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**Monday 5 October 2009**

**Lundi 5 octobre 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 5 October 2009

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 5 octobre 2009

*The House met at 1030.*

**The Speaker (Hon. Steve Peters):** Good morning. Please remain standing for the Lord's Prayer, followed by a moment of silence, of inner thought and personal reflection.

*Prayers.*

### INTRODUCTION OF VISITORS

**Mr. Charles Sousa:** In the Legislative Assembly today we have a group of students from Forest Avenue Public School, with their teacher. They're from grade 5 and they should be with us momentarily. I welcome them to the House.

**Hon. Christopher Bentley:** Joining us in the Legislature will be Doug Alexander from the great and glorious community of London.

**The Speaker (Hon. Steve Peters):** On behalf of the member for Etobicoke–Lakeshore and page Carlos Fiel, we'd like to welcome his mother Maria Fiel, his grandmother Cecilia Fiel, his aunt Corito Fiel, and a friend, Cathy Narduzzi, to the members' east gallery today. Welcome to Queen's Park.

### ORAL QUESTIONS

#### ONTARIO ECONOMY

**Mr. Tim Hudak:** My question is for the Deputy Premier. This is National Family Week, and Ontario families are working harder today but are losing ground. Statistics Canada data shows that household incomes have remained flat since 2003, when Dalton McGuinty took office. Canada Mortgage and Housing Corp. tells us that the cost of mortgages and housing has gone up 40% over that time period, while the city of Toronto study found the cost of feeding the kids is up 15%.

To the Deputy Premier: How much harder do Ontario families have to work just to stay afloat?

**Hon. George Smitherman:** To the finance minister.

**Hon. Dwight Duncan:** There's no doubt that the situation in the world economy has caused difficulties for families. Unemployment is far too high, here and around the Western world.

I would advocate and argue to the Leader of the Opposition that our party's investments in education, our party's investments in health care and in a cleaner en-

vironment, and our party's investments in a range of other initiatives are designed to help Ontarians and Ontario get through these challenging and difficult times. There's no doubt there's more work that needs to be done, and this government is committed to working with our federal partners and members of the IMF and the G20 to invest in stimulus and job opportunities so that all Ontarians can prosper when the downturn in the world economy occurs.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Tim Hudak:** Let me be clear: Incomes have been flatlined since 2003, since the McGuinty government took office. Ontario families are paying more today but are losing ground since 2003. What mortgages and other essentials don't eat up of people's paycheques, provincial taxes and fees brought in by the McGuinty Liberals sure will. In the budgets passed since Dalton McGuinty became Premier, a typical middle-class Ontario family is paying 8% more of their income in provincial taxes. That includes, of course, the health tax that Dalton McGuinty said he wouldn't bring in, but he did.

So, back to the finance minister: How much do you think Ontarians should have to pay in order to just stand still?

**Hon. Dwight Duncan:** The Leader of the Opposition doesn't put the full case, and I would dispute his figures. In fact, up until this year, Ontario experienced considerable growth in incomes, considerable growth in the economy, until the bottom fell out in the world economy—as it has affected many jurisdictions.

Our investments in education, our investments in health care, our tax cuts, our elimination of the capital tax, the income tax cuts that are part of this year's budget—the overall management of the government's finances has experienced difficulty as a result of the downturn in the economy. But we will continue to make investments in infrastructure, continue to reform our tax system with tax cuts, where appropriate, to ensure that Ontario comes out of this bigger and stronger than when it went into it.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Mr. Tim Hudak:** Again, I say to the finance minister that these are Statistics Canada and CMHC figures. When you crunch all the numbers from StatsCan and CMHC and others, a typical middle-class Ontario family now works a startling 25 extra days just to afford cost-of-living increases since Dalton McGuinty took office—in the city of Toronto, 29 extra days—and Premier McGuinty's response is to hammer them with another sales tax increase.

I say to the finance minister, are 25 days enough? How much more time do you want people to give up with their own families just to pay for your record deficits and tax increases?

**Hon. Dwight Duncan:** I don't think anybody can rely on the number the Leader of the Opposition put forward. It's not based on fact. It's not based on any reality. It's based on an outdated ideology that says you should cut taxes, close hospitals, close schools, lay off teachers, lay off public servants, cut transfers to municipalities, not invest in the environment, not work to help the auto industry through a difficult time. Our government rejects that philosophy.

Our government takes a balanced approach, investing in the elements of the economy that are most important to Ontarians—investing in education, investing in health care, investing in a better environment—and reforming the tax so that we have a more effective and efficient and competitive tax system, with tax cuts for low-income Ontarians and others, that will make this economy bigger, better and stronger when we come out of the world downturn.

#### AGENCY SPENDING

**Mr. Tim Hudak:** Back to the finance minister: It seems clear that during the summer of scandal, the McGuinty government philosophy was to help their Liberal friends while working families fell farther and farther behind. Steve Mahoney, former Ontario Liberal MPP and now chair of the Workplace Safety and Insurance Board, has managed to turn a part-time appointment into a full-time job with good pay and perks. Last Thursday, the labour minister let slip that his friend returned \$14,759 in previously approved expenses. Ontario families will be interested to know if Mahoney did this before or after the PC freedom-of-information request on his expenses. When will Minister Fonseca table the records for these returned expenses here in the Legislature?

**Hon. Dwight Duncan:** To the Minister of Labour.

**Hon. Peter Fonseca:** I say to the member opposite that there is an expectation by this government, by this Premier and especially by the public that all government agencies, the WSIB included, adhere to strict, prudent and responsible expense policies.

I can tell the member that the WSIB and all the Ministry of Labour agencies, boards and commissions are working very hard to ensure that they are in compliance with the new rules that have been set by the Premier.

The WSIB chair has given me assurances that they understand the new rules that are in place, and that expenses that were allowed under the old policy in the past are no longer allowed today. The WSIB is working hard to protect workers, to lower injury rates and to reach out to their stakeholders.

1040

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Tim Hudak:** Let me pursue the Minister of Labour about his so-called proven expense policies. Another

member of the Liberal family had a hand in helping Steve Mahoney help himself to the hard-earned money of Ontario taxpayers. Freedom-of-information records reveal that, since April 2007, Steve Mahoney's expenses received sign-off by none other than Patrick Dillon, who sits on the WSIB. Dillon, of course, the spokesperson for the Working Families Coalition, a front created to circumvent campaign spending rules and spend millions of dollars to advance the Liberal election campaign—

**The Speaker (Hon. Steve Peters):** I just ask the honourable member to withdraw.

**Mr. Tim Hudak:** Withdraw which part?

**The Speaker (Hon. Steve Peters):** The comment that he just made.

**Mr. Tim Hudak:** Well, I'll withdraw it, Speaker.

Dillon, of course, the spokesperson for the Working Families Coalition that spent millions of dollars to advance the Liberal election fortunes.

To the minister: Why the oversight of Mahoney's expenses from another unelected, unaccountable member of the McGuinty Liberal family?

**Hon. Peter Fonseca:** The member continues with his political rhetoric, but as I've said, the WSIB and their officials have changed past policies. They know that some of those past policies are no longer acceptable. There are new rules in place.

Furthermore, this member knows full well that the government has changed some of our policies. All OPS employees today at our largest agencies will receive on-line mandatory expense training. Expenses for all OPS senior management, cabinet ministers, political staff and senior executives at Ontario's largest agencies will be posted online for the first time. And, going forward, all expenses will be reviewed by the Integrity Commissioner for approval.

Times have changed and, certainly, expenses that may have been acceptable in the past—

**The Speaker (Hon. Steve Peters):** Thank you. Final supplementary.

**Mr. Tim Hudak:** I wonder if now the minister is finally going to take the pen away from Patrick Dillon, the head of the Liberal-aligned Working Families Coalition, on signing off on expenses.

I say to the minister that what Ontario taxpayers are seeing here is very clear. If you're a Liberal-connected friend, like Steve Mahoney, you get \$140,000 a year, a part-time job and special treatment and expense sign-offs from another Liberal friend, but if you're an average, hard-working member of the middle class, you get nothing. Ontario taxpayers deserve better.

Why are you making Ontario families work harder? Why are you making them give up 25 days more a year just to tread water in order to pay for the benefits of your Liberal friends?

**Hon. Peter Fonseca:** The official opposition seems confused on this issue. The leader sent a pat-on-the-back letter to Chair Mahoney on September 1, and it says, "On behalf of all members of the PC caucus I thank you for the work that you do," signed by Tim Hudak.

The deputy leader, last week, was asked if the chair should resign. The deputy leader said she didn't know, and the labour critic clearly last week, with his antics in this House, shows that he's in complete disagreement with his leader.

I ask, who's in charge over there? Is the leadership battle still on?

#### ELECTRONIC HEALTH INFORMATION

**Ms. Andrea Horwath:** My question is to the Acting Premier. A news report today states that cabinet ministers approved a \$30-million—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Please continue.

**Ms. Andrea Horwath:** I'll take it from the top, Speaker, if you don't mind.

My question is to the Acting Premier. A news report today states that cabinet ministers approved a \$30-million untendered contract to IBM and that this was opposed by the eHealth CEO, the Deputy Minister of Health and the assistant deputy minister. Can the Acting Premier confirm that he approved this contract against the advice of his senior bureaucrats?

**Hon. George Smitherman:** By way of supplementary, I'll ask the Minister of Health to address this question. But as the honourable member has spoken to the role that I may or may not have played as a member of Management Board, I can tell the honourable member that while she reads it is as if this has been reported only as of today, this is of course a matter that was under discussion here last Thursday and last Friday.

In the course of serving on Management Board, items come forward from various ministries. I haven't checked the record to see whether I was actually at the meeting in question. But to the direct nature of the question at hand from the honourable member, no such protestations about the issuance of such contracts were made known to me.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** The IBM contract is not the only example of this government's addiction to insider contracting. In 2006, while the Acting Premier was the Minister of Health, 295 consultants were working on the eHealth program, with only five ministry employees. One employee even quit on a Friday to take a job as a consultant the following Monday. Can the Acting Premier confirm any of these allegations?

**Hon. George Smitherman:** To the Minister of Health.

**Hon. David Caplan:** These allegations, I don't know based on what—but I can tell the member, in answer to her earlier question, that the first contract was sole-sourced. There was only one legitimate provider of the service. That was IBM, the original designer of the OHIP mainframe and of the database. The health registration system is one of the largest in the world, and uses IBM mainframe technology and database software. This has been the case through your government, through the PCs and through this government as well. The contract was

awarded to IBM in order to leverage the existing registered persons and provider databases in the OHIP system. IBM was the only provider that could have the systems be interoperable.

Having said that, we have made significant strides to increase accountability. There are new procurement rules. We are curtailing unnecessary expense claims and additional mechanisms for accountability and transparency which have not been in place—

**The Speaker (Hon. Steve Peters):** Thank you.

**Ms. Andrea Horwath:** The Acting Premier, Minister of Finance and other cabinet ministers approved a \$30-million untendered contract. That's a fact. They stood by as insiders picked up lucrative consulting gigs and engaged in practices which they are now admitting, and this minister just said it himself, would not be allowed today. Why did the CEO and chair of the board of eHealth lose their jobs while every member of the McGuinty cabinet has held on to theirs?

**Hon. David Caplan:** In fact, the rules were followed as they have been in place under all previous governments. The rationale for sole-source contracts are potentially twofold. One is when there is an urgency in place or when there is one vendor or one individual with expertise in that particular area. That was the case in this situation, where it was a program designed to be able to interoperate with the existing OHIP system, which had been in fact designed, developed and delivered by IBM. The suggestion that IBM is somehow some government insider, frankly, is ludicrous. This is a company which has a long history and was, as I said, the original designer of the mainframe and the original designer of the database, systems which served Ontarians well over decades and will continue for many more years.

#### TAXATION

**Ms. Andrea Horwath:** To the Acting Premier: The Liberals' unfair tax grab not only makes life more expensive for Ontarians, it will also make it harder to find a job in this province. A study commissioned by the chamber of commerce concluded that harmonization will slow employment growth by as much as 40,000 jobs a year. Does the Acting Premier have any evidence that this study is wrong, or is he ready to admit that the unfair tax scheme and the HST is a job killer?

**Hon. George Smitherman:** The Minister of Finance.

**Hon. Dwight Duncan:** The HST and the tax cuts that go with it are designed specifically to create jobs and will do just that over time.

The leader of the third party takes the chamber of commerce report out of context and doesn't read the rest of the report. In addition, I would point out to her even more recent information that was made available from the Toronto Dominion bank on September 18. It says: "In order for businesses to generate an increase in demand for their products they will have to pass those savings on to customers. This in turn should help spur business investment, employment and income growth."

1050

This is the right policy—the HST with the tax cuts—that will help this economy once we get out of this downturn. It will help create jobs in manufacturing, the forestry sector and indeed right across all sectors of the Ontario economy.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** The chamber's study is very clear: As many as 40,000 more Ontarians will remain unemployed under the HST scheme. But they're not the only ones reaching this conclusion. In a different report, the C.D. Howe Institute also concludes that the harmonized sales tax will slow employment growth by nearly 40,000 jobs a year. Can the Acting Premier produce a single study that shows the McGuinty harmonization scheme won't lead to higher unemployment?

**Hon. Dwight Duncan:** Again, the NDP leader takes that out of context and completely out of order. The C.D. Howe Institute, the TD Bank, the Ontario Chamber of Commerce—

**Interjection:** Hugh Mackenzie.

**Hon. Dwight Duncan:** —Hugh Mackenzie, the Ontario Labour Federation all talk about this policy as being the right policy to create jobs. I remind her as well that the Ontario forestry industry has said the same thing. The Ontario manufacturers have said the same thing.

That member and her colleagues may not want to help fix this economy. We are doing this to create jobs, to improve incomes and make Ontario more competitive going into the future.

**The Speaker (Hon. Steve Peters):** Final supplementary.

**Ms. Andrea Horwath:** Well, me and my colleagues know exactly who we stand up for in the province, and that's the people of Ontario.

In the middle of a very serious recession, people expect their government to protect jobs and to make life more affordable. Instead, the McGuinty government is ignoring them and making an unfair tax on every single person in this province, a scheme that's going to make life much more difficult and much less affordable and kill 40,000 jobs. That's 40,000 Ontarians, 40,000 families that are not going to be able to come home with a paycheque as a result of this harebrained scheme. Will the Acting Premier produce some kind of evidence that this scheme is not going to make life harder for a whole lot more Ontarians?

**Hon. Dwight Duncan:** Indeed, we have produced a good deal of evidence. I've referred the member opposite to that. But I am glad to hear that she's now renouncing the request her predecessor made for us to raise the PST.

You know, here are some other—I mean, I'm glad she is concerned about tax increases. They raised personal income taxes on the poor in Ontario by \$500 million when they were in office. On the contrary, Hugh Mackenzie—and I know Mr. Mackenzie is—

*Interjection.*

**The Speaker (Hon. Steve Peters):** The member from Hamilton East.

*Interjection.*

**Hon. Dwight Duncan:** —briefing the member for Hamilton Centre and her colleagues that they're missing the boat on this issue.

This plan is about lowering taxes for low-income Ontarians. This plan is about creating jobs. This plan is about a brighter future for Ontarians with modest incomes. It's a plan; it's the right plan. That party has no plan, no ideas. It's tied to yesterday. We'll continue to move forward—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### AGENCY SPENDING

**Mr. Robert W. Runciman:** My question is for the Minister of Tourism. Why did the McGuinty Liberals hand out an untendered contract, worth multi-millions, to a US company to run the Maid of the Mist for the next 25 years?

**Hon. Monique M. Smith:** The member would be aware that the Maid of the Mist contract has been the topic of some discussion, and that one of the former members of the board of the Niagara Parks Commission made a reference to the Integrity Commissioner, who reported in the spring and found that there was no wrongdoing on behalf of the Niagara Parks Commission. However, she did recommend that they review that decision, and they have recently reviewed that decision. They have confirmed their decision to issue the contract to the Maid of the Mist Corp. and they are presenting that decision to my ministry. I believe we received their documents at the ministry last week and I look forward to hearing. My ministry will be doing an analysis and will be providing me with advice as to whether or not it should be brought forward to cabinet.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** Again, as the minister knows, a contract of this size and duration must be approved by cabinet. Apparently, cabinet is about to give this multi-million-dollar, 25-year contract the green light despite Premier McGuinty's edict against untendered contracts. We haven't heard anything different. It may have something to do with a fellow by the name of Bob Lopinski, a lobbyist for the US company and former director of issues management for Premier McGuinty.

My question is: Are close members of the Liberal family like Bob Lopinski exempt from the so-called ban on untendered contracts? Is that the deal over there?

**Hon. Monique M. Smith:** Unlike my colleagues on the other side of the House, this Ontario government is committed to openness, transparency and accountability.

The Niagara Parks Commission has reviewed its decision on the lease, taking into consideration, as we advised it to do, the audit, guidelines on revenue-generating opportunities, leading agency governance practices and expressions of interest related to boat tourism attractions. This was in line with the recommendations made by both

the Integrity Commissioner and myself as I asked them to review this decision.

As I said to the member's previous question, the decision of the parks commission has been presented to the ministry. My ministry is in the process of reviewing that and doing the due diligence. No decision has been made; no proposal has been made to cabinet as of this date. Again, I would just clarify for the member this is, in fact, a lease and not a contract and that we are continuing to look at their decision and—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### AGENCY SPENDING

**Mr. Paul Miller:** My question is to the Minister of Labour. Stories are abounding about the excessive expenditures of the WSIB chair—not only his apparent abuse of public money, but doing this while enjoying a triple-dipping income.

When is this minister going to rein in this high-flying WSIB chair?

**Hon. Peter Fonseca:** I thank the member for the opportunity to say that the WSIB recognizes that the environment has changed. The WSIB expense policies were reviewed two years ago, and at that time certain expense practices were deemed unacceptable. Certain expenses that may have been acceptable at that time are no longer acceptable today. On an ongoing basis, all expenses will be reviewed by the Integrity Commissioner and must meet approval by the Integrity Commissioner.

This government has taken more steps towards accountability and transparency to further protect the taxpayers' dollars, and this government has made changes to policies that former governments deemed acceptable.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Paul Miller:** Johnny-come-lately, I guess. I've raised many serious concerns about the management of the WSIB under this chair. I've asked for his resignation I don't know how many times after his mismanagement of the experience rating file and the excessive wait times for injured workers to have their claims satisfactorily settled. Now we know why these problems are so rampant: Rather than doing his job, Mr. Mahoney is expensing alcohol while dining at high-end restaurants. He even admitted to this and he admitted to the wrong.

This government was quick to fire a woman whose expenses were questioned, but why won't they fire their WSIB good old boy?

**Hon. Peter Fonseca:** WSIB Chair Mahoney takes his role and responsibility as the chair of the WSIB very seriously. He works with advocates, injured workers and stakeholders to lower injury rates and to ensure that Ontario workers are protected in the workplace.

One of the member's colleagues, the member from Parkdale–High Park, has had the opportunity to sit down with Chair Mahoney. Also, we just heard there was a letter sent by the official opposition to Chair Mahoney—a pat on the back letter saying he's doing a great job. It

said, “On behalf of all the members of the PC caucus, I thank you for the good work that you do.”

I ask the member to have the common courtesy to contact the chair, sit down with the chair and get your facts right.

#### TAXATION

**Mr. David Zimmer:** My question is for the Minister of Revenue. The real estate industry plays a huge role here in the city of Toronto, especially in Willowdale. We've all seen a number of letters to the various editors of the newspapers from the real estate sector, questioning the harmonized sales tax. The real estate industry in Ontario employs 33,000 people in Toronto alone, and the finance and real estate industries together employ over 400,000 people across Ontario.

I've been speaking to my constituents in the real estate sector. They're concerned about implementation of the HST and what it's going to mean for them. Minister, what's the effect of the HST on the real estate sector?

1100

**Hon. John Wilkinson:** I want to thank my friend for the question. It's important that we have an economy that's growing and generating jobs. I talked to my friends in the real estate industry, and what they tell me is, they would rather sell houses in a market where people are buying and selling because they're creating wealth, than be in a market where they're buying and selling because people are losing their homes because they've lost their jobs. The single most important thing that we can do, I say to the member, is to ensure that we have a vibrant economy and so harmonizing our sales tax and accompanying that with significant tax savings, some \$15 billion over the next three years for people and business, is all about making sure we have people getting back to work.

I want to thank the real estate agents in the province of Ontario, who make a vital contribution to our economy, but I know that they're looking at the bigger question as well. We need to get the rate of unemployment down in this province, we need to be generating wealth, and we know that the real estate agents will play their part. Overall, the sector will see a substantial reduction—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. David Zimmer:** There's a lot of misinformation floating around about the HST. In fact, there's a great deal of support for this in the business sector—because it makes Ontario more competitive, it creates jobs. Michael Smart's study on the effect the HST had on the Atlantic provinces revealed that harmonization led to consumer price reductions and increased business investment. One hundred and thirty countries have harmonized their HST. Supporters of HST in Ontario include the TD Bank, the C.D. Howe Institute, the Ontario Chamber of Commerce, the Ontario Association of Food Banks and the Ontario Non-Profit Housing Association.

Minister, will the HST make Ontario more competitive and create jobs? Who do we believe on this? Those who are misinformed, or institutions like the TD Bank and others that I've just named, which are operating in a very competitive—

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. John Wilkinson:** I come to this place after being in business for some 20 years, and I understand the demands of the marketplace. I say to our business leaders particularly, as many more look at this, that it is very important for them to understand both sides of the equation. Yes, we are going to modernize our tax system and drag it out of the 20th century and modernize it, but as well, at the same time, we're taking all of that money and we're substantially reducing income taxes for small business, for business and for people. For every \$3 of tax cuts, two of those dollars go to individuals and one goes to business. It's all about ensuring that our economy can compete and win in the 21st century. That is what is going to lead to more jobs, and if we don't help people get back to work, of course, it takes all of our vital services and puts them at risk. That's why it's important. On this side of the House, we've made a difficult but a very deliberate decision about what we believe is required to ensure that Ontario comes out of this recession stronger than ever.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Peter Shurman:** My question is for the finance minister. A pattern has developed where the McGuinty Liberals will say anything to change the channel. The finance minister knows that no one has been talking about closing casinos. What we've been talking about is how to make the casinos in your portfolio do what they are supposed to do and what you claimed they would do: add to the revenue of the province, and not just the revenue of the minister's riding. Other OLG casinos are profitable. What is the Minister of Finance's plan to make the Windsor casino profitable? Do you even have one?

**Hon. Dwight Duncan:** I'm glad that the member clarified what he said on Friday. In fact, the reason we made the investment we did four years ago was to ensure that that casino could continue to compete in a very competitive marketplace in that region. There's no doubt that the gaming industry across North America is down considerably: large publicly traded companies, as well as the publicly owned casinos.

Overall, we will continue to work with the OLG. That investment we made in a convention centre and in a major entertainment facility, which are second to none and compete very effectively against the four casinos in Detroit, was precisely what was needed most, precisely what was recommended by the OLG, and precisely what was recommended by people in the gaming industry to ensure the ongoing—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Peter Shurman:** Again for the minister: It appears that in Ontario the answer to, "How does one start a small business?" appears to be, "Start a large one and let Minister Duncan and the Liberal family run it."

Minister Duncan budgeted \$400 million to expand it and spent \$430 million instead. He added an unbudgeted \$80 million for a power plant. The agency he oversees is throwing another \$200 million in to keep the casino running. This is the same minister who plans the budget for the province of Ontario. How much more should Ontario taxpayers spend so that you can try to make sure that Windsor–Tecumseh stays in the Liberal family?

**Hon. Dwight Duncan:** The casino initiative in Windsor was begun under the New Democrats and was advanced under the Conservative government. We made the kind of investment that's important to help maintain the competitive position of that casino relative to the Detroit casinos that have opened in the last six years.

There's no doubt that the tourism industry in Ontario has seen a downturn as a result of a number of factors, which I reviewed with the member in previous questions. But the investment we made was precisely the investment that was called for by the industry. It was precisely the investment that was recommended by the board at that time. It was precisely what was needed to ensure the ongoing competitiveness of that casino, which has yielded a net profit of in excess of a billion dollars to this province since its opening in 1996.

#### WASTE DISPOSAL

**Mr. Peter Tabuns:** My question is to the Minister of the Environment. Last month, Simcoe county cancelled its plans to build a dump at site 41 in the face of widespread community opposition and growing evidence of damage to the water table, but the provincial government certificate of approval for the site has not been withdrawn. Residents are concerned that the council may in fact sell that site to a private dump operator. Will the minister put an end to the dump at site 41 once and for all by revoking the certificate of approval?

**Hon. John Gerretsen:** First of all, as the member well knows, the decision to have a landfill site anywhere starts and is initiated by the local council or, in this case, the county council, and they did that a number of years ago.

I can tell him, from all of the various discussions that I've had with my ministry officials who have been involved ever since the site was first approved, that from a scientific viewpoint there was absolutely nothing wrong with respect to the landfill being there.

*Interjections.*

**Hon. John Gerretsen:** Well, that's the best advice that we were able to deal with from a ministry viewpoint.

The council has decided not to proceed with their project, which is their decision, and we certainly agree with that decision as far as their being the right authority to deal with that particular matter is concerned.



**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Peter Tabuns:** Yes, obviously a supplementary.

Come on. I mean, have you been reading what's out there in the public domain about that site? I was there with you in front of the Ministry of the Environment building when the citizens brought in those bottles of contaminated water. Have you sent people out to check what happened after the excavation started? We've got a problem here. We've got a county that spent millions of dollars on this dump. There are substantial questions about the threat to an aquifer in this province. You are just sitting there not taking the action that has to be taken. You should be committing money to that county so it can reduce waste, so it does not have to have this landfill. You need to revoke this certificate of approval. Are you going to do that?

**Hon. John Gerretsen:** First of all, this government is very proud of the actions that we have taken with respect to waste diversion in the province of Ontario. We have started a municipal hazardous waste collection site. We are taking action with respect to the collection of electronic waste. We are taking action with respect to composting. We have put a document out there which calls for zero waste. And yes, we want to go toward zero waste in this province. But in the meantime, until we actually get there, landfills are necessary, and it is the obligation and responsibility of the Ministry of the Environment to make sure that those sites are scientifically sound. This particular site, from a scientific viewpoint and from a ministry viewpoint over the last number of years, is a scientifically sound site.

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#### EASTERN ONTARIO DEVELOPMENT

**Mr. Phil McNeely:** My question is for the Minister of Economic Development and Trade. On August 31 of this year, I had the privilege of make an announcement about an eastern Ontario development fund grant to a firm called Canadian Hydro Components in the beautiful town of Almonte, Ontario. This very successful Ontario-based business produces turbines and other equipment for use in small to medium-sized hydroelectric generating projects. The firm is investing over \$1 million to upgrade its facilities and purchase new equipment, which will allow it to access new markets and create 10 new jobs over the next five years. Ontario's contribution of \$159,000 through the eastern Ontario development fund was a vital component of moving this expansion forward. CHC's president had strong words of praise for the Ontario government for its work in helping to create green jobs, in this case through the eastern Ontario development fund.

