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**Thursday 19 October 2006**

**Jeudi 19 octobre 2006**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Thursday 19 October 2006

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Jeudi 19 octobre 2006

*The House met at 1000.  
Prayers.*

PRIVATE MEMBERS'  
PUBLIC BUSINESS

LAND RIGHTS AND  
RESPONSIBILITIES ACT, 2006  
LOI DE 2006 SUR LES DROITS  
ET RESPONSABILITÉS EN MATIÈRE  
DE BIENS-FONDS

Mr. Barrett moved second reading of the following bill:

Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities / *Projet de loi 57, Loi modifiant la Loi sur l'expropriation et le Code des droits de la personne en ce qui a trait aux droits et responsabilités en matière de biens-fonds.*

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

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** It's with great pleasure that I rise in this Legislature today to speak to the proposed Land Rights and Responsibilities Act, 2006.

Years ago, my great-grandfather Theobald Butler Barrett sat on his front porch, shotgun in hand, to prevent the railway from coming through his property. He lost. He was forced to move his house back 200 feet to make room for the tracks. My father lives in that house now.

In the 1960s, my grandfather Theobald Butler Barrett and father, Harry B., were surprised to find survey stakes—these were one inch by one inch by three feet long—across the front field where my wife and I eventually built our house. For the second time, our family and our neighbours had to fight against the railway coming across our land. That time, we won. These are battles that shouldn't have to be fought, and if props were allowed, I would have brought in those large iron survey stakes. I've been pulling them out for years when I do the fall ploughing.

If we step back and take a look at the direction of our political and judicial systems, it's clear that, in Ontario and Canada, we essentially have rights societies. Just to explain, it means that our political and judicial systems are premised on so-called negative rights, or freedom from various incursions by either government or fellow

citizens. The Charter of Rights is a prime example. It gives government a rule book. Government cannot violate our democratic rights. It cannot violate mobility rights, legal rights, language rights, our fundamental freedom. If a government chooses to pass a law violating those rights, the courts step in and say, "With respect, you can't do that. You cannot pass laws violating people's rights." So in that sense we can see a dialogue between the courts and Parliament.

The Canadian Bill of Rights is another example of a document that gives Canadians certain defined rights vis-à-vis government. We all recall that this was introduced by Prime Minister Diefenbaker in 1960. The Bill of Rights was intended as a safeguard against rights intrusions by the federal government. I'd like to read a relevant passage from the Bill of Rights: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

"(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law."

That's important, in my books. What it says is that, as of 1960, Canadians had the right to enjoy property and to not be deprived of their property except by due process of law. It's something that essentially goes back to the year 1215, when we all recall the Magna Carta was signed.

Sadly, what Diefenbaker giveth, Trudeau taketh away. For whatever reason, Trudeau took away property rights when he drafted the much more powerful Charter of Rights and Freedoms. This is a wrong that Prime Minister Harper indicated during the last federal election debate he'd like to fix. To that end, Bill 57 is a start; it's a bit of a step. If passed, Bill 57 would not solve all problems facing rural property owners, but it will show the rest of the country that Ontario is onside with land rights.

Now, Prime Minister Harper won't be able to strengthen the charter on his own. He'll need to know that provinces, Ontario included, are onside of a strong charter. By passing Bill 57, the Ontario Legislature can initiate a conversation across Canada, a debate about the need to give landowners and tenants stronger rights. So on this journey of a thousand miles, Bill 57 is a first step.

I'd like to outline some of the new rights I'm offering to Ontarians through this bill.

Under the Expropriations Act, an inquiry officer on an inquiry is required to consider the merits of the objectives

of the expropriating authority and to add, as parties to an expropriation inquiry, the owners of all lands affected by expropriation. The decision of an approving authority is subject to judicial review.

The amendments to the Human Rights Code recognize, subject to specific limitations at law, the right to peaceful enjoyment of one's land, the moral responsibility to maintain it and the right to freedom from search of one's property and home and from seizure of anything from it. Those rights have long been recognized at common law, as I mentioned, but are largely missing from the Canadian Charter of Rights and Freedoms.

Among the most unfortunate components of a rights society is the perceived imbalance between rights and responsibilities. I've always believed that with rights come responsibilities, something that I felt should be reflected in Ontario law. To that end, I propose to balance land rights with land responsibilities by adding the following text to the Human Rights Code: "In addition to whatever duties are specified by law, every person has the moral responsibility to ensure that his or her land is maintained to a presentable standard in keeping with such factors as the legal uses to which the land is put and the character of the community in which the land is located."

As lawmakers, it's important to make laws that benefit all of Ontario. We shouldn't pick and choose whose interests we intend to champion. That's why I feel I've gone out of my way to make no distinction between tenants and landowners when it comes to government's obligation to respect.

When it comes time to vote on Bill 57, all of us in this House will be showing where we stand on a number of important issues. By supporting Bill 57, MPPs can show that they're on the side of giving tenants the right to peacefully enjoy their home without intrusion. By supporting Bill 57, MPPs can show their commitment to giving private landowners the right to appeal when their land is under attack. By supporting Bill 57, MPPs can show where they stand on basic human rights. Opposing this legislation, in my view, means opposing basic rights documents like the 1960 Canadian Bill of Rights.

**1010**

I would like to thank the number of people whose insight and ideas were instrumental in helping me to draft this much-needed legislation. My first crack at property rights legislation in this House was 11 years ago. At that time, I got a great deal of assistance, and continue to do, so from the Ontario Real Estate Association.

As well, I want to acknowledge the help of Jim White and Bob Fowler. They're with OPERA, the Ontario Property and Environmental Rights Alliance. They've given me a wealth of information and support over the past 11 years, as recently as a phone call last night. They're members of a group, OPERA, whose mission is "to protect and entrench in law the rights and responsibilities of private landowners against arbitrary restrictions and decisions of government."

I'll also mention OLA, the Ontario Landowners Association. They tell us what they consider to be "the

government's plan and strategy to attack rural landowners and their economy," a plan that is "taking our land—for their use."

Sometimes the government does need to expropriate land, and in those circumstances it should first state its case, give the landowner a fair chance to appeal, and then, if the expropriation is still deemed worthy, buy the land.

This bill is important. Property comes in many forms. First of all, there's intellectual property, music patents and trademark. I'm not dealing with that in this legislation. I did 11 years ago, but constituents don't come to my office with concerns about patents on music. It's more concern around greater protection against government coming onto their land or taking the land itself. Why can't an expropriating authority be asked to state its case and explain why the land must be expropriated?

On the most basic level, we shouldn't need legislation protecting private land rights, but we do, because Ontario's landowners and many rural landowners have been poorly treated, in my view, having been in contact with a number of these people. The best solution would be for government to respect rural landowners, to respect tenants, but until that day arrives, until the government here wakes up to the crisis in rural Ontario, we need plan B, and plan B is the Land Rights and Responsibilities Act, 2006.

In closing, I'd like to call on all present MPPs to stand up for their constituents: Stand up for your constituents who rent their homes, stand up for your constituents who own private land and stand up for your constituents who want us as legislators to affirm that with rights come responsibilities. Thank you.

**The Deputy Speaker:** Further debate?

**Mr. Tony Ruprecht (Davenport):** Since my time is fairly limited, I'll confine my remarks to ask the member two questions, and I hope he will respond to them.

Bill 57 before us has the effect of recognizing that land expropriation is a denial of private property rights and is grounds for discrimination in the Human Rights Code. The member's bill proposes to amend the Human Rights Code to enshrine property rights. Normally, I support the member from Haldimand-Norfolk-Brant, because he's trying to enshrine a law that will curtail the power, especially the prying eyes, of government and maintain some sense of independence and expand the powers of freedom for the individual. That obviously is a very noble sentiment, and I essentially agree with that sentiment.

But I have two questions that really bother me about this bill, and I will ask them. The first one is that, as it stands right now, we have Bill 107 before the Legislature, especially before committee. It's the Human Rights Code Amendment Act, 2006. The standing committee on justice policy is right now pursuing that legislation, and Bill 107 would significantly reform the human rights system in Ontario. During the extensive consultations on Bill 107, the Human Rights Code Amendment Act, the need to protect private property rights was not

identified by the stakeholders, who were all there, as something that required reform. That is very important to understand. My question to the member then is, why is it that Bill 107 before the standing committee did not say it's ultimately important? Our stakeholders are saying, "Yes, what we need to do is enshrine privacy rights."

The second question I have is that the member from Haldimand–Norfolk–Brant had proposed similar legislation, if not the same bill, in 1995. You remember that, Mr. Speaker. It was called the Property Rights Statute Law Amendment Act, Bill 11; I know you remember that one. This bill received first reading, as the member knows, on October 30, 1995, and went to second reading on November 2. At the time, it was sent to committee for review and effectively died. Bill 11, as it was called then, was introduced by the member at a time when his own party was governing, and his bill died specifically. Also, when the governing party was operating, it performed land expropriations just like any other government.

My questions are simply this: Why did the stakeholders on Bill 107 say it's not that important? Secondly, why is it that Bill 11, introduced by this member to this House, died and was not deemed to be significant by his own party? Those are my questions. I'm delighted to add to my comments perhaps a bit later.

**Mr. Jim Wilson (Simcoe–Grey):** In the three minutes I have, I do want to support my colleague and Bill 57. I think Mr. Barrett is doing us a real service in terms of trying to get the government of Ontario involved in a discussion which needs to be had in this country. We used to have property rights. My colleague appropriately outlined that those property rights were very much entrenched in Canadian law prior to the 1982 Charter of Rights and Freedoms that Mr. Trudeau gave us, and it's become unclear, even in case law, whether or not we have property rights.

Prior to the 1982 Charter of Rights and the repatriation of the Constitution, we had, as he mentioned—in 1215 the Magna Carta was signed. It included property rights. The right to own property was also included in the English Bill of Rights in 1689. In 1948, Canada signed the United Nations Universal Declaration of Human Rights. Article 17 reads: "(1) Everyone has the right to own property alone as well as in association with others"; and "(2) No one shall be arbitrarily deprived of his property." Property rights are also recognized in the 1960 Canadian Bill of Rights, which affirms the right of the individual to the enjoyment of property and the right not to be deprived thereof except by due process of law. Clearly then, it is arguable that our Constitution should be brought into line with these historical documents.

In the Progressive Conservative Party in Ontario, we also practise property rights. In response to a question one day about Highway 26, the expropriation there and the government cancelling that highway, one of the ministers said to me, "You should have done it sooner." Well, we did it as fast as we could and also recognize the rights of over 100 landowners. Cabinet could have, of course, with a stroke of the pen, expropriated that land in

about a week. We gave them two years. We followed the full due process of property rights and we allowed people to appeal, because the first offer the government gives you may not be the best offer. We allowed people to appeal, and a handful of those more than 100 property owners did appeal. So we practise what we preach. Even though it would have been more expedient to just take the property, pave it over and get the highway done in two years, we allowed people full property rights in that process.

**Mr. Gilles Bisson (Timmins–James Bay):** This is an interesting bill, I must say. I had a bit of an opportunity to read it in some detail prior to today, but I had a chance to refresh my memory about five minutes ago. I just want to say up front that I will be supporting this particular bill. New Democrats all believe that people have a need for property rights. But I want to talk about it from a bit of a different perspective.

First of all, what the member is trying to get at is the whole issue of expropriation. I think it's fair to say that at times, with the power of the government, what you're paid for expropriation may not necessarily be the actual worth of the property. We need some mechanisms to make sure that there is a process by which, if it is to be expropriated, it's done at least in a fair manner. I think that's reasonable.

I know a lot of people will look at this as a right-wing issue, and that is what I want to speak to. Some people will look at this and say this is traditionally a position that the right wing of the political spectrum will take, but I think this is an issue that both left and right can agree on, and that is that in a free and democratic society, we have the right to purchase property, and then, when we have that property, we should have some rights to enjoy it. I want to speak a little on where I think we are deficient in this society when it comes to being able to enjoy that property.

#### 1020

For example, I look at what's happening with property taxes in Ontario. We have an assessment system that has basically gone crazy. We're charging assessments on values that are quite out of whack at times with the actual value of the property. And in some cases the value might be right, but the taxation level imposed is such that the person can't afford to pay because they don't have the means.

So the first issue I look at is what's happened under MPAC with regard to a lot of the assessments in the communities I represent. We now have a system where, rather than sending an assessor to assess the actual property to say how much it is worth, we're saying, "Let's look at a computer model of the neighbourhood to establish what the sale of houses were in that particular neighbourhood." If all of a sudden somebody got lucky and sold a house for more than it should have sold for because the purchaser was prepared to pay, for whatever reason, everybody's building is then assessed at that value. We had situations in Moonbeam, Kapuskasing, Timmins and others where assessed property values in

those communities went up 20% and 40% when in fact there was a decrease in the housing market. It made absolutely no sense.

We all know that municipalities then use the assessed value as the means by which they charge local property tax to the property owner, so people's taxes were going through the roof and people were just wild—rightfully so. When we talk about property rights, we need to talk about a fair property tax assessment system that takes into consideration all the factors, that not only looks at the value of the property but also to what degree the homeowner or property owner is able to pay the tax burden. I've talked to people in my community where I'm astounded that they're paying as much as \$6,000 a year for property taxes on a property that, if you were to sell it, wouldn't reflect that value. I say to myself, put it in simple math. When a person has to pay \$500 a month in property tax, there's something wrong.

If I have a larger business where I'm making revenue and I've got a large business enterprise going, I understand that I'm probably going to pay a tax higher than \$500 a month. That ain't my argument. But for a property owner to pay \$500 a month on a municipal tax assessment system, I think it's out of whack. I don't know a lot of people in my community who could afford to pay that. Yet they have to, and it means that both mom and dad have to work, and that gets to the whole issue that parents can't make choices that maybe somebody should stay home and take care of the young ones before they go to school. All of those issues are brought into play. From the perspective of being able to enjoy one's property, we need to reform our property assessment system so it reflects that view. My good friend and colleague Michael Prue will be releasing a document this Friday on that very issue, talking about how we need to reform the property tax system.

Another thing from the perspective of being able to enjoy one's property is the whole issue of where we're at when it comes to people being able to afford to retire, period. I want to speak to that very quickly because it also affects the issue of being able to enjoy one's property. There are many seniors out there who retire today and don't have an adequate income for retirement. In fact, a lot of times they're not seniors; they're laid-off older workers in their late 50s or early 60s who don't have a good pension. Fully 60% of the Ontario population doesn't have any pension at all and 80% don't have adequate pensions. They may be forced to retire because of a layoff situation in their community. I look at Smooth Rock Falls as a good example of that, where that mill, the only employer in town, has closed down and there aren't a lot of places for the older workers to go. What do you do if you're 55, 56, 57 years old and all of a sudden you're faced with selling your House, but there's no value because property values have gone down? Now everybody wants to sell a house and nobody wants to buy a house, so the prices go down. What does that worker do? Again, we're stuck. To me, it speaks to this particular issue of people's property rights. The person purchased the property and, through no fault of their own, because

the mill has shut down, is in the situation where they can't sell the property, can't afford to sell the property, so they've got to hang on to it. So they either retire in their community in poverty—or not in poverty; that's a bit strong. They retire in their community without adequate means to have a good standard of life, or they move out of the community and have to maintain a property that they don't want to hang on to but can't sell.

Again, it speaks to the issue of property rights. We need legislation in this province where we look at the issue of pensions and say to ourselves that we need to have a system of pensions in this province that allows all Ontarians the ability to, over a period of time, build adequate pensions so that they can retire with some dignity and comfort.

I look at some things we could do in this Legislature that would be all that simple to do and, in the long term, would make all that much difference. That is, we should make all pensions portable. It's nuts in our society today where we know nobody works in a plant for 30 years anymore. That is the exception. We have to recognize that the workplace today is five years here, 10 years there, two months here, and you move on to different employers. You should have the right to transfer your pension with you, no matter where you go.

There are mechanisms by which you can do that, and I don't have time in this debate to get into it, but you have to enshrine in the pension legislation the whole issue of portability, so that workers can bring their pensions with them to various workplaces, be it a private workplace, a private employer, or a public employer, and be able to transfer those pensions over.

I argue that we should mandate pensions. Oh, that's really scary to some, but I think we need to mandate pensions. I think we have to have in Ontario a pension system that basically everybody pays into, above and beyond what we pay for Canada pension, so that when you turn 60, with a combination of Canada pension and whatever pension plan you have through your work life, you're able to retire with a decent income. I think it would be to Ontario's net benefit if we were to do that, because it would mean that people in their later years, mid-years, as some might want to call it, in their mid-50s, when they're faced with the situation of possibly having to retire because of circumstances that are out of their control when it comes to the only employer in town closing—such as what we saw in Smooth Rock Falls or Opatatika or others—would then at least have an option and be able to say, "I can maintain my property, I can maintain my standard of living, and I can stay within my community. I don't have to uproot and change all of my life."

I just say to people out there, think about it. You have workers in communities like Smooth Rock Falls and others who were raised in that community, who have a lifestyle that is specific to that community, and all of a sudden, at age 50 or late 40s, are faced with turning their entire life upside down and saying, "You've got to move away and go somewhere else." If you're younger, that's a lot easier to do, but if you're older and closer to your

retirement, it's much more difficult to do. So I say it also impacts on the issue of property rights, and I think we have to have a mechanism to allow seniors to keep their homes by having a level of taxation on the municipal side that is reasonable and reflects their income, but at the same time, we need to have on the revenue side, for seniors and older adults who retire, a pension system that allows them to do that with some dignity.

I look at the issues of the Human Rights Code which the member wants to amend in Bill 57, and I've got to take the last five minutes and go on to one of the issues that I know Mr. Barrett takes very seriously; I certainly do, and I'm sure other members do as well. That is the issue of human rights as it affects First Nations. Listen, I just came out of a meeting this morning. I was meeting with Lawrence Baxter from Nishnawbe Aski Nation, who's the welfare director, I guess, in charge of the community and social services side of NAN. We were talking about the poverty within those communities. Well, talk about property rights—there's no property right on reserves. That's one of the fundamental problems we've got.

If we have Caledonia today, it's because of that lack of will on the part of federal and provincial governments to give aboriginal people the right of property. So when they don't have that right, what do you think they do? They go out and do what happened in Caledonia. People may be upset with the people from Six Nations for having done what they've done, but I think we need to understand the context in which it has happened. I say it is also a fundamental issue of property rights. You are not allowed, as a First Nation citizen of this province and this country, to own property on your own reserve.

Can you imagine living in your own communities, as MPPs—most of us own houses here, right? Imagine you lived in your community—in my case, Timmins—and you could not own the property on which your house sits. How alienated would you feel? In our European concept of property rights and ownership, where much of this comes from, is the history of the development of property rights. We understand that a fundamental part of being able to own your own home is to own the property. Well, in First Nations, we say, "You don't have that right." I think if we're going to amend the Human Rights Code, one of the things I'd like to raise in committee—I know we can't do it in this particular debate and it may not be a subject specifically for this bill—is that we need to take a look at the issue of property rights for First Nations people. We have to be able to say that they too are citizens of Ontario, they too are citizens of Canada. We need to make sure that they enjoy the basic benefits of living within our society, and one of those is the issue of property rights. Why is it that, in our modern society of Canada, a country that is seen as a leader in the world when it comes to human rights, we allow saying to First Nations people, "You don't have property rights"? It is absurd. Then we wonder why First Nations people blockade the highway or blockade a housing development. This is one of the fundamental issues that's the core of all of this.

### 1030

I just think that in our own capacity, in our own ability as a Legislature, we need to amend our laws and then work with our federal government to force them to do the same and start recognizing that First Nations people, no matter where they live in this country, and in our case this province, are citizens of the province and citizens of the country and should have the basic benefits. I say to those people who may be watching the debate and who say, "Oh, yeah, but they have it so well off over there"—I was talking to Lawrence about that this morning, the attitude of some who say, "Well, they live on reserve, they get free Ski-Doos every two years, they get a free house, they get a cheque sent every month. Life is grand." Well, I say to all of you, go live on a reserve for a month. I'll pick a few for you. I'll pick some of the better ones. You're going to come back after a month and tell me, "My God, how did we allow this to happen?"

I say to all of us, let's give our collective heads a shake and start to recognize that an injustice to one is an injustice to all. The quicker we realize that First Nations people have been left behind far too often in our society when it comes to mainstream decisions around rights—we have left First Nations people behind, and then we wonder why they're out protesting on the highway or the property development. I say it's because we've left them behind far too long.

Also in regard to this particular bill, there is the concept of allowing—I forget the term he uses—a mechanism by which we're able to object to a decision of expropriation. I support wholly that concept. I accept on the one side that society, in other words government, needs to expropriate property from time to time for the greater good of society or for a development that is needed—a water plant has to be built or whatever it might be. But certainly we need to say that if a person's property is going to be expropriated, there needs to be a mechanism so that property owners are able to defend themselves, make the points as to why he or she feels that the property should not be expropriated and block the expropriation if need be, and/or if it is going to be expropriated for reasons of the common good, there's adequate compensation to the individual who's being affected by the expropriation. I take it that's what the member is trying to get at when he talks in regard to this particular bill—I think it's under section 3 of the Expropriation Act. First of all, there's a judicial review to review the process—I forget what it's called. There's some sort of a body in there that you'd be able to appeal to, and I think that makes ultimate sense.

I just want to say that we support, as New Democrats, the concept. We understand that there are issues. We don't believe that society doesn't have a certain right, but we certainly have to give people a fair process in that process.

**Mr. Jeff Leal (Peterborough):** Indeed, this is an interesting discussion on Bill 57, but I think we must review the historical context somewhat. During the 1982 constitutional discussions, the Prime Minister of the day,

Mr. Trudeau, did in fact offer to make property rights part of the Charter of Rights and Freedoms. At that particular time, that offer by Prime Minister Trudeau was rejected by Premiers Davis, Lougheed and Blakeney, and the most vociferous opponent of enshrining property rights in 1982 was Premier Sterling Lyon of Manitoba. Why were they opposed to property rights being enshrined in the Charter of Rights and Freedoms in 1982? Well, it was done because they raised the issue of provincial jurisdiction in terms of expropriation, dealing with hydro corridors, which was particularly of interest to the government of Manitoba; the building of provincial highways, which was of interest to all four Premiers; and other projects of provincial interest.

