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## **Official Report of Debates (Hansard)**

**Wednesday 28 March 2007**

## **Journal des débats (Hansard)**

**Mercredi 28 mars 2007**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 28 March 2007

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 28 mars 2007

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### PREMIER OF ONTARIO

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Dalton McGuinty's poor decision-making is a threat to our principle of responsible government. This is a principle that goes back to 1848, during the era of parliamentarian Robert Baldwin. Cabinet ministers must take responsibility for any inability to properly oversee their departments.

We're seeing a disturbing pattern of behaviour with this government when it comes to holding cabinet ministers responsible for their actions, or lack thereof. Last year I spoke out against Premier McGuinty keeping then-transportation minister Takhar in cabinet after he broke the law. Under McGuinty's regime, nothing, absolutely nothing, is serious enough to warrant a cabinet minister to step aside.

Minister Caplan is under a dark cloud for what I now consider egregiously reckless behaviour and for his ducking and weaving on the lottery scandal. David Caplan is responsible for Lottogate and its \$100 million of stolen money. The buck should have stopped with him, and it didn't.

Minister Takhar broke the law and he sits in McGuinty's cabinet. Every day we are learning more about Minister Caplan's role in the \$100-million Lottogate, yet he's still sitting at the cabinet table. This begs the question: What must a Dalton McGuinty minister do to get fired? It's time for Dalton McGuinty to show some leadership and fire David Caplan.

#### GTA POOLING

**Mr. Mario G. Racco (Thornhill):** I am pleased to rise in the House today to speak about a very important issue in my riding of Thornhill, and that is the issue of GTA pooling. Since its inception by the previous Conservative government in 1998, municipalities in the region of York, Halton and Peel have been suffering under this tremendous financial burden. Since 1998, the region of York alone has paid \$744.8 million for GTA pooling. It's a huge amount. In fact, in 2006, the region of York alone

paid \$90.8 million, which amounted to 14% of the total budget for the year, second only to the spending of the police services board.

With the introduction of our budget, our government has announced a plan to phase out GTA pooling, and that is fair, because it was highly unfair for the previous Conservative government to impose on three regions surrounding Toronto the cost of social services, which quite frankly do not belong to the regions. This money that had been taken out of our regions unfortunately has caused significant problems for us in transportation and social services that are needed for our constituency. Again, I'm very pleased that the Liberals have made a change that was necessary.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Gerry Martiniuk (Cambridge):** I rise in the House today with a message for Ontario's Lottogate minister, David Caplan: Wake up and smell the coffee and read the press clippings. Maybe then you'll realize you're hanging on by a thread and you need to resign now.

The headline in today's Toronto Sun editorial by Christina Blizzard says it all: "Liberals Won't Face the Music: Caplan should take responsibility and McGuinty shouldn't run from the biggest scandal of his reign." Here are a few excerpts: "The big question is just what does it take for a Liberal cabinet minister to quit?" And, "I just don't know how you shame these Liberals into doing the right thing."

For those who might think the media favouring Caplan's resignation is confined to Toronto, think again. Today's Windsor Star doesn't mince words on the subject and ends, "Caplan must resign and a new minister must be appointed who cares more about cleaning up problems in Ontario's lottery system than ignoring them or covering them up."

David Caplan, it's time to come to terms with the harsh reality that the people of Ontario have lost faith and confidence in your ability as a minister and want you to resign and back away from the cabinet table. No one can spin you out of Lottogate, Minister. Do the honourable thing: Resign.

#### UNIVERSITY OF WATERLOO

**Mr. John Milloy (Kitchener Centre):** Today at Queen's Park we celebrate the 50th anniversary of the

University of Waterloo, one of three exceptional post-secondary institutions in my community. The University of Waterloo is one of Canada's most outstanding universities. For the past 15 years, U of W has been ranked most innovative in the country in the annual Maclean's university survey. For 13 of those 15 years, U of W also ranked best overall, and it boasts the largest post-secondary co-operative education program in the world.

U of W's presence extends beyond the city of Waterloo. Downtown Kitchener, for example—my hometown—will be home to the university's new health sciences campus, established through a partnership between the University of Waterloo, McMaster, the city of Kitchener and the region of Waterloo. The new campus will consist of the new U of W school of pharmacy, the new McMaster satellite medical school, and the U of W integrated primary care teaching clinic that will involve learners in medicine, pharmacy, optometry and other health disciplines working in a new integrated family health team atmosphere.

We are joined at Queen's Park today by a number of leaders from U of W, including its president, David Johnston. All members are invited to a special reception to celebrate this important milestone at 6 p.m. in the Humber Room of the Macdonald Block.

On behalf of my community and all members of this Legislature, I want to offer the University of Waterloo congratulations on 50 years of outstanding success and all the best for the future. You continue to be a source of pride for our region and for our province.

#### PREMIER OF ONTARIO

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Wiarton Willie now has competition from none other than ducking Dalton, the elusive Premier. As you know, the groundhog is quick to run for cover at the first sign of danger. Dalton McGuinty is doing the same. Instead of facing the Legislature yesterday, he ducked out to Peterborough and Cobourg to make announcements that would rarely warrant his presence. He was there because he didn't want to be here.

Ducking Dalton was no doubt disturbed to see his shadow there in the form of Haliburton–Victoria–Brock MPP Laurie Scott reminding him that spring can be tough on groundhogs. Ducking Dalton knows he's got problems here. He won't be able to hide much longer.

This morning at the cabinet scrum, he ducked into the safety of his burrow when the press showed their teeth. His defence of Minister Caplan has been lukewarm, to say the least. In fact, it looks like he's thrown him to the wolves to get them off his trail. That won't help, because with names like Kinsella and Warren surfacing, it's hard not to connect the dots. I can see the e-mail now: "Deeply disturbing: Detectives determine DNA Dalton's Davids. Devastating. Directive: Deny."

Oh, yes, spring is here. The wolves are hungry and groundhogs are nervous.

1340

#### MINIMUM WAGE

**Ms. Cheri DiNovo (Parkdale–High Park):** Were it not for my Bill 150 calling for \$10 an hour immediately, tabled last fall, and the subsequent labour council, OFL and CLC campaign involving thousands of Ontarians sending thousands of e-mails to this government, Dalton McGuinty's government would never have announced a raise in the minimum wage. The raise they announced spread over three years does not answer the demand in Bill 150 to have a minimum wage above the low-income cut-off.

Ontarians want \$10 an hour now, not three years from now. Ontarians are not fooled by this public relations exercise masquerading as a budget, this fudge-it. They understand that this is a government that does not lead, but lags, a government whose deathbed conversion on poverty issues is simply transparent opportunism. Working families who work two jobs on minimum wage still have to use a food bank, are still working two jobs and having to use a food bank and always will if this government remains the government. Promises for the poorest and \$40,000 for Dalton McGuinty: That's what Ontario heard in Dalton McGuinty's fudge-it.

At the International Women's Day march this year the chant was, "What do we want? \$10. When do we want it? An hour." The minimum wage campaign continues. The need for \$10 an hour now continues. Enough of the fudge-it. Ontarians have spoken. Pass Bill 150, the living wage bill, now.

#### PARLEMENT JEUNESSE FRANCOPHONE

**M. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Il me fait plaisir de souhaiter la bienvenue à des élèves provenant des quatre coins de la province. Ces élèves représentent l'école secondaire de leur région respective. Ils vont participer au premier Parlement jeunesse francophone de l'Ontario qui se déroulera ici-même jeudi et vendredi de cette semaine.

Les trois objectifs de ce Parlement jeunesse sont de stimuler l'intérêt et l'engagement des élèves francophones envers la politique et le fonctionnement d'un gouvernement; de permettre aux élèves de débattre des idées, d'exprimer des opinions, de défendre une position tout en développant leur capacité de leadership; de favoriser la construction identitaire et inciter les élèves à s'impliquer dans leur communauté—axes d'intervention du domaine de l'aménagement linguistique.

Le Parlement jeunesse francophone de l'Ontario est un programme unique en son genre car il implique les jeunes dans le domaine de la politique, du journalisme et des organismes non-gouvernementaux. Je tiens à remercier le ministère de l'Éducation, la FESFO ainsi que mes employés.

Selon moi, ce Parlement jeunesse francophone de l'Ontario est une des meilleures façons d'assurer la relève politique. L'Ontario a besoin des jeunes éner-

gétiques qui souhaitent se dévouer pour leur communauté et rien n'égalise la politique pour ce faire.

#### PUBLIC TRANSPORTATION

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise today, and I am pleased to do so to applaud the fine work being done by our government, Durham Region Transit and the Ontario Minister of Transportation, Minister Cansfield. At 8 a.m. today, 30 new buses were rolled into service in Durham region. Mr. McNeely, the parliamentary assistant to the minister, on her behalf, Durham regional chair Roger Anderson regional councillor Nester Pidwerbecki and I spoke at that unveiling in Whitby just a few hours ago. I was glad to be part of this great news. The transit investment means that commuters in my region will have a cleaner and more convenient transit system. It means that passengers with wheelchairs will have an easier time boarding the buses. And, unlike specialized services, these new vehicles do not require passengers to call ahead and book a trip. This means that people with a disability in Durham region will have more independence.

These 30 new environmentally friendly, low-floor accessible buses with air-conditioning are equipped with 38 passenger seats. It was made possible by the provincial share of the Ontario gas tax revenue and a \$10.6-million one-time transit vehicle funding package from our government as part of the 2006-07 budget.

Coupled with GO Transit service and infrastructure improvements since 2003, which included 1,200 additional parking spaces at GO Transit stations in Durham region, the government is actively addressing the transportation needs of our municipalities.

Once again I want to applaud the hard work of all those who have made this possible.

#### INFRASTRUCTURE RENEWAL

**Mr. David Orazietti (Sault Ste. Marie):** I'd like to comment on the progress the McGuinty government continues to make in repairing, replacing and building new infrastructure under our five-year, \$30-billion ReNew Ontario plan after years of neglect.

In my riding of Sault Ste. Marie, ReNew Ontario has recently allowed us to break ground on two new buildings. Just last month, construction started on a new \$7.8-million youth justice centre. The Conservatives closed Sault Ste. Marie's youth justice centre despite community outrage and, instead, chose to transport the area's youth to Sudbury, costing taxpayers over \$500,000 a year. Our government is reversing this irresponsible decision by building a state-of-the-art facility to serve the needs of the Soo and area. The new facility will help ensure that young people receive the treatment, rehabilitation and programs they need closer to home, while creating 30 new jobs and helping to boost the local economy.

Also last month, I was joined by Minister Kwinter to announce the start of construction on a new \$5.6-million

OPP forensic identification unit being built as part of our government's \$50-million investment in new facilities for front-line police officers. The new 12,000-square-foot building will give law enforcement professionals access to the modern equipment they need to serve our community more effectively.

I want to commend Minister Caplan who, as Minister of Public Infrastructure Renewal, has had the difficult but necessary task of helping to rebuild this province after two previous governments fell well short of fulfilling their responsibilities to Ontarians. The minister is overseeing a \$5-billion capital expansion in health, the largest in the province's history, which will benefit countless Ontarians.

#### CORRECTION OF RECORD

**Mr. Bruce Crozier (Essex):** I rise on a point of order to correct the record in a statement I made yesterday in the Legislature. The Harris-Eves government did not have deficits in the years 1995-2003. They ran up \$27 billion in deficits in an even shorter time, from 1995-99. They did have surpluses in three years, from 2000-03.

#### VISITORS

#### VISITEURS

**Mr. Norm Miller (Parry Sound–Muskoka):** On a point of order, Mr. Speaker: I would like to point out that Joanne and David Brunton are down from Parry Sound today to visit and take advantage of lunch with their MPP that they bought in a fundraiser. They're here visiting and I'd like to welcome them to Queen's Park.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** Je veux souhaiter la bienvenue à tous nos élèves des écoles secondaires de langue française de l'Ontario qui proviennent des quatre coins de la province. Il vont participer, comme je l'ai déjà mentionné dans ma déclaration, au premier parlement des jeunes francophones de l'Ontario. Mais ils sont accompagnés d'un de nos anciens vice-présidents de cette chambre, Gilles Morin, qui agira comme conseiller spécial durant le déroulement de ce programme. Félicitations, et bienvenue chez nous.

**Mr. Jeff Leal (Peterborough):** It's a great privilege for me today to introduce two special guests from Peterborough who are in the members' east gallery.

The first person I'd like to introduce is the Honourable Andy Mitchell, who served as the very distinguished member of Parliament for Parry Sound–Muskoka from 1993 to 2006. He is currently the new president and chief executive officer of the Greater Peterborough Area Economic Development Corp.

Secondly, the vice-president of the Greater Peterborough Area Economic Development Corp., Mr. Jay Amer, whose wife, Maureen, is a cousin of our Minister of Agriculture, Food and Rural Affairs.

I'd like to welcome both of these gentlemen to Queen's Park this afternoon.

## INTRODUCTION OF BILLS

### EMPLOYMENT STANDARDS AMENDMENT ACT (CHILD ACTORS), 2007

### LOI DE 2007 MODIFIANT LA LOI SUR LES NORMES D'EMPLOI (ENFANTS ACTEURS)

Ms. DiNovo moved first reading of the following bill: Bill 191, An Act to amend the Employment Standards Act, 2000 with respect to child actors / Projet de loi 191, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui a trait aux enfants acteurs.

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

The member may wish to make a brief statement.

**1350**

**Ms. Cheri DiNovo (Parkdale-High Park):** This act introduces protection for child actors. It sets a maximum number of hours of work and days of work, limits late-night hours and time before the camera, ensures time off and the presence of qualified chaperones and allows for the protection of monies earned. We need protection for our most vulnerable in the entertainment industry.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### COMMODITY FUTURES LAWS REVIEW

**Hon. Gerry Phillips (Minister of Government Services):** I rise in the House today to table the report of the Commodity Futures Act review committee. This is a fine piece of work. This review committee was appointed as a requirement of the Commodity Futures Act to review Ontario's commodity futures laws and to make recommendations for legislative changes. The committee's report will now be referred to a legislative committee that will hear the opinions of interested parties and report back.

I, on behalf of the government, appointed this committee, composed of leading practitioners, lawyers and regulators, in May 2005 to undertake a comprehensive review of Ontario's commodity futures legislation. The committee was chaired by Carol Pennycook, a partner at Davies Ward Phillips and Vineberg and former chair of the Ontario Securities Commission's Commodity Futures Advisory Board. Other members included John Clark, chair, president and CEO of J.C. Clark Ltd.; Stephen Elgee, president, Faversham Holdings Inc.; Margaret Grotenthaler, partner in Stikeman Elliott; Paul Moore, former vice-chair, Ontario Securities Commission; and Roger Warner, director of operations, Canadian Derivatives Clearing Corp.

I wonder, Mr. Speaker, if we might recognize the chair and Margaret, who are here with us today. I very much appreciate the work that they've put in. By the way, coincidentally, right behind Carol is David Johnston, who's the president of the University of Waterloo and an expert in Canada on securities law; he's written books about it and whatnot. It's just a coincidence that he's here, but he's certainly welcome.

Since the Commodity Futures Act was originally introduced in 1979, advances in technology together with the globalization of financial activities have dramatically changed the capital and commodities markets. The importance of keeping pace with these changes underscored the need to review and update the Commodity Futures Act at this time.

I want to thank all the committee members for the hard work and commitment that went into preparing this report. The report's recommendations, which will be carefully reviewed and considered, are designed to make our regulatory system more efficient and, importantly, to promote increased investor confidence and investor protection.

Some of the report's key recommendations include ensuring compatibility with regulatory regimes in other relevant jurisdictions; adopting a core principles approach to the regulation of exchanges and other market participants; and providing an appropriate level of regulation of contracts for transactions involving retail investors.

This report supports our government's commitment to vibrant capital markets underpinned by a regulatory system that promotes market efficiency and investor protection.

I would be remiss if I did not point out that this review and report comprise one, but only one, significant part of this government's overall plan to modernize business legislation and financial services regulation in Ontario.

A competitive regulatory framework supports a positive investment climate and a growing economy. That is why we continue to promote the establishment of a common securities regulator. Canada, as this Legislature knows, is the only major industrialized nation without a national securities regulator. We believe that this jeopardizes our international competitiveness and limits our full economic potential.

We've also moved in several other important areas:

We implemented civil liability for secondary market investors, and we were the first jurisdiction in Canada to do that—an important move;

This Legislature passed—unanimously, I might say—the most significant reforms to Ontario's corporate and commercial laws in 50 years;

We created a new legal framework to give legal certainty for investors holding securities in electronic format within the Securities Transfer Act, 2006, which came into force on January 1, 2007—a major piece of work; plus

We made other changes to rules to protect investors, coordinated with securities regulators in all provinces, to

ensure more robust corporate and investment fund governance and enhanced financial reporting.

Modern regulation and commercial laws that protect the public interest on a cost-effective basis help companies start and grow. Armed with thorough reviews and solid recommendations such as those provided by the Commodity Futures Act committee, we can strongly advance Ontario's economic advantage.

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

**Mr. Tim Hudak (Erie-Lincoln):** I'm pleased to respond to the Minister of Government Services and his announcement about the Commodity Futures Act and that further process around it. I thank the minister for bringing this forward. I also want to congratulate Carol Pennycook and her committee for all the hard work they've done to date in bringing this before the Legislative Assembly today. We in the official opposition look forward to being part of the process on a go-forward basis.

On an associated matter, we wish the minister had greater success. The Progressive Conservative Party supports a single regulator for the entire country. I know the minister has been working with other ministers across the country, as well as the federal finance minister, Jim Flaherty, and we hope to see progress in that regard and are supportive of achieving that single regulator for our entire nation.

I also want to use this time to comment on some associated issues with respect to an important commodity in the province of Ontario, which is the mineral sector, and the diamond industry particularly. I want to express my concern to this minister and the Minister of Finance about the sudden new tax that has been imposed on the diamond industry in the De Beers project in Attawapiskat, outside of Timmins. The minister shakes his head that this was no surprise, but certainly proponents feel otherwise.

I'd refer him to the Timmins Daily Press story of Saturday, March 24, entitled "Province Hikes Diamond Mine Tax; De Beers Has Concerns With 13% Royalty." Tom Ormsby, a spokesman for De Beers, said,

"We started this project under a certain tax model....

"Now, it appears the tax regime we based our project on has changed" dramatically.

There was similar coverage in the National Post: "A new diamond-mine royalty proposed in the Ontario budget appears to be arbitrary and discriminatory, and was not discussed ahead of time with the diamond industry," a spokeswoman for De Beers Canada Inc. said yesterday."

We all know that mineral investments are long-term, substantial investments. In fact, I think some \$1 billion went toward the Victor mine. I wonder what kind of signal this sends to other potential proponents of similar projects in the province of Ontario, when at the last minute the Ministry of Finance pulls the rug from underneath these companies and imposes a brand new tax.

Certainly, the Progressive Conservative government previously worked very hard to raise Ontario to be the

number one mining jurisdiction not only in Canada, but in North America. I have every confidence that the current minister of mines has raised his concerns about this new tax level. I'll support any initiatives that he brings forward to restore a proper tax regime and better treatment for companies that want to invest in projects and hopefully hire a significant number of individuals from First Nations in the area.

**1400**

I also look forward to an opportunity to discuss with the minister, perhaps in debate, the \$50-million surprise investment to Magna corporation. Certainly, at a time when average middle-class taxpayers receive nothing—zero—from the Dalton McGuinty government, that the minister would hand out a cheque for \$50 million which was not even included in the budget speech, suddenly ad libbed—and when the minister was confronted with this the next day, he in fact had no details around the project. So one wonders what kind of negotiations took place when some \$50 million are handed out, seemingly without any competitive process or due process.

I will also point out the irony that on the eve of Magna making a multibillion-dollar bid for Chrysler, \$50 million has been allocated to the project. I would certainly think that the minister—

*Interjections.*

**The Speaker:** Stop the clock. I would want to caution the Minister of Energy and the Minister of Economic Development that the member for Erie-Lincoln has the floor. I need to be able to hear him. Heckling is always out of order, and we need to be able to hear all members make their statements.

The member for Erie-Lincoln.

**Mr. Hudak:** Thank you, Mr. Speaker. I appear to have struck a nerve.

I have no doubt the Minister of Finance will be putting forward all details related to this project and explaining why this grant was given while others were not, and taxpayers got zero in the recent budget. This also brings up the question of why this is under the Ministry of Government Services in the first place. It relates to the previous issues the Minister of Finance had in his resignation.

It brings us to the important topic today, and that is that I thought the minister would be announcing that the current Minister of Public Infrastructure Renewal had done the right thing and resigned, and that this minister would be taking over this file. After a barrage of newspaper stories and knowledge of this issue in advance by his top staff, the minister's hear-no-evil, see-no-evil, speak-no-evil sense just doesn't cut it. It's either incompetence or a cover-up. We had hoped that the minister would have done the honourable thing by now and resigned; and if not now, by the end of the day he should step down.