Would the minister please let the members of this Legislature and Ontarians know if there have been similar success stories and what kind of employment is being generated by—

**The Speaker (Hon. Steve Peters):** Thank you. Minister?

**Hon. Sandra Pupatello:** I'm happy to speak of the success of the eastern Ontario development fund. As you know, we launched this a year and a half or so ago, and it's very important to show that the Ontario government can also help small town Ontario, in particular eastern Ontario, which faces some chronic issues, with assisting business to move forward. Even in these economically challenged times, we have had \$11.3 million out the door to small business in eastern Ontario, and that \$11.3 million leveraged over \$72 million being invested in these small and medium-sized businesses.

For example, Lafèche Environmental in Moose Creek: They were able to create 10 additional jobs with funding that we provided of \$531,000; 10 jobs, that's really important to a town like Moose Creek. Mariposa Dairy, in Lindsay, was able to create 11 new jobs over two years with assistance of \$172,000—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mr. Phil McNeely:** I thank the minister for that explanation and encourage her to continue supporting the EODF, which creates so many jobs in eastern Ontario.

Minister, Ontario is changing, and job creation in my area of the province, especially in smaller communities, is vitally important.

Historically, Canadian Hydro Components has been working with an excellent staff of highly skilled people to deliver turbines and turbine maintenance, mainly in the United States and Europe. They have made major investments in equipment and facilities and are looking to expand into new markets, including in Ontario, which would create new jobs. Minister, additional business for Canadian Hydro Components would be good for Almonte, for Ontario and for our government as an investor in their capacity.

Would you please let us know what this government and your ministry is doing to create additional business opportunities, and by extension, jobs, for companies like CHC in the global market and right here in Ontario?

**Hon. Sandra Pupatello:** I know that many companies, including CHC, are taking advantage now of the globally competitive tax policy that we've initiated, especially over the course of the last three years.

In addition, we've had other funds where we've reached out to partner with business. Often they've heard of the Next Generation of Jobs Fund, the advanced manufacturing investment strategy and this eastern Ontario development fund, a great success story for eastern Ontario.

They are making use of the kinds of business mission opportunities that we provide to get them export locations for their products. This particular company, CHC, is also taking advantage of Ontario becoming known as the green province thanks to the Green Energy Act, where we're out there selling Ontario as a green location. It provides a market right in our backyard for companies like CHC and, in addition, lets others know that our products are available to the world. That's the kind of work that we're doing at our ministry.

## ELECTRONIC HEALTH INFORMATION

**Mrs. Christine Elliott:** My question is to the Minister of Health. Over the weekend, we've had the opportunity to learn more about the forthcoming Auditor General's report. During the summer of scandal, the Premier and his ministers were saying that they were innocent third parties to the contracting at eHealth. Then last week, the Minister of Health changed his story, saying the Management Board's awarding of a \$30 million untendered contract to IBM was given to maintain consistency with the OHIP program. In fact, we've heard a variation of that theme again today.

Sarah Kramer made a statement over the weekend saying that she warned your government that the untendered IBM contract was ill advised. Minister, you threw Sarah Kramer under the bus in order to avoid your ministry's accountability for this fiasco. Why did you say this was a decision of eHealth, when it was not?

**Hon. David Caplan:** Nothing could be further from the truth. I'm not going to comment on Ms. Kramer, but I can tell you that a number of individuals have weighed in with their accounts about what happened at eHealth. The one I want to hear from most is an independent officer of this Legislature, the member referred to in her question, and that's the Auditor General. That's why I contacted the auditor. We got him in. We've asked him to issue his report as quickly as possible, and I believe that he will be doing so on Wednesday. That's why I've taken these concerns very seriously and have taken swift action to ensure that we're using taxpayer dollars in the most prudent fashion.

The member talks—

*Interjection.*

**Hon. David Caplan:** Well, I hear the member from Leeds–Grenville. In fact, the auditor's report will be subject to public account scrutiny of all members of this Legislature, as he well knows. Of course, that's the kind of openness that members on this side of the House have had and will continue to have, in contrast to what we've seen on the other side, and I'll be able to share examples—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Mrs. Christine Elliott:** The facts here are very simple. One untendered contract worth \$30 million was given by this government against advice, but cabinet ministers and the McGuinty government went ahead and made the decision anyway. This was not a decision of the arm's-length agency of eHealth. This lands right on the McGuinty government's doorstep. The finger pointing ends here. Minister, will you do the right thing and step down today?

**Hon. David Caplan:** The facts are quite contrary to what the member says. In fact, there is a long history with sole-sourcing in the province of Ontario—

*Interjections.*

**The Speaker (Hon. Steve Peters):** Minister?

**Hon. David Caplan:** The Ontario Conservative Party, in 1999 to 2003: \$1.5 million in sole-source contracts to

IBM. In fact, in the spring of 2000 Ms. Witmer, then-Minister of Health, awarded a \$100,000 sole-source contract to Glen Wright, then the chair of the WSIB. In fact, the Auditor General made several comments back in his 2002 report about the practices—

**Mr. John Yakabuski:** But not the \$30 million.

*Interjection.*

**Hon. David Caplan:** Well, the member opposite says—for Smart Systems, an IT sole-source contract for \$12.7 million; Integrated Services for Children Information System, IT sole-source contracts for \$8.5 million.

I say to the member opposite, talk to your leader, who was there at the time, and talk to the members opposite who are also colleagues. These were the practices that were in place—practices, in fact, that have been ended under this government. I'm quite—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

## NORTHERN ONTARIO DEVELOPMENT

**Ms. Andrea Horwath:** My question is to the Acting Premier. There's a jobs crisis in northern Ontario, and this government doesn't know what to do about it.

Example one: In Sault Ste. Marie, StatsCan reports that EI benefits have risen a whopping 80% in the last year alone, and in the greater Sudbury region there were an astounding 152% more people collecting EI than a year before.

How many more jobs need to be lost before this government finally comes up with a jobs plan for northern Ontario?

**Hon. George Smitherman:** By way of supplementary, I think the Minister of Northern Development, Mines and Forestry will want to speak about some particular initiatives. But I do want to say to the honourable member that in a variety of ways our government has been very proactive at making investments in northern Ontario that are designed both to affect short-term employment and to be beneficial longer-term.

As an example, you've got an unprecedented amount of hospital construction going on, in Sioux Lookout, in Sault Ste. Marie, in Sudbury and in North Bay, just as some examples.

The initiatives with respect to green energy in our transmission directive are about making substantial investments in transmission in northern Ontario that will allow for much greater harnessing of natural resources in northern Ontario to the benefit of all Ontarians.

With respect to the opportunities for northerners to be involved in that kind of economic development opportunity, we've enhanced funding for the northern Ontario heritage fund to be a participant in initiatives that can enhance employment. These are amongst a suite of things that we're doing to—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

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**Ms. Andrea Horwath:** Even Thunder Bay has seen EI claims increase by 42%, and that's with the benefit of

the recent TTC streetcar and subway train contracts. It'll get even worse, though, if the federal government agrees to the deal with the US government that would effectively forbid a buy-Ontario policy. The north and, in fact, all of Ontario is going to suffer. With so much at stake, why isn't the McGuinty government opposing any trade deal that prevents local tax dollars from being used to create good-paying jobs here in Ontario?

**Hon. George Smitherman:** The Minister of Northern Development and Mines.

**Hon. Michael Gravelle:** We are very, very proud of the job creation policies that our government has brought forward. Minister Smitherman mentioned the northern Ontario heritage fund. We have retained over 12,000 jobs in northern Ontario over the last six years through the heritage fund, increasing the funding from \$60 million to \$70 million, now to \$80 million—an economic development fund that makes a difference.

In terms of our highway construction in northern Ontario—record-breaking investments every single year: \$648 million this year, with expanded job opportunities in light of that as well.

In terms of our forestry sector, a wonderful announcement a couple of weeks ago in terms of the forest sector prosperity fund and the heritage fund, bringing the Pop-sicle stick capital of the world to Thunder Bay. A very exciting thing—Global Sticks coming to Thunder Bay.

These are great opportunities that we are seeing brought forward and many other opportunities that are coming as a result of our new, modernized Mining Act. We're very excited about the opportunities that will bring as well. So, indeed, jobs—

**The Speaker (Hon. Steve Peters):** Thank you. New question.

#### AFFORDABLE HOUSING

**Mr. Mike Colle:** It's to the Minister of Municipal Affairs and Housing. Each year, the first Monday in October is marked as World Habitat Day, a United Nations-sponsored initiative organized by the UN human settlements program. At the global celebration of World Habitat Day, the World Habitat Awards will be presented.

I understand that the awards were first created over 20 years ago to recognize groups that combat homelessness and poverty. This year, an Ontario organization has been nominated for this prestigious award. Would the minister tell the House which Ontario organization has been nominated by the United Nations for this award?

**Hon. Jim Watson:** I thank the honourable member from Eglinton–Lawrence. I'm very proud of the work being done by Home Ownership Alternatives Non-Profit Corp. This organization is a non-profit corporation that provides financing to develop affordable housing in the province of Ontario. They use a range of financial mechanisms to enable low- and moderate-income Ontarians to become homeowners.

To date, they have supported 11 affordable housing projects that are providing close to 2,400 families with a

home. Home Ownership Alternatives is one of the many partners that my ministry and the province of Ontario are working with to meet the affordable housing demands in Ontario.

I'm very proud of the work they are doing. I congratulate them on being recognized as a finalist for the World Habitat Awards. I look forward to cheering them on this evening.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Mike Colle:** Great organizations like Home Ownership Alternatives, which is in Ontario, and many non-profit housing organizations across the city of Toronto in my riding are asking: Did you succeed in finally getting the federal government to the table to be a partner in building affordable housing in the city of Toronto and in cities across this province, because there are over 50,000 people waiting for this housing? It would also create jobs because many people are coming to my door looking for jobs in construction. Have you done your job? Have you succeeded in getting the federal government to the table and building some housing in this province?

**Hon. Jim Watson:** I'm pleased to report that I have succeeded and the federal government is back in the housing business.

Minister Duncan and Premier McGuinty put \$622 million in the last provincial budget; the federal government is matching that money. We have \$1.2 billion to spend in the next two years. That will provide 4,500 new affordable housing units in the province, and 50,000 housing units will be renovated and retrofitted. To date, \$172 million has been approved, and \$76.5 million was announced this summer through our quick starts program.

As you also know, we are putting money into housing repairs. Twenty-one million dollars has been committed to date, and with this investment, as the member asked about job creation—because housing construction creates a lot of jobs—we estimate that 23,000 Ontarians will be put back to work on building houses for the people of this province.

#### CHILDREN'S AID SOCIETIES

**Ms. Sylvia Jones:** My question is for the Minister of Children and Youth Services. Minister, 36 of the 51 children's aid societies across Ontario have filed section 14 requests asking for a ministerial review of their budget. They know they cannot fulfill their legislated mandate with the budget cuts your ministry is forcing halfway through their fiscal year.

Minister, in this National Family Week, how do you explain the fact that there have never, ever before been so many requests for section 14 reviews?

**Hon. Deborah Matthews:** I welcome the question from the member opposite. CASs are so important to all of us. The sustainability of CASs is critical. The kids that the CASs serve and protect are our greatest responsibility.

Having said that, there has been unsustainable growth in spending at CASs. Over the last 10 years, spending has almost tripled: It's gone from about \$500 million to \$1.4 billion. We have been working with CASs for the past several years. Last year we made it very clear that there would be no end-of-year funding for them. We've reiterated that this year. We actually have \$30 million more in this year's budget than in last year's budget. The difference is that we are not going to be able to do the end-of-year top-ups that they have become—

**The Speaker (Hon. Steve Peters):** Thank you. Supplementary?

**Ms. Sylvia Jones:** The minister's words do not match her action. You know full well that the services the children's aid societies provide are mandated by legislation. They have a legislative responsibility to protect children in jeopardy. Your cuts will mean reductions in front-line staff.

Minister, what services are you recommending being cut to protect the vulnerable children in Ontario?

**Hon. Deborah Matthews:** First, let me say I'm happy that the party opposite is focused on this issue, because it's a very important issue. As I said earlier, our budget this year is \$30 million more than our last year's budget. The difference is that we are not going to be providing the end-of-year funding.

The question is about the mandate, and I think you've raised a really important question. That's why we're moving forward with a commission that will actually look at what is driving the costs: Why is it costing so much more to deliver service? We know that this is a very important responsibility of government, but there are things that CASs do that are actually not part of their legislative mandate. It's very important that every CAS look very hard at the range of services they provide and make sure they can meet their budget this year.

#### AIR QUALITY

**Mr. Peter Tabuns:** I have a question again for the Minister of the Environment. Thousands of Toronto residents and Toronto's medical officer of health are vehemently opposed to the government's plan to use archaic and polluting diesel trains along the congested Georgetown South rail corridor. People fear for their own and their children's health.

Can the minister explain how the proposed diesel trains will impact levels of pollutants such as nitrogen oxide and fine particles?

**Hon. John Gerretsen:** As the member well knows, a decision has to be made within the next little while with respect to the environmental assessment that has been provided by Metrolinx in this area. Until that happens, I simply will not respond to his particular question.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Peter Tabuns:** The answers keep getting weaker. In an e-mail to the ministry on September 11, McCormick Rankin consultants concluded that the diesel trains to the airport will increase foreign particle emissions

three times and nitrogen oxide emissions tenfold over car transport. That's an astoundingly dirty installation.

While the government studies the electrification of the Georgetown South corridor, it's allowing diesel trains to the airport that will harm the health of tens of thousands of Toronto families living next to the line. Why won't the government at least wait for the results of its own study before saying yes to dirty diesel trains?

**Hon. John Gerretsen:** As the member well knows, this government has been actively involved in the last four or five years in making sure that as much transit is put into operation as soon as possible so we can take the cars off the road, which will lead to a healthier environment for the people of Ontario. That is precisely what all of these various transit projects are about. That's precisely why this government has invested literally billions of dollars: to make sure that people have an alternative to driving their car in and out of, particularly, the GTA area.

We're dealing with these issues. We need more transit, and everything that we do within the Ministry of the Environment and the Ministry of Transportation is to make sure that the people of Ontario have a cleaner environment than they had before. That's why we need more transit on the road, as much as possible.

#### IMMIGRANT SERVICES

**Ms. Sophia Aggelonitis:** My question is for the Minister of Citizenship and Immigration. Canadians' values are well-known across the world. Our commitments to equality and multiculturalism have become symbols of our country. However, what alarms me is that newcomers who have become Canadian citizens and require federal government services are unable to access them. Could I ask the Minister of Citizenship and Immigration to tell us what we are doing to ensure newcomer Ontarians who are Canadian citizens do not find themselves in this very difficult circumstance?

**Hon. Michael Chan:** The member from Hamilton Mountain raises a very important issue. Citizenship should not be a barrier to obtaining newcomer services. That certainly is not the case with provincially funded services here in Ontario, but the eligibility criteria the federal government applies to its programs is of grave concern to me, in particular the fact that newcomers who become Canadian citizens are unable to access services funded through the Canada-Ontario immigration agreement, worth \$920 million. Much-needed services should be included through this funding.

I'm committed to finding a fair solution for Ontarians through negotiations with the federal government.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Sophia Aggelonitis:** Thank you, Minister. I'd like to, in my supplementary, ask the Minister of Citizenship and Immigration: As the daughter of Greek immigrants, I know how challenging it can be to start a new life in a new country. When Ontarians are not able to access the services that they need, it impacts the entire community. Mr. Speaker, through you to the Minister of Citizenship and Immigration: What are the plans to improve this

system that is clearly not working for newcomers in Ontario?

**Hon. Michael Chan:** There are certainly steps we can take to enhance support for Ontario newcomers. My ministry works closely with partners who are responsible for delivering these much-needed services in our community. We have been much more adaptive in meeting the needs of our partners and the needs of those who need the services. This is why we are asking for full control of the fund; namely, devolution: to better help newcomers. We are asking the federal government for the same arrangement that BC, Manitoba and Quebec have had for years.

We are committed to helping our newcomers during these challenging times because we know that when newcomers smile, Ontario smiles.

**The Speaker (Hon. Steve Peters):** The time for question period has ended. There being no deferred votes, this House stands recessed until 1 p.m. this afternoon.

*The House recessed from 1133 to 1300.*

## MEMBERS' STATEMENTS

### WIREMOLD/LEGRAND

**Mr. Ted Arnott:** Last Tuesday, I learned that Legrand Canada Inc. had decided to permanently close its manufacturing facility in Fergus, a plant known locally as the Wiremold factory. This means at least 53 employees could soon lose their jobs through no fault of their own. For all of them, it's devastating news.

For years, Wiremold/Legrand has excelled in manufacturing flexible wire and cable management solutions, including perimeter raceways, in-floor, overhead, open space and point-of-use systems. Critical to Wiremold's success has been its lean manufacturing principles and specialized custom work. On Thursday, I saw this in practice when I toured the plant and met with some of the staff. That very afternoon, I e-mailed the Ministers of Economic Development, Labour and Training to seek their help. Today, I once again call upon the government to do whatever it can to help those affected. It's time for this government to take seriously our province's economic competitiveness, over the short term and the long term.

Since 2005, I've been calling upon the McGuinty government to hold hearings on the competitiveness of our manufacturing sector. They refused to do that. Their economic negligence has come at a very high price. If only they'd listened, maybe this province would be in better shape; maybe we wouldn't have lost 330,000 manufacturing jobs since this government took office in 2003.

I know that workers at Wiremold, like others in Wellington-Halton Hills and across Ontario, can compete with the best and win. Again, I call upon this government to help make—

**The Speaker (Hon. Steve Peters):** Thank you.

### CREDIT VALLEY HOSPITAL

**Mr. Bob Delaney:** Since 2003, Ontario has strengthened our vital public services, reduced class sizes, improved health care, cut business and personal taxes and helped ensure that Ontarians are better off now than they were six years ago.

In western Mississauga, there is no more visible indicator of that progress than the construction activity at Credit Valley Hospital's phase two expansion. It began in the spring of 2007 and is due for completion in less than two years. In fact, the first complex continuing care patients will occupy Credit Valley beds during 2010. The three construction cranes on the site are now down to one. The project employs about 230 GTA trades at any given time. As is normal in Mississauga, construction of phase two's A and H blocks are on time and within budget.

When phase two is complete in 2011, it will give western Mississauga 273,000 square feet of new hospital construction and 70,000 square feet of renovated space. It will add 79 new beds to the hospital, double the number of labour and delivery rooms to 15, expand cancer treatment resources to include a new high-dose radiation therapy suite, and provide more capacity for neonatal care, increased diagnostic services and an expanded laboratory.

All of us in Mississauga are proud of the progress and pleased to have played a part in it.

### AGRICULTURE INDUSTRY

**Mr. Ernie Hardeman:** I'm pleased today to rise to mark the start of the 11th annual Ontario Agriculture Week. This is a great time to recognize the contributions that the agriculture industry makes to our province. Farmers are the stewards of our land. They are the backbone of our rural communities. We depend on them to put food on our table each and every day.

Agriculture week is also a good time to take stock of the state of the industry. Many farmers in Ontario are in trouble. Pig farmers are losing their farms and they cannot get the support they need from this government. We are getting calls from grape growers who are stuck with the grapes in the fields that they cannot sell. The latest blow is that this government negotiated away farmers' point-of-sale exemption. Not only will farm families have to pay 8% more on items that they use every day, but farmers will now have to pay PST on many farm costs and then wait to get their money back from the government.

Ontario needs a strong agriculture industry. The people of Ontario are doing their part by trying to buy local, and I encourage them to continue to look for the product of Ontario labels when buying food and ask grocers if they don't see it on the shelf.

Now is the time for the government to do its part to ensure a strong agriculture industry. Our government must do more than sing about the great things that grow

in Ontario; it must support the farmers with some real action.

#### FLU IMMUNIZATION

**Mr. Eric Hoskins:** Many residents of St. Paul's have asked me about the upcoming flu season and H1N1 and how they might best protect themselves and their families from infection. As their MPP but also as a public health specialist, I've been advising them of the following:

The McGuinty government wants to prepare all Ontarians for the upcoming flu season, which experts agree will be a different flu season than in previous years. With the emergence of the H1N1 virus in Ontario, two separate vaccines will be made available this fall. The flu vaccines will be rolled out sequentially with the traditional seasonal vaccine being available later this month for those 65 years of age and over and for those living in long-term-care facilities. This will be followed by the H1N1 vaccine. Once the H1N1 vaccine rollout is complete, all Ontarians who choose to can get the regular seasonal flu vaccine. This sequential rollout will get the vaccine to those most susceptible first and keep all Ontarians healthy.

In addition to vaccination, we should all continue to follow good hygienic practices to prevent the spread of influenza. Proper handwashing is one of the most important ways to protect yourself and eliminate the spread of flu. Hand sanitizers are also very effective. So wash your hands and wash them often.

We encourage all Ontarians to be proactive when it comes to their health. We in the McGuinty government will continue to work hard to ensure access to quality health services, preventing illness and providing a high quality of life for all.

#### AGRICULTURE INDUSTRY

**Mr. Garfield Dunlop:** I'm pleased to rise and make a few comments on this 11th annual Ontario Agriculture Week, and I'd like to specifically go back to August 30 when I held my second biennial farm family appreciation day at the Vasey ballpark. This is an opportunity that I have every two years to work with all the different farmers in Simcoe county and have sponsors come in and help us appreciate the work they do.

I want to thank, in particular, Huron Tractor, Richards Farm Equipment, Tom Smith Country Chev-Olds, the Sarjeant Co. Ltd., Cardinal Farm Supply, the Co-operators, Shaws Catering and Bill Hills Kawartha ice cream, Truact construction, Morris Shelswell and Sons construction, Lake Country Animal Nutrition and Mariposa Homes.

We had a very successful event. Over 300 people came to the farm family appreciation day at the large ballpark in the area where my colleague Sylvia Jones was raised. We had a wonderful time, but the whole fact is, we don't do enough in this province to appreciate the work that the agricultural community does. Over 300

people attended this function on August 30, and I just want to thank all those people who came and all those sponsors who helped me put on that particular event. It was a lot of work, but we had a lot of fun and showed that we in Simcoe county appreciate the fine work the farmers do.

#### ECONOMIC DEVELOPMENT

**Mr. Dave Levac:** The director of development services with the county of Brant, Dave Johnston, summed it up best when he said, "Private sector, alongside ... government support are a necessary component that fits in the economic engine that drives a community's economy."

The riding of Brant, alongside many communities across Ontario, has been hit hard by the world-wide economic downturn. Although it may seem that our future comes across as uncertain, a recent accord signed between the elected council of the Six Nations of the Grand River and the county of Brant, the Six Nations County of Brant green energy economic accord, will, no doubt, re-instill investor confidence in the great riding of Brant and help lead to a brighter future. Together in equal partnership, respect and friendship, the Six Nations of the Grand River and the county of Brant have committed themselves to reverse past differences and lead by example to get Brant's economic engine roaring again.

I want to personally congratulate Mr. Ron Eddy, the mayor, a former member, and Chief Bill Montour. Their leadership has already attracted private investor interest domestically and, just as importantly, internationally. I stand before the House and commit myself to ensuring that our government do all it can to work with these partners, to help them secure new and sustainable jobs that will carry Brant well into the future, and this is specific to creating green jobs.

I want to thank the staff of both of those governments, and I ask the government to help as a partner.

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#### ALGOMA UNIVERSITY

**Mr. David Oraziotti:** All members of this House know that Ontario universities are among the best in the world, and I'm very pleased with our government's latest initiative, to improve higher education at Algoma University in my riding of Sault Ste. Marie. In this competitive global economy, giving the students the skills and training to succeed in the knowledge-based economy closer to home builds stronger communities and a stronger economy. With increased financial support from the Ontario government, Algoma University will continue to grow in its mandate as Ontario's 19th independent degree-granting institution.

Our government has recently provided over \$4 million in funding to Algoma University, in addition to the regular operating expenses, to ensure that all students have improved access to post-secondary education pro-

grams, particularly those in remote and aboriginal communities. This funding will help the school hire new instructors and attract more students by expanding its programming to include four-year degree programs in biology, geography and mathematics.

Last month I had the privilege to participate in a groundbreaking for Algoma University's new Biosciences and Technology Convergence Centre, which is presently under construction, with \$8 million in support from our government. The new centre will further enhance the research capacity of Algoma, provide local students with state-of-the-art learning and stimulate Sault Ste. Marie's economy by creating 160 new jobs. The support is another important step in developing a northern research hub and producing skills-based jobs closer to home. This investment in Algoma University is part of our government's commitment to students pursuing higher education right across the province. While there is more to do, we will continue to work to ensure that the students have the skills they need.

#### CHILDREN'S AID SOCIETIES

**Mr. Howard Hampton:** The McGuinty government has begun to place severe cuts on the budgets of children's aid societies across this province and it's having a devastating effect.

I'll give you one example: the Rainy River children's aid society, in my constituency. Their blended funding rate is \$39 per child in care. That compares to a provincial average of \$79 per child in care, but the minister has just cut their budget by \$600,000. On a total budget of \$3 million a year, a cut of \$600,000 means they either have to close their office in Fort Frances or close their office in Atikokan. What happens to the kids in those communities when those services aren't available in the community?

To give another example, Tikinagan is a native child and family service provider in the far north. Tikinagan is struggling with what's happening in the community of Pikangikum, where over 400 of the 800 children are not in school, children as young as six and seven years old are sniffing gasoline, and there are over 160 children in the community who have been placed in protection. Tikinagan is stressed beyond belief. What does the McGuinty government do to Tikinagan? They cut their budget by \$2.1 million as they struggle to provide protection to these children who desperately need help and desperately need protection.

The McGuinty government has got to recognize that—

**The Speaker (Hon. Steve Peters):** Thank you.

#### TAXATION

**Mrs. Carol Mitchell:** Ontarians continue to read about the impacts of the current economic uncertainty. While the worst may indeed be over, the McGuinty government's bold tax reform package will make Ontario more competitive, providing the highly-skilled jobs Ontario workers deserve.

The TD Bank, the Ontario Chamber of Commerce and the Daily Bread Food Bank have applauded this move. They recognize the permanent tax cuts for 93% of Ontario taxpayers, transitional cheques for families and individuals and the introduction of the Ontario sales tax credit will make Ontario families stronger and our businesses more prosperous.

The Ontario Federation of Agriculture says the HST is good for farmers and that the leader of the official opposition has it wrong. For weeks now he has railed against this package, politicizing the issue and only telling half the story. You would think that anyone who felt this strongly would say that they are willing to repeal it. Yet, ironically, he refuses to take a stand. He avoids the issue despite repeated media questions and increasing support for the tax reforms from the communities. His silence speak volumes.

I think all Ontarians deserve to know where the Leader of the Opposition stands and they deserve to hear the whole story about how their family will benefit from these tax reforms. We on this side of the House know it's the right plan and we'll continue to work hard.

#### REPORTS BY COMMITTEES

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

**Mr. Pat Hoy:** I beg leave to present a report from the Standing Committee on Finance and Economic Affairs and move its adoption.

**The Clerk-at-the-Table (Ms. Tonia Grannum):** Mr. Hoy from Standing Committee on Finance and Economic Affairs presents the committee's report as follows, and moves its adoption:

Your committee begs to report the following bill without amendment:

Bill 201, An Act to provide for review of expenses in the public sector / Projet de loi 201, Loi prévoyant l'examen des dépenses dans le secteur public.

