big 5.7-litre, exhaust-spewing, gas-guzzling trucks. Dalton McGuinty can take his high, big-displacement, gas-guzzler Suburban and drive right through Quetico if he wants to, as long as it's not his primary means of travel but only his secondary. I find that very objectionable. Where are you guys? Stand up, speak to the bill, justify your position.

The Acting Speaker: Further debate?

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Ms. Martel: It's a pleasure for me to participate in the debate tonight. I think I'm going focus on two areas of the legislation where the bill falls short, and I hope the concerns we're going to address, and that I think other people who come before the committee will address, are actually going to be dealt with by the government.

The first thing that I want to deal with actually has to do with the claim that the government is making, which is getting some support out there, that there will be a ban on industrial development in parks and conservation reserves. It is certainly the case that the legislation, as far as I can see, does ban new industrial logging and the development of mineral deposits within the parks. However, in a different section of the bill, it is also very clear that there are provisions which then would allow cabinet to remove lands from parks and conservation reserves, and one wonders if the point of all that would, of course, be to allow either mineral development or industrial logging in those particular areas.

The bill says very clearly that up to 100 acres can be removed from a park by order of the minister. The bill states that cabinet "can remove 100 hectares or more or 2% ... of the total area of the provincial park or conservation reserve" if it is brought before the Legislature first or if (a) "the disposition is being made as part of a transaction that increases the size of the protected area and enhances ecological integrity," or (b) transfers lands to a federal park, or (c) is part of the settlement of a land claim. With respect to (a), cabinet can remove parts of parks and conservation reserves in one area as long as they add the lost hectares to another area of the park, plus some undefined numbers of hectares to increase the size.

The point that I want to make here has to do with, actually, integrity and ecological integrity, and can we be guaranteed that the shift—the addition, the subtraction, the transfer, the shifting around of land—will actually represent ecological integrity, or will we see some efforts being made to shift, to subtract, to add, to divide, to move around land in order that mineral development and logging that might not occur now because it's supposedly in a park will, in effect, be allowed to occur? What effect

will that activity then have on those areas that are adjacent to the parks?

So while we are very concerned and agree, with respect to ecological integrity, that that has to become a cornerstone of parks management, my concern is how that's going to be protected, how that's going to be developed, and in those circumstances where inevitably there is conflict between those who want to develop resources and those who want to conserve it and have no logging and no mineral development, how are those going to be sorted out? Is it going to be as simple as adding some parts to the park while you take some other land away? Or really, through that process, are you going to be undermining the ecological integrity that we hope this bill is going to be supportive of? Perhaps during the course of the public hearings, there will be more information that the government will provide at the time about how that's all going to work. Really, what is their vision with respect to, if there are going to be some prohibitions, why does the ministry and the cabinet still have some discretion about switching of lands, and what would the purpose of that be for?

The second area that I want to deal with has to do with aboriginal and treaty rights, because there certainly isn't anything in the bill that speaks to aboriginal and treaty rights. Some First Nations and frankly other conservation groups have been public, suggesting that a new section should be added to deal with this omission in this bill. I want to tell you why I think that's important from the perspective of what the government itself had to say with its new relationship with aboriginal people.

Some time ago, over a year ago, the government made quite a grand announcement that it was going to have a change in relationship with aboriginal people, there was going to be a new relationship, there was going to be consultation and discussion and the taking into account of aboriginal and treaty rights with respect to provincial government legislation. I can tell you that when that pronouncement was put to the test on two bills already—and I hope this is not going to be a third—there was a very significant gap between the government's rhetoric on involving aboriginal people in provincial legislative changes and consulting with them and respecting their treaty rights and respecting their aboriginal rights, and what was actually in the legislation that came forward.

The first had to do with Bill 210, with respect to the changes that the Minister of Child and Family Services made to adoption laws, easier adoptions in the province of Ontario. You will recall that during the course of that debate and during the course of the public hearings, many, many First Nation communities, many tribal councils, many aboriginal organizations came to the public hearings and made it clear that they had never been consulted about the bill. The minister announced in her speech that there had been broad consultation, but aboriginal people and aboriginal organizations hadn't been consulted at all. Aboriginal communities have lots of concerns with respect to children's aid societies and

protection of children, and what that means for their children on reserves in particular.

