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Wednesday 21 October 2009

Mercredi 21 octobre 2009

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 October 2009

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 octobre 2009

The House met at 0900.

The Speaker (Hon. Steve Peters): Good morning. Please remain standing for the Lord's Prayer, followed by the Baha'i prayer.

Prayers.

CORRECTION OF RECORD

Hon. Laurel C. Broten: I rise on a point of order to correct my record. Yesterday, in response to a question from the member from Timmins–James Bay, I said that Jeanne Sauvé Family Services received a funding increase of 35% since 2003, while the number of children in care decreased by 25%. In fact, the number of children in care has increased by 25%. I regret the error, Speaker.

ORDERS OF THE DAY

MINING AMENDMENT ACT, 2009

LOI DE 2009 MODIFIANT LA LOI SUR LES MINES

Mr. Gravelle moved third reading of the following bill:

Bill 173, An Act to amend the Mining Act / Projet de loi 173, Loi modifiant la Loi sur les mines.

The Speaker (Hon. Steve Peters): Debate?

Hon. Michael Gravelle: I am very honoured to lead off today's debate on Bill 173, An Act to amend the Mining Act. I am extremely pleased to have this opportunity to review for the House the strengths of this proposed legislation and why we believe strongly that this is a bill that our government can be very proud of.

Bill 173 is aimed at bringing our mining legislation into harmony with the values of today's society, while at the same time promoting a strong, vibrant and competitive minerals industry. As I said throughout the comprehensive consultation process prior to the drafting of the Mining Act amendments, a balanced approach that seeks to reconcile divergent views is clearly the only way to achieve our social and economic goals. It certainly isn't surprising that there is widespread agreement on the need to modernize the Mining Act. We acknowledge that. Neither is it surprising that legislation that affects so many Ontarians in so many different regions and in so many different ways should engender passionate discussion, opinion and debate.

However, our government is taking on the very necessary task of drafting legislation designed to make the Mining Act relevant in the 21st century as we revitalize Ontario's approach to mineral exploration and development. We have gone about this process with deliberation and very careful planning, and with the highest regard for the opinions of all those who are directly or indirectly involved in, or affected by, Ontario's minerals industry.

Our government has in fact been working toward proposed amendment of this legislation for some time, and we have not worked in isolation. We have involved and consulted a wide range of stakeholders and aboriginal communities in a very focused way over a period of several years. The initial process of engaging with aboriginal communities and stakeholders about the province's mineral industry prepared our government well for the extensive and comprehensive consultation we undertook to prepare for amending the Mining Act.

Details of the subsequent process of consultation have been well documented in the House. You may recall, Mr. Speaker, despite characterizations to the contrary by some of my friends across the aisle, the extensive consultation process by which we invited public, stakeholder and aboriginal community input to the drafting of Bill 173. It was indeed most impressive.

Some of these aspects included public consultations in some 20 stakeholder sessions that involved more than 1,000 participants across the province; 156 responses to the discussion paper that was posted on the Environmental Registry; 10 sessions with regional prospecting and exploration organizations, with more than 200 participants; 15 workshops and regional sessions that included over 100 aboriginal communities, treaty organizations, tribal councils and the Metis Nation of Ontario. We had 11 meetings in individual First Nation communities; we had support from our own aboriginal relations unit staff at 14 sessions, led by the Union of Ontario Indians First Nations; and, of course, we had further consultations in five Ontario communities this summer by the Standing Committee on General Government.

I think it's important to say that our government's having facilitated such extensive consultation is not in itself the important thing; certainly, I'm well aware that we had good debates and received some very valuable input that raised important issues. But the point may be that this comprehensive consultation and the discussion it has engendered have produced a very balanced piece of legislation.

Let me repeat—this is very, very important, and I will continue to state this: Our aim in modernizing the Mining

Act is to offer a balanced approach to mineral development that considers a range of interests while supporting a competitive economic climate for the mineral sector. That is absolutely key. We are confident that the proposed legislation reflects the values of a modern Ontario and at the same time promotes a strong, vibrant and competitive minerals industry.

Should Bill 173 pass third reading, we would be moving to our next steps. We clearly understand that certainty of rules and clarity and timeliness of process are crucial for the industry to make their important investment decisions. We are well prepared to move forward on the balanced, moderate course we are proposing to achieve real progress.

Upon receiving royal assent, if we are successful in passage, some new provisions would come into effect immediately. These would include the inclusion of a clause in all leases and lease renewals highlighting the protection for existing aboriginal and treaty rights provided in section 35 of the Constitution Act. It would also include the ability to replace a lost or stolen prospector's licence without requiring an affidavit, which will be a significant benefit in areas such as First Nations communities where no commissioner for taking affidavits is available.

We will have some provisions for streamlining some administrative processes put in as well, and in southern Ontario, the automatic withdrawal of crown mineral rights under privately held surface rights will be proclaimed. As the issue of surface rights versus mining rights has certainly been pretty contentious in southern Ontario, I think it might be helpful if I offered a brief reminder of what our legislation is proposing on this specific issue.

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One objective in modernizing the Mining Act is to mitigate the conflicts that have arisen between mineral exploration companies and private landholders who do not hold the mineral rights on their properties. Lands with private service rights and crown mineral rights that are open for staking—it's very interesting: They represent only 1.4% of the land in southern Ontario. However, we do recognize that this has been a frustrating and worrisome issue for some landowners. Bill 173 would address conflicts where private surface rights owners do not hold the mineral rights on their lands. The Mining Act amendments propose to automatically withdraw crown-held mining rights in southern Ontario where surface rights are privately held, while respecting existing claims and leases. Now, if those claims or leases forfeit or terminate and the mineral rights return to the crown, those mineral rights would be automatically withdrawn.

As well, exploration where there are mining claims involving private surface rights would be subject to the new graduated regulatory scheme for exploration, which requires exploration plans for low-impact activities and exploration permits for activities with a moderate impact.

In addition—here's another very important aspect of the legislation: Owners of certain lands originally patented as mining lands who are not using their land for min-

ing purposes would be able to apply for an exemption from the mining land tax, and this would end a tax that certainly some have considered unfair.