**Mr. Michael Prue (Beaches-East York):** I rise to speak about the Commodity Futures Act and actually to commend the Minister of Government Services for bringing forward this act. I have read the act since this morning when his staff came forward, and I have to tell you, I

can find nothing in the act that causes me any great difficulty. I would like to commend the people who have participated in the bringing together and the writing of this act, and working with government to make sure that commodities and commodity future trading in Ontario is at least put on a competitive level field with other jurisdictions in North America and around the world.

Would that I could say the same thing about the other regulations and the other acts that need to be brought forward, and which Minister Phillips promised some three long years ago would be brought forward in this Legislature and have yet to see the light of day.

I quote from the *Globe and Mail* of a couple of days ago—last Friday—about what I consider to be a cesspool of trading in Ontario. I’m quoting from the *Globe and Mail*, Report on Business, B5, John Kipphoff and Joe Schneider. In part, what the *Globe and Mail* reports—and I’d like to read it into the record with your permission:

“Daily trading for La Senza Corp., Canada’s biggest retailer of women’s undergarments, more than doubled, compared with its 12-month average, and the stock price arced toward a record high. On November 15, Limited Brands Inc. announced it would buy Toronto-based La Senza and pay shareholders a 48% premium.

“That unusual trading wasn’t so unusual for the Canadian market. Aberrant trading patterns preceded 33 of the 52 Canadian mergers valued at more than \$200 million last year, says a study by Measuredmarkets Inc. for Bloomberg News. Those patterns could indicate insider trading.

“Insider trading goes on all the time,” says Stephen Jarislowsky, chief executive officer of Montreal-based Jarislowsky Fraser Ltd., which manages about \$63 billion. “There’s no real surveillance.”

“The rate of unusual trading found in Canada—63%—was higher than in the United States, where a Measuredmarkets study last year flagged 41% of comparable mergers. The London-based Financial Services Authority said on March 7 that insider trading may have preceded almost 25% of UK merger announcements in 2005.

“If there’s no publicly available news that might explain the stock’s aberrant behaviour, then one might deem it suspicious,” says Measuredmarkets president Christopher Thomas, whose Port Hope, Ontario, company alerts subscribers to odd trading patterns.

“It would appear that suspicious trading is more prevalent in Canada than the US.”

“The Ontario Securities Commission oversees the Toronto exchange, the nation’s main bourse.

“The tools available to regulators in Canada are not as strong as in the US.” ...

“Between April 1 and September 30, Canadian regulators imposed \$7.7 million in fines to settle six cases of insider trading. Nearly all of that amount—\$7.5 million—was paid by a unit of China National Petroleum Corp. to the Alberta Securities Commission....

“No one faced criminal charges in any of the six cases.”

It goes on to talk about the United States of America. By comparison, last year the US Securities and Exchange Commission started 914 investigations in fiscal year 2006 and imposed a whopping US\$3.3 billion in fines.

You have promised, Mr. Phillips—I quote you before the committee three years ago, when you said to the committee, upon the rendering of our report, “Congratulations. We will implement it.”

You have not implemented it. You have not implemented the five-year rotating committee. You have not implemented effective security. You have not implemented committee oversight. You have not implemented the prosecutor-adjudicator role, which you promised to change. You have not implemented anything dealing with the SROs and their role in protecting the guilty. You have not done anything that Al Rosen suggested you do in terms of changing the traditional power structures, the Canada-wide enforcement or the penalties for abusers.

I offer you congratulations for what’s in here, but what isn’t in here is what you were supposed to have done these last—

**The Speaker:** Thank you.

On a point of order, the member for Renfrew–Nipissing–Pembroke.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Speaker, based on very recent observations, I’d like unanimous consent of the House to declare this Groundhog Day.

**The Speaker:** Mr. Yakabuski has asked for unanimous consent. I heard a no.

## ORAL QUESTIONS

### ONTARIO LOTTERY AND GAMING CORP.

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Does the Premier think it’s appropriate that his Minister of Public Infrastructure Renewal and the person in charge of the lottery corporation showed such weak leadership that he sat on his hands for at least six months, not asking a single question about the millions in rip-offs that were taking place of people who buy the tickets from the Ontario lottery corporation and allowing the integrity of the lottery corporation to be undermined from within? Do you think that’s appropriate behaviour?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I appreciate the opportunity to speak to this matter in the House. First of all, I want to assure all Ontarians, but especially those people—and I think particularly seniors who line up to buy a little piece of hope, to put down their loonie or their toonie or what more they desire to spend. I want to assure them that we will continue to do our utmost to protect the integrity of Ontario Lottery and Gaming and to ensure that they can have confidence and faith.

It's one thing to understand that the odds may be long, but it's another thing to have doubt when it comes to the fairness of a game. I want to assure Ontarians that we will do everything possible to guarantee the integrity of the system and to ensure that the rules by which they play those games are absolutely fair and in their interests.

**1410**

**Mr. Tory:** Of course, that was not an answer to the question, and the fact is you only thought of doing your utmost, to use your words, after your government got caught and after those very same senior citizens you talked about had been ripped off for millions—millions—of those loonies and toonies you talked about with such apparent caring.

The Premier's answer, or non-answer, says a lot about his leadership: Do nothing and duck anytime you can. Ignore the stark evidence that's swirling around—like an e-mail to Wilson Lee, the minister's chief of staff, about millions in stolen lottery prizes—and just hope it all goes away. Hope nobody notices. Hope that those poor senior citizens you talked about don't even notice that your government is sitting by, watching these games get fixed and doing absolutely nothing about it. But once it does break out, then, in the public domain, pretend that protecting the integrity of the system is your paramount concern. That's the Dalton McGuinty style of leadership.

Will you tell this House, did you have any briefings, any meetings with anybody from the lottery corporation, anybody from the board, with the minister, any memos or other correspondence at all before October—

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

**Hon. Mr. McGuinty:** The other thing that I wanted to say today was that I want to thank the Ombudsman for his report. He, on the basis of a television show which raised some very legitimate concerns about the integrity of Ontario Lottery and Gaming, decided of his own volition to conduct an investigation, which he rightfully chose to do. He specifically cites an incident in 1993 and then another in 2001. He said that those gave rise to still more concerns on his part and he has produced a series of in-depth, legitimate, eminently doable, eminently reasonable recommendations which we intend to adopt wholeheartedly. I understand that my good friend opposite has his own particular partisan perspective on this issue, but I intend to rely on the Ombudsman when it comes to upholding the public interest.

**Mr. Tory:** No, actually I'm just here on behalf of those very people you talked about. The fact is, the rip-offs reached the highest heights ever, new heights, under your leadership as Premier of this province and under your government. Weak leadership is what we have here, nothing but weak leadership and incompetence.

You see the problems all around, your minister sees the problems all around, and we're supposed to believe nobody has any meetings, there are no briefings, no questions are asked by anybody. You see and you read and you hear about this stuff and nobody does anything. The two of you sat on your duffs for months and months, and the people got ripped off in the meantime. You don't

realize it would actually look better if you had asked a question or two, or if you could get up and say you had actually asked for a briefing from somebody about this.

Your minister, I say to the Premier, is not fit to stay in office. He ought to have known if he didn't know. I think he did know. Either way, he should be asked for his resignation. Are you going to show some strong leadership for once and get up and ask for his resignation until this entire matter gets cleared up and we can see exactly who knew what and when?

**Hon. Mr. McGuinty:** Again, I can appreciate that my friend has his own particular perspective on this. I think that what Ontarians are looking for is some objective, independent third party assessment of how we should be proceeding with respect to the concerns that have been raised. I think it's also important to understand what the Ombudsman said with respect to our government and the minister responsible, ultimately, for OLG. I quote from the Ombudsman. He said: "This is the kind of support and commitment on behalf of government which is essential if we are to move forward to restore integrity and trust in the lottery system." He goes on to say: "I commend the minister and the government for its openness and responsiveness to my report and recommendations and for their immediate and resolute commitment to ensuring change."

**The Speaker:** New question, Leader of the Opposition.

**Mr. Tory:** My question again is to the Premier. The Toronto Sun reports today that Jim Warren, your former director of communications, and Warren Kinsella, one of your chief political operatives, met four days after the CBC program aired to try to spin the scandal, as they put it. So these two partisan McGuinty operatives are having meetings to try to spin your way out of this scandal. The Premier's very own fingerprints are all over this. If it looks like a duck and it quacks like a duck, then it's probably a cover-up.

One of them, Mr. Warren, has a very highly paid job, somewhere in the range of \$200,000 a year, as vice-president of strategic relationships. You might well ask, what would he be doing spending one minute of his time, at public expense, sitting around trying to spin scandals and cover things up for you? That's not in any job description we ever saw. If he wasn't helping you cover up, then why else is someone in his job involved in this kind of thing? We know you turned tail and ran this morning when it came time for this question, but you can't hide here. What were two partisan political operatives doing—one of them a public servant—involved in trying to cover this matter up for you at the lottery corporation?

**Hon. Mr. McGuinty:** Again, I would think that we would try to stick to the facts today as much as we possibly can. Here are a few, just to toss a few out. Mr. Warren began his full-time employment with Ontario Lottery and Gaming in February 2006, which was over a year again. The second interesting fact is that Mr. Kinsella, as the leader of the official opposition knows, is an

independent businessman who represents from time to time many different clients, including the Ontario Hospital Association, the Toronto District School Board, and—

*Interjections.*

**Hon. Mr. McGuinty:** I know they're going to want to wait for this one, Speaker—who also was a dedicated—

*Interjections.*

**The Speaker:** I need to be able to hear the Premier.

*Interjections.*

**The Speaker:** We're wasting time.

Premier.

**Hon. Mr. McGuinty:** I know that Mr. Tory would want to acknowledge that Mr. Kinsella was a dedicated volunteer in his bid for the mayoralty. I know he would want to acknowledge that.

One of the specific recommendations made by the Ombudsman was “that the OLG keep and analyze statistical information on the number of insiders winning its various lottery products, the playing habits of insiders, and on the win history of individual insiders.” That is yet another eminently reasonable and doable recommendation on the part of the Ombudsman, and that too will be acted upon.

**Mr. Tory:** I should say, indeed, Mr. Kinsella did help me with my campaign and he helps the Premier cover up. That's the difference between you and me, as to what we would ask him to do.

Now, here we have—

*Interjections.*

**The Speaker:** Order. I would just urge all members to take care in their choice of words in this place.

**Mr. Tory:** The Premier's top political schemer and manipulator tries to spin a story that it is a total coincidence that insiders were winning more frequently because they played more frequently. It is clear that two of the top political advisers to the Premier—one of them supposedly in public service and out of partisan activity—were trying to rig a story and engineer a cover-up here, a story of incompetence and negligence that goes through the minister's office right to the Premier's office.

It's one more piece of evidence that you and your government don't care a hoot about the people who buy the tickets and the people who are getting ripped off here and you're just trying to protect your own hides. It's a reason why this minister has to go. Will you ask for the resignation of this minister, who has been so incompetent in handling this matter on behalf of your government?

**Hon. Mr. McGuinty:** I can appreciate why the leader of the official opposition is struggling to make much of this. But another interesting fact that he may want to consider is that in addition to Mr. Kinsella having been a dedicated and loyal volunteer—but apparently a persona non grata now—on behalf of Mr. Tory, Bob Reid, who used to work for Premier Harris, provided communications advice to Mr. Gough, who heads up OLG.

The important point here in all of this is that there has been independent assessment of these concerns which has been presented by the Ombudsman. There are spe-

cific recommendations flowing from that. Our intention is to adopt each and every one of those recommendations. Again, if the public is searching for some non-partisan, independent, objective advice, they need look no further than the Ombudsman.

1420

**Mr. Tory:** What the Premier doesn't understand, because he really doesn't understand accountability, is that we're trying to talk here about the lack of leadership of your government long before the Ombudsman got involved. He got involved after you got caught. There were e-mails going back and forth to your government six months before the Ombudsman had anything to do with this file. That's when you and your minister were sitting on your duffs while people had their money stolen across this province. And so what we're saying here is, there was a complete lack of leadership and responsibility taken by you and your minister and your government.

I want to quote the Windsor Star from today. They say this: “Caplan must resign and a new minister must be appointed who cares more about cleaning up problems in Ontario's lottery system than ignoring them or covering them up.” That is what the Windsor Star says today.

If you want to act like a leader, if you don't want to duck, if you want to represent the people whose money was stolen, if you want them to know the rip-offs are really over, then ask this minister for his resignation so we can get a clean start. Will you do that?

**Hon. Mr. McGuinty:** Again, the specific incidents cited in the Ombudsman's report date from 1993 and 2001. The leader of the official opposition is going to want to have some questions of one of his colleagues, I'm sure, about that 2001 incident.

But in the interim, we will continue to act in the public interest. We'll continue to adopt each and every one of the recommendations put forward by the Ombudsman. In particular, there is one which I think is pre-eminent. The Ombudsman makes the very good point that it's simply inappropriate for the body which is responsible for the sale of tickets to somehow oversee those very same sales, and he recommends that that authority, that responsibility, be removed from the OLG, that it be given to another body, which is specifically what we intend to do. That, more than anything else, will ensure that we restore greater integrity and the ability of Ontarians to have faith in that system.

**The Speaker:** New question? Leader of the third party.

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: Every week thousands of Ontarians put aside some of their hard-earned pay to buy a lottery ticket. Most of them know that they may not win, but they expect that their government, at the very least, if it's going to run a lottery, will ensure that it is a fair lottery and not one that is fraudulent. Your government, the McGuinty government, has failed to do that.

For months, your minister responsible for the lottery did nothing to protect the people of Ontario, in the face

of increasing and repeated events that would have said to any reasonable person, "There's something wrong here." Premier, how do you justify keeping Mr. Caplan in his job when he has so obviously failed to protect the public over and over and over again?

**Hon. Mr. McGuinty:** I think it would be in the public interest that we take a look at the specific recommendations put forward by the Ombudsman. He specifically says that the government should implement a regulatory scheme for lotteries with the following characteristics: "(a) a code of conduct for retailers, the breach of which would lead to sanctions up to and including termination of registration." By the way, this particular regulatory regime or regulatory scheme we're going to put in place will be headed up by the Alcohol and Gaming Commission.

It's interesting to note that when it comes to casinos in Ontario, it is not OLG which is responsible as the regulatory overseer; rather, it is the Alcohol and Gaming Commission. What we intend to do on behalf of Ontarians is ensure that they can have confidence in the lottery system by taking the responsibility of oversight away from the OLG and giving that to the Alcohol and Gaming commission, and that is in keeping with the recommendations of the Ombudsman.

**Mr. Hampton:** What the Ombudsman has to say is good and fine, but the question is this: What was your minister doing in the months and years prior to the Ombudsman's report? Ordinary Ontarians feel totally betrayed and they're wondering what is going on over there.

One woman who wrote to us said, "For every fraudulent winner, there is a corresponding loser, like the older gentleman in The Fifth Estate story. I am outraged."

Another woman writes, "I will not have any trust or faith in a government that allows a minister to continue working when he failed miserably."

Premier, at what point are you going to admit that your government failed in its duty to protect Ontario citizens? When are you going to fire this minister who obviously didn't do his job?

**Hon. Mr. McGuinty:** Our focus will remain where it should be, and in keeping with the public interest. Ontarians who may have concerns connected with the OLG want to know what we're going to do to ensure that we can restore their faith in the integrity of that very system. Again, there has been an independent, objective assessment made by the Ombudsman, but we've taken it beyond that. We've turned over all the information to the police and asked them to take a look at it as well.

I think the single most important recommendation arising from the Ombudsman's investigation is that we take responsibility for oversight, for regulation of those ticket sales, away from OLG and give it to an independent organization. That's exactly what we intend to do. We're going to give it to the Alcohol and Gaming Commission.

Some very legitimate concerns have been raised. The Ombudsman has provided us with some very sound

advice and the best way to address those concerns, and we will continue to act on that advice.

**Mr. Hampton:** Once again, Premier, you want to talk about what you're going to do now after you got caught. But ordinary folks around Ontario who have been cheated out of millions of dollars want to know what the repercussions are for the person in charge who was supposed to protect them, who all the time said, "I see nothing, I hear nothing, I know nothing."

Today we learn that some of the highest-profile political advisers to you and your government, right after The Fifth Estate story was advanced, met to talk about, "How do we undermine this story about lottery fraud? How do we get this story below the radar screen?" And what does your minister say? He says, "I didn't know about that. I didn't hear about that. I didn't see anything about that."

I ask you again, Premier, at what point do you fire a minister who's apparently happy to say, "I don't see anything, I don't hear anything, I don't know anything," while thousands of innocent people were ripped off—

**The Speaker:** The question's been asked. Premier?

**Hon. Mr. McGuinty:** Again, I think it really is worthwhile for us to consider once again the independent, objective assessment of the minister and our government through this report. He says, and again I quote, "This is the kind of support and commitment on behalf of government which is essential if we are to move forward to restore integrity and trust in the lottery system. I commend the minister and the government for its openness and responsiveness to my report and recommendations and for their immediate and resolute commitment to ensuring change."

We're grateful for the Ombudsman's report. We intend to act on these recommendations, each and every one of them. And again, I say to the people of Ontario, we will do whatever we have to do to ensure that you can have faith in your Ontario lottery and gaming system.

**The Speaker:** New question? The leader of the third party.

**Mr. Hampton:** To the Premier: I want to talk about faith in the system. Last October, when people saw the CBC story, your minister said that he didn't know anything until then. But we learn today that almost immediately Warren Kinsella, one of your political fixers, and your former director of communications met to talk about a damage control plan. Your minister says, "I didn't know anything," but top Liberal fixers were already swinging into action to put this below the public radar screen.

Premier, do you expect the people of Ontario to believe a McGuinty government that says it saw nothing, heard nothing, knew nothing, when top Liberal fixers were already swinging into action to undermine the effect that this might have in terms of fraudulent lotteries?

**1430**

**Hon. Mr. McGuinty:** I beg to differ with my friend. I don't think it's about my expectations of the people of Ontario; I think it's about their expectations of us. What are we going to do in light of this information and in light

of the Ombudsman's report? I think they expect us to act on it. They expect our commitment to do everything specifically recommended within this report. They expect us to ensure that when they put their money down on the counter and buy a lottery ticket in Ontario, they can have faith in the system, that they can understand and honestly believe that the game is fair. While the odds may be long, they are more than prepared to take on those risks, but they don't take on any risks associated with there being any weakness in the integrity of the system itself. That's the legitimate expectation on the part of the people of Ontario of this government. We intend to live up to that expectation. We will adopt every single recommendation found in this report.

**Mr. Hampton:** Premier, these are the legitimate expectations of those innocent people out there who buy lottery tickets: They expect that when the minister who's responsible hears that an innocent man, an 82-year-old man, is taking the lottery corporation to court over lottery fraud, the minister is going to have enough sense to ask some questions, "What's going on here?" Your minister didn't. They expect that when e-mails come from reporters saying they want to know about possible other insider lottery fraud, something's going to twig in your minister's head, and he's going to say, "Maybe I'd better ask some questions here." Your minister didn't. Through all of this, while people were being ripped off and cheated, your minister was happy to sit there in the dark, not ask any questions, not raise any issues and not do anything to protect people.

Premier, don't you think that the people of Ontario deserve something better than a minister who says, "I see nothing, I hear nothing, I know nothing, and I'm not going to do anything to protect the public of Ontario"?

**Hon. Mr. McGuinty:** What I do believe is that the people of Ontario deserve to have an Ontario lottery and gaming system in which they can have confidence, and I can understand if that confidence has been somewhat shaken of late. Something happened in 2001; something happened in 1993. That led to a very legitimate inquiry on the part of the Ombudsman. He has conducted, in a relatively short period of time, a very thorough investigation. He came up with some very substantive and specific recommendations.

We think that they are all eminently doable, reasonable and, for that matter, essential, so we will adopt each and every one of those recommendations. We intend, once again, to ensure that somebody who approaches an Ontario lottery and gaming counter at some convenience store or some kiosk in a mall—we intend to ensure that when they put that money down, whether it is a loonie or a toonie, while the odds may be long, they can have confidence in the game itself being fair. We intend to do that.

**Mr. Hampton:** The fact of the matter is, Premier, your government, for over two years, didn't do that. Here's what those innocent Ontarians see: a minister who sat there, and while the evidence accumulated which would have led any reasonable person to at least start

asking questions, he did nothing. Then what they see is, when the information becomes public, your top Liberal Party fixer, Mr. Kinsella, and your former director of communications get together to hatch a plan to try to keep this off the public radar screen, to keep it away from the newscasts.

So, Premier, my question is this: Can you give the people of Ontario any reason why they should believe you and your minister now when he has obviously failed completely until now?