In fact, municipalities also had concerns about enshrining property rights in 1982. The best example I can give you is something that's fairly simple in nature: the acquisition of daylight radii when one improves an intersection within a community to enhance safety for both pedestrians and vehicular movement. That indeed was something that was brought to the table and rejected. Then what happened in 1982, of course, was that in order for the Prime Minister of the day, Mr. Trudeau, to get his Charter of Rights and Freedoms, the Premiers insisted that a notwithstanding clause be put into the Constitution.

Indeed these are the issues. I happen to view it from the position that if you want to enshrine property rights, there should be an amendment made to the Constitution of Canada, along with the elimination of the Senate, which I also believe in. I think it's at that level of the Prime Minister of the day, Mr. Harper, and the current crop of provincial Premiers, if they're insistent that property rights should be enshrined, that it should be done properly in the Canadian Constitution.

**Ms. Lisa MacLeod (Nepean–Carleton):** I'm very happy to support my colleague Toby Barrett today with Bill 57. I also want to compliment him, and I want to compliment his assistant, Josh Deming, who's been working very hard on this. He's over in the gallery right now. They've done a tremendous job, and I'm very happy to have worked with their office on numerous occasions. This is a very important issue in rural Ottawa, Nepean–Carleton, Carleton–Mississippi Mills, some of those key constituencies where farmers and landowners are always worried about the intrusion of government.

I talked to people like Tom and Marlene Black, Jack McLaren, J. P. Dory and Roger Graves. They all talked to me about the issues regarding property and its protection and the responsibilities that come with it. I'm happy that Toby Barrett's office has been such a great resource to me. I support his proposed legislation because he understands one indelible and inherent fact: that we in Ontario should have the right to enjoy our land and our homes.

Never before has it been so important for us in this Legislative Assembly to discuss issues on land rights and the responsibilities that come them with the passage of the Clean Water Act just this week, as well as the continued crafting, drafting and passing by this Liberal gov-

ernment of several other pieces of legislation that have and will continue to diminish the rights of landowners across Ontario. Mr. Barrett's legislation is both timely and sound.

While preparing for today's debate, I came across an old Edmonton Journal article from October 2003, written by a well-known columnist, Lorne Gunter. He simply states in his article why the time for land right protection is now. He says in 2003:

"Both of the following statements were made within the past three months. One is from Canada, the other from Communist China. Which is which?"

"(a) 'The government has the right to expropriate property, even without compensation, if it has made its intention clear.'

"(b) 'We should protect all kinds of property ownership—including private ownership.'"

With the quote now closed, I can tell you it was a trick question. The government that has the right to expropriate even without compensation is Canada, not Communist China. He says:

"If, indeed, the businesses and farm plots of China's entrepreneurs and landowners are now constitutionally protected, the Chinese have one up on Canadian ... landowners. In Canada, there are no constitutional safeguards for private property, and increasingly few common law protections, either."

Can you imagine this? Communist China actually affords greater land right protection than Canada does.

That's in some jurisdictions anyway, and I want to correct what my good friend from Peterborough said. Some provinces in Canada have enacted land right protection in the absence of federal property rights. In fact, during the constitutional debates that were led by his hero Pierre Elliott Trudeau, and the repatriation of our Constitution, and the Charter of Rights and Freedoms, former Alberta Premier Peter Lougheed told Lorne Gunter in this same article, "'This [property rights] was a very short, 10-minute bargaining session.'"

So his province, along with Quebec and the Yukon, has statutory protection on property rights in place to remedy Pierre Trudeau's wrongs, which begs the question: Why would Canada's economic engine, Canada's most diverse province and Canada's most populous jurisdiction not enshrine similar statutory protections?

**1040**

With this piece of legislation, we will be taking an important first step today. Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities, finally recognizes the need in Ontario and Canada to provide landowners with a public hearing for compensation when their land is unfairly expropriated. Bill 57 will finally make it difficult for this Legislature to take property and not pay compensation, and Bill 57, if you can believe it, finally puts Ontario on an equal footing with Communist China with respect to land rights.

Right now there's a very important distinction—

**Interjection:** It's laughable.



**Ms. MacLeod:** It is laughable, actually.

Right now there's a very important distinction between legislative or constitutional protection of lands and how land rights are dealt with in common law. In this place, we can find certain circumstances to ensure our Liberal colleagues' will of protection in one-off pieces of legislation and in common law, but in 2001 Karen Selick wrote about the current predicament we are in in Canada and Ontario. She says: "If the Legislature decides that it wants to take your property and not pay compensation, then there's nothing"—absolutely nothing—"to stop it from enacting legislation which explicitly disentitles you to compensation. The courts have said only that compensation must be paid if the statute is silent."

It is increasingly important that this piece of legislation passes so that farmers in my community, who are farming on the Jock River or on provincially designated wetlands in Goulbourn, won't ever have to worry again whether or not their lands will be expropriated and their livelihoods destroyed by this government. Once and for all, under Bill 57 there would be, in this province of Ontario, a guarantee that this Legislature could not expropriate without a view to compensate. For this reason I support my colleague Toby Barrett and I support Bill 57.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I think in a lot of ways most of us in our initial responses would support property rights. But as I look at that particular bill, I'm not sure what's happening, and as I listen to the debate, I'm even more unsure of what's happening here. I hear them talking about farmland rights, how this will impact on farmers and that there's a crisis out there, and I'm not sure how this is supposed to work. I see farmland and the ability of farmers to have property rights over their farmland as very important, but I also see it as important in terms of the whole community. When you have an opportunity to exercise certain farm rights or farmland rights and you can do with your property as you see fit, there's also the potential for conflict and negative impacts upon your neighbours.

When I look at my own farm situation, I worry about the fact that maybe my neighbour can take his farmland and turn it into something that isn't farmland. I don't understand how we can get around the issues of zoning. How do we get around the issues of land use that we have out there currently? In terms of things such as expropriation—and I've seen expropriation in areas, in my own community. When Highway 402 was put through, there was a process for the farmers who had expropriation through their properties for that highway.

The Expropriations Act gives those rights to those farmers. The authority that wants to expropriate the property first of all has to give notice. They have to notify each of the registered landowners. Then the owners have the opportunity to request a hearing at which they can justify their reasons for not wanting to have an expropriation. There's the opportunity for an inquiry, and that inquiry then reports back to the approving authority. The approving authority of course has the option to make a decision of its own. It does not have to take the inquiry's

recommendations. Nevertheless, when they do that, they still have to give written reason for why they've done that, so at that point the written reasons are there. If the authority still proceeds and they decide that they're going to expropriate, they have to register that plan with the land registry office, they have to serve notice to the owners of that expropriation and they have to start negotiating compensation. They have to not only negotiate compensation with the owner of the land; they have to negotiate it with the tenant as well.

We all know that sometimes negotiations don't go well, so there are appeal mechanisms available to those landowners. They can, first of all, ask for a board of negotiation, which is appointed by cabinet, or they can go to arbitration, which is through the Ontario Municipal Board. If all else fails and the landowner is still not satisfied with what happens, they can go to Divisional Court. That exists currently in the Expropriations Act. They have all kinds of opportunities to appeal, and there are time limits on all of those situations in all parts of that process. It isn't as if somebody can just drag it out forever.

But when I look at this bill, as much as I want to support it—and I certainly understand the member for Timmins–James Bay's issue around First Nations and aboriginal rights to property; I absolutely agree with you—I still have concerns about what this will do. I think we're opening the door here to a lot of potential for conflict if we allow people to be able to simply exercise property rights. We're talking about expropriation, but property rights are more than just the ability to fight expropriation. They're the ability to do with your property anything that you feel is fit. It doesn't necessarily mean that it has to agree with what your neighbours like. I'm very uncomfortable with this, so at this point I have to say that I'm really not able to support this.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's a pleasure to join the discussion and debate this morning on Bill 57 on behalf of my colleague from Haldimand–Norfolk–Brant, Mr. Barrett, who has been a tireless defender of property rights in this Legislature and outside of it for some time. I certainly have to agree with and support his bill and his position on the right to own property.

Notwithstanding what the government members have been saying about the concerns and everything, this was something that we actually had in this country until Pierre Trudeau and the repatriation of the Constitution in 1982. So it's something that we had that was taken away. I didn't notice that the country had fallen apart prior to 1982 with the right to own that property. That fear-mongering on the part of the government is exactly what they do and a way they tend to try to wedge rural Ontario and urban Ontario, which they've done in a number of bills in this Legislature.

Mr. Barrett's bill, let's be perfectly clear here, does not give unfettered rights to the property owner. It is balanced with the responsibility to care for and treat that land in a proper fashion with regard to the character of

the community, the legal use, the environment and all of those kinds of concerns. That responsibility balances against the rights of that property owner, but it also places the burden on the government to make a case if that property is in a situation where the government feels that it is necessary to expropriate or acquire that property through expropriation for the public good, for the good of society. That is a key component that is missing today. The government doesn't have to make that case because those property rights are not there. So if it chooses, the right of the property owner to appeal doesn't exist.

This is something that has caused a great deal of consternation with rural landowners in this province. Rural landowners in my riding—the Renfrew County Private Landowners Association and the Ontario Landowners Association, Renfrew county chapter—are very concerned with the fact that they see government as having unfettered ability to dictate to landowners, many of those people whose land has been in the family for generations, whose land has been in the family since long before Canada was a country. Those people are very concerned that for no reason whatsoever, just because the government decides, they now have the right to do as they wish with that person's property, without proper compensation. This is a big issue in Bill 43, the Clean Water Act, where rural landowners could have their rights simply taken away because the government and the conservation authority or the protection authority decides that must be done. So that is a huge concern for rural landowners. What Mr. Barrett is saying today is, Bill 57 will give protection to those landowners, those great stewards of the land, who have been here for generations. Those people have a right to be given fair opportunity to appeal government decisions that affect the ownership of that property.

1050

Ms. MacLeod spoke earlier about there being stronger property rights in China than there is in Canada. I do want to acknowledge that this was something first brought to my attention by my colleague from Oak Ridges, Frank Klees, who's also been, as everyone knows, a strong defender of property rights. I was flabbergasted when he first brought that to my attention, that we in Canada enjoy less property rights than the people of China. That's something this bill could remedy, and would I suggest that members of this House support Mr. Barrett in his very worthwhile piece of legislation.

**Mrs. Carol Mitchell (Huron—Bruce):** I rise today to speak to Bill 57, the bill that was brought forward by the member from Haldimand—Norfolk—Brant. This bill aims to amend the Human Rights Code to protect the rights of property owners in Ontario. I'm not one to cast doubts on someone for occasionally challenging the fairness and equality of legislation in order to duly represent the collective needs of society, but I feel that with this bill, this member is attempting to overstep the boundaries of what the Human Rights Code ultimately is accountable for. The member must also keep in mind the very delicate balance that exists between private property rights and the collective rights of society.

I just want to talk for a minute about the foundation that we begin on. When people buy property, they have an understanding of the permitted uses of that property. There are many things in place municipally, and we talk about what the uses are, not only for their properties but for the neighbouring properties as well. The reason we have done this is so that our communities have the tools they need to move forward. There has to be a strong linkage in planning to ensure that our communities, be they rural or urban, have everything they need to move forward. That's what the McGuinty government is about: building strong communities.

I know that when the previous government talked about infrastructure and talked about building strong communities, there was no linkage. The rural communities were left to wither on the vine. When I look at our bridges, our roads, our water and our sewage, all of that goes forward with planning that is acceptable to move our communities forward. These things aren't done in isolation. I understand that expropriation is something that is entirely the last thing one does, but if we do not have something like this in place, how, then, do we represent the public good—"public" meaning what is in the best interest of the overall public?

We talk about bridges, we talk about transmission lines, we talk about roads and we talk about environmental issues. We have to keep in mind what is reflected for the public good as well. There must be a tool in place to meet those needs. I hear from the opposite side the split between urban and rural. This isn't about urban and rural. This is about respecting personal property while moving forward what our province needs to make sure that the overall good of the province is recognized, with the tools in place to also recognize that if expropriation is the only thing that can move forward, there is adequate and fair compensation.

I know that many of you know I come from a municipal background. When I was warden of the counties for a couple of years, expropriation is something that did come up when we were put putting in a major road. We were able to negotiate that, which is often the case. But if that tool is not there, how, then, does one move the public good forward?

Clearly, we all understand, and I know the member does as well, that it's not in the political interest. What is in the political interest is fearmongering. It's about taking a lack of understanding of what our rural communities need and then bringing forward pieces of legislation like this that you can go out and talk about and increase that fearmongering perspective. But one thing I say to you is that you needed to do that when you were in government to make sure we had the infrastructure in place.

**Ms. Laurie Scott (Haliburton—Victoria—Brock):** I appreciate the opportunity to speak this morning in support of my colleague Mr. Barrett from Haldimand—Norfolk—Brant on his private member's bill, Bill 57. He has brought it forward because we on this side of the House are listening to our rural communities. It's the McGuinty Liberals who are not listening to what the rural

communities need. It's you who are not doing it, and it was seen all over Bill 43, the Clean Water Act. Those people came out. We didn't make it up; real people came out and told their real stories.

I'd like to commend the member from Haldimand–Norfolk–Brant. He's done a great job on his articulation of land rights. He's been a great critic for agriculture and bringing forward their needs, highlighting what this government has not done.

But it brings forward some essential concepts for the people in Ontario who own or rent property. I appreciate that he has brought this piece of legislation forward. It's a right to own property or rent property; it's a responsibility to maintain one's property. What is not presently within Ontario law is rights and responsibilities for those who rent, and Bill 57 presents this also. I say, from the members here, that certainly the PC Party—no question—supports property rights. That is what is essential to our economic prosperity and our political freedom. It's what our forefathers came with, when there were property rights, and they've slowly been taken away by governments. When they pass legislation and diminish our property rights, it affects all of us.

OREA, the Ontario Real Estate Association—they have 34,000 members—wrote in support of Bill 57, saying, “Most Ontarians do not realize there is no guaranteed right to own private property in Canada,” and it's correctly pointed out in Bill 57. OREA says, “While we agree that a balance must be struck between the public good and private right, we also agree that a society which diminishes the rights of property owners should be prepared to compensate them for that loss.”

Heard again and again through Bill 43—heard constantly: “What? Expropriation without compensation?” People by the busload came from all over Ontario—property owners, business owners, the Canadian Federation of Independent Business, the Ontario Chamber of Commerce—telling us that this legislation would drive people out of Ontario, would drive businesses out of Ontario. You threw the responsibility of source water protection onto the backs of landowners and Ontario municipalities, especially the rural communities, because you're downloading onto the—

**The Deputy Speaker:** Order.

**Ms. Scott:** Anyway, I support my colleague's bill, Bill 57.

**The Deputy Speaker:** Thank you.

Mr. Barrett, you have two minutes to respond.

**Mr. Barrett:** I wish to thank the speakers in the House. As well, I want to recognize Lynne Moore, a dairy farmer from Terra Cotta, John Tory's riding, who is here to sit in on the debate this morning. I think he'll be—stay tuned for tingle voltage. That's coming up next.

Member for Davenport, we had a chat a few days ago and I appreciate your reminding the House of Bill 11, which I introduced 11 years ago, on property rights. You raised some important questions as well on the Human Rights Code deliberations.

The member for Simcoe–Grey gave us a good history lesson, going back to the year 1215. The member from

Timmins–James Bay identified a lack of adequate compensation arising from expropriation in many cases, and also reminded us that there are not property rights on native territory. This private member's bill, by the way, doesn't have the capacity to deal with aboriginal land claims, let alone negotiations. It's a very important issue and very timely.

I noticed that the member for Peterborough's comments were refuted by the member from Nepean–Carleton. It's important for her to remind us that communist China does have property rights; Canada does not, North Korea does not, Cuba does not.

The member for Huron Bruce: I just heard her spout off and make mention of fearmongering. That's fine. We're very clear on your opposition to property rights.

Of course, the member for Renfrew–Nipissing–Pembroke knows of what he speaks, and I also wish to thank Laurie for anchoring the debate. It is important to strike a balance and, to date, there are, as Laurie mentioned, serial violators of land rights. We see this in some of the comments from the benches opposite.

1100

GROUND CURRENT  
POLLUTION ACT, 2006

LOI DE 2006  
SUR LA POLLUTION CAUSÉE  
PAR LE COURANT TELLURIQUE

Mrs. Van Bommel moved second reading of the following bill:

Bill 143, An Act respecting ground current pollution in Ontario / Projet de loi 143, Loi concernant la pollution causée par le courant tellurique en Ontario.

**The Deputy Speaker (Mr. Bruce Crozier):** Mrs. Van Bommel has moved second reading of Bill 143. Pursuant to standing order 96, you have up to 10 minutes.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** Private members' time is set aside for MPPs to address issues that are of particular interest to themselves and to their constituents. My private member's bill is intended to advance the understanding of ground current pollution and to establish a time frame and process for remediation.

As a farmer, I've been long aware of this issue for probably well over 30 years, but it wasn't until I met a constituent whose life was completely changed and affected by ground current pollution that I started to really understand the impact that it has on all Ontarians. Should the Ontario Legislative Assembly pass this private member's bill, it is my hope that we will see a special focus on the state of our electrical infrastructure and the important role that it plays in the overall delivery of safe energy to our homes and to our businesses.

We are not the only jurisdiction to experience this type of pollution. The hazards resulting from ground currents have been recognized as a problem in both Canada and the United States and, as a matter of fact, right across the

world. New York State spent \$100 million in one year to clean up electrical pollution.

To understand the problem, it is important to appreciate what ground current pollution is and its impact on humans and animals. Many people refer to this phenomenon as stray voltage, transient voltage or tingle voltage. Regardless of what we call it, the impact on farms, manufacturing and humans is demonstrable.

In the past, electrical equipment consisted primarily of lights, motors and tube-type electronic equipment. Our infrastructure was developed to supply usage for a relatively small use, and transients were not really a great problem at that time. With increasing use of solid-state computers and microprocessors, increasing electrification and automation of farms and businesses, and ever-increasing demand and load on our distribution lines, the problems of ground current pollution are also increasing.

Stray voltage is man-made electromagnetic energy. The laws of electric engineering require that electrons flowing from a substation transformer must return to that transformer in order to complete the circuit. This is done by the use of neutral wire that exists on the distribution and transmission systems. With less than perfect grounding, however, this current gives rise to stray voltage. Because of increased load on these neutral wires, more and more of the current is now completing the circuit via other routes, including the earth and equipment.

Much of the increase in stray voltage over the past 30 years is due to an aging distribution system, heavy loads on existing systems and an increasing reliance on the earth as a conductor of that power. The transmission and distribution system in many areas cannot return such a high voltage impulse to the substation on a neutral wire. Unfortunately, the path of least resistance which it is prone to take is not always the straightest path. As a result, it takes a path back to the substation via the ground, in streams, on metal plumbing pipes, as well as through animals and people.

It is hard for most of us to understand something that we can't see, and for many people it has been a long battle to prove that this problem even exists. Although humans are sensitive to electric current, animals such as cows, pigs and horses are probably the best examples of how the body reacts to this current. All of us have experienced an electrical shock just by touching something that is a conductor of electricity. Imagine going through every day getting a number of shocks every time you try to accomplish something as simple as drinking and eating.

Cows are the most susceptible animals and therefore are often the first to show signs of problems with ground current pollution. Cows take quick drinks of water because the water bowl gives them a shock every time they go to drink, or they get a shock from leaning against the metal stanchions or from the milking equipment.

Such was the case for one of my constituents, Lee Montgomery of Dover Centre. Mr. Montgomery had already been awarded the distinction of being Canada's youngest master breeder in 1971 for the quality and

productivity of his herd's lineage. But by the mid-1970s, Mr. Montgomery started to experience production and breeding issues in his prize dairy herd. Herd problems are often difficult to diagnose, so he proceeded with the slow process of eliminating possible causes, including checks on his feed quality and testing the water samples. He had his veterinarian visit, and of course he used very expensive medications in an attempt to remedy something that no one seemed to be able to identify. These were all part of the process that this farmer used to determine what was happening to his superior herd, because he was now experiencing lower milk production, unusually nervous behaviour, a high abortion rate in the herd and increased illnesses such as mastitis.

Today, there exists a great deal of science to support what farmers like Lee Montgomery have learned by hard experience. Now veterinarians, professors, electrical engineers and researchers all recognize the existence of ground current pollution. Specialized equipment is now available to detect the existence of ground current. In 1992, a Cornell study assessed the impact of stray voltage on milk yield and its composition. Research is also being done into this problem in Ontario by the Ministry of Agriculture, Food and Rural Affairs through its many colleges and its university. Alberta Agriculture determined that 21% of dairy herds in that province had to be monitored routinely for excess levels of stray voltage. But for Mr. Montgomery, all this comes too late. He had already been forced out of the business in 1992 because he was unable to identify the problem.

No one solution works for all stray voltage issues. The first step is to solve the problem, including having your electrician examine the system at your home or in your business. But for many, the problem comes from outside their property, from the distribution and transmission system. Therein is the frustration that has been experienced by many farmers in Ontario. There is an impact on humans as well. More and more people are recognizing a condition called electromagnetic hypersensitivity, a biological disorder that results from regular exposure to electromagnetic fields. Dr. Havas of Trent University is currently doing research into this.

Hospitals have long understood the impact of ground current and have now got equipment that has built-in filters to eliminate the problem. Manufacturing plants also contribute to the problem, and some of them have done extensive work to reduce the impact of stray voltage on the performance and efficiencies of their equipment by again using special filters.

That is the purpose of this bill: Firstly to define objectionable current flow and to establish a timeframe for power providers to respond to complaints by consumers, including investigation and remediation of the problem. A consumer who feels they are subject to ground current pollution must make their complaint in writing. The electricity provider is required to make the initial response within 10 days. An investigation must be completed within 30 days, and they must take whatever action is necessary to remedy the problem within six months of receiving that complaint.

This bill will make it an offence to not remedy the problem in a timely manner by imposing a fine of \$1,000 per day after the first six months. Finally, the bill will also require the Ministry of Government Services to develop and implement a plan to eliminate ground current pollution in this province within 10 years.

**1110**

The problem can be solved. The rules are already in place, established by an international body that governs electrical engineers around the world. This bill brings a serious problem to light and requires that electricity providers respond quickly to fix the problem and remove current from the ground and put it back on the wire, where it belongs. The rules are there. They just simply need to be enforced.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's a pleasure to speak to Bill 143, An Act respecting ground current pollution in Ontario.