So the first piece of legislation, after the government has proclaimed a new relationship with aboriginal people, happens to be a piece of legislation where the government had no consultation with aboriginal people, where the government, as a result of the pressure that was brought to bear on them by the aboriginal people and political aboriginal organizations, finally had to extend the hearings so that communities and political organizations could have their say. In the end, there were enough changes that the bill was adopted, but it was a pretty sad process in terms of the lack or the failure of the government to actually deal with aboriginal people before the bill had been drafted.

Then we move on to Bill 36, the LHIN legislation. I, as health critic, was the member who sat on that. I can tell you that, despite what the government had to say about involving aboriginal people and a new relationship, again it was clear during the course of the public hearings that aboriginal people, treaty organizations and political aboriginal organizations had never been consulted about the bill and its exact provisions. They had been given a process that was very truncated to try and put in some recommendations to the government, and the government introduced its bill even before those recommendations came in from aboriginal people. That was how interested the government was in hearing concerns from aboriginal people with respect to LHINs and aboriginal access to provincial health care, and whether or not the province of Ontario should be allowed to offload its responsibilities for health care, some of that health care that aboriginal people use, onto LHINs, instead of maintaining that responsibility themselves. Again, during the course of that particular bill, it became very clear that there was a huge gap between the government's rhetoric about a new political relationship with aboriginal people and what that really meant when the rubber hit the road. What it meant was that aboriginal organizations weren't being dealt with, weren't being consulted, their concerns weren't being addressed when provincial legislation was coming forward.

Now we have this bill, Bill 11, which again is silent on aboriginal and treaty rights and the potential that aboriginal communities might have in creating and planning and managing parks and conservation areas. For example, in the bill there is nothing here, nothing at all, regarding the potential for co-management of protected areas within First Nations traditional territories. If we are going to ensure that the rights of First Nations are properly respected in the act, then the act does need to contain a non-derogation clause that would make it extremely clear that existing aboriginal or treaty rights, as Canada recognizes in section 35 of the Constitution Act, are not undermined in any way, shape or form by this bill.

I encouraged the government to do that with respect to Bill 36 as a result of information, as a result of pressure, as a result of requests that we got from aboriginal

organizations to do that. The government members on the committee refused.

Here we go again—another bill before us, silent on treaty rights, silent on aboriginal rights. It will be interesting to see if, during the course of the public hearings, the government will accept an amendment that will make it clear that nothing in this legislation would distinguish or undermine or take away from existing aboriginal and treaty rights.

It also needs to be clear in the bill that prior to establishing a new protected area or expanding an existing protected area, the minister has to identify and consult with all affected First Nations. That isn't in the bill either.

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The Acting Speaker: Questions and comments?

Mr. Hampton: I want to thank the member for Nickel Belt for introducing the issues with respect to First Nations into this discussion, because there are a number of aboriginal issues that need to be addressed—some looking forward, some which are contemporary and some looking backwards. The reality is, we already have a number of provincial parks that were established in this province where there are no non-native people living. They are established in the far north, and it is a travesty that some of those parks were in fact created without any consultation with First Nations.

I think the Ministry of Natural Resources over the years, after the fact, shall we say, has tried to create the impression of consultation, but that's like trying to perfect a process that got off to a bad start in the first place. So I was surprised myself when I looked at the bill and could not find any reference to the interests, to the rights, of First Nations.

I got out another set of platitudes that the government presented a year ago, talking about how they wanted a new relationship with First Nations, and I couldn't believe it when I juxtaposed Bill 11 with the announcement that was made a year ago. So I want to thank the member for Nickel Belt for bringing up this important issue.

I'm going to have more to say about this in a few minutes because I want to offer up some specific examples of parks that were created without any consultation with First Nations; in fact, parks that were basically imposed on First Nations and where there's still a continuing grievance today—a grievance which needs to be addressed.

The Acting Speaker: Questions and comments?