**Hon. Mr. McGuinty:** Again, with a view to providing some assurances to Ontarians, particularly those who buy tickets through the lottery system, in addition to adopting these recommendations put forward by the Ombudsman and in addition to providing information to the police so that they can do with it as they feel is appropriate under the circumstances, I have also asked the minister to make inquiries with his counterparts in the Atlantic provinces and in British Columbia, where concerns have been raised in those jurisdiction as well, to find out how we can best share our best practices, to see if it might be in our interest to adopt, if not a formal one, then perhaps an informal national standard, so that we can continue to improve the quality of the Ontario lottery and gaming system on behalf of Ontarians.

**The Speaker:** New question.

**Mrs. Christine Elliott (Whitby-Ajax):** My question is to the minister responsible for lotteries. Minister, it's not only a matter of public precedent but it's a question of integrity and accountability that when a minister's capability to serve the public's best interest is called into serious question, he or she will resign or step aside pending an investigation into the matter.

Members of our caucus have held themselves to this rigorous standard without delay and without reserve. Although they were later cleared of any wrongdoing, my colleagues from both Leeds-Grenville and Simcoe-Grey stood in their places and resigned because it was the right thing to do.

Minister, why is it you feel that you should be held to a different set of standards than ministers have been held to in the past?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** In fact, I understand that members opposite have their own partisan views on the way things work around here. I rely upon the unbiased, non-partisan, independent officer of this Legislature who says, and I know the member is very interested in this, "I commend the minister and the government for its openness and responsiveness to my report and recommendations and for their immediate and resolute commitment to ensuring change."

Now, the member would be very interested in the Ombudsman's press conference on Monday. He said, "I conclude that they"—the Ontario Lottery and Gaming Corp.—"put profits ahead of public service. I think there was a point, a crossroads, in" the year "2002.... At that point, the OLG could have gone two ways. It could have said, 'We'll apply the law and take the measures to act

diligently. One month later, Bob Edmonds surfaced, and they pretended that binding law from the Supreme Court didn't apply."

The minister of the day was Norm Sterling, the member—

**The Speaker:** Thank you. Supplementary.

**Mrs. Elliott:** Minister, the fact of the matter is that my colleagues resigned their ministerial posts under what is described as, and I'm quoting from today's Sun, "clouds ... far less than this boondoggle at OLG." But since you insist on characterizing our calls for you to adhere to the fundamental principle of ministerial accountability as partisan, let's go back a little bit in time. The bottom line is that this precedent has been adhered to by parties on all sides of this House for years and years. Twenty years ago, on June 16, 1986, this standard was adhered to by a minister of your own party, one Elinor Caplan.

Minister, this is a matter of integrity, responsibility and public interest. Why won't you follow the example set by your own mother and resign?

*Interjections.*

**The Speaker:** Order. Minister?

**Hon. Mr. Caplan:** I truly believe that taking responsibility means rolling up your sleeves and fixing the problem that others have left to you. That's exactly what I, as minister, am doing. That's what this government is doing. We've shone a light on the problems that existed and that, in fact, the members opposite were only too happy to sweep under the rug and keep in the dark corners in some closet. It has been this minister and this government who have called in KPMG, who have welcomed the Ombudsman's investigation and adopted his report and recommendations. It has been this government, when the allegation of fraud came, that directed that the information the Ombudsman reviewed be passed along to the Ontario Provincial Police.

Those are the appropriate and responsible actions, unlike what we've seen in the year 2002 under Mr. Sterling, the member for Lanark–Carleton, unlike my friend, unfortunately, the member from Erie–Lincoln, who was also a minister of this corporation—

**The Speaker:** New question. Leader of the third party.

**Mr. Hampton:** A question to the Premier: The spin that was concocted by your former director of communications and by Warren Kinsella, the Liberal Party's political fixer, was that there really wasn't that much insider lottery fraud because, in fact, the retailers play the lottery more often. Now, the Ombudsman has said that that's false, that that whole thing was false and concocted.

My question is this: Why did your government allow an explanation to be put out to the public that the Ombudsman himself says was false and had absolutely no relevance and no integrity to it? Why would your government allow that kind of story to be put out by your Liberal fixers to try to undermine the issue of lottery fraud?

**1440**

**Hon. Mr. McGuinty:** In fact, the Ombudsman specifically addressed the concern connected with the

absence of reliable data that the OLG should have been collecting. He provides a specific recommendation. He says, "I recommend that the OLG keep and analyze statistical information on the number of insiders winning its various lottery products, the playing habits of insiders, and on the win history of individual insiders."

Again, there was an issue, I gather, within OLG as to whether or not they should be keeping that kind of information. I think the Ombudsman has spoken on that very clearly, and the OLG has specifically said that they will adopt that recommendation, and they intend to put it in place very shortly. I think that's the issue that Ontarians have, that they're now collecting this kind of information so that they're aware of it and can act on it accordingly. In fact, they are now beginning that process.

**Mr. Hampton:** Premier, your Liberal Party fixers, your former director of communications and Warren Kinsella were doing this before the Ombudsman reported. These are about their activities long before the Ombudsman reported, and my question is: I would presume that the minister in charge knows something. I would presume that Mr. Kinsella and your former director of communications, Mr. Warren, were not acting somehow as independent agents from somewhere else. Who would have authorized these two high-profile Liberal Party fixers to spin such a story to the public that the Ombudsman says is false and had no foundation?

**Hon. Mr. McGuinty:** I think what my colleague is getting at is the statistical information that had been assembled by the expert used by The Fifth Estate, and the Ombudsman comments on that very specifically. He says, "For my office's investigation, we retained our own expert.... He echoed the comments of some of the others on the unreliability of the data on which Prof. Rosenthal's assessment was based." But specifically, he goes on to say, "In his view, the type of probability analysis carried out by Prof. Rosenthal is useful and could signal to the corporation the need to take steps to prevent insider fraud." He then goes on specifically to recommend that the OLG connect to this kind of information on an ongoing basis. I think that's a very sound recommendation. The OLG has adopted that, and they intend to have that process in place very shortly.

## COMMUNITY COLLEGES

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** My question is to the Minister of Training, Colleges and Universities. Minister, parents across Ontario want the best for their children, and as such, encourage them to pursue higher education to expand their opportunities. This encouragement often directs young Ontarians towards Ontario's excellent universities, where students can pursue various fields of interest and build the skills they will need for jobs in a variety of sectors. Often overlooked, however, is the fact that there are good, high-paying jobs in the skilled trades sector. Students should be made aware that a job in a trade is a possible career option. This is an issue that needs to be

addressed. Minister, what is this government of Ontario doing to encourage students to look towards the trades and college trades programs as viable options for high school graduates?

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I'd like to thank my colleague from Stormont–Dundas–Charlottenburgh for his advocacy on the part of his community and to make sure that we have a training system that meets the needs, not only of his community but of the province. We're working at all levels. First of all we're giving students in high school the opportunity to experience the trades through the Ontario youth apprenticeship program; almost 26,000 students this year, including many in his community, will have that chance. We've developed new approaches to get into the trades with the co-op diploma program. I know St. Lawrence College, which has a very important Cornwall campus, received \$1.6 million over the past year for co-op diploma programs that they put on.

We've also provided additional funds for the apprenticeship training spots, and again, St. Lawrence College, \$1.5 million, so they can ensure that the apprentices get their training locally, in the Cornwall region, and of course we have the apprenticeship training tax credit to ensure that employers in areas such as Cornwall and his riding are able to hire apprentices and give them the training they need so they can become the skilled trades for the future. That's a plan at all levels, and it's working in all of Ontario, including his community.

**Mr. Brownell:** I certainly know of the great programs at St. Lawrence College in my riding of Stormont–Dundas–Charlottenburgh, and I will be there tomorrow afternoon to meet with the CEO and president of that college. The students who graduate from its programs do so with valuable skill sets that they can apply to work situations.

Ontario's colleges have a great deal to offer. Certainly, the support being given to encourage students to consider a college diploma is important. It is equally important that our colleges receive the supports they deserve to ensure that they remain competitive.

Minister, can you tell us what this government is doing in terms of financial supports and continuing support for the colleges across this province?

**Hon. Mr. Bentley:** Again, an excellent question—an excellent contrast between the McGuinty government and what went on before.

For about 12 years, college budgets were flatlined or worse, but beginning with the Reaching Higher investment plan, we're investing \$6.2 billion, and the college budgets themselves, in about three years, will go up by 26% on average. The Tories spent their first year cutting the budgets by 20%.

St. Lawrence College, just over the past year, in the fall, in good part because of the advocacy of the honourable member, received \$3.5 million from the fall economic statement, and will receive additional monies, which will be announced in due course, from the extra

\$105 million in the 2007 budget recently announced by my colleague the Minister of Finance.

The bottom line is that we're supporting colleges, as they had not been supported by the previous two governments, to ensure that the people throughout Ontario, and particularly, I would say, in Stormont–Dundas–Charlottenburgh, receive the excellent education locally that they need, not only so they can succeed but so that the economy of Stormont–Dundas–Charlottenburgh—

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

**Mr. Norman W. Sterling (Lanark–Carleton):** On a point of order, Mr. Speaker: The minister of lotteries said that I was in charge of the OLG during 2002. That is not correct. I was not in charge of the—

**The Speaker:** That is not a point of order.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Robert W. Runciman (Leeds–Grenville):** I have a question for the Premier, who today has been trying to deflect responsibility from his government and his minister for the scandal in the lottery system in Ontario.

I want to quote from page 20 of the Ombudsman's report: "It appears that 2004 was a banner year for controversial insider prize claims. It is mind-boggling that the corporation actually paid out millions of dollars in the circumstances it did."

You were the government in 2004, Premier. We did a search of the number of times you demanded the resignations of ministers of past governments during the time you were sitting in this chair as Leader of the Opposition—a mind-boggling number of times, for a variety of reasons, which don't stand up to comparison with respect to the responsibilities of the minister you're defending here today.

Can you give us a brief explanation of what kind of standards you expect from the ministers who serve in your cabinet?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Again, on behalf of the public, I think it really is important to distinguish between the partisan perspective brought by my friends opposite—and I understand why they've got to do that. I spent 13 years in opposition, and I wish Mr. Tory 13 good years in opposition—very productive years, as well, I might say.

Our job over here now is to uphold the public interest and lend definition to that as well. In the circumstances, I believe the single most important thing we can do on behalf of Ontarians is to restore faith in the integrity of the Ontario lottery and gaming system by wholeheartedly adopting the recommendations contained within the Ombudsman's report. That's what we're doing and that's what we'll continue to do.

**1450**

**Mr. Runciman:** The Premier says that when you're in opposition, you've got to do what you've got to do. I

guess that means he didn't mean it when he said it over here, and it carried over to his election platform, because obviously he didn't care about the truth in that situation.

The reality is, this government, this minister knew many, many months ago about the problems and the challenges in the Ontario Lottery and Gaming Corp. They knew about it and they did nothing. This minister sat on his hands. We know that it was made public by The Fifth Estate and CBC—very serious allegations, including the possibility of obstruction of justice. And we are to believe that he did nothing and he knew nothing? Now you've got your spinmeisters involved for political reasons to try to spin this to minimize the political damage.

Is that the kind of person you want serving in your cabinet? If you do, that says a great deal about your standards of integrity and your leadership.

**Hon. Mr. McGuinty:** If we're looking for a non-partisan, dispassionate, objective, thoughtful, considered analysis of our government and its response and of the minister's activities, I again refer my friend opposite to the report the Ombudsman provided, where he specifically said, "This is the kind of support and commitment on behalf of government which is essential if we are to move forward to restore integrity and trust in the lottery system." He goes on to say, "I commend the minister and the government for its openness and responsiveness to my report and recommendations and for their immediate and resolute commitment to ensuring change."

We've got a great report from the Ombudsman, we wholeheartedly adopt and embrace that report, and we will move forward on each and every one of those recommendations.

**The Speaker (Hon. Michael A. Brown):** New question? Leader of the third party.

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: Your minister responsible for lotteries says that while there was a lawsuit alleging fraud at the lottery corporation, he wasn't aware of that; while the lottery corporation spent \$600,000 fighting an 82-year-old man and trying to silence him and keep the story out of the media, he wasn't aware of that. E-mails were coming in, asking about other potential lottery fraud situations; he wasn't aware of that. Your former communications assistant and high-profile Liberal fixer Warren Kinsella went to work right after the CBC story, trying to put together a spin plan to undermine the whole story. He says he wasn't aware of that.

Premier, how could these events happen and the minister not know anything? Is the lottery corporation a rogue agency that keeps your government deliberately in the dark? How could this happen and the minister responsible not know any of these things?

**Hon. Mr. McGuinty:** I always appreciate the colourfulness and creativity of my friend opposite in terms of his presentation of information. He's very creative. But one of the things that the OLG does, in case the leader of the NDP is now prepared to throw the baby out with the bathwater, is in fact provide us with about \$2.3 billion in

revenue on an annual basis. That is very important by way of ensuring that we have the necessary financial support for our schools, our hospitals and our infrastructure. The Ontario lottery system has served us well in so many ways since first brought into being in 1975, I think, with the first Wintario lottery.

There are some problems of late. They have cropped up, not only in Ontario but in New Brunswick, Nova Scotia and BC, and perhaps in some other jurisdictions as well here in Canada. Fortunately, we have an Ombudsman who has jumped into this. He has, in very short order, put forward some specific recommendations—

**The Speaker:** Supplementary?

**Mr. Hampton:** The Ombudsman says that your government was more interested in collecting the lottery money than it was in protecting the public.

But Premier, once again you try to avoid the question. You see, here is the scenario: If high-profile Liberal fixers like your former director of communications and Warren Kinsella can be hired to put together a spin story to undermine the whole issue of lottery fraud and your minister doesn't know about it, it suggests one of two things: Either your minister is completely incompetent or the lottery corporation is a rogue agency.

Now there is a way to clear this up. You can order the minister today to release his briefing books, his records and his e-mail files so that the people of Ontario will know whether the lottery corporation was a rogue agency or your minister was just completely incompetent. Will you order the minister to release the briefing books, the records and the e-mail files?

**Hon. Mr. McGuinty:** The leader of the NDP does now know, because I've read it several times, that the minister was commended by the Ombudsman for his co-operation in his investigation. Any information to which the Ombudsman would have needed access was undoubtedly provided to him, and on the basis of all that information and after giving this matter some very careful consideration, he came up with some very specific recommendations. Those are designed not to advance the political interests of the leader of the NDP; they're designed to better uphold the public interest. That's what this report is specifically designed to do. It contains some very solid and strong recommendations. We embrace this report wholeheartedly. We will act on each and every one of those recommendations.

#### ARTS AND CULTURAL FUNDING

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** My question is for my good friend the Minister of Culture. Normally I would just lean over and ask her this question, but it's such a good question, I'm sure she wants to provide a good answer.

Minister, my riding is host to many talented artists, as you know, who do amazing work that enriches our local communities and enhances the quality of life. Artists in our province, we know from the recent visit to our riding by yourself, have felt unrecognized and unappreciated by previous governments.

I know through your council for the arts and culture, you undertook an extensive consultation with over 4,000 individual artists and organizations. Can you share with this House what steps you are taking to support our artists and creators throughout the province?

**Hon. Caroline Di Cocco (Minister of Culture):** I want to thank the member from Ancaster–Dundas–Flamborough–Aldershot for his support of artists. It was a pleasure for me to be at the Potter's Café and meet a number of artists in his riding. Artists, as creators, express and mirror the spirit and dreams of a society. They tell our stories and give vitality to our society, but beyond this, they enhance and strengthen our province's creative and innovative economic development.

As a result, we have introduced the Status of Ontario's Artists Act with this year's budget bill. Should this act become law, artists will finally, after nine years of being treated as irrelevant by the Progressive Conservative government and after five years of the NDP sitting on three reports—we have moved forward on this legislation.

**Mr. McMeekin:** That's wonderful news. You're doing a wonderful job. I know that the arts' organizations across Ontario are going to be excited to hear about this new legislation.

Minister, you and I and all members of the government on this side of the House appreciate our artists. You referenced the hopeful passage of the status of Ontario artists legislation. I know that's just a start. I know you've got many other wonderful and clever things that you're about as Minister of Culture, but I wonder if you'd take just a moment to share those other wonderful things with members of the House.

**Hon. Ms. Di Cocco:** All told, the investments in culture in this year's proposed budget total almost \$77 million more. Coupled with our status of Ontario artists legislation, this support is a clear statement of my government's commitment to arts and culture. The Ontario Trillium Foundation will benefit from \$20 million more in annual funding. The Ontario Arts Council, an important source of funding for individuals and organizations, will see a 38% increase. The arts endowment fund will receive \$10 million; the Ontario Media Development Corp., an added \$5 million. Public libraries will see \$5 million more, and we're providing museums with \$2.3 million more in operating funds, as was quoted by the—

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

**1500**

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** My question is for the Premier. In spite of the fact that all evidence, including e-mails exchanged between senior members of staff and e-mails to senior members of staff—in spite of the fact that all of that points to the minister knowing full well about this investigation and the problems at OLG fully six months before the CBC in-

vestigation—he continues to fall back on a famous Liberal tactic: deny, deny, deny. The fact that he continues to deny does not make that denial any more credible or believable. People do not believe it. It is time for him to accept responsibility and step aside so that a complete, impartial investigation can take place.

Premier, will you not, for the sake of the integrity of the system in this province, and on behalf of all Ontarians, ask your minister to do the right thing, once and for all, and please resign?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** We do have an independent, impartial officer of this Legislature who did a thorough investigation of this matter. In fact, he said at his press conference on Monday—I don't know if the full quote got in, so I want to quote it for this member:

"I conclude that they," the Ontario Lottery and Gaming Corp., "put profits ahead of public service. I think there was a point, a crossroads, in" the year "2002. At that point, the OLG could have gone two ways. It could have said, 'We'll apply the law and take the measures to act diligently.' One month later, Bob Edmonds surfaced, and they pretended that binding law from the Supreme Court didn't apply. Then it became a slippery slope."

I have checked with the legislative library. Contrary to what we've heard from the member from Lanark–Carleton, he was installed as the minister in 2002 through to 2003. These are the facts of the matter. They were swept under the rug. They were put in a closet. This government has shone a light on it. This government has acted to protect the public interest.

**Mr. Yakabuski:** Premier, the minister denies; you deflect. I'm not surprised. That seems to be your tactic as well.

Every member of this House, on both sides, every member of that press gallery, and I believe every citizen in the province of Ontario who has been following this does not believe the minister when he says that he did not know about this investigation or the problems at OLG prior to October 2006. Every member of this House believes that he knew, and the people believe it. In fact, the Windsor Star believes it so much that they've called for his resignation. To protect the integrity of this House, he should resign.

Premier, I'm going to ask you: Under the cloud that this minister is living under, will you not, for the sake of the integrity of this system across this province, so that we can get on with the other important matters in this House, ask this minister to step aside so that we can get to bottom of this—

**The Speaker (Hon. Michael A. Brown):** Thank you. Minister of Public Infrastructure Renewal?

**Hon. Mr. Caplan:** In fact, an unbiased, independent officer of this Legislature, the Ombudsman—non-

partisan—did in fact comment on the conduct of myself and the government. He says in his report, and I'll quote page 68 for the purposes of the member: "I commend the minister and the government for its openness and responsiveness to my report and recommendations and for their immediate and resolute commitment to ensuring change."

The Ombudsman is quite correct. This government has set a new standard for openness and transparency, for taking action where others swept it under the rug, for making sure that public accountability is maintained and the public trust and confidence is put first. I'm very proud of those actions. I can share with the member as well that I have directed that all materials that were reviewed by the Ombudsman be forwarded to the Ontario Provincial Police for their review, and they will decide the appropriate—

**The Speaker:** Thank you. New question. The leader of the third party.

**Mr. Howard Hampton (Kenora-Rainy River):** Premier, your minister continues to claim that over a two-year period he heard nothing, he saw nothing, he knew nothing, but his chief of staff, Wilson Lee, told the Globe and Mail that he was aware of some problems. When e-mails started arriving from the lottery corporation advising of media requests for information in April 2006, Mr. Lee told the Globe and Mail that the lottery corporation was steadfast that the insider policy was sound and that there were no real problems. He now says, "We now know in hindsight that there were significant concerns." Premier, this raises the issue: Was Mr. Lee, the chief of staff to your minister, fed misleading information by the lottery corporation or, like the minister, was he asleep?

There's a way to settle this. Release the minister's e-mails, records—

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

**Hon. Mr. McGuinty:** To the Minister of Public Infrastructure Renewal.

**Hon. Mr. Caplan:** The member, of course, refers to a freedom-of-information request, and the information that was requested by the media outlet was provided. They did their analysis—

*Interjection.*

**The Speaker:** I'd ask the member from Niagara Centre to withdraw that comment.

**Mr. Peter Kormos (Niagara Centre):** Withdrawn.

**Hon. Mr. Caplan:** The freedom-of-information and protection of privacy legislation, which all members of this House have worked under, was adhered to and the information was provided. The Ombudsman, in his report, says quite clearly that Ontario Lottery and Gaming did not provide a proper response to the CBC; they did not treat the matter with the utmost seriousness that it deserved. He indicated that they treated it as a public relations exercise, as opposed to dealing with the substantive matters raised in the report. I agree. I agree with the Ombudsman's findings. That's why I agree with his recommendations, and I'm working diligently with my

colleagues to implement the solution. That's the response.