I want to commend the member for Lambton–Kent–Middlesex, Ms. Van Bommel, for bringing this issue to the Legislature's attention. She talked about it not being that well understood and not being that well known. I think Ms. Van Bommel may have been there when we had committee hearings this year. There was a group that brought this issue to the attention of the committee with regard to our hearings with Hydro One. I'm not sure if the honourable member was there on that day, but it was something I myself certainly found intriguing.

There's no question that stray voltage exists. That much we do know. I think she has identified the problem, and that is the problem in identifying it and being able to determine its source and the ability to mitigate it.

It would appear that in Wisconsin they've enacted a bill to deal with what they call "objectionable flows of electric current." It looks like that was enacted in 2004 in the Wisconsin Legislature. So it's clearly something that doesn't simply exist here; it exists everywhere that there is power being produced and distributed to those who need it.

I did talk to a couple of people in the agriculture business. I talked to a dairy farmer in my riding, Dick Straathof. He and his wife, Debra, have a dairy operation near Arnprior. I asked him about his experience and he, quite frankly, hadn't had any problems, but he has a fairly new barn, built in some protective measures and has not had any problems. But he did give me the name of another fellow near Port Perry by the name of Michael Kersten who has had significant problems with stray voltage. I see folks in the gallery nodding, so they're probably aware of that situation. He talked to me about issues with regard to low production of cattle, cattle that died, and autopsies that were inconclusive but where the veterinarian had made comments like this cow, that had died the day before, looking like it had been dead for some time, and those kinds of things. While I don't understand, and don't pretend to understand, the effects of these kinds of things, clearly there is a significant effect there.

The science is somewhat divided on it too. I also talked to some professors who don't necessarily see the

problem as being one of the utility but as being a problem of the installation itself. I'm not in a position to comment on that, but I can tell you what I can comment on. Mr. Kersten had to buy a neutral line isolator, and the utility installed it up near the transformer, and that reduced—he was getting a little under 0.5 volts, and that was what caused those kinds of issues and problems on his farm. This neutral line isolator has reduced that to about 10% of that, one-tenth of that, which is still not where he believes he should be with regard to proper production and everything else, but it has improved it and taken it away—for the most part.

It does raise the question: If that's what can happen with less than 0.5 volts, how can we possibly have a limit of 10 volts? I apologize if I'm repeating things that Ms. Van Bommel said, but it was explained to me that the effects of the voltage are exponential, based on the mass of the animal or human who is being subjected to them. A 50-pound child at X number of volts would be feeling one quarter of the effect of a 200-pound man. Then you've got to take that man and multiply him by eight to look at a 1,600-pound cow, and you can understand the effect and the infliction of discomfort and even pain and damage to an animal that size.

I think what we need to do here is get this bill to committee so we can get some real input from people who understand it far better than I can possibly understand it over the course of the couple of days I was given to look into this issue and speak to it today. Again, it's impossible to have a really solid handle on it. I have all kinds of paperwork and everything here, but we're not going to read that into the record because we don't have that kind of time.

I was also told something about one of the problems being that the lines themselves—I'm going to say "can be" because I don't have the ability to make those kinds of determinations—can be part of the problem because they are not capacitated to deal with what we are dealing with today. We have to look at our infrastructure system. If that is a problem, then perhaps the onus needs to be on us, who are delivering the electricity, to ensure that we're not creating a detrimental situation for people. If it means special equipment, I'm not suggesting for a moment that we have the capacity financially, in this province, to simply rebuild our transmission system, because that's not necessary for the purpose for which it's used. But if it is causing undue problems for farmers, maybe we do have to look at whether or not we can be putting on those mitigating devices that will reduce and/or eliminate the causes of this kind of stray voltage to farmers.

When you talk about a barn that has a huge cement floor, the conductivity of this is quite different from that of a single person walking down the street—or a married person. I wasn't picking on the marrieds, there; could be either one.

*Interjection.*

**Mr. Yakabuski:** I just wanted to see if you were awake, Jeff.

I think it is something we do need to get to committee. I do not want to monopolize the time, because I do have

other speakers here. Hopefully, with the passage of this today we can get further or deeper into this issue so we can understand it better, and then perhaps we can register a knowledgeable verdict on it at another reading. Thank you very much, Mr. Speaker

**Mr. Peter Tabuns (Toronto–Danforth):** This is quite an interesting issue, one I wasn't aware of in the past. I would like to commend the honourable member Mrs. Van Bommel for bringing this to this Legislature. If in fact we are having to deal with a problem of electrical pollution of our ground and it's having an effect on humans and livestock, it seems entirely reasonable to me that we take action on it.

I have to say, Mrs. Van Bommel, that one of the problems with your bill is that it seems eminently sensible, so the question is: Why would you spend a lot of time debating it? Nonetheless, we do get an opportunity to speak to it, and I will.

**1120**

I would say that the steps that you've laid out requiring investigation, requiring speedy assessment and then correction are entirely proper. We have an electrical system that is causing a problem for people. There are a number of ways of getting at this, obviously. You talk about the capacity of the neutral wire. One other thing that I might suggest to you is that if, in fact, in this province we had a concerted investment in energy efficiency so that electrical demand was reduced, that also would tend to push down the incidence of this problem, deal with situations where the infrastructure itself was being pushed beyond its design capacity.

In my previous life as a city councillor here in the city of Toronto in the 1990s, we were faced with an issue of replacing all of the street lighting in the city of Toronto. It was reaching the end of its design life. It was very expensive to maintain. We actually looked at lighting that used about half the power of the lights that we currently had in place and required far less maintenance. We were able to re-lamp the whole of the city of Toronto and have the savings from the cost of electricity and reduced maintenance pay for that complete re-lamping of the city over about four or five years.

So obviously in a farm or rural environment, assisting farmers to cut their electrical use by providing more efficient motors may be one way of dealing with this that has multiple benefits. It reduces the demand on the electrical system as a whole and, at the same time, allows farmers to cut their operating costs.

You talked to farmers in this province. You know they're facing difficult financial times. In the course of my experience going out for the public hearings on Bill 43, the Clean Water Act, we had farmers coming and speaking to us. The member, Mr. Leal, was there for the hearings in Peterborough. It was very clear that farmers were facing a crunch in income. Global subsidies, particularly in the European Union and the United States, which drove down the price for farm-produced goods, were creating an income crisis in rural Ontario. The depopulation of rural Ontario destabilized that society.

To the extent that we can look for opportunities to actually increase economic activity in rural areas by providing work to increase efficiency, to the extent that we can cut farm operating costs, I think we should look at that opportunity. I know it's not in your bill, but it's something that the government could in regulations or in directing Hydro One or local distribution utilities say, "Yes, you can look at a variety of ways of reducing this tingle voltage." One of the ways is investing in beefed-up transmission systems. The other thing to do is invest in reducing the amount of power that's used.

I don't know how hot water is provided in an awful lot of farms. My guess is people don't have Consumers' Gas or Enbridge or Union Gas running gas lines down rural roads all over southern Ontario or northern Ontario. Probably a lot of people rely on electric hot water heaters. Solar hot water heaters are currently—sorry for the pun. At this point, solar hot water heaters are economically viable on a commercial basis to displace electrical hot water heaters and, at the very least, can supplement those electric hot water heaters and substantially reduce the amount of current that they'll draw.

In the document that was produced by the Ministry of Agriculture, Food and Rural Affairs, it's noted that the most significant problems are most often observed between 6 and 9 in the morning, and then in the evening, when you've got heaviest draw on local power. To the extent that we're able to cut power demand, we reduce risk for livestock and for people.

Motors themselves are a significant draw of power and in this country we tend to have a very large stock of motors that are not up to highest efficiency standards. This past year, there was an international conference held in Europe on electrical motors and the potential contribution that could be made to reducing world demand for energy by upgrading all of the existing old motor stock to the newest, most highly efficient motors. If you've got a milking operation or if you have other machinery on a farm that's drawing on current, assisting those farmers to replace those motors with the highest efficiency would not only cut their operating costs but, again, would reduce the risk we have of this tingle voltage for farmers, their livestock, their operations.

I think that this bill, as written, is very useful. It makes sense to me, and I think we should proceed with it, but I'd like to suggest to the member that as she moves forward, and hopefully when there are hearings on this, that amendments to the bill might include a recommendation to the utilities that they provide an option to farmers for low-cost financing for upgrading the efficiency of their equipment or in fact, in some instances, if you're going to spend a lot of money on putting in a new neutral wire, using that money instead to reduce the electrical load on that farm and take advantage of an investment that might not otherwise be made.

One of the questions I have for the member who has proposed the bill is that I understand that in Ontario the voltage limit on tingle current is around 10 volts, whereas in Vermont and Wisconsin it's around 0.5 volts and in

Alberta it's one, and I don't quite understand why we here in Ontario haven't adopted a much more stringent standard for current flowing through the ground, flowing through water when, in fact, other jurisdictions with climates comparable to our ours, perhaps more severe than ours, have taken these steps, recognizing that they've got a problem with electrical pollution. It would be useful for me to hear from the member as to how she sees addressing that issue in the course of this bill moving forward.

It's my hope that the Ontario Federation of Agriculture, which has identified this as a problem as well, will be quite vocal on this matter. I see no reason why there wouldn't be support around the House for this bill to go forward, because why would anyone support a reduction in agricultural productivity? Why would anyone support increased risk for humans and livestock? It makes no sense.

You've identified a problem that, quite disturbingly, wasn't identified for a long time. You told the story about a farmer who went out of business in 1992 because of declining production for reasons that he wasn't able to identify. Why would we not take action to ensure that no one else ever faces that problem? I'm sure you know much better than me, because you represent a rural area and I represent an urban area. Why impose any greater burden on the farmers in this province? Why not act quickly?

I'm going to pass, come back to the rest of my time later in this period, and look forward to hearing the responses from the proponent of the bill.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I'm pleased today to speak on Bill 143, which my colleague the member for Lambton–Kent–Middlesex has brought forward. This bill addresses a very important issue to many rural Ontarians, and I strongly commend my friend Ms. Van Bommel for bringing this issue to the Legislature.

I believe this issue has a solid purpose: to prohibit situations of undesirable ground current pollution that can harm Ontario's livestock. In the event that situations of harmful current flow occur, this bill requires that the complaints be investigated and that the ground current pollution that is harmful to animals be eliminated.

According to a report that I received from the University of Guelph, Alfred campus, there were over 45 different research seminars and consultations done on stray voltage, and we have not yet received a positive solution. Looking at some of the reports that I received, there's the University of Guelph; the report I have here from Minneapolis; one from the Canada Plan Service, written by R. G. Winfield and J. A. Munroe; one from Wisconsin Public Service Corp.; and another one from Alberta Dairy Management.

#### 1130

This issue of ground current pollution or stray voltage is a serious problem for many of our farmers. It is often caused by either the electrical utility commission or faulty wiring. Stray voltage can occur when livestock

come in contact with metal equipment that has a different electrical potential than the surface the animal is standing on. Current may then travel through the animal to the earth in order to return to its source. Most animals have a lower electrical resistance than humans. These occurrences of ground current pollution are harmful to animals and affect the ability of farmers to remain competitive in their production.

Some of the most common symptoms resulting from ground current pollution are excessive or unusual nervousness, reluctance to enter or eagerness to leave the milking parlour, reluctance to drink water, miscarriages and lowered milk production. These symptoms all point to the fact that something must be done to prevent livestock from being subject to harmful ground current pollution. This bill is taking steps in a positive direction.

The presence of ground current pollution is a real problem for farmers in rural Ontario and has led to high financial losses. In Glengarry–Prescott–Russell, the issue of ground current pollution has affected many, many of the family farms. I have here Merton Albright, whose family in St. Eugène lost 60 cows. The Leroue family, egg producers, have lost much production. The Marjerrison family of Apple Hill have dealt with the devastating effect of stray voltage in their dairy herd. Each time the cows tried to urinate, up to 40 volts of current surge backed up through the animal. This led to major decreases in milk production and decreases in the overall health of the herds. The family ended up spending over \$70,000 on lawyers' fees and expert witnesses to prove their farm's decline in output was the result of ground pollution. According to a report that I got here from Robert Irwin, the family were successful in claims totalling over \$766,000.

Bill 143 would allow for the investigation into these types of cases. If proven to be at fault, the onus would be put on the electricity provider to fix the ground current pollution. According to a report put out by Robert Irwin, of which I have a copy, the Marjerrison family were successful in five claims totalling over \$766,000. In many of these cases, the root cause and responsibility for the presence of ground current pollution is put on the farmers themselves.

Just late last week, I received a call from another farmer in my riding. After the 1998 ice storm, François Cayer of St. Albert started to notice symptoms in his livestock that were associated with stray voltage: nervousness and decreased milk production. His vet, medicine and artificial insemination costs rose from about \$3,000 a year to \$28,000 a year. Between 1989 and 1994, he has sent 176 cows to the slaughterhouse. Mr. Cayer's case is representative of many Ontario farmers for whom, over a decade later, the negative effects of stray voltage still have very real consequences.

This bill would require investigation into a complaint that the power quality on a farm was suspect. This bill is a step in the right direction toward protecting Ontario's livestock and supporting farmers. This issue of stray voltage has affected farmers in Ontario for many years. I

would like to congratulate my esteemed colleague for bringing this bill forward.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's a pleasure to have a chance to speak to Bill 143, An Act respecting ground current pollution in Ontario, brought forward by the member from Lambton–Kent–Middlesex. I have to admit that I did not know much about stray voltage, transient voltage or tingle voltage before the member did the introduction of this bill.

"Electrical current that returns to the transmitting substation via the earth's surface rather than the proper path, that is, the neutral wire provided by the electrical distribution and transmission system, is ground current pollution." I wanted to read that into the record because a lot of people won't know what stray voltage is and how it occurs. Like the member from Lambton–Kent–Middlesex, my riding of Haliburton–Victoria–Brock has a huge agriculture business and farm base and is huge into the livestock industry, which has been the emphasis of this bill, especially the dairy industry. So I'm certainly glad that she's brought the concerns forward.

I have been reading some of the studies that have been undertaken by various groups with respect to the stray voltage and electromagnetic fields. The Canadian Cancer Society has suggested that there very well could be a link between the electromagnetic fields and the increase in childhood leukemia. That's reason enough already to acknowledge the need for this issue to be discussed and addressed.

We live in a world that's comprised of increasing and advancing technologies. I acknowledge the importance of this, but with this increased technology, it is also even more important that its potentially harmful effects are considered.

There's intense pressure to form alternative solutions to electricity generation and transmission. We see that we've got infrastructure, transmission lines, that need updating. We see that especially in rural Ontario; we see a lot of it.

This bill is going to bring attention to this matter. I look toward to it going to committee. I look forward, like the member from Toronto–Danforth said, to the Ontario Federation of Agriculture and all other stakeholders who are involved to be able to have comment on this.

I know my colleague from Haldimand–Norfolk–Brant would like to speak to this bill so, in conclusion, we're certain that this issue is worth studying. I thank the member for bringing this forward.

**Mr. Jeff Leal (Peterborough):** Indeed, it's a pleasure for me to have an opportunity to speak on Bill 143, as presented by my colleague the member from Lambton–Kent–Middlesex. She provided me with a copy of an article that was produced by the Farm and Country News, talking about the serious problem that the Marjerrison family of Apple Hill in eastern Ontario had with their dairy herd.

Doing a little bit of research, I know there is an interesting individual, a consulting engineer, Alex Furo, from Wallaceburg, Ontario. On numerous occasions Mr. Furo

has been called upon to provide expert testimony on this particular issue. Indeed, between October 1994 and June 1995, the Department of Public Utility Control in Connecticut had hearings on the investigation into stray voltage on dairy farms during the period of time that I just identified. Perhaps I will just read into the record what Mr. Furo testified at that time.

"Mr. Furo testified that '[s]tray voltage is manmade electromagnetic energy that directly affects livestock' and that '[m]ost of it is associated with the electrical power distribution system.' He explained that much of the increase in stray voltage over the past 30 years is due to the aging distribution systems, heavy loads on existing systems, and increasing reliance on the earth as a conductor for neutral return currents. While the electrical industry admits that stray voltage can reach animals through conduction, such as through a two-point contact with a metal stanchion that is carrying the current from the earth, Mr. Furo explained that stray voltage can also reach animals through a single-point contact, such as through induction, capacitive coupling or electromagnetic energy, even when the traditional utility protocol of using a meter connected between the stanchion and a wetted spot on earth records nothing.... Thus, a barnyard animal can still receive a shock even though a utility's conventional circuit theory protocol does not record anything. Mr. Furo then briefly described a demonstration on how this shock can occur," using data on a number of dairy herds throughout several jurisdictions in North America.

#### 1140

Also, the state of Vermont has attempted to bring forward legislation to deal with this particular issue. In fact, I have a copy of a bill that was put through Vermont during the 1993-94 legislative session. I'll read into the record some of the provisions of this particular act in the state of Vermont. It is an act, of course, relating to stray voltage. It says, in the statement of purpose:

"The general assembly finds that stray electrical voltages can have serious economic impacts on the residents of the state of Vermont. Electrical users, utilities and state regulatory agencies must co-operate to resolve stray voltage issues in a way that minimizes financial and other burdens on the electrical customer."

This was seen as such a serious issue, particularly in the farm area of Vermont, that they indeed established a task force to look into it. The duties of the task force:

"The task force should develop a uniform service policy relating to the elimination of stray voltage. Issues considered by the task force shall include:

"(1) The designation of maximum allowable levels of stray voltage. Stray voltage shall be considered eliminated when reduced to or below these thresholds.

"(2) The creation of a uniform procedure for investigating the source or sources of stray voltage.

"(3) Requiring utilities to eliminate stray voltage or relieve its effects when the source of that voltage is found to be in that utility's distribution system or related to that utility's distribution system.



“(4) Providing technical information to customers to assist them in eliminating stray voltage or relieve its effects when the source is found to be in the customer’s wiring or equipment.

“(5) The creation of a system for resolving disputes between electrical utilities and customers related to the elimination of stray voltage.”

I think that provides a good overview of what other jurisdictions are looking at. I encourage everyone today to support Bill 143.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Bill 143, An Act respecting ground current pollution in Ontario, represents one of the few times that Liberal members opposite have come forward with legislation dealing with a farming issue, and I’m heartened to see that. I guess I’m heartened to see that maybe it takes an election year for those opposite to admit that rural Ontario is on the provincial map. A challenge has been offered. I’m looking forward to the committee hearings on this, and I hope hearings are held in rural Ontario. So we’ll see what happens with that.

This term “ground current pollution” is a new term for me. I know it as stray voltage or tingle voltage. I’ve certainly read about it over the years in the farm media. It’s obviously an ongoing issue in Ontario and, as we’ve heard today, in states across this continent. Different approaches have been taken to address the issue.

According to the OFA, tingle voltage is a low electrical current between grounded equipment and the earth. This current, which usually travels along neutral wires provided by the usual electrical distribution and transmission systems, is forced to use the earth’s surface when those wires aren’t there or are inadequate, hence the stray voltage or the tingle through farm buildings and, regrettably, through large animals—cattle, obviously, horses and hogs.

This morning, Toronto radio seemed to be dominated by discussions of squirrels being electrocuted. Squirrels nest in transformers; maybe it’s the warmth up there. They indicated about 50 a month get wiped out. I don’t think that people are necessarily worried about the death of squirrels; it’s the interruption of the electrical supply in the city of Toronto. Again, I use that example just to reiterate how difficult it is to get rural issues on the radar screen at times, and we now will have to educate people on just what ground current pollution stands for. As far as the squirrels, there are too many in Toronto. We either need more coyotes or more squirrel hunters in this city.

Regrettably, though, we know that dairy cattle are susceptible to tingle voltage, reportedly, I’ve read, 50 times more sensitive than we are. Some US states have adopted a maximum allowable standard of 0.5 volts, Alberta has one volt as the acceptable limit, and Ontario has a less formal standard of 10 volts. Again, farmers are susceptible to electricity pricing. We’re looking at some skyrocketing electricity bills, and smart meters don’t necessarily work in the dairy industry. You really can’t bring them in at 3 in the morning to get a lower rate.

We do know on this issue, as has been indicated, that it is believed to be responsible for hormonal changes, behavioural changes, resulting in decreased milk production and reports of death. But again, there’s no official industry standard for stray voltage. Ontario Hydro considers 10 volts a maximum safe level. The OFA board lobbied the provincial government to establish a maximum allowable level of 0.5 volts, and that’s where my concern lies. We have to know what this standard will be. We need a benchmark if we’re to go forward with this, and because much of this is so vague, it makes it very difficult to know where the government will go with this.

**Mr. Dave Levac (Brant):** I had a different opening, but I just have to change it because the member for Haldimand–Norfolk–Brant brought to this place—everyone in this place knows how sincere I am about private members’ time. This is private members’ time. This is to fill the holes that exist in all governments and all legislation. Unfortunately, he takes an absolutely silly whack at the government, saying, “Where are you now?” because it’s election time. What an unfortunate opportunity.

I’m going to get right straight to the point here. All of the information has been given to us. We know what the problem is. We now know that we’ve got an opportunity to fix it, so let’s just fix it. In the gallery today are people from Loyola Catholic school in Mississauga. I know that they know—I really want to sincerely say this—that milk doesn’t come from a plastic bag. They know that we have rural Ontario and they know that our farmers need their support. So I’m going to encourage them to take this information that they’ve learned and go back.

The story the member for Glengarry–Prescott–Russell gave us was an interesting one. Let’s take the cow out of the urination problem that was described and put a human being in it. Watch how fast Hydro would change that.

I’m going to challenge each and every one of us. This bill is the right thing to do. It’s been studied for 30 years. Why did it take 30 years for us to correct it? I saw in my articles—and there’s a tonne of them here. I’ve got about 18 from the United States and Canada that are telling us the information. Why do we have to sit back and start poking political holes in this? Let’s fill in the information with the science that’s already there—30 years’ worth. Why are we not correcting this? I challenge each and every one of us to understand this.

I read a story where a farm went from 15% higher production in their milk than the provincial average, and with this problem of tingle voltage, transient voltage, stray voltage, tension parasites, stress voltage, objectionable current flow and ground current pollution—whatever you want to call it—they went down to 15% below the average, the same farm. They went from 15% above the average down to 15% below the average. You know what that is? That’s our economic engine grinding to a halt. The second-highest producer in our economy is the farmer. Let’s get real here.

This is a private member’s point that has been brought and I thank the member. Let’s get on with this. Let’s get

this to committee. Put the little tweaks and twacks you want to put in the bill, but get it passed so that from now on we stop this problem.