**The Speaker (Hon. Steve Peters):** Shall the report be received and adopted?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1315 to 1320.*

**The Speaker (Hon. Steve Peters):** All those in favour will please rise one at a time and be recorded by the Clerk.

#### Ayes

Aggelonitis, Sophia  
Albanese, Laura  
Arthurs, Wayne  
Balkissoon, Bas  
Bisson, Gilles  
Brown, Michael A.  
Colle, Mike

Gélinas, France  
Hampton, Howard  
Hoskins, Eric  
Hoy, Pat  
Jaczek, Helena  
Jeffrey, Linda  
Johnson, Rick

McNeely, Phil  
Meilleur, Madeleine  
Miller, Paul  
Mitchell, Carol  
Moridi, Reza  
Oraziotti, David  
Prue, Michael

Crozier, Bruce	Kormos, Peter	Qaadri, Shafiq
Delaney, Bob	Kular, Kuldip	Ruprecht, Tony
Dhillon, Vic	Lalonde, Jean-Marc	Smith, Monique
DiNovo, Cheri	Levac, Dave	Sorbara, Greg
Dombrowsky, Leona	Mangat, Amrit	Sousa, Charles
Duguid, Brad	Marchese, Rosario	Van Bommel, Maria
Flynn, Kevin Daniel	Matthews, Deborah	Zimmer, David
Fonseca, Peter	McMeekin, Ted	

**The Speaker (Hon. Steve Peters):** All those opposed?

#### Nays

Arnott, Ted	Jones, Sylvia	Sterling, Norman W.
Dunlop, Garfield	Miller, Norm	Witmer, Elizabeth
Elliott, Christine	O'Toole, John	Yakabuski, John
Hardeman, Ernie	Ouellette, Jerry J.	
Hillier, Randy	Savoline, Joyce	

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 44; the nays are 13.

**The Speaker (Hon. Steve Peters):** I declare the motion carried.

*Report adopted.*

**The Speaker (Hon. Steve Peters):** Pursuant to the order of the House dated September 30, 2009, the bill is ordered for third reading.

## INTRODUCTION OF BILLS

### ANIMAL HEALTH ACT, 2009

#### LOI DE 2009 SUR LA SANTÉ ANIMALE

Mrs. Dombrowsky moved first reading of the following bill:

Bill 204, An Act to protect animal health and to amend and repeal other Acts / Projet de loi 204, Loi protégeant la santé animale et modifiant et abrogeant d'autres lois.

**The Speaker (Hon. Steve Peters):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

*First reading agreed to.*

**The Speaker (Hon. Steve Peters):** The minister for a short statement.

**Hon. Leona Dombrowsky:** I'll be making my statement during ministerial statements.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ANIMAL HEALTH

**Hon. Leona Dombrowsky:** I just introduced for first reading the proposed Animal Health Act, 2009. If passed, this bill would improve Ontario's capacity to protect both animal and human health, address livestock diseases and respond to emergency situations related to animal health.

Ontario's livestock and poultry sectors generate more than \$4.45 billion in farm gate economic activity. These sectors are vital parts of Ontario's economic prosperity. That is why this government, since coming to office, has been working to support Ontario's agri-food sector. We established the Office of the Chief Veterinarian for Ontario, we've invested in the University of Guelph's Animal Health Laboratory and we have consulted with industry partners on how we can continue to build this industry.

We looked at similar jurisdictions in Canada and the United States, and found similar legislation present in all those jurisdictions. I'm pleased that we have with us today in the gallery representatives from our stakeholder organizations. We have Gord Coukell, chair of the Ontario Livestock and Poultry Council; Dr. Jennifer Day, president-elect of the Ontario Veterinarian Medical Association; as well as Dr. Deb Stark, an assistant deputy minister at the Ministry of Agriculture, Food and Rural Affairs. She is also the chief veterinarian for Ontario.

This bill provides measures that would reduce the potential impacts associated with animal diseases by giving us improved prevention and control tools. If passed, this legislation would require the reporting of certain animal diseases to the Chief Veterinarian of Ontario. It would also enable the use of quarantine orders, surveillance zones and animal health control area orders. This would help control the spread of any detected diseases or hazards.

We know that protecting our food animals can help us better protect our people. We know that having healthy animals is the first step to having quality food products. The proposed legislation would enable us to proactively identify and respond to animal diseases.

Traceability is an important tool for food safety and animal health. Traceability systems provide us with the means to track the movement of food animals and food products. If passed, the legislation would also support a future traceability framework for the quick identification and control of disease and food safety hazards.

If this bill passes, we plan to establish an industry advisory committee to work with us on the development of future regulations, including those around traceability.

This proposed legislation would help protect our animals against disease, make our agriculture food sector more competitive and also contribute to the good health of all Ontarians. It would provide protections that we need for a healthy economy, healthy animals and healthy Ontarians.

### ACCESSIBILITY FOR THE DISABLED

#### ACCESSIBILITÉ POUR LES PERSONNES HANDICAPÉES

**Hon. Madeleine Meilleur:** I am pleased to speak today during Customer Service Week in Canada. Across the country, the focus is on raising awareness of cus-



tomer service and the vital role it plays within an organization.

Trop souvent, des obstacles empêchent des personnes qui ont un handicap à se prévaloir des services dont ils ont besoin et qui leur sont dus.

That is why our government's first standard under the Accessibility for Ontarians with Disabilities Act was all about removing these barriers and ensuring accessible customer service. By January 1, 2010, the Ontario public service and all other public sector organizations will be required to follow our first accessibility standard and provide customer service in a way that is accessible to people of all abilities. Two years later, the private sector will follow. Many businesses are already getting ready because they see how easy it is and they see the benefits.

**1330**

La Semaine du service à la clientèle est le moment idéal pour réfléchir aux différentes façons qui nous permettent de mieux servir ses clients, peu importe leur capacité ou leur handicap. Un service à la clientèle accessible repose sur une communication claire et respectueuse avec la personne qui a un handicap : être attentif aux besoins du client et y répondre promptement. Le service accessible commence avec ces simples mots : « Comment puis-je vous aider ? »

I encourage everyone to visit [accesson.ca](http://accesson.ca) to learn how to do just that.

By 2025, our vision is an Ontario where people with disabilities can fully participate in everything our great province has to offer. In the coming year, more accessibility standards will be finalized to help make this vision a reality. But as I said, we started with customer service on purpose, because accessibility and good customer service benefits everyone.

De fait, rendre un service accessible à tous peut avoir des répercussions très favorables sur les profits d'une entreprise, en plus d'augmenter sa clientèle. On vous félicitera pour vos efforts et pour l'amélioration de vos services.

The results include increased customer satisfaction, more return customers and the ability to tap into people with disabilities' annual spending power of more than \$25 billion and growing. Those are results no one can afford to ignore.

## TEACHERS

### ENSEIGNANTS ET ENSEIGNANTES

**Hon. Kathleen O. Wynne:** Today I rise in the House to celebrate the many achievements and qualities of the people who work in Ontario's schools and school boards. Today is World Teachers' Day, a time for each of us to reflect on the positive impact educators and support staff have made on our lives and the lives of the roughly two million students in Ontario's 4,900 publicly funded schools.

Chaque jour, du son de la première cloche au retour à la maison, nos éducatrices et éducateurs s'emploient à

atteindre un objectif : fournir à nos enfants une éducation de premier ordre. Aujourd'hui, je souhaite les remercier de leurs efforts et de leurs réalisations dans la poursuite de cet objectif.

To those who inspire students to engage in the arts, reading, math, science and athletics, I say thank you. To those who make a classroom a window onto the world, connecting lesson plans to real-world issues, I say thank you.

I just came back from the We Day celebration at the ACC. There are teachers there with their students who are connecting what the Free the Children foundation is doing with the issues in their own communities.

And to those who help our young people overcome challenges both academic and non-academic, I say thank you.

C'est parce que vous interpellez le cœur et l'intelligence de chaque élève que les jeunes acquièrent la confiance pour poursuivre leurs rêves. C'est grâce à vous que le public fait confiance à nos écoles et qu'elles sont un lieu d'accueil et de mobilisation communautaire. Par votre professionnalisme, vous créez un milieu idéal pour la croissance et l'épanouissement de nos enfants.

You challenge them to learn to the best of their ability and help them overcome obstacles to their success. You push them to their limits and, in turn, teach them that there is no limit to their potential. For your efforts, you are remembered by students and parents for your passionate pursuit of excellence in education.

Rien ne définit mieux le système d'éducation public de l'Ontario que les témoignages de ceux qui le fréquentent au quotidien.

I regularly speak to students and parents from across the province. They are excited that student achievement in literacy and numeracy is on the rise, struggling students are being supported like never before and more students are graduating from high school.

C'est au personnel de nos écoles et de nos conseils scolaires que nous devons ces réussites. C'est un honneur de continuer à travailler en partenariat avec eux dans la quête de l'excellence en éducation.

Each year, the Premier's Awards for Teaching Excellence recognizes outstanding educators and support staff in publicly funded schools. Since the awards began in 2006, thousands of educators and support staff have been nominated for their great work. With nominations now open for the 2010 awards, we will look forward to many more stories from across the province about board and school staff who motivate students to achieve success.

I'm sure that each and every one of us remembers an educator who has made a difference in our lives, whether it was one who inspired us or challenged us, who pushed us, who helped us to be who we are today, and we are in part what we are because of that educator. So I encourage everyone to nominate an extraordinary educator, support staff or school board staff person today.

Nous avons fait d'importants investissements dans nos écoles, des bâtiments aux ressources en passant par de nouveaux programmes et des classes plus petites. Mais ce

sont le dévouement et l'engagement du personnel de nos écoles et de nos conseils scolaires qui transforment ces investissements en résultats concrets, et les résultats sont remarquables.

It is the people who make the difference in our schools and in our school boards. World Teachers' Day is a wonderful opportunity to celebrate these achievements and recognize those who have helped accomplish them. Once again, to the educators and support staff across the province, you have my sincere gratitude and my heartfelt thanks.

Merci beaucoup. Thank you. Meegwetch.

**The Speaker (Hon. Steve Peters):** Responses?

#### ANIMAL HEALTH

**Mr. Ernie Hardeman:** Just a few words in response to the minister's introduction of the animal health legislation. I want to thank all the stakeholders, many of whom are here in the gallery today, who have worked on this issue for many years. They provided me with comments on the draft legislation and raised a number of concerns that we will be looking for to ensure that they have been addressed in this legislation.

Food safety is the number one priority, but we need to make sure that legislation and regulations are based on real science, not political science. I'm looking forward to reading this bill in detail to ensure that it accurately accomplishes the goal that the minister set out without simply tying farmers up in red tape or leaving the details to the regulations that will be set much later.

This bill once again has the potential of being the McGuinty government's downloading costs on farmers without providing the needed support. The ministry says that they have a food safety fund. We know that there is no money in there this year, and farmers are being told to not even bother applying, and we know that there are many farmers in Ontario who simply can't afford another cost. This government needs to make sure that funding for these projects is available and that it is there when the farmers are being told to implement the changes, not five years down the road.

With that, I have other colleagues who want to comment on the other ministers' statements.

#### TEACHERS

**Mrs. Elizabeth Witmer:** It is with great pleasure that I rise today on behalf of our leader and our PC caucus to pay tribute to our teachers as we celebrate World Teachers' Day. To recognize the commitment and the dedication of Ontario's hard-working teachers, I was pleased as Minister of Education in 2002 to put forward the proclamation that established October 5 as teachers' day in Ontario.

World Teachers' Day offers us the opportunity to reflect on the importance of teaching and the outstanding contributions of our teachers, and reminds us of the very vital role that teachers play in motivating, inspiring and

challenging young minds. This year we are focused on the need to invest in teachers. Yes, we ask teachers to equip our students with the knowledge they need to succeed in today's competitive global economy. We ask them to help our children develop the self-esteem and confidence they need to become responsible and productive citizens. We ask our teachers to inspire our children with a love of lifelong learning.

In the coming weeks and months, I look forward to continuing my visits across the province to consult with our teachers to ensure that they have all the tools they need to help each and every student achieve their full potential.

In conclusion, again, on behalf of our leader and caucus, I say thank you, a deep thank you, to all Ontario teachers for their hard work, their dedication and their commitment to our students.

1340

#### ACCESSIBILITY FOR THE DISABLED

**Ms. Sylvia Jones:** As the PC critic for community and social services, I am also pleased to be able to recognize this week as Customer Service Week. While we all need to advocate for increasing good customer service through accessibility, Ontarians need to know that their governments will be there to support them. With the accessibility for Ontarians act, the intent is for Ontarians to be able to manoeuvre more easily at home, at work and in public places. However, as you can imagine, the cost of implementing such a bill will be enormous. There will be a need for new infrastructure, training, human resources and technology to encompass the scope of this legislation, most of which municipalities and businesses quite simply cannot afford on their own. They need help and they will need support.

In February, I addressed the Minister of Finance in my capacity as the PC critic for community and social services but also as the member for Dufferin-Caledon. In my letter, I suggested that accessibility retrofits be included in the eligibility criteria for developing infrastructure funding allocations in the provincial budget. Nine months later, I'm still waiting for a response.

I fully support the intent to break down barriers for Ontarians with disabilities, but we also need action and support. Words do not mean anything unless they have action attached to them.

#### ANIMAL HEALTH

**Mr. Howard Hampton:** On behalf of New Democrats, we welcome the Animal Health Act of 2009. There are a number of issues that need to be addressed, and legislatively, this bill looks as if it may address some of them. However, the big issue, I believe, for farmers and the big issue for the system in terms of health safety is: How and who will pay for the enforcement? Minus a strategy by the government to pay for this enforcement, not much will happen. Assessing farmers to pay for this

enforcement would simply not work. Farmers are already hard-pressed from one end of Ontario to another. So I look forward to seeing the government's strategy to, in fact, pay for the kind of enforcement which really must accompany this bill if it is to be effective in terms of promoting food safety and in terms of accomplishing the other things that we need to look after.

#### ACCESSIBILITY FOR THE DISABLED

**Mr. Michael Prue:** I am pleased to rise on the occasion of Customer Service Week. This government has a responsibility to provide timely, efficient and respectful services to the people of Ontario, and that goes double when servicing people with disabilities. Many Ontarians with disabilities, through no fault of their own, depend for their very survival on financial and other supports from government. Hundreds of thousands of people in this province struggle daily to make ends meet for themselves and for their families. The last thing they need is to experience inadequate or poor treatment in their interactions with government representatives. Yet too many Ontarians do feel misunderstood and mistreated by the government, which all too often does not provide the resources necessary to provide a proper interaction.

One of the most common concerns given to me during our party's poverty consultation last summer was people's feeling of being mistrusted, dismissed and even punished when accessing government services. A big part of the problem is that government workers in this area are overburdened with large caseloads, and they have to administer a system that is inherently judgmental and punitive, including the clawback when anyone with a disability goes out and finds a part-time job.

The social assistance system is long overdue for change. A review of the social service assistance act was promised by this government almost 10 months ago. If this government is really committed to customer service, we need to see some movement on this sooner rather than later.

#### TEACHERS

**Mr. Rosario Marchese:** On this World Teachers' Day, I want, on behalf of New Democrats, to acknowledge the great job that educators do and to honour their dedication. Our public education system has countless success stories, and I congratulate the Toronto Star for having documented very well many of those success stories in the weekend paper.

Teachers and education workers are not only responsible for the curriculum, but they're also called on to be counsellors, therapists, policemen and policewomen and even, on a regular basis, substitute parents. It is a complex and sometimes impossible job, and teachers have always done and will continue to do more than is asked of them.

But I want to remind the minister and the government that they can't do this job alone. The government must

listen to the teachers and other education workers in the system, including the many parents who speak about the need to invest in a system that is based on the needs of our students and not just the number of students who are in our educational system. When I speak about that, I think about so many special education children who desperately need support and are not getting it, and so many of our children in our school system who have mental health issues who are not getting the support they need.

Ontario teachers and education workers are dedicated to the development and well-being of the total child. On this World Teachers' Day, it is my hope that the government will match the dedication of those teachers with the support that is desperately needed.

#### MURRAY GAUNT

**Hon. Monique M. Smith:** I believe we have unanimous consent that up to five minutes be allotted to each party to speak in remembrance of the late Murray Gaunt.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

**Mrs. Carol Mitchell:** Murray Gaunt: son, student, farmer, husband, dad, grandfather, broadcaster and, of course, MPP.

I have stood before this House on a sadder occasion to inform you of the death of Murray Gaunt. Today, it is my honour to speak to the House about Murray Gaunt.

Murray was the type of man who cared about the people he served. We may well assume that I'm speaking about his constituents. The list of those he served, or in fact the beginning of his service, did not commence when he became MPP for Huron-Bruce.

Murray was born on June 4, 1935. His parents were Andrew Gaunt and Matilda Sherwood. They were farmers in West Wawanosh in Huron county. Murray attended a two-room schoolhouse that he walked to every day—a walk that was two miles from his family farm. Murray had lots of time to think about and consider what his future would hold as he travelled the forested roads and snow-covered fields that would always be his home.

Murray went on to Ontario Agricultural College in Guelph, returning to Huron to begin what he envisioned would be a career in poultry farming. Owen Roberts, a teacher of agricultural communications at the University of Guelph, speaks of his return to the farm in these words:

"The move home was carefully orchestrated by his dad, who wanted him there, but figured some carrot was necessary to entice his highly educated Aggie son away from Guelph's bright lights.

"The allure? Turkeys."

In two years, Murray had turned his fledgling flock into 15,000 strong. Hard work was not foreign to Murray, and his vision of what could be became a reality.

CKNX, a CBC affiliate in Wingham in the 1960s, soon approached Murray to become a farm broadcaster. This was not a job he had sought. He considered the possibilities, and soon, after a successful audition, he went on air.

His work before his life in politics would set a course to transform news media information about agricultural reporting and communications. Murray soon realized that in this role he served a broad and diverse community of people who worked in agriculture or in fields that were related to agriculture.

In his work with CKNX, Murray had the opportunity to interview the then-sitting member, John Hanna. In fact, he had interviewed Mr. Hanna the day before he suddenly passed away. The sad passing of Mr. Hanna necessitated a by-election and the Liberal Association of Huron-Bruce approached Murray to consider running.

In 1962, he was elected, and thus began 19 years of tireless and dedicated service to his constituents in Huron-Bruce. In that term of 19 years, he changed the image and reality of what agriculture in Ontario was. He shaped what we know to be agriculture in our province today.

The Ontario Agricultural Hall of Fame inducted Murray as a member in 2005. They noted his support for the capital grant programs for farmers in the 1960s; the 1966 Milk Act, which led to the establishment of the milk marketing board and the creation of other supply management boards such as the Ontario Egg Producers' Marketing Board and the chicken producers' marketing board.

#### 1350

Reg Cressman, secretary-treasurer of the Ontario Agricultural Hall of Fame, spoke of Murray using these words: "I had the pleasure of working with Murray on voluntary boards and he had the capacity to imagine possibilities, see farther over the horizon than most of us and recruit people to get things done."

Perhaps all of those walks past the fields of Huron began a contemplation process that never stopped throughout his life.

Jack Riddell, former MPP for Huron-Bruce and Minister of Agriculture, said Murray was a good listener, known for acting on personal complaints and issues brought to him by constituents. "He considered constituency work important and he spent as much time in the riding as he could."

But his service did not detract from his family. Jack Riddell went on to say that politics can be rough on families because it takes you away from family life, adding, "Murray never let politics become more important than his family."

In fact, I am sure if you could ask Murray what his most important accomplishment was, he would say that it was his family, who are all here today in the Legislature: his loving wife, Pat; his son, Stephen, and his wife, Judith, and their children, Andrew, Christine, Adam and Caleb; his daughter, Stephanie, her husband, Jeff, and their children, Kaitlin, Josh, Emily, Hannah and Noah. Welcome.

Murray was a good listener. His personality was vibrant and always cheerful, and I can tell you his laugh was so contagious. It has been said that Murray was a parliamentarian respected by both government and

opposition benches alike. Personally, I am beyond honoured to have considered Murray a mentor and a friend for my time in politics.

To Pat, Stephen, Stephanie and family: Thank you for sharing this wonderful man with the rest of us for so many years, and thank you for being here today with your family and friends to show our gratitude for the gifts of Murray Gaunt.

**Mr. Norm Miller:** It is my pleasure and honour to deliver the tribute to my friend Murray Gaunt on behalf of the official opposition. I would like to begin by welcoming Murray's family to Queen's Park. They're in the members' east gallery.

My personal connection to the Gaunt family came about indirectly through politics: My father, Frank, and Murray both served in the Legislature at the same time. Frank talked Murray into taking his young family—Pat, and their children, Stephen and Stephanie—to my past business, Patterson-Kaye Lodge located on Lake Muskoka, for their summer vacation. That was in the early 1970s. The Gaunt family continued to visit annually for many years, and then returned for many visits with even greater numbers as Stephen and Stephanie married and brought along their young families. So from that initial sales pitch from my father, which I believe included an MPP discount, they came to our lodge for over 30 years.

I got to know Murray well over that time, and I considered him a friend, and I know that my father greatly valued the friendship of Murray and the Gaunt family. My father would always stop by the lodge to visit when the Gaunts were there and, if possible, arrange a golf game. It was always a pleasure to host Murray and his wonderful family at the lodge. They are such fine people. It was always fun having the Gaunts around. Murray would banter with me on the issues of the day, and the conversation was always punctuated with his trademark laugh.

In fact, I attended Murray's funeral this past spring, and they played a video clip of Murray in his job post-politics, as a reporter. He was conducting a TV interview of a very young-looking Minister of Agriculture, David Ramsay. They played take after take, with Murray laughing heartily as he tried to ask serious agricultural questions but stumbled on some of the lines.

I had many conversations with Murray over current issues and always felt he was really a PC at heart. In fact, in researching some of Murray's past that I was unfamiliar with, I learned that his father, Andrew, was a strong Liberal, but his mother, Matilda Sherwood, was noted as a strong Conservative. I always felt Murray was recruited by the Liberals at a very young age from the radio station he worked at, before he had determined what his politics were.

Regardless, he was a superb MPP who looked after the interests of his riding from 1962 to 1981. He won elections with huge pluralities, as his constituents recognized his excellent work. When I was considering running for the PC nomination for Parry Sound-Muskoka in February 2001, I called one past MPP to seek his advice:

Murray Gaunt. Murray was single when first elected and married and raised his family while in office. Murray gave me good advice on the real life of an MPP.

Murray lived a full and active life. He once said, "We can look back with fondness but never let your memories of the past cloud the promise of the future."

He grew up on Hi-Hill Farm near Lucknow, ran his own turkey farm and had a very successful career as a journalist covering agricultural affairs before and after politics. He was inducted into the Ontario Agricultural Hall of Fame in 2005. He gave back to the community as a long-time member of the Wingham Lions Club and through many other committees and boards. His faith was also very important to him. Murray lived life with zest and energy, whether playing tennis, working on a project or spending time with his nine wonderful grandchildren.

Murray Andrew Gaunt was a man of integrity. He will be missed by all those people, like me, who had the good fortune of knowing him. But the spirit of Murray Gaunt will live on in his children and his grandchildren.

**Mr. Michael Prue:** It is indeed an honour for me to rise on behalf of the New Democratic Party and talk about Murray Gaunt and the nearly 20 years he served in this Legislature from 1962 to 1981. Although I don't ever remember actually meeting him, those were many of the formative years when I often came across from the University of Toronto and sat up in the gallery and watched the Legislature; watched the giants of that time, of which he was one; watched how they conducted themselves in this House; and watched very often and listened to the words of wisdom as they talked about the people who they represented.

He was a man who stood out in his commitment to the people that he came here to serve. Murray understood that what was done in this House had to reflect the needs of the people in the towns, the hamlets and the communities he was sent to represent. He was a person who totally and completely understood his constituents. At first glance, this may seem to be a simple concept, perhaps even trite. But this is a concept, I think, that is lost in these days in the hustle and bustle of the Legislature. Murray never lost it once. From the farm to the broadcast booth to the Legislature, Murray served the people of his community with distinction. Upon his passing, the Goderich Signal-Star lauded him as "the ultimate ambassador of rural Ontario," who "put the interests of others ahead of his own ambition.... He was a man of integrity and a man of his word."

As I said, I don't have any personal anecdotes or accounts of Murray's time here at Queen's Park, but it's clear that the name of Murray Gaunt is synonymous with Ontario agriculture. From his early life on the family farm to his days in the broadcast booth, Murray's life and the many accolades listed by my colleagues from Huron-Bruce and Parry Sound-Muskoka serve as a testament to his commitment to the success of Ontario's agricultural community.

Here today to mark this special occasion is Murray's family: His wife, Pat, their two children and their

families are in the gallery. On behalf of the Ontario New Democratic Party, I welcome you here this afternoon. Regardless of the side of the aisle that we as members sit on, we know that our success both here and in our constituencies is largely due to the support and the sacrifices made by our families and those who love us. Today's tribute to Murray is equally applicable to the family members present. Thank you for sharing Murray with your community. Thank you for sharing him with this Legislature and the people of Ontario and for the investment made possible by your generosity.

**1400**

While Murray leaves us an incredible legacy in Huron-Bruce, a part of the country I have come to love very much, and as a champion of Ontario's farming community, his enduring significance lies in the words of the CKNX radio tribute remembering him as a true leader, role model, mentor and cherished friend. Thank you, Murray, for your commitment to your community, to this Legislature and to the people of Ontario.

**The Speaker (Hon. Steve Peters):** I'd ask everyone to rise as we observe a moment of silence in honour and respect of former member Murray Gaunt.

*The House observed a moment's silence.*

**The Speaker (Hon. Steve Peters):** I will ensure that copies of the Hansard are sent to you, Mrs. Gaunt, and your family as a remembrance of your visit to Queen's Park today. Thank you.

## PETITIONS

### TAXATION

**Mrs. Joyce Savoline:** "To the Legislative Assembly of Ontario:

"Whereas residents in Burlington do not want the McGuinty 13% sales tax, which will raise the cost of goods and services they use every day; and

"Whereas the McGuinty 13% blended sales tax will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to home sales over \$400,000; and

"Whereas the McGuinty 13% blended sales tax will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and lawyer and accountant fees; and

"Whereas the blended sales tax grab will affect everyone in this province: seniors, students, families and low-income Ontarians;

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

"That the McGuinty Liberal government not increase taxes for Ontario families."

I agree with this petition and I will give it to page Chantelle with my signature affixed.

### DIAGNOSTIC SERVICES

**M<sup>me</sup> France G elinas:** I'm glad to present a petition from the people of Nipissing to request PET scans in northeastern Ontario. It goes as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government is making PET scanning a publicly insured health service; and

"Whereas by October 2009, insured PET scans will be performed in Ottawa, London, Toronto, Hamilton and Thunder Bay; and

"Whereas the city of Greater Sudbury is a hub for health care in northeastern Ontario, with the Sudbury Regional Hospital, its regional cancer program and the Northern Ontario School of Medicine;

"We petition the Legislative Assembly of Ontario to make PET scans available through the Sudbury Regional Hospital, thereby serving and providing equitable access to the citizens of northeastern Ontario."

I fully support this petition, will affix my name to it and send it to the table with page Ava.

### HOSPITAL FUNDING

**Mr. Bob Delaney:** I have a petition to the Ontario Legislative Assembly. I especially want to thank Judy Harris and Lynn Bourgeois of Georgetown for having sent it to me. It reads as follows:

"Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the vigorous capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

"Whereas 'day surgery' procedures could be performed in an off-site facility, thus greatly increasing the ability of surgeons to perform more procedures, alleviating wait times for patients and freeing up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

"That the Ministry of Health and Long-Term Care allocate funds in its 2009-10 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to 'day surgery' procedures that comprise about four fifths of all surgical procedures performed."