The member for Nickel Belt.

Ms. Martel: I just want to give the government some additional thoughts for amendments with respect to aboriginal peoples. The bill also should clearly state that, prior to establishing a new protected area or expanding an existing one, the minister has to both identify and consult with all the affected First Nations communities whose land or traditional territory may be affected by the expansion or the establishment of the protected area.

Secondly, the government should move an amendment to ensure that in the formulation of management plans for parks, opportunities for co-operative or joint management with local First Nations communities are all fully explored.

Thirdly, in the preparation of park management plans, that there be a requirement to consult a local First Nation representative who has both a traditional knowledge of or indigenous knowledge of the area so that that individual can inform the park planning process.

Fourthly, First Nations should also be able to nominate areas of cultural significance through this process, such as important fish and wildlife areas, areas that are important to maintaining the traditional aboriginal way of life, and sites of villages or rock paintings, for example, that need to be protected. Those sites should all be fully considered by the government to be ones that should be managed, looked after and protected by the relevant First Nation.

So I think there are a number of changes that the government could make very specifically with respect to First Nations that would certainly enhance the opportunities for First Nations with respect to park development but also ensure that the government respects traditional land and sites that need to be protected in a way that they clearly aren't under the bill. The government also has to ensure in the legislation that there is nothing that's going to undermine existing treaty and aboriginal rights, and I think the only way to do that is to have a non-derogation clause, which I certainly hope the government's going to consider.

The Acting Speaker: Further debate?

Mr. Hampton: I'm pleased to be able to raise some issues with respect to this bill. Actually, I wish I had more time, but we're limited in time this evening, so I'll try to get as many of these issues on the record as possible.

First of all, let me say that I regard this bill as ice cream and apple pie. I think everyone would agree that putting parks policy into legislation is a good thing to do, so I think most people would support the general thrust. Having said that, however, if this is going to be done, I think it's incumbent on this government to get some things right.

I happen to have a map of northern Ontario in front of me as I speak. I want to refer to some specific problems that have to be righted. If you look at a map of northern Ontario and you go up to, I guess it's the 54th latitude, Big Trout Lake, you'll find two First Nations on Big Trout Lake. One is Big Trout Lake First Nation; the other one is Wapekeka First Nation. You'll also find two provincial parks adjacent to Big Trout Lake.

The issue I want to raise is with respect to the Fawn River Provincial Park. The reason I want to raise this issue is because the Wapekeka First Nation is located virtually on the river. The minister will know this because the chief has written to the minister and has raised this issue over and over again, has pointed out that when this park was created in the mid-1980s, at no time was

there consultation, discussion, negotiation with the First Nation. The chief points out that having an MNR parks planner come to the community and ask a few questions about the Fawn River is not consultation. I don't think any of us would regard it as consultation and discussion. Certainly the Supreme Court of Canada, in decisions that have emanated from the court since then interpreting aboriginal rights, says very clearly that that is not consultation. The chief and First Nation at Wapekeka have some real issues, and they have been writing and writing to the Minister of Natural Resources and asking the Minister of Natural Resources to respond to their issues. They want to know when the government of Ontario is actually going to sit down with the First Nation and hold a discussion, a consultation, a negotiation about this park. Frankly, I think the First Nation deserves an answer.

They have a number of specific issues that they want to raise. One of the issues they want to raise is the fact that currently, if they are going to have hydroelectric power in the community, they have to access that through very dirty, expensive and noisy diesel generators. What they'd like to be able to establish is a run-of-the-river turbine on the Fawn River so that they could generate their own electricity and not have to rely upon dirty, expensive and noisy diesel generators. But they're not able to get a response to that issue either.