These proposed changes would address the concerns of private property owners and provide clear rules to the exploration industry, and we think it is an important part of our legislation.

I should also emphasize that much of the proposed act enables processes that would be detailed in the regulations. My ministry would begin to develop these regulations in consultation with our stakeholders. That's a very important point. We would do that immediately upon successful passage of this bill. If I may give some examples of what the consultation process will entail: This consultation would occur as my ministry develops regulations and policies dealing with aboriginal consultation provisions, for example, throughout the mining sequence, and more specifically, consultation with respect to: the criteria for sites of aboriginal cultural significance and the process for these withdrawals; exploration plans and permits, including the terms, the conditions and the requirements for early exploration; we will be clarifying the existing consultation process for closure plans for advanced exploration and mine development projects; and we will be developing a dispute resolution process for aboriginal-related mining issues. That is a first in Canada in terms of the dispute resolution process moving forward.

We're also going to be developing regulations and policies dealing with a prospector awareness program for holders of a prospector's licence. It's important that I use this opportunity at third reading to be very clear: This will not be a test to quiz prospectors about their knowledge of their business, which our government absolutely appreciates is substantial. I know a number of prospectors, many, many, in the north. These are extraordinary people, and many of them have been at it for a number of years. So it would not be a training or certification program. The intent of the prospector awareness program is to ensure that prospectors are aware of the new provisions of the Mining Act: the aboriginal engagement and consultation requirements and the best practices, reclamation of exploration sites and the rules for staking claims and exploring for minerals on private lands. We think that would be an important process, and we're pleased that it's in the legislation.

The regulations and policies that we'll be dealing with after passage of the bill—again, if we're successful in passage—would also deal with exploration plans and permits that regulate the earlier stages of exploration through a graduated approach, to ensure that exploration activities will be carried out with the appropriate aboriginal consultation and with regard to private landowners' interests and remediation of disturbances to the land—again, an important element in our legislation.

We will also be addressing something that certainly has been a point of great discussion, and that is the issue of map staking. It's a map-staking regime that will maintain a competitive system for acquiring mining claims in

Ontario. On this particular point, map staking would certainly mark a change from the current system of claim staking we have right now whereby mining companies and prospectors enter on to the land to mark their claims. We do understand how contentious this approach might be—certainly I do; I've spoken to many people about this over the last several months—and we are going to introduce this concept in a very carefully measured way.

I do think it's worth repeating that the phased implementation of map staking will take place over a period of three to five years, but it would start with a paper-based system in southern Ontario, and then it would move to an online, electronic system across the province. This modern computer-based system of staking would reduce even further the already low impact of ground staking. I think it's worth mentioning that we are now certainly in the era of GPS—many of us use that—and Google Earth, and map staking is already a very important part of current mining legislation in a number of jurisdictions.

In addition, I believe there are certainly some real advantages to map staking, which the other mining jurisdictions that have moved there—such as British Columbia, Quebec and Newfoundland—have already discovered. Map staking ultimately would enable prospectors and stakers to acquire land that was previously inaccessible to them because of difficult terrain, because of remoteness or other aspects of inaccessibility. In my very strong opinion, it would help to actually level the playing field in those parts of the province where it is currently too expensive for the prospectors to operate, and it would allow them to stake more land efficiently and accurately. And no matter how the claim is staked, the work still has to be done on the ground. That means the investments in staking and exploration will remain local. I know that's a concern that has certainly been expressed to me by a number of the municipal leaders, and indeed the movement to map staking would take away some of that local investment. But, again, the work still has to be done on the ground once the claim has been staked.

I know there also have been concerns expressed—I know that my colleague across the floor has certainly heard them as well—about map staking opening up the possibility of a single large company staking large tracts of land in the province. I can assure you, and I can certainly assure my colleagues, that should our Mining Act proposals be passed, ongoing consultation and the experience of other jurisdictions will very much help guide our efforts to ensure that we develop a map-staking system that's right for Ontario—a system that maintains competitive access to mineral tenure for all explorationists. That certainly includes individual prospectors, junior exploration companies and senior mining companies alike.

We support the fact that the business of prospecting and exploration is truly the foundation upon which Ontario's diverse mining industry has been built, and we will work to ensure it continues to be the bedrock that supports future growth. That's something that I feel very strongly about, as a member from Thunder Bay–Superior North.

On a related topic, I'm glad to have the opportunity to clear up some misconceptions, as well. There are some misconceptions on the other side by opposition members concerning the issue of payments in lieu of assessment work. I know that was brought up. Let me emphasize three important points, and I'm glad my colleagues are listening.

Mr. Randy Hillier: We're listening on this side.

Hon. Michael Gravelle: Yes, you're always listening.

First, our government is absolutely clear on the importance to local economies of assessment work and the benefits of assessment work reporting to our geological knowledge. There is no intention to “do away” with the requirement to do assessment work. You need to understand that.

Second, the act provides for rules around payment in lieu of assessment work such as when and how often it can be used to replace actual exploration work to be set out in the regulations, which will be developed through consultation. This will be an important aspect of our consultation process through the regulations.

Third—again, something that I think is important—payments in lieu would provide an alternative to current provisions in the act that allow for extensions of time when assessment work has not been completed by required deadlines.

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Keep in mind that this would represent a very small amount of the annual requirement for assessment work—a very small amount. In fact, in other Canadian jurisdictions this provision accounts for less than 5% to maybe a maximum 10% of the total annual assessment reporting requirements. That was something that came up during the committee hearings, I believe, and I wanted to be sure I clarified that point. I'm seeing a smile across the floor. I hope that's a sign that I'm better understood.

Certainly, a vibrant Ontario minerals industry will continue to need and rely on the expertise and knowledge of local geology by our prospectors—that's so true—and certainly prospectors will continue to be an extraordinarily important and valued part of the exploration process.

As I move toward the end of my remarks, I want to emphasize that, should the bill be enacted, should we have successful passage, the consultation process is certainly not ending; it would not end. My ministry will be consulting broadly to gather input to development of the regulations. We are committed to providing more opportunity for input from stakeholder groups, aboriginal organizations and the public to make sure we get it right.