I'm pleased to sign and support this petition and to ask page Gordon to carry it for me.

### CHILD CARE

**Mr. John O'Toole:** I have a petition to present on behalf of my constituents from the riding of Durham. It reads as follows:

"Whereas the Minister of Community and Social Services, Madeleine Meilleur, has decided that grand-

parents caring for their grandchildren no longer qualify for temporary care assistance; and

"Whereas the removal of the temporary care assistance could mean that children will be forced into foster care; and

"Whereas the temporary care assistance amounted to \$231 per month, much less than a foster family would receive to look after the same children if they were forced into foster care;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately reverse the decision to remove temporary care assistance for grandparents looking after their grandchildren."

I'm pleased to sign and support this and present it to Nicole, one the pages.

### DENTAL CARE

**Mr. Michael Prue:** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas \$45 million a year for five years was promised for dental care for cash-poor people during the 2007 provincial election campaign, and the accumulated \$135-million expenditure was approved in the 2008 provincial budget; and

"Whereas so far only \$14 million has been released across Ontario, earmarked for children 14 to 17 years of age, and none assigned to helping seniors; and

"Whereas Peel region is spending \$1.2 million annually from regional funds to help cash-poor seniors in need of dental treatment; and

"Whereas Peel region has a wait list of 3,000 cash-poor seniors needing dental care, and the wait list is growing by 75 seniors a week; and

"Whereas Peel region has 16,000 low-income seniors, many of whom would benefit from dental care which they cannot now afford;

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

"To release immediately the remaining portion of the \$135 million for dental care among low-income families and apportion the money so that Peel region receives a fair share according to population and need."

It is signed by the residents of Peel region. I am in agreement and would affix my signature thereto and send it along with Jacquelyn.

### HOSPITAL FUNDING

**Mr. Phil McNeely:** "Petition to the Ontario Legislative Assembly:

"Western Mississauga ambulatory surgery centre:

"Whereas wait times for access to surgical procedures in the western GTA area served by the Mississauga Halton LHIN are growing despite the ongoing capital project activity at the hospitals within the Mississauga Halton LHIN boundaries; and

“Whereas ‘day surgery’ procedures could better be performed in an off-site facility. An ambulatory surgery centre would greatly increase the ability of surgeons to perform more procedures, reduce wait times for patients and free up operating theatre space in hospitals for more complex procedures that may require post-operative intensive care unit support and a longer length of stay in hospital;

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

“That the Ministry of Health and Long-Term Care allocate funds in its 2009-10 capital budget to begin planning and construction of an ambulatory surgery centre located in western Mississauga to serve the Mississauga-Halton area and enable greater access to ‘day surgery’ procedures that comprise about four fifths of all surgical procedures performed.”

The petition is duly signed. I’ll send this to you through Kingsong.

#### TAXATION

**Ms. Sylvia Jones:** I have a petition.

“Whereas residents in Dufferin–Caledon do not want a provincial harmonized sales tax (HST) that will raise the cost of goods and services they use every day; and

“Whereas the 13% blended sales tax will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to house sales over \$400,000; and

“Whereas the 13% blended sales tax will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and lawyer and accountant fees; and

“Whereas the blended sales tax ... will affect everyone in the province: seniors, students, families and low-income Ontarians;

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

“That the McGuinty Liberal government not increase taxes for Ontario families.”

I support this petition and am pleased to affix my name to it and give it to page David.

1410

#### PARENTING EDUCATION

**Mr. Bob Delaney:** I have a petition that I would like to deliver on behalf of my seatmate, the very hard-working member for Niagara Falls. On his behalf, I’d like thank Marg Gierula and Vivian Russell of Beamsville for having collected the signatures on this petition. It reads as follows:

“Whereas effective parenting practices do not come instinctively and parenting is our most crucial social role, parenting and human development courses need to be taught to all secondary school students. Parenting education will: reduce teen pregnancies; reduce the rate of costly fetal alcohol spectrum disorders and increase

the number of healthy pregnancies; reduce the number of costly social problems related to ineffective parenting practices; and improve the ‘social fabric’ of Ontario to create a more civil society. Parenting education for students is considered to be socially valuable by a majority of adults of voting age and should be included as a mandatory credit course within the Ontario curriculum;

“We, the undersigned, petition the Legislative Assembly of Ontario to amend the requirements for the Ontario secondary school diploma to include one senior level (grade 11 or 12) credit course in parenting education (students to select one of: living and working with children (HPW3C); parenting (HPC30); issues in human growth and development (HHG4M); parenting and human development (HPD4E) as a compulsory credit.”

I’m pleased to sign this petition on behalf of the other signatories and to ask page Alyssa to carry it for me.

#### HOSPITAL FUNDING

**Mr. Norm Miller:** I have a petition to do with Muskoka Algonquin Healthcare. 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 recent funding cuts include the loss of health care services at the Burk’s Falls health centre, reductions in acute care beds at both hospitals and cuts to services such as physiotherapy; and

“Whereas the government is providing hospitals with funding increases of roughly 2%, but costs for health care salaries negotiated by the ministry and other fixed costs are increasing at a rate of 4% to 5% each year; and

“Whereas hospitals will face ongoing budget cuts as a result of insufficient funding by the province of Ontario, despite collecting \$12 billion in health taxes from Ontarians;

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

“That the McGuinty government and 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 provide long-term-care beds for Muskoka-East Parry Sound.”

I support this petition.

#### LONG-TERM CARE

**Ms. Sylvia Jones:** My petition is to the Parliament of Ontario.

“Whereas Ontarians who now live in long-term-care homes are increasingly older, frailer and have greater complex care needs;

“Whereas our elder parents, family and friends deserve to live with dignity and respect;

“Whereas the McGuinty Liberal government failed to revolutionize long-term care and broke its promise to seniors to provide \$6,000 in personal care, per resident;

“Whereas five years of Liberal inaction has restricted Ontario’s ability to meet the demands of our aging population;

“Whereas more than 24,000 Ontarians are currently waiting for an LTC bed;

“Whereas Ontario funds significantly less resident care than Alberta, British Columbia, Manitoba and New Brunswick;

“Whereas dedicated LTC homes are short-staffed and have not been given resources to hire enough front-line workers to provide the level of care residents require;

“Whereas devoted LTC staff are burdened by cumbersome government regulations;

“Whereas some 35,000 seniors are living in LTC beds which do not meet more home-like design standards introduced in 1998 by the former PC government;

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

“That the McGuinty government must enhance long-term care by:

“—initiating a sector-wide staffing increase of 4,500 full-time positions within a year;

“—expediting the redevelopment of Ontario’s 35,000 oldest long-term-care beds by providing adequate support and funding;

“—achieving an average of three worked hours of personal care, per day, within a year;

“—simplifying the regulations which govern nursing homes;

“—producing a comprehensive plan with benchmarks to reduce LTC wait lists of more than 24,000 people;

“—addressing inflationary pressures by adequately funding the increased operating costs of LTC homes.”

I support this petition and affix my name to it.

#### TAXATION

**Mr. John O’Toole:** It’s a pleasure to present another petition on behalf of—one of the petitioners is Pina Martino. It reads as follows:

“Whereas residents of Etobicoke do not want a provincial harmonized sales tax (HST) that will raise the cost of goods and services they use every day; and

“Whereas the 13% blended sales tax will cause everyone to pay more for gasoline for their cars, heat, telephone, cable and Internet services for their homes, and will be applied to house sales over \$400,000; and

“Whereas the 13% blended sales tax will cause everyone to pay more for meals under \$4, haircuts, funeral services, gym memberships, newspapers, and legal and accountant fees; and

“Whereas the blended sales tax grab will affect everyone in the province: seniors, students, families and low-income Ontarians;

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

“That the McGuinty ... government not increase taxes for Ontario consumers.”

I am pleased to sign and support this and present it to Ava, in her last week here in the Legislature.

#### ORDERS OF THE DAY

##### TIME ALLOCATION

**Hon. Monique M. Smith:** I move that, pursuant to standing order 47 and notwithstanding any other standing order or special order of the House relating to Bill 173, An Act to amend the Mining Act, the Standing Committee on General Government be authorized to meet on Wednesday, October 7, during its regular meeting time for the purpose of clause-by-clause consideration of the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be noon on Wednesday, October 7, 2009. On that day, at no later than 5 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 129(a); and

That the committee shall report the bill to the House no later than Thursday, October 8, 2009. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the Standing Committee on General Government, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading; and

That, on the day the order for third reading of the bill is called, one hour shall be allotted to the third reading stage of the bill, apportioned equally among the recognized parties. At the end of this time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may be deferred pursuant to standing order 28(h); and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

**The Speaker (Hon. Steve Peters):** Ms. Smith has moved government notice of motion number 139. Debate?



**Mr. Randy Hillier:** Once again, another time allocation motion, number 139.

Two years ago, the Minister of Northern Development, Mines and Forestry launched this much-publicized bill to reform mining in Ontario. At the opening launch, he bent over backwards, telling everybody how he was going to listen to everyone, that all stakeholders would be heard, and that the process was to be open and transparent and would result in Mining Act reforms that would be balanced and bring Ontario into the 21st century.

Now we have a glimpse and a good look at what the Liberal vision is for Ontario in the 21st century: stifling discussion, killing debate and bringing in time allocation motions as the minister bends over backward from the criticisms of this bill. He did not listen. He did not consult. He created a circus of illusion with Bill 173. As people voice their opposition to this bill, he runs away from honest and open discussion to another time allocation motion. The whole process has been a sham.

The committee that has been hearing from people on Bill 173: Maybe I should just put a few facts on the table, put a few facts on the record so that the people of Ontario know what has been heard in those committee rooms.

**1420**

Bill MacRae from the Porcupine Prospectors stated, "Extensive consultation did not happen," that it jeopardizes security of title, and that this act will harm small prospectors. That's what one of the prospectors' organizations said, and there has been opposition from all quarters on this bill. The Pic River First Nation said, "The meetings were contrived"—they're talking about the workshops that were ahead of time—"and the questions were spoon-fed." The KI First Nations band stated that their greatest challenge is with this government and that these committee hearings are a mockery—a mockery. The Attawapiskat First Nation stated that Bill 173 is flawed, that it's a "regulatory mess" and that it is "insulting." That's what these stakeholders in this open, transparent and balanced Mining Act are saying about this Liberal administration and their push for Bill 173.

I want to talk about a few things that people have said during these committee hearings, just so that everybody, again, clearly understands what they're facing with this Liberal administration. During the committee hearings, five members of the Liberal government were in those hearings. As we were doing clause-by-clause, only one member of that Liberal committee said a word—four sat silent through 10 hours of debate and discussion on clause-by-clause; four of them did nothing except the trained mechanism of voting as they were told to vote. That's the sort of representation that this arrogant Liberal administration is providing to the people of Ontario. When people elect representatives, they expect them to have a say and to advocate for their concerns, to hear and be considerate of those concerns, not to be deaf, mute and blind to their concerns as the members of this committee have been. Once again, one member of the Liberal committee was the only one—he was the designated mouthpiece for the minister.

And listen, I can go on and I will go on to put a few more facts on the record for the people of Ontario to judge this Liberal government by.

"OREA"—the Ontario Real Estate Association—"notes that the purpose of Bill 173, as set out in section 2, does not mention or affirm the rights of surface rights owners. Therefore, we strongly recommend that section 2 be amended to include wording that recognizes and affirms the rights of surface rights holders, as has been done for aboriginal and treaty rights." They go on: "OREA believes that the property rights of farm owners deserve the same level of protection that was initially granted under the original Mining Act and that is now afforded to other property owners under section 29. OREA is also concerned about the arbitrary powers given to the directors of exploration pursuant to section 78."

So let's say it like this: The prospectors, the First Nations and the Ontario Real Estate Association have all expressed their reservations and their concerns with this bill. What has the Liberal government done about those concerns? Nothing. They have been a sham—all these people came to these committee hearings to bring their thoughts forward, with the expectation that a democratic government would listen to them and that they would take those concerns—those legitimate and those justifiable concerns—back to thoughtful deliberations. It did not happen. All those people who came to these committees were duped by this Liberal administration.

What NAN First Nation had to say at our committee hearings: They have great concerns because it does not go far enough to seek proper and informed consent—and I'm going to speak to that in a little bit as well. "That is why we object to this bill, and that is the message that I'm delivering to you today."

How about some of the other stakeholders—maybe De Beers? Everybody in this province may know who De Beers is; I'm sure a few people in the Liberal Party do. This is what De Beers said in their representation: They believe Bill 173 and 191 together will "introduce additional layers of uncertainty, bureaucracy and financial burden" on the industry. They also went on to say that there's no clarity in this bill "regarding the definition of what comprises an exploration plan, the definition of community consultation ... the expected administrative timelines of these additional steps in our process." They also went on to say, "There's no clarity regarding the ability to appeal any additional term imposed by this director of exploration," and that "industry requires certainty in order to justify the significant investments required to find, assess, develop and open a mine." That's what De Beers said.

So we'll put that in the same pile with the Ontario Real Estate Association, put it in the same pile with NAN and KI First Nations, and we can start seeing a trend developing here. The pile of opposition is getting bigger and bigger. And of course, what do Liberals do when there's opposition to their ill-thought-out legislation? "Well, first off, let's make it appear that we're listening, and then let's bring in closure when people actually do oppose."

Here's a little presentation to the committee. It's entitled *Ensuring Equal Treatment; Reversing the Theft; Undoing the Wrongs Perpetrated in the Name of the Ontario Mining Act*.

Again, what did the committee do with those thoughtful presentations? What did they do after encouraging people to travel at great length to provide them? They went into closure, went into time allocation.

This representation was made about the mining tax, and it was delivered by Charles Ficner. Let me just offer up some of the suggestions and some of the concerns that he raised that this committee failed to bring forth and has failed to take action on. In 1989, a member of the Ministry of Northern Development and Mines is quoted as saying that since the last increase in acreage tax in 1969, approximately 400,000 acres have been returned to the crown; 400,000 acres of private land has been put back into the crown's hands because of the duplicitous way that the Mining Act is written and enforced with regard to mining tax.

And we'll go on from Charles Ficner.

Another couple of statements from the present Minister of Northern Development and Mines—his senior staff. These are quotes from the minister's senior staff to Charles Ficner: "There's an agreement, in principle, that you were not taxed correctly." He went on to further say, "I might be more cynical than you, Mr. Ficner. What I see as the most likely explanation"—for this improper taxation—"is the reflexive self-interest of organizations." The senior staff went on to say there are people who are "very uncomfortable with admitting that they have been wrong" for a long time, and "they don't want you to be the thin edge of the wedge." All this is speaking to the improper application and levying of mining tax on private lands that in effect confiscates those private lands and brings them back to the crown.

**1430**

One other comment from there, one other quote, and this was from a senior staff of NDM back in 1991: "Let me tell you ... there are widows in Arizona who own property in Ontario, and because they own it mines are not being developed. The only way that mines will develop and Ontario will prosper is if we take their properties away from them." That's what is happening with the mining tax.

It's going to continue with Bill 173 because this Liberal government didn't listen, didn't care what the people had to say to them when they travelled those great distances to come and speak to our committee hearings in Sioux Lookout, in Timmins, in Toronto, in Thunder Bay. We went on and on to many places, but what did the Liberals do? Nothing.

Again from the prospectors and developers: "Both acts have been written and put in place far too quickly, with many contentious issues not adequately dealt with." Prospectors and developers—add them to OREA, add them to First Nations, add them to the Coalition for Balanced Mining Act Reform, add them to the growing list of opposition—thoughtful, credible, legitimate opposition.

The prospectors and developers went on to say that "in recent legal rulings, the Ontario government has been charged with the responsibility of being the lead in negotiations with First Nations. This act is pushing that obligation down to individuals and the mining industry. We heard that countless times. Countless times people brought this up, that it is the crown's duty and honour to consult, that it can't be delegated downwards to industry. But what has the Liberal government done about those concerns? In one word we can sum it up: nothing. More sham, more arrogance.

This is the first time I was involved in a clause-by-clause hearing on a bill, and it disappointed me greatly to see the inaction and deliberate disregard for legitimate concerns expressed by people at those committees. I believe that this Liberal government ought to apologize to the people of Ontario. The people who travelled to this committee: This Liberal government should apologize to them. This Liberal government ought to hang their heads in shame that now, when they are caught disregarding people, they run to closure and time allocations.

All the evidence there is before us in those committee hearings: the concerns about map staking and payments in lieu. This is a danger that everybody has spoken of, that this will open the door for large corporations or large associations to essentially assume control and ownership over vast tracts of our province. What did the Liberals say? "Big deal. Not my department. Not my concern."

Let's put this in perspective. For a very small amount of money, somebody may not only stake a claim but keep that claim active and prevent other people from using that claim or that property by paying a small yearly fee to the Liberal government. No longer will prospectors or developers or people who own mining claims have to actually do any work on those claims. As long as the Liberals get a few shekels from them, that's good enough for them.

What's going to happen? We can see what's going to happen: Vast tracts of property will be denied to prospectors and developers. Ownership will be assumed and controlled by others.

I really find it absolutely incredible that honourable members of this House, who have not only a legal obligation but a moral obligation, through their conscience, to listen to their constituents, choose not to. They choose to run away. That is unacceptable. It is intolerable, what we saw going on in that committee. There was complete disregard for the people who came before the committee. We can see that arrogance and that disregard by this time allocation motion.

The Liberal government leaves this motion on the floor. They should all leave this chamber with their heads hung low.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. Howard Hampton:** At the outset, I would want to indicate, because this is a time allocation bill and we're limited to 40 minutes of debate, that I'll be sharing that time with my colleague the member for Timmins—James Bay.

Let me take up where my colleague for the Conservative caucus left off. The process here that the government is trying to invoke—time allocation—is something that should concern every member of this Legislature. It should concern every member of the Legislature because, if you go back to day one, before this legislation was even introduced, there were serious problems.

There have been a number of Supreme Court of Canada decisions that have been handed down over the last 10 years and deal with the treaty rights and aboriginal rights of First Nations. One of the things that those decisions have set out is that governments, if they intend to introduce legislation, if they intend to put in place policies or regulations or if they intend to take a course of action which is likely to affect the treaty rights, the aboriginal rights or the interests of First Nations, there is a duty on that government to consult with First Nations. And “consultation” doesn’t just mean having a talk; there is also a duty to accommodate.

When the government indicated that they were going to introduce this bill, I went to visit every First Nation in my constituency. One of the questions I asked chiefs and councils is, “Has the government come to consult with you about this proposed legislation?” I went to Sandy Lake, I went to Cat Lake, I went to Sachigo Lake, I went to Fort Severn, I went to Kitchenuhmaykoosib Inninuwug, I went to Angling Lake, Wunnumin Lake, Kingfisher Lake, and I asked that question. Do you know what’s astounding? The answer, in every case, from those First Nations was, “No, there has been no consultation. We were invited to come to an information session”—and that’s all it was; it was an information session, one in Red Lake, one in Sioux Lookout, one in Thunder Bay—“where the McGuinty Liberal government said, ‘Here’s what we intend to do,’ but there was no consultation.”

When First Nations said, “This doesn’t address our issues. This doesn’t adequately address our rights. This doesn’t address our interests,” there was no consultation. There was no accommodation.

**1440**

I can tell you, First Nations were astounded. They could not believe that a government, in 2008 and 2009, would take this course of action, given the repeated Supreme Court of Canada decisions over the last 10 years. So the government wonders why there’s some opposition to what they are doing. They’re wondering why First Nations are very, very concerned. Well, from day one this government has not done what it is legally and constitutionally required to do and has failed to do what anyone in a relationship of respect would make sure of doing. That’s the first problem. But that problem has been compounded many, many times. First Nations have been very clear. They have repeated themselves on these issues a number of times. First Nations are not opposed philosophically to mining development in the far north. Let’s be clear, that’s what this is all about. This is about mining development north of the 51st parallel primarily and in northern Ontario at large. That’s what the bill is all about.

First Nations in the far north, through Nishnawbe Aski Nation, have said over and over again that there are a number of issues that need to be addressed. One of the issues that needs to be addressed is, first of all, the bill must set out that First Nations are entitled to full information and First Nations must give their consent to mining undertakings in their traditional territories. This is a concept known as “informed consent.” Informed consent is outlined in a number of United Nations documents dealing with the rights of aboriginal people. I challenge the government to find anywhere in this bill anything which addresses informed consent as set down by the United Nations and set down by a number of United Nations documents. It’s not there. Yet First Nations said over and over again, “This needs to be addressed.” That’s not there.

The second issue the First Nations were very clear on is that First Nations need to have some control, need to be an active decision-maker when it comes to issues of environmental protection. First Nations are not prepared to let an official sitting in an office tower in Toronto say, “Well, the rules shall be thus and so.” If you think about it for a minute, it’s a very reasonable position. If you go north of the 51st parallel in particular, you might find the odd non-native nurse, non-native teacher, perhaps a pilot flying around in a plane, but 99.99% of the people who live north of the 51st parallel are aboriginal people. They’re simply saying, “We think it’s reasonable that we should be able to make decisions. We should have input into these environmental or land use decisions where we and we only live.”

Imagine bringing legislation before this House that said you could have all kinds of undertakings which would affect the environment, but the people of Toronto would not be entitled to any kind of consultation or accommodation. I can tell you how up in arms people in the city of Toronto would be with that kind of legislation, yet that’s exactly what this government is proposing with respect to First Nations north of the 51st parallel. They would simply not have any capacity to govern these decisions. The decisions could be made by a bureaucrat sitting in an office tower in downtown Toronto who might be oblivious to many of the issues that need to be addressed.

The third issue that First Nations were so clear about but that is not addressed in the legislation is the issue of revenue sharing. As I said, First Nations are not opposed philosophically to mining development in northern Ontario, in the far north. But one of the issues that has to be addressed, and it has to be addressed in legislation, is, what will be the formula whereby that wealth—and there is incredible mineral wealth—will be distributed?

First Nations I think are taking a very reasonable position. Many of these First Nations live in and experience incredible poverty, and they’re simply saying that if potentially billions of dollars of wealth are going to come out of the ground, First Nations ought to share in that and the sharing formula ought to be set out with some certainty, i.e., in legislation. Is there a sharing formula in this legislation? No, it’s not there—not there at all.

The other point the First Nations make, and they made it oh, so clearly and they continue to make it over and over again, is that the government cannot contract out of its legal and constitutional responsibility, which is something the government is trying to do in this bill. The duty to consult, the duty to accommodate, is government's duty. It is not the duty of a junior mining company that may have very limited financial and other resources. It is not the duty of a prospector who may have very, very limited financial and other resources. And indeed it is not the responsibility of even a major mining company like De Beers. But the government continues to try, through this legislation, to put that duty and responsibility onto entities like junior mining companies, like prospectors. Government might as well know that the First Nations are not going to accept that. The responsibility, as set out in a number of Supreme Court of Canada decisions, is a responsibility—a constitutional responsibility and a legal responsibility—of the government, and First Nations are not going to put up with any attempt to turn this into some sort of lowest-common-denominator situation.

Just to bring this to the level of real people and real situations, I want to refer again to the scenario, the situation that's been happening with Kitchenuhmaykoosib Inninuwug First Nation and Platinex mining company. Platinex, not that many months ago, wanted access to some mining claims to do mining development and exploration. Those mining claims lie in the traditional territory of KI First Nation. Again, if you talk to the chief and council of KI, they are not philosophically opposed to mining, but they said to Platinex and they said to this government, "We do not feel that our First Nation, our community, is ready for this. We do not believe that we are, at this point in time, prepared and ready as a community to deal with these issues"—a very civilized position, a position that was stated in the most straightforward, honest, open way.

What was the response of Platinex? Platinex said, "Well, we're marching off to court and we're going to get a court order." And what was the position of this government? This government had legal counsel appear at the trial of the issues and say to the trial judge that the government wanted to impose a penalty on the First Nation, a penalty that would hurt. So the trial judge listened to the submissions and made his decision, a decision which resulted in the chief and most of the councillors and even great-great-grandmothers put in jail.

The government wonders today why it has a problem. Well, any government that proceeded in that way is asking for trouble.

**1450**

So I would say to the government, if you believe that simply time-allocating this bill and time-allocating this sorry process that this government is engaged in, if you think that time allocation is somehow going to solve the fiasco that you have created, then I would urge this government to take a recess, look in the mirror, look at the submissions that were made, listen to and read some of the communications that have been sent by Kitchenuhmaykoosib Inninuwug First Nation and many other

First Nations and some of the communications that have come from stakeholders who appeared before the committee; take a breath, go back to the drawing board and start the process all over again, because simply using time allocation to force through a bill and force through a process that already has a plethora of mistakes in it is not going to fix the situation. It will create an even more difficult situation.

I read with interest the communications from Platinex mining, Platinex Inc., who, in their press releases—they too are now saying that the government promised them a year ago that, "We will get you onto the traditional territory of Kitchenuhmaykoosib Inninuwug. We will facilitate things so this will happen." I talked to the chief of Kitchenuhmaykoosib Inninuwug First Nation not many weeks ago, who said, "We've hardly heard from the McGuinty government." If there was supposed to be a process of consultation and accommodation on this specific issue, it hasn't happened there either—on that specific issue, just to put aside for a minute the bill itself and just to put aside for a minute all of the rhetoric and press releases associated with the bill.

So, whether you survey this situation at the micro level—this mining company, this First Nation—or you survey this situation at the macro level, this government has created a long list of problems for itself, a long list of problems for First Nations and a long list of problems for the mining industry. Simply using time allocation now to force through this bill and force through this process is not going to fix things; it's going to make it worse.

My colleague has a few comments that he would like to make. I would urge the government: Go back to the drawing board and engage in real consultation, real accommodation with First Nations, instead of using the hammer.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. David Oraziotti:** I appreciate the opportunity to speak to this motion with respect to Bill 173. I'll be sharing my time with the member from Willowdale, the member from Brant and the member from Algoma-Manitoulin.

I listened with interest to the comments made by both the member from Lanark-Frontenac-Lennox and Addington as well as the member from Kenora-Rainy River.

The facts in committee are as follows with respect to the process that has seemed to have broken down to some extent: We've had 14 hours of committee hearings on clause-by-clause and there have been 17 calls for recesses and breaks, most of those for 20 minutes, the maximum time allowable. The total recess time in committee has been over four and a half hours. There are 92 amendments to deal with in clause-by-clause in this committee.

I know that I haven't been here as long as some of the other members, but I've been here for six years. I would say that in this particular committee, I have not seen

delays like this in any other committee that I have served on here at Queen's Park for six years. It's very, very obvious that the opposition is not interested in moving forward with the constructive changes that are proposed in this bill. It's very, very obvious that they're not interested in debating the actual motions and the subject at hand in the committee, with over four and a half hours of time allocated for recess, to be out not discussing the proposed amendments. So I'm a bit concerned about that.

I'm also concerned about the perception around time allocation. I would say it's necessary for our government to move forward in this fashion. This is not our preferred course of action. However, when you compare time allocation to the past government, 60% of the past government's bills were time-allocated and 25% of our bills have been time-allocated. So it stands in stark contrast. Our government has given more third reading debate to its time allocation bills than both the past two governments in that respect. Under the last government, nearly 30 of 66 bills were time-allocated, received no committee time, and 30 received no third reading debate.