A second issue they want to raise is that they see an opportunity to build a hunting and fishing camp and engage in tourism activities, but as they understand it, they're prohibited from doing that on the Fawn River. Yet when they go to the MNR website, they find that non-native entrepreneurs who live in, say, Thunder Bay or Toronto are able to advertise bringing tourists to the Fawn River Provincial Park. So aboriginal people are saying, "Wait a minute. We're the only ones who live here. There are no non-native people living here. You might find the odd pilot flying in and you might find a nurse or two. We're the only people living here. We're the people who look after this land, yet we seemingly are denied so far any economic opportunity to benefit from this land and we see a non-native entrepreneur who lives in Toronto or lives in Thunder Bay who routinely takes economic benefit out of this land." They want to discuss that issue with the Minister of Natural Resources, but so far no response from the Minister of Natural Resources—a refusal to respond.

If I may offer some humble advice to the Minister of Natural Resources, I think you should meet and discuss with the chief and council from Wapekeka First Nation about this park. I think the Ministry of Natural Resources should finally conduct a consultation and discussion about this park with the only people who actually live there. That's one example I want to raise.

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Another example I want to raise is Quetico Provincial Park. On the border of Quetico Provincial Park you will find Lac La Croix First Nation. Lac La Croix First Nation negotiated in the late 1980s and early 1990s an agreement whereby they can use a limited number of boats and

motors on a limited number of lakes in that provincial park for the purposes of their tourism, employing guides and generating some economic activity. What I hoped to see in this legislation was a clause or a section which said that those agreements which have been negotiated with First Nations in good faith, and which First Nations negotiated with the government of Ontario in good faith, are going to be preserved and continued in this legislation. I think it would be very unwise for the government of Ontario to attempt to get through the back door that which they were not able to negotiate or obtain through the front door.

But I look at the legislation, and do I find any clause addressing this issue? Nothing, and so I'm left to wonder, what do the people of Lac La Croix think? What do they feel? How do they feel when they see this legislation: no clause dealing with aboriginal rights, no clauses dealing with aboriginal interests, and no clauses dealing with the special considerations that they have been able to negotiate? When you read this legislation, it's as if they don't exist.

I next want to address Woodland Caribou Provincial Park, because it's not just aboriginal people who have raised some of these issues. When Woodland Caribou Provincial Park was expanded in the last round of park expansions, the people of Red Lake said they were happy to support the park. Red Lake is a mining community. They were happy to support the expansion of the park, but what they asked for at the time was that for three or four lakes which people from that community have traditionally gone to by snowmobile in the winter for purposes of ice fishing—that they would continue to have that capacity. They're not interested in all-terrain vehicles; they're not interested in motor boats. It was a very specific, very concrete, very limited negotiation of a special circumstance. They're simply saying, "These lakes, which we have always gone to for ice fishing, which are excellent lakes for ice fishing—we want to continue to have to capacity to do that, and we support the expansion of the park." That was agreed to. The then government of Ontario, the then Minister of Natural Resources, agreed to that.

I was hoping to see somewhere in Bill 11 a clause which recognizes that where a community in good faith has supported the expansion of a park and has supported the principles of building the park and the principles of a wilderness park but has said, "We simply want two or three of our traditional activities respected into the future"—I was hoping I'd see that. But once again, it's not in the legislation.

I could go on. I could refer, for example, to Wabakimi park. Wabakimi park went through a very large expansion, a very substantial expansion in mid 1990s. I think most people in Ontario would be very proud of that. Certainly, as Minister of Natural Resources at the time, I was very proud of it. But when we expanded Wabakimi, we gave some undertakings to First Nations who have traditionally lived in the park or who live outside the park but have traditionally used the park. I know right now,

when they read this legislation, they're saying, "Where are our interests reflected here? Where are our rights reflected? Where is what we negotiated reflected?" They can't find it.

To make a long story short, the failure to include these kinds of provisions in this bill is making a lot of people very angry. I think, in terms of the future of the park system and where we want to go, the Minister of Natural Resources has to address some of these issues. Otherwise, he's going to have a very serious problem on his hands.

The Acting Speaker: Questions and comments?

Mr. Dunlop: I'm pleased to make a few comments on the remarks of leader of the third party. I think he has brought some very interesting points forward with a number of examples, particularly from northern Ontario. I think that's a good reason why we should look forward to getting this bill to committee, to bring more of those concerns that the leader has put on the record tonight. I think we've had a fairly substantial amount of debate on this, and if there are amendments to be made to the bill, or possible suggestions for amendments, examples like those Mr. Hampton has used tonight should be put forward at committee and debated again at third reading.