In summary, when it comes to developing an amended Mining Act to promote balanced mineral sector development that benefits all Ontarians, we listen; we listen very, very hard. We respected the input from stakeholders. We reflected that input in our proposed amendments, which we believe will bring clarity and certainty for the minerals industry.

The amendments would also make Ontario the first jurisdiction in Canada to expressly recognize aboriginal and treaty rights in its mining legislation. This is some-

thing that I think we should all be proud of. Again, for the first time in Canadian mining legislation, it would provide for the development of a dispute resolution process for aboriginal-related issues. We'll be working this particular aspect through the regulatory process, but again, I think everybody in the Legislature should be proud of the fact that this is the first dispute resolution process built into such a piece of legislation.

In essence, the dispute resolution process would address issues related to surface versus mining rights. We will be linking mining development to the development of land use plans in Ontario's far north; that's an important aspect to the bill. The bill will also maintain fair and competitive access to mineral tenure through the introduction of map staking, as I pointed out and, very importantly, we will be proposing a graduated regulatory approach for exploration.

It's important to point out, as I'm near to wrapping up my remarks, that our government was extremely mindful—certainly I was as minister and all my ministry staff, who are devoted to the cause—of the need to help many of our communities realize their economic and social aspirations, and to help ensure that Ontario remains one of the best places in the world for mineral exploration and mining investment. Let me use this opportunity to thank all the ministry staff who worked so hard with so many groups, organizations and individuals, and who believe so much in the mineral potential in the north and have for many years.

These amendments offer a balanced approach to mineral development that considers a range of interests while supporting a competitive economic climate for the minerals sector. I believe this is a fine piece of legislation that does meet those objectives. I'm very, very proud of the hard work that's gone into it by all my colleagues and all members of the House. This will be something that I think will make a huge difference in terms of opportunities in northern Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Gilles Bisson: First of all, let me thank the Conservative Party for allowing me to go first, as I have to attend a House leaders' meeting in about 20 minutes.

Let me just say up front that I wish we were standing here at third reading debating a bill that, quite frankly, should have been amended somewhat from what its present form is. I think what the government is trying to do by its stated goals in this legislation is admirable. Nobody would argue that we don't want to find a way of making our Mining Act easier for end utilisers to use, to have a system of rules that are clear and to give First Nations the comfort they need when it comes to people accessing their traditional territories for prospecting and development. I think we can all support those stated goals; I don't think there's an argument there.

I have advocated in this Legislature for a change to the Mining Act in order to deal with these very things. For example, it is unconscionable that you can have a mine developed somewhere north of Highway 11 and not have

any requirement whatsoever that the mining company enter into some sort of impact benefit agreement with a First Nation.

First Nations, unlike municipalities, don't have any authority to tax a mining operation. If you open a mine in Red Lake, in Timmins or Kirkland Lake and it's within your municipal boundaries, automatically the Municipal Act gives the municipality the ability to tax the surface infrastructure of the mining operation, giving them much-needed revenue, by way of municipal taxes, to pay for services such as providing roads to the mining site, sometimes providing services such as water and sewer etc. Again, municipalities have an ability, because of the authorities that they have, to demand from the mining operation a certain amount of local investment, that the mine source some of their particular purchases from the local community or the local region. There's certainly an understanding that there are going to be jobs available to the local community if a mine opens in your municipality.

If you open a mine, let's say, somewhere in the traditional territories of the Cree or the Ojibway, let's say in Treaty 9 or Treaty 5 or 3, or Robinson-Superior, wherever it might be, there are no such agreements; there's no such authority. There are good examples and bad examples. You look at the example of what happened with Musselwhite and you look at the example of what happened with De Beers, two good examples about how you can develop a mine and you can try to find a way to satisfy both parties. In the case of Attawapiskat, De Beers Canada, when they established their first diamond mining operation in Ontario, said, "We will not go forward unless there's a ratified agreement," that the community of Attawapiskat itself ratifies the impact and benefit agreement so that people have a buy-in for this mine to go forward. De Beers spent in the tens of thousands of dollars to negotiate and to put in place an IBA. Eventually, that IBA was ratified by the community by some 85%.

Clearly, First Nations have said, "We want to have development. We want mining in our area, but there are things we want to ensure: We want to make sure that the environment is protected, that the environment where the mine is going to be happening is developed in such a way that it doesn't adversely affect the environment over a longer term; we want to make sure there's some benefit for the community to which the mine is associated and that there are jobs for the local citizens to be able to do the things that we take for granted."

I look at this legislation, and does it do that? No. All it does is say, "We recognize that First Nations have rights," and that's a step forward in this act; I'll give the government some credit. But when it comes to actually putting in place, "Are there mandated IBAs? Is there revenue-sharing? Is there a comfort on the part of First Nations of knowing they have some authority to determine what's going to happen with that development in their own backyard?" this act doesn't deal with that.

Now, of course, the government is going to say, "Oh, well, that's in the Far North Act. Don't worry about that,

because we're going to do that in another act." Well, I'm dealing with the Far North Act, and it doesn't do that either, and that's a subject for another debate.

So on the one stated goal that the government has put forward, that this is a way of being able to resolve issues that have been put forward for over 100 years now by First Nations when it comes to development of mining projects within their territory, this act doesn't meet the test. It moves it forward. I'm not going to say it does nothing; I would be wrong to say that. But does it address the key concerns? Absolutely not.

Now, what are we doing in order to address some of those concerns? One of the things we're doing is moving to map staking. In my view, one of the reasons the government brought map staking forward is that it was one way of being able to get to the issue of not allowing somebody to go on the ground without having permission from the local community. So the government had to find a way of being able to say, "How do we, on the one hand, allow an open staking system, and on the other hand protect the interests of the First Nations so that the First Nation doesn't all of a sudden wake up, as they did in KI, and find out there are helicopters and prospectors in their backyard without their permission?"