So we can put aside the issue that time allocation is somehow something that our government takes up right away as a first course of action when we know, quite frankly, that the opposition tends to time-allocate bills far more than our government and certainly far more than the record indicates with respect to our government's position on this. So I'm very disappointed that the opposition members have taken this particular position after hours and hours of committee hearings.

The issue around the consultations: I think we've made that fairly clear. We've made an effort, certainly; an effort that has involved countless individuals, locations across this province and many different organizations. We know that there are principles in the Mining Act that are from the early 1900s and are well out of date and need to be updated. So this is an effort to modernize legislation that is in significant need of updating.

Over the last six months of consultation, more than a thousand individuals and groups participated in public and stakeholder consultations across the province, as well as input received through the Environmental Bill of Rights registry. There have been broad consultations involving aboriginal communities. In total, approximately 100 First Nation and Metis communities have been involved—participated in some manner, shape or fashion—in shaping this particular piece of legislation.

As well, we have received 150 responses, and our consultation with aboriginal communities was such that there were 12 First Nation-led sessions. So not only have we engaged First Nations on this legislation, but the First Nations have been leading the discussions in some capacity around changes to modernizing the Mining Act. We want to build goodwill with the First Nations in the province of Ontario, respect, awareness and an understanding of the changes to the Mining Act.

I think if members opposite look at the proposed changes to the bill and review those changes, they'll see that for the first time in Canada, aboriginal and treaty

rights would be recognized in the purpose statement of mining legislation. This is the first time in this country. As well, Ontario would be the first Canadian jurisdiction to build a dispute resolution process for aboriginal-related mining issues specifically into mining legislation. So we are interested in supporting a partnership with our aboriginal peoples in Ontario to ensure that we get the changes to the mining legislation right. You're talking about a government here that has created the first Ministry of Aboriginal Affairs. We take that responsibility very seriously, and we continue to demonstrate that through the proposed changes in Bill 173, which is why I'm not sure why there are such opposition and filibuster-type tactics being used, such as I haven't seen here at Queen's Park before in any other committee, to delay and stall the improvements to this piece of legislation. I'm quite surprised with that.

I'm pleased that there has been such a level of engagement. I commend the minister, Minister Gravelle, and staff and ministry for the level of engagement and the level of consultation that has taken place through the discussions and the meetings that have taken place, as well as my colleague the member from Algoma-Manitoulin, the parliamentary assistant to the minister, who has spent considerable time working with this committee as well as numerous groups and individuals across the province to listen to those concerns, to ensure that we get the concerns that have been raised by the First Nations right in the legislation.

#### 1500

There are a couple of other points I should reference with respect to this. The aboriginal consultation piece would also require exploration plans and permits to be discussed and in keeping with the Supreme Court of Canada rulings. These would form part of the framework of the legislation, and later stages of advanced exploration and mining development will require enhanced consultation with aboriginal communities to deal with the closure plan requirements and regulations. So the bill would make more express reference to aboriginal consultation requirements for closure plans in the act. We, on this side of the House, think this is something that's constructive. It helps to build the partnerships that we all want to see with our First Nation communities.

There are a couple of other aspects to the bill that I think are worth mentioning, one in particular with respect to private landowners. As we know, there are some concerns around surface rights and mining rights that are not owned by the property owner, and that would be changed in the legislation moving forward.

The member from Lanark-Frontenac-Lennox and Addington stood up and said the government has disregard for these concerns, and I'm not so sure the member is listening to his own constituents on this issue, because what I would say is that the member's own constituents want to see this change made, a change that would be incorporated into the legislation and ensure them some protection as individual property owners where they own the surface rights but not the mineral rights.

I would say to the member respectfully, perhaps some concern and some consideration should be given to the views of the individuals in southern Ontario who are concerned about seeing these changes made and where there has been friction and concern in the past around conflict with these particular issues. This change that is being proposed in the legislation would provide a remedy to those individuals. That's another reason why we want to see this move forward.

The legislation would also propose, as members who are familiar with it would know, changes around map staking. At present, prospectors are often engaged in activities on the private property of landowners. That can create some friction and some tension with various individuals. The proposed legislation would allow for map staking, which would obviously reduce those conflicts and reduce that friction. Those are things that we heard during consultations and those are things that we think need to be changed.

As well, the best practices from other provinces—Quebec, British Columbia and Newfoundland—with respect to changes to the legislation are being incorporated in the bill for, really, an Ontario-made solution but taking those considerations into mind.

We know that map staking for individual prospectors is something that we heard, and it helps to put them on a level playing field with larger multinational corporations that would come here to Ontario, have larger resources and be able to do this more quickly and more easily. We want to ensure that the interests of Ontario prospectors are protected, and that aspect of map claim staking would be incorporated into the legislation and be really good for business.

The other aspect around business and industry is that the industry is asking for certainty. The industry is asking for changes to be made that demonstrate clarity and what their duties to accommodate are, what their partnerships are expected to be. It's in the interest of all Ontarians to ensure that there's that clarity in the legislation.

That's something we need to move forward with, and yet again from the opposition members we get stalling and delay and deferral and recesses called for. It's time for this legislation to be updated, to be modernized and improved.

With that, I would encourage members to vote for this time allocation motion so we can get back to committee, get this work done, get those amendments through and get Bill 173 working in the province of Ontario, for all Ontarians' benefit.

I know that there are some other members and other colleagues who are going to be adding their comments to the time allocation motion today, so I'll wrap it up with that.

**The Acting Speaker (Mr. Ted Arnott):** Further debate?

**Mr. John O'Toole:** Briefly, I just wanted, on behalf of my constituents in the riding of Durham—some of whom have contacted me because they work in either prospecting or other components of the Mining Act,

either in southern Ontario or, indeed, in the north. Certainly the member from Oshawa will be wrapping up the opposition's position on this, but it's important to recognize that we're actually debating a time allocation motion here, and that's what is most troubling for this side.

The official opposition is concerned. Why are they trying to silence further discussion and debate on an important bill that has not been amended for many, many years? The member from Sault Ste. Marie talked about a couple of the issues that I think were in some way diminishing the voice of the people, suggesting that this is a done deal, really. I think that's really troubling. I know the bill is being time-allocated. I wonder suspiciously why. I heard our member who was speaking earlier on this bill, and he was raising concerns as well, basically from participating in the committee hearings on this bill. From his remarks today, certain members of the First Nations were opposed to it.

It needs to be understood that they had committee hearings, and now they're time allocating it for further business, none of which will be in public view to any great extent. I'm sure they will reduce all the motions or amendments that have been put forward by the opposition at this point in time.

The reason I am suspicious is that we finished, just last week, time-allocating an important bill dealing with the eHealth scandal and the OLG scandal and the WSIB scandal. The summer of scandals, generally, was dealt with in Bill 201. What did they do with Bill 201? They time allocated it. Why did they time-allocate it? To silence the voices of the opposition, and indeed the voices of the people of Ontario. So it leads me first to be suspicious why, when they just had hearings.

It's my understanding that with Bill 201 we submitted about five or six amendments in a very restricted, very engineered amendment. The time allocation motion we're dealing with here—139, I think—also tightens up the time we have to submit amendments and have them drafted properly in accordance with a fairly complex bill, and then have hearings on Wednesday. This thing is a done deal. What's the rush? This is an important part of Ontario's economy.

If you want to know how important and how bad this is, look at the surprise—Madam Speaker, I think I was standing beside you at the reception a year or so ago when De Beers was celebrating here at Queen's Park. What did the president of De Beers say? He was standing right beside the Minister of Natural Resources, I think, or Northern Development and Mines, and they had just whacked them with the new diamond tax. They were very unhappy, and the Premier and the minister were standing right there. They're not happy. The industry itself needs certainty. What they need for investors to bring these things to market is a climate of certainty. This whole bill questions some of that, and that's the issue.

We've consulted with our stakeholders, who are many of the same stakeholders as yours, and what clearly they said to us is that they're generally supportive; however, the mining industry needs clarity and certainty about the rules and regulations.

But you know, it's like all of this government's bills: The devil is in the details, and the red tape and regulations will be unfolded. I am telling you that if they have committed to consult with the First Nations people—it's my understanding that they too are very suspicious and very disappointed.

I just wanted to be on the record, along with a number of stakeholders. I should say that this bill was first debated in April 2009, and I listened clearly when it was debated in May 2009. We've had hearings on it, and now they're time-allocating it. There's something they are ramming through on the people of Ontario, and it's completely unfair that they're using time allocation again. It's becoming a tool of the McGuinty government. The tool is ceasing debate. It's anti-democratic on the important issue of the resources of Ontario. There are stakeholders who are very unhappy, and we are their voice. Why do you refuse to listen?

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate? The member from Welland.

**Mr. Peter Kormos:** Questions and comments, Speaker?

**The Acting Speaker (Ms. Cheri DiNovo):** No, it's rotation.

**Mr. Peter Kormos:** It's time allocation.

**The Acting Speaker (Ms. Cheri DiNovo):** Yes. Sorry. The member from Willowdale.

1510

**Mr. David Zimmer:** It's my pleasure to speak to this time allocation motion. Here is the background to this. I want to go into the background because this issue surrounding the bill has been before this Legislature for a considerable period of time, and it's important to understand the background. On Monday July 14, 2008, the Premier announced that Ontario would protect at least 225,000 square kilometres of the far north boreal region under its far north planning initiative. What did the government decide to do at that time? The Premier said that the government was pledged to "work with all northern communities and resource industries to create a broad plan for sustainable development," and also went on to lay out the idea that local plans were going to "be developed in agreement with First Nations. And new mining development in the Far North would require early consultation and accommodation with local aboriginal communities."

The Premier also indicated at that time that consultations on changes to the Mining Act were going to begin that summer with a view to having the new rules in place next year, that is, this year, 2009. And we are rapidly approaching the end of 2009. That was the time frame. Everybody—the government and the opposition parties—was introduced to that time frame, the idea to have the legislation in place by the end of 2009. That was the policy laid out.

What's the next thing that happened? The next thing that happened was that a discussion paper was posted on the Environmental Registry on August 11, 2008, inviting feedback from anybody who was following the issue. The

discussion paper was available on [ontario.ca/miningact](http://ontario.ca/miningact). Public feedback was also accepted via e-mail. Various addresses were given and written submissions that could be mailed directly to the ministry were invited. That was the first outreach.

The next thing that happened: A bill was introduced for first reading. In due course, second reading debate was held in this Legislature; all the parties participated in it. Then it went out for public consultations following second reading. That was the summer starting in August and September 2008. The public hearings, public consultations, were held in Timmins, August 11, 2008; Sudbury, August 13, 2008; Thunder Bay, August 18, 2008; Kingston, August 28, 2008; and Toronto, September 8, 2008. That was the consultation process.

But it's even better than that; it's an even more full-some consultation process because, prior to the Premier speaking to the issue and introducing the principles that he was going to introduce in the legislation, there had been extensive engagement with the various stakeholders. The Ministry of Northern Development and Mines had initiated an engagement process to develop effective aboriginal consultation for the mineral sector activities. A discussion paper was released seeking advice on how to develop the aboriginal guidelines for the mineral sector's activities. The ministry added the "good Samaritan" provision to the Mining Act to encourage private sector companies to undertake mine rehabilitation on crown abandoned mine sites.

Of course, these initiatives promoted and accelerated the consultation process. Everyone in the sector—all of the stakeholders, all of the political parties, anybody with an interest in this issue—was given an opportunity, was engaged in the discussion.

The ministry also launched a mining gateway website to provide easier access to information on the regulatory process for mineral development projects in the province. The mining gateway project provided up-to-date information on all the various regulatory aspects of developing a mineral property. The ministry continued working with the industry and other provincial ministries and the federal government to improve permitting and the approvals process for mine development. In a summary of all of those discussions, a summary of all of the issues that had been raised and all the various viewpoints—the summary of those proposals to resolve this whole issue of surface mining rights was posted on the Environmental Bill of Rights registry as far back as July 18, 2007. As a result of that posting, we've had these extensive discussions, extensive consultations. A further 126 EBR submissions were received by the ministry and those were reviewed in detail.

That takes us up to the point where we've had second reading and all the opposition parties have had their chance to develop their clause-by-clause amendments, so the clause-by-clause process gets started on Bill 173, the Mining Amendment Act. That's after all of this consultation that I've just outlined has happened.

Well, what happened at the clause-by-clause? The clause-by-clause is a procedure, for the viewers who may

not be familiar with it, in which the three political parties sit in one of the committee rooms—the Liberals, the Conservatives and the NDP—and the three parties go through every clause in the bill. Along that process, as they're working their way through the numbered clauses from one through to the last clause, each of the parties can introduce an amendment to that particular section that's being reviewed. That's how the process works. There are various time frames when the amendments have to be filed with the committee and the amendments are exchanged with each of the parties and so on, so everybody knows what's coming.

Now, what actually happened in the clause-by-clause? Usually in the clause-by-clause an amendment is introduced by one party, there's some discussion about it and then there's a vote on that clause and they move on to the next clause. That's the way the system works. But what happened in this case—and this is important because this is what triggered the time allocation—is that so far the committee has sat for five full days to go through this section by section by section. And what has happened is that the opposition parties are not interested in ever seeing that committee get through the clause-by-clause analysis.

So how do they stop that? How do they prevent that? Well, they start out when the first clause, section 1, is introduced. There should be some discussion about that and then a vote on that clause, but there are some arcane rules buried around in the fine print whereby the opposition parties have asked for an adjournment virtually on every section of the bill that's introduced. What does that mean? Section 1, for instance, is introduced, and that's just kind of a routine housekeeping introductory section, and the opposition parties will ask for a 20-minute recess to discuss it, so the committee has to adjourn for 20 minutes. It comes back in 20 minutes and then that section is dealt with. The next section is introduced and they ask for another 20 minutes, and it goes on and on and on like that, such that, after five days of clause-by-clause, the committee is still really at the beginning of the bill. They just haven't made any progress in getting through this clause-by-clause. Five days, and in those five days there have been 17 adjournments—17 adjournments over five days. Twenty-minute adjournments to do what?

I've been in the committee sitting there, things adjourned. People go out. They wait their 20 minutes. They go out in the hallway. I see what people do. They go to the washroom, they have a cup of coffee, they start working on their BlackBerrys in the hallway and they saunter back in 20 minutes later. Another section is introduced and opposition parties ask for an adjournment. Where does everybody go? Cup of coffee, washroom, make telephone calls, wander to the library, read the newspapers, come back, and the same thing over and over, 17 times over five days of hearings, and the committee hasn't scratched the surface. There are a total of 92 amendments to get through, so you do the math: 92 amendments times 20 minutes—they'll never get through

that. In fact, as of September 30, there have been, of the 92 amendments—seven and 12 is 19 and 13 is 32—so we've still got another 60 to do. It has taken us five days to do about 30, so we're going to be there for another month or so. And guess what? Next week is constituency week; the House is not in session. We come back; it's the end of October. We're going to be closing in on Christmas and on the Christmas recess, and we're never going to get through the clause-by-clause in that bill.

#### 1520

So the question is: Why are the opposition parties doing that? I wish I knew why. I know my colleagues on the Liberal side knew why the opposition parties were doing that. But for some reason, they want to delay the legislation. They don't want to see this get through. They, I expect, in the dark corners of their mind, have got some nefarious plot afoot about why they don't want to get through this clause-by-clause. But let's get through the clause-by-clause; let's get back here for third reading and let's vote on it.

This time allocation motion has only been brought by the governing party because the opposition parties, for whatever strange reasons lurk in the mysterious corners of their minds, are trying to block the legislation. That's not how government works. There has been plenty of consultation; I reviewed it. There has been plenty of debate; I reviewed it. We can work through those 92 amendments if all the parties—Liberals, Conservatives and the NDP—will do what they're paid to do, and that's sit in the committee room and do the clause-by-clause and cut this 20-minute recess for every clause-by-clause out of the system. Let's get to work.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Jerry J. Ouellette:** I'm just going to continue on and fill in a couple of holes, because everybody realizes that there are three sides to every story. In regard to the member for Willowdale's speech, he spoke about how this clause-by-clause is going on and on. There are rules out there, and we follow the rules. But what the member, prior to his time, doesn't realize was that a member of their party was the one responsible for these rules coming into place. I seem to recall some legislation being tied up in committee for two years. I think it was over recall legislation, if all of them would like to be reminded of what took place and the reason why these rules were brought in, because that committee sat, and one individual spoke and tied up that committee for an entire two-year period. So don't come to us blaming us. Quite frankly, if the committee members had come forward when one of the members had asked for two extra weeks to prepare amendments, they probably wouldn't be continuing on in this fashion. But these are the rules of the House and we have to comply with what's taking place, very specifically, in regard to this.

Also, I want to talk about a couple of other things as to what was stated. The member from Willowdale talked about the 225,000 square kilometres of protected land. As presented to the committee at that time, it was



specifically stated that, when you look at the size of the province of Ontario, everything from Sudbury south was now going to be protected in northern Ontario. Quite frankly, the First Nations were extremely concerned with how the bill was going to impact their community and what was going to take place. When you're talking about these protected areas, having had the privilege and honour to know how some of those areas worked, and the statement that it's going to be one continuous tract of land from Manitoba to Quebec—what will take place there, is, effectively, you're going to create another province, and the reason is: Have you ever tried or ever had a company try to cross a protected area or a provincial park and what takes place—try to get a road through that area; try to get an ice road through; try to get hydro lines; try to get infrastructure taking place in those areas? So when you get this continuous tract of land from Manitoba to Quebec, what's going to happen when somebody wants to cross those areas? That will be another bridge when we come to finalize and talk about that issue.

The PA spoke about the 14 hours it has taken, and went on and on and on. Quite frankly, there needs to be a lot more time. When I asked in Chapleau, from First Nation individual Frank Beardy, how long he expected this would take, his response was quite surprising. He was talking about generations of individuals to gain the understanding, and as was stated earlier on by the member from Kenora–Rainy River, when he spoke about those individuals, they weren't prepared to be able to take on the responsibility with Platinex.

Some of the difficulty is understanding how it's going to affect the land over the long term and not just the immediate short-term impacts. Also, it was stated by the PA about the treaty rights for the first time being written in the legislation. I'm sure everybody realizes that treaty rights supersede provincial law in the first place, so any treaty rights that are out there are already taking place and take precedence over provincial law. So how is that going to be something that will assist?

One of the other areas that I want to speak about is my concern about map staking and what is taking place there. Map staking, for those who don't know—some should know that I have a prospector's licence that I've had since the mid-1980s, and I carry claim stakes in my truck on a regular basis etc. What takes place with map staking: Currently the process is that prospectors will go on the land. It's basically a kilometre by a kilometre by a kilometre, the tract of land that you stake out; you put stakes on each of the corners. Now somebody can sit down at a computer and look at a tract of land and block off that space on the computer. Effectively what happens then is that they pay fees in lieu of actually going on the land to do the work.

The difficulty with this is that it works both ways. My colleague Mr. Hillier mentioned about tying up the lands. They used to take place in the past where—I have been in the bush when helicopters would land in the middle of nowhere, and stakers, who are individuals who are paid

to go out, will work in groups of twos and fours and will basically do lines and tie up the land. What takes place there—it's two ways. A lot of the companies find a way to eliminate competition. If they tie up that land and they stake the land, they can claim it. They have the rights to it for a year, depending on how much work is done on that land. If they do any test holes, depending on the amount of feet they drill for the test holes, it gives them a longer claim to that land. They effectively can tie up those lands so that other competitors and junior miners, as was mentioned—junior miners are minor mining companies—don't have the ability to access those lands, which are tied up, effectively.

Map staking makes it even easier. It was taking place before, but people were getting employed by going out and staking and tying up those lands. Map staking will actually be done on a computer and can be done without going on the land. So you lose the individuals who are actually doing the work on the land to be able to get that. Not only that, but the amount of equipment and the supplies they bought—first of all, a helicopter landing in the middle of nowhere: It takes some resources to be able to hire that helicopter to find a place to drop these individuals off, and to get them out of the bush when they come out. So it did take place to some extent in the past but it will be a lot easier, not only by the mining industry, which doesn't want competition, but those individuals who are opposed to mining—as we saw in Timmins, the individual from Sudbury. I believe the member from Manitoulin had made a comment, which I somewhat supported, that the individual was anti-mining. Those individuals will now have the opportunity to tie up those lands in the province of Ontario without allowing any development, and it's a strong concern.

Something that I am not sure the third party has realized, which I brought to the attention of Grand Chief Stan Beardy, was the fact that map staking can take place on a computer unbeknownst to individuals, and that includes First Nation individuals. A map stake claim can be put on a First Nation traditional land unbeknownst to the First Nations, and then it allows the process to begin. Then the negotiations would effectively start. So map staking of traditional First Nations lands can now move forward, and it's a large concern to the First Nations, of course, because they're concerned with the impacts on their community over the long term, talking about generations. That was one of the big concerns.

One of the other concerns in regard to the legislation was the consultation process. I'm not sure if the members here know, but there is a precedent set in Canada that if three consultations take place, an arbitrator is allowed to be assigned to resolve the issue. Some of the individuals may not realize that. During the presentations, a number of First Nation individuals, prior to their presentation, specifically stated, "This not a consultation." The reason for that is that it's not a consultation process that can be included in one of the three. As a former minister of the crown, I sat down with individuals and I had to clearly state on the record, before tapes, with their lawyers

present, that it was not a consultation process; it was just, “Sit down, let’s talk about the issue and see if we can move forward.” The concern there, as expressed to me at that particular time, was that three consultations allow for an arbitrator to come in and make a decision on an issue.

**1530**

One of the concerns there is, what is the definition of a consultation and who should be involved in a consultation? When somebody does a map-staking claim on traditional First Nations land, is that the initiation of a consultation process? The concern here is that there needs to be a very refined definition of how the consultation will take place and the results and who will be included. The reason I mention “who will be included” is because, as was stated very specifically by a number of the First Nation communities, Attawapiskat, I believe, is a non-treaty First Nation. So those individuals have not been included in some of the consultations, or what was stated as being consultations in this whole process. Not only that, but there were a number of Metis as well who had expressed concern about their input to anything that was taking place in regard to the legislation in the north, and they were not included in the process.

Also, when this took place, we spoke with NOTOA, the Northern Ontario Tourist Outfitters, who were completely unaware of anything taking place during this entire process. A lot of these individuals actually have outpost sites where they fly individuals in for fishing camps or hunting camps or for other tourism—bird-watching activities and other activities like that—and they were concerned that it was going to substantially impact a lot of their potential growth and development. Not only that, but quite frankly, they got on to the issue of the cost of the fee increase for their outpost camps, to retain those, and a lot of individuals during the depressed economy had released a lot of those outpost camps and no longer maintain them because the fee was far beyond. If you have 20 camps and it costs \$600 each, you’re looking at \$12,000 effectively for no—

*Interjection.*

**Mr. Jerry J. Ouellette:** I won’t say. I’ll let you say that, Mr. Bisson.

But there was a lot of concern over the actual definition of “consultation”—how it would take place. One of the things that we very specifically heard about from a lot of the groups and organizations was that the crown, or the government of the day, has the obligation to move forward with consultation, although it appears that a lot of the organizations will have the expectation that the consultation will be placed upon their requirements. Now, by the same token, why are we moving forward with a lot of this when—well, up in the north, the August 6 Wawatay News said the Ginoogaming First Nations community signed a memorandum of understanding with a company for gold mining—for Premier Gold Mines Ltd. to explore in their communities. The reason I mention this is that obviously, the First Nations communities and some organizations and businesses are moving forward with the exploration and things happening on their First Nations communities.

Some of the other aspects were very concerning, and one that I probably should close with, was that we heard on a number of occasions—I think it was Cat Lake that specifically stated that a lot of their individuals had gone to prison over issues before. They very clearly stated, and it was stated on more than one occasion, that they were willing to go to war over this very specific issue. Those are some pretty strong words to have on record in committee. When we hear those sorts of things, we know that there is a strong concern, obviously during the committee process, to come forward and make sure that the amendments that are put forward have clear and concise ability to make sure it’s the right thing moving forward, and anything that can be done to make sure that all the individuals who are going to be impacted by this have an opportunity to deal with that.

Some of the other areas of concern: I know that De Beers had made a presentation. Their concern, again, goes back to the consultation process. There was a definition of a community consultation for an exploration plan. A mining company has to have a consultation process, but it doesn’t say what it is. Then they explained how they had tried on numerous occasions, according to them—and there are always three sides to every story—to contact one of the First Nations communities to move forward with explaining that they would like to enter into an agreement for, in their case, diamond development in the province of Ontario. They had sent registered letters, they had asked for meetings, they had tried to set dates, and nothing had taken place. What they were looking for was a clear and concise definition as to what actually is a consultation.

One of the other areas that was rather interesting that kind of created problems in itself is that each First Nations community requires a land use planning initiative—and what this is is that the First Nations communities would then develop a land use planning initiative for their area. From their perspective, they didn’t have the funds necessary to create, consult, get out and find or hire the individuals to put together a proper plan.

The other area that was rather interesting was the fact that the plans we saw in the one community, in Sioux Lookout, were overlapping. One First Nations community claimed that this was their traditional land, and another First Nations community—I think it was Cat Lake and the Big Trout and the Crane people—their lands overlapped. So, who is going to be the arbitrator to decide which of these plans is going to be the correct one and the effective one on behalf of those communities, from both sides that are going to be affected by the plans that are put forward?

I think the big concern that we’re seeing is that there appears to be a lot of inconsistency in definitions of who will have responsibility, who the benefit is for. And, yes, we hear about the problems in southern Ontario, where the concern is the retention of surface rights, and when we’re talking about that, what has taken place is the same thing that has taken place in some of the other northern test areas.

Once upon a time, municipalities could come forward and could see the benefit of having a summer industry, the cottage industry, whereby cottagers went out and had lands that were made available to them by putting pressure on the province, yet the province retained the forests or the fibre and the mineral rights to a lot of these lands. Well, that was fine at that time because most people only spent a few months at the cottage, and the rest of the time it was allowed to be exposed. Quite frankly, that has turned around now. A lot of cottages that are being built now are year-round with year-round access and are fully accessible all the time. So those individuals who used to look for mineral rights or to gain forestry rights and have some of the fibre rights would now not have the ability because they're being accessed year-round.

I think, quite frankly, it's the trenching—for those who don't know what trenching is, it's when they go in with a backhoe and dig deep pits. This allows the rights to the minerals in those areas to be retained by the individuals staking the claims much farther. But there's no definition as to how trenching should be cleaned up or taking place or where it can be, and a lot of that needs to be resolved.

Some of the other areas—the actual surface rights go far beyond that. For example, a protected area goes from the earth's core to sky. So if an individual owns the mineral rights or the province owns the mineral rights and they have the property here while the deposit is found over here, do the individuals who own it have the right to go under that property at a later date? Those are some of the things that need to be defined.

Some of the key things here: Further consultation needs to be done with the First Nations communities on an individual basis. Not only that, but a lot of the organizations who will be affected by the legislation need to be part of the land use planning initiatives in the various communities, to ensure that NOTOA, the Metis, the non-treaty First Nations or other groups and organizations, whether it's the Ontario Federation of Anglers and Hunters, the Wildlands League, the WWF and those other organizations who have concerns on how things should unfold in those areas, should be part of the process to make sure it's effective for the entire province.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate.