**Mr. Hampton:** Premier, these are all events that happened before the Ombudsman's report. Mr. Lee, now chief of staff to your minister, seems to be indicating that he was misled by the lottery corporation in April and May of 2006. He seems to be indicating that he now knows that the information that was given to him by the lottery corporation in April and May of 2006 was false. Not only that, but when the CBC story was put out, your minister said, "The Insider Win policy provides the utmost integrity of the OLG in the conduct of lottery games by ensuring that there is no perception of an unfair advantage...." So even your minister was apparently being fed misleading information during this period.

There is a way to clear this up, Premier. You should ask the minister to release his e-mails, his briefing books and his own records. Then we will know if—

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

**Hon. Mr. Caplan:** The Ombudsman is very clear, when he analyzes and goes over the facts, that OLG certainly did not provide the proper understanding and seriousness. He says quite clearly in his report that such statistical analysis as was done by CBC's Fifth Estate was not done, there were no records kept and they should have been. The Ombudsman has recommended that, going forward, Ontario Lottery and Gaming keep such statistics, provide that analysis and have the baseline for comparison so that they can do the work and make sure that the public is safeguarded.

I accept that recommendation, and we are working to implement it along with the 60 other recommendations from both the Ombudsman and KPMG. Seventeen have already been implemented, 25 will be complete by the end of June and the other 18 have begun and are ongoing. I look forward to reporting to the Ombudsman and to this House, quite frankly, about all the work we have done to—

**The Speaker:** Thank you. Petitions.

1510

## PETITIONS

### CONSENT TO TREATMENT

**Mr. Gerry Martiniuk (Cambridge):** "Petition to the government of Ontario in Parliament assembled.

"We, the undersigned, draw the attention of the House to the following:

"Whereas the Health Care Consent Act of Ontario gives to all health practitioners, indiscriminately, the sole authority to determine whether or not a child of any age has the capacity to give or refuse consent to treatment proposed for him and her; and

"Whereas many of the health care practitioners who are required to make such judgments have neither the training nor the knowledge of child development such that their judgments could be considered informed; and

"Whereas health care practitioners in the family planning industry are notoriously biased in their approach to supplying abortions and chemical contraceptives/abortifacients to minors; and

"Whereas the HCCA is unconstitutional as it provides no opportunity for parents to prevent health care practitioners from providing inappropriate treatment to their child before it is administered, nor any mechanism for redress afterwards;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to amend the Health Care Consent Act to prohibit health care practitioners from administering a plan of treatment proposed for a child who lives under the care and control of a custodial parent without the prior consent of the custodial parent, whether or not the health care practitioner is of the opinion that the child is capable with respect to the plan of treatment."

As required by the rules of order, I affix my name thereto.

#### GTA POOLING

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly. It's titled very simply "End GTA Pooling: Pass Ontario Budget." It reads as follows:

"Whereas the city of Mississauga faces a long-term labour shortage, resulting in some 60,000 more people commuting into the city of Mississauga than leave Mississauga to earn their living and support their families each and every day; and

"Whereas 10 years ago the Ontario government of that day introduced the concept of GTA pooling, whereby funds are taken from the municipalities surrounding the city of Toronto and channelled into the city of Toronto without benefit or accountability to the taxpayers of those fast-growing cities, which face big-city needs and issues of their own; and

"Whereas GTA pooling places an additional tax burden on the municipal property tax bases of some \$40 million each and every year to the city of Mississauga; and

"Whereas the government of Ontario in its 2007-08 budget proposes to completely eliminate GTA pooling during a seven-year span beginning in fiscal year 2007-08, and that as pooling is phased out, Ontario will take responsibility for social assistance and social housing costs currently funded by GTA pooling;

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

"That all parties within the government of Ontario support the swift passage of the 2007-08 Ontario budget and ensure that its provisions ending GTA pooling are implemented."

On behalf of the people of western Mississauga, I'm pleased to affix my signature to this petition and ask page Ryan to carry it for me.

#### LAKERIDGE HEALTH

**Mrs. Christine Elliott (Whitby-Ajax):** I have a petition arising out of a community issue organized by Mr. Paul Taylor.

"To the Legislative Assembly of Ontario:

"Whereas we, the undersigned, believe that Lakeridge Health should have full funding and not be facing an \$8-million shortfall;

"Whereas this would affect many programs, including the mental health program at Lakeridge Health;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to fully fund the \$8-million shortfall for Lakeridge Health."

I'm pleased to sign this in support.

#### LONG-TERM CARE

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

"Whereas Ontario will not meet the needs of its aging population and ensure access to hospital services unless long-term-care homes can provide the care and services that residents need; and

"Whereas staff are now run off their feet trying to keep up and homes are unable to provide the full range of care and programs that residents need or the menu choices that meet their expectations; and

"Whereas dietary, housekeeping and other services that residents and their families value are being put at risk by increasing operating costs; and

"Whereas some 35,000 residents still live in older homes, many with three- and four-bed ward rooms and wheelchair-inaccessible washrooms; and

"Whereas, on November 23, 2006, this Legislature unanimously passed a private member's motion asking the government to introduce a capital renewal program for B and C homes; and

"Whereas such a program is required to support the limited-term licensing provisions in the proposed new Long-Term Care Homes Act;

"We, the undersigned, petition the Legislative Assembly of Ontario to increase long-term-care operating funding by \$390 million in 2007 and \$214 million in 2008 to provide an additional 30 minutes of resident care, enhance programs and meal menus and address other operating cost pressures, and introduce a capital renewal and retrofit program for all B and C homes, beginning with committing to provide \$9.5 million this year to renew the first 2,500 beds."

I want to thank Karen Milligan, administrator at Bay Haven Nursing Home in Collingwood, for sending me that. I agree with the petition, and I have signed it.

#### MACULAR DEGENERATION

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

“To the Legislative Assembly of Ontario:

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

“Therefore be it resolved that we, the undersigned, respectfully petition the government of Ontario as follows:

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

I affix my name in full support.

#### LONG-TERM CARE

**Mr. John O’Toole (Durham):** It’s rare opportunity that I get to present a petition on behalf of the constituents of the riding of Durham. I have so many of them here. The one I chose reads as follows:

“Whereas Ontario will not meet the needs of its aging population and ensure access to hospital services unless long-term-care homes can provide the care and services that residents need; and

“Whereas staff are now run off their feet trying to keep up and homes are unable to provide the full range of care and programs that residents need or the menu choices that meet their expectations; and

“Whereas dietary, housekeeping and other services that residents and their families value are being put at risk by increasing operating costs; and

“Whereas some 35,000 residents still live in older homes, many with three- and four-bed ward rooms and wheelchair-inaccessible washrooms; and

“Whereas, on November 23, 2006, this Legislature unanimously passed a private member’s motion asking the government to introduce a capital renewal program for B and C homes; and

“Whereas such a program is required to support the limited-term licensing provisions in the proposed new Long-Term Care Homes Act;

“We, the undersigned, petition the Legislative Assembly of Ontario to increase long-term-care operating funding by \$390 million in 2007 and \$214 million in 2008 to provide an additional 30 minutes of resident care, enhance programs and meal menus and address other operating cost pressures, and introduce a capital renewal and retrofit program for all B and C homes, beginning with committing to provide \$9.5 million this year to renew the first 2,500 beds.”

I’m pleased to present this petition to Jenalle from Elgin–Middlesex–London, and I sign it on behalf of my constituents in the riding of Durham.

#### NATURAL RESOURCES

##### PROGRAM FUNDING

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition that reads:

“To the Legislative Assembly of Ontario:

“Whereas the Ministry of Natural Resources plays a vital role in the conservation and management of the natural resources that belong to all Ontarians; and

“Whereas the MNR budget for 2006-07 is 24% less, in real terms, than it was in 1992-93; and

“Whereas vital programs relating to fish and wildlife, provincial parks, enforcement, forestry, and other MNR activities continue to be cut back; and

“Whereas the aesthetic, economic, educational, environmental, recreational and social value of our natural resources far exceeds the cost of protecting and managing them;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That funding of the Ministry of Natural Resources be increased to a level that will enable it to stop cutting existing programs and provide full funding to all existing programs as well as any new programs that may be required to ensure the effective protection and management of Ontario’s natural resources.”

I fix my name in full support.

#### LONG-TERM CARE

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I have a petition here that is identical to the one read by the member for Durham, which I don’t have to read again. It comes from Alexandria and Dalkeith area and all the community around that area. I will give that to Jordan, and he will present that to the Clerk.

**The Acting Speaker (Mr. Michael Prue):** Petitions, the member from Durham.

**Mr. John O’Toole (Durham):** Speaker, I prefer to default to the member from Burlington because she has a petition as well.

1520

#### LAKERIDGE HEALTH

**Mrs. Joyce Savoline (Burlington):** I have a petition regarding Lakeridge Health.

“Whereas we, the undersigned, believe that Lakeridge Health should have full funding and not be facing an \$8-million shortfall;

“Whereas this would affect many programs, including” and especially “the mental health program at Lakeridge Health;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to fully fund the \$8-million shortfall for Lakeridge Health.”

I’m happy to sign my name.

### STEVENSON MEMORIAL HOSPITAL

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

“Whereas Stevenson Memorial Hospital needs \$1.4 million in new funding over the next three years to get its birthing unit reopened and to ensure that they can recruit enough obstetricians and health care providers to supply a stable and ongoing service for expectant mothers in our area; and

“Whereas forcing expectant mothers to drive to Newmarket, Barrie or Orangeville to give birth is not only unacceptable, it is a potential safety hazard; and

“Whereas Stevenson Memorial Hospital cannot reopen the unit under its current budget and the McGuinty government has been unresponsive to repeated requests for new funding;

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

“That the McGuinty Liberal government immediately provide the required \$1.4 million in new funding to Stevenson Memorial Hospital so that the local birthing unit can reopen and so that mothers can give birth in Alliston.”

Obviously, I agree with this petition and I will sign it.

### LONG-TERM CARE

**Mr. John O’Toole (Durham):** It’s a pleasure once again to read a petition. I literally get thousands of these and they are important. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Ontario will not meet the needs of its aging population and ensure access to hospital services unless long-term-care homes can provide the care and services that residents need; and

“Whereas staff are now run off their feet trying to keep up and homes are unable to provide the full range of care and programs that residents need” and deserve “or the menu choices that meet their expectations; and

“Whereas dietary, housekeeping and other services that residents and their families value are being put at risk by increasing operating costs; and

“Whereas some 35,000 residents still live in older homes, many with three- and four-bed ward rooms and wheelchair-inaccessible washrooms; and

“Whereas, on November 23, 2006, this Legislature unanimously passed a private member’s motion asking the government to introduce a capital renewal program for B and C homes; and

“Whereas such a program is required to support the limited-term licensing provisions in the proposed new Long-Term Care Homes Act;

Therefore “we, the undersigned, petition the Legislative Assembly of Ontario to increase long-term-care operating funding by \$390 million in 2007”—there’s nothing in the budget, really—“and \$214 million in 2008 to provide an additional 30 minutes of resident care, enhance programs and meal menus and address other

operating cost pressures, and introduce a capital renewal and retrofit program for all B and C homes, beginning with” a commitment of “\$9.5 million this year to renew the first 2,500 beds.”

I’m pleased to present this petition to Cody from the riding of Mississauga South and sign this on behalf of my constituents in Durham.

### HEALTH PREMIUMS

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition. It reads:

“To the Legislative Assembly of Ontario:

“Whereas, according to the Department of National Defence, there are over 30,000 serving military personnel calling Ontario home; and

“Whereas, according to the most recent census data, there are more than 1.6 million senior citizens over the age of 65 living in Ontario; and

“Whereas the Progressive Conservative Party of Ontario plans on eliminating this illegitimate health tax for all Ontarians after it forms the government; and

“Whereas, as an interim measure, the illegitimate health tax should be removed from those who protect Canada and those who have built Ontario;

“Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to immediately eliminate the illegitimate health tax, beginning with serving military personnel and senior citizens.”

I affix my name in full support.

### LONG-TERM CARE

**Mr. Norm Miller (Parry Sound—Muskoka):** I have a petition for Muskoka Algonquin Healthcare funding. It reads:

“To the Legislative Assembly of Ontario:

“Whereas demand for health services is expected to continue to rise with a growing retirement population in Muskoka-East Parry Sound; and

“Whereas studies indicate that overcrowded emergency rooms result in higher mortality rates; and

“Whereas growing demand and lack of availability of long-term-care beds place increased pressure on acute care beds; and

“Whereas the operating budget for MAHC must reflect the growing demand for service in the communities of Muskoka-East Parry Sound;

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

“That the McGuinty government and the Minister of Health provide adequate increases in the operating budget of Muskoka Algonquin Healthcare to maintain current health services for the people of Muskoka-East Parry Sound and allocate more long-term-care beds for Muskoka-East Parry Sound.”

I support this petition.

## ORDERS OF THE DAY

### ENDANGERED SPECIES ACT, 2007 LOI DE 2007 SUR LES ESPÈCES EN VOIE DE DISPARITION

Mr. Ramsay moved second reading of the following bill:

Bill 184, An Act to protect species at risk and to make related changes to other Acts / Projet de loi 184, Loi visant à protéger les espèces en péril et à apporter des modifications connexes à d'autres lois.

**The Acting Speaker (Mr. Michael Prue):** Mr. Ramsay.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** It's a pleasure for me to rise in my place today to lead off second reading of a piece of legislation that I and the McGuinty government are very proud of. I'd like to just notify the House that I will be sharing my time with my parliamentary assistant, the member from Sault Ste. Marie.

If passed, this legislation would represent a milestone in the protection and recovery of Ontario's species at risk and establish a benchmark for the rest of North America. By extending protection for species and their habitats, the new act would also help ensure that future generations of Ontarians will enjoy the benefits of a healthy, abundant and biologically diverse natural environment.

Biological diversity is one of the greatest treasures of our planet. Unfortunately, throughout the world, species of animals, plants and other organisms are being lost forever at an alarming rate.

Right now in Ontario, more than 175 of the province's 30,000 species are identified as being at risk. This means they may disappear from our province if their current rate of decline continues, lending urgency to our task here today. The proposed legislation I am presenting for second reading today would help us reverse that rate of decline in Ontario by providing more effective protection provisions for native species and their habitats.

The proposed legislation also includes a stronger commitment to implement species recovery measures, and it provides more support for volunteer stewardship from private landowners, resource users, stakeholders and partners who want to do their part in protecting or restoring essential habitat.

It's important to note that the proposed legislation is the outcome of a very extensive public review of the current Endangered Species Act that I launched last May. An impressive amount of work was undertaken during this review to ensure that we have properly identified and addressed the measures needed for optimum protection and recovery of species and their habitats.

The ministry met with a wide range of stakeholders to discuss ideas for the proposed legislative changes. These groups include farmers, rural landowners, land developers, environmentalists, rural communities, municipalities

and representatives of resource industries, including forestry and mining.

We are also grateful for the contributions of an advisory panel that was made up of individuals with experience and expertise related to species-at-risk protection and recovery planning. The members of the advisory planning worked with my ministry and provided input into proposals for a discussion paper that was used in the public consultation sessions that took place between May and July of last year. As part of the consultation process, the discussion paper was posted on Ontario's Environmental Registry, and we received more than 300 responses. A separate process involving consultation with aboriginal communities and organizations is still ongoing.

The individuals, organizations, stakeholders and aboriginal representatives we heard from throughout the consultation process strongly supported improved legislation for species at risk. So we will continue to consult with interested groups and organizations as we develop guidelines and policies for implementation of the proposed legislation.

**1530**

If this legislation is passed, I also look forward to acting on one of the provisions that would allow establishment of a permanent advisory committee. I would make this a priority. This advisory committee is intended to represent a cross-section of interests and expertise, and would contribute to our objectives of greater accountability and transparency.

The committee's role would be to make recommendations to the Minister of Natural Resources on matters related to implementing the act. These matters would include development and delivery of stewardship programs, development and promotion of best management practices for protection and recovery, and development and delivery of public education and outreach programs. The committee would also advise on approaches that may be under the act to promote sustainable social and economic activities that assist in the protection or recovery of species.

One of the things we heard throughout the consultation process was that people want to be more involved and want to work together with us to proceed with the important task of recovering species at risk. Overwhelmingly, there was a demand for effective programs to support implementation of the act and a package of stewardship incentives that support landowners in their efforts to protect and recover species at risk. We are, subsequently, proceeding with a three-part approach to species recovery and protection: updated legislation, policies for implementation and enhanced stewardship programs. I would also like to acknowledge the contribution of other provincial ministers in developing the proposed legislation. If this legislation is passed, I look forward to working co-operatively with other ministries and stakeholders as we move ahead with the implementation.

There are a number of provisions in the proposed legislation that would fundamentally change Ontario's

approach to implementing protection for species at risk. Right now in Ontario, no species is protected until the government decides to do so, and then regulates that species under the Endangered Species Act. This cumbersome process has been a hindrance to providing adequate species-at-risk protection.

By comparison, the new legislation stipulates that all species that have been scientifically assessed as being at risk would be protected automatically. This automatic protection would also be extended to their habitats.

This is what we call presumption of protection. It represents a very different approach and a very different starting point from the current act. From that starting point, another key difference between the two acts comes into play, and that difference is flexibility. Under the current act, once a species is regulated, the legislation allows no flexibility regarding how protection measures for that species are carried out. In many situations, this inflexibility has prevented the application of practical and sensible approaches that would benefit both the species and the landowners. By comparison, the proposed legislation would allow the government to consider a variety of factors in deciding how protection should be applied in individual cases and if exceptions should be made.

I'll give you a quick example of how this would work. One of the species protected under the Endangered Species Act is the butternut tree. A major reason the butternut tree is in danger is due to serious disease affecting the species. Under the terms of the existing act, a butternut tree cannot be cut down under any circumstances, even if it is diseased. Under the proposed act a landowner would be allowed to cut down a diseased butternut tree to prevent the spread of the disease and would be encouraged to plant a healthy one through stewardship incentives. You can see from this example how flexibility would remove current impediments to protection and recovery. It would also encourage and support greater and more effective stewardship by our private landowners.

The proposed legislation would also allow the government to make decisions that would accommodate compatible land use activities and, at the same time, support sustainable social and economic development. The goal would be an overall outcome that ultimately benefits the species and its habitat.

An example of this would be if a pit or quarry wants to expand its operations but, in doing so, would encroach on a habitat for an endangered species. The old act would not allow the expansion. The proposed act, though, would let us determine whether it's possible or feasible for the quarry owners to provide other adjacent land of equal or greater habitat value for the species in question in exchange for a permit to expand the operations. This could be a win-win for all of us.

If it turned out to be possible, the outcome would be a net gain for the habitat for that particular endangered species and an economic gain for the community. This is the kind of effective species-at-risk legislation that Ontario needs now: legislation that provides stronger and

better protection for our unique natural heritage and rich biodiversity and at the same time has the capacity and flexibility to take into consideration the social and economic needs and well-being of our citizens and all of our communities. Regardless of how we go about it, helping species to recover can be costly and complex. The best course of action is always to prevent species from declining in the first place through responsible land and stewardship practices.

Many of our province's species that need protection are found on private land. This makes voluntary stewardship activities essential and the primary approach to achieving any kind of success in reversing the rate of species decline that is now happening in Ontario. Stewardship is not just a responsibility for government. The agricultural community, rural landowners, the land use and resource management sectors, municipalities and the general public all have an important role to play in protecting and restoring our habitats. We already owe a great deal to the farmers and landowners who have been volunteering for years now to help with recovery programs on their lands. There are also many environmental, agricultural, business and community organizations that have voluntarily taken on important stewardship roles to protect essential habitat and green space.

We've made sure that the proposed legislation includes new provisions that would provide even stronger support and facilitation for private land stewardship. One of these provisions stipulates the creation of the species-at-risk-in-Ontario stewardship program to promote stewardship and other related activities. This program would recognize the leadership and contribution of landowners, the agricultural community, the land and resource use sectors, aboriginal people and the general public in the protection and recovery of species at risk. The stewardship program would work in conjunction with existing stewardship agencies and other partners. The program would support province-wide stewardship and recovery of species at risk, embrace new scientific information and be responsive to changing environmental, social and economic conditions.

As I stated in the House last week when presenting Bill 184 for first reading, the government proposes to back up this commitment to enhanced stewardship with funding of \$18 million over four years to support public stewardship efforts. A species-at-risk-in-Ontario stewardship fund would be established under the proposed legislation to promote public stewardship. The fund would provide incentives to landowners, farmers, aboriginal peoples, research institutions, industries, conservation organizations and many others to encourage activities that support the protection and recovery of these species at risk.