One of the easy ways of doing that is moving to map staking. I understand why the government did it. I've had some conversations with the minister privately about this, and I said, "I understand why you're doing it." I don't like it but I understand it, because what map staking will do is it will still allow a mining company or explorationist to have open staking so that they'll be able to look at territory and say, "We've done some geological surveys by looking at available data, we've flown the area with some airplanes and helicopters, and we've got some more geophysics information that we've gathered from those passes. We think there is a potential of development on these particular properties," and rather than going on the ground and physically staking the claim and having to get permission from the First Nation to do so, they'll be able to bypass all that and just do a map stake. So they will go to the mining recorder's office—well, they probably won't even have to go to the mining recorder's office; they'll probably do it right on the Internet, and they will stake a claim from some office somewhere in Ontario, somewhere in Canada, somewhere in North America, somewhere in South America, Chile, Bolivia, China—they can do it from anywhere in the world, as long as they've got the Internet. Some will argue this is a good thing. But I think it isn't, for a couple of reasons.

0930

One is that it doesn't deal with the core issue, which is, how do we deal with the concerns of First Nations when it comes to access to their territory? It's a clean way of being able to deal with this, to a certain extent, but it doesn't deal with the basic issue, and that is the issue of respect towards the First Nation.

Number two, it really does—I disagree with the minister—give larger players an opportunity to stake more ground quicker and to gather and gobble up more ground.

The minister says, "Don't worry, we're going to cover that off in the regulations." Listen, I've seen this TV show before. How many pieces of legislation have I seen go through in my last 20 years in this Legislature and we say, "Don't worry, it will be all in regulations, and we're going to safeguard to make sure that doesn't happen." The minister may be very well-intentioned. I know the minister to be a very honourable person. I have no disrespect, and I believe he believes what he believes. But the reality is, the regulatory committee is going to have to come up with a balance of how much is too much and how much is not enough. That's going to be the real test.

I think what you will end up with is an ability to stake a fair amount of land, with some trigger being put into the system where you may have an upper limit of what you can do, but you will certainly be able to stake more land cheaper than you can now, which will give an incentive to the larger companies. And then, tied to that is the issue of assessment.

For people to understand what we're talking about, the way the system currently works, if you think there's a mine on a particular piece of ground and it has not been staked by somebody else, you go on the ground, you mark the corners of the stake by physically putting a post or a ribbon or something to mark the ground, that you've actually been there and you've staked that. You go to the mining recorder's office and record the claim. They double-check to make sure that nobody else has it, and if nobody else does, you have the claim, provided that you pay the fee up front and you do some physical work on that claim to determine if there is anything there. We don't want people to grab ground and hold on to it for a long period of time and not do any physical assessment work on the ground, because that's counterproductive to the need for exploration to find new mines.

What we have now: I stake the claim; every year I have to do a certain amount of assessment work on that claim in order to show that I'm actually physically working on that claim and bringing it towards, hopefully, a mine, or deciding that there's nothing there. But I physically have to do something. I have to do some geological work, I might have to do some trenching, or I might have to do some diamond drilling. Depending on where I am in the process, every year I have to do something.

The effect of that is, it says to the person who holds the claim, "You just can't hold on to the ground for a whole long period of time and do nothing with it. We expect you, if you're going to stake the claim, to actively seek and find out if there are any minerals under that ground." At one point, once you've spent a certain amount of money and you come to the conclusion that there are minerals under the ground, you try to sell it off to somebody else or you develop your own mine, or you get rid of it by basically relinquishing the claim back to the province and the ground is reopened for staking again.

Under this system, once you go to map staking, the large companies are going to map-stake a whole bunch of ground. They're going to have to do some physical as-

assessment—I agree with the minister, because I somewhat understand how your process is going to work—but you will be able to apply to do what is called a payment in lieu; that is to say, I only have to give a cheque to the province of Ontario every year with some conditions in order to hold that ground as ground that is my claim. That means to say that there will be less physical assessment done. The issue to me is that we need to at all times, when staking ground and having a claim staked, make sure there is physical assessment work being done in order to determine if that ground is, yes, going to be a mine, or it's not, and to force people to do that work so that they just don't hold on to the land for two or three or five or 10 years without doing the required amount of work that should be done to make sure there is actually a mine there. So I think payment in lieu, in the long run, is going to lead to less physical assessment being done, and it will diminish the information that we have in our geological database here in the province of Ontario.

I'm being signalled for something. I see a clerk standing on the side of the Legislature opening hands and reading books. He's a committee clerk, so I figure he is trying to drag my attention to something.

Anyway, I say that is the problem with that particular part. Why did the government do it? As I said at the beginning, simply put, map staking is an easy way of getting around the issue of having somebody show up on traditional territory, without permission and knowledge of the community, to actually physically stake a claim. That's that part of it.

The next part of what the government is doing is that prospectors are going to have to take prospectors' awareness programs. The government says, "Don't worry, that's not a licensing system. It's just to make sure that everybody understands what is in the new Mining Act." Well, do you think that people in the mining exploration business wouldn't take the time to figure out what's in the act? It's their business. I'm an electrician. My colleague who's going to speak after me is an electrician. Do you think that when we were in the trade, and even today, we don't keep up with what's happening with the electrical code? I've been out of the trade for over 25 years and I'm still having conversations with friends about the stupid things they did in the code book last year, because that's my trade; I'm an electrician. You keep up with what happens in your trade so that you know what the rules are as they change from year to year.

I just look back and I look at people who are in the business, the prospectors in this province, and I think of people like Dave Meunier. If you know Dave, he's a very knowledgeable prospector in the exploration community. He has been in the business for over 30 years, knows what he's doing. He knows the Mining Act inside out and has a really good understanding of what mining is all about. And you're going to go to him and say, "Take some sensitivity training so that you can understand what's in the Mining Act"? A guy like Dave Meunier or a person like Don McKinnon or some of these long-standing prospectors, they're going to take that as a bit of a slap.

Prospecting is a very—how would I say it? It attracts a very different breed of people. It's almost a bit—I know I'm going to get in a little bit of trouble with this, but it's somewhat of a frontier. People who go into the prospecting business love the outdoors. They love the issue of geology. They love the hunt of trying to find a mine. And it is a somewhat secretive business, because one prospector doesn't necessarily tell the other prospectors what he or she is up to. Why? Because at the end of the day, you're trying to stake ground that nobody else knows about.