**Mr. Gilles Bisson:** It's rather sad that we find ourselves here in time allocation on this bill. The government has decided to use its majority yet again in order to time-allocate out of committee a bill that they argue is being filibustered by the opposition.

I just want to say straight up, I've been in that committee for the days that it's been there. I've presented amendments. I've had debate on amendments with committee members, the parliamentary assistant and his staff, and in fact we found errors in the bill where we've had to go back and rethink how this bill should be shaped. In some cases, the government has decided to try to amend their own legislation. In other cases, they've decided to do nothing.

The point is, what I've been doing in committee for the last five days is taking my work as a legislator seriously in order to try to do right by this legislation. The government has brought this bill forward with the idea that you need to provide some clarity on the rules for the mining industry and fairness for First Nations when it comes to mineral development in their area and the protection of people's individual property rights, and those are very serious issues. They're issues that take a little bit of thought and take some work in order to get them right.

The government here today is time-allocating us and saying, "Oh, the opposition—terrible. Look at that, they're using the rules." We have rules in this House for a reason: in order to deal with the disposition of legislation. To argue that using the rules is somehow a bad thing I've got to say is a bit of a stretch and doesn't serve any of us well. Yes, there have been recesses asked for, but I've got to say what we have actually done is we've had some pretty meaningful debate on individual amendments of the legislation.

**1540**

Let's take a look very quickly at the legislation. The government has introduced amendments to the Mining Act. Their argument is that the Mining Act is over 100 years old and needs to be modernized. Okay, let's say we buy that argument. They say, in doing so, that we want to provide clarity for the mining sector so they understand what their responsibilities are, when it comes to moving through the process of the Mining Act, from staking a claim to the production of a mine. They want to clarify what you're supposed to be doing under this act when it comes to making sure you follow the act for economic reasons, environmental reasons and issues that deal with First Nations.

I've got to say that at the end of this process, and I'm sure my friend Mr. Hillier, who has been on committee, and Mr. Ouellette, who's been with me as well, will agree that there's nothing to clarify anything in this bill. If anything, we're actually creating more confusion for the mining sector, for the general public and for First Nations. We haven't dealt with the essential issues.

I've argued from the beginning that this could be a win-win. I support changes to the Mining Act. What the government said in its statement at the beginning, that it wanted to modernize the Mining Act in order to clarify the rules for the mining industry and provide comfort for First Nations so that they can benefit when it comes to the development of mining in their territory, I think is a commendable goal. Everybody in this Legislature, and people outside of here, knows that I have been dealing with this issue for a lot of years. I was the member who first brought the issue of revenue sharing to the Legislature and started working toward trying to get some kind of agreement about what happens if a mine is established in your backyard and you're not a municipality but a First Nation? How do you benefit from that mining project? I think we could have had a win-win here.

I think in this legislation, if we had done it right, we could have had the First Nations, the government, the

mining sector, the environmental movement and the general public standing together and saying that they've done something right at Queen's Park. They've actually got a piece of legislation that does what it is supposed to do.

Instead, what did we get? We got a bill that has some good parts to it. I'm not going to say this entire bill is terrible—absolutely not. I think there are some things and components in this bill that make some sense. But how you apply and make that work is really the test. I think what we found through the committee hearings, people coming before us and presenting, and what we are certainly seeing in clause-by-clause, is that the devil is in the detail. In fact, too much is left to regulation in this bill. The way the legislation is written could quite frankly—well not “could”—will cause confusion to both First Nations and people in the mining sector.

What are we trying to do in this bill? The first thing is that we're trying to give First Nations some comfort when it comes to development of mining in their area, in their traditional territories. I support that; I think that's something we should be doing. There are some out there who argue, “Oh my God, no. We can't give First Nations an actual right of veto for any project in their territory. If you do that, somehow or other it's just going to throw everything askew, and we're never going to be able to move forward on any developments.”

Have any of you—some of you have, so this is unfair. A number of you have had the opportunity to travel to First Nations. You darned well know they want economic development of those communities. They're amongst the poorest communities not only in North America. But I've travelled around the world, and I've seen places that are richer than this in the Third World. At least they've got the sun 12 months a year in some of the places I've gone to.

What the First Nations are looking for: They're saying, “Yes, I want development, but if you're going to establish a mine in my backyard, I want to have access to jobs.” It's not just being the truck driver and the person who cleans the kitchen and the person who basically cleans the bunkhouse. They want jobs in mining. They want jobs in trades. They would like some managerial jobs. We're not there yet. We need to build capacity to get there. Are we doing any of this in this bill? Absolutely not. We should be trying to deal with how you ensure that if in fact there is a mine that's established in somebody's backyard, there's an opportunity for employment in the future. You can't take a kid out of grade 11 and make him or her the mine manager. I don't argue that for a second. In fact, we used to do that back in the 1920s and it worked rather well, but that's a whole other story. My point is that you need to build capacity in those communities so that those kids can go off to college and university and get the training that they need so that they can get those jobs in their own home communities that allow them to build prosperity for their families and their community. Are we doing any of this in this legislation? No.

Are we dealing with the issue of revenue sharing? If there is a mine that is established in somebody's backyard, is there a mechanism in this legislation to say there will be revenue sharing and this is what it looks like, that we take the share of the revenue that the province gets from this particular project and we share it with the First Nation community in some way? We're not talking about new taxes and adding taxes to an existing project; we're talking about sharing what's out there. The province is the one that benefits from all of these mines. We need to find a way for the local community to benefit, just as Timmins does when a mine is established in our community. The municipality has an ability to get revenue by way of taxation and other means that allows them to benefit from a mine in their community. You can't do that in a First Nation; there's no mechanism. Are we dealing with this in this legislation? Absolutely not.

So I propose to you, if you think that KI was an incident that we can all forget about and we're not going to have any more such situations in the future, you are wrong. There are many communities across the north that are saying, “We want development, but we want to have a say on revenue sharing, we want to have a say when it comes to jobs and how it's going to affect our environment.” And if you don't do that in this legislation, you are not resolving the issues that you said you were going to try to set out and resolve, at the beginning of the process.

To my point I made earlier, the government says, “Well, if you do revenue sharing and you do the jobs and you do all of those things and give the First Nations communities some ability to have a real role in approving these projects, they're never going to allow it to happen.”

I want to remind people of De Beers Canada, De Beers that came from South Africa to establish a Canadian division. They opened the first diamond mine in Ontario, and how did they do it? They said, “We will not develop this mine without the approval of the First Nation. Period.” Hooray, Jim Gowans and De Beers; they got it. My God, if De Beers gets it, what's the matter with this government? Why don't you get it? De Beers understood. What would be the good of trying to develop a mine in Attawapiskat—now known as the Victor project—if you didn't have the buy-in of the local community? And even with the buy-in of the local community there are always problems.

You know as well as I do, parliamentary assistant, there's never a project in any community across Ontario that everybody's in favour of. But De Beers understood the concept and they said, “We need to have a buy-in by the First Nation. We have to have them in the room with us as we develop this mine so that they clearly understand what this mine is all about, how they're able to benefit, and negotiate an agreement that is beneficial to the First Nation.” They set out right at the beginning, “We will not develop the De Beers mine in Attawapiskat without the consent”—I say the consent—“of the First Nation.” Eventually the community voted and they gave an 80-some-odd per cent vote in favour of allowing that mine to go forward.

Further, De Beers said they wouldn't do it unless the other communities agreed. So Kashechewan, Fort Albany, Moose Factory and Attawapiskat had a say. They had, basically, an ability to have a say about what was going to happen in those communities.

So my point is, if De Beers gets it, what's wrong with the provincial government? De Beers understands that you can't do these types of projects in remote communities without having a buy-in, because if you don't have the buy-in, you may get your mine up and running but down the road you're going to have all kinds of problems.

And I've got to tell you there have been problems with the Attawapiskat agreement. You know that this summer there were people who were protesting the Attawapiskat agreement after it was ratified. The chief and council, along with De Beers, had to deal with it because that's part of the agreement that they did, but there was at least a majority of the community that understood: "We've signed an agreement. We're saying to go forward. We've got to hold to our word."

I say to the government across the way, to come in here and use time allocation and say, "Oh my God, you guys are slowing down the process. We got to ram this legislation through by" whatever date in October "so that we can finally modernize the Mining Act"—my God, we've been living with the Mining Act for 100 years. Do you think that maybe we can make do with another two or three months to get it right? Why not? What's the point of this place? What's the point of the Legislature and committee if we're not doing our jobs in order to basically deal with legislation and to make the legislation do what the government sets out to do at the beginning. So they didn't deal with that.

**1550**

I predict in this debate that we're going to have problems down the way, because I have been told by countless community members and leaders in the First Nations communities across this province—and they told us in committee when they came and presented to us in places like Chapleau and Sioux Lookout and Timmins—that they want to make sure that there is a mechanism for them to have a say about how mining is going to be developed in their backyards, and if not, there is going to be a problem. There would be civil disobedience.

So when the government wakes up next summer or the summer after or the fall after that and sees a blockade at a mining project somewhere in Ontario, don't scratch your head and say, "Oh my God, what happened?" What happened is that you caused it. It's as simple as that.

We can do this right. Is it easy? Absolutely not. Will it take time? Absolutely. Will we be able to get through it in the end? Yes, because there will be a better bill that comes out of the process, if we give it time. But the government chooses not to do that. So I say to the government, shame on you.

What else is in this bill? The member from Oshawa raised the issue of map staking. If you want to drive a whole bunch of people in northern Ontario absolutely

over the edge, introduce map staking. I've just got to say, man, you guys don't get it. We're going to introduce map staking where we're going to say you no longer have to go on the territory to stake a claim, number one. Number two, once you've stake and registered the claim, you will be able to keep the claim in good order or keep it legal by doing a payment in lieu without ever doing any geological work on the claim.

I'll tell you what I'd be doing if I was an environmental group: I'd be having some fundraising. I would go out and knock on doors and say, "We can protect X amount of land somewhere in northern Ontario or southern Ontario in perpetuity. All we've got to do is raise X amount of dollars per month so that we can map stake a claim and do payment in lieu, and we'll hold on to that claim forever with no development ever happening."

That might be a good thing for the environmental movement, but does it resolve the issue of being able to deal with how you stake in this province and that you actually build up the mineral database so that we can find mines in Ontario? Ontario has been the leading jurisdiction when it comes to mining in North America, if not the world. Where are we going now? In a completely opposite direction.

Go talk to the mining lawyers on Bay Street, if you want to take the time. I know a number of them; I'll give you their phone numbers. They have no work going on right now. The amount of work that should be going on with the high price of metals today—as compared to the development that could be going on in this province, it's going in the opposite direction.

What you're doing by moving the way you are with map staking and by going to payment in lieu is going to diminish the amount of geological work that is being done on the ground because, currently, if I go out and stake a claim or if Mr. Ouellette goes out and stakes a claim, you've got to hit the ground. You've got to stake it, then you've got to do a required amount of work every year in order to keep that claim in good standing. That information is then shared with others so that we can understand better the geology of the territory we call Ontario, so that we can find mines.

If we're going to go down the way of map staking, here is what is going to happen: First, we're going to give an onus for larger mining companies and others to control larger tracts of land. God, we're doing that in forestry now. Is it working? You've got forest companies that control the forests, and the communities can't get fibre. We're going the same way with mining, and I just can't believe the government is going that way. We're going to diminish the ability that we have to do geological work and to build a geological database of Ontario. Quite frankly, I don't think it will serve exploration well in this province. It will not put us in the position that we need to be.

Payment in lieu—as I said, I don't have enough time, but to just be able to write a cheque every year so you can hang on to a claim? Give me a break. The whole idea of a claim is for people to do work so you can figure out what's under the ground, so hopefully we'll find a mine.

What else is in this particular legislation and what is not? The environmental assessment. We heard all kinds of people come before us who said—I shouldn't say "all kinds of people." Certain people came before us and said that mining is excluded from the environmental assessment process. There's two sides to that debate. There are those who believe, yes, it should be, and there are those who believe that it shouldn't, but we're not really resolving this issue through this process. So I say to the government across the way, we heard one side of the presenters tell us that they think it should have, but we didn't hear a lot from the other. All I'm saying is, we need to spend a little bit more time around this issue to clearly understand if mining should be subject to an EA. Currently it is not. There's an argument on both sides. We're not going to be dealing with that by way of this time allocation motion. Again, I think it's a disservice to First Nations, mining, the environmental community and the community in general.

Then there is the whole issue of what happens around the issue of permitting. The government is going to start a new mechanism for permitting exploration, which in itself is not a bad idea. I've got to say that I don't have a problem with the government saying a prospector will have to take some training and an exploration company will have to take some training and understand what their responsibilities are under the act when it comes to the rights of individuals they may be crossing when doing the work, either First Nations or whatever it might be. I think that's a good idea. But you're going to tell Don McKinnon, a prospector in Ontario, that he's got to go to sensitivity training? A guy who has been in the mining business for how many years, 40 years, who has found more gold mines and more mines than anybody else I know, and you're going to tell him how to do his job? You're going to tell Dave Munier, another prospector from Kirkland Lake, that he's going to have to go—people who have been in the business for 20 or 30 years are being told they've got to go back to school.

Listen, I'm a tradesman; I'm an electrician. So is Mr. Hillier. When they instituted the trades program for electricians and certification, what did they do? They grandfathered those people who were in the trade. They said if you were active as an electrician for X number of years upon the creation of the certified trade, you get to be grandfathered into your trade because obviously you've been making your living at it long enough and you should know what you're doing. One of the amendments I'm asking for in this bill—which the government has refused to accept to date, and we'll probably not get to it now because of time allocation, other than just the vote—is the issue of grandfathering. Why shouldn't we recognize the years of experience of people like Dave Munier, people like Larche, people like Don McKinnon? Why don't you recognize the work that they've done all their lives and say, "You have done your duty. You have done your job. You are certified to be a prospector without having to go through the hoops," without having to go through, as Don would call it, sensitivity training?

I've just got to say, I want to be the fly on the wall when Don gets his letter that he's got to go and do that, because I tell you, Don ain't going to be happy—and I wouldn't be either, quite frankly. I think that's a move in the wrong direction.

So the government is going to go the way of providing training for people who do prospecting and exploration—a good thing. I can support that. But if you're doing that and you're not recognizing those who are already in the business as having knowledge about how to do that, I think that's a disservice. Provide them with a flyer, a leaflet or something, that says, "By the way, the new Mining Act requires the following." They know how to read. They can figure it out, and they will do a good job.

In closing, I just want to say—because I know my good friend Mr. Miller has a couple of things to say—the government comes in this House and says, "God, we're in a hurry. We've got to get this act through the House. It's 100 years old." We lived with it for 100 years; we can live with it for another couple of months. What is wrong with using the process to make better legislation? Maybe we'll actually end up with a better bill. So I say to the government across the way, I will not vote for your time allocation motion—surprise, surprise—and I think that you are giving away a golden opportunity to actually do something that is right in this Legislature, and that is to provide clarity in the Mining Act and to provide fairness for people who are in contact with mining in this province.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Dave Levac:** I appreciate the opportunity to spend a few moments on the time allocation on Bill 173, An Act to amend the Mining Act. The standing committee has been doing its work on this bill, and I wanted to make a comment about the members from Oshawa and Timmins–James Bay specifically, and indicate that the member from Algoma–Manitoulin, the parliamentary assistant, will be addressing some of the issues that have been raised in the debate so far.

I find it interesting that the member from Timmins–James Bay says we're forgetting things; that we're forgetting what happened and we're repeating the mistakes of the past. I tend to disagree with that in terms of my time here. In our conversations on a personal level, we've talked about some of the First Nations issues that he holds near and dear to his heart, as I do with the First Nations people living in southern Ontario. I spoke this afternoon about a good-news story that came to us through a co-operative venture, that both the county of Brant and the elected council of the Six Nations were able to come to an agreement. It's a very historic accord that was given to us. One of the letters I'd like to read—it's very important for us to understand that it was a business letter from a third party that has dealings with the United States, Europe and the rest of the world, indicating that this accord could be the start of extremely important investment in our riding. I wanted to say to him that on the business side, he indicates that De Beers

was able to make that connection, and I think it was laudable that the private sector made the decision to invest in discussions with First Nations in Ontario. There are three or four other points I'd like to make, but my notes tell me that the parliamentary assistant has every intention of covering those off.

**1600**

The member from Oshawa said there were three different versions. There are usually about 50 different versions of what's happening from everyone's perspective. If we could remove the political rhetoric that has been going on, that he and I have talked about in the past, I believe we would probably be able to come to some consensus about how we might get the best possible legislation in this House.

Thank you for the short opportunity to present, and I will hand it over to the parliamentary assistant when it's his turn.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Paul Miller:** I'd like to make a comment. I was watching television in the office and saw the member from Willowdale get up. To say the least, I was quite shocked with his presentation when he kind of gave the indication to the public that the nasty old opposition were delaying and putting off and trying to make the process slow down at the committee level. What he conveniently left out was the fact that the committee is comprised of five Liberal members, one Conservative and one NDP member—

**Mr. Michael A. Brown:** No, there are two Tories.

**Mr. Paul Miller:** Sorry, two Conservatives. So the numbers on any vote would be 5 to 3. I've been here just under two years, and I've sat on a few committees. I don't think I've seen maybe one or two amendments brought forth by the opposition even considered. In all the committees I've sat on, all five hands go up, voting the way the Liberals want to vote; no consideration by the committees I've sat on for the people in the opposition and their good amendments. There is some good legislation that we bring forward that is not even dealt with, not even looked at. In fact, not only did they not read my Bill 6, but in clause-by-clause, half of them were even out of the room. They weren't paying attention, they weren't involved in it, and any questions that were asked were practically ignored.

It's really amazing that a member could stand up and say, "Oh, the nasty old opposition holds things up. We can't get anything done." It's part of the system. It's the only way we can stop bills we don't agree with from being railroaded through, and they know that too from when they sat over here. They know it's the only way we can slow the system down. There were a lot of people who didn't want this bill and didn't want it to go through. But the government, in their arrogance and their numbers, decided it's going through, like it or lump it, with a few amendments.

The bottom line is that if people really knew what goes on in these committees and really knew that the

opposition is coming from a position of being outnumbered five to three in most cases—I just don't like them to stand up and say it's the opposition causing the problem. It really isn't. Our only voice for the people we represent is to bring forward changes and amendments that 99.9 times are shot down and the government goes away—they're going to like it or lump it.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Peter Kormos:** In a scant 60 seconds, I want to express my dismay—

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Sorry. I've been informed that you have already spoken.

*Interjection.*

**Mr. Peter Kormos:** It's time allocation.

**The Acting Speaker (Ms. Cheri DiNovo):** Sorry. I was not here all the time. The member may continue speaking.

**Mr. Peter Kormos:** Shame on them. Shame on the member, as long as he's been here, for not knowing the standing orders.

Once again, I shake my head—a time allocation motion once again. It's as if political parties are in a race here to see who can use more time allocation motions. Time allocation motions are the last refuge of scoundrels, I say. I tell you that time allocation motions come from governments that don't give a tinker's damn about the opposition; that don't give I tinker's damn about due process when it comes to bills going through the process; don't give a tinker's damn about committee work, as long as they've got a majority on the committee so they can hammer anything through that they want. I say it's a very dangerous trend in this Parliament and, I suspect, more than a few others.

Time allocation goes back to the days where you didn't have time limits on speeches. It goes back to the days when you could hold the floor for 30 days if you wanted to, or all night. In that context, because they were common-law time allocation motions, the Speaker had to use his or her discretion in terms of determining whether a speechmaking was being merely dilatory. The governments make rules and expect us to abide by them, but when it comes to their turn, they say, "What a silly rule." How unfair that is. How wrong that is.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Michael A. Brown:** I am pleased to take part in this debate, although, frankly, as somebody who's been here since 1987, I've never found any great fondness for taking part in a time allocation debate, which has taken place under governments since 1987, when I was here. It became increasingly more prevalent in the period from 1990 to 1995, and then totally outrageous after that period of time until 2003. I think the record would easily show that this government has used time allocation much more sparingly than its predecessors in the last 15 years.

But I want to talk a little bit about the Mining Act and why we're here today. The mining industry is one of the

drivers of the economy of Ontario, particularly the northern economy, I think my friend from Timmins–James Bay would recognize. It has been, from the earliest times in this province, a great revenue generator. In 2008, Ontario led the country in mineral production with an estimated \$9.6 billion in new wealth generation. Northern Ontario's 27 metal mines accounted for \$6.6 billion of this production. Ontario also continues to lead the country in attracting high-risk investment capital, with over \$667 million spent on exploration in 2008. We are forecast to lead the country once more this year, increasing our market share from 24% to 28% in 2009. For that simple reason, mining is an economic imperative in Ontario. We must ensure that its governing legislation is modern, balanced and equitable.

Our proposed amendments to the Mining Act bring clarity and certainty for the mining industry; they recognize aboriginal and treaty rights; they provide for a process of dispute resolution; they address issues related to surface versus mineral rights; and they link mining development to the development of land use plans in Ontario's far north.

It would be fair to say that since I first stood with the Minister of Northern Development and Mines—and now Forestry—at the ROM, and we made the public announcement that we would be moving forward with improvements to the Mining Act with support from the Ontario Mining Association, with support from Garry Clark of the Ontario Prospectors Association, with John Beaucage, the chief at that time of the Union of Ontario Indians, and other stakeholders for our efforts to improve the Mining Act; through our introduction this spring of the Mining Act; through second reading debate of the Mining Act, through consultations here in Toronto, in Thunder Bay, in Sioux Lookout, in Chapleau and in Timmins, where we heard from people from across the province.

I remember in Chapleau the presentations from NAN, as they spoke to us with a great deal of sincerity, with some courage and with some very insightful comments about how this may work in the traditional lands of some of their First Nations moving forward. I think members should understand—and I speak to my friend from Oshawa, who was with us in Chapleau and, I believe, Timmins after that—that one of the interesting things we were doing on this committee was speaking to first reading debate also on Bill 191, the Far North Act, and many of his comments reflected the relationship between the Far North Act and Bill 173, the Mining Act. I think that was very important to moving on now to Bill 191 so we can complete our work making 173 and 191 work together as a package in that far northern part of province.

**1610**

I appreciate my friend from Timmins–James Bay. He makes some good points. He obviously is familiar with that part of world which we now refer to as the far north; much of his constituency is there. I appreciate his comments regarding the issues with First Nations and remind him that this bill, for the first time, reflects the province's

recognition of the aboriginal rights and the right to consultation of First Nations on their traditional lands.

This is a bill that we have worked very hard at. This is a bill that has been in committee now for five days. For fully one third of the time during those five days, we sat on our hands. Why did we sit on our hands? Because the Conservative critic on the committee would leave the room to consult, with himself apparently, for 20 minutes.

I just want to suggest that this is a breakdown in the process. This is not fulfilling that. We quite clearly, as a government, would have preferred that this process move without the filibuster, at a time when Ontarians expect that we move forward with Ontario's economy, with issues that drive our economy. They expect us to move forward, and I'm pleased to be here to support this particular time allocation motion at this time.

I would like to thank members for their participation in the debate.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate? No?

Ms. Smith has moved government notice of motion number 139. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I will call the members at this point, and this will be a 10-minute bell.

I have received a notice of deferral. This vote will now be deferred until tomorrow during deferred votes.

*Vote deferred.*

OCCUPATIONAL HEALTH  
AND SAFETY AMENDMENT ACT  
(VIOLENCE AND HARASSMENT  
IN THE WORKPLACE), 2009

LOI DE 2009 MODIFIANT LA LOI  
SUR LA SANTÉ ET LA SÉCURITÉ  
AU TRAVAIL (VIOLENCE ET  
HARCÈLEMENT AU TRAVAIL)

Mr. Fonseca moved second reading of the following bill:

Bill 168, An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters / Projet de loi 168, Loi modifiant la Loi sur la santé et la sécurité au travail en ce qui concerne la violence et le harcèlement au travail et d'autres questions.

**The Acting Speaker (Ms. Cheri DiNovo):** Debate?

**Hon. Peter Fonseca:** I will be sharing my time with my parliamentary assistant, the member for Brampton West.

Today I rise in this House to speak out against violence in the workplace. It's something that we cannot tolerate. Violence in the workplace is harmful. It's hurtful to the worker who is hit. It harms the family of the victim. It damages the working atmosphere. It hurts



the business. Today we undertake second reading of Bill 168. This is the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009. This bill would, if passed, clarify for employers and employees their responsibilities and rights to prevent and respond to workplace violence and harassment.

This bill says that we're taking action to do what we can to rid Ontario workplaces of violence and harassment. The reason we're doing this is fundamental: It's the right thing to do. Every day across Ontario, men and women leave their homes and head to work, and when they leave, they expect to return home safe and sound. Every day, somewhere in this province someone heads to work, and sadly, that person goes to work afraid. They spend their days in fear, and there is worse: They're punched, they're shoved aside, they're pushed down, they're tripped; they're physically abused simply because they're at work, and sometimes they die.

The workplace is supposed to be safe. That's why we have occupational health and safety laws. The underlying basis for these laws is the requirement that employers are responsible for the safety of their workplaces. The time is ripe to move forward. The Occupational Health and Safety Act, as it currently is, provides employers the responsibility, through a general duty clause, to keep their workplaces safe. The proposed amendments, however, would help clarify the act as regards to workplace violence and harassment. They would also add a definition of "workplace violence" to the Occupational Health and Safety Act. A definition of "workplace harassment" would also be included, which would cover the broad range of types of harassment, comprising psychological, sexual, bullying, and intimidation.

"Workplace harassment" means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome." Additionally, Bill 168 would state, if passed, "If an employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace, the employer shall take every precaution reasonable in the circumstances for the protection of the worker." The bill would also provide certainty to workers about their rights. With this legislation, employers would better understand their responsibilities, and workers their rights, in preventing workplace violence and addressing harassment.

After consulting with employers, labour and women's groups, we recognize that the protections and responsibilities under the Occupational Health and Safety Act should be clarified. Workers and employers need to know what is expected of them. We have to try to make our workplaces safer, fairer and healthier. We're working hard at making workplaces safer. My ministry's strategy for enforcing the Occupational Health and Safety Act, a strategy we call Safe at Work Ontario, gives inspectors more flexibility to work with employers and to develop strong health and safety cultures. My ministry has addressed the serious issue of workplace health and

safety by hiring more inspectors and by continually looking for ways to make the whole system function better.

One way we can make it better is by amending that very same law, the Occupational Health and Safety Act, so that we can address workplace violence. Our obligation is to deal with workplace violence, not just from another worker but from anyone who enters the workplace. It could be a patient in the hospital, or a student, or a parent at a school, or a customer at a convenience store. Our obligation is to deal with workplace violence. The act as it is now does provide that employers have a general duty to keep their workplaces safe, and that does apply to workplace violence. These amendments are intended to build upon the current protections that exist in the act.

#### 1620

Last year, in the period from April 2008 to March 2009, the ministry received 170 complaints related to violence in the workplace. In the same time period, inspectors made 417 field visits and issued 351 orders related to violence in the workplace. In the last 12 years, three coroners' juries have recommended amendments to the Occupational Health and Safety Act.

There's no denying that violence occurs in our workplaces. We need to work together to eliminate workplace violence.