1150

**The Deputy Speaker:** Further debate? Mrs. Van Bommel. You have two minutes to respond.

**Mrs. Van Bommel:** First of all, I want to thank all my colleagues who spoke in support of my private member's bill: the members for Renfrew–Nipissing–Pembroke, Toronto–Danforth, Glengarry–Prescott–Russell, Haliburton–Victoria–Brock, Peterborough, Haldimand–Norfolk–Brant, and the member for Brant.

I also want to thank the people who helped to develop this bill. They include Christopher Wernham, who is the legislative counsel; Barry Fraser, who is a professional agrologist; Dr. Magda Havas at Trent University; Lee Montgomery, the farmer I spoke about; Ted Cowan, who is a researcher at the Ontario Federation of Agriculture; Lynn Girty, who is a farmer; Dr. Jim Morris, who is a professional agrologist and a retired instructor at Ridgetown College; and Dave Stetzer, of Wisconsin. Most of all I want to thank my staff person, Maureen Brown, who has been instrumental in getting things organized for me here.

There were a number of issues brought up. One of them was the quantity of the voltage, and certainly I would entertain an amendment to deal with that. One of the reasons I didn't specify a quantity in my definitions was because of issues such as weight and body type and that sort of thing. I'm going to leave that more to the science than to try to set that out. So I want to leave it that way.

The member for Toronto–Danforth talked about equipment and reducing the use of electricity on our farms, and we certainly are doing that. Our modernization is allowing us to do that, but there is also the cost of doing that. When you are in difficult times with finances, it's hard to do that particular thing.

I want to also clarify the issue of Mr. Montgomery. Mr. Montgomery knew what was going on on his farm; he just couldn't get acknowledgement from the utility to deal with it, and that was very important. The recognition that this may be associated with cancer is very much out there too.

I want to encourage everyone to come to room 228, because we have a demonstration of how this works, and I want everyone to be able to see how this happens.

**The Deputy Speaker:** Thank you, Mrs. Van Bommel.

The time provided for private members' public business has not yet expired; therefore, we will suspend proceedings until 12 of the clock, at which time we will have the votes.

Just by way of explanation, this doesn't happen very often, but private members' public business is just that, where individual members speak and vote and bring issues, and it's expected by most members that votes won't be taken until noon. Therefore, we will suspend the proceedings until that time.

*The House suspended proceedings from 1153 to 1200.*

LAND RIGHTS AND  
RESPONSIBILITIES ACT, 2006  
LOI DE 2006 SUR LES DROITS  
ET RESPONSABILITÉS EN MATIÈRE  
DE BIENS-FONDS

**The Deputy Speaker (Mr. Bruce Crozier):** We will deal first with ballot item number 53, standing in the name of Mr. Barrett.

Mr. Barrett has moved second reading of Bill 57. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

We will have a division on this after we've dealt with the next ballot item.

GROUND CURRENT  
POLLUTION ACT, 2006  
LOI DE 2006  
SUR LA POLLUTION CAUSÉE  
PAR LE COURANT TELLURIQUE

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item number 54, standing in the name of Mrs. Van Bommel. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. It's carried.

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I would like to refer this bill to the standing committee on justice policy.

**The Deputy Speaker:** Mrs. Van Bommel has asked that the bill be referred to the standing committee on justice policy. Agreed? Agreed.

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

*The division bells rang from 1201 to 1206.*

LAND RIGHTS AND  
RESPONSIBILITIES ACT, 2006  
LOI DE 2006 SUR LES DROITS  
ET RESPONSABILITÉS EN MATIÈRE  
DE BIENS-FONDS

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Barrett has moved second reading of Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities.

All those in favour, please stand and be recognized by the Clerk.

**Ayes**

Arnott, Ted	Hudak, Tim	Scott, Laurie
Barrett, Toby	Klees, Frank	Tascona, Joseph N.
Bisson, Gilles	MacLeod, Lisa	Wilson, Jim
Chudleigh, Ted	Miller, Norm	Witmer, Elizabeth
DiNovo, Cheri	Munro, Julia	Yakubuski, John
Hardeman, Ernie	Runciman, Robert W.	

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

**Nays**

Brownell, Jim	Leal, Jeff	Rinaldi, Lou
Bryant, Michael	Levac, Dave	Ruprecht, Tony
Delaney, Bob	Matthews, Deborah	Sandals, Liz
Dhillon, Vic	Milloy, John	Smith, Monique
Dombrowsky, Leona	Mitchell, Carol	Smitherman, George
Duncan, Dwight	Mossop, Jennifer F.	Sorbara, Gregory S.
Hoy, Pat	Patten, Richard	Van Bommel, Maria
Kwinter, Monte	Ramal, Khalil	Wilkinson, John
Lalonde, Jean-Marc	Ramsay, David	Zimmer, David

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 17; the nays are 27.

**The Deputy Speaker:** I declare the motion lost.

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

*The House recessed from 1209 to 1330.*

**MEMBERS' STATEMENTS****WASTE REDUCTION WEEK**

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today on behalf of John Tory and the PC caucus in recognition of Waste Reduction Week. It's a great opportunity to acknowledge the 25th anniversary of the blue box program in Ontario.

I'd also like to let the members of this House know that it is Thursday of Waste Reduction Week and we have not heard one word from the Minister of the Environment on her government's record on waste reduction. Although I will acknowledge that she was there for the ever-important photo opportunity this morning, except for the photo op, where has the minister been?

Is the minister afraid to address Waste Reduction Week because there is no amazing plan for waste diversion despite what we've been told by the McGuinty Liberals? Surely the minister must be concerned with the fact that they have clearly broken their promise on 60% waste diversion. Surely she's approached the Premier and said, "We need a plan for this, sir. We promised." Surely she's approached her cabinet colleagues and told them that Ontarians have the right to know what their knee-jerk policies are going to cost them.

Apparently that's not the case, and we're still waiting for the cost of the proposed LCBO recycling program, despite repeated questions to the minister, to the Premier and to the Minister of Public Infrastructure Renewal.

When it comes to breaking promises and saying anything to get elected, the McGuinty Liberals really are amazing. In fact, when it comes to breaking promises, the McGuinty Liberals are at the top of their game.

**GEORGE MAROOSIS**

**Ms. Monique M. Smith (Nipissing):** On November 13, we will see the end of an era in North Bay. On that day, George Maroosis will retire from North Bay city council after 24 years of service to our community.

George Maroosis has run a small business, K. Bros. Arcadian Art Shoppe and Gallery, at the corner of Algonquin and Main in downtown North Bay for 30 years. George is one of the few municipal representatives whose career reaches as far back as the Merle "The Pearl" Dickerson era. Some in this chamber will recognize his name, as he entered the provincial political realm a few times. But it was at the municipal level where he really made a difference.

Over the years, he was involved in numerous great projects that have changed the face of North Bay. In a recent interview, Maroosis outlined some of those of which he was very proud. He discussed the waterfront. He was very involved in the purchase of our rail lands, which form the basis of our waterfront development and which he sees as a lasting legacy for our community. He served as the founding chair of the District of Nipissing Social Services Administration Board, Casselholme and the crisis centre.

To all his work he brought a sense of compassion and social justice. He's been an ardent supporter of the Low Income People Involvement group, or LIPI. He is a straight talker who rarely hesitates to give his opinion, but he also wasn't one to talk just for the sake of talking or hearing himself.

George and I both sought the same nomination at one point, and although I was successful, I have to say he has been nothing but supportive, helpful and encouraging.

George was a true community builder, and, on behalf of our entire community, I want to wish him a happy retirement and to thank him for all the great work for Nipissing and North Bay.

**HIGHWAY 417**

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Modern highways are the economic lifelines of communities across Ontario and crucial to the growth of its economy. For years, the Minister of Transportation has been dealing with the planning and design of the extension of Highway 417. The previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior. Unfortunately, the current Liberal government has not yet seen fit to continue that project to Renfrew and beyond.

If these lines sound familiar to you, it is because, since my election three years ago, I have repeatedly tried to impress upon the Ministers of Finance and Transportation the importance of four-laning Highway 17 to Renfrew and beyond. Many times I've delivered petitions from my constituents, asked House questions and made member's statements, trying to make this government understand just how important this upgrading is to the economy throughout the county of Renfrew and indeed the entire Ottawa Valley.

We continually get ministry notices that they are preparing for this project, but all of those communiqués end the same way; that is, subject to the availability of funding.

The government holds the purse strings here. Make that funding available. It may sound like the same old song, but I would like the words to be so familiar to the Minister of Transportation that she actually hears them in her sleep. It goes like this: Highways, roads and bridges are the public transportation system in rural Ontario.

Minister, until I get that highway, I'm gonna keep on singing.

#### VETERANS

**Mr. Dave Levac (Brant):** Ontarians across the province take time during the first part of November to honour our veterans, who fought for our country and our freedom during the wars and conflicts at various times and in various places around the world. For many, the most visible way to remember our veterans is to wear a poppy. I ask all of us to support the poppy program run by our local service clubs.

But there are other ways in which we can express our thanks. In my own riding of Brant, I have been honoured over the last nine years to be one of the coordinators of the annual Thank-A-Vet luncheon. The luncheon, to be held this year on Saturday, November 4, is a small token to express our appreciation to the veterans of Brantford, Brant and Six Nations.

This is the largest event of its kind in Canada and sees the attendance of over 700 veterans, their spouses and widows, who come for a complimentary lunch and a chance to renew friendships and share their memories. The event continues to be a huge success, thanks every year to the efforts of the Thank-A-Vet committee and the many volunteers and patrons who donate their time, energy, money and sponsorship of this wonderful event.

I encourage all members of this House, and indeed the people of Ontario, to take time to thank a vet. We will remember, and we thank them for their sacrifices.

#### GOVERNMENT ADVERTISING

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** The Premier continues to defend his multi-million dollar partisan ads that tell Ontarians that there are more nurses and more doctors, and that patients spend less time waiting. He praises the accuracy of the information on the new wait time website.

Well, Premier, Ontarians are not impressed. They don't want government propaganda. They don't want you to misuse their tax dollars. They want health services, and they want the truth.

Your highly touted website says that, in my community, an average wait for an MRI is less than two months. In reality, I've just heard from two constituents who tell me something quite different. The father of an eight-year-old girl was told his daughter would have to wait four months for an MRI, and Gary McGregor's son-in-law was told he must wait seven months. This is a far cry from two months.

As well, as for your claim regarding new doctors, according to the 2005 CIHI physician supply report,

when you account for population growth, we had 3% fewer doctors per 100,000 people in 2005 than we did in 2001. In fact, the only real improvement is as a result of the initiatives we introduced: the increase in medical spaces and more foreign-trained doctors. Furthermore, while our government brought in more than 82 doctors to this province in 2001, under your rule you have lost 14 more than you gained. Stop wasting our money on ads.

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches–East York):** Last November 17, Howard Hampton, leader of the New Democratic Party, set up a task force and asked that task force to report on property tax evaluations. He asked me to chair it. He provided me with a wonderful group of people—Ethel Birkett-LaValley, a former reeve in small-town Ontario; Jeff Atkinson, who works with the Canadian Labour Congress; Chris Charlton, who is now a member of Parliament representing Hamilton Mountain; Alex Cullen, a former MPP in this House, who is now a councillor with the city of Ottawa and chair of that city's task force on property assessment; and last but not least, Tam Goossen, former trustee—to try to come to grips with the property tax assessment crisis that has been gripping this province.

We have not been afraid to consult. In fact, we have had meetings across Ontario—Toronto, Hamilton, London, Sudbury, Ottawa, Timmins, Fort Erie, Peterborough—and we've met with literally hundreds and hundreds of people. We set up a website and got nearly 500 people writing to us on how property taxes can be improved.

We are not afraid to report—not like this government, that's going to do it in 18 months. We will be releasing our report this coming weekend to the party. We are not content, in our report, that seniors are forced out of their homes, that the property tax system has no element of stability. We want to end the volatility, and we want to make sure that provincially mandated programs paid by the municipal property taxpayer are ended.

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#### MULTICULTURALISM

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** I rise today to speak about education in my riding of Bramalea–Gore–Malton–Springdale. It's a wonderful and diverse riding that truly represents our cultural mosaic and is one of the fastest-growing areas of Canada. I feel quite fortunate to have a culturally rich and diverse riding. About half of our population is comprised of visible minorities; nearly half come from outside of Canada. Our major ethnic groups are Canadian, East Indian, Italian, English, Jamaican and Portuguese. This represents unique opportunities and brings cause for many celebrations for our multitude of cultural holidays, such as Ramadan and Diwali.

As you know, rather than celebrating just one faith in our public schools, educators now take the opportunity to

help children learn about all cultures and all faiths. Better yet, many times it's the children teaching other children.

Last year alone, approximately 140,000 newcomers settled in Ontario. That's more than the population of PEI. As a result, the McGuinty government is changing with the times. For the first time in a number of years, this government has increased funds to school boards for English as a second language. The ESL we are providing increases flexibility to the system and bridges the language divide to create a culture of opportunity for entire families.

In my riding, we now have more specialist teachers, more student success teachers and more primary teachers since the Liberals—

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

#### HEALTH CARE

**Mrs. Linda Jeffrey (Brampton Centre):** I rise in the House today to discuss the issue of health care in the region of Peel.

I want to correct the record and speak to the recent Tory release that addresses the health care system in the region of Peel. I'm glad the honourable member has brought up the topic, although, clearly, he doesn't know what he's talking about. Our government has made investments of over \$45 million in the William Osler Health Centre. The new state-of-the-art hospital will be opening later this year. This is the hospital Premier Davis spoke about 25 years ago. Our government is delivering. Brampton has a new community health centre, a new satellite community health centre, so that more people have access to doctors.

The members of the Conservative Party have developed amnesia, and they hope that the good people of Brampton and Ontario will also forget that health care suffered during those eight long years of Tory rule. The Minister of Health during the previous Conservative government was from Brampton. He neglected his own community for years, and now he's the federal Minister of Health. His legacy in Peel needs to be fixed, and that's what this government is doing. We were elected because we're different. We've invested in health care. We've increased funding to hospitals by over \$2.47 billion since being elected. This government stands up for public health care. We understand how important it is, not only to my community of Brampton, but for all of Ontario.

#### CONSERVATIVE NOMINATION CANDIDATE

**Mr. Vic Dhillon (Brampton West–Mississauga):** Racism has no place in Ontario, and it certainly should not have any place in political parties and those who seek to be leaders.

Last week, I received a copy of a letter from Jim Schembri, a candidate for the Conservative nomination from the riding of Brampton West. In that letter, this Conservative nomination candidate says that demographics were the most deciding factor in motivating him

to run as a Conservative. I want to quote directly from his letter.

“Unlike the previous riding, new boundaries that include Peel Village means 60.85% of Brampton West were born right here in Canada.” And one more: “Unlike the previous riding, 69.58% of those in Brampton West considered themselves to be of the Christian faith compared to just 10.42% Sikh.”

That's what he's implying. What he's implying is that, as an immigrant, I cannot represent those born in Canada. Let me tell Mr. Schembri and his leader, John Tory, that I'm proud to be an immigrant, I'm proud to be a Sikh Canadian and I'm proud to be a representative for Brampton.

I'm proud to be raising my children in Ontario. I'm proud to live in a province where it doesn't matter what the colour of your skin is or where you come from. It's a province where there's opportunity for all.

I'm disgusted with the Conservatives, I'm disgusted with this politics of division and I'm disgusted with John Tory, who is sitting on his hands and is not doing something about these offensive and racist comments.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr. Pat Hoy (Chatham–Kent Essex):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption:

**The Clerk-at-the-Table (Mr. Todd Decker):** Your committee begs to report the following bill as amended:

Bill 65, An Act respecting mortgage brokerages, lenders and administrators / Projet de loi 65, Loi concernant les maisons de courtage d'hypothèques, les prêteurs hypothécaires et les administrateurs d'hypothèques.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

#### INTRODUCTION OF BILLS

##### MINISTRY OF GOVERNMENT SERVICES CONSUMER PROTECTION AND SERVICE MODERNIZATION ACT, 2006 LOI DE 2006 DU MINISTÈRE DES SERVICES GOUVERNEMENTAUX SUR LA MODERNISATION DES SERVICES ET DE LA PROTECTION DU CONSOMMATEUR

Mr. Phillips moved first reading of the following bill:  
Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government

Services / Projet de loi 152, Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent.

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

Does the minister wish to make a brief statement?

**Hon. Gerry Phillips (Minister of Government Services):** In ministerial statements.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

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

**The Speaker (Hon. Michael A. Brown):** 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. Kormos, Ms. Martel and Mr. Tabuns exchange places in the order of precedence, such that Mr. Kormos assumes ballot item number 74, Ms. Martel assumes ballot item number 59 and Mr. Tabuns assumes ballot item number 64.

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

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## STATEMENTS BY THE MINISTRY AND RESPONSES

### CONSUMER PROTECTION

**Hon. Gerry Phillips (Minister of Government Services):** Today I'm introducing for first reading the Ministry of Government Services Consumer Protection and Service Modernization Act. The act provides important protection for all people of the province, our government once again proving we're on the side of Ontario families.

If passed, the legislation I've introduced will strengthen consumer protection, modernize government practices and enhance the government's ability to deliver service to the people of the province. This proposed legislation I've introduced today builds on the Consumer Protection Act that we enacted last year, which was a significant step forward for consumers and made Ontario a leader in consumer protection.

While we can be proud of the work we've done so far, we cannot rest on our laurels. Today we continue our work and move forward on several key areas. One of these important areas is an issue of real concern to

property owners across the province: real estate fraud. The people of this province work hard to make a house into a home. They deserve to know that their property is secure. This legislation will ensure that property owners do not lose their home as a result of real estate fraud or become responsible for fraudulent mortgages. If passed, this legislation would ensure that ownership of a property cannot be lost as a result of the registration of a falsified mortgage, fraudulent sale or a counterfeit power of attorney. Instead, an innocent homeowner's title will be restored to them and the fraudulent document will be nullified.

The legislation will also introduce new safeguards for suspending and revoking the accounts of suspected fraudsters so they cannot register documents. It will raise existing fines for real-estate-fraud-related offences from \$1,000 to \$50,000 and will strengthen our authority to allow for notification of property owners about any change to their title in our land registration system.

In addition to the steps announced, we are also working on four key areas. We are looking to: strengthen the land titles assurance funds so they're more responsive and more transparent to victims of fraud; actively question who should be able to register documents in the land registration system and what requirements they need to meet regulation authority; consider a notification system that notifies property owners when certain dealings are registered against their property.

Finally, we're also continuing to discuss changes on how powers of attorney are used in real estate transactions. Real estate fraud is an important issue for Ontarians. We are committed to continually taking steps to address this issue, because even one case of fraud is too many.

Recently, there has been explosion in popularity for gift cards, to the point where it is now a multi-billion dollar industry. If passed, this legislation will give the government regulatory powers to ban expiry dates on gift cards. The people of Ontario purchased these cards in good faith and they rightly expect that their purchase will retain its full value until it's redeemed. We want to ensure that Ontario consumers purchasing gift cards get what they pay for. We've heard their complaints about expired cards and this legislation will give us the power to work with the retail industry to put an end to this practice.

Another piece of the proposed legislation will introduce reforms to Ontario's liquor laws. This is part of our ongoing effort to ensure our liquor laws are updated and continue to reflect current realities by providing sufficient protection for consumers. We are giving the Alcohol and Gaming Commission more investigative and enforcement powers to ensure owners and operators of licensed establishments are appropriate. These powers will allow the AGCO to not only investigate the applicant but others associated with the business.

Changes we are proposing will allow bars and restaurants to expand their licence to allow patrons to carry their drink with them to separate areas of an establish-

ment, such as the washroom. This allows consumers to monitor their drinks at all times, reducing the likelihood of an unknown substance such as date rape drugs being used to taint their drink—

**The Speaker (Hon. Michael A. Brown):** I'm having great difficulty hearing the minister. Perhaps the other conversations going on could be taken outside. Minister?

**Hon. Mr. Phillips:** I'm also announcing additional protection measures included in the proposed legislation that will grant new powers to the Electrical Safety Authority, the ESA, to proactively protect Ontario families from unsafe electrical products. With the changes we're proposing, dangerous or unsafe electrical products can be seized or ordered to be removed from store shelves by the ESA. If a product has already been sold and is being used in people's homes, the new legislation would allow the ESA to require the manufacturer to notify consumers that the product is unsafe and to have it fixed. These enhancements to consumer protection will be solid news for consumers and businesses across the province.

As I mentioned earlier, along with strengthening consumer protection, we are also planning to modernize many current government practices to prepare Ontario for the opportunities and challenges the future holds. Among other items being updated and modernized for Ontarians are the province's corporate and business laws. Our government believes that Ontario competes effectively on the global stage. Ontario businesses rely on clear and effective rules to maintain an efficient and ethical marketplace. By updating corporate laws to improve corporate governance, increase shareholder protection and make businesses more competitive, this act would help keep Ontario's economy strong, opening the door to new investment and making this province an even more attractive destination to do business and create jobs.

The proposed legislation would also modernize the bereavement sector, greatly strengthening consumer protection by improving disclosure, notice and remedies for consumers and creating a modern, fair regulatory framework.

As we move forward on modernization, our government also recognizes the need to remember where we've come from. That's why, included in this act is legislation that, if passed, will update the framework of the Archives of Ontario for the first time in over 80 years, ensuring that our provincial heritage is preserved and accessible through the best methods available, including electronically and digitally.

In addition to these updates and the consumer protection elements that I've already mentioned, the legislation I'm introducing today would also allow us to protect vulnerable consumers, including underage youth, by prohibiting advertising for illegal Internet gaming websites.

Our protection to vulnerable consumers also extends to Ontarians victimized by or concerned about identity theft. If passed, this legislation would give consumers the right to place fraud alerts on their credit reports. It would place an obligation on the credit agencies to disclose the

flag any time anyone accesses the report, and it would impose an obligation on lenders and people who access the report to take reasonable steps to verify that the person involved in the transaction is the customer.

This is all part of our plan to modernize government in order to embrace the opportunities and meet the challenges of the 21st century.

The new measures being introduced today protect Ontarians and ensure that our government can deliver that protection in the most efficient way possible.