It's a very different breed of people in this industry, and to say to people like Dave and Don and others, "You're going to have to go out and take a prospectors' awareness program in order to keep your prospector's licence in good standing"—I can guarantee you, when this legislation comes into force, there are going to be really interesting discussions between the ministry and some of these characters. I see the minister kind of smiling and looking at me, because he knows it as well as I do. Can you imagine the person who has to deal with Don McKinnon? You know Don McKinnon as well as I do. And Don has only found how many mines? He found the Hemlo gold mine, and the list goes on. This guy has been one of the more successful prospectors in Ontario. I don't want to use the word "bureaucrat," because it's not a very nice way to put it, but some employee of the Ministry of Northern Development and Mines is going to have to sit there and try to determine if Don knows his business. I can tell you there's going to be a real interesting discussion in that room.

Hon. Michael Gravelle: There's thousands of other prospectors.

Mr. Gilles Bisson: Oh, yeah, there's thousands of other prospectors who are probably all going to do the same thing.

Is it a good idea to have a prospectors' awareness program for new prospectors? Absolutely. All I asked in this committee was that we grandfather those who have been there for a certain period of time. That I thought was a very reasonable request. You did it, for example, when we created new trades such as the electrical trade and others. People who had been in the trade and earned their living at it for a number of years were deemed to have known what they were doing, therefore they got their licence. We should have done the same thing for the prospectors. We should have said, "Anybody who has been an active prospector for X number of years doesn't have to do this. Here's a copy of the new act. Here's the circular that goes with it. Please read this on our behalf. Thank you very much." They would have read it, as they will read it anyway. I think it would have been one way of being able to say to those prospectors, "We respect that you know what you're doing and at the end of the day you're going to know what has to be done under the act." Why didn't we grandfather? Is the idea itself a good idea? I don't think it's a bad one. To say that new prospectors have to go through this, I don't think it's a bad idea but we should have grandfathered.

Then there's the whole issue of the exploration licences or permits. I think that's not a bad idea. That's one part of the act that I look at—and I know there are going to be some who are going to have some problems with that, but I think it's not a bad idea so that we clearly determine what it is you want to do as you move into advanced exploration, so that there's a clear understanding of what type of work is going to be done on the ground, that it's defined, there's a scope to it and there are no surprises at the end on the part of people who may be concerned about that particular development. So I don't think it's a bad idea.

0940

There are going to be some in the exploration industry who are going to argue this adds yet more costs to the business of doing mining. I understand that and that is going to be one of the issues that is going to come out of that—but, in itself, not a bad idea.

Then the whole issue—and we are going to hear about this in greater detail from my friend Mr. Hillier—of private lands: I've only got three minutes left, but what the government attempted to do is, lands in the province of Ontario were not always—originally they were always sold with mining rights associated to them. But over the years, mining rights were removed from some of the sales in some cases, or people forfeited their mining rights, because if you had mining rights you had to pay an additional tax on that land. So people over the years said, "I will keep the surface rights and I will sell the mining rights or give the mining rights back to the provincial government." It's created a situation where about less than 2% of lands in the province of Ontario have those mining rights that are separated from those surface rights, and how to deal with that, because the effect was if you didn't own the mining rights and you owned the surface rights, you can physically have somebody come on your land and do some exploration and not have a heck of a lot to say about it. It was the perception on the part of many people.

In northern Ontario, you don't see that very often because what always happens—and I'm not aware of any case where it hasn't happened—the prospector would go out and stake the claim, yes—and you don't have to have permission to stake the claim; they would just go out and mark the corners of what their claim is. But the minute that they went out and did any kind of exploration, they would seek permission from the property owner and they would come to some sort of understanding. This has not been done in all cases and there's been some rare cases where explorationists have gone in and done that work without any permission. So the government asked how to deal with the issue where somebody owns the surface rights but doesn't own the mining rights and you have this type of conflict going on. They said, "Whoopee, we've got ourselves a solution. Everybody in southern Ontario, we're going to close those grounds to staking so that if you own private property to which you don't have the mining rights, the mining rights that are owned by the crown will be withdrawn from the database and you will no longer be able to stake there."

In southern Ontario that's not a very big issue, because there's not as much mineral potential as in northern Ontario. So they said, for the north, the province already has those mining rights and if you wish, as a property owner, to have your private property rights respected, you can then apply to have the claim withdrawn from staking. So that has created a double standard; there's one standard for southern Ontario and a very separate standard for northern Ontario. I understand why the government did it, but for a lot of people they see it as a double standard and they see it as the south getting something that the north didn't get. I understand why the government did it. I'm a northerner. I understand that most of us in northern Ontario understand what the business of staking is and there isn't as big of a problem on this issue as there is in southern Ontario, but still, it leads the issue.

It's unfortunate because we find ourselves now with an act that was supposing to provide clarity, certainty of rules, and to make the Mining Act more modern. It certainly makes it somewhat more modern, I wouldn't disagree with what the government said there, but falls short, I think, on some of the key components they should have dealt with. It doesn't address the First Nations issues when it comes to revenue-sharing and when it comes to the issue of access to employment, it doesn't deal adequately with the modernization that was sorely needed within the Mining Act and I don't think, at the end of the day, it provides the type of clarity that the government says they needed to provide in the first place. For that reason, I will be voting against this legislation at third reading.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Randy Hillier: Before I get to some prepared notes I would like to just make a few comments regarding the minister's statements and also put on the record that here in third reading of a most important bill, it's important for everybody in this province to understand that the PC caucus, all the members of the PC caucus who attended many meetings and were engaged in a lot of discussion with stakeholders over this bill, are now prevented from discussing Bill 173 because of the time allocation motion that this government put into place. The whole PC caucus now has 20 minutes to debate one bill called Bill 173.

But I do want to say this: I believe the minister is an honourable person and is striving and doing his utmost to try to improve things. However, it also reminds me of the story Alice in Wonderland. Maybe it'll be a new one, Michael in Wonderland, with Bill 173. I know his intent is good, and he suggested that we're going to make sure all these things are taken care of; all these problems and concerns that we know are there, we're just going to make sure that the regulations are correct and mitigate these problems.