Here's what Bill 168 will do. First, it will clarify the obligations and the rights of workers through policies and programs. Second, it will show employers what minimum standards are expected for workplaces, as the Ministry of Labour will be providing checklists and guidelines to set those standards. Third, it gives workers the right to refuse if their situation is unsafe.

When there is a safety guard missing from a piece of machinery, workers have the right to refuse work on that machine until the condition is corrected. When workers are required to work with a potentially harmful chemical, they have the right to refuse, unless they're provided with the proper protective clothing. Workers who are threatened with violence need that same right, and that's what we're doing. We're giving them that right.

Under these proposed amendments, employers would be required to prepare a policy with respect to violence in the workplace. They would have to develop and maintain a program to implement that policy. Such a program would include measures and procedures for workers to report incidents or threats of workplace violence. It would also include measures and procedures for summoning immediate assistance when workplace violence is threatened or it occurs.

Workers would be provided with instructions on what to do when faced with violence and who to go to, and the program would set out how employers are to investigate and deal with these incidents, threats and complaints of workplace violence. The proposed bill would make clear to workers that their right to refuse unsafe work also includes situations of violence.

As a matter of fact, under our health and safety legislation workers do have the right to refuse work when it

could be dangerous. Employers would have to assess the risks of the workplace violence that may arise from the nature of that particular workplace and the type of work or conditions that those employees work under.

The program would include measures and procedures for controlling the risks that have been identified, and we will also be providing employees with information on workplace violence.

We've worked hard, listening to stakeholders about how to address workplace violence. So far the response from the people of Ontario, employers and employees alike, has been positive. After the introduction of Bill 168, Elaine Mac Neil, president of the Ontario English Catholic Teachers' Association, issued a statement congratulating the government for its action, and it reads: "The amendments to the act that were introduced today are acknowledgements by the government that workplace violence and harassment are unacceptable. Requiring employers to implement policies and programs that prevent workplace violence and harassment is a significant step towards creating safer workplaces." I couldn't agree more.

Doris Grinspun, executive director of the Registered Nurses' Association of Ontario, also congratulated the government by saying, "great progress" moving "in the right direction."

I acknowledge that many employers have good prevention training and reporting programs in place today. We want to ensure that all workers have these programs in their workplaces and that employers are clear on what their responsibilities are in preventing and responding to workplace violence and harassment.

Our legislation addresses the specific needs of different workplaces. It would provide clear direction about what is required of employers. At the same time, it would allow the flexibility to develop policies and programs that meet the needs and risk levels of individual workplaces.

During our consultations, we heard about the importance of ensuring that workers are informed about potentially violent persons they may encounter. If a worker can be expected to encounter a person with a history of violent behaviour, the proposed amendments will require employers to provide information to workers about that person. To balance privacy concerns, though, the disclosure of such information would be limited to that which is necessary to protect the worker from physical injury.

Another key point I want to make is that the legislation pertains not just to worker-to-worker situations. Employers also have to have violence policies and procedures that would deal with people when a worker is likely, in the normal course of their duties, to come in contact with somebody who may be dangerous. In retail settings, this would include customers; in schools, students and their parents; in health care settings, patients and their relatives. These are just some examples.

We want to get in front of an incident. We want workplaces to create an environment that says to each

and every worker that violence is unacceptable in this workplace and violence will be dealt with. We, I believe, through these amendments, have created a framework for such a workplace environment.

This legislation is not expected to substantially increase the regulatory burden or costs on Ontario businesses. I've met with many employers, I've toured workplaces to see the dedication of employers to keeping their employees safe, and I commend them for that. For years, the Ministry of Labour has been requiring employers to take reasonable precautions against workplace violence. Many employers already have policies and programs in place today. These amendments will help businesses be more competitive. The goal of these amendments is to protect workers from violence and harassment. Preventing injuries and absences translates into higher worker morale, increased productivity, reduced lost-time injuries and reduced workplace insurance premiums and costs.

We recognize the importance of assisting business with the requirements set out in this bill. My ministry has worked and will continue to work with our health and safety partners to create easy-to-follow guides, checklists and templates to help employers comply with the law.

At this time, I would like to acknowledge the hard work, wisdom and good counsel of my colleagues the education minister, Kathleen Wynne, and the Minister of Health and Long-Term Care, David Caplan. I also want to thank the staff of their respective ministries for their dedication in addressing workplace violence within their respective sectors.

I would also like to thank all the hard-working staff at the Ministry of Labour who have worked on this piece of legislation, as well as, from within my office, Rob Walters, Julie Garner and Melissa Banfield, who have all worked very hard to get us to this point.

As with any health and safety risk, we all need to work together to make safer workplaces. I ask the members of this Legislature to stand with me in passing these amendments. I ask you all to stand with me and stand against workplace violence. Thank you.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments? The member from Lanark-Frontenac-Lennox and—

**Mr. Mike Colle:** He said he was sharing the time.

**The Acting Speaker (Ms. Cheri DiNovo):** Sharing the time? Okay. Sorry. The member from Brampton West.

**Mr. Vic Dhillon:** Bill 168 is an important piece of legislation. It is a needed piece of legislation, for which reason I ask my colleagues to raise their voices against violence and harassment in the workplace. Violence and harassment are serious and significant issues in the workplace. Our government is serious about dealing with them. The proposed legislation would require employers to develop policies and programs to help prevent workplace violence and address harassment.

**1630**

Since the introduction of this bill, it has received broad support. Businesses understand that it is in their best

interests to act to protect their workers. According to the Workplace Safety and Insurance Board, an injury to a worker is very expensive. In 2008, employers paid more than \$24,000 in direct costs and more than the \$96,000 in indirect costs for a single lost-time injury. That gives a total of more than \$120,000 per worker per injury, and of course that doesn't include the emotional cost that the families and friends of an injured worker have to bear.

The support for this bill comes from a wide range of groups. Mr. Smokey Thomas, president of the Ontario Public Service Employees Union, noted, "When I read the announcement, it is clear the ministry has been paying close attention to many of the arguments" that have been raised "over and over again for years."

The president of the Ontario Medical Association, Dr. Ken Arnold, said:

"Ontario's doctors commend the provincial government for its introduction of Bill 168 which aims to better protect workers from violence in the workplace.

"We believe every health care provider has the right to a safe work environment, and we hope these legislative amendments to the Occupational Health and Safety Act will help to ensure their safety."

I hope all members of the Legislature will join the millions of Ontarians in supporting this bill. This is a broadly based initiative. In addition to violence in the workplace, this legislation also addresses workplace harassment, and domestic violence when it enters the workplace. The Minister of Labour and the Ontario Women's Directorate have worked closely together to respond to the coroner's jury recommendations in the Dupont-Daniel coroner's inquest. In addition, we have worked closely in developing our responses to the domestic violence advisory council's most recent annual report. We at the Ministry of Labour also consulted with the Ontario Women's Directorate in the development of Bill 168, and we will coordinate with them on the implementation of the legislation, should it pass.

The Ontario Women's Directorate is represented on the Ontario health and safety council of Ontario's steering committee on workplace violence. In addition, the province is supporting a workplace training program delivered through the Centre for Research and Education on Violence Against Women and Children in London. This program will give both employers and employees access to the information and tools they need to recognize the signs of abuse and take appropriate action.

This past June the Honourable Deb Matthews, Minister of Children and Youth Services and Minister Responsible for Women's Issues, spoke in this Legislature. She said, "We need strong women for a prosperous Ontario, and in this economic climate more than ever, we need our businesses to prosper. Women need to feel safe and respected in the workplace." I doubt there is anyone who would disagree with Minister Matthews. For Ontario to prosper, we need businesses in which energetic, creative employees are fully engaged in their work. Workers who are fearful are not engaged, which is not good for workers, not good for businesses and definitely not good for Ontario.

We're facing challenging economic times. Now is the right time to move forward and help workers go to work knowing that they'll be safe. It's time to help energize our workplaces. It's time to move forward with this legislation.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments.

**Mr. Garfield Dunlop:** I'm pleased to stand and respond to the comments made by the minister and the parliamentary assistant on this legislation. However, I have to tell you right up front, I don't know the legislation inside out, and I'm going to look forward to what happens in committee and debate and what we hear from our stakeholders, as opposed to some comments made by the government members and quotes they've made from the OMA and places like that.

What I do want to say is that I'd like to see some legislation actually be completed sometimes. What I'm thinking about is the presumptive legislation for firefighters. In minutes here in this House, we passed legislation, first, second and third reading supported by all parties, to make sure professional firefighters receive presumptive legislation.

As we move forward, we're looking for that to be extended to volunteer firefighters. That was promised to them. That was even promised in a press release. Even yesterday at the firefighters' memorial service, the president of the Ontario Association of Fire Chiefs mentioned it again. He thanked the government for any work they had done on the memorial, but asked, "Why can we not have presumptive legislation brought forward for our volunteer firefighters, who represent more firefighters and more numbers than we actually have for professional firefighters in this province?" I'd like to see it completed, and I'm not going to support this legislation until I see that legislation come in for the volunteer firefighters, because they deserve it and they expect it and the citizens of rural Ontario deserve and expect it as well. They were promised it by the Premier, by the Minister of Community Safety and by the Minister of Labour, and they've dragged this thing on forever and forever, consulting, consulting. Two and a half years later, they're still consulting. That's what he said in his comments earlier, that he consulted on this bill. Let's make sure the presumptive legislation for volunteer firefighters is complete and extended to them and done as soon as possible, before this session ends when we leave here in December.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments.

**Mr. Peter Kormos:** New Democrats are going to have a chance to speak to this more fully in perhaps 20 or 30 minutes.

The bill is what I would call "just fine," and let me explain what I mean by that. There's a story about the worker whose foreman called him into the office the day before the Christmas break. He gave the worker a bottle of wine. The worker said, "Thank you very much, boss." He went home and came back after Christmas. A day

went by. Two days went by. Three days went by. He didn't mention anything about the wine. The foreman finally came over to him and said, "The wine—did you enjoy it?" He said, "It was just fine." The boss said, "What the heck does that mean?" He said, "If it was any worse I wouldn't have drunk it. If it was any better you wouldn't have given it to me."

This is legislation that's just fine. There's a strong community out there that has been desperately waiting for legislation that deals with harassment in the workplace. There are some families of some dead women who have been praying even harder. I'm going to talk about those in the short time that's allotted to me.

Having said that, there are some serious concerns about the legislation and some critique about it. New Democrats are going to embark on that. This might have been an appropriate bill, in hindsight, to put to committee before second reading so that the adjustments, the fine tuning, could have taken place before the bill came to the House for second reading. It aims at the broader target but doesn't come close to hitting the bull's eye. While folks out there in various communities—I'm going to speak to them when I address it. Paul Miller is speaking next, after the Conservative speaker, and you know that Paul Miller will give this issue a thorough analysis. But I would just ask you: Let's not start jumping up and down and turning cartwheels, because there's stuff to be said about this that could make it better.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments.

**Ms. Helena Jaczek:** I'm pleased to rise in support of Bill 168 to amend the Occupational Health and Safety Act. I'm sure we're all agreed that violence and harassment have absolutely no place in the workplace, and I believe that our government is taking this issue very, very seriously. It certainly is comforting to know that the very broad consultation that has occurred since September 2008 has generated, I would say, some real praise for the actions our government is taking. I'd really like to elaborate on how some of the public sector unions have approached these amendments.

1640

Ken Coran, president of the Ontario's Secondary School Teachers' Federation, OSSTF, has said, "The amendments introduced to the act clearly demonstrate that workplace violence and harassment will not be tolerated. Employers will now have to identify harassment and violence as hazards and implement policies and programs that are both preventive and responsive."

Smokey Thomas, president of OPSEU, the Ontario Public Service Employees Union, has stated:

"After years of lobbying and all-out campaigning by OPSEU and other unions, the changes announced by Minister of Labour Peter Fonseca are like a gust of fresh wind blowing through the workplaces of Ontario.

"We warmly welcome the government's initiative on this critical health and safety issue and we can only hope that the changes will be locked into place with the required resources and enforcement muscle."

I think we can assure Mr. Thomas that that's exactly what our government intends to do.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments?

**Mr. John O'Toole:** I think, if you listen to the comments here, everyone in this place agrees with the current legislation and the right to refuse unsafe work. That isn't the debate here. The debate is much more treacherous. It's the things they're not doing, as the member from Simcoe North mentioned—recognizing volunteer firemen is one example. I would say, if you listened to even the comments by the minister, in his prepared notes, that the sincerity in this just isn't there.

I can only say that I'm waiting anxiously for the member from Lanark-Frontenac-Lennox and Addington to bring some teeth to this, to doing the right thing—and I have some time. I hope he'll recognize that I will have some comments on this as well.

The way this bill is being poised is that we should be in favour of it; in a general sense, we are. But it's the things that are missing and the disingenuousness of this bill that are the most treacherous part of it. It isn't doing what it purports to do.

In fact, it's another one of those cases where you look at this government's action, or lack of it—on this Bill 168, which was introduced back in April. The time has come for them to come clean about what it is they're doing. In fact, I'll bring some clarity to some of the background of this in their sexual harassment portion of the bill.

The way they're going about this is so mean-spirited for the individuals who have personal disclosure information, and employers who may take reprisals—or not wanting to know some of these sorts of things. I think, up to the individual—and there was a proposal put forward by the government in 2000 to remedy this sexual harassment in the workplace.

So it's what's not in the bill that is most troubling, and the disingenuous way this minister with the buttoned jacket and the quick hand movements—well-trained theatrics—that makes me feel suspicious about what's actually going on here.

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Brampton West has up to two minutes to respond.

**Mr. Vic Dhillon:** This bill is what it is, as outlined by the minister. It'll go a long way in improving our workplace conditions. Some of the very, very serious things occur when workplace violence occurs. As I stated earlier, we need an energized workforce, and with the violence taking place in the workplace, we will never get to that point.

Another factor in this bill is the spousal element, where people approach their ex-spouses at their workplace in an attempt to disrupt their work climate, and we have taken serious measures to ensure that doesn't happen.

We've consulted with a broad range of stakeholders and we've received broad-based endorsements from them.

As I stated earlier, workplace safety not only emotionally injures our workers—but financially as well. The impact on our businesses is quite significant, as I stated before: \$24,000 in direct costs and \$96,000 in indirect costs, which totals more than \$120,000, a great impact on businesses that are trying to operate in these tough economic times. So I hope my colleagues in the Legislature will support this bill.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate? The member for Lanark–Frontenac–Lennox and Addington.

**Mr. Randy Hillier:** First, I'd like to indicate that I will be sharing my time with the members from Wellington–Halton Hills and Durham.

We all know the reasons for this bill. The tragedy of the Lori Dupont case showed us all the dangers of workplace violence. Ms. Dupont was killed by Dr. Marc Daniel at her place of work. The signs of workplace violence were there for all to see. However, this government's attempt to solve the problem, which the Dupont case highlights, is woefully inept.

I'd like to put on the record and to reflect that I support the reasons and the intentions behind this bill. Violence of all types is deplorable. But we do know that it's government's role to help protect citizens, not to abdicate their responsibility and delegate this responsibility to employers. This is why we have police and courts: to help protect citizens. This bill seeks to change that relationship.

This bill is nothing more than another attempt by the Liberal government to pass the responsibility of government away from themselves and on to others. We have seen how, in the past few months, such actions have come to haunt the Liberal Party. They've delegated ministerial responsibility to agencies, boards and commissions, and this has resulted in a summer of scandal for the Liberal Party. At eHealth, at OLG and WSIB—and there will be more—we've asked this government time and time again to take control of its ministries, rein in their ABCs and take ownership of their responsibility.

Now this Liberal government is at it once again. Bill 168 passes the buck. Instead of giving the law over to police officers and judges, they're making individual business owners responsible for the private lives of their employees. Bill 168 requires an employer to know the intimate details of an employee's life. One of the provisions requires that an employer who "ought reasonably to be aware" that domestic violence will spread in the workplace take "every precaution reasonable" to prevent violence. But who can judge whether an employer is reasonably aware or should be reasonably aware? Shall employers begin spying on their workers, and are they liable if they do or do not spy?

In legislation, perspective is everything. It is probably the most dominant criterion in crafting legislation. But this Liberal government views everything in a very narrow focus and sees everything from a very urban, static or stationery mindset. I'll get into this in a little bit, down through my address on this subject.

The inquest in the Lori Dupont case was released in December 2008. That same month, the honourable member from Durham, John O'Toole, introduced the Lori Dupont Act to curb workplace violence. The members opposite did not support it, and it was quickly and quietly killed by this Liberal administration. It's now October 2009. Where was the Liberal Party during all this time? Are they just attempting to play politics with people's lives? This speaks to the honourable member from Durham's discussion in his comments about the disingenuous actions of the Liberal administration. The time they have wasted could have been used to stop workplace violence. As the minister spoke, he said since that time there have been 170 complaints, 417 visits by Ministry of Labour inspectors and 300 orders, but the Liberal government was silent. Where were they? Where were the members opposite when Mr. O'Toole was presenting the Lori Dupont Act? It's pretty obvious, I think, to everyone here, they just want to get some credit for themselves and damn the consequences of their actions.

#### 1650

There are a number of components in this bill which must be put on the record for people to be fully aware of what actually is the content and how it will affect people. Unlike the manufactured comments by the minister, I've read the bill, and it causes me significant concerns.

One of them is that we're talking about workplace violence, but this bill is about much more than just workplace violence. It has used the word "harassment," and harassment, as it is set out in this bill, refers to comments or conduct that are unwelcome by someone in the workplace. This is a huge, broad, all-encompassing and, I would say, false concept of what harassment is. I'm sure if you asked anybody on the street, "Is harassment an unwelcome comment?"—the legal definition, of course, of harassment is prolonged and intolerable conduct by a person to another—disorderly, confused, and troubling conduct, but in a prolonged fashion. Harassment under this bill is an unwelcome comment.

I would like to ask everybody: What would happen if, let's say, two hockey fans are at work one day, and one is a Toronto Maple Leafs fan and one is a Montreal Canadiens fan, and the Montreal Canadiens fan says, "We really put it to you on Saturday night, didn't we?" Would that be unwelcome? Would that require a policy and a program?

This is quite a new, unique way for the Liberals. When they're crafting legislation now, they're also redefining words, so we can't begin to understand what the legislation is actually meant to do.

This law ought to deal with violence in the workplace, not annoyances. That is what the people of this province are looking for. We are here to deal with violence. Many things in our workplace are unwelcome. I experience it every time when I'm in committee with the Liberals. I would like to take that opportunity, if this bill does pass, to have a program in place to prevent the unwelcome Liberal actions within committee.

If a person's comments or actions in the workplace are disorderly or troubled, this becomes grounds for an

action against the employer. Neither the law nor the employer can ensure or be expected to ensure that no employee is ever subjected to an annoying or disorderly comment or action.

This is not my understanding or most people's understanding of harassment. The legal term "causing vexation" is more appropriate, and to subject people to "persistently and wrongfully to annoying, offensive or troubling behaviour," that's what is harassment, not an unwelcome comment.

**Hon. Leona Dombrowsky:** According to you.

**Mr. Randy Hillier:** That's a legal definition for the minister from Hastings or the Minister of Agriculture.

An employer under this act will be bound to produce costly policy manuals and programs regarding both violence and harassment. What these may manifest themselves in is a complete mystery to all of us as the Liberals continue to redefine words. They've passed the buck again, and this time to the bureaucrats and the regulations, instead of taking ownership themselves.

Are we to remove people from the workplace and educate them as to what constitutes an unwelcome comment or conduct? Are they to go to re-education camps? Regardless, this bill will result in lost productivity and increased costs to all employers at a time when our economy is hemorrhaging jobs and unemployment is accelerating. Will employers be required to employ security officers and bodyguards? We're unsure. That is left for regulations.

But there also is something very important here, and it talks to the privacy. How is an employer able to assess risk without intruding into the privacy of an employee's personal life? How is an employer to be expected to predict the future behaviour and use of vocabulary without also demanding expensive behavioural and psychological testing and analysis? I'd like the minister to explain that. How are employers going to predict this future behaviour? The employer is then obligated to share these evaluations—and it is an obligation under this act—with other employees in the workplace. Surely that's the most atrocious affront to privacy in our country—and opening the door wide open to chaos in the workplace.

This idea that it is now the employer's obligation to intrude into people's privacy—I would like everybody on the other side of this House to answer me this one question: Is it the Speaker's role to know my private life? Is it the Premier's role to know the private lives of every individual on the opposite side? This is a workplace. How is the Liberal government going to deal with that? How do you practically expect that to happen?

The bill also provides for reassessment. It states clearly in the act that there will be a requirement for reassessment and it will be as often as necessary. How often is that? None of us are sure. Is it a reassessment required with the arrival of every new employee in the business, or with the departure of every ex-employee? Are the reassessments to be done by quarter, by annum, or by additions of shifts or product lines? No one is to know. Nobody can know.

On the subject of domestic violence, the employer cannot be reasonably expected to know the personal relationships of employees, spouses or partners without a complete breach of people's privacy. And once again, if there are suspicions of potential violence, these personal details must be shared with all employees in that workplace.

The government appears to be reacting and responding to the tragedy of Lori Dupont but completely ignores the coroner's recommendations. Here are the coroner's recommendations. It would be wise for the members of the Liberal administration to actually read what the coroner had to say about that case.

**Mr. Peter Kormos:** Maybe you're going to tell us.

**Mr. Randy Hillier:** I may add a few comments about that.

This bill appears not to be responsive but it appears to be a PR exercise that will increase costs to businesses and achieve nothing or of little substance. It appears, as the honourable member from Welland said—it hits a big target but misses the bull's eye. I would refer to it more that it's a scattergun approach, and you might also add, with maybe a scatterbrain behind the gun.

**1700**

It is the responsibility of the police and the justice system to protect people from violence, and it is the responsibility of every individual to watch out for violence and to protect our fellow men and women from harm, but it is not the responsibility of business. In this bill, we are shifting the responsibility and turning it into a liability, and it is clear that this Liberal administration is confusing criminal law with occupational safety. There is a difference, there is a distinction, and the members opposite should look into what those differences are and why we have differences.

This bill attempts to address problems of harassment in a stationary workplace. This comes back to perspective. We see the bureaucracy, and the members here who have poorly constructed this legislation clearly have a view that everybody works in a stationary environment and that we can put together a policy or a program and post a notice to protect these people, and it applies to every employer that has greater than five people. How are we going to protect the truck drivers who are travelling around this great country, province, and indeed the continent, who are employed by a firm that has more than five truckers? How is that going to happen? How is it going to apply to tradesmen on construction sites or in service vehicles around this province? Has anybody on the government side actually sat down to think about what is going to happen here? You are creating and crafting a piece of legislation that cannot be applied.

There are two main points about the Lori Dupont case that resulted in her death that this bill does not address: timely access to the legal system and timely access to restraining orders, but also the protection for employers to discipline employees who are known to be problems. If you read through those recommendations and if you read through the case, you'll see clearly that had Lori

Dupont been able to get a restraining order, it would have been a substantial defence for her. But our legal system failed her, and this bill does nothing to address that failure.

It is also clear that through all that tragic story, people in the workplace, people in positions of authority over her attacker—murderer—knew there were troubles, but they were fearful of taking discipline action because of legal liability. This bill does nothing to encourage those employers to actually take action and it does not protect them against liability for taking appropriate and reasonable action. A restraining order would have greatly aided Ms. Dupont. She could not get one, and there was no way to enforce one had she gotten one.

Where are the Liberal members on this issue? Where is the thumping of the chest when you read the bill? They have introduced a bill which, instead of working within the purview of government to streamline the legal system, instead of helping police officers to stop and prevent crime, instead of allowing judges to better prosecute offenders, places all the blame and liability on the shoulders of business owners.

Another important part of this bill that remains unaddressed is just how an employer is supposed to stop this workplace violence or harassment. I talked about encouraging disciplinary action—it's not in this bill. Instead of increasing employers' liability, as this bill sets out, the members opposite do not seem to realize that such legislation creates an enormous disincentive for employers to hire workers who are in a relationship.

Think about that for a minute. This is always one of problems with Liberal bills, the unseen and unintended consequences.

Under this act, we are putting so much expectation and liability on employers, so much additional cost and regulatory red tape. Is the employer not now going to have a financial incentive, a monetary incentive not to hire people who are in a relationship? The law of unintended consequences happens every time when legislators are looking at their feet instead of down the road.

This bill does not in any way address the ability of an employer to handle cases of harassment or violence directly through disciplinary actions. One of the main problems identified in the Lori Dupont case was that the hospital was afraid to pursue those actions for fear of liability. This bill does not help any employer prevent violence.

I would also like to say, we hear so often from the government side these promises of action. The member from Simcoe North talked about presumptive legislation. Yes, the Liberals are going to do this. We're going to get this bill through.

It reminds me of another promise that the Liberals made earlier during this session, and that was for every regulation that they brought forward, they would get rid of one. Does everybody remember that? It's called the Premier's reduction of red tape. He's going to get rid of unnecessary regulations, regulations that do not provide value to people, regulations that are costly and expensive and do nothing.

I have to share this little story with the members opposite. I was in the bookstore a couple of weeks back and I picked up this book right here. This is the pocket edition of Ontario Provincial Offences. What's interesting about this book of 3,400 pages of fine print is that since the Liberals took power in 2004—

**The Acting Speaker (Ms. Cheri DiNovo):** I would caution the member to not use props in this House. Thank you.

**Mr. Randy Hillier:** This is not a prop. This is a—

**The Acting Speaker (Ms. Cheri DiNovo):** No, I know. Thank you.

**Mr. Randy Hillier:** This book has expanded, since 2004, now to 3,400 pages. A short six years ago it was 2,000 pages. This book now has half a million regulations and laws poorly constructed by this Liberal administration. What happened to that promise of getting rid of one for every one that they bring in?

We cannot believe anything that this Liberal administration is bringing forward. We have seen a summer of scandal. We have seen passing the buck continually. We now see the redefining of legal terms. "Unwelcome conduct" is now a violation or will be a violation in this province. It will be added to the provincial offences. It will be added to the half a million pieces of fine print. Once again, the Liberal government will have advanced a piece of legislation that appears good in the press and provides no value, no protection and no benefit to anyone in this province, but most assuredly will result in greater expense and fewer jobs by businesses in this province.

But the thumping of the chest and the wailing and the gnashing of the teeth on the Liberal side will continue, of how important and how thoughtful they are, but anybody who actually looks into and reads the legislation will agree with my colleague the member from Durham that this bill is disingenuous.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate? The member for Richmond Hill. Hold it for a second: Were you not dividing your time?

1710

**Mr. Randy Hillier:** Yes.

**The Acting Speaker (Ms. Cheri DiNovo):** Okay. Further debate?

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Do we want to move to questions and comments? Okay. Questions and comments?

**Mr. Peter Kormos:** The member from Lanark-Frontenac-Lennox and Addington has earned some antipathy over the course of the last several years, and there's that hack phrase that says you're known by your friends. I say you're also known by your enemies. As long as you've got the right enemies, you're doing okay, huh? But I find it impressive that he comes to this chamber and can speak the way he does about the matters before us and incorporates into those comments his own personal experience, his own insights.

It's a rare occasion when I agree with him. I suspect it would be not unfair to say we're at the opposite ends of

the political spectrum. He is Ayn Rand and I'm—oh, let's see—Marx, and not the brothers. Here's Mr. Hillier, Ayn Rand; here's me, Marx, not the brothers. But that's okay.