If passed, the Consumer Protection and Service Modernization Act will offer consumers some of the best protection of any jurisdiction in the world. By modernizing provincial statutes and regulations, this act ensures that Ontario's consumer protection and government services remain the very best for the future.

For these reasons, I call on all members to support passage of this important legislation.

## WASTE REDUCTION WEEK

### SEMAINE DE RÉDUCTION DES DÉCHETS

**Hon. Laurel C. Broten (Minister of the Environment):** This is Waste Reduction Week in Ontario.

This week, we also recognize and celebrate a remarkable milestone: the 25th anniversary of blue box recycling in Ontario. Twenty-five years ago, the people of Kitchener took blue boxes filled with recyclables out to the curb for the first time. It was a pilot project and it proved to be very successful. Two years later, the program had been expanded across Kitchener and the concept of reduce, reuse and recycle was spreading to communities across Ontario and across our nation.

Aujourd'hui, dans l'esprit de cette démarche, avec la boîte bleue, 4,6 millions de logements ontariens recyclent leurs déchets. La boîte bleue est devenue, avec les années, un modèle de collecte sélective porte à porte pour le monde entier, un symbole reconnu à l'échelle internationale de réacheminement des déchets et d'efforts collectifs.

Nous sommes témoins de l'impact que ce programme innovateur a eu dans le cadre des efforts que nous déployons pour assurer un environnement propre et sain, le genre d'avenir que nous voulons tous.

Today, using the icon of diversion—the blue box—4.6 million households in Ontario recycle. We watched the blue box become a model for curbside recycling around the world, an internationally recognized symbol of waste diversion and collective effort. We witnessed the impact of this innovative program in delivering a cleaner, healthier environment and the kind of future that we all want.

It's a made-in-Ontario success story, with a great many heroes. I want to recognize a few of those heroes today:

—Pollution Probe, its staff and volunteers, who in the 1970s recognized the negative effects of the huge amount of garbage we were generating and pushed recycling on to the public agenda;

—the Recycling Council of Ontario, which was set up to help struggling recycling operators market the garbage they were collecting from community depots and door-to-door drives, giving more people the chance to be involved;

—Derek Stephenson, along with Jack McGinnis, who back in 1974 started a grassroots-level curbside collection program that picked up glass, cans and newspapers from households in the Beaches in Toronto's East York;

—Nyle Ludolph, the “grandfather of the blue box,” who in 1981, together with his employer, Laidlaw Waste Systems, spearheaded the first pilot project in Kitchener to reduce household waste.

#### 1400

You may recall that the blue box program was launched with a catchphrase that spoke to all Ontarians. Let me remind you what it was. It was simply “You can make a difference.”

Joining us today is one of Ontario's leaders in the recycling movement, whose vision and commitment are indeed making a difference. Please join me in welcoming Damian Bassett, president and CEO of Corporations Supporting Recycling and CEO of Stewardship Ontario. I had the pleasure of meeting Mr. Bassett this morning at a wonderful event recognizing 25 years of blue box recycling.

I'd like to thank the teachers and students at Don Mills Middle School, Don Mills Collegiate, and Cassandra Public School, who used their vital minds and boundless energy to celebrate this anniversary with flair and creativity.

Earlier today, they constructed a giant sculpture of Ontario, made entirely of blue boxes. More than 300 students participated in building a giant map of Ontario using nearly 2,000 blue boxes. I'm sure all the members of the House will join me in congratulating the students who took part in this morning's event.

In 2004, the blue box program diverted 824,000 tonnes of recyclable materials away from disposal in landfills. That's an average of 178 kilograms per household.

Composting is also on the rise in many communities and. In fact, I'm proud to say that the green bin program had its start here in Toronto, in my community of Etobicoke.

Just last week in Yellowknife, where I met with my counterparts from across the country at the Canadian Council of Ministers of the Environment, I had the opportunity to champion another key element to effective waste diversion: a national packaging protocol. I was proud to voice our government's intention at that meeting to take action on reducing packaging. If we take home less packaging, we will end up with less garbage. We've agreed to work together with industry to develop ways to reduce the amount of waste our society generates.

We are making progress, but we're not yet where we want to be. Ontario still faces many challenges in meeting waste diversion and management needs for the 21st century, but blue box has shown us that monumental

precedent-setting change is possible. We can make a difference. We are committed to working with all of our partners at the municipalities to find new, effective ways to divert and manage the waste we create.

Ontario is making progress in expanding the scope of recyclable materials, in streamlining approvals for recycling facilities, in developing waste-derived fuels, in paving the way for new, cleaner technologies. Our government is continuing the journey that began 25 years ago. We are proud to stand together with those first pioneers and with a continuing commitment to a cleaner, safer, healthier environment for our families, our communities and our future.

#### ELDER ABUSE AWARENESS DAY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I rise in the Legislature today as minister responsible for seniors to mark October 19 as Elder Abuse Awareness Day in the province of Ontario.

We are joined in the gallery by seniors from across Ontario who have come to help us send a critical message to all Ontarians that there is no place for elder abuse in the province. I'd like members to acknowledge the people in the gallery who have joined us today.

We're also joined by a group of dedicated individuals representing the Ontario Network for the Prevention of Elder Abuse, Toronto's St. Christopher House, the Toronto Police Service, and students of Seneca College. All have worked tirelessly to raise awareness and combat elder abuse in Ontario.

I believe we can take pride in the fact that in 2004, when MPP David Zimmer first introduced Elder Abuse Awareness Day in Ontario, we became the first jurisdiction in Canada to do so. It saddens me, however, that the need for such a day exists, and I know that there is broad commitment in the Legislature to eradicate elder abuse in every corner of the province.

Elder Abuse Awareness Day is an important reminder to all of us that this often hidden form of abuse affects older Ontarians every day. It is estimated that between 60,000 to 150,000 Ontario seniors have experienced or will experience some form of abuse, whether financial, emotional or physical. More disturbing yet is the fact that statistics show elder abuse is often perpetrated by someone in a position of trust or authority: a family member, a close relative, a neighbour, a friend or a caregiver.

Ontario is playing a leadership role in the elimination of elder abuse and was the first province to introduce a long-term, comprehensive strategy to address this issue. Ontario's five-year, \$4.3-million strategy to combat elder abuse addresses three priorities: greater coordination of community services; more effective training and education for those who work with seniors; and broad public education and awareness building. The province's toll-free victim support line, for example, provides support to seniors to get help from trained, qualified counsellors, and all calls are confidential.



Earlier this year, in conjunction with the first World Elder Abuse Awareness Day, my parliamentary assistant, Bob Delaney, took part in unveiling three public service announcements that are raising awareness of this critical issue. The campaign was developed by the Ontario Network for the Prevention of Elder Abuse so that more Ontarians who suspect elder abuse will know where to turn for help. I'm pleased to acknowledge the Ontario Network for the Prevention of Elder Abuse, which has been working closely with the Ontario Seniors' Secretariat and the Ministry of the Attorney General to implement our elder abuse strategy.

I would conclude by reminding Ontarians, however, that each of us has a role to play. Reporting and preventing elder abuse cannot be someone else's responsibility but must be our own—each of us, as neighbours, as friends, as family members, as caregivers. Ontario's seniors have the right to live in safety, with dignity and independence.

It is my hope that this important day will continue to strengthen our commitment to get involved, to take action and to make a difference.

#### CONSUMER PROTECTION

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** I wish to comment on the Minister of Government Services' housecleaning bill, which involves 53 statutes. I can't comment on all 53, but I'm going to focus on two areas where I believe the government falls woefully short and is still putting Ontarians at serious risk.

First of all, real estate fraud is not a housecleaning issue but a serious issue which the minister fails to address, as I did in my Bill 136, the Restore the Deed Act. Victims of fraud are forgotten. Homeowners in this province are still at serious risk. The bill fails to reduce the harm by ensuring that the person who is the rightful owner of the property keeps the property. The bill fails to prevent the fraud by restricting access to registration of documents to licensed real estate professionals who carry liability insurance. It fails by requiring no notification of statements and the freezing of the register. And it does not establish any system to ensure that people with fraudulent intentions don't still go on the land registry system.

It also does not reform the land titles assurance fund, because it has not made it a fund of first resort to be operated by an arm's-length board of directors, to ensure that the process works quicker, to ensure that the process is fair to the people who are victims of fraud. And it also doesn't help the victims of fraud by providing reasonable legal costs to ensure that their rights are protected.

The other area I want to comment on is the unsafe electrical products. The government is focusing on enforcement after the accident. Parents and children are still at risk. What we need is enforcement at the distributor level of defective products manufactured offshore, so that products don't get into the store. We also need one product market in this province for safe

electrical products, not 14. Retailers need to know that they're selling a safe product, and consumers need to know that they're buying a safe product.

Those are all my comments, and I look forward to dealing with this bill.

1410

#### WASTE REDUCTION WEEK

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** On behalf of John Tory and the PC caucus, I would like to respond to the minister's statement and repeat our earlier acknowledgment of Waste Reduction Week.

I'd like to also reiterate my earlier congratulations to Stewardship Ontario, the Recycling Council of Ontario, the corporations supporting recycling and the thousands and thousands of hard-working Ontarians and businesses who are doing their part to reduce. I'd like to send my thanks to Damian Bassett for joining us today in the Legislature.

I think it's important to put on the record that it was a Progressive Conservative government, back in 1980, that first approved and funded a waste separation program.

Despite the minister's patting herself and her colleagues on the back, I think it's important to talk about what they haven't told us. The Deputy Minister of the Environment himself has stated that this government will not meet the 60% waste diversion promise made by the Dalton McGuinty government. The member for Perth–Middlesex said, "We have an amazing plan." Guess what? There is no plan. One broken promise after another broken promise. Neither he nor the minister nor anyone on that side of the House has ever presented such a plan.

Although the Premier and the Minister of the Environment were ready and able to jump on the LCBO recycling program, they've been less than quick—even stagnant—in telling Ontario taxpayers what this is going to cost them. I'd like to point out that the LCBO puts \$5 million into the blue box program every year. Is the blue box program going to continue, based on your LCBO policy? You refuse to answer.

Come clean with the people of Ontario. Stop patting yourselves on the back and give us a plan.

#### ELDER ABUSE AWARENESS DAY

**Mr. Jim Wilson (Simcoe–Grey):** I want to join with the Minister of Tourism in his remarks concerning recognizing Elder Abuse Awareness Day. Of course, it goes without saying that every day should be Elder Abuse Awareness Day.

I didn't know, until I had a seniors' seminar in Alliston in June and Constable Melody Tourigny made it clear to the audience there, that elder abuse is on the rise. In fact, her whole half-hour presentation was about elder abuse. As the minister said, between 60,000 and 150,000 elderly may be at risk of being abused, may be abused now or may be abused in the future, and that's between 4% and 10% of the population. That's consistent,

because I went on the Department of Justice website. Back in 1999, a survey of 4,000 Canadian adults showed that about 7% had experienced various forms of abuse, whether it was physical or sexual abuse, psychological abuse, financial abuse, and I would add to that identity theft, which is a new one that the OPP points out.

I want to thank those in the gallery who work hard to prevent elder abuse, and ask all Ontarians to be vigilant every day to make sure we prevent and stop elder abuse.

#### WASTE REDUCTION WEEK

**Mr. Peter Tabuns (Toronto–Danforth):** I rise to comment on the 25th anniversary of the blue box. There's no question that this anniversary reminds us that people and governments can make a difference; so all the more disappointing, disheartening and wrong that this government has decided to forsake its commitments to implement 60% waste diversion. This government has declined to build on the foundation the blue box has left us.

This summer I filed a very inexpensive freedom of information request: I asked for the government's 60% waste diversion plan. Since all I got back was a simple letter saying, "No such document exists," the fees were negligible. This government is truly, truly neglecting its obligations to protect the environment and to protect the people of this province and their environment.

#### CONSUMER PROTECTION

**Mr. Peter Kormos (Niagara Centre):** I want to speak to the omnibus bill put forward today by the Minister of Government Services. Here we go, the government has done it once again: generated a piece of legislation that covers everything from A to Z.

Let me speak very briefly about the purported Consumer Protection Act amendments. It's ironic that this government would even talk about consumer protection legislation when this government dismantled, abolished, padlocked the Minister of Consumer Affairs, the one ministry that was capable of providing consumer protection. There are no inspectors anymore. There are no enforcement officers anymore. Nobody even answers the phone. All you get is voice mail and directions to press numbers 1, 2, 3, 4 or 5. This is ridiculous.

We don't even have the legislation that folks across this province have been calling for; that is, real control on the scams, the rip-offs, the outright pickpocketing that retailers are doing with gift cards. All the bill does is permit the government to create regulations, none of which will be debated here in the chamber, none of which will be discussed publicly, none of which will be the result of any public hearings.

Perhaps the government would like to clean up its own backyard first. Here's an LCBO Vintages gift card that expires before the wine is even ready to be corked. Perhaps the minister would instruct his very own LCBO to here and now end the incredibly unsavoury, unpopular

and disreputable practice of arbitrary limits on gift cards. Start with the LCBO, Minister.

You open up the Freedom of Information and Protection of Privacy Act, and I say to you that we welcome that; we welcome that debate. When the original white paper was tabled in this Legislature that led to the seminal legislation that recommended that the Speaker's office be subject to freedom of information requests, the mandatory review conducted in the early 1990s by a tripartite community recommended that the Speaker's office be subject to freedom of information requests. I say to you, sir, that it's time for this government to give effect to those recommendations to create real freedom of information in this province and ensure that the Speaker's office is subject to freedom of information requests.

I further put to you that there's going to be significant, widespread demand for public hearings around this bill. The amendments to the Land Titles Act fall far short of what victims expect from this government when it comes to compensating people who are the victims of fraud; in fact, the failure of this government to make any proposals that will in any way realistically control the filing of forced or otherwise fraudulent documents. You do nothing in that regard, sir.

The real way to protect the land titles system from forged and otherwise fraudulent documents is to restaff those land titles offices with trained, professional staff persons who can physically examine the documents, and who are in a far better position to assess documents to determine whether there's a potential fraud.

#### ELDER ABUSE AWARENESS DAY

**Ms. Shelley Martel (Nickel Belt):** On behalf of New Democrats, I'm pleased to respond to the statement made by the minister responsible for seniors.

I had the privilege of attending the information fair at Queen's Park at noon to acknowledge October 19 as Elder Abuse Awareness Day. I was pleased to see many seniors from many parts of Ontario, who are working in their communities or directing organizations that are trying to combat abuse.

I thank those seniors for their participation at the information fair, for their presence here in the gallery this afternoon and, most importantly, for the tremendous work they are doing to try to eradicate elder abuse. That's their number one goal.

It comes in many forms, demonstrated through physical abuse, violence, emotional abuse, neglect of basic needs and stealing or withholding money, but it's all a crime. It is insidious, it is reprehensible and it needs to stop.

While we recognize today and acknowledge today, it is incumbent on all of us to recognize that every day we have to be aware of elder abuse and do everything we can in our communities to stop it.

## VISITORS

**Hon. Michael Bryant (Attorney General):** On a point of order, Mr. Speaker: I want to recognize some guests in the government gallery: two great paralegals, Mr. Paul Dray and Mr. Stephen Parker; and the great treasurer for the Law Society of Upper Canada, Gavin MacKenzie, all of whom played a leadership role with respect to Bill 14, on which we are voting in just a minute.

**The Speaker (Hon. Michael A. Brown):** We have with us in the Speaker's gallery a parliamentary delegation from the North West Provincial Legislature, Republic of South Africa. The delegation is the public accounts committee, led by the Honourable Mavis Matladi, chairperson of the committee.

Please join me in welcoming our guests.

## DEFERRED VOTES

## ACCESS TO JUSTICE ACT, 2006

## LOI DE 2006

## SUR L'ACCÈS À LA JUSTICE

Deferred vote on the motion for third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

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

*The division bells rang from 1419 to 1424.*

**The Speaker:** Mr. Caplan has moved third reading of Bill 14, An Act to promote access to justice by amending or repealing various acts and by enacting the Legislation Act, 2006.

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

## Ayes

Arthurs, Wayne	Duncan, Dwight	Qaadri, Shafiq
Balkissoon, Bas	Fonseca, Peter	Racco, Mario G.
Bartolucci, Rick	Gerretsen, John	Ramal, Khalil
Bentley, Christopher	Hoy, Pat	Ramsay, David
Bountrogianni, Marie	Jeffrey, Linda	Rinaldi, Lou
Bradley, James J.	Kular, Kuldeep	Sandals, Liz
Broten, Laurel C.	Kwinter, Monte	Sergio, Mario
Brownell, Jim	Lalonde, Jean-Marc	Smith, Monique
Bryant, Michael	Levac, Dave	Smitherman, George
Cansfield, Donna H.	Matthews, Deborah	Sorbara, Gregory S.
Chambers, Mary Anne V.	McMeekin, Ted	Takhar, Harinder S.
Colle, Mike	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Milloy, John	Watson, Jim
Dhillon, Vic	Mossop, Jennifer F.	Wilkinson, John
Di Cocco, Caroline	Peters, Steve	Wynne, Kathleen O.
Dombrowsky, Leona	Phillips, Gerry	Zimmer, David
Duguid, Brad	Pupatello, Sandra	

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

## Nays

Arnott, Ted	Hudak, Tim	Scott, Laurie
Barrett, Toby	Klees, Frank	Tabuns, Peter
Chudleigh, Ted	Kormos, Peter	Tascona, Joseph N.
DiNovo, Cheri	Marchese, Rosario	Tory, John
Elliott, Christine	Martel, Shelley	Wilson, Jim
Hampton, Howard	Miller, Norm	Witmer, Elizabeth
Hardeman, Ernie	Prue, Michael	Yakubski, John
Horwath, Andrea	Runciman, Robert W.	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 50; the nays are 23.

**The Speaker:** I declare the motion carried.

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

## VISITORS

**The Speaker (Hon. Michael A. Brown):** We have with us in the Speaker's gallery a parliamentary delegation from the Islamic Republic of Pakistan, led by the Honourable Mohammedmian Soomro, chairman of the senate of Pakistan. Accompanying the delegation is Ghalib Iqbal, Consul General of Pakistan in Toronto. Please join me in welcoming our guests.

## ORAL QUESTIONS

## HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** Yesterday, I had the opportunity to tour the Peel Memorial Hospital. What I saw there was shocking to me and I think would be shocking to most people in Ontario. In that hospital, on a day that the staff said was far from the worst that it gets, the average wait time to see a doctor in the emergency room was 12 hours—12 hours. There were 25 people in the emergency room who had been admitted to the hospital, but were lying on gurneys in the hallways or occupying examination rooms because there were no beds available for them upstairs. The nurses and doctors told me that it's not unusual for people to lie in the ER sometimes for four or five days, for babies who are there as pediatric emergency cases to spend hours at a time, long periods of time, waiting for a bed in the hospital.

Minister, is this a situation, at Peel Memorial, that you find acceptable?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to thank the honourable member for his question. We note that when he was in Brampton today he didn't do anything to address the circumstance within his own political party in his role as leader, which is to bring an end to the divisive tactics of one of his candidates running for nomination who has decided to take a look at the demographics and split the whole world up on the basis of how long they've been in our country and on the basis of what

religion they are. This is the kind of action that we expect leadership from the honourable member—

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: I believe, according to our standing orders, the minister is out of order by not responding to the specific question.

1430

**The Speaker (Hon. Michael A. Brown):** The minister will know that he is to respond to the questions that are put. His answer wasn't complete, so I don't know that he hadn't.

**Hon. Mr. Smitherman:** I can see the touchiness of the official opposition on a matter of the traditional nature of their party, which is to divide Ontarians up on the basis of their religion and how long they've been in this country. To seek the protection of those by the honourable member is rather unbecoming.

The circumstances in Brampton are challenging, but the honourable member well knows that the circumstances in Brampton will soon be improved, because just on the other side of town, where he didn't go and visit, is coming to life one of Ontario's largest hospitals, which will bring an additional 302 beds to the Brampton community.

**Mr. Tory:** Actually, I did go and visit the new hospital under construction, where they're awaiting news of the \$300 million they need to make sure they can equip that hospital, but that's for another day.

You, of course, made no answer whatsoever to what I told you about the circumstances where people were waiting 12 hours to see a doctor yesterday. Twenty-five people were admitted to the emergency room, lying on gurneys. That is a situation you could do something about. This isn't even one of the hospitals on the crisis list, of the 20 that are listed on the emergency room crisis list.

The Canadian Press said yesterday that your response to all these reports—you've had three of them collecting dust in your office—is going to be released next week and will have a model on how to admit patients more efficiently and move them to a more appropriate place. Well, all the models in the world won't move people to beds that you refuse to fund.

The doctors and nurses at that hospital told me yesterday that there are beds that physically exist in that hospital that you could fund tomorrow with the stroke of a pen, if you chose to do so, and take the load off the emergency room. Will you commit right here and now to funding those beds in Peel Memorial and getting those people out of the emergency room?

**Hon. Mr. Smitherman:** Customary with his role as leader, he hasn't stepped up to the plate. He didn't offer in that response any word about what he's going to do to bring to an end the divisive tactics in Brampton that are dividing people on the basis of their religion and how long they've been in this country. That, sir, is a failure of leadership on your part.

With respect to Peel Memorial Hospital, this is a hospital I know well; this is the hospital where my father

passed on. That's why I've been so proud to work with these members from Brampton on the construction of a new hospital that will bring 302 additional beds.

The honourable member makes up some inflated number about the equipment demands, demonstrating that he is not in the same orbit as everybody else who's working hard on these issues.

In addition, we've made tremendously large investments to enhance the quality of community services, including in the Brampton community. We've invested \$2.5 billion and fully \$650 million more this year in the operation of our hospitals. You've promised to cut taxes and cut health care by \$2.5 billion. Stand in your place and rationalize these two approaches. Offer more—

**The Speaker:** Thank you. I think all members would know that it is appropriate to ask all questions and respond to all questions through the Speaker. When you do that, all questions and responses end up being in the third person. I would just ask that all members remember that as we continue.

The Leader of the Opposition.

**Mr. Tory:** The minister absolutely refused to address the fact that there were people waiting an average of 12 hours to see a doctor in the Peel Memorial emergency room yesterday and the fact that 25 patients were lying on gurneys, admitted to the hospital, some who had been there for days at a time. I can only take from the utter failure to address that question at all that you don't care about that.