Ontario has had many successes regarding species protection and recovery. In 2006, we were pleased to announce progress in the recovery of both the peregrine falcon and the bald eagle. In the 1960s and 1970s, pesticide contamination nearly wiped out peregrines in Ontario and drastically reduced the provincial population

of bald eagles. The combination of bans on DDT and other pesticides and aggressive recovery efforts on the part of government staff and partners allowed both species to make significant recoveries. Local grassroots partnerships of volunteers, naturalist groups and corporations have also been a big part of our success to date in bringing back these species. In June 2006, the status of the peregrine falcon was changed from endangered to threatened, a lower-risk category. The status of the bald eagle in northern Ontario, where its recovery has been most significant, was changed from endangered to that of special concern, an even lower-risk category. The recovery of the bald eagle in southern Ontario is also well underway. Both of these species will continue to receive the protection they need to achieve further recovery under the proposed Endangered Species Act, 2007.

The wild turkey was once common in parts of southern Ontario but was extirpated in the early 1900s due to a combination of habitat laws and overharvesting. An Ontario restoration program was initiated in 1984 in co-operation with a number of stakeholder organizations. From 1984 to 1987, wild-caught birds were taken from several parts of the United States and released in southern Ontario. Populations were successfully established and have spread to other areas through both natural dispersal and trap-and-transfer operations. The wild turkey population is now thriving throughout much of southern Ontario and the provincial population of this species is now estimated to exceed 70,000 birds. These are tremendous success stories.

#### **1540**

The proposed Endangered Species Act, 2007, would give us the means to build on our achievements to date and continue to work with our conservation partners to ensure even greater accomplishments in the future. It would allow for compatible land use and recreational activities that in some cases would support further recovery efforts. There are more than 175 species in our province that need our attention and help, and it is up to us to act now and work to shorten that list before handing it over to the next generation.

The current Endangered Species Act is 36 years old. It is out of date, it is rigid and it doesn't provide the kinds of effective protection tools that we need in the 21st century. The proposed legislation this government is putting forward is the first step in a new era of species-at-risk protection for Ontario. We have the advantage today of a broad range of tools that we just didn't have in 1971. We have knowledge and technology that allow us to better understand the natural world and our impact upon it. We have concerned citizens who are eager to get involved in public stewardship initiatives. We are indeed fortunate to live in a province with such an abundance and variety of natural plants, animals and habitats.

As I said earlier, the people of Ontario deserve the benefits that come from conserving this unique natural heritage and our rich biodiversity. I believe we have succeeded in developing progressive, precedent-setting

legislation that would offer optimum protection for Ontario species at risk, while at the same time supporting the overall social and economic well-being of our citizens.

**Mr. David Orazietti (Sault Ste. Marie):** It's a pleasure to rise in the House today to support Bill 184. Certainly, I want to commend the minister on his leadership on this bill. It was in 1971 that the Endangered Species Act was passed and it has not been updated since that time, as he indicated—36 long years. We need to do this for those habitats and species in this province and for future generations of Ontarians so that they can appreciate what is natural to this province.

So I'm pleased to rise in the House today to support the Minister of Natural Resources on second reading of Bill 184, the Endangered Species Act, 2007. By introducing this legislation, the McGuinty government is acting on its commitment to provide stronger and more effective protection and recovery measures for Ontario's native species at risk. In doing so, we recognize the direct link between a healthy, sustainable environment and a healthy, sustainable economy.

The time to take this action is long overdue, for many reasons that I will outline in my comments, and perhaps in the two-minute wrap-up I'll have an opportunity to also make comments on some of the feedback from various media and organizations throughout the province that have responded very positively to this piece of legislation.

First and foremost, Ontario's current Endangered Species Act is now 36 years old, and only 42 of more than 176 endangered species are protected. That gap is largely due to the cumbersome and inflexible process required by the existing legislation. During the extensive public consultation process to develop the proposed legislation, we heard general agreement that the existing act is rigid, outdated and limited in its scope in terms of the protection it affords species at risk and their habitat.

The current act is also out of step with the protection provided by other provinces and Ontario's commitment under the accord for the protection of species at risk in Canada. Ontario, along with other provinces and territories, signed the 1996 accord for the protection of species at risk in Canada and thereby committed to having an effective legislative framework to protect endangered and threatened species. This commitment has not yet been fulfilled. Most other provinces have updated or are updating their legislation for species at risk.

The federal Species at Risk Act came into full effect in 2004. While the federal act applies primarily to federal lands, it can be applied to provincial crown or private land if the federal minister determines that provincial laws and programs do not adequately provide for the protection and recovery of species at risk. As written, Ontario's current Endangered Species Act does not satisfy the national accord, and it may be argued that it is not consistent with the federal act at all.

As well as being outdated, Ontario's current act also allows no flexibility to accommodate social and eco-

nomic considerations or innovative solutions. For example, there is no allowance for the destruction or interference with the habitat of a protected species even if the final outcome would be for the overall benefit of the species in question. You've heard Minister Ramsay describe the situation where the current act prevents a landowner from cutting down a diseased butternut tree, as an example, even for the purpose of preventing the disease from spreading to healthy trees. This lack of flexibility has been a real impediment in achieving the necessary balance of protection and recovery of species within the context of sustainable development.

We anticipate that population of the greater Golden Horseshoe will increase from the current 7.5 million to 11.2 million over the next 25 years. Ontario needs species-at-risk legislation that would address that unprecedented growth here in Ontario and effectively complement existing provincial direction such as the provincial policy statement, the greenbelt plan and the Places to Grow Act, and to provide necessary stewardship tools to support their implementation.

In developing Bill 184, the government was mindful of a number of key challenges, and I just want to highlight some of those: first of all, the need to provide better protection measures for species and their habitat while at the same time allowing for the consideration of social and economic concerns; the need to create legislative provisions, policies and programs that take into account the views and interests of a wide range of partners and key stakeholders; the need to ensure a science-based process for determining which species are in fact at risk; the need to provide adequate resources and develop the necessary tools to implement effectively the proposed legislation; and finally, the need to engage the Ontario public, key partners and other stakeholders, all of whom have a shared interest and responsibility in the protection and recovery of species and their habitat.

The legislation being presented for second reading today successfully addresses each of those challenges. The proposed act also provides broad and effective protection for species and their habitat. It takes a practical approach and provides a number of tools that may allow compatible activities, particularly those that support protection and recovery.

A quick look at the highlights of the proposed legislation demonstrates the many strengths and advantages of the proposed legislation over the existing Endangered Species Act, so let me clarify a few of those differences as well. First of all, the proposed legislation includes a clear role for science. An independent, science-based body called the Committee on the Status of Species at Risk in Ontario will assess information on species that may be at risk and determine the status of such species based on the best or current available scientific information. Once the committee has assessed the species as being at risk, the species will automatically be added to the species-at-risk-in-Ontario list.

There is also a new emphasis on recovery; not simply protection but recovery will be playing a greater role in

this piece of legislation. Under the proposed legislation, preparation of recovery strategies would be required for species identified as endangered or threatened. Similarly, management plans would be required for special-concern species.

As I have already mentioned, the proposed legislation incorporates a balanced approach that includes a degree of flexibility. The proposed legislation also allows cabinet to pass regulations that would limit protection or not apply protection in measures to a species or its habitat in certain circumstances. For example, under the proposed legislation, horticultural specimens of American ginseng, which is an endangered plant, would be excluded from protection under the act so that farmers cultivating this species would not require any further approvals or permits. We don't want to get mired down in bureaucratic red tape. We want to be able to do the right thing for these species that exist in Ontario. Without this exclusion, there could be challenges in accommodating the agricultural production of this plant, because the agricultural variety of ginseng is indistinguishable from the variety found in the wild, as an example.

**1550**

Another advantage of the proposed legislation is greater transparency and accountability. The legislation would require significant public reporting requirements, and the information to be made publicly available on an ongoing basis would include the following items: advance notice of species to be assessed by the committee; the species status reports from the committee; recovery strategies for species; and priorities for government actions to implement recovery plans and the use of flexibility tools. All would be available.

While stewardship is the focus, the bill contains a modern and comprehensive set of enforcement provisions that reflect the importance placed on the protection and recovery of species at risk and would ensure effective enforcement. These provisions would put this legislation on a par with other more recent provincial statutes.

It's also important that there is a recognition of the relationship of this legislation with aboriginal peoples in Ontario. The proposed legislation is mindful of aboriginal and treaty rights protected under the federal Constitution Act. In addition to a commitment to ongoing dialogue with aboriginal peoples as the new legislation is implemented, the proposed legislation includes provisions to help address aboriginal interests. It also recognizes the important role that aboriginal traditional knowledge can play in achieving protection and recovery of species at risk.

To ensure harmonization with other provincial processes, the proposed legislation would be factored in to all the planning processes we currently have in the province. In most cases, planning processes such as those under the Planning Act and the Crown Forest Sustainability Act already protect endangered or threatened species and their habitat. Let me reiterate that: The Planning Act and the Crown Forest Sustainability Act already

play a role in the protection of threatened or endangered species. This helps to codify, to update and to take some of those practices that are currently in place in Ontario and ensure that they are put into legislation so that we can more effectively address this issue.

In cases where additional approvals would otherwise be required, the proposed legislation would allow for regulations to be passed to facilitate harmonization of their approvals. Right now, Ontario lacks a workable framework and sufficient capacity for meaningful involvement of stakeholders in stewardship activities aimed at protecting and recovering species at risk. At the same time, we know that voluntary stewardship is essential to achieving success in reversing the current rate of species decline now taking place in the province and, in particular, in southern Ontario.

The new species-at-risk-in-Ontario stewardship program, which is part of the proposed legislation, would provide much-needed support and incentives for stewardship activities by landowners, resource users and conservation organizations. Within this program, a fund would be established to promote public stewardship. Activities that are eligible for support from the fund would include some of the following: education and outreach; habitat protection activities, including land acquisition of priority species-at-risk habitat and support to landowners as well; implementation of species-at-risk recovery plans, including habitat restoration; and finally, youth employment opportunities which provide work experience with species-at-risk stewardship.

In conclusion, for all of the reasons I have outlined, it is with great pride that I support this bill for second reading today. I would encourage members of the opposition parties who are here today to speak to this legislation and to support the bill as well. Bill 184 represents broader and more effective legislation, updated for the 21st century, that will protect and provide for the recovery of Ontario's species at risk and their habitats. By passing this legislation, we will ensure greater environmental, social and economic benefits for the people of Ontario today and in the future. We owe it to future generations to act now to update this legislation and support Bill 184. Thank you very much, Speaker.

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

**Mr. Jerry J. Ouellette (Oshawa):** First of all, before we get to the specifics of this, I want to compliment the minister on his decision to allow the fish ladders to open up and allow the fish in southern Ontario, because of EHS, to move forward. That's going to make a lot of individuals very happy on that process.

In regard to Bill 184, there are some strong concerns out there from a number of groups and organizations that have contacted us which I'm sure the minister has heard. The fur industry is very concerned that the legislation will have substantial impacts on the trading of furs that are brought in from other jurisdictions in Ontario. For example, there's never been a badger that, to their knowledge, has been trapped and sold in any of the fur sales, but they come in from all around the world to buy furs

and in some—one particular group has about a \$250-million annual sale and they bring in badgers from other jurisdictions. Because they weren't contacted to discuss this issue, the concern is that badgers, wolverines and grey fox effectively will be eliminated. These people then start to question whether they should have those particular services in Ontario, and looking at moving it elsewhere is the discussions we're already having.

I met with Michael Power, from the Northwestern Ontario Municipal Association, who is extremely concerned with the impact of the legislation. The north has been hit substantially, and this may have other impacts as well. Other groups and organizations, such as the Canadian Outdoor Heritage Alliance and the Ontario Federation of Agriculture, have some strong concerns.

Some of the key things—I think the minister needs to look at a couple things. The previous government protected more species at risk than any single government. The reason they were able to do that was because they pushed that issue. They went into cabinet and said, "This is what we're going to do." What you have to do is have the strength to go and do that.

Some other areas are the compensation for what takes place. There's that famous Jefferson salamander that showed up in the Aurora district and shut down construction for huge areas. Does this legislation mean there's going to have to be a species-at-risk study before any construction moves forward? What is the impact going to be and where's the compensation going to be? I look forward to debating this issue much later.

**Mr. Peter Tabuns (Toronto—Danforth):** I appreciate the opportunity to address the bill that has been put forward by the Minister of Natural Resources today. There were a number of comments made by himself and his parliamentary assistant on this bill. One of the comments that was made by the minister was that consultation with First Nations is ongoing. It would be very useful for members of this House to have an account of that discussion that's going on with First Nations. I know that my leader, Howard Hampton, will be addressing this issue in his comments, but I believe it is incumbent upon the minister to make it very clear to us who has been talked to, when, about what, and what the response has been. The First Nations in this province have legitimate concerns about any legislation that touches on their lands and interests. If they have not been properly consulted, that poses problems, certainly for them in the first place, but also for us.

I note that the proclamation date of this bill has been set for 2008. Again I would ask the minister and perhaps his parliamentary assistant to explain to this House why the bill will come into effect at such a late date. I understand the arguments that have been made about immediacy. The question then begs itself, why is the proclamation held over to that point?

Funding is touched on, and obviously I think there is general agreement in this House that if something is going to be saved for the good of society as a whole, then individuals should be supported. The question that the

minister needs to answer—and his parliamentary assistant—when he talks about this act is the scope of the funds, the source of the funds and the conditions under which they will be released or withheld. Those are substantive questions.

Lastly, in the act there's talk of coordination between this act and others. We need a sense of which acts will have primacy.

**Mr. Phil McNeely (Ottawa–Orléans):** I am pleased to rise in support of the proposed Endangered Species Act, 2007, Bill 184. We've read much recently about climate change and the impacts that climate change can have on our environment. As our world's population increases and our consumerism impacts our environment more and more, more vigilance will be required if we are to reverse the rate of species decline in our province. I believe that is one of the objectives: to reduce the rate of species decline in our province.

The precautionary principle must be used. Proof is not always available that species are endangered. I believe the minister noted that the beautiful butternut tree is now in danger. Growing up on our farm along the Ottawa River, the butternut trees provided our family with bags and bags of butternuts every fall. It was a wonderful snack if one could learn not to hit the fingers but the nut with the hammer.

#### 1600

As we, as a species, learn slowly how to live within the boundaries we must if our environment is to be sustained, change in legislation such as this is extremely important. Change in the legislation should impact our lifestyle so that we start living within the means and keeping our environment sustainable.

I support the proposed legislation and know it is a step forward. The protection of the diversity and beauty of Ontario is so important to us. We have a beautiful province. We must all work to make it better. That was one of the reasons I brought forward the Climate Change Awareness Day Act, a private member's bill. I think it's important that, as climate changes, we do invest more to make sure that our species exists.

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to rise to address the Endangered Species Act update. I look forward to the comments of our hard-working and very able critic—the member for Parry Sound–Muskoka will be speaking at length on the bill momentarily—and his recommendations on behalf of the PC caucus.

I have a few issues I want to share with the Minister of Natural Resources, since his bill is on the table. At what we call Timbits with Tim, a community town hall we had in Mount Hope this past week, farmers came forward who wanted me to convey to the minister that the true endangered species in the province of Ontario is the Ontario farmer, and more respect should be shown for his or her habitat at the same time. They have concerns, obviously, with the way this bill may impact their livelihood. I will convey and support their request that assistance go along with this legislation to help farmers, or other landowners who may have to make changes to

the plans for their personal property, if their livelihood is impacted by an endangered species. I know this will be a topic of debate as this bill moves forward—hopefully through committee hearings at the same time. I do worry, on behalf of farmers in Glanbrook, upper Stoney Creek and Mount Hope. At the meeting in the riding of Erie–Lincoln, they came forward over and over again about the impact of McGuinty legislation on rural Ontario and the farmer.

I also want to convey again my request to the Minister of Natural Resources, as this bill is being debated, for some assistance in the spraying of gypsy moths in the community of West Lincoln and the west Niagara area. It's important to get moving on that. I think the Ministry of Natural Resources should contribute to that project. I hope, as well, that we'll see some finality when it comes to Marcy's Woods, which I had worked very hard, with support from my colleagues here in the Legislature, to save in the Fort Erie area. I'd like to get some permanent conservation of that piece of property.

**The Acting Speaker:** The member for Sault Ste. Marie.

**Mr. Orazietti:** It's great to hear some of the feedback to date. I look forward to the opposition parties making their comments during their more lengthy opportunity to make comments. I want to hear what they have to say.

Has there been consultation on this bill? Absolutely. Do we need to do more work to talk to individuals and stakeholders out there in the province of Ontario to ensure that the policies and regulations developed in relation to this piece of legislation are done in an effective manner? Absolutely as well. And we will continue to do that.

But I think we need to be mindful of the fact that Bill 184 is a piece of legislation that will catapult us into the 21st century when it comes to dealing with the effects of climate change, urbanization and population growth in Ontario that are affecting species in the province.

There are a number of comments that I could read into the record. The list is fairly lengthy, but there are a couple of poignant comments that I might make.

"Conservation Ontario commends the government of Ontario for undertaking a review of the Endangered Species Act which will result in improved protection for species at risk." That is from the chair of Conservation Ontario.

Another comment, from Dr. Rick Smith, executive director, Environmental Defence: "The new Endangered Species Act is a significant step forward for Ontarians and the natural heritage we all value so highly. This new legislation will provide an inclusive, science-based and effective framework within which to balance different environmental and economic priorities."

There is a lengthy list. I have a package of media clippings following the introduction of the legislation. There seems to be widespread support across the province of Ontario for this particular piece of legislation. I think we all know that we need to do more in Ontario today to ensure that species are protected, and I look

forward to open and frank debate in the Legislature in the coming days and to additional consultations.

**The Acting Speaker:** Further debate?

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to have the lead-off debate for the opposition on Bill 184, An Act to protect species at risk and to make related changes to other Acts. Before I start I'd like to thank my very capable intern, Eleni Tsoutsias, who has been working hard and extra hours preparing me for this debate. So thank you very much, Eleni.

It was 1971 when the government of Bill Davis introduced the first Endangered Species Act, and the then Minister of Lands and Forests was Rene Brunelle. Rene Brunelle, in his introduction to debate when the legislation was introduced, said, "Ontario is providing leadership in this kind of legislation in Canada, since ... no other province has similar legislation."

The PC Party appreciated the importance of preserving our species at risk when other jurisdictions had not even moved on this issue. We provided leadership and the legal protection of imperilled species. In their response to the bill, opposition members also understood the importance of the legislation and applauded the PC government on their work to protect species at risk.

Minister Brunelle recognized the significance of this legislation and anticipated its long-lasting effect. In his speech for the original legislation, Brunelle said, "The purpose of this bill is to provide for the conservation, protection, restoration and propagation of those species of animal and plant life which are in danger of becoming extinct. This bill will have a significant and far-reaching effect insofar as assisting in protecting and preserving our environment for us and those who will come after us."

Given our record on this issue and obvious interest in the protection and recovery of species at risk, the PC Party, under the leadership of John Tory, wants to see the act updated and is pleased to see that the government has finally moved to accomplish this.

There are several components of the bill that I support and would like to see implemented. I will briefly outline these, and further along in my speech I'll come back to them. I support:

—COSSARO, the Committee on the Status of Species at Risk in Ontario, becoming the official species assessment body;

—that the committee and the classification process will be science-based and include aboriginal knowledge;

—the ability of the minister to enter into agreements, permits and other arrangements that will allow for activity that would otherwise be prohibited if it will achieve an overall benefit for the species;

—the emphasis on stewardship and improving habitat.

With respect to the definition of habitat and the process of protection in general, I support the process for developing regulations that can specify a particular habitat of a species to be protected.

I'm concerned with the amount of red tape that can result. It could end up being, on the ground, a very bureaucratic process as things develop.

I'm concerned with the lack of public consultation that went into the development of this bill. I know there have been postings on the Environmental Bill of Rights, but certainly I'm hearing from a lot of people, a lot of groups and individuals that are concerned—and I'll come to that a little later—that there hasn't been enough public consultation. This is of particular concern for many groups who are now calling on the government to provide meaningful public consultations on this bill.

I would like to remind the government about one of its election promises, election promise 152, which was, "We will make our institutions more democratic by freeing your MPP to represent you, mandating public consultation on all major legislation...." I would say that they would want to keep that promise, I'm sure. They also had promise 153, which was, "We will put the public interest ahead of special interests." So I'm looking forward to seeing this government keep those promises.

I'm concerned with the lack of funding in the Ministry of Natural Resources necessary to fully implement this legislation. I think it's common knowledge that the ministry is currently in a fiscal crisis that has been exacerbated by the recent 5% cut to the Ministry of Natural Resources budget. The minister may disagree with this, but when you pick up the budget and you look at what was actually spent in the Ministry of Natural Resources last year, it was \$762 million; the budget for this year is \$726 million. That's a \$36-million cut. I think he said that there were more forest fires last year than usual. I'm not sure how he knows how many forest fires there might be this year, but according to what was actually spent last year versus what is projected to be spent this year, there's a \$36-million cut.