Everybody in this province has seen the level of management and administration of this government when it comes to their agencies, their ministries or boards or commissions. We've seen the level of scrutiny that this

government provides to their employees. This government certainly gets involved when it comes time to have patronage appointments or they get involved when there are untendered contracts or bids that need to be dealt with. But otherwise, it's a hands-off approach. The bureaucracy runs the show, and we in the House will never get the opportunity to represent our constituents, represent the people of Ontario, when those regulations are brought forward. They will come through by executive order in council and we will never see them. We will never have that opportunity to do what we are hired to do, what we're elected to do, and that is to represent our constituents and ensure that legislation is fair and just and reasonable.

Bill 173, the concept of modernizing the Mining Act, is indeed important. We've seen the conflicts in mining. We've seen things such as Platinex and why Platinex has called for the minister's resignation. There are significant conflicts.

We also heard time and time again that what needed to happen was community participation, that we needed to have revenue sharing, that we needed to have equal protection of property rights under the law. We haven't got any of those things, any of those necessary commitments to prevent the conflicts in mining and allow mining to prosper.

The minister also makes all kinds of assertions that there were all these workshops, and, sure, there were many, many workshops. However, unlike the minister, I've actually sat through some of these workshops; I wasn't there just for five or 10 minutes at the opening. What is so clear with all these workshops is that they are contrived and they're manipulated, and a predetermined outcome is the order of the day. That's just a little bit of a hint why the National Post columnists are now calling this government "Canada's worst government."

I will get back to some of my prepared notes on Bill 173. As we talked about these workshops and all this consultation, when I attended the committee hearings here in Toronto and through the north, person after person condemned the bill. The miners, the prospectors, developers, aboriginal groups and northern communities all raised their grave concerns about this bill. And of course, in committee, their concerns were not even addressed by the government. Yet there was one group that said they were quite happy with the legislation, that they were consulted and that they were quite pleased, and that was Monte Hummel from the World Wildlife Fund. He was thrilled that the McGuinty government has decided to abandon the north while ignoring the needs of the residents and the people in the north. The Liberal government has abandoned the north for their environmental zealots, who are often at Liberal fundraisers.

This bill, along with its companion bill, Bill 191, creates a climate of instability in Ontario's resource industry and ignores that industry's contributions to our economy. This bill makes the government's disregard for our natural resources sector clear. It paves the way for gross mismanagement of our mining industry and re-

sources by the Minister of Northern Development and Mines.

This bill also creates three classes of citizens in Ontario, each with different levels of protection of the law. This bill tramples upon individual property rights but protects the property rights of the Ontario northland. This bill is worded with hypocrisy and it's spelled out with contradictions. This bill speaks volumes to the Liberals' contempt for justice and their ignorance of democracy. Our common-law principle of equal protection is thrown out their utopian window as this Liberal government peers through it. There are no checks and balances, and there is no justice in this new Liberal meaning of "law." Clearly nobody will argue this: This bill has created different classes of citizens. People in the south, people in the north, people in the far north, their property rights—

0950

Interjection.

Mr. Randy Hillier: I can hear the member from Algoma interjecting. But I will say this: Five members from the Liberal Party were on that committee, and not one of them spoke about the objections except for the member from Algoma. He was the only mouthpiece allowed from the Liberal Party on this bill.

Mr. Michael A. Brown: You weren't even there two thirds of the time.

Mr. Randy Hillier: I was there all the time.

The Deputy Speaker (Mr. Bruce Crozier): Order.

Mr. Randy Hillier: These concerns and objections were brought to the attention of the committee not only by those who chose to appear, but also by myself and my colleagues from the opposition and the third party. This government refused to listen. They have not made any changes to this legislation. In fact, they have obstructed us each and every time we tried to amend the legislation. As I said, only one Liberal member spoke; often he didn't even attempt to argue because he knows the government does wrong but he was just toeing the party line.

Now they've moved this time allocation motion, pushing this bill forward against the wishes of the people of Ontario. Like I said, it's no wonder this Liberal administration has earned the title of "Canada's worst government" in the Financial Post last week. They think they can just sweep it all under the carpet and that the people of Ontario will forget.

Let me just read a moment from that column: "Every now and then a province falls into the hands of blundering politicians so inept that their government ends up deserving of the title 'Canada's Worst Government.' It's a rare award. At any time somebody has to be the worst, but no award for routine bottom-of-the-barrel performance seems necessary. Occasionally, however, the metric of incompetence is so large and conspicuous it demands special recognition."

Just to let people know, the National Post now is running a contest for others in the country to see if their governments can measure up to Canada's worst government here in Ontario.

Let me just read a couple of things here as well. Jon Baird, talking about the two bills, because they are com-

panion bills, said, "No self-respecting MPP should vote for this." Bill 191 and its sister bill, which apply to all of Ontario, grant massive arbitrary power to the Ontario Minister of Natural Resources and bureaucrats and the Ministry of Northern Development, Mines and Forestry. Rulings are not appealable, no hearings and on and on. No self-respecting MPP should vote for these bills. That's what is being told and heard and seen.

The people of northern Ontario will not forget their lost jobs. They will not forget when the mines close down or when people lose their livelihoods and communities wither on this Liberal legislative vine. This government is managing the demise of northern Ontario, and this is how they've decided to do it: through legislation, by dismantling northern industry, by destroying our resource industry and by abandoning all of the economic opportunities present in the north to this utopian environmental ideal that they have swirling in their Michael-in-Wonderland world.

There can be no denying that the north of Ontario is a place of great natural beauty as well as great opportunity. None of us know what still remains to be discovered in the vast tracts of boreal forest and in the stone of the Canadian Shield, but to talk about the north only in terms of what might be dug up or chopped down and chipped out is not to the point. The resources and wealth of the north are not limited to nickel and iron, gold and diamonds; the wealth of the north is found in our northern Ontario people. The entrepreneurial spirit and hard-working attitude of the people are its greatest strengths and the greatest resource. That's what this government has abandoned and left out in the cold.