I appreciate the opportunity to make a few comments, and I look forward to committee hearings on this.

Ms. Martel: I hope the government will use the opportunity of the public hearings and clause-by-clause to deal with some of the First Nation and, frankly, some of the non-aboriginal concerns. The government should look at the committee process and the amendment process as one whereby previous undertakings that were agreed to by the provincial government, be they to protect or move forward the interests of aboriginal or non-aboriginal communities, need to be protected in law. So the particular case with respect to Red Lake, an undertaking that was made by a provincial government and entered into in good faith by the government of the time and also by the community of Red Lake, needs to be respected and enshrined in law so there's no confusion, no question about the legitimacy of that previous undertaking and both parties' commitment to it.

Secondly, I think the government should look at the bill, the public hearings and the clause-by-clause process as an opportunity to try to right some historical wrongs, to try to correct some historical wrongs. The community of Wapekeka has enough problems without having to fight the provincial government with respect to what it can or can't do on its own traditional land and the fact that they're right beside a provincial park. The government should be looking at Bill 11 as an opportunity, as you're changing the parks system, to move much of the policy into legislation to ensure that we're in a position, as a provincial jurisdiction, to right some things that have gone wrong for far too long.

Thirdly, as I said in my remarks and will say again, I think the bill presents some real opportunities for the government to work with First Nations to enhance economic opportunities of First Nations with respect to

parks management. But the government needs to do that by making sure there's going to be adequate consultation with First Nations, both with respect to expanding existing parks or creating new ones; that the government is going to use the expertise of aboriginal people, especially elders, to identify important items in the traditional area; and that the government will look seriously at new economic opportunities for parks management by communities that are right beside these provincial parks or reserves.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I want to indicate, first of all—not that it means much to the people out there, but it does to people around here—that we are in the fourth day of second reading of this bill, which indicates there has been some considerable interest in the bill. I am pleased that there are provisions for public hearings on this, because I think it's important. After you debate the bill, there are people who watch what happens in the House or people who hear about the bill, gather information and want to make comments.

I've often felt that bills are strengthened when the public has an opportunity to make representations—and the public can be a variety of people on a bill such as this. When governments compose a bill, they usually try to do extensive consultation out there. They certainly listen to people within the public service, people within the environmental community and people who have interests in the use of parks, and then they come forward with a piece of legislation. What you find out from debate in the House, and further from the representations that are made by mail, e-mail, telephone or in person, is that there are sometimes minor parts of bill, or perhaps major parts of the bill, which require some attention.

I think governments are wise to entertain those particular views from the public. That's why our government has provided time in committee for this on an ongoing basis. Does it prolong the process? Yes, it does. Are there days when government House leaders over the years have become exasperated by the process? That is true. But I think that when we have this kind of input, particularly at the committee stage when the government and members of the committee have an opportunity to reflect upon it, ultimately the legislation we have is better. The member has raised some issues that I hope will be canvassed during those hearings.

Mr. Norman W. Sterling (Lanark-Carleton): The government House leader raises an interesting dialogue with regard to committee hearings and that kind of thing, but my experience with this particular government, quite frankly, has been, notwithstanding public representations at committee, that it does not move from its original stand very often, if at all.

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I've been on many committees that have dealt with different pieces of legislation and, quite frankly, the government doesn't listen because usually the members of the committee feel constrained to accept anything that

either the opposition or representatives say to the committee. While the democratic process is supposed to work in that manner—a representation would come forward, a member of the opposition would put forward a reasonable amendment and the amendment would be accepted by a rational process—that's not the experience here. The experience has been that the Liberals send in their parliamentary assistant, who is told to defend the bill to the end, regardless of what they hear at the committee level.

I appreciate what the member opposite is saying, but the fact of the matter is, notwithstanding what good thoughts will be put forward at the committee, it's doubtful that this government would accept any reasoned amendments.

The Acting Speaker: The leader of the third party has two minutes in which to respond.