## 1610

This bill, the Endangered Species Act, will have significant cost implications that the ministry will not be able to absorb. I hope I have time to go through and detail the financial crisis at MNR in the fish and wildlife program, as outlined by the past director, Andy Houser.

There is some money in this bill that goes towards stewardship: \$18 million over four years, so that's \$4.5 million per year. I would argue that it's not enough to support the programs and the staff necessary to see this legislation fully implemented, and that detailed look at the fish and wildlife program of the Ministry of Natural Resources, which is so important to provide the background inventories and work necessary to implement this—which I hope to go through in detail if I have enough time—shows that the Ministry of Natural Resources was, before this recent budget cut, some \$35 million short in the fish and wildlife program.

The bill has raised genuine concern among many groups throughout the province. These groups simply want to ensure that the legislation reflects the concerns of all stakeholders as best as possible prior to being passed. Anglers and hunters, farmers, foresters, fur managers, homebuilders, miners and waterpower producers are all calling for meaningful public consultations on this bill.

Jamie Lim, president of the Ontario Forest Industries Association, in a recent press release said, "It is absolutely essential that the Ontario public be meaningfully engaged in the review and improvement of this legislation."

Michael Power, president of the Northwestern Ontario Municipal Association and mayor of Greenstone—I note that one of our members commented that he'd been speaking with him, and I also spoke with him recently up north. He said, "The Ontario government has set the 'gold standard,' for species at risk, but accepted the tin standard on consultation"—obviously hoping for more input.

The reality is that this government failed to properly consult the public prior to introducing this bill in the House. There have been persistent calls on the government for increased public consultations by municipalities, industry, business, labour and First Nations groups. The government is in an apparent rush to have this legislation passed by the spring, and my response to the media following the press conference the minister did on this was that I think the government has visions that this is going to look very good on a glossy election brochure in the October 2003 election. But I would simply say that we need to take the time to do the proper consultation.

This, coupled with a lack of financial commitment for the implementation of this legislation, highlights that the protection of species at risk is not as important as this government, as Premier McGuinty would like to claim. The McGuinty Liberals simply aren't taking this issue seriously.

Lifelong health and quality of life depend on biodiversity, a rich diversity of wild plants, animals and habitats. We are fortunate to live in a province of rich biodiversity. Ontario is home to more than 15,000 species of animals and plants. Most species have stable populations, but some have declined or disappeared due to habitat loss, pollution, interactions with invasive species and over-harvesting.

Currently, of the 176 animals and plants in Ontario that have been determined to be at risk, 10 are extirpated—extirpated, for those who aren't familiar, means that they're still somewhere in the world but not in Ontario—76 are endangered, 45 are threatened, and 45 are of special concern. If their decline continues, these species and their associated benefits may disappear from the province. Updating this legislation is important to better protect our species at risk.

I would now like to go back to the bill itself and more thoroughly run through sections of the bill that I support and also some of those sections that I have particular concerns for.

The general purposes of the bill that are identified in the introduction of the bill include:

"1. To identify species at risk based on the best available scientific information, including information obtained from community knowledge and aboriginal traditional knowledge.

"2. To protect species that are at risk and their habitats, and to promote the recovery of species that are at risk."

Both of these points, I support. I support using the best available science so that the COSSARO committee determines whether a species is one of those five classifications I mentioned based on science, not based on politics. So that, I very much support. I support promoting recovery of species and I support stewardship. So I'm in general agreement with the bill's intended purposes. I support the review of this legislation with these stated and intended purposes.

I strongly support the proposal to have members of the Committee on the Status of Species at Risk in Ontario be persons who have relevant expertise from a scientific discipline and/or aboriginal traditional knowledge. I support the committee being required to assess and classify species and to report these classifications to the responsible minister. It is important that classifications by the committee be based on the best available scientific information, and that is, in my books, peer-reviewed science. The bill explicitly states that this process should be based on science.

I'm concerned, however, with the lack of inclusion of those who will be most affected by this listing process in the assessment stage. Landowners and farmers are significant partners in the protection of species at risk through stewardship initiatives. They understand the species and their habitats. They have first-hand experience. However, the average Ontarian has no role in the committee that is to become the legal species assessment body.

Furthermore, there is no appeal mechanism of any sort available to the public, specifically landowners, for classifications of particular species. The minister is the only one with the power of reconsideration. The minister alone can require the committee to reconsider its classification of a particular species if he or she feels that this classification is not appropriate. I should add that, from the briefing I had this morning with the Ministry of Natural Resources, I have learned there is as well another advisory committee, the Endangered Species Act advisory committee, that they may implement. I would suggest they should definitely implement this committee and that those who have an interest—and that would include farmers and foresters and environmental groups—should be represented on that committee.

I will now move to protection and recovery of species. With respect to the section that deals with the protection and recovery of species, the bill prohibits damaging or destroying the habitat of the species. Upon being listed, the habitat of a species is automatically protected, and that's similar to the past legislation. In this automatic protection process, "habitat" is defined as "an area on which the species depends, directly or indirectly, to carry on its life processes." Species-specific habitat protection can be developed through regulation within one year of the listing stage for endangered species or two years for threatened species.

I support the process that is proposed in the bill. However, there is concern with the amount of red tape that can result from the process in the bill in general. In theory, this sounds great, but on the ground I'm concerned about how it's going to affect the individual property owner and those trying to carry out business, whether it becomes very much too bureaucratic and filled with red tape.

The bill also allows for agreements, permits and other instruments. The bill allows for the minister to enter into agreements or issue permits that would authorize a person to engage in an activity that would otherwise be prohibited by the legislation. That's where this bill is different from the one that was introduced in 1971. In 1971, if a species was on the endangered list, that was it. Now there is more flexibility built into it. So these agreements, permits or other instruments can be brought into effect if there is an overall benefit for the affected species. I think the minister gave an example where a tree may be on the endangered list, but it's on the list because it's diseased, and in that case it actually makes sense to cut down the diseased tree if you can improve the habitat and plant more of the trees in another location.

**1620**

If "the activity will result in a significant social or economic benefit to Ontario": The minister can actually approve an activity that would hurt a species at risk in cases where there would be an activity that would hurt social and economic activity in the province. We can only hope that this process will be both transparent and accountable, ensuring that all potential parties are given equal opportunity to enter into agreements with the minister or receive permits enabling them to engage in activities that would otherwise be prohibited under this bill.

I'd like to now talk about enforcement. The bill also includes enforcement measures, and designated enforcement officers include conservation officers. While conservation officers are best suited for the job, they will not be able to fully enforce this bill. Conservation officers are currently dealing with chronic underfunding, and I will come to that later on. I've already mentioned how the fish and wildlife program is some \$35 million short in its funding. It has been virtually impossible for them to do their job, without the added strains that this legislation will place on them. We've heard also how conservation officers are holding bake sales and bottle drives in order to raise money to supplement their operational funds, how they don't have enough gas for their trucks and how they're stuck in their offices as a result of that.

I'd now like to talk about the penalty section of this bill. There are significant penalties. The bill provides stronger penalties for violations of the legislation. Fines and jail time have been stiffened, depending on the number of offences. Under this bill, a person who attempts to do anything that would be an offence is guilty of that offence. However, the bill states that a due-diligence defence shall still apply. There is a concern among constituents, many of whom have written to me—I think they're wrong in this—with the removal of the require-

ment for the crown to prove wilful intent, which was part of the original legislation. They are concerned that this will contribute to hostility and counterproductive activities for most groups who could otherwise be partners in this legislation. However, since a due-diligence defence remains available in this bill, persons charged with an offence under the act who sincerely did not know they were committing an offence are still provided with a defence.

Now I'd like to talk a little bit about stewardship. Landowner stewardship has been recognized in the legislation with provision for conservation easements and tax incentives. The Minister of Natural Resources may make grants to promote stewardship activities and assist in the protection and recovery of species at risk and their habitat, but there is no mention of compensation. That means that farmers and landowners stand to lose significant revenue if a species that is listed as extirpated, endangered or threatened is found on their land. Preserving the species' habitat, whatever that habitat may be, could likely mean a loss of crops or other products, in addition to the possible loss of grazing land. The bill promises enforcement measures without ensuring that proper and fair compensation for landowners is also built into the bill itself. Society as a whole benefits from the protection of species at risk. Individual landowners should not be expected to pay entirely for the costs of a policy that benefits all society.

On March 26, the Sudbury Star published an editorial on this topic that cautioned of the losses that farmers and landowners stand to face as a direct result of this legislation, and I'll quote from the Sudbury Star:

"Many farmers simply will not have the funds to pay for any new governmental regulations."

"Burdening them with more rules and no money to pay for them would be an injustice to the very group that keeps food on the tables of Canadians."

"In fact, taking the time to find out what farmers and landowners would need to compensate for lost land or income would be more cost-effective for the government than prosecuting people for violations."

There's no real hope for the compensation of farmers and landowners because of the budgetary concerns facing the Ministry of Natural Resources. As I mentioned, Minister Ramsay has committed \$4.5 million a year over four years, or \$18 million in funding, to help promote stewardship activities protecting essential habitat and green space. My question would be, is this totally new money or is it going to go to those existing stewardship organizations that already have other activities that may also be facing a financial crunch? But \$18 million over four years is not sufficient to promote stewardship initiatives, and certainly not enough to fully implement this bill in its entirety. Stewardship initiatives alone would require at least \$10 million annually to implement.

Now I'd like to talk about public consultation, because that is probably the concern that has been raised the most in both newspaper articles and media reports, and also in e-mails to me. The article in the Sudbury Star concludes

with a plea to this government to properly consult with agriculture and land groups. All the groups concerned with this legislation are asking the government to invest the time in public consultations. They simply want to be properly consulted on this bill. They do not oppose this legislation; they support, as I do, its general principles and what it sets out to accomplish. However, it is important that you don't ignore the calls made by interested groups for your government to engage in meaningful public consultations. I would say to the government that from what I've heard, they want to pass this legislation before the Legislature rises sometime in the spring, and I would simply commit and be more than happy to participate in any public consultations around the province whenever the government can organize it. If that means it's every day over the course of constituency week, mid-May, I would be more than happy to travel around the province, northeastern and northwestern Ontario, southeast, southwest, and of course in Toronto. I'd be happy to do public consultations on Fridays in Toronto as well. So I am more than happy to participate in those public consultations.

Minister Ramsay announced the review of the Endangered Species Act on May 9, 2006. At the same time, a discussion paper outlining each of the proposals was posted on the Environmental Bill of Rights registry for a 60-day period, allowing for public comment. In May 2006, the ministry promised to engage in consultations with the public, stakeholders and aboriginal peoples to help determine what measures are necessary for the protection and recovery of species at risk. Less than a year after the start of the review process, the government has now introduced the bill. As a contrast, the federal government spent some six years crafting their legislation and receiving feedback from the various stakeholders, and they are still struggling with the legal requirements of the legislation. This bill is an important piece of legislation that cannot be rushed through. Proper time and effort must be spent consulting with the various stakeholders on this bill.

The McGuinty government claims that it consulted extensively with the public, aboriginal organizations and a wide variety of stakeholder groups before drafting the legislation. They claim that these groups include land developers, environmentalists, rural communities, fish and wildlife enthusiasts, municipalities and resource industry sectors. However, it is these same groups the McGuinty government claims to have consulted with who are currently concerned about what they consider to be a lack of meaningful consultations on this bill with the people who are going to be most affected by its intended purposes.

The Ontario Forestry Coalition, which is comprised of industry, municipal, business, labour and First Nation leaders, has renewed calls for meaningful public consultations on the proposed legislation. In a recent press release, Thunder Bay mayor Lynn Peterson echoed the sentiments of mayors across Ontario, speaking also as a representative of the Ontario Forestry Coalition. Mayor

Peterson said, "No one is opposing a Species at Risk Act, but we want to ensure the legislation will be designed in a manner that will ensure protection for species at risk and do so without needless sacrifice of jobs and prosperity."

I would simply like to add that if you've been to Thunder Bay and northwestern Ontario and a good part of the north, the economy is struggling. The forest industry has been faced with unprecedented shutdowns of mills across northern Ontario and there is a lot of office space and retail space sitting idle in the beautiful city of Thunder Bay. So I'm sure that they're concerned about anything that might affect their economy there.

### 1630

Many other groups throughout the province have similar concerns with this bill. A broad range of resource stewardship and development organizations are also urging the McGuinty Liberals to invest the required time and effort in engaging the Ontario public in a review of the proposed legislation. Representatives of the Ontario Forest Industry Association, the Ontario Federation of Anglers and Hunters, the Ontario Fur Managers Federation, the Ontario Federation of Agriculture, the Greater Toronto Home Builders' Association and the Ontario Waterpower Association all agree: It is absolutely essential that the public be meaningfully engaged in the review of this legislation. This legislation is much too important to rush through the House. I'm not familiar with all the concerns of these groups, but I think that's why it's important that there be these public consultations.

These concerns remain and have the potential to negatively impact communities throughout Ontario, communities the McGuinty government has not consulted with and is currently ignoring. Municipalities across the province are passing resolutions and issuing letters to Premier McGuinty urging broader public consultations, particularly with the communities that could be seriously impacted by the proposed legislation. Minister, these groups are not opposing the legislation. They have the same intentions that you claim to have with respect to this legislation. They simply want to ensure that the legislation works to protect species at risk and their habitats while at the same time ensuring that the legislation is in fact more flexible and streamlined than the legislation it is proposing to replace. There is still an opportunity for this government to do the right thing and have public consultations on this bill. We know that the government has set some records for the number of promises broken, so you don't want to break another one: promise 152, mandating public consultations on all major legislation. There is a need to get input from communities that are going to be most affected by this legislation.

In the time I have, I would like to put on the record some of the concerns that I've heard from individual groups and from some of the media reports. A press release which was released on March 26 is from a number of different groups: the Ontario Forest Industry Association, Ontario Fur Managers Federation, Ontario Federation of Agriculture, Ontario Waterpower Asso-

ciation, Ontario Federation of Anglers and Hunters, Greater Toronto Home Builders' Association, Ontario Mining Association and Ontario Lumber Manufacturers' Association. I just want to get their concerns on the record.

**March 26: "Species at Risk Legislation Too Important to Rush. Extensive Public Consultation Required to Ensure Effective Act."**

"March 26, 2007, Toronto. A broad array of resource stewardship and development organizations is urging the provincial government to invest the required time and effort in engaging the Ontario public in a review of the proposed species-at-risk legislation. Minister of Natural Resources, David Ramsay, introduced Bill 184, the Endangered Species Act, 2007, last week, with a 30-day public comment period and expressed an intent to have the bill passed during the spring 2007 session of the Legislature.

"This act will have direct implication for people, communities and industries across the province," said Jamie Lim, president of the Ontario Forest Industry Association. "It is absolutely essential that the Ontario public be meaningfully engaged in the review and improvement of the legislation."

"Healthy fish and wildlife—conservation of biodiversity—is our mandate. We are restoration specialists," says Dr. Terry Quinney, provincial manager of fish and wildlife services for the Ontario Federation of Anglers and Hunters. "But we are still trying to obtain from the government the information necessary to determine if this new act will best lead to actual recovery of endangered species."

"The new act is intended to update and replace the existing legislative framework originally introduced in 1971. It is the government's response to an advisory panel report tabled in August 2006. The bill provides the public with the first opportunity to consider and assess the government's approach to enshrining a conceptual framework in law. The bill is scheduled for second reading this Wednesday, March 28."

"Our members will need time and the opportunity for direct dialogue," said Conrad Morin, president of the Ontario Fur Managers Federation. "I am very disappointed that there is no plan for consultation on the bill before it proceeds to second reading."

"Paul Mistele, vice-president of the Ontario Federation of Agriculture, agrees. 'A fast-track approach to this legislation will not give us the ability to inform and involve the thousands of farmers who may be affected. It is imperative that the government put the emphasis on engagement, not expedience.'

"The spectrum of interests in support of a reasoned and diligent approach to public consultation on the bill includes anglers and hunters, farmers, foresters, fur managers, home builders, miners and water power producers.

"I sincerely hope that government will provide for full committee review and hearings," said Neil Rodgers, vice-president of the Greater Toronto Home Builders' Association—Urban Development Institute. "The govern-

ment should undertake a comprehensive and province-wide approach to consultation given the importance of this legislation to stakeholders and all Ontarians."

"If the past is any indication, the new legislation will be with us for decades," offered Paul Norris, president of the Ontario Waterpower Association. "Given that reality, it is more important to get this legislation right than it is to get it right now."

"Collectively, members of the resource stewardship organizations generate economic activity in Ontario that supports more than a million jobs. They are 'on the land' across northern and southern Ontario and operate in rural and urban environments. They are responsible for implementing sustainable resource management practices and stewardship on a daily basis."

I wanted to get as many of the organizations that had done this press release on the record. Many of them are northern organizations. I know the minister is from the north, and the parliamentary assistant is the representative for Sault Ste. Marie, so I know they'd be concerned about allowing the north and others to have a voice in this legislation.

I see the Minister of Northern Development and Mines sitting opposite, and I'm sure he feels the same way; that he'd want to have the people in Sudbury have a voice in this new endangered species legislation.

In fact, I have before me an article from the Sudbury Star of March 26: "Land Rights Key in Endangered Species Act."

"There can be little doubt in anyone's mind of the need to save, preserve and protect Ontario's wildlife."

"The Endangered Species Act, introduced 36 years ago, is no longer cutting it. Ontario is now home to 175 different species—far more animals are in trouble or threatened with extinction than when the original act was drafted."

"The peregrine falcon, woodland caribou, bald eagle, barn owl, wolverine and cougar are just a few of the species now considered at risk."

"No one wants to see any animal or plant vanish from our forests or fields and the new species at risk legislation is an attempt to update the old law, which is no longer working."

"If it becomes law, the province will spend \$18 million over four years to enhance protection for the habitat of threatened animals. The proposed legislation will increase the number of protected animals in Ontario and help scientists determine which new species should be added each year."

"While the legislation is necessary, it still could fall short in one area."

"Landowner stewardship has been recognized in the legislation with conservation easements and tax incentives, but there is no mention of compensation."

"Farmers and landowners stand to lose revenue if an endangered species is found on their land. Preserving the species' habitat could likely mean a loss of crops or other products as well as grazing land."

"The government must learn its lesson from its mistakes when the original Endangered Species Act was introduced in 1971. The law was all about strict enforcement with no compensation for landowners built into the act.

"Farmers already have a raft of requirements they must meet to stay in business from water regulations to feed regulations and vaccination rules, to name a few. Many farmers simply will not have the funds to pay for any new governmental regulations.

"Burdening them with more rules and no money to pay for them would be an injustice to the very group that keeps food on the tables of Canadians.

"In fact, taking the time to find out what farmers and landowners would need to compensate for lost land or income would be more cost-effective for the government than prosecuting people for violations.

"The act is not law yet—the government still has time to consult with agriculture and landowner groups.

"That is the only way to ensure that species-at-risk legislation will become a law that produces results in a way that is fair and equitable to those whose land the animals might be found."

So that's another request for consultation.

#### **1640**

Another comment, in the Ottawa Citizen: "Being Kind to Animals"

"Seizing the green moment, Premier Dalton McGuinty's government is strengthening Ontario's Endangered Species Act. This is opportunism of the best kind."

It goes on to say, talking about the way species are selected—"It also takes the overt politics out of deciding whether a species is threatened—an expert panel will make the call. That's good: The question of which species are in trouble should be answered by scientists. The government should only decide what to do about it.

"The new law gives government more flexibility to make land swaps, impose partial restrictions, or reach other compromises with private owners of endangered animals' habitat. Having these options is better than harsh restrictions that encourage landowners to hide evidence of threatened species on their properties.

"That said, the \$18-million fund promised for stewardship projects seems scant. Landowners deserve due compensation for surrendering their land rights to the public good.

"Still, a flexible law that protects troubled species before they reach the brink is a great improvement. Expect Mr. McGuinty to make a fuss about it before this October's election....

"What do you think?"

So it's more or less what I was saying before, that I think Mr. McGuinty wants to see this bill on the glossy election brochure that will make it look like the Liberal Party is interested in green activities. But if they are, why are they not providing the necessary funds? As I mentioned before, maybe this is a good opportunity, if

they want to allow enough time for it to go through some of the concerns in the fish and wildlife program.

I had the pleasure of attending the Ontario Federation of Anglers and Hunters conference that was just recently held, and I have to say I was extremely impressed by all the work the Ontario Federation of Anglers and Hunters are doing. The executive director, Mike Reader, put on a couple-hour presentation going through all the various activities that they are involved with, and it's simply amazing to see the many stewardship activities they are involved with. Mind you, some of them they've taken on because the government has not been doing their job. For example, in fish stocking, the government was all set to close the Ringwood fish hatchery, which is very important for stocking salmon and, I believe, trout in southern Ontario, and luckily the Ontario Federation of Anglers and Hunters stepped up to the plate and has now taken over running the Ringwood fish hatchery. Had they not done that—it's pretty close to downtown Toronto; it's about a half-hour drive from downtown Toronto—it probably would have been gobbled up by developers and developed in a flash, had the Ontario Federation of Anglers and Hunters not stepped up to take up responsibilities that previously the Minister of Natural Resources had been involved with.