There were more than two dozen people waiting, and they only had six discharges yesterday. One of the other by-products of this was that there were all kinds of EMS staff—paramedics and ambulance staff—around the emergency room, forced to stay there to look after patients because those patients could not be admitted to the hospital because your government refuses to fund the beds that would allow those people to be out of the emergency room and in a proper acute care bed.

The people at Peel Memorial, the nurses and doctors I talked to and listened to yesterday, want you not to cherry-pick but to implement all the recommendations in these reports you've received. Will you commit to doing that and to funding these beds that are needed to clear out the emergency room at Peel Memorial? Will you do it or not?

**Hon. Mr. Smitherman:** I want to say to the honourable member, through you, Mr. Speaker, that that's two chances to demonstrate some leadership on the action of the divisive nature of your party in Brampton. Our track record in Brampton is one that we're very proud of. We're taking a very, very old hospital and building the largest new hospital you could ever imagine, that will bring to that community a net increase of 302 beds.

The honourable member talks about a report, but he doesn't like what the report says because the report lays the responsibility for the challenges that we're having on two policies that were the hallmark of his party while in office related to health care: (1) Make sure we don't have enough doctors; and (2) close down 22% of our acute

care capacity. We're working to rebuild that with 2,000 beds that are coming online. We brought \$650 million of new resource to hospitals this year.

Another question unanswered by the honourable member is: How much more would you be offering to Peel Memorial, and where would you get the resources, since you're the one promising a \$2.5-billion reduction to health care spending in Ontario? Where?

#### ONTARIO PUBLIC SERVICE

**Mr. John Tory (Leader of the Opposition):** My question is for the Deputy Premier. Deputy Premier, can you confirm that no ministerial staff members are using their time or government-of-Ontario, taxpayer-funded resources to assist with the federal Liberal leadership campaign?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm not sure how this relates to me particularly, but I'm pleased to offer this to the honourable member. Of course in the work that we do related to politics, people who work alongside us may choose in their voluntary hours to be involved in some engagement or other. Obviously, people who have the privilege of working alongside us in government are dedicated to the challenge of improving the quality of public services for Ontarians, and it's everybody's complete expectation that that's what they're going about during their working hours.

**Mr. Tory:** That's maybe the answer I would have expected to receive from the Ontario co-chair of the Bob Rae leadership campaign, but I asked a very simple question about the use of government, taxpayer-funded resources on the federal Liberal leadership campaign.

I ask if the Deputy Premier could explain why the Liberal Party of Canada has posted on the Internet the names and addresses of Ontario ministry staffers, staff members in ministers' offices, paid by the taxpayers, together with their government e-mail addresses and their government phone numbers, as contact points for the Liberal Party of Canada. This includes, for example, Elizabeth Hall, senior policy adviser to the Attorney General using both the ministry telephone number and e-mail address; Jason Murray, policy assistant, Attorney General, using the ministry e-mail address.

Could you explain why the Liberal Party would put this information on the Internet, government-financed resources, apparently with your permission?

**Hon. Mr. Smitherman:** The "apparently with your permission" part is the interesting thing we have as a little sidearm from the honourable member. He has nothing to back that up. There's no go there; there's only show.

The reality is, as I answered earlier, people who have the privilege of working alongside ministers in government roles have an obligation on a daily basis to do that duty on behalf of the people of Ontario. It's our complete expectation inside our government that people are conducting themselves in that fashion. To suggest that it

is the responsibility of an individual to protect the world from noting or listing phone numbers is like suggesting to the honourable member that any time the phrase "Progressive Conservative" is noted alongside a government-based phone number that the taxpayers are paying for, that is somehow a violation of the principle that I've well addressed now.

It's clear that people who are working for our party, who are working for our government, are dedicated to the challenges at hand, which are on behalf of Ontarians, and that will always be the case.

**Mr. Tory:** This represents, I would say with respect, a complete admission of the fact that the government has totally lost sight of the distinction between the taxpayers' money and what it's to be used for. This is just proof positive backing up what we've been saying about the advertising campaign. It strikes to the heart of trust in government and respect for the taxpayers' money, just like the taxpayer-financed propaganda campaigns.

The Premier said that his members and staffers were expected to not "compromise their higher obligations to both their constituents and to the government." Perhaps you could explain why the Liberal Party posted on the Internet a list of returning officers for the delegate selection meetings, including Aaron Lazarus, director, issues management and legislative affairs, Premier's office, using his Premier's office e-mail address; Barbara Joy, assistant director, issues management and legislative affairs, Premier's office, using the Premier's office e-mail address. What are these e-mail addresses doing on the Liberal Party website? What are these people doing receiving and processing these e-mails on the government's time in the Parliament of Ontario in the Premier's office? What are they doing?

**Hon. Mr. Smitherman:** The honourable member has offered as proof positive the idea that he has made some case because an e-mail address got captured on a list that was prepared by some third party. This is an absurd suggestion.

I can assure the honourable member that the Liberal Parties, provincially and federally, have been distinct organizations since Stuart Smith was the leader of the provincial Liberal Party. That's going back about 25 years.

The point is made rather well, so far. It is that people who have the privilege of working alongside ministers inside our government have an obligation on a daily basis to dedicate themselves to the people of the province of Ontario. I can assure the honourable member that the names most recently mentioned are on the job today, and some within eyesight of the honourable member, not out doing the nefarious activities that he would like us all to believe.

1440

#### WATER QUALITY

**Mr. Howard Hampton (Kenora-Rainy River):** My question is to the Minister of the Environment. Yesterday

you said that every one of us in this province has a fundamental right to safe, clean drinking water. I want to read to you the details of a recent survey of drinking water in a community in Ontario. It says, "The water haulage trucks service only 20 houses. The water is then put in plastic holding tanks. These tanks are not cleaned or disinfected. Many residents are required to travel to the water plant to obtain their water, which is collected using pails. The water treatment plant is not accessible to all residents because of the distance and/or lack of transportation."

Minister, you were the one who said that every one of us in this province has a fundamental right to safe, clean drinking water. The people I'm referring to here are the people of Pikangikum. Their drinking water is not safe and they do not get, under your Clean Water Act, any cleaner, safer drinking water. Can you explain why that is?

**Hon. Laurel C. Broten (Minister of the Environment):** I know that the minister responsible for aboriginal affairs will want an opportunity to speak to these issues. But I first want to speak to correct the facts set out by the leader of the third party. If he were to review the amendments that were made to the Clean Water Act, we ensured in those amendments that those First Nations communities that want to be part of an overall regime, where we work with our neighbours side by side and ensure that all communities within the boundaries of a watershed have the opportunity to participate, to ensure that the risks and threats to their drinking water are identified—the role of the provincial government is clear and the federal responsibility is also clear. For our part, we are ensuring, with our Clean Water Act, that the opportunity is available for those communities to participate in what will be the largest and most significant scientific exercise and—

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

**Mr. Hampton:** Minister, you say there's an opportunity here to participate. In fact, the chief wrote to you and to the Premier asking for help, asking for your participation.

I want to quote again from this survey, which was just completed a few weeks ago: "Twenty of the 387 homes are serviced by holding tanks and truck-hauled sewage; 367 houses rely on pit privies for sewage disposal. Sewage is pumped to the existing lagoon. The lagoon discharges upstream of the intake for the water treatment plant in the community."

Minister, this community wrote to you and to the Premier. They said, "We have serious health problems, serious water quality problems." Can you tell me, have you done anything to follow up to respond to this community, which has asked for your help, so that they can have safe, clean drinking water?

**Hon. Ms. Broten:** I will point out to the leader of the third party that on numerous occasions in this province, we have provided expertise to communities in the north. We have corresponded with the federal minister, Minister Prentice, in many circumstances, offering up the expert-

ise of the chief drinking water inspector being made available.

Ontario has the toughest drinking water standards in all the world, having recently been recognized as having moved from the top of the class to a class of our own.

We want to make those resources available to the federal government, which has this primary responsibility. We have done so on numerous occasions. We will continue to do that, because we will play our part to ensure that communities right across this province, whoever's jurisdiction they're in, have the resources, the opportunities and the expertise they need to ensure that they have clean, safe drinking water.

**Mr. Hampton:** Minister, this is what the chief and council don't understand. The source of their drinking water is Pikangikum Lake, which falls under your jurisdiction. The body that did the report is the northwestern health unit, at the request of the First Nation, which did it under the mandate of the Ontario Health Protection and Promotion Act to prevent disease and protect health. When these people become sick from drinking unsafe drinking water, they will wind up in Ontario hospitals and in the Ontario health care system, but your bill does virtually nothing to help them, and they continue in a state where they will be drinking unsafe drinking water.

You say that everyone has a fundamental right to safe, clean drinking water. You had a chance, an opportunity, in your bill to do something about this situation. Why does this situation continue now under the McGuinty government?

**Hon. Ms. Broten:** The minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** The truth of the matter is, the federal government is not stepping up to its responsibilities to aboriginal people across this country, let alone Ontario, and that's what is going on here.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** Missing in action.

**Hon. Mr. Ramsay:** They've been missing in action on all sorts of fronts in this province, especially when it comes to providing safe, clean drinking water in First Nation communities. It's this government that has stepped up to the plate, speaking a year ago with Kashechewan and ordering the evacuation of those people there. We sent up experts from the Clean Water Agency to Attawapiskat the other day. So Ontario is stepping up to the plate to fill the void that has been left by the federal government. They're not living up to their responsibility. The minister and myself are constantly writing to Jim Prentice to say that the federal government has to do its job.

We are engaged in discussions with First Nations, but I will tell you that First Nation communities are not saying to the province to take it over. They also believe that the federal government should be living up to its responsibilities, and that's why we're working together, to make sure that happens.

**The Speaker:** New question?

**Mr. Hampton:** To the Minister of the Environment again: It was you who said, “Every one of us in this province has a fundamental right to safe, clean drinking water”—not a compromised right, not a sometimes right, not maybe a federal right or maybe a provincial right; a fundamental right.

I want to quote again from the report: “The inadequate water supply and sewage disposal systems have placed Pikangikum First Nation at high risk of illness, and it is probable that many residents of the community have suffered illnesses as a result of these dysfunctional and unregulated water and sewage systems.”

I repeat: The source of their water is Pikangikum Lake, which falls under your jurisdiction and the Minister of Natural Resources’ jurisdiction. The report was done by an Ontario body funded by the Ministry of Health. When these people become sick, they wind up in Ontario hospitals and in the Ontario health care system.

What the people are asking is that when you pass a new act, couldn’t something be done to provide more effective protection of their drinking water in the first place?

**Hon. Ms. Broten:** I guess the leader of the third party in his own facts clearly demonstrates the role that the province is playing: an active role in ensuring that we establish tough standards, that we do our part, that we step in, in the absence of the federal government, after many instances of encouraging them to do that.

I meet regularly with communities from across the north of our province, from all corners, who are suffering these issues. As the minister said previously, those communities want the federal government to step up. We are doing our part. The Clean Water Act makes that opportunity available to them to participate on a voluntary basis to be part of the process that is being undertaken in the province. We clearly defined and delineated that we would not be encumbering any of their rights by the establishment of a non-derogation clause in that bill, and that will allow us to continue to do the good work that we have done, all the while encouraging the federal government to do their part.

**Mr. Hampton:** The minister refers to the good work that you have done. I want to quote the medical officer of health in his conclusions: “None of the four northwestern health unit members who visited are new to the topics under consideration, nor are we naive, but we were all shocked at the extent of the neglect we witnessed. We are all willing to testify in any forum, and in a formal or informal manner, regarding our observations.”

Minister, the McGuinty government, as it is wont to do all the time, says that you’ve just passed the most fantastic water protection legislation in North America. You say that every person in Ontario, every citizen, has a fundamental right to clean water. I’m asking you: With this bill, for these First Nations, who draw their water from a source that is under your jurisdiction, what changes and what benefit do they get?

1450

**Hon. Ms. Broten:** To the minister responsible for aboriginal affairs.

**Hon. Mr. Ramsay:** The leader of the third party wants it both ways, because if I were to take an unusual step and say today that the province of Ontario will take over this responsibility, unlike any other province or territory in this country, these guys would be the first people to stand up and say, “How dare you do that without consulting with the First Nation community?”

Last week, I met with Grand Chief Stan Beardy, and Stan Beardy never brought up water. That’s not what he wanted to talk about. He never even mentioned it, didn’t want to discuss it, let alone ask us to take it over, because he knows that’s an entitlement and a responsibility from the federal government, and that’s the way he wants to keep it. So we all should be working together to make sure the Harper government keeps its responsibility to aboriginal people right across this country.

**Mr. Hampton:** I merely want to read from the letter of the chief of the First Nation, written to Ontario ministers:

“The report states, as we have done for years, that the absence of safe drinking water and sewage disposal places our community at risk.... What concerns us is the fact that this situation has been there for years, as has the risk, but has not led to adequate action on the part of the federal or province governments. It seems to us that there has been a determined effort to ignore our basic needs.

“Please, consider this to be a formal request for your involvement in the situation facing Pikangikum First Nation, with the type and extent of this involvement to be discussed primarily with us.... We are aware that Dr. Basrur visited Sandy Lake and Wunnumin First Nations ... and that she was concerned regarding the conditions she witnessed.”

The chief and council are asking the McGuinty government for your specific involvement. They’re citizens of Ontario too; in fact, they’re the first citizens of Ontario. Why does your Clean Water Act virtually leave them—

**The Speaker:** The question has been asked.

**Hon. Mr. Ramsay:** It was about a year ago that the Premiers of all the provinces and the Premiers of the territories met together with ministers and First Nation leaders of this country in Kelowna, BC. At that time, we all came together and unanimously agreed on a \$5-billion package to improve the lot of aboriginal peoples right across this country.

But what happened is that the leader of the federal NDP pulled the plug on that government, got a right-wing government elected, and that is gone now. So we have the same government that also has a \$13-billion surplus and has now put that in the bank, and we can’t spend it on all the social needs of Canadians, especially the indigenous people of this country. That’s a shame, and that’s your fault. So you pick up the phone and call Jack Layton.

ONTARIO PUBLIC SERVICE

**Mr. Ernie Hardeman (Oxford):** My question is to the Minister of Municipal Affairs and Housing. We’ve

just heard some pretty strong suggestions that ministry resources might be being used to further the partisan activity of the federal Liberal Party of Canada.

Minister, can you tell us what you would do if any staff in your ministry were found to be using their taxpayer-funded resources for these purposes?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I'll wait for the supplementary. I don't know what your question is.

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

**Mr. Hardeman:** I would kind of wonder why he wouldn't know what the question was, but in fact, the question was: What would he do if his staff were using the taxpayer-funded resources in his office to further the cause of the partisan activities of the federal Liberal Party of Canada?

There is a name—and it's Utilia Amaral, senior adviser to the Minister of Municipal Affairs and Housing—that is listed and posted by the Liberal Party of Canada, with that e-mail address that they should call to contact her.

Can you explain, Minister, what you are going to do about this and why you didn't know what the first question was: What would you do if someone were found using, for partisan purposes of the federal Liberal Party, your resources in your ministry?

**Hon. Mr. Gerretsen:** As the member well knows, the first question was a hypothetical question. Secondly, whatever our staff people do on their own time, on weekends or on evenings, is entirely up to them. They're part of this province. They're entitled to do whatever work they want to at that point in time. I would strongly suggest that the member opposite feels exactly the same way about it. What our staff people do on their own free time is entirely up to them.

#### MINIMUM WAGE

**Ms. Cheri DiNovo (Parkdale–High Park):** My question is to the Deputy Premier. Thousands of hard-working Ontarians, mostly women, are living in poverty because your minimum wage is utterly inadequate. Yesterday, the Minister of Labour claimed the Toronto Star endorsed your government's record of inaction. Here's what today's Toronto Star actually says: The minimum wage that the Liberal government is proposing "will still leave Ontario's most vulnerable workers 10% worse off than they were more than a decade ago." They say it's time to "provide Ontario's lowest-paid workers with some real protection against poverty in the form of a \$10-an-hour minimum wage."

Are you willing, sir, to admit you were wrong, and reconsider your opposition to a \$10-an-hour minimum wage?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I appreciate my

colleague's question. I don't think there's any doubt that she and all the members of this House, whether on that side of the aisle or on this side of the aisle, have an abiding concern with those in our society who are of lesser means, the working poor, and the burden of those who are without work and receiving assistance from the government. I hope she's not trying to occupy that territory exclusively.

In the initiatives that we've taken, what our government has said is that we are building a stronger economy so that the lifestyle of all Ontarians can be raised. On the issue of the minimum wage, we're very proud of the fact that over the course of our mandate, after years of not changing the minimum wage, this government has raised it each and every year of its mandate.

**Ms. DiNovo:** So, in fact, a non-answer.

In Toronto, a single mother with two kids has to work 92 hours a week to lift her family out of poverty on your minimum wage. It's no surprise that women are working two jobs and still don't have enough to feed their children. Several G8 jurisdictions have already raised their minimum wage. We're looking at France and Britain, where it's over \$11 an hour.

I ask you, are you telling working families that they don't deserve to be paid a living wage for their labour? We're talking about 1.2% of our workers.

**Hon. Mr. Sorbara:** I guess one of the things I'm telling the people of Ontario is that, if they were to check the NDP platform presented to this province three years ago, they would see, on page 48, that your party was advocating increasing the minimum wage to \$8 an hour. The truth is that our government has actually done that. Is that all that needs to be done? Absolutely not. The people we're fighting for are the working poor of this province; the people we're fighting for are those who are displaced in this province. She will see that as we prepare our program in the final year of this mandate.

**The Speaker (Hon. Michael A. Brown):** New question?

**Mr. Vic Dhillon (Brampton West–Mississauga):** My question's to the Minister of Citizenship and Immigration. I stand today because I'm outraged by some of the recent remarks by a John Tory candidate who wants to run in my riding of Brampton West. He calls himself a long-time Conservative who's actively engaged at all levels. Jim Schembri talks about the demographics of my riding and says that you have to be born in Ontario to be a good, effective representative.

I have no doubt the people in my riding would agree with me. I don't know why any member with integrity would allow themselves to be aligned with someone of such low character. John Tory has failed to distance himself from this candidate's remarks.

1500

Diversity makes us richer. Minister, please tell me why it's critical that elected officials, especially leaders, must set a better example. There's no room for racism in Ontario.

**The Speaker:** I'm sorry, the question was to whom?



**Mr. Dhillon:** The Minister of Citizenship and Immigration.

**The Speaker:** I have trouble determining how this falls within that minister's responsibilities the way it's been put.

New question?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: A question on racism was put to the Minister of Citizenship. I think it would be legitimate for the Minister of Citizenship to answer a question on racism.

**The Speaker:** I have ruled.

The member for Erie–Lincoln.

#### ONTARIO PUBLIC SERVICE

**Mr. Tim Hudak (Erie–Lincoln):** A question to the Deputy Premier: Your defence of the apparent use of government e-mails and government phone numbers seems to be—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

The member for Erie–Lincoln.

**Mr. Hudak:** Your defence of the use of government ministers' offices' e-mails and phone numbers by the Liberal Party of Canada for a leadership race seems to be that what members of your offices do in their spare time is beyond the control of ministers. I would say to the minister, surely, if they're using government phone numbers in ministers' offices and the Premier's office and government e-mails in the Premier's office and ministers' offices, that is use of government resources and they're in the office on government time. So please tell me, Deputy Premier, are you going to investigate this matter, or is your title as Deputy Premier simply ceremonial?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Well, yes, largely. I was waiting for all of the other perks that went alongside of it, but apparently, the principle one is that I get the opportunity to engage with the honourable member from Niagara.

What we see is a demonstration by that party today that they've come to the conclusion that a list, developed by someone else, that captures e-mail addresses or perhaps phone numbers is "proof positive," to quote the Leader of the Opposition, of some nefarious plot that he's conjured up in his head. I've got a big job and I'm proud to do it, but I can't handle all that side of it.

I think the point has been made well by now. We expect people to work awfully hard for the people of Ontario. I can tell you, if you'd come across my way and look down the hallway at the people who work in the Ministry of Health, they are providing a degree of work on behalf of the people of the province of Ontario that is exemplary. I'm proud of them and I'm very, very happy to support them in their private hours if they wish to be involved in partisan activities. That is wholly appropriate.

**Mr. Hudak:** Obviously, if ministers' offices' e-mails and phone numbers are being listed by the Liberal Party of Canada as part of the leadership race, then surely the first thing the minister would do is not to go into this denial mode, but to get back and investigate whether they've been using their e-mails or their phone numbers for Liberal Party partisan purposes. I appreciate that maybe there's a conflict of interest in endorsing Bob Rae for the leadership; maybe that's a motivation. But Minister, one would think that the first call of duty would be to investigate whether the minister's office phone numbers and e-mails have been used for Liberal Party of Canada political purposes. How many phone calls and e-mails were made from the government's offices?

**Hon. Mr. Smitherman:** The honourable member asks questions which all stem from his imagination. It's interesting that they're prepared to tally three, four goes at a question like this, with no merit attached to it except for their proof that a phone number was on a list. My phone number is very publicly available: It's 416-327-4300. People can call, and people can actually choose to put that phone number on a list that they develop. It happens very regularly.

But what's interesting is that this honourable member won't stand in his place and talk about the divisive politics that are being involved in the name of a candidate who stands proudly alongside John Tory, someone who wishes to divide up Ontario on the basis of how long you've been here and what religion you are. This honourable member feigns to ask an important, principled question about how a phone number got on a list. That's interesting, Mr. Speaker.

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Finance. In the fall of 2003, your government instructed MPAC to assess trailers on private campgrounds as land. This resulted in a 400% increase in property taxes to campground owners who, in turn, were forced to pass this on to trailer tenants.

In a landmark decision, the Superior Court of Justice has ruled that assessing trailers as land is unlawful and has ordered municipalities to reimburse campground owners throughout the province.

Minister, will you stand up in this Legislature today and assure municipalities that you will take full responsibility for the multi-million dollar mistake made by you and your government?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I always enjoy the characterization of questions from my friend from Beaches–East York. If he had had longer, he probably would have put before you the fact that the question of taxation of trailers and trailer parks has been before the province of Ontario since, I think, Bill Davis was the Premier of this province, certainly during all the time that his party was in government and during the time the Conservatives were in government.

When we took office, the matter was before a tribunal, the Assessment Review Board, and since that time before Superior Court. The court's decision has now been rendered. I know that the assessment corporation and the government have welcomed the decision, because we now have some finality to the issue.