Mr. Hampton: I want to thank all the members for their comments, and I just want to continue on in the same theme that I finished. Yes, the bill is going out to public hearings, but it might be a good idea for the Minister of Natural Resources to actually consider convening a consultation process with First Nations. My sense is that if the government chooses to proceed with this bill without a consultation process specifically with First Nations, you may very well face a court challenge.

As I look at the geography of northern Ontario, and this is just from my own personal knowledge of visiting communities, there are issues at Opasquia Provincial Park, and the people of Sachigo Lake First Nation want to talk about that and want to raise issues; Severn River Provincial Park and the people of Bearskin Lake; I've already mentioned Fawn River; Polar Bear Provincial Park; Winisk River Provincial Park; Pipestone River Provincial Park; Osooskwini-Attawapiskat River Provincial Park. Those are just to name a few.

To my knowledge, there has been no consultation with First Nations about this legislation. You may have talked to the odd aboriginal bureaucrat, but the minister knows full well that that is not going to pass muster with the Supreme Court of Canada as any form of consultation with First Nations.

There are real issues here. I'm sorry that the Minister of Northern Development and Mines is not here because the Minister of Northern Development and Mines is trying to usher mining companies into First Nations territory. Almost every day, I get a call from a different First Nation objecting to somebody exploring or drilling on their land without having consulted with the First Nation. I say to the McGuinty government, if you think you want to get more mining companies onto First Nation land drilling or exploring for ore, you'd better resolve this issue first. Otherwise, this could grow very seriously into a big problem.

The Acting Speaker: Further debate? Are there any other members who wish to participate in the debate? Seeing none, the minister may wish to make a statement.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I very much

appreciate the amount of debate that has occurred with this bill. As our House leader has said, there have been four legislative days of debate at second reading. We certainly look forward to taking this bill to committee because public hearings are very important.

As short a time ago as last night, we saw a Global News story on provincial parks and how important they are to people. For much of the time that they like to commune with nature and recreate, the provincial parks are very important. I remember my time as a young parent taking my children to provincial parks and how much we enjoyed them. They are a very special part of living in Ontario and we're very lucky to have them. Any Minister of Natural Resources obviously wants to ensure that they have a bright future and that our park system remains a world leader.

There are a lot of issues that have been brought up by members of the Legislature, and I appreciate that.

Also, because I wear my other hat as minister responsible for aboriginal affairs, I am very concerned about the interests that aboriginals have in this bill and their feeling that they have not been consulted. I am certainly working to address that. As members of the Legislature know, we are not talking about any new parks in this particular piece of legislation. There's no new encroachment on traditional lands with this bill, but it is very important that we keep aboriginal people involved in government activities. In fact, we are internally now working on how we are to consult in all issues where aboriginals have constitutional aboriginal rights. We're soon to have a consultation on that to make sure we get it right, so that on any initiative that involves their particular aboriginal or constitutional rights, we will ensure that we are fully engaged with them and that they have the opportunity that recent court decisions have assured them is their right. So we are working on that. We look forward to committee hearings.

No bill is perfect, no one ministry is perfect and no one has all the right ideas, so we look forward to new suggestions. We're open to improvement and look forward to that as we bring it back here after committee hearings for third reading.

The Acting Speaker: Mr. Ramsay has moved a motion for Bill 11. Shall the motion carry? Carried.

Shall the bill be ordered for third reading?

Interjection: No.

The Acting Speaker: To which committee shall the bill be sent?

Hon. Mr. Bradley: I'd ask that the bill be referred to the standing committee on the Legislative Assembly.

The Acting Speaker: So ordered.

Hon. Mr. Bradley: I move adjournment of the House.

The Acting Speaker: Motion to adjourn. Carried?

This House stands adjourned until tomorrow at 1:30.

The House adjourned at 1957.

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Sarnia–Lambton	Di Cocco, Hon. / L'hon. Caroline (L) Minister of Culture / ministre de la Culture	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Sault Ste. Marie	Oraziotti, David (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	York West / York-Ouest	Sergio, Mario (L)
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, Government House Leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

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