Before I look at the fish and wildlife program in detail, though, there's one other article I'd like to just quote a couple bits from, because it's from my riding. It emphasizes the lack of funding for the fish and wildlife program, particularly for conservation officers, the same conservations officers who would be called upon to implement and enforce this new Endangered Species Act.

This article was in the Parry Sound North Star on March 21, written by Sarah Bissonette, with the headline: "MNR Officers Stuck Doing Desk Duty"

"Parry Sound—Critics worry conservation officers forced to spend more and more time behind their desks will put area fish and wildlife at risk."

I won't go through the whole article, but reading down a few quotes:

"According to internal documents obtained by the Parry Sound North Star, last year ministry staff weren't allowed to travel without permission unless responding to tips called in or to attend preset events like court dates. The Parry Sound area's three conservation officers were also limited to a combined nine tanks of gas a week.

"The document went on to say any other expenses—vehicle repairs, supply purchases or equipment—would mean even less money to fill gas tanks.

"‘You see, COs aren't going out, because the budget has been reduced, they can't afford to put gas in the trucks,’ said Parry Sound District Ontario Public Service Employees Union (OPSEU) president Mark McKernon when asked about cutbacks. ‘COs know their job. They need to be funded properly to do their job.’"

"When Jim Poirier started as conservation officer with the Ministry of Natural Resources (MNR) over 30 years ago, he parked his work truck in his driveway and left at all times of the day and night to do his job. By the time

he retired in 2004, vehicles had to be kept at the office and today, budget restrictions make it even harder for officers to leave the office.”

That’s an excellent article, written by Sarah Bissonette, that goes on at length, but with the time I have, I won’t go through it. It emphasizes, though, how conservation officers are stuck in their offices not able to do their job. Of course, we just had a budget with further reductions in the Ministry of Natural Resources.

I will now go through part of the presentation that was made by Andy Houser, the past director of the fish and wildlife program for the Ministry of Natural Resources, to the Ontario Federation of Anglers and Hunters very recently—I won’t go through the whole thing. It starts: “Fish and Wildlife—An Enormously Valuable Public Trust.

“Foundation of major sectors of the economy, of communities, of ways of life.

“Essential to environmental, social and economic well-being.

“Essential to the wellness of both individuals and society.

“Government is the custodian of this trust....

“Over 6.7 million of Ontario’s 12.3 million residents ...

“Are involved in appreciation or use of fish and wildlife resources.

“Economic contribution more than \$6.2 billion annually.

“The spinoff economic benefits are huge.

“Fish and wildlife resources are also an important source of non-monetary wealth for society, be it cultural, quality of life or peace of mind.

“Resource management is essential to the continued provision of the benefits.

“Funding for fish and wildlife management is an indicator of the government’s real commitment to the environment and human wellness.”

I spoke about the government wanting to get this legislation passed this spring and looking forward to having it on their election brochures. As this statement makes clear, funding for the fish and wildlife program is a measure of the government’s commitment to environment and human wellness.

“Funding for fish and wildlife is an indicator of their real understanding of the importance of a healthy environment.”

He goes on to point out: “A sound fish and wildlife program requires \$120 million annually (in 2006 dollars).

“In 2006-07, however, the base fish and wildlife program budget was” actually only “\$70.57 million.” So a big shortfall.

He goes through in detail, analyzing what has been happening with this special-purpose account and the general funding—consolidated revenue funding—of the fish and wildlife program. He goes on about the special-purposes account—that’s the money from all the fishing and hunting licences and fees that goes into the Ministry of Natural Resources: “The SPA contribution in 2006-07

represents 87.5% of base program funding and over 70% of total program funding.” So just about all the funding for this program is coming from fees that are paid by people who fish or hunt.

“In 2002-03 the SPA contribution was 78% of base program funding and 67% of total funding.

“In the 1997-98 work plan, the SPA contribution was in the order of 61% of base program funding.

“Between 2002-03 and 2006-07, the CRF contribution”—that’s from the general funds of the government—to base program funding decreased by almost 36% from \$15.7 million to \$10.05 million.

“The contribution from the special-purposes account increased from \$55.6 million to \$60 million....

“Despite public assertions, the fish and wildlife program was not flatlined in 2006-07”—the Minister of Natural Resources let people believe that in the last year it was flatlined. Mr. Houser goes on to point out that it wasn’t actually flatlined. When you look through the numbers in detail, it was actually a 6% decrease. He says,

“In fact, the program suffered a significant (6%) decrease in base funding as it entered the 2006-07 fiscal year (decrease from \$74.29 million to \$70.57 million)....

“The reductions mean that:

“In 2006-07, the base fish and wildlife program (at \$70.57 million) was lower than it was in 2002-03 (\$71.3 million) in real dollars,” this despite the Premier’s election commitment to adequately fund the fish and wildlife program of the Ministry of Natural Resources. He made that promise in writing to the Ontario Federation of Anglers and Hunters.

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The decreased consolidated revenue fund contribution comes “despite growing public interest in the protection of biodiversity, ecosystem integrity and the achievement of sustainability....

“It comes despite:

“The government’s commitment to ‘developing Ontario’s economic advantage, and a healthy lifestyle includes activity in the great outdoors’ and”—here’s the commitment that the Premier made—“the Premier’s commitment to the OFAH in May 2003 to ‘give the MNR the resources it needs to once again properly manage Ontario’s fish and wildlife.’”

So there’s the Premier’s very definite commitment, the promise he made in the last election, one of many that has been broken.

“Within the reduced allocation, the ministry must absorb inflationary cost increases related to salary awards, rising energy costs and other cost increases.

“The 2006-07 base budget of \$70.57 million translates into only \$61 million in 2002-03 dollars—an overall 13% decrease in spending power.

“But, since the impacts must be met through operating dollars, the reduction effectively results in a 35% decrease in operational spending power.” So this has the real effect of reducing operational spending by 35%.

“In the ministry’s northeastern region base operating dollars decreased by 23.6% in 2006-07....

"Base funding for the Great Lakes and fish hatchery programs decreased by just over 15% entering the 2006-07 fiscal year. This included a 12% decrease in salaries and a 20% decrease in operational dollars."

"The real impact on operational program funding between 2005-06 and 2006-07 for the Great Lakes and hatchery programs is therefore over 40% and closer to 56%."

"This doesn't include the ... impact of the 75% reduction in COA funding."

As he points out, "The implications of the above are significant."

"Dollars, not ecology, have driven the number of ecological zones for fisheries management."

"Essential inventory"—this is very critical for this new species-at-risk legislation—"assessment and science on representative or 'type' systems has not, and cannot be done."

"Critical inventory and assessment to allow appropriate variations within zones to reflect differing pressures and conditions cannot be carried out."

"Rehabilitation and restoration efforts are significantly compromised."

"Adequate enforcement is not being carried out."

"Great emphasis is being placed upon the creation of local stewardship councils."

"But decisions made in the absence of sound information and science are still decisions made in ignorance, regardless of who makes them."

The consequences of inadequate management: "Degradation of ecosystem integrity and impacts on human health."

"Increased risk e.g. loss of stability and diversity."

"Substantial reductions in allowable harvests...."

"Meanwhile the government is creating new endangered species legislation that has major delivery and costing implications."

So here we have Mr. Houser, the past director of the fish and wildlife program, going through in detail showing how the government promised to adequately fund the fish and wildlife program, how currently they're some \$35 million short of funding for this fish and wildlife program and how a lot of base work is just not being done, a lot of the inventory work is just not being done, yet the government is moving ahead with new legislation when it's not adequately able to do its existing work.

He goes on and makes some pretty clear statements here:

"It is expecting a bankrupt ministry to deliver this program"—the species-at-risk program—"on the back of an infrastructure the funding for which depends upon angling and hunting licence revenues."

"But, it is doing nothing to grow those revenues and is decreasing CRF contributions."

He talks about the future of fisheries: "The future of fisheries management rests in the hands of local zone councils but:

"Ministry technical committees have no funding to meet special advisory committees like BGMAC and OMBAAC."

"Ministry scientists must use vacation time if they want to publicly present the results of their research."

"Local zone and stewardship councils do not replace the need for a sound infrastructure and funding."

He goes on: "The 'base' fish and wildlife program requires a major infusion of dollars to allow 'project dollars' to be stabilized and increased and thereby to allow sound resource management activities to be carried out directly by the ministry or through partners."

"But don't look elsewhere in MNR. It's bankrupt."

He goes on to say in conclusion, "A healthy environment equals healthy people and a healthy economy."

"Properly funding the fish and wildlife program would be one of the best investments that could be made for the future of our natural resources and health as a people."

I would point out that I skipped through that presentation. I was able to be there in person at the OFAH conference when it was made. I would simply say that it is available to the public on the OFAH website in its entirety. He's done a very detailed analysis of the fish and wildlife program. What he's found is that there's a \$35-million shortage in funding. This is really a statement of how seriously this government is looking after our natural resources. Obviously, they haven't taken it that seriously and now we're undertaking new legislation, so how are they going to be able to properly put that into effect?

In the few minutes I have left, I would now like to also add some comments—some positive, some negative—to do with the new legislation.

There's an article in the Simcoe Reformer: "Rare Badger Could Finally Get Help It Needs; Revamped Endangered Species Act Pledges Money, Better Protection." However, the article points out, "'But dollars are in short supply to implement a strategy,' he told the Reformer"—so once again coming back to the funding issue.

There's an article in the Peterborough Examiner commenting, "Tough Decisions Ahead for Saving Species:

"The rush to a motherhood move like improving SAR legislation has been almost unseemly. Ten months from review to table. That's blindingly fast for a 21st-century government. It is difficult not to see this haste as a desperate McGuinty leap to board the environmental bandwagon...."

"If the pundits are right, climate change and warming will make the decisions about the survival of species at risk for at least the next couple of decades."

It talks a bit about climate change concerns: "If the climate heats up by a couple of degrees over the next decade protecting them might be really tricky." And that's certainly a consideration.

In the Kingston Whig-Standard, an article that is mainly supportive of the new legislation: "New Endangered Species Bill in a Class By Itself, Advocates

Say; Law Would Be the ‘Gold Standard’ for Other Provinces.”

In the Thunder Bay Chronicle-Journal—certainly the Liberal members from Thunder Bay might want to read this one—from the Saturday, March 24 paper: “Communities At Risk Need Protection Too:

“We hate to sound like a broken record but red flags have gone up again with the Liberal government’s species-at-risk legislation. Legislation that is aimed at protecting vulnerable animals and plant species across the province, could unduly restrict logging and mining activities and further jeopardize communities in crisis in the north.”

Whether that is true, that’s certainly a concern out there, as is illustrated by this article. That’s why there should be consultations in Thunder Bay. As I pointed out, I’m happy to go there to be a part of them.

#### 1700

“Northern Ontario municipal, industry and union leaders called for more consultation on the new Endangered Species Act to ensure it is realistic and feasible to implement in the northern Ontario landscape. They maintain the province failed to consult properly with them on the proposed legislation introduced in the Legislature on Tuesday, and that the Endangered Species Act could spell more trouble for the beleaguered forestry industry.

“Northwestern Ontario Municipal Association president Michael Power can’t understand the big rush here.

“Let’s see what’s in it … (and) ensure there is a commitment to consultation.”

“No one is saying that species at risk shouldn’t be protected, but let’s ensure that the fix fits the problem. We already have too many communities ‘at risk’ of economic devastation because of mill closures and downsizing. Overdoing species protection could further harm them.

“Look what happened with the province’s Living Legacy of parks … and more … protected areas.”

I think actually Mike Harris should get credit for the increased parks protection and increased protected areas, as he made the biggest increase in the province’s history.

“The Ontario Forest Industry Association has warned that the act could lead to immediate and indefinite moratoriums on any resource-based activity, and could add more red tape for a forest industry already in crisis. Broad swaths of crown land could suddenly be off limits to a vast array of activities, the group said.

“As well, farmers’ fields and food production could be halted; the door could be slammed on housing developments,” and it goes on. Obviously there’s concern there. They want to be heard; they want to be consulted.

There’s another article in the Simcoe Reformer: “Species at Risk Plan Not Perfect, but a Good Start.” It goes on to say, “The \$18 million will not be nearly enough to correct the damage we have done but it is a good start. The law may not be perfect, but the longer it is debated without action, the worse” it gets.

Windsor Star: “Species Act Won’t Impede Building Proposed Bill Offers Flexibility.”

In wrapping up, I would just like to say that I’m supportive of the new species-at-risk act. I believe that probably one of the biggest concerns is whether it’s going to be properly funded to actually do anything, and of course there’s been a cry for consultation. I’m certainly happy, as the representative of the PC Party, to be involved in and to sit in on public consultations wherever they may occur. As much as I’d like to get to my constituency in the May constituency week, I’m happy to spend the entire constituency week travelling around the province to Thunder Bay and Timmins or wherever committee hearings are set up—to Windsor and Ottawa. The Minister of Northern Development and Mines is saying, “and in Sudbury.” I’m more than happy to spend that entire week doing consultations and to participate in consultations on Fridays, when the Legislature is not sitting.

I think that on the surface the new act is an improvement. I like the fact that the list of endangered species will be very much science-based. I like the flexibility that’s built in and the consideration for socio-economic effects, and I like the emphasis on stewardship. I hope there will be some sort of compensation for landowners, and perhaps an appeal for landowners who find themselves affected by this legislation.

The PC Party will be supporting this legislation, but we will be asking for consultations. I’m sure the northern members in the Liberal Party particularly, who I’m sure have been hearing from many of their constituents, will want to participate in those public consultations so that we can get this very important legislation passed and also make sure it works on the ground and doesn’t create new bureaucracy and new red tape for those people involved in the forestry sector or farmers or others who may be involved in economic activities.

As was the case in 1971, when the PC government of Bill Davis and Minister of Lands and Forests Rene Brunelle passed that legislation and the opposition at that time supported it, I believe the opposition—I can speak for the PC Party—will be supporting this legislation. They will be pushing, though, for those full and public consultations, and I will look forward to participating in those full public consultations.

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

**Ms. Andrea Horwath (Hamilton East):** It’s my pleasure to make a few comments on the speech made by the member for Parry Sound–Muskoka regarding Bill 184, An Act to protect species at risk and to make related changes to other Acts.

I must begin by commending the member for Parry Sound–Muskoka for a very thorough review of this bill. His talk reflected not only on some of the areas that he found to be something he could support, but also, of course, on some of the difficulties with the bill, particularly around the consultation, or lack thereof, that has taken place in regard to this important piece of legislation.

I think anyone who was watching this from home will know that the member took some time to talk about

everything from the penalties that are ingrained in this bill to the stewardship and compensation issues in this bill. Some considerable time was spent not only on the deficit of consultation but on the very stakeholders who feel that their voices have not been adequately brought to the table in regard to making sure that if this legislation goes forward, it is in fact the best legislation we can possibly get for the province of Ontario.

He also spoke very definitively about some of the failures of this current government to maintain existing systems that are in place to protect wildlife, particularly referring to the lack of funding, the lack of attention financially and of resourcing being given through the MNR to conservation officers and the fact that they can't do their job well enough at this point in time, as well as deficits with fish and wildlife funding, a some \$35-million shortfall. So let's get serious about what we have in place already and let's make anything we're going to be putting in place the best it can be.

**Ms. Deborah Matthews (London North Centre):** I am just delighted to speak to this important bill, and I want to thank the member from Parry Sound–Muskoka for indicating that he and his entire caucus will support it.

This legislation launches a new era of natural heritage protection in our province. One of the pieces of this legislation is a new species at risk in Ontario stewardship program that will provide \$18 million over four years to organizations—volunteer organizations primarily—that monitor our species in Ontario.

One of those organizations that might be included is called Bird Studies Canada. Some 17,500 citizen scientists monitor birds and animals and habitats through Bird Studies Canada. I want to talk a little bit about one of them. It's called the marsh monitoring program, and, as you would expect, they monitor marshes.

On Sunday morning, I had the pleasure of actually going to a marsh in London, the Sifton bog, and I was listening for some frogs. I was listening for chorus frogs and wood frogs, and I'm sorry to report that as of Sunday there were no chorus frogs or wood frogs. There were deer, there were mallards, there were Canada geese, but no frogs yet. I suspect they're quite lively now. These species are a very important indicator of water quality and of loss of habitat. Unless there are volunteers out there counting these things, we won't know what's happening to these important species. So it's important that we support the volunteers, it's important that more volunteers do it, and I'm delighted about that particular aspect of this legislation.

**Mrs. Julia Munro (York North):** I'm very pleased to offer a few comments on this bill, and particularly to echo the sentiments of the member for Parry Sound–Muskoka.

I think one of the parts to this bill that really requires very careful consideration is the question of the carrot-and-stick approach. We know that the bill has implied in it the need for enforcement measures. At the same time, there's a recognition of the importance of education and

stewardship, and I characterize these two things as the carrot and the stick.

**1710**

I think most people do not knowingly do the wrong thing. There is an ever-growing body of science that allows us to better understand things like wildlife habitat, the kinds of degradation that have taken place and the effects on it. In most cases, those have been things that no one ever thought about, no one ever thought were wrong, and so I would suggest that, in looking at this bill, first of all it needs consultation. When you consider that the federal government has taken six years and has worked on a number of areas, it seems to me that it's very important to have consultation. It's also important as a principle to keep in mind that what we're talking about is a societal good, and a societal good obviously should be paid for by society, not individual landowners.

**Mr. Howard Hampton (Kenora–Rainy River):** I was here to listen to all of the words and all of the contribution of the member for Parry Sound–Muskoka, and I want to congratulate him on a very thorough canvassing of a number of the issues related to this proposed legislation. It's obvious he's done a lot of homework; it's obvious that he has also talked to a number of organizations and a number of people about what is in the legislation, what is not in the legislation, and what the issues are that need to be examined.

I was particularly struck by his comments about the underfunding of the Ministry of Natural Resources, and I commend him for bringing this forward, because I suspect that a majority of people across Ontario do not know that the very government ministry which is charged with trying to conserve and protect our natural environment has been chronically underfunded by the McGuinty government. In fact, go from district office to district office in the Ministry of Natural Resources, and they are so restricted that many of the biologists and the technicians who are charged with protecting and conserving our wildlife cannot leave the office because they simply do not have any budget to go out in the field.

This reminds me of the situation which happened in the United States under Ronald Reagan. Mr. Reagan as President was quite willing to pass very tough legislation for the Environmental Protection Agency in that country and then completely short-fund the Environmental Protection Agency so that it couldn't enforce any of the legislation. I fear we're on the verge of that in Ontario today.

**The Acting Speaker:** The member for Parry Sound–Muskoka has two minutes to respond.

**Mr. Miller:** Thank you to the members for Kenora–Rainy River, Hamilton East, York North and London North Centre for their comments.

As the member for Kenora–Rainy River very clearly pointed out, this government has not been funding the Ministry of Natural Resources properly, as was pointed out by Andy Houser's presentation that he made to the OFAH. So I would say, if you're serious about protecting our natural resources, show me the money. You know,

you look at the budget, and according to the budget papers, the actual money spent last year in the Ministry of Natural Resources was \$762 million, and the plan for this year is \$726 million. I'll be looking forward to getting the government to remove the extraordinary fire costs they claim were in there, but it's very clear that in the first three and a half years the government's been in power, they haven't kept this promise they made in writing to the Ontario Federation of Anglers and Hunters to properly fund the fish and wildlife program. In fact, the member from London North Centre was talking about supporting volunteers and stewardship. Yes, I agree with that. Then how come I had to ask questions of the minister last spring about the community fisheries and wildlife involvement program to stop him from cutting \$500,000 from the \$1-million budget? That's a program that supports some 35,000 volunteers across the province, probably doing many, many millions of dollars of stewardship work across the province.

One of the first acts the new minister did was to close the Frost centre. I think they realize they made a bad mistake on that one, but that was one of the first actions they made.

The Conservative caucus will be supporting this bill. We'll be looking for some consultations on it and we'll try to improve the bill.

**The Acting Speaker:** Further debate?

**Mr. Hampton:** I'm pleased, on behalf of New Democrats, to have this opportunity to speak to Bill 184, An Act to protect species at risk and to make related changes to other Acts. I will be using the full hour to speak to a number of issues related to the bill.

First of all, let me preface my comments by saying that no one wants to see the extinction of species in Ontario. No one wants to see species of plants and animals disappear from Ontario's landscape. Everyone across Ontario is interested in being able to sustain Ontario's existing plant and animal species. Similarly, there is a recognition that there are significant problems with the existing endangered species legislation and processes in the province. So there are important issues that need to be examined and debated in relation to this bill.