**Mr. Prue:** I'm happy for the finality too, but the question is for the municipalities who are now stuck with paying back a lot of money that they should not and ought not to be paying back. You made the mistake, not them. You had the order, not them. The courts have declared that your ministry's directive is illegal and have ordered the municipalities, in turn, to pay it back.

So my question is a simple one: Will you stand up in this Legislature today and assure those municipalities that they will be reimbursed for the multi-million dollar mistake that was made in part—in part—by you and your government?

**Hon. Mr. Sorbara:** I'm not sure how I could be clearer on the issue. The matter was decided by the courts. These matters of the liability for property tax are the subject of court decisions and tribunal decisions every month of the year. As this matter has recently been decided, and it is subject to appeal, and though a decision about appeal has been made, I really wouldn't want to comment further on it other than to say, again, that the question of the taxation of trailers and trailer parks has been before the province for 15 years. We finally have a court decision and we'll see the implications of that court decision over the next few months.

#### WATER QUALITY

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** My question is for the Minister of the Environment. Yesterday, we on this side of the House stood up and voted in favour of clean water. Minister, I was shocked and disappointed to see members of the Conservative and NDP caucuses sitting on their hands and not voting for clean water. I watched the members of the NDP during the vote for clean water yesterday and noticed that they did not act in favour of something they had promised five years ago by promising to introduce legislation to protect clean water.

I know that our government also intends to implement all of Commissioner O'Connor's recommendations following the Walkerton inquiry. A vote against this act is a vote against the inquiry, because this act will implement 12 of those recommendations. Minister, can you assure us that the Clean Water Act will make a difference in preventing future disasters like the one in Walkerton, where we lost seven lives?

1510

**Hon. Laurel C. Broten (Minister of the Environment):** Let me tell you what some groups have said about the passing of the Clean Water Act.

The Sierra Legal Defence Fund, which last week gave Ontario the top mark in Canada, an A-, for our regulations on drinking water said that by passing the Clean

Water Act, "Ontario has moved from the top of the class to a class by themselves."

Dick Hibma, chair of Conservation Ontario, said, "The Clean Water Act is essential to protection of Ontario's drinking water sources. With the act in place, conservation authorities, municipalities, landowners and other stakeholders will work together to ensure municipal sources of drinking water are properly protected."

I too was disappointed in the members opposite for voting against clean water, for voting against 12 recommendations made by Justice O'Connor, and for voting against defending and protecting water resources for future generations. I guess the members opposite don't care about ensuring that future generations have clean, safe water to drink.

**Mr. Lou Rinaldi (Northumberland):** Minister, I'm as shocked as you and the rest of the caucus about the members opposite voting against clean water.

You recently announced an amendment to the Clean Water Act which will invest \$7 million into rural communities to assist farmers and small rural businesses in activities to reduce threats to drinking water.

My riding is comprised of a great number of farmers and rural businesses. Inaccurate information about the Clean Water Act is being spread by Mr. Randy Hillier of the Lanark Landowners Association. Mr. Hillier's words and actions are a disservice to all of rural Ontario, yet several members of the Conservative Party are fond of perpetuating Mr. Hillier's myths.

Minister, please help me remind the Conservative Party how we are on the side of rural Ontarians. How is this money going to be delivered, and what is the allocation formula that will make sure the dollars arrive where they are most needed?

**Hon. Ms. Broten:** Throughout the numerous and extensive consultations—and I know some of those consultations were held in your community with the Premier, when he said, "We are listening to rural Ontario"—we have said we will be a partner in the implementation of the Clean Water Act, and we will make available \$7 million to help rural Ontarians offset the cost to implement the measures proposed by early source protection plans.

That's why we've received support from folks like Ron Bonnett, president of the OFA. He says, "This ... financial assistance goes a long way toward addressing the concerns of the farming community. The government is clearly listening to the concerns of rural Ontario."

In order to ensure that the \$7 million is implemented using a mechanism that is fair, I have established an advisory panel made up of farm representatives, including Mr. Bonnett. The funding is only the first stage of our commitment to help rural Ontario, because the source protection plans will be developed over the next three to five years, and we'll be in a better position to continue our partnership with rural Ontario and folks right across this province.

MINISTRY OF TRANSPORTATION  
OFFICE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** To the Minister of Transportation: Minister, your government promised many things to the tobacco community down in Delhi during the last election. Members of your caucus said they understand the plight of small rural areas like Delhi and promised that the economic hardships faced by such communities would be a priority for this government.

The people of Delhi want to know why they are now victims of show-and-sham politics. After months of tendering, your ministry decided not to go forward with an MTO office. Minister, what have you done with Delhi's MTO licence renewal bureau?

**Hon. Donna H. Cansfield (Minister of Transportation):** I will have to get more information from you, because I actually don't have the answer around that particular office. I can tell you that we've been looking at all of the offices across the province in terms of the delivery of service and working with them. As you recall, over the last eight years, the private networks have not had any increases. We've been looking at how we can deal with the very small ones because they don't have sufficient numbers that come through. We've had some requests where we thought maybe what we could do is have someone come into an area for a day as opposed to opening up an entire office. We've been looking at how we can improve delivery. And we have been working with Service Ontario, as that provision goes over to Service Ontario.

I would be prepared to sit down and speak directly with the member on this particular issue and work with him to find a resolution.

**Mr. Barrett:** Thank you, Minister, and it is confusing. People in the area find it confusing. It's frustrating. They also find they're waiting in line for hours in other towns that have an MTO office.

It's also appalling, the fact that your ministry ran ads asking people in the area to apply for the request for proposal. Several people in the Delhi area spent \$53 on the application fee, \$15 for the MERX fee, only to be told now that you're against reopening this MTO office. Minister, at minimum, and once we sort through this confusion, will you ensure that the people of the Delhi area who tendered for this office at least get their 68 bucks back?

**Hon. Mrs. Cansfield:** As I say to the member, I'd be more than happy to sit down with you and work through a resolution on this particular issue, and if you will wait till after the House rises, we'll have an opportunity to discuss it.

NORTHERN ONTARIO

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Northern Development and Mines. Last year in February, both here and in Sault Ste. Marie, you announced with great fanfare a wind turbine

project in the community of Sault Ste. Marie. That project was supposed to be under construction last winter and this spring. Nothing has happened to date. Now we find out there are hitches within the project in regard to one particular partner pulling out because of some issues within their own company. We've seen lots of announcements by this government. We've seen the government stand and say they're going to create jobs in northern Ontario. Am I to believe that this project is still to go ahead, or is it going to be one of those other announcements where we see lots of fanfare but little on delivery?

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** This government is very proud of the number of jobs it's created in northern Ontario, with the great involvement of the people of northern Ontario. We are very proud that we announced an engagement process that has been second to none, that is second to none, by any other government's involvement in northern Ontario. We're also very proud that we will continue to work with communities across northern Ontario—every minister, every ministry, in every way—to ensure we maximize the potential of northern Ontario.

This government is working with northerners in a very real way. We're engaging northerners in northern development councils. You shut down those councils. You stopped listening to northerners. We engaged northerners in a very profound, active way. We will continue to do that to maximize opportunities.

**Mr. Bisson:** I'm shocked. Listen, Minister, the record is not one to be proud of. We could rhyme off municipality after municipality in northern Ontario that has seen thousands of jobs lost, and this government has done nothing to respond. Your policies on electricity, wood fibre and others have led to thousands of job losses in northern Ontario. Finally, we think we're going to get some good news for the community of Sault Ste. Marie and we find out, yet again, we're back where we started from, where the government makes announcements but is small on delivery.

My question to you is very simple: Will the community of Sault Ste. Marie see this project to fruition or is this just yet another announcement?

**Hon. Mr. Bartolucci:** I find it passing strange that this question would come from that individual, who represents a party that cut \$141 million out of the Ministry of Northern Development and Mines. It is the same passing strange comment I have that this question would come from that individual, who represented a government that lost a thousand jobs a week, every week of their mandate, from 1990 to 1995.

To make it quite simple for the member across the way, we will continue to work with northerners, we will continue to work with industry, and we will continue to work with governments in northern Ontario, to ensure that we don't have the dismal record of the former Minister of Northern Development and Mines—

*Interjection.*

**Hon. Mr. Bartolucci:** —who is heckling over there, who has a record that she has to be ashamed of. We're proud of what we're doing.

1520

## AUTISM TREATMENT

**Mr. Khalil Ramal (London–Fanshawe):** My question is for the Minister of Children and Youth Services. Parents in my riding of London–Fanshawe often ask me how the McGuinty government is supporting children with autism. According to the Geneva Centre for Autism, “Autism spectrum disorders are lifelong neurodevelopmental disorders that affect how people communicate and relate to others. The range and intensity of disability varies, but all people affected by ASD have difficulty with communication, learning and social skills.”

Parents of autistic children in my riding are particularly concerned that their three-, four- and five-year-olds will have their services cut off when they turn six. Minister, I know that under the previous government, children receiving autism support were shut out of assistance—

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

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I want to thank the member from London–Fanshawe, who speaks to me from time to time. I must say he’s been a very strong advocate for families in his community, as have been several other members of my caucus.

I want to assure parents that children are not being discharged from IBI services on the basis of age. Since July 2005, we have issued policy, and policy has been implemented, whereby children are not discharged on the basis of age. In fact, all children are being assessed in a consistent manner to ensure that we provide them with the services that are appropriate to their level of development as they grow and learn.

**Mr. Ramal:** That news will be reassuring to parents confused by statements by the opposition. Parents of children with autism face enough pressures on a daily basis without having to deal with the added strain caused by inaccurate statements by the opposition.

Minister, I know how hard you have worked to ensure the best outcome for all children in Ontario living with autism. It has not been easy, given the missed opportunities and disappointments of the previous NDP and Conservative governments. For example, the first major study of IBI as a treatment for children with autism was in the late 1980s, but the NDP did not offer the treatment when they were in government, and no children received IBI therapy. The Harris-Eves government was hardly better. Today, we are investing \$112 million, more than double the amount under the former government.

Removing the age six cut-off implemented by the previous government is only one part of our strategy. While there is more work to be done—

**The Speaker:** Thank you. The question has been asked.

**Hon. Mrs. Chambers:** There is a lot to be done, and we are working really hard on this file.

As I said before, kids are not being cut off from IBI services at the age of six; in fact, about 60% of the kids receiving IBI right now are age six or older. That has also made us realize that we have to expand the services that are provided to kids. We are training workers in the child care sector; we are training teachers’ assistants in schools. We have in fact created a new college-level program, and we had about 92 graduates from that program this spring, the first year of program. These are behavioural analysts, who will be able to work with kids with autism.

The training that we are providing to child care workers and teachers’ assistants is ABA-type training, which will also enable kids to get the support they need to be successful in their lives.

## WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is for the Minister of the Environment. Recently, it became known that the agency under your government, Ontario Lottery and Gaming, spent at least \$6 million in a rebranding exercise to drop the “C” in its acronym. The Minister of Public Infrastructure Renewal, when questioned, said he felt that this was a good, reasonable amount to be spent and a good investment.

Minister, when it comes to the issue of source water protection in Ontario, you felt a \$7-million public relation exercise would cover up the fact that this is a massive download onto the backs of rural Ontario municipalities and property owners. Minister, do you think the rebranding of the OLG is more important than helping municipalities deal with your source water protection act that passed yesterday?

**Hon. Laurel C. Broten (Minister of the Environment):** Let me tell the member opposite that we are a government who has delivered on safe, clean drinking water. We have delivered, to date, some \$127 million—\$120 million delivered across the province to undertake the largest scientific exercise ever, for the first time to analyze how much water we have, how safe it is to drink, to speak to 12 of Justice O’Connor’s recommendations.

We remember Walkerton, we remember what transpired in the year 2000, and we will not go back. We have received an “A” mark from the Sierra Legal Defence Fund. We are sitting at the top of the class in the world to ensure that we have safe, clean drinking water. The Clean Water Act is going to keep it that way. The \$7 million is a down payment on implementation, and we are moving forward in this province, away from the legacy that you left of Walkerton.

**Ms. Scott:** Minister, it’s pretty clear to Ontarians that your government feels it’s more important to waste money on self-promotion than to put it to good use, such as helping rural Ontario municipalities and landowners on the implementation of source water protection. Bill 43 is all about being a download to municipalities, legal and financial.

Based on the regulations that are to come some time later, this legislation and the regulations are going to

drive farmers and small business people out of rural Ontario. Justice O'Connor's recommendations, which you keep saying you're implementing, say that source water protection should be a provincial responsibility, yet you brought this legislation in to download it onto municipalities and to property owners. Minister, why don't you show some support for rural Ontario today and say that you will provide sustainable and long-term funding for the costs of Bill 43, the Clean Water Act?

**Hon. Ms. Broten:** My friends on the opposite side of the House should be ashamed of voting against the Clean Water Act and turning their backs on Ontarians. On that side of the House, you stand alone against the Clean Water Act. On our side of the House, we stand side by side with Conservation Ontario, the Ontario Medical Association, the Concerned Walkerton Citizens, Environmental Defence, the Ontario Municipal Water Association, the Ontario Water Works Association, the Ontario Farm Environmental Coalition, and the list goes on. I'm getting exhausted going through this list of who stands with us. The OFA, AMO, those groups who deliver clean, safe drinking water and who are the water experts in our province stand with us, delivering clean, safe drinking water to the people of Ontario. You have turned your backs on the people of Ontario. You should be ashamed.

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

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of the Environment. Minister, you said, in creating the Clean Water Act, Bill 43, that all citizens have a fundamental right to clean drinking water. My question is a simple one: Do you believe that First Nations people are citizens of this province, and if so, why are they not enjoying that fundamental right?

**Hon. Ms. Broten:** The roles and responsibilities of the various levels of government with respect to the responsibilities we have to the citizens across this country are established. It might suit your current plan to play politics with the Clean Water Act, but I can tell you that our government stands side by side with communities across this province. Those First Nation communities who choose to participate in the process are available for us. The expertise in our province, the chief drinking water inspector, the Walkerton Clean Water Centre: Those resources are regularly made available to communities across this province. We are meeting the recommendations that Justice O'Connor has made to fulfill our obligations, and you too should be ashamed of voting against the Clean Water Act.

1530

## PETITIONS

### PROPERTY RIGHTS

**Mr. Jim Wilson (Simcoe–Grey):** To the Legislative Assembly of Ontario:

“Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

“Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

“Whereas the Quebec Charter of Human Rights and Freedoms provides that ‘Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law’; and

“Whereas ownership rights should not be abridged or usurped without due process of law; and

“Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

“Whereas the decision of an expropriating authority should be subject to judicial review; and

“Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

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

“To pass Bill 57, the Land Rights and Responsibilities Act, 2006.”

I've signed this petition, and I voted in favour of that law this morning.

### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario. It reads:

“Whereas seniors of Ontario request full access and control of their locked-in pension funds at age 55, without the current restriction imposed by government regulation;

“Whereas the current government regulation restricts what seniors and pensioners are able to do with their own savings and limits their options for an affordable and comfortable retirement;

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

“That the Ontario Pension Benefits Act be amended to give seniors of Ontario the option to transfer their locked-in pension funds (LIRA, LIF, LRIF) into an RRSP at the age of 55, as is the case for seniors in the province of Saskatchewan.”

I've signed this petition and send it down to the table by way of page Paul.

### FAIR ACCESS TO PROFESSIONS

**Mr. Khalil Ramal (London–Fanshawe):** To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I agree with this petition and have signed my name to it. I give it to Annaliese.

#### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “Amend the Clean Water Act

“To the Legislative Assembly of Ontario:

“Whereas every Ontarian wants the best water quality possible; and

“Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

“Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

“Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

“Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

“Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

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

“To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place.”

I’d like to pass this off to my page, Bryce Robson, from Millbrook school.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** This petition is in support of skilled immigrants. It is to the Legislative Assembly of Ontario.

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner, and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I agree with the petitioners, so I put my signature on it as well.

#### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas the parents of St. Paul’s elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

“Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul’s elementary school; and

“Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

“Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

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

“That the Minister of Education immediately deem St. Paul’s elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul’s can be educated in a facility that is secure and offers them the respect and dignity that they deserve.”

As I’ve said in this House before, I attended this school from kindergarten to grade 8. My mother taught there for 33 years. I certainly agree with the petition.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I have a petition in support of skilled immigrants, Bill 124.

“To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I agree with this petition and apply my signature.

#### HIGHWAY 26

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

“Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

“Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe–Grey;

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

“That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe–Grey.”

I agree with this petition.

1540

#### FAIR ACCESS TO PROFESSIONS

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the member from Northumberland.

**Mr. Lou Rinaldi (Northumberland):** Speaker, first of all, it was a pleasure last week to visit your riding and bring in some money to Barrie.

I have a petition in support of skilled immigrants, Bill 124.

“To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

I sign my signature, and I will get Julia to deliver it.

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

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

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

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture endorse Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I’ve signed that petition, but I am hopeful that a deal currently on the table will be accepted by the Ontario Historical Society.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Jim Wilson (Simcoe–Grey):** I get sent a lot of petitions, and I’m quite grateful for them.

“To the Legislative Assembly of Ontario:

“Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

“Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

“Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

“We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to

community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I agree with this petition and have signed it.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I have a petition in support of skilled immigrants.

“To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

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

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

It’s appropriate that this be here today, as we’ll be debating this matter shortly. I’ll pass this on to page Chad for delivery.

#### BUSINESS OF THE HOUSE

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker—I guess it’s a point of order, because it’s next week’s business. Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

Monday, October 23: in the afternoon, second reading of Bill 140, the Long-Term Care Homes Act; in the evening, second reading of Bill 103, the Independent Police Review Act.

Tuesday, October 24: in the afternoon, third reading of Bill 65, the Mortgage Brokerages, Lenders and Administrators Act.

Wednesday afternoon: second reading of Bill 69, the Regulatory Modernization Act. In the evening on Wednesday will be second reading of Bill 28, the Mandatory Blood Testing Act.

On Thursday afternoon, second reading of Bill 140, Long-Term Care Homes Act.

#### ORDERS OF THE DAY

##### TRADITIONAL CHINESE MEDICINE ACT, 2006

##### LOI DE 2006 SUR LES PRATICIENNES ET PRATICIENS EN MÉDECINE TRADITIONNELLE CHINOISE

Resuming the debate adjourned on October 11, 2006, on the motion for second reading of Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts / *Projet de loi 50, Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois.*

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

**Mr. Frank Klees (Oak Ridges):** I’m pleased to rise to join in debate on Bill 50. This is a subject matter that has been before this House on a number of occasions in the form of private members’ bills. I recall speaking to the issue. I believe the last time a private member’s bill was before the House was October 29, 1998, quite a while ago. In my discussion on that legislation at that time, I indicated, as I will do now, that I certainly support the intent of this bill in principle. I really would fail to see how anyone in this Legislature could not or would not support the need to regulate a profession that is in fact practising in the province today.

I have some concerns. I have expressed this to stakeholders with whom I have had discussions relating to this bill, stakeholders who are strongly in favour of the bill, individuals such as my friend Professor Cedric Cheung, who is with the Chinese Medicine and Acupuncture Association of Canada. He, of course, is a strong proponent, as are many individuals who are associated with him and a number of professional organizations that have been involved in the development of this bill, as led by the former member for Markham, Mr. Tony Wong.

I have also met and had some extensive discussions with individuals who, frankly, are opposed to the bill in its current form. I have a list here of a number of items that are of very significant concern to individuals practising traditional Chinese medicine and acupuncture. It’s for that reason I don’t pretend—and I don’t believe, really, anyone in this Legislature pretends—to have exhaustive knowledge about traditional Chinese medicine or acupuncture. So my view is that what we should do is move this bill on to public hearings so that we can examine those areas of concern that have been expressed. It will give an opportunity for the profession to come forward, for stakeholders to come forward, set their positions forward, so that we can then, perhaps with considerably more understanding, make a final decision. I would also expect that as a result of that process there would be some amendments tabled to improve the bill. There is no such thing as perfect legislation.



I do have a concern about—and I know, for example, that Professor Cheung would argue that there has already been considerable consultation on this legislation. I know Tony Wong and what the government referred to as the MPP consultation group had a number of meetings and they travelled to different places in the province to have their consultations.

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But what did not happen in that process was: No member of the opposition was invited to participate in that consultation group, and that was disappointing. I think, had the government considered extending that invitation, we could have perhaps accelerated this process, with opposition parties feeling that they were a part of this consultation process. But clearly the signal we got, in the way this was handled by the government, was that this was as much a political initiative and was used, frankly, to—I guess the government has the authority to do that, but something that should have been beyond partisan politics, just because of how it was handled, sent a signal that this was a Liberal Party initiative as opposed to a legislative initiative. For that reason, I think it's incumbent that we pull this legislation back into the legislative framework, that we use the time we have left and the procedure that is appropriate for the passing of a bill with the significance that this bill has, and that we move it on to public hearings. When we do so, I think we'll be able to address a number of areas that have been raised in the past.

I support the regulation of this profession because I have had personal experience through my constituents in my riding of Oak Ridges, which takes in Richmond Hill, the northern part of Markham and Whitchurch-Stouffville. Particularly in the Richmond Hill part of my riding, and Markham, we have a very high percentage of Chinese Canadians, so traditional Chinese medicine and acupuncture are very much practised. I have had constituents in my office who have brought to me examples of malpractice in the area of traditional Chinese medicine as well as acupuncture.

Now, having said that, I have also dealt with constituents who have discussed with me the issues of malpractice in traditional North American medicine, so I'm not suggesting that malpractice is something that is just focused in traditional Chinese medicine—not at all. But I am saying that there are people who are experiencing trauma as a result of dealing with people who have the right today to hang out their shingle and make representations of their experience. People are trusting, particularly when it comes to the field of medicine and claims that are made. Particularly individuals in our communities today whose first language is not English and who rely on their culture and on the ability to communicate in their mother tongue with their medical practitioners would, of course, gravitate towards traditional Chinese medicine. But there are far too many examples that I have personally dealt with where it's clear that the training is not there, that the standards are not there.

We have a responsibility, I believe, as legislators to do whatever we can to ensure consumer protection, to ensure that the public is protected against individuals who would misrepresent themselves or who, frankly, are not trained to do what they claim they can do.

When we move forward with this bill—and I am trusting that the government will agree with us that we will have some time in public hearings for this bill—I look forward to participating in that process and also to being part of the discussions relating to some of these concerns. I will be asking the questions that have been put to me to ask by the CSCMA and other organizations that, on an organized basis, have come forward to register their concerns.