This bill doesn't just affect miners and prospectors; it affects the entire north and the resource economy which exists there. It will doom aboriginal groups to generational poverty and force them to live on the dole. Grand Chief Stan Beardy said, "Bill 173 isn't a partnership either. NAN First Nations have great concerns because it does not go far enough to seek proper prior informed consent. It too is a violation of our treaty relationship based on peaceful co-operative partnership agreed to more than 100 years ago." He wasn't consulted.

The Porcupine Prospectors and Developers Association told our committees, "Bills 173 and 191 have been put in place long before they are ready. This was clearly done for political posturing and has nothing to do with full consultation with all parties impacted by such legislation. These bills could be in place for 20 years or more." They weren't consulted.

The Prospectors and Developers Association of Canada told our committee, "It is our recommendation that Bill 173 ... be amended in a number of areas prior to further consideration by the Legislature."

Did this government listen? Did they amend the legislation? Did they fix the problems? The answer to all of that is no. They moved to a time allocation motion, shut down debate in committee and tried to ram this legislation through before anyone notices.

Mr. Paul Miller: It's disgraceful.

Mr. Randy Hillier: It is disgraceful. What this government, this Liberal administration, has done is disgraceful. Their actions are shameful. It's a shameful disregard for industry and the wealth that it brings. It's shameful to abandon the north and its citizens. It's shameful to ignore the northern voters in favour of their downtown Liberal friends. It's shameful to push through flawed legislation when they can do better.

But the interests of serving their party's political agenda trumps the north's concerns. This is an act created by politicians who think that their narrow desires supersede the will of the voters. The people in the north are being abandoned along with our democracy.

We have seen, on and on—the member from the third party was also quite involved in all the discussions—opposition to this bill. Again, we all recognize the need to modernize the Mining Act, but why has the government missed on all the key elements?

They have not come to recognize that municipalities should be sharing in the wealth of our natural resources. If we want to improve our communities' motivations and improve and encourage mining, all the money from mining ought not to end up in Toronto. There should be a share allotted to communities that do have mining in their communities. It should not be just Toronto and the Liberal Party that collect the money. That revenue-sharing can bring an end to conflicts. However, it's lost. This belief that they can protect property rights by the minister not allowing exploration is not actually affirming property rights. He's just saying to the people in southern Ontario, "We will not allow exploration for the time being on your land." Why not come out and say to the people, "We recognize your freedom to peaceful enjoyment of your property and we will protect it. We will protect it within the law, not just by the whim of the minister"?

I'm sure this minister will provide some level of protection for those property owners who don't own the mineral rights, who only have their surface rights. But I'm not sure how long that minister will be in that chair. I'm not sure how long any minister will be in any chair on that side of the House. This is why we protect justice and create justice in law, not just to be at the whim of a minister.

Community participation: It does move in that direction with Bill 191 in the north, but why not community involvement in mining for all communities? We are going to see more and more conflicts, because clearly, the process failed. Real consultation did not happen. As many members at the committee said, we were not allowed to discuss the real questions. We were spoon-fed the questions and had to—and I saw this directly myself in the forestry workshops held by MNDMF last Thursday in Pembroke. Only two questions were allowed to be talked about for forestry. All the other challenges that that industry faces, and they were only allowed to speak about pricing and tenure; they were not allowed to speak about red tape and regulations. This is what happens when you have a failed process, when you do not allow open and

honest discussions—frank discussions—about all of the problems that an industry faces. That failed process ensures that you have a failed outcome.

I do hope that the minister provides that scrutiny on regulations that he's talking about. I don't have a lot of faith that this Liberal administration will do so and give us that assurance and confidence that they will safeguard the interests of the people of northern Ontario and the people of all of Ontario in the backrooms as regulations are crafted up, not by the minister, not by elected representatives, but by people who have purposes other than representing the people of this province. If we want to be honest, these regulations need to come before the House and be clearly investigated by people who have responsibility to their citizens. Otherwise, we will just be back at mining reform once again after another generation of conflicts and problems.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to the order of the House dated October 6, 2009, I am now required to put the question.

Mr. Gravelle has moved third reading of Bill 173, An Act to amend the Mining Act. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

A recorded vote being required, it will be deferred until after question period today.

Third reading vote deferred.

The Deputy Speaker (Mr. Bruce Crozier): Orders of the day. The Minister of Mines and Northern Development.

Hon. Michael Gravelle: No further business.

The Deputy Speaker (Mr. Bruce Crozier): There being no further business, this House is in recess until 10:30 of the clock.

The House recessed from 1004 to 1030.

INTRODUCTION OF VISITORS

Ms. Lisa MacLeod: Today in the chamber I'd like to introduce the public sector employees' coalition, which is opposed to the HST. They have come here today to talk about a rally they're hosting next week with the New Democrats and the Progressive Conservatives.

Mr. Khalil Ramal: I'd like to introduce Lynn Sveinbjornson from the Canadian Hearing Society from my riding in London. Thank you for coming here today.

Mrs. Julia Munro: I'd like to have all members help me welcome the parents of page Henry Lenz, Dan and Elaine Lenz, and grandmother Muriel Hackett.

Mr. Bill Mauro: I'd like to introduce from Atikokan, in my riding of Thunder Bay–Atikokan, Bud Dickson. Bud is a councillor in the town of Atikokan and wears many hats up there. He's down here for the Quetico Foundation dinner tonight.

Mr. Paul Miller: Shortly, the grade 5 class from A.M. Cunningham in Hamilton will be joining us, and Julie Melanson is their teacher.

Hon. Madeleine Meilleur: Today is Canadian Hearing Society Day at Queen's Park. I'm pleased to introduce Kelly Duffin, president and CEO of the Canadian Hearing Society, Gary Malkowski, a former MPP who represented York East in the 35th Parliament, as well as the delegates in the members' and public galleries who are here today on behalf of the Canadian Hearing Society.

Hon. Michael Gravelle: I want to introduce somebody representing the Canadian Hearing Society from northwestern Ontario. The regional director, Nancy Frost, is here. Welcome, Nancy.

Mr. Jeff Leal: I have the pleasure of introducing somebody who works very hard with the local hearing society in Peterborough. Maggie Doherty-Gilbert is in the gallery right up there. Welcome, Maggie. Good to see you.