If this legislation is to live up to the billing that the minister has given it, it will need to meet a number of significant tests. One of the tests it will have to meet is its impact on First Nations and its impact on aboriginal rights, treaty rights, and the traditional activities of aboriginal communities on the land, particularly across northern Ontario, where aboriginal people in many geographic locations are the only people living on the land and close to the land. I must say that I have been asked specifically by a number of First Nation representatives to address this issue in some detail because they believe that First Nations have been left out of this process almost entirely. So I want to examine that situation.

Before I do, though, it is important to note that the Supreme Court of Canada over the last 20 years has set out a number of legal and constitutional tests that

legislation, regulations or other government action must meet if the legislation, regulation or other government action is to have the force of law, not to mention any legitimacy or credibility with First Nations.

I want to quote Supreme Court of Canada Chief Justice McLachlin in the Taku River decision of 2004, where the Chief Justice says, "The crown's duty to consult and accommodate aboriginal peoples, even prior to proof of asserted aboriginal rights and title, is grounded in the principle of the honour of the crown, which derives from the crown's assertion of sovereignty in the face of prior aboriginal occupation."

The Chief Justice makes a very important point in this decision. She raises the issue, when does the crown's responsibility arise? When must the crown do this? She sets it out very specifically. She says, "It arises when a crown actor has knowledge, real or constructive, of the potential existence of the aboriginal right or title and contemplates conduct that might adversely affect it."

Who would the crown actor be in this case? It would be the Minister of Natural Resources. What would the activity be? Well, in this case, it is legislation which everyone in this chamber agrees would have a significant, if not substantial, impact on what activities could or could not be undertaken on land and water in Ontario, when they could be undertaken and under what restrictions they could be undertaken.

1720

Of course, could aboriginal people potentially be adversely affected? I don't think there would be any disagreement with people here that aboriginal people, especially north of the 50th parallel in northern Ontario, the largest geographic expanse in the province—where hunting, fishing, trapping and gathering continue to be fundamental to the framework of society, fundamental activities that are undertaken on an everyday basis.

The Supreme Court of Canada sets out the test of when the crown's duty to consult and accommodate aboriginal people arises. I don't think there would be any doubt among anyone here in the Legislature today that this legislation would have to meet this test; at first blush I don't think anyone could deny that.

Now, there are a number of other decisions taken by the Supreme Court of Canada which elaborate upon the duty of the crown, and I think they are important in the current context as well.

One of the other decisions—this is from the Haida Nation and the government of British Columbia. "The Supreme Court of Canada has confirmed that both the provincial and federal governments have a duty to consult and, where circumstances warrant, accommodate First Nations before taking actions that may affect their asserted aboriginal" or treaty "rights. This duty is grounded in the principle of the honour of the crown, which applies to all of [a government's] dealings with aboriginal peoples."

One of the other decisions also points out—this is the Taku River decision: "The duty to consult is not dependent on a First Nation obtaining a court declaration

of their aboriginal rights and title. The fact that a First Nation has not established their rights in court does not mean that the rights are nonexistent." It goes on to point out, "Since section 35 protects aboriginal and treaty rights already existing under the common law, the crown is required to consult First Nations about those rights without requiring that the First Nation first" go to court and "establish their rights in court." As I said, that is the Taku River Tlingit First Nation decision against the province of British Columbia.

The decisions also point out that governments have a duty to do some other specific things. In the Adams case, "the Supreme Court of Canada held that Parliament"—or Legislatures—"cannot adopt an unstructured discretionary administrative regime which risks infringing aboriginal rights, in the absence of specific guidance." Indeed, "If a statute confers an administrative discretion which may carry significant consequences for the exercise of an aboriginal right, the statute or its delegate regulations must outline specific criteria for the granting or refusal of that discretion which seek to accommodate the existence of aboriginal rights. In the absence of such specific guidance, the statute will fail to provide representatives of the crown with sufficient directives to fulfill their fiduciary duties and the statute will be found to represent an infringement of aboriginal rights under the Sparrow test."

So in bringing forward legislation it's very clear that there are a number of requirements that a government must meet if they hope to have that legislation pass constitutional and legal tests.

The court has also spoken on what a government must do in terms of consultation with First Nations. This again is the Taku River Tlingit First Nation against the government of British Columbia decision, which says that a public consultation process is not sufficient to discharge the government's constitutional duty of consultation. In other words, going out and saying, "Well, we talked to the farmers and we talked to the fishermen and we talked to some municipalities. And, oh yes, we talked for one day or two days with a First Nation," that kind of general consultation process is not sufficient to discharge the government's constitutional duty of consultation. In fact, a distinct consultation process with affected First Nations is required if the legislation, regulation or government action is to pass the constitutional test. The Supreme Court of Canada has been very specific about the kinds of tests that legislation needs to meet.

The government has actually published some draft guidelines on consultation because the McGuinty government got into real trouble not long ago because it failed to consult with First Nations. I want to read some from that decision because it is very informative. What it pointed out is that neither the Minister of Natural Resources, who is here and spoke earlier today, nor the Minister of Mines met his constitutional and legal obligations. The case I'm talking about is the case of Platinex Inc., which is a mining exploration company, against Kitchenuhmaykoosib Inninuwug First Nation. This is a

decision of 2006. What happened is that, basically, the McGuinty government thought that they could ignore First Nations interests and rights, could give a mining exploration permit to a mining company and this mining company could go into First Nations territory and begin drilling holes and conducting mining exploration, and the interests of the First Nation could be totally ignored by the McGuinty government. The First Nation was able to go to court and point out that there had been no consultation by the McGuinty government; in fact, the McGuinty government had virtually ignored the concerns of the First Nation. So the judge hearing the case issued a restraining order, restraining the mining company from continuing its exploration activities due to a failure of the provincial crown to consult with the aboriginal community in the area.

Also interesting are the comments, the very strongly worded comments, of the judge in respect of the McGuinty government. The court commented that Ontario ignored its fiduciary role despite the "repeated judicial messages" since the Sparrow decision of 1990. The judge stated that "this case sadly reveals that the provincial crown has not heard or comprehended this message and has failed in fulfilling this" constitutional "obligation" and this constitutional duty. This decision was just issued last year, 2006—the failure of the McGuinty government in this respect.

### 1730

So the McGuinty government has been forced by the courts to now issue some draft guidelines after their failure to consult with First Nations. I want to read from some of these guidelines because, again, one would hope that the McGuinty government would not come here today and present legislation without meeting its own draft guidelines. Their draft guidelines say, "The principles that will influence the development of our final consultation guidelines are:

"—Respect for all aboriginal peoples living in Ontario

"—A commitment to meeting Ontario's constitutional obligations to consult aboriginal peoples

"—The development of effective and efficient consultation processes

"—Aboriginal participation...."

That's what the McGuinty government says on their own consultation process.

Their guidelines say—again I'm reading from the government's own draft guidelines—"When does the crown have a duty to consult aboriginal peoples?"

The answer is, "The crown has the duty to consult with aboriginal peoples when the following conditions occur:

"—The crown has knowledge, real or constructive, of the existence, or potential existence, of an aboriginal right or treaty right and

"—The crown contemplates conduct that might adversely affect the right in question."

That is when the crown must consult.

As I've already pointed out, and people would accept, aboriginal people living across northern Ontario, north of

the 50th parallel, probably live more closely to the land or live on the land more so than the vast majority of Ontarians. In fact, you can say that the day-to-day existence of these First Nation communities is intimately linked to the land.

The guidelines also refer to, "What must the crown do to fulfill the duty to consult." And it says—again, this is what the McGuinty government is saying for itself—"The duty to consult generally has both information and response components.

"The level and extent of a ministry's consultation with an aboriginal community"—notice that it's not talking about consultation with a bureaucrat somewhere or somebody who is, say, a consultant to the chiefs of Ontario—"will depend on the particular circumstances; the consultation activities to be undertaken and how they are approached will vary.

"Some of the activities the consultation process may include are:

"—Providing information on the proposed project or government decision to the aboriginal community

"—Obtaining information on potentially affected rights

"—Listening to any concerns raised by the aboriginal community

"—Attempting to minimize adverse impacts on aboriginal and treaty rights."

This is all under the decision of Madam Chief Justice McLachlin, where she says, "Consultation must be meaningful." It must be real and it must be meaningful.

The guidelines then say, "What is the role of aboriginal communities in the consultation process?" Notice again that the government's own guidelines don't refer to consulting with a bureaucrat who works for an aboriginal organization; the government's own guidelines say "aboriginal communities." This is the test the government has set out for itself.

It says, "As aboriginal rights and treaty rights are collective rights, ministries must undertake consultations with aboriginal communities. The communities in question must possess or assert constitutionally protected aboriginal rights or treaty rights which may be adversely affected by the government's proposed actions or decisions." The key part here is that the government must consult actual aboriginal communities. So that is certainly important.

The guidelines then say, "There are a number of questions that ministries should consider when developing their consultation approaches. These questions include:

"—Which aboriginal communities should be consulted?

"—Where are these aboriginal communities located?

"—Who are the appropriate representatives of the aboriginal communities for the purposes of the consultation?

"—What information does the ministry need to obtain through consultation?

"—What information does the ministry need to provide affected aboriginal communities?

"—How will this information be shared with affected aboriginal communities?

"—How will concerns raised in the consultation process be addressed?

"—What are the time frames of the consultation? Are they adequate to provide meaningful opportunities to respond and provide input?" Remember, the Supreme Court of Canada Chief Justice said that consultation must be meaningful.

"—Will additional resources be needed to facilitate the consultation?" And so on.

So the government sets out a number of tests for itself. Then it says:

"Involving aboriginal communities:

"In developing its consultation approach, a ministry should carefully consider the perspectives of the aboriginal community or communities to be consulted.

"In some instances, ministries may need to have discussions with the affected aboriginal community or communities to determine what processes or approaches should be used to consult with the communities. This will frequently be the case with larger projects that have the potential for broader impacts on aboriginal rights or treaty rights."

I could go on at some length—and I probably will come back to some of these because they're very interesting—to set out a number of the other tests that must be met.

For my purposes now, I want to ask these questions. These are the tests. They are set out by the Supreme Court of Canada. They are also set out in the government's own draft guidelines for consultation with First Nations when it comes to government legislation, regulations or other government action. These are the tests which any legislation must meet if it is to have any constitutional validity, any legal validity, not to mention credibility and legitimacy with First Nations.

The question is, what, if any, of these tests has the McGuinty government met with this important legislation? I raise again, because the issue needs to be examined: Would there be a duty to consult in this case? I say again, no one could be closer to the land, no one's livelihood and existence could be more closely dependent upon the land in a very immediate sense than the everyday livelihood and existence of aboriginal people who live in communities north of the 50th parallel. In many of these communities—most—hunting, fishing, trapping, gathering is very much part of their essential everyday activity. It is part of the spiritual life, it is part of the tradition, it is part of the ongoing life and continuity of the community. As I say, virtually the whole of First Nations' livelihood is based upon these traditional activities that are protected by section 35 of the Constitution and have been the subject of many numbers of Supreme Court of Canada decisions.

So is there a duty on the McGuinty government to consult in this context? I don't think anyone would debate that. Because of the relatively broad and possibly deep impacts of this legislation, there is clearly a duty on

the McGuinty government to consult with First Nations. When did that duty arise? I think it would have constructively arisen even as the government sat down to think about this legislation, and certainly when the government authored the legislation and presented it here in the Legislature. The duty to consult had already arisen.

The next question is, has there been consultation with individual First Nation communities that will potentially be affected? In this respect, I want to refer to an ad I heard on the radio the other day. It was one of these quasi-promotional ads by the government or by somebody the government has a relationship with saying that this will enable the McGuinty government to protect polar bears, to protect woodland caribou and also species like the wolverine. I found the ad interesting because the ad doesn't refer to species that you might find in southern Ontario or central Ontario or eastern Ontario or western Ontario; the ad very specifically refers to species that you would find north of the 50th parallel. It very specifically refers to species that you would find in a part of Ontario where there are virtually no non-native people. You might find the odd non-native pilot flying around in an airplane, you might find a non-aboriginal nurse working in a nursing station, and you might find a non-aboriginal teacher teaching in a school, but 99.99% of the people who live near the habitat or in the habitat of polar bears, wolverines and woodland caribou are aboriginal people. So this ad is obviously telling the public that this bill is about protecting species that are within the traditional lands of the aboriginal people who live in the far north.

**1740**

The one place where you'll find polar bears in Ontario is near Fort Severn First Nation. Fort Severn First Nation is almost right on the coast of Hudson Bay. In fact, when you fly in to that remote First Nation, you very often have to fly out over Hudson Bay to come in and make the landing. Depending upon the time of year when you go there, you will see polar bears, if not in the community, certainly adjacent to the community.

Since this ad specifically says, "Oh, this is going to make it easier to protect the polar bears," I wanted to know if the community at Fort Severn had been consulted, as is the constitutional legal requirement placed on the government and the requirement the government places on itself in its own guidelines.

I have to say to you that as of today I have not been able to find any evidence whatsoever that the McGuinty government has met its constitutional and legal duty and its own requirements as set out in its consultation guidelines to meet and consult with the people of Fort Severn First Nation, of that community.

I next turned my thoughts to the wolverines. I actually remember, a couple of years ago, being in Sandy Lake First Nation and meeting a university professor who was in Sandy Lake doing studies of wolverine habitat and wolverine populations. We had a very interesting discussion that night about the wolverines.

Since a claim is made in this ad that this is going to protect the habitat of wolverines, I thought, "I wonder if the people, the communities, of Sandy Lake First Nation,

Sachigo Lake First Nation, Kee-Way-Win First Nation, Poplar Hill First Nation, Deer Lake First Nation, Pikangikum First Nation"—these are all communities that are along the border of Manitoba and Ontario, far north of the 51st parallel—"I wonder if the McGuinty government has met their constitutional and legal obligation to consult with these First Nations or if the McGuinty government has even met its own self-proclaimed guideline requirements to consult with these First Nations."

So, again, I sent out an inquiry. I regret to say that, as of today, there is no evidence that the McGuinty government has met its constitutional and legal requirements to consult with those First Nations either.

The next thing I turned to was, of course, the woodland caribou. The woodland caribou is an interesting species. I've seen a number of video clips showing them in the wild, north of the 50th parallel in northern Ontario. I've actually had the opportunity to see some herds from time to time, although they are very difficult—you have to be very watchful. So I thought of those communities that I have been to where they acknowledge, "Yes, from time to time we see evidence or see herds of woodland caribou." I thought again of the Pikangikum First Nation; I thought of North Spirit Lake First Nation; I thought of Cat Lake First Nation; I thought of the new Slate Falls First Nation; I thought of the Fort Hope First Nation and Webequie First Nation and Summer Beaver First Nation. I thought also of a couple of the other First Nations who might—Whitewater Lake First Nation. I thought to myself, since this ad specifically refers to woodland caribou, I wonder if the McGuinty government has met their constitutional and legal obligation to consult with these First Nations. So I made contact, and I regret to say that here, as we are debating this legislation, there is no evidence that the McGuinty government has met their constitutional duty, their legal duty, nor the standard set out under their own draft guidelines to consult with those First Nations either.

I must say I was incredulous when I heard this. I couldn't believe it. But that is where it stands. So I made further inquiries, because I wanted to find out what is going on here. One would think that if the McGuinty government were very serious about this legislation, it would have canvassed the constitutional and legal requirements, that it would also have canvassed its own requirements as set out in its consultation guidelines, and that it would have met these guidelines, or at least there would be some evidence that the government has met these guidelines. I regret to say that so far I have not been able to uncover any evidence that these constitutional and legal requirements have been met.

I want to again go back to some of the decisions, because they are so important. After all, we're not just dealing with convenience here; we are dealing with decisions of the Supreme Court of Canada which say this is the law. This is not a matter of convenience; this is a question of, is the McGuinty government going to obey the law or not? That's the issue.

*Interjection.*

**Mr. Hampton:** One of my colleagues here says we should probably hear from David Caplan on this, the minister who sees nothing, hears nothing, knows nothing when literally hundreds of people across Ontario are being fleeced out of millions of dollars in a corrupt lottery system, and the minister says, “Me, know the law? No, I don’t know what the law is. Me, know anything about the incidents that are happening? No, I don’t know anything about that. Did I see anything? Did I hear anything? No, I was happy to sleep,” while literally hundreds of Ontarians were fleeced out of hundreds of millions of dollars under the McGuinty government.

I want to go back to the Endangered Species Act, because this is very, very important. Again, I want to refer to the Haida Nation decision, which says it is the province, the provincial government, that has a duty to consult. The provincial government cannot delegate this constitutional and legal responsibility to someone else. It cannot hire Warren Kinsella as a consultant and tell him, “Go out and spin a story about how we’ve consulted with First Nations.” It is the legal and constitutional requirement, it is the law, that it is the provincial government that must consult.

Secondly, the government cannot say—I repeat this once again, because this was very clear in the Taku River decision. The McGuinty government cannot say, “Well, you know, we had a meeting with a First Nations rep, we had a meeting with a trapper and we had a meeting with one of the wildlife organizations—and there was the consultation.” The Taku River decision is very clear: A public consultation process is not sufficient to discharge the government’s constitutional duty of consultation. A distinct consultation process with an affected First Nation is required.

**1750**

I next tried to ascertain, if individual First Nations who might be affected have not been consulted, what has the government done? I contacted tribal organizations—there are number of tribal organizations. You have the Northern Chiefs tribal organization, and Fort Severn First Nation is part of the Northern Chiefs tribal organization. I ascertained to see if there had been any consultation with the Northern Chiefs. What did I find at this point in time? No evidence of consultation.

You can contact the Matawa Chiefs’ Council. The Matawa Chiefs represent a number of First Nations who intersect with what might be woodland caribou habitat. At this time, has there been any consultation with the Matawa First Nations tribal council? I regret to say that at this time there is no evidence of that.

Windigo Tribal Council, which again represents a number of First Nations—their geographic location would roughly intersect with potential caribou habitat—have they been consulted? No.

So I eventually went to the grand chief of the Nishnawbe Aski Nation. Who is the Nishnawbe Aski Nation? Well, Nishnawbe Aski Nation represents all of the First Nations, all of the Cree and Oji-Cree First Nations. To

generalize, basically they occupy the landscape north of the 50th parallel of latitude in Ontario.

I met with Grand Chief Stan Beardy and Deputy Grand Chief Alvin Fiddler, and I asked them, “Has there been any consultation with Nishnawbe Aski Nation? Has there been any consultation with you?” I regret to say that there has not been any consultation even with the NAN organization.

So the McGuinty government says they have consulted with First Nations. I tried to ascertain, where has this consultation taken place? What I was told is that there may have been some discussion—not consultation—there may have been some discussion between Ministry of Natural Resources personnel and a bureaucrat who works for the Chiefs of Ontario. That may have happened. But on the face of it, that does not meet this government’s constitutional and legal responsibilities. It doesn’t even meet the watered-down guidelines that the McGuinty government has put forward itself for consultations with First Nations. It is not consultation. To put it this way, it’s the kind of thing that someone like Warren Kinsella would put out as a spin line when the McGuinty government says, “Warren, we need your political advice and your political action here.” It’s the kind of spin line that might be put out.

Why is this important? It is important because the legislation itself, any administrative bodies that the legislation might seek to create, any regulations that the legislation might seek to empower or might seek to give capacity to, is wide open to constitutional and legal challenge, not by one First Nation organization but, I would argue on the face of it, by a number of First Nations across the breadth of Ontario.

I say to myself, if a government were serious about this legislation, if a government said, “This is important legislation. It addresses important issues, and it’s important that these issues be addressed,” if the government were serious about that, wouldn’t the government have done its homework? Would not the government of the day have done its homework and met its constitutional and legal requirements in order to present the legislation, in order for it to have constitutional and legal validity and in order for it to have any currency and legitimacy with people who are without doubt going to be affected by this legislation in the general sense and by measures that might happen under this legislation in a specific sense? That, to me, seems to be elementary. It just seems to me that if I were a minister, before I came into the Legislature, I would ensure that this has been done. I would ensure that this has happened, that this is carried on.

Speaker, I know it’s almost 6 of the clock. I intend to take some time later on, but I want to make this point: I think the government’s got a problem. The decisions of the Supreme Court of Canada say that just having a general consultation—“Hi, Bill, how are you? Good to see you, Warren”—will not do, that there must be specific consultation and accommodation with First Nations who potentially could be affected. There needs to be a specific consultation process.

I don't know what the government intends to do, but I would say to the government, the fact that they have not done their homework heretofore could be fatal to this legislation, fatal to any regulations enacted or attempted to be enacted under this legislation and fatal to any administrative or quasi-administrative tribunals which might be part of or potentially part of this legislation. I would hope to hear from either the minister or his parliamentary secretary about what the McGuinty government's plan is to remedy a very serious problem that

they themselves have created by their apparent failure to even do the most elementary of homework.

I note that it is almost 6 of the clock. I will resume my efforts on this legislation on another day, but I now move adjournment of the debate for today, Speaker.

**The Acting Speaker:** It being 6 of the clock, this House stands recessed until 6:45 this evening.

*The House adjourned at 1758.*

*Evening meeting reported in volume B.*

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