Having said that, I believe that most of the points have already been made by my colleagues. I won't repeat those. I simply look forward to receiving confirmation from the government that we will, in fact, see this bill go to committee and then on to third reading from there.

**The Acting Speaker:** Time for questions and comments. Seeing none, further debate? There's no need for response.

**Mr. Peter Tabuns (Toronto–Danforth):** I rise to address the issue of Bill 50, the Traditional Chinese Medicine Act.

Our critic, the member for Nickel Belt, spoke to this issue on September 27. I've had a chance to review her comments and the comments of a number of other members. I agree that over the last few decades this province has been moving in the right direction, expanding the sphere of regulation of medical professions. This all started, really, in the late 1980s under Elinor Caplan, moving things forward. We in the NDP continued it in the early 1990s. We felt then and we feel now that as we understand better the delivery of medical services, as we recognize new therapies or recognize the value of therapies that, as in this case, have very long-standing histories, there is advantage both to the public and to the practitioners to have regulation.

Traditional Chinese medicine and acupuncture are serious medical practices and those who see these practitioners expect that they will be treated in a way that reflects safety standards, that reflects a professional approach; that they will be given care that will look after their health and at no point will endanger them. It's entirely reasonable that the practitioners are subjected to a process that sets standards so that there's a common understanding of what will be delivered when you see a practitioner of traditional Chinese medicine and what will be delivered when you see someone who delivers acupuncture.

By setting those standards, by providing that system of reviewing licences, of regulation, we also show respect for those who provide the services, that we treat them seriously, we treat the medical care that they provide seriously. In this province, Ontarians have a growing interest in alternative therapies. Interestingly, a number of countries have moved to regulate traditional Chinese medicine and acupuncture. Australia already regulates

these practices, the United Kingdom is moving forward with regulation and a number of American states already regulate acupuncture.

In this country, British Columbia has already gone through this whole process of regulation, setting up the college, making sure that there are standards of practice, that there are disciplinary avenues if people need to avail themselves of those.

We believe the inclusion of traditional Chinese medicine and acupuncture in Ontario would be beneficial to our health care system and beneficial to the population as a whole. It's certainly something that reflects the interest and needs of our growing Chinese population. They know that this medical discipline, one that's been in existence for thousands of years, has value. They want it delivered here in the homes they've chosen because they want the full range of medical therapies available to them.

As our critic said, the regulation has to be fair, it has to be safe, it has to be effective and it has to be professionally delivered. There's no question that in the process of determining what is fair, in determining what is safe, we have to work through some very contentious material. There are practitioners of traditional Chinese medicine here in Toronto who would probably have, in some instances, difficulty with English, who have developed their skill over time, not through colleges but in the practice of working alongside those who are familiar with the therapies and actually have extremely good reputations, but who don't have the degrees that would be recognized by most colleges.

#### 1600

This process, then, is one that has been quite thorny, and one that we've been engaged in in this province for quite a while. As I understand it, it really started in 1994 with a letter to Ruth Grier, then health minister, from a Dr. Cheung. And in subsequent years, there were different points at which this whole issue was examined by the province, by different politicians in this Legislature. In 1996, the health professionals regulatory advisory committee advised that acupuncture be regulated. No real action was taken at that time, but that was the next step of consequence in this process. In 2002, Mr. Mike Colle introduced a private member's bill to regulate traditional Chinese medicine and acupuncture, and it didn't go past first reading. But in 2005, carrying on that momentum, the government appointed a consultative committee of MPPs, and they brought forward a series of recommendations calling for a new college to deal with traditional Chinese medicine and acupuncture. They noted that acupuncture should be limited to qualified practitioners, and they recommended setting up a herbalist practitioner class. The first few items were in fact incorporated into the act; the last wasn't.

This issue has been dealt with or worked through for quite a while. There's no question, when I talk to people in my community, that this is contentious. People have very different understandings of what the minimum or maximum standard should be, and they have very

different interests. Those who don't have formal training but who have the skill through years of actual practice in the community, don't want to be caught up in a fog of academic credential provision. That would be—what can I say?—problematic for them.

What we have, then, is a situation where the community wants regulation, but they want a process that will ensure that the outcome is best overall for the public as a whole and for those who are practitioners. That means that in order for this bill to actually be useful in the end, it is going to have to go through a full round of consultation. We can't simply pass through this bill in this chamber and expect that we will have a product that will be useful. We have to have public hearings, and in the course of developing the bill in those hearings, we have to start setting minimum standards. What is in the bill at present does not provide that floor, that base that will be necessary to give the public the assurance they need and also to ensure that the practitioners really do have the background, the training and the depth that's required.

Our critic made some very useful closing comments in her presentation on the 27th, and I just want to go through a few of those because I think she sets out and summarizes our position quite well. She said:

"What I do want to be sure of, as we incorporate traditional Chinese medicine and acupuncture into the health care system, is that we are doing so in a way that protects the public and respects the competencies and the skills of the traditional Chinese medicine community and those who provide acupuncture.

"I want to say again that the most important concern for me is that I do not see in the bill at this time what the minimum standard is that is acceptable for those who are practising acupuncture. As a member of the public, as someone who is concerned about public safety, what is the minimum standard that is going to be in place so that, regardless of whom I obtain acupuncture from, I can be assured, as a member of the public, that they will have succeeded in achieving certain educational standards, certain clinical standards in terms of practice etc.? I do not see that in this bill, and because I don't see that, I really don't see how what Bill 50 proposes is much different from what's currently in place, where anybody can practise acupuncture."

I'll conclude where our critic concluded: There have to be hearings, there has to be a review of the bill by the government and support for amendments that set minimum standards if this bill is going to be effective, if this bill is actually going to have public support, if this bill is actually going to give the practitioners the base for the sort of respect they do in fact deserve.

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

**Mr. Gilles Bisson (Timmins–James Bay):** I have actually been looking forward to this debate, because I had a very short opportunity the other evening, when we were debating this particular bill in regards to traditional Chinese medicine, to put on the record a few things. I

wanted to make sure that I had proper opportunity to lay out for the record why I think this is a good thing in principle. I don't want to stand here for one second and argue that we should not be trying to regulate and basically define the scope of practice when it comes to traditional Chinese medicine. I think that's a great idea and something that we should be doing. The problem is that where we're going with it may not bring us where we need to be when it comes to that scope of practice. So the first thing I do want to say is—

*Interjection.*

**Mr. Bisson:** Are you trying to hurry me up, my fellow colleague?

**Mr. Rosario Marchese (Trinity–Spadina):** No, no. I was talking to someone else.

**Mr. Bisson:** Okay. Very good. Just checking. I was just wondering what you wanted.

Anyway, as I was saying, when I got so rudely distracted by my own colleague over here—

**Mr. Marchese:** You go right ahead. Don't be distracted.

**Mr. Bisson:** Thank you very much, Mr. Marchese. I just want to say that sometimes there are moments in this House that are kind of humorous and nobody else gets it. This is one of those moments.

I just want to say that we're in favour of where we want to go. The difficulty, however, is that we're not going to get there.

What I said the other night in debate, and what I want to repeat again today, is that I was surprised at the degree of interest in this particular issue within my constituency. I would not expect, being a member from Timmins–James Bay, with the communities of Timmins, Kapuskasing and Hearst, that you would have a lot of interest when it comes to the issue of traditional Chinese medicine. I know that in the cities of Timmins, Kapuskasing and Hearst, to a degree, there has been a buildup of people who are basically seeing that as an alternative to the traditional treatments we've had within North American medicine. I know, in speaking to many constituents, that people go to places like the House of Wellness and others in the city of Timmins in order to seek out those alternative methods of treating disease and making people feel better overall in their physical condition. I know that that is the case, but I was still surprised at the degree to which I got calls on this. I had to say to myself something that my good friend Mr. Marchese always says and reminds me of when it comes to passing legislation, that there's a little test we should pass: Who's mad, who's glad and who's sad. I think Mr. Marchese is so right when he says that, because this legislation doesn't stand up to that very simple test.

To the issue of who's mad: The current practitioners are mad. The people whom we're trying to basically do the right thing for, as far as defining a scope of practice so that we make sure those who are practising within that field are properly qualified, are the very people who are unhappy with this legislation, for the most part. There are some, I would argue, who are probably happy, but those

are the ones who have not taken the full training that's necessary to properly understand how to deal with some of those traditional Chinese medicine practices.

I give you the example of acupuncture. I was talking, I believe, to Fred Wong—I may have to correct the record, but I think one of the fellows I talked to was Fred Wong, along with others who had called me. I'm not sure it was Fred, now that I really think about it. But anyway, the point is this: He was saying that what happens for people like him and others is that they've had to undergo a fair amount of training, first of all, to get to the point to be able to say that they're going to give this treatment. They've undergone—

**Mr. Marchese:** Years and years.

**Mr. Bisson:** —years and years of training, as my friend would say, to get to the point of being able to say, "I am a licensed practitioner. I'm somebody who knows what I'm doing. You can have confidence that the services I perform are going to be done within the scope of practice that is determined by the training that I've received."

I actually was here at the Legislature this week—I think it was with the dental hygienists. Somebody raised with me that some people who are practising acupuncture have very little training. They've got as little as a couple of months and basically are performing acupuncture on people without knowing, really, what they're doing. I think that's a great distress. I think people need to know when they go see a traditional Chinese medicine practitioner that the person who calls themselves that—he or she—actually is licensed and knows what they are doing.

**1610**

One of the cases that was related to me was that one particular chiropractor, in this case, was giving acupuncture through people's clothes. We all know that is a no-no when it comes to how you deal with inserting needles into people's bodies. You can pick up all kinds of infection. Who knows what's on the clothes as you pass it through. The person saw that as being perfectly okay. I just shook my head when I heard it at this particular reception. I said, "Are you sure?" He says, "Yes. I know because I'm in the same office and I see it done." I thought, "Wow, that's something else."

The point and the problem with this legislation is that in the scope of practice we're leaving it up to the individual colleges to decide what amount of training is that somebody should get to be able to call themselves a practitioner of Chinese medicine. So for example, if the College of Chiropractors decide that they want to make that part of their practice, they can determine themselves what the standard is going to be when it comes to being able to put up the shingle to say that you're qualified for acupuncture. We know that that may end up being a much lower standard than another organization that's listed in this legislation. You're going to end up with a hodgepodge. You've got about 16 or 20 different professions that are governed by this act that are going to be able to deal with Chinese medicine. Each of those colleges is going to basically establish what the level of

training has got to be to be able to practise, and it would be a hodgepodge of everything. So you may have the dental hygienist and the chiropractor having standards that are somewhat similar, somebody who's lower, somebody who's higher. How am I going to know, as the general public, how to deal with that? That's the question of who's sad. I think, in the end, the public are the ones who are going to be sad.

**Mr. Marchese:** Maybe mad.

**Mr. Bisson:** Well, they might be mad too.

But then at the end, in the final test of who is glad about this, I'm not too sure a lot of people are. I think, yes, I support the concept. I think, yes, we should pass legislation that does what we're trying to do, because we do need to regulate this particular profession. For those like Fred Wong and others who are in the practice, who have done the training, who are qualified, who know what they're doing and they can put the shingle up outside the door because they've had the proper training, you need to validate those people's experiences and to say that these people are qualified and we need to be able to allow them to practise and give some assurance to the public. But for those who are not, I think it's a sad test.

So I just want to put on the record that I will be voting against this legislation for the very simple reason that I believe we need to send this off and we need to make sure that it's done properly and that we include everybody within this particular legislation. With that, I would say, Dr. Wong—I'm just looking at this here. I don't have my glasses, unfortunately; that's why I couldn't read it. Yes, okay. It's interesting, because you've actually talked to Dr. Wong, who said the current bill—

**Mr. Marchese:** Any Tom, Dick and Mary can practise.

**Mr. Bisson:** Yes, exactly. That, I think, is the point. What I've heard from everybody else is that if this bill passes the way it is, it's going to be absolutely anybody, almost, who can say they're a Chinese traditional practice doctor. I think that would be a great disservice to the public. With that, Mr. Speaker, I thank you for the time in debate.

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

Mr. Smitherman has moved second reading of Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts.

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

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Motion carried.

Shall the bill be ordered for third reading?

**Hon. Michael Bryant (Attorney General):** I would like to refer this to the standing committee on social policy.

**The Acting Speaker:** The bill is therefore referred to the standing committee on social policy.

Orders of the day.

## FAIR ACCESS TO REGULATED PROFESSIONS ACT, 2006

### LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES

Resuming the debate adjourned on October 10, 2006, on the motion for second reading of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.

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

**Mr. Rosario Marchese (Trinity-Spadina):** I have 20 minutes. I might be able to use it all up; I'm not quite sure. I'll do my best.

I'm very pleased to speak to the issue of access to professions and trades, and I want to say that we have wasted the talents of so many of our immigrants who have come to this country, and to Ontario in particular, for a long time. It is sad to know that engineers are driving taxi cabs and doctors are delivering pizza, but it has happened, and it continues to happen. What a waste of talent. What a shameful reflection on governments both federal and provincial in terms of government's inability to deal with this very pressing issue.

Just to put out some facts that I think would be of interest to people:

In Canada, it takes, on average, 10 years before a highly skilled immigrant reaches the same level of employment as a Canadian with approximately equivalent credentials.

The Conference Board of Canada, a private think tank, calculates that the impact to the Canadian economy of failing to recognize immigrants' learning and credentials is in the range of \$3.4 billion to \$4.97 billion annually.

A recent Statistics Canada study found that one in six male immigrants leaves Canada for better opportunities elsewhere within the first year of arrival, and those most likely to emigrate are skilled workers.

Researchers found that one third of male immigrants aged 25 to 45 at the time they arrived in Canada left within 20 years. More than half of those who left did so within the first year. The study's subject group amounts to about 50,000 newcomers a year. Of those, 17,000 immigrant men in that age range will end up leaving Canada eventually.

Some examples: The Ontario government partially funds a private service, World Education Services. WES, the acronym for World Education Services, charges between \$115 and \$200 to individuals to verify their academic qualifications from another country and determines the equivalent in Canada. The Ontario government has, by and large, taken a half measure and baby steps to remedy this problem.

Immigrants are ill-served by governments. In fact, so many of these well-qualified people come to this country and are working at minimum-wage jobs. At no other time in our history have we seen immigrants come to this

country who do not, and did not then, get into good employment that paid good wages, that permitted them to live good and comfortable lives in this country. Not today. Many immigrants work at such low-paying and low-end jobs that they're not able to enjoy the resources and the riches of this country and the relative comfort that most Canadians live in.

You have people working at one, two, three jobs as a way of paying the rent and/or, if they're interested, buying and paying for a house. In our time, in 1956 through 1965, my father, who came here in 1956 and bought a house in 1962, could, with the help of my older brother, buy a house and pay off a house in three years. It was amazing. The house cost \$14,000 in 1962, and with two people working and the sacrifices they made, they could pay for a house in three years. You can't do that anymore.

The housing prices in this country have gone up so much, are so high that most recent immigrants will never be able to afford that dream of being able to buy a house, and this includes highly qualified individuals whom we call upon from other countries.

**1620**

For years federal governments have been discriminating in the way they attract people to this county, and I'll explain: They say, "We only want highly qualified individuals." We bring them into this country, and they can't find work, and the work they can find is not in their field and is low-paying. Yet many other workers who are desperately needed in this economy, and have been needed for the last eight, nine, 10 years—those who work in the construction trades—happen to be illegal to this country because we do not, through the points system, allow them into the country. They're illegal. They're desperately needed, and we are deporting them from this country.

Those are the policies of the former Liberal administration, and they continue under the Conservative administration. For 13 years when the Liberals were there, while they could have changed these policies, they did so little. And now, in opposition, they're attacking the Conservative federal government for not doing enough for tradespeople. It's a funny thing to witness. It's so highly ironic and so highly shameful that so many Liberal MPs who were in power did nothing, yet now they seem to be so fully aware of the problem that they're attacking Conservative members for simply not doing enough for those tradespeople we need and are deporting. Yet we will invite highly qualified people who can't find jobs in their field. Shameful.

Provincially, the government, three years into their mandate, introduces a bill that in and of itself isn't so bad, which is typical of Liberal bills. They're not so bad. They're not good or great; they're just not so bad. It's difficult to attack them, because they say, "Well, it's better than what we had," and this is true. As so many Liberal members are fond of saying, "We could do better. Could we do more? Oh, yes." When? "Well, in time, slowly. We can only do so much and go so fast." That's

the typical Liberal chorus to anything we criticize them for. "Could we spend more? Oh, yes," they say, "But you have to acknowledge that we've done so much." It just cracks me up each and every time I hear it. They crack me up every time they do that. Whether I'm debating with ministers or MPPs, the usual response is what I just articulated. It's a joke, as the current Speaker would often say in response to some things he doesn't agree with or appreciate, and I agree with him in this regard.

So they introduce this bill. Just to highlight some of the things they're doing, this bill prescribes new rules for any regulating professional body such as engineering, doctoring, nursing and so on; considers the non-Canadian credentials of a person hoping to practise a profession; and creates a legislative requirement that they be applied fairly. It seems like a reasonable baby step. It's really hard to disagree with much of what they prescribe. The bill also establishes a fairness commissioner reporting to the minister in the House.

**Hon. Michael Bryant (Attorney General):** That's fair.

**Mr. Marchese:** The Attorney General says it seems fair to have a fairness commissioner. How could anybody disagree with a fairness commissioner, who obviously is going to prescribe fairness in his role as commissioner. How can you be against fairness? I'll point it out as soon as I can.

Remember, that the fairness commissioner cannot be involved in any way in any individual appeal case, because that wouldn't be fair, would it, Attorney General? But he is the fairness commissioner.

**Hon. Mr. Bryant:** So that's fair.

**Mr. Marchese:** So that's fair under Liberal-prescribed rules.

The bill also establishes an access centre for internationally trained individuals that will conduct research, provide information to immigrants and, in all likelihood, conduct a whole lot of public relations for the government. And so the Liberal members would say, "Well, it seems reasonable and, okay, it's a nice baby step. How could you be against it?" I'll try to articulate my opposition to some of these things as best I can.

Here's the problemo, as I often say: There is nowhere in this bill that talks about an appeals process. The Attorney General will probably be, I don't know, somewhat supportive of a possible position for an appeal. I suspect most lawyers would think there's got to be an appeals process—I would think, in my judgment. Chair, you are a lawyer, and you would think there's got to be an appeals process in almost everything we do in the legal system, but there is no appeals process in this bill. I just wonder why that is not there. The Attorney General is going to speak to this, yes.

Nothing in this bill gives a foreign-trained professional an avenue for appeal if they're being stonewalled by the professional organization. Under this bill an applicant who is shortchanged can only appeal for an internal review of the decision conducted by the same people who issued the decision in question. I just don't think that's okay. I don't think the Attorney General agrees with this,

and if he does, I guess he'll speak to it after I'm done. The government's own expert, former Judge George Thomson, in his 2005 report to Minister Colle said that an appeals process was vital. This is what he said: "An independent appeals process from the registration decisions of Ontario regulatory bodies in the self-regulated professions ought to exist. The rationale is that well-developed, transparent, independent appeal mechanisms enhance public confidence in the overall registration process.

"The importance of independent appeals of registration decisions was confirmed by many participants in the consultation, including those regulators whose decisions are currently subject to independent appeals. Independent appeals were supported for the following reasons...."

I tend to agree with Judge Thomson in this regard. It seems like a reasonable step to take. Liberals who pride themselves in being reasonable, looking to practical kind of solutions, would under different circumstances, or normal circumstances, agree with Judge Thomson, but in this particular case it seems that they disagree.

The government's access centre will only provide support with respect to the requirements for registration and the procedures for applying. They will not and cannot help applicants through the process or advocate on their behalf. In his report, Judge Thomson said that supports were required, particularly during the appeals process, so people would not in effect be their own counsel. Under this bill, a new Canadian will be forced to negotiate the internal review process on their own without any support against the very organization that has already dismissed their claim. So, yes to an access centre, but I agree with George Thomson, who says that supports were particularly required in the appeals process so people would in effect not be on their own in defending themselves, with few skills in the legal system, with few language skills, in some cases, to be able to navigate this kind of legal process. I think it's not right.

There is no guarantee that all regulated professions will be covered. The regulated professions to be covered by this bill are included by regulation, not by the statute, so there is absolutely no guarantee that this bill will even cover all professions. I think there are about 36 professions that we are talking about.

So these are the questions that we raise that make it difficult for us to say this is a good or a great bill. It is a baby step that is hard to disagree with and attack, but we have laid out our opposition to this bill. It is not doing the best it can for people who come here, who have professions, who need to be hired and hired quickly.

The government has made strides as it relates to doctors who come from out of country, but the reason they've made important strides with doctors is that the government desperately needs them. I argue, if you can do that for doctors, why can you not speed up the process for the other professions? Why could you not have done

that for the other professions? Why is it that we only do that for those professions desperately needed by the government, and the other professions have to fend on their own?

The only thing the government can call upon is what we have done for doctors, but it cannot be said about, or at least in the same measure, what we have done for engineers, nurses, teachers or any other professional who has desperately tried to get into a work situation that reflects their skills, who could be employed in a way that would benefit him or her and benefit our society.

They've done so, so very little. Will all these professions be covered? If so and if yes, include them in the bill. Don't allow us to guess as to what may or may not be included by regulation in your bill.

We as New Democrats have identified the weaknesses of this bill that need to be improved. That's why we are very interested in having hearings, so that those who have the expertise can and will be given the opportunity to come in front of our three-party committee and debate with us or present their case. It is my view that many of these professionals will come in front of this committee and argue and debate, as I hope they will, that the bill needs to be made stronger, and that it can and it should be.

If this is an opportunity for you to introduce a bill that brings about the fairness they're looking for, make it better, because you can. It won't hurt you as a government but it will certainly benefit all these professionals who are looking for better and more effective ways to get the jobs they're so desperately waiting to get.

I hope that will happen, and I hope we'll see changes when the hearings happen.

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

Mr. Colle has moved second reading of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

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

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. The motion is carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Bryant:** Mr. Speaker, I would like to refer this one to the standing committee on regulations and private bills.

**The Acting Speaker:** The bill is therefore referred to the standing committee on regulations and private bills.

Orders of the day.

**Hon. Mr. Bryant:** I move adjournment of the House.

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

This House stands adjourned until 1:30 p.m. of the clock Monday, October 23, 2006.

*The House adjourned at 1634.*

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