I think one of the things we've got to understand is that the member for Lanark–Frontenac etc. brings a viewpoint that I'm sure he shares with a whole lot of folks, and they have a right to be spoken on behalf of in this Legislature too. Don't you think so? I find it impressive that he comes here and—look, you don't have to agree with what he said. When he says it, he says it in an articulate way. He presents himself well, and I just want to say it was a delight to listen to his comments.

I am looking forward to making some of my own, perhaps 10 or 15 minutes from now. I just hope we have enough time for me to give a substantial contribution to this debate. Otherwise, all this waiting would be a shame.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments?

**Mr. Reza Moridi:** It's a pleasure to rise in this House and contribute to the discussion on Bill 168, occupational health and safety. There is no room in Ontario workplaces for harassment and for violence. Our government and Ontarians take this very seriously. That's why our government about a year ago launched public consultation on this very issue.

Ontarians have spoken on this. Based on what we have heard from Ontarians, our government has prepared Bill 168, and the bill is before the House for debate. Once this bill passes, if it is passed, in the House, the current Occupational Health and Safety Act will be amended so that employers will be obliged to come up with a program and a policy in the workplace so that they will address every single workplace harassment and violence issue. Our workplaces must be safe for all workers in order to be workable, in order for people to feel freedom to work without any harassment or any fear.

Ontarians, as I said, have spoken on this proposed bill and on this issue. I'm just going to quote a couple of people who have spoken loudly in support of this bill; for example, Elaine Mac Neil, president of the Ontario English Catholic Teachers' Association, says, "The government is to be congratulated for making changes to the Occupational Health and Safety Act regarding workplace violence and harassment. The amendments to the acts that were introduced are acknowledgements by the government that workplace violence and harassment are unacceptable."

Doris Grinspun, executive director of the Registered Nurses' Association of Ontario, also said—

**The Acting Speaker (Ms. Cheri DiNovo):** Thank you. Questions and comments?

**Mr. John O'Toole:** I honestly think that the members that are still here should have paid attention and encouraged the member from Lanark–Frontenac–Lennox and Addington to hold hard on making sure that fairness occurs. As he said, and as I say and as the opposition members say, if the whole story was being told here, we would have no question but to support making

workplaces safer. But what about the volunteer firemen? Those are simply solved issues—not as controversial as this issue. But the member from Lanark–Frontenac–Lennox and Addington made it very clear: There are parts of the bill that don't tell the whole story. Why isn't this being extended so easily?

As a matter of fact, the treachery of it is this: Earlier this year, in a government bill, number 133—this is the tragedy of the whole story. You have to see what's going on here, the chess pieces being moved around—time allocation, closing debate down. Bill 133, sections 19, 20 and 21, should be reviewed. Now, what did these sections do? Those sections actually repealed a bill that was passed in 2000—the act was called the Domestic Violence Protection Act—which would have allowed persons who were threatened by a partner to get a restraining order. More simply, they actually repealed a bill that was passed that would have done what this bill purports to do.

Why are they doing that? What is the mystery around this? Trying to get all of this domestic stuff into the workplace, where the employer—maybe five or six employees will know that one of the employees has been the victim of some sort of abuse, physical, sexual, whatever type of abuse, which isn't acceptable to anyone. Now they've got to tell the employer, who may be—

**The Acting Speaker (Ms. Cheri DiNovo):** Thank you. Questions and comments?

**Mr. John O'Toole:** This is not fair to the people of Ontario.

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Hamilton East–Stoney Creek.

**Mr. Paul Miller:** I'd like to comment on the remarks by the member from Lanark–Frontenac–Lennox and Addington. The member hit on some good aspects of the deficiencies in this bill. We, in our party, are all for stopping workplace harassment. We're also for protecting people in their place of work.

But this is not a new thing. Once again, the government is running and taking all the glory. This bill was brought up before, I believe. Andrea Horwath's Bill 29 was more progressive and inclusive legislation than this bill—a lot more—but it seems to have fallen by the wayside like most good bills that come from the opposition do.

This bill has, unfortunately, many deficiencies. This bill lacks the coverage for domestic violence, it lacks coverage for harassment, it lacks coverage for psychological harm. It also risks hazards that are caused by workplace harassment. There's nothing in this bill to cover this. These are important aspects that have been overlooked, and once again, a bill that's rushed through, cart before the horse.

There are a lot of good aspects to it, but there are things that have been left out, which we will bring forward with amendments and suggestions that I hope, once again, will not fall on deaf ears in committee like they usually do.

I think that the bottom line is that, just because you have more numbers in committee doesn't mean you have



to turn down everything that the other people bring forward that is constructive and useful. I hope that doesn't happen again, like the member over there said.

**The Acting Speaker (Ms. Cheri DiNovo):** Thank you. The member from Lanark–Frontenac–Lennox and Addington has up to two minutes to respond.

**Mr. Randy Hillier:** I welcome the comments from the members from Richmond Hill, Hamilton East–Stoney Creek, Welland, and of course Durham.

We can see from the other comments that we've heard, as we get into the discussion, that this Liberal administration is watering down and diluting protection for people, and they're doing it under that guise of PR and under the guise of Bill 168.

There is no doubt that there is some treachery going on here, as we've seen with these restraining orders in Bill 133 that were repealed. Why is it the Liberal government has done that? Why? Why are they saying one thing and their actions are betraying their discussions?

The Minister of Agriculture mentioned pictures. I guess pictures would be unwelcome as well, even if they are of deer. Harassment should be kept as the legal definition—prolonged, sustainable, disorderly, troublesome, vexatious actions—not a comment, a comment that is now going to be unwelcome.

1720

As I said earlier, if the bill does pass, I'll be surely exercising that when it comes to committee, because I know that the next step in this House with this bill will be, like most others: As soon as the Liberals see opposition to it and wanting to see correction to it, they will cowardly run to time allocation to protect their PR bill.

**The Acting Speaker (Ms. Cheri DiNovo):** Further debate?

**Mr. Peter Kormos:** This subject of workplace violence and harassment is something that New Democrats have grappled with and worked with for a good number of years now. You already heard from Mr. Miller from Stoney Creek talking about Andrea Horwath's Bill 29, which was a little bit radical; didn't offend me at all. A little bit radical doesn't offend me; a whole lot of radical doesn't offend me when you're talking about protecting people in their workplaces. Let's understand that what prompted this bill, in large part, were the tragedies suffered by Theresa Vince and by Lori Dupont.

Theresa Vince: 56 years old, shot to death in the Chatham Sears store where she'd worked for the last 25 years. Chatham is a beautiful community. She was shot to death in the store where she'd worked for over 25 years. She had filed a complaint about sexual harassment by Russell Davis. He clearly was obsessed with her, giving her gifts that she didn't want, sending her flowers that she didn't want, and he felt rebuffed. For months, he harassed her by calling her at her home on her days off, calling her into his office 20 times a day, and staring at her while she worked in that same store. Needless to say, you know where I'm going, because Russell Davis killed her, murdered her, slaughtered her. He butchered her, and then shot himself twice in the head. That's what New

Democrats are concerned about and that's what we want to address through occupational health and safety legislation that considers workplace harassment and violence.

Lori Dupont: a nurse at the Hôtel-Dieu Grace Hospital in London. She swiped her way into the parking lot station, greeted her coworkers and the nurses where her station was, and in the change room that morning an OR nurse told another nurse that one Dr. Marc Daniel was there. Highly regarded by his peers as a top-notch surgeon, he was a perfectionist. He was a 50-year-old father of two and he had had an affair with Lori Dupont over the course of two years; it wasn't smooth sailing. He attempted suicide by injecting himself with an overdose of medication. It wasn't successful—not much of a doctor, I guess, huh? He got psychiatric treatment. Three months later, he was back on job in the same workplace as Lori Dupont. He continued to be obsessed with Ms. Dupont notwithstanding the fact that she had said no. On a quiet weekday morning this man barged into the hospital looking for Lori Dupont. Dupont walked to the supply room and was struck repeatedly with surgical precision by her former partner, mate, lover, Daniel, brandishing an army knife. The vicious attack was over in minutes. I suppose that's something that we can feel blessed for. Her assailant fled.

This death was the subject matter of a coroner's inquest; we're all aware of that. That coroner's inquest made a number of recommendations; we're all aware of that. This government has failed to introduce those standards and regulations, and I trust we're all aware of that. There may be one or two that, in response, they will argue they've made.

What we need is Andrea Horwath's Bill 29; what we got was Bill 168. I ought to tell you, we're going to vote for this bill on second reading because we learned from communities across this province that women and people who are concerned about violence against women and harassment of women are desperately eager to see anything—anything—regardless of how flawed it is. We're going to make every effort to address those flaws during the course of committee, in collaboration, I trust, with our Conservative counterparts in opposition.

Any number of groups and organizations have, as was suggested by the mover of the bill, indicated support for the legislation, this bill that's long overdue and that New Democrats regard solely as a simple, small, first step. We want to commend, thank and congratulate the people who worked hard to get this bill before us: The Dupont family and the Vince family. To make it very clear, without their courage and tenacity in pursuing justice for two women, I'm confident that this bill wouldn't be on the floor of this House today receiving second reading.

New Democrats insist that there be public hearings. I don't expect the second reading debate to be overly lengthy because we feel that the bill can more importantly be addressed in committee, and we are of the view that that committee should be allowed to control its own process. It's far too important—lives are dependent upon whether or not this is done right—for it to be the subject

matter of an informal time allocation by the Premier's office. He says, "Okay, we'll give you three days. Take it or leave it."

I don't know what the response is going to be to this bill being advertised as being in committee. I expect there's going to be a lot of response. But I, for one, and New Democrats are very concerned about the trend to set dates and basically time-allocate committee hearings before they've even commenced, before there even has been any advertising for that bill. New Democrats are adamant that this bill, once the subcommittee deals with it, be advertised. There could be an area, a time frame over the course of a month or whatever the subcommittee decides. But it is an imperative—it is an imperative—that every person, organization or group in this province that feels passionate enough to come down here to Queen's Park—the committee may decide to go to other places than Queen's Park too.

**1730**

Over the course of this afternoon's debate, you heard some commentary about the far north—Attawapiskat, Kenora—Rainy River, those communities surrounding James Bay and Hudson's Bay. I've been to those places with my colleague Gilles Bisson. A beaten woman in one of those communities doesn't have a shelter to go to, and when it's a one-cell jailhouse, she can't even sleep at the police station overnight, because the assailant is likely to be in there with her. This is serious but tragic stuff.

We acknowledge that for the first time in Ontario violence and harassment are explicitly being addressed in Ontario health and safety legislation. It was almost the big, dirty Canadian secret, which resulted in this not getting into the legislation before now.

New Democrats, as I say, will be proposing amendments. We argue that the bill should be doing far more than it does in its present writing. As the bill stands today, it does far too little, because, you see, policies without obligations don't cut it. It makes an arbitrary division between harassment and violence, even though experts know that it's all part of a continuum: the harassment, and then the violence, or in the secrecy of a bungalow in the suburbs they do both at the same time. But I'm talking about workplaces here.

I'm talking about workplaces that are becoming fewer and fewer in number. People who don't have jobs are willing to take jobs they wouldn't have taken a year ago or two years ago. They're willing to risk themselves, risk their health, risk of their personal safety just to get a job. That's why it's imperative that this bill not only proceed to committee but that the government be generous in its response to proposals by the opposition parties and, most importantly, proposals by the people who are inevitably going to be appearing before that committee, many of them with a great deal of expertise. We would do well to listen to them.

One of the fundamental concerns is that the bill has failed to hit the mark. Like I said earlier, it's been cited again that it's a big target, but the government has failed to hit the bull's eye. It has failed to connect the dots

regarding that continuum of harassment and violence. Victims of harassment suffer lost wages, extreme stress, and physical and psychological intimidation. And there are victims who are dead: Lori Dupont, Theresa Vince.

We've got to really, really take a close look at this bill, be candid with each other in committee, be honest and true to the our convictions and to what we know has to be done, and question whether the bill in its present state will indeed protect women. New Democrats argue that it won't. Protection would be marginal.

The bill fails to acknowledge psychological harm due to harassment—a painful, painful thing. When you were a kid, if you were walking to school and there was a gang of bullies, you could always take it on the rump. But when you have to work—and most people do have to work for a living; they don't win lotteries, and they don't inherit a whole lot of money—they've got no choice. The workplace is your destination. You can't pick another workplace.

Think—think for a minute—about the trepidation of a woman who is waking up in the dark morning, getting onto a bus, knowing that the same porcine, foul bastards are going to be harassing her once again when she gets to that workplace. But she knows she's got to go; otherwise, she ain't gonna feed her kids, she's not going to pay her rent or her mortgage on that modest home.

A little bit about Andrea Horwath's Bill 29, which we argue should be our goal when we're addressing this Bill 168 in committee: We argue it's a far more progressive and inclusive bit of legislation and that it would have been the most forward-thinking and preventive legislation in the country. Failed opportunity—I think it's called "lost costs" in the business world. Bill 29 brought violence and harassment under the occupational health and safety regime and included psychological threats and impact, bullying, insults and threats in the scope of that legislation. Bill 29 also acknowledged and understood the precautionary cycle: the fact that one type of behaviour, if it isn't addressed, inevitably escalates and leads to more and more violent situations. Women get murdered.

Look, there's going to be somebody e-mailing me saying it's about men too, and I'll acknowledge that. But at the end of the day, how many men do you see showing up in hospital emergency rooms bloodied and battered by their wives? Not too many. Yet for all of our communities it's a common, daily occurrence, even now in 2009.

It's imperative that the employer have the capacity to deal with incidents of workplace harassment. It protects the worker. It enshrines in law the right of workers—we have to talk about the right of workers—to be free of any type of workplace harassment. It requires that employers confront, investigate and terminate harassment and report it. Bill 168, the bill we're discussing right now, fails to do that in any full way. The sad reality is that if and when this bill passes—and I predict it will; it's a majority government—Ontario is still going to lag behind other jurisdictions.

The province of Quebec passed a law in 2004. Saskatchewan recently made its already progressive laws even tougher.

Australia, down under, has had workplace harassment covered under its Workplace Health and Safety Act since 1995 and clearly spells out the employer's obligation. I want to tell you what it is, and I'll give this to Hansard so that Hansard can get it accurate. In Australia, the Workplace Health and Safety Act says, "Workplace harassment may harm the health and safety of workers and other persons. Therefore, employers' obligations include identifying and managing exposure to risks of death, injury or illness created by workplace harassment." I'm not going to dispute the fact that Bill 168 creates some role for the employer. That's pretty tough language in the Australian legislation. I'm inclined to like it—a duty.

Scotland also outlaws harassment of any kind and defines harassment as "unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

Since 1993, Sweden has respected an ordinance of the Swedish National Board of Occupational Safety and Health containing measures and provisions against victimization at work. It also covers adult bullying, mental violence, social rejection and harassment, including sexual harassment. Not only is workplace bullying illegal in Sweden; the authorities recognize the enormous harm that the behaviour causes and the cost to the state of supporting it. We should reflect on that as well, shouldn't we? The need to subsidize a victim, perhaps for the rest of that person's life, is a substantial cost.

We should be making decisions about the welfare of our sisters and brothers and neighbours and co-workers and family. The reality is that if we don't have tough workplace anti-harassment, anti-violence legislation, we're going to have victims of this same violence and harassment who are going to be on the public purse the rest of their lives. Employers are obliged to foot the bill.

**1740**

In Ontario today, if you want to fight workplace harassment, you've got to fight a case at the Human Rights Commission at great expense, especially after the government abolished the investigation and advocacy wing.

The McGuinty government had an opportunity to create the strongest legislation against workplace harassment and violence in all of Canada. We say he failed Ontarians. He failed Ontarians miserably with this legislation. New Democrats are going to support passage of the bill, but we want it to be far, far better than it is now. We believe it has the capacity to be and to do exactly that.

Dare I cite to you some of the examples of workplace harassment? Offensive physical contact; derogatory language; intimidating actions—your imagination doesn't have to work too hard to understand what some of these things are in the most vulgar, obscene way; insulting and threatening gestures or language, whether it's overt or merely implied; continual and unwarranted shouting in

the workplace; unjustified and unnecessary comments about a person's work or capacity for work; openly displaying pictures, posters, graffiti or other types of written materials that are deemed offensive to some; phone calls or messages on electronic mail or computer networks that are threatening, abusive or offensive to employees; persistent following or stalking within the workplace to or from a person's work or elsewhere.

Stalking: You walk out of the factory or you walk out of a little shop. You're alone and it's 11 o'clock at night. It's dark as Hades. Then you sense somebody following you. You speed up a little bit. The person speeds up too. You desperately want to get to that bus stop where there's a little bit of lighting, albeit so artificial, a little bit of protection with those Plexiglas walls. Then this person shows up at the bus stop, and you recognize them as a co-worker. Pretty scary stuff, isn't it? No person, no woman, no kid should have to live with that type of imposition of fear.

I want to tell you about a couple of the letters that have been sent. This one was back in December, when this bill saw the light of day:

"Thank you for being here.

"I'd like to thank Lauralee for opening her home to us this morning to discuss this very serious and important issue.

"Workplace harassment and violence are very serious issues that call for urgent action"—urgent action. Bill 29 was introduced in December 2007, an act addressing workplace harassment and violence. It's the second of private member's bills by Ms. Horwath, the first one being Bill 29.

"In all that time, and through all the opportunities our provincial governments have had to implement strong measures, they've done next to nothing." They've done next to nothing; Bill 29 remains on the books.

"Manitoba and Quebec have their laws in place already."

I'll read to you—no, I'm not going to read it to you. We've all got the e-mails. We've all got the letters. We know the desperation in these women's voices. We know the fear in their hearts. We also know their strength because they persist in going to work to raise their kids and put a roof over their family's head notwithstanding that they feel that risk every single minute that they're in that workplace, and even when they punch out, when they push the card in the clock machine, walking to that bus stop can be the apex of fear for that evening.

We're concerned about obligations without penalties. We're concerned. We understand that the bill prescribes that certain employers shall have a plan in place, but there's no effective means of ensuring that that plan is maintained or that the woman who's a victim as a result of that plan, and further victimized because the plan isn't in place, be fairly compensated.

I'm not going to spend much more time on this, but I say to you, if there's a bill that warrants public hearings, and extensive ones, public hearings that should probably travel down to Windsor or even go to Chatham, in

recognition of the slaughter of women there—maybe Ottawa, maybe Sault Ste. Marie; maybe, just maybe, Attawapiskat or Peawanuck—because I think women have a whole lot to say about this stuff, a whole lot.

*Applause.*

**Mr. Peter Kormos:** Mr. Miller thought I was finishing. I just bent over to fuel up a little bit.

This bill was introduced in April 2009. We've just begun second reading now. We were here through to the middle of June, as I recall it. Why, why, why would the government stall this bill? It's their own legislation. Why would the government slow this bill down? It was introduced in April. I've got the exact date here somewhere—April 20, 2009. The government just contumaciously persists in suggesting to Ontarians that everything's under control and then, when it gets caught with its hand in the cookie jar up to the shoulder, it starts identifying other people: "He shouldn't have let me do it." It's like the gambling addict. Read the *Globe and Mail*. You've been reading the *Globe and Mail*, their series about gambling addictions and gaming. It's about the gambling addict who one day wants to sign himself off from entry, but the next day shows up and wants to sign himself back in.

This can't be just lip service. You see, when a woman dies, she almost inevitably—not all the time—leaves children behind. When a woman dies in a dark and scary part of town, to the general public that in itself is frightening and offensive. But when she dies in the workplace, when she's beaten with the tongue, when she's beaten with degrading posters and pictures—and again, you can use your own imagination. When she's mocked, when she's treated as somebody inferior, that kills the soul as readily as any blow to the head with a baseball bat in a dark alley, doesn't it, Speaker? And it leaves that woman carrying some real baggage as she's on her way home. You know who has to help pick up the baggage when that happens to the family? The kids do—don't they?—little kids, four years old, five years old, six years old.

I'm pleased to have had the chance to address this bill, albeit briefly. I know we're all looking forward to the public hearings. Maybe one or two NDP members want to address the bill. Second reading is going to be over with reasonably soon and we expect—by God, we demand—thorough public hearings.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments?

1750

**Mrs. Laura Albanese:** I'm very pleased to join this debate. This new law, if passed, would require employers to put policies and procedures in place that would address workplace violence and harassment, report incidents or threats and provide assistance and training to all workers. This would be definitely a step in the right direction. I believe that our government and all members of this House take this issue very seriously. We might see it from different points of view, but I think that this is an issue that is close to the heart of each and every member that is in this House.

I believe that by forcing the employers to take this issue seriously, too, we implement policies and programs that will help prevent a lot of incidents and would also help with a quick response to incidents. All workers in Ontario should have the right to feel that they're working in a place that is safe and in a safe environment

I hope that this bill, if passed, will really help to ensure safety in the workplace by providing an internal mechanism that will help to deal with harassment and violence. This piece of legislation, if passed, would also amend the Occupational Health and Safety Act with respect to workplace violence and harassment, recognizing that domestic violence may impact the workplace. I think that's very important for all Ontarians, especially women.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments?

**Mr. John O'Toole:** I just want to put on the record again that we're all supportive, I believe. I would only speak certainly for our leader, Tim Hudak, and others. Listening to the member from Welland, we're in support of making workplaces safer. I don't think that's the issue here.

It's how they're going about this that raises questions, and I think that needs a fuller debate and disclosure. When I was doing work on the Lori Dupont Act, it was really providing all the tools, both in the workplace and outside the workplace, for persons who felt threatened to take action and get a restraining order—seven days a week, 24 hours a day. I'm not sure what was wrong with that bill. The bill was supported here. The bill, in fact, replicated a bill which was already in force, which was cancelled by Bill 133.

**Mr. Peter Kormos:** It was a good bill.

**Mr. John O'Toole:** It was a very good bill. In fact, I'm not sure why they are going to the extent they are going to here.

If you look at it, this creates some tension here. "The bill amends section 43 of the act, which deals with a worker's right to refuse work in various circumstances where health or safety is in danger, to include the right to refuse work if workplace violence is likely to endanger the worker." There's a whole set of regulatory frameworks here where the employer has responsibilities to set up this framework, which they do. You have the right to refuse work today. This is adding sexual harassment or harassment and threat of violence, domestic violence. I think that there are other tools that have been brought to the government's attention and to the Attorney General or other ministries. Why they haven't acted is beyond me.

We support the thrust or the intention of this bill quite sincerely, but we're very suspicious of why this is being dealt with this way. We have the right to refuse work if we feel endangered today. What this is doing is setting this aside when it could be handled in a completely different way.

**The Acting Speaker (Ms. Cheri DiNovo):** Questions and comments?

**Mr. Paul Miller:** First, I'd like to thank the member from Welland. Once again, Mr. Kormos has shown his expertise in the field of law, in which he was a very successful and well-known criminal defence lawyer in his earlier years.

I would like to reiterate again that Bill 29, brought forth by our leader, Andrea Horwath, was far more progressive, far more inclusive and a big legislative step that was overlooked and ignored.

But more than physical injury, bullying and physical harm, the definition of violence fails to take into account a range of bullying behaviours that teachers face on the job which exposes teachers to not only physical injury but also significant psychological and emotional harm. "Bullying and psychological harassment may not involve physical force or threats of harm, but the consequences of such behaviours, when left unchecked, can be devastating." That was on page 3 and lacked any muscle, so to speak, in the bill.

There are many parts of this bill that need attention. We in the NDP fully support any type of legislation that comes forward that would protect people in the workplace, as well as women, from any harm or intimidation. We will continue to fight in that manner, but we think that this bill falls short in many areas that we will bring forth once again in committee after we hear submissions, and hopefully the five members and the two Conservatives and NDP can jointly put submissions in that will be beneficial to this bill. I hope they listen to us.

**The Acting Speaker (Ms. Cheri DiNovo):** Thank you. Questions and comments?

**Mrs. Maria Van Bommel:** I am absolutely pleased to be able to stand and speak in support of the amendments that are being proposed for the Occupational Health and Safety Act.

I think most of us are aware, as the member from Welland had commented as well, of the Lori Dupont situation at the Hôtel-Dieu in Windsor, and Theresa Vince, who worked in Chatham, both of whom met their deaths in the workplace.

These are the things that make headlines, but every day there are others who fear for their lives, for their safety who don't get into the headlines. Those kinds of situations require of us to make sure that employers have policies in place that would make sure there is safety for those women. We, unfortunately, know that domestic violence follows women into their workplace.

There are women who are harassed by their partners on a regular basis, and everyone wants to pretend it's not happening. No one wants to be involved. Everyone wants

to just say, "You know, that's a personal household issue and there shouldn't be any involvement from the employer."

What we're doing with these amendments is requiring that policies be put in place so that there is safety for women when they go to work, that they have some recourse in terms of finding a way to have safety in their workplace from things that come from outside—not just from inside the workplace but from outside the workplace as well—that come into that workplace and endanger them, that threaten them.

So when we talk about situations, and certainly our sympathies go to the Dupont and Vince families, there is far more in being effective—

**The Acting Speaker (Ms. Cheri DiNovo):** Thank you. The member from Welland has up to two minutes to respond.

**Mr. Peter Kormos:** I want to thank all the people who joined this afternoon in response to my statement. I want to especially speak to the member for Lambton-Kent-Middlesex, Ms. Van Bommel, because she always brings to this floor a sincerity and a passion that are enviable. She displayed some of that concern for women today in a most effective way. I'm just so pleased that we're here at the same time in the same place this afternoon.

All I say is, look, enough damn torchlight parades and naming a day after this or that victim. We've got to get serious. We've got to put on the hazmat materials, the rubber gloves, the boots and the helmet and get out there and start addressing these things. There's just far too much thumb twiddling. I listen to some folks, even myself from time to time, as if we're smoking a pipe, in a cardigan with leather elbows. This is real stuff out there.

I live reasonably close to the Women's Place in my own community, and I used to act for a lot of women back when I was a lawyer and a lot of women were victims. The bruised and bloody face alone is enough to catch your attention, and you realize that we can't sit idly by and we can't contemplate and contemplate until more women have died, until more women have been beaten, until more kids have been scarred. I'll repeat once again that in my view the real victims in the family are the kids, and if we don't care about our kids, we've got a real problem here in this province.

*Second reading debate deemed adjourned.*

**The Acting Speaker (Ms. Cheri DiNovo):** It being 6 o'clock, I declare that this House stands adjourned until tomorrow morning at 9.

*The House adjourned at 1800.*

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<b>Bentley, Hon. / L'hon. Christopher (LIB)</b>	London West / London-Ouest	Attorney General / Procureur général
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<b>Best, Hon. / L'hon. Margaret R. (LIB)</b>	Scarborough–Guildwood	Minister of Health Promotion / Ministre de la Promotion de la santé
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<b>Chan, Hon. / L'hon. Michael (LIB)</b>	Markham–Unionville	Minister of Citizenship and Immigration / Ministre des Affaires civiques et de l'Immigration
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Craitor, Kim (LIB)	Niagara Falls	
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Flynn, Kevin Daniel (LIB)	Oakville	

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Hoy, Pat (LIB)	Chatham–Kent–Essex	
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Martiniuk, Gerry (PC)	Cambridge	
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Moridi, Reza (LIB)	Richmond Hill	

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Ramsay, David (LIB)	Timiskaming–Cochrane	
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Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
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Elizabeth Witmer  
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spécial de la santé mentale et des dépendances**

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