Ms. Andrea Horwath: I'd like to welcome members of the yellow shirt brigade from Fort Erie and Port Colborne: Joy Barton, Doris Emerson, Wayne Gates, Anne Kranics, Ida Ortis, June Robinson, Susan Salzer, Pat Schofield, Sylvia Smith and Giselle Tokar, as well as Police Pensioners Association of Ontario representative Jim Garchinski.

Mr. Kim Craitor: I too want to welcome the yellow shirts from my riding of Fort Erie, and some of them are from Port Colborne. They're very passionate, very caring ladies who care about our health care system and, more importantly, I want to say that they are near and dear good friends of mine. So welcome to Queen's Park, ladies.

The Speaker (Hon. Steve Peters): We would like to officially welcome all the guests from the Canadian Hearing Society who are here. Many have been introduced. I too would like to extend a special welcome to Gary Malkowski, who represented York East in the 35th Parliament. Welcome back to the Legislature, Gary.

I would also like to take this opportunity to welcome the strangers to the floor, as you are entitled, and we thank you for providing the interpretive services today. Welcome to Queen's Park, as well.

ORAL QUESTIONS

ELECTRONIC HEALTH INFORMATION

Mr. Tim Hudak: My question is for the Premier. When Dalton McGuinty was Leader of the Opposition, he called for a public inquiry 47 times on at least seven different issues. But when a potential inquiry involves his scandal, his waste of 10 times more money than the sponsorship scandal, we see a different Dalton McGuinty entirely. Premier, why are you suddenly against public inquiries when it involves the name Dalton McGuinty?

Hon. Dalton McGuinty: My honourable colleague continues to express his ongoing dissatisfaction with the work of the auditor. I embrace that report. And as I've said many, many times, we'll adopt every single one of the recommendations.

Mr. Speaker, I think there's something else that I should draw to your attention to be found in the auditor's report. There is in fact a chart on page 26; it comes from Canada Health Infoway. It talks about the degree of completion of projects through eHealth. It says that when it comes to client registry we are 95% to 100% complete; diagnostic imaging system, 95% to 100% complete; clinical reports or immunization, 95% to 100% complete. A lot of the work has been done. There is more to be done and we look forward to doing it.

The Speaker (Hon. Steve Peters): Supplementary.

Mr. Tim Hudak: When Dalton McGuinty was Leader of the Opposition, he called for public inquiries more often than he sent out for pizza. But nothing could make a more compelling case today than a \$1-billion boondoggle that accomplished nothing for Ontario families and gave out sweetheart deals to Liberal-friendly consultants. This certainly is not the same Dalton McGuinty whom people thought they were voting for back in 2003; this is a Premier who refuses to give up his dirty secrets. Premier, why are you refusing to shine a light on the people who fleeced Ontario taxpayers for hundreds of millions of dollars?

Hon. Dalton McGuinty: I think it's also important to note another finding in the auditor's report. The opposition insists that taxpayers received no value whatever for the investment they made in the eHealth system. Of course, the auditor found otherwise. He says the following: He makes reference to the network and the two data centres—

Interjections.

The Speaker (Hon. Steve Peters): I'm finding it extremely difficult to hear the answer. I trust that the opposition members would like to hear the answer as well.

Hon. Dalton McGuinty: I think we always have an interest in this House in reliable information, and I have more here. The auditor makes reference to the network and the two data centres that underpin the electronic health records, and he says, "As of December 2008, the data centres housed an estimated 1,300 servers, and the network connected some 3,500 clients. Clients include all Ontario's public hospitals, public health units, community care access centres, and retail chain pharmacies; many of the province's continuing care organizations; and some physician offices." Much work has been done.

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

Mr. Tim Hudak: Now the Premier has suddenly changed his tune to where his \$1-billion boondoggle was a good thing. Well, Premier, why don't you tell the people here from Fort Erie and Port Colborne who have seen the services at their hospitals cut and their ERs closed? This is a Premier who mocks accountability each and every day by standing by his right-hand man, George Smitherman, who presided over \$837 million flushed down the drain. As we know, only the Premier can call an inquiry into this matter. The Premier had previously called for inquiries on 47 different occasions. Premier,

when will you call an inquiry, or will you continue to be a hypocrite?

The Speaker (Hon. Steve Peters): I ask the honourable member to withdraw the comment, please.

Mr. Tim Hudak: Withdrawn.

Hon. Dalton McGuinty: I think it's fair to say that the leader of the official opposition and I see things differently on this particular score. I continue to have a great deal of confidence in the auditor and his findings. I'm not sure I can make it any more clear than to say the following: We accept all the findings. We will adopt each and every one of the recommendations. I would recommend to my colleague that he also accept the report in its entirety, where it says there was no evidence of fraud or criminal activity, where it says that there was no evidence of party politics.

Yes, there was an absence of sufficient oversight. We accept that. He goes on to say as well—

Interjection.

Hon. Dalton McGuinty: I hear my honourable colleague opposite. I encourage him to read the report as well.

He goes on to say that in fact there was a tremendous amount of work that had been done. There is more work to be done and we are committed to finishing the job.

1040

ONTARIO ECONOMY

Mr. Tim Hudak: Back to the Premier: Premier, at the end of September, you said that you needed to run a record deficit of \$18.5 billion to stimulate the economy. We know \$1 billion of that went to stimulate Liberal-friendly consultants. Premier, that was three weeks ago. How much deeper is the actual deficit really going to be?

Hon. Dalton McGuinty: I look forward, along with my honourable colleague, to the fall economic statement, which will be presented in this House tomorrow. What I can say, though, is that there is a significant deficit. I think Ontarians anticipate that and understand why we find ourselves in these circumstances.

Ontario has been affected by a powerful global economic recession. We have been part of the international response. Whether you're talking about the OECD or the IMF or even the government of Canada itself, in a concerted effort, we have acted to stimulate the economy, to invest in infrastructure and to create jobs right now, while we need them. That was a huge contributing factor to the size of the deficit.

We're doing it for the right reasons, which is the same reason why we'll put in a plan to address the deficit over the long term—because that's also the right thing to do.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Tim Hudak: Quite frankly, Premier, no wonder you've been dubbed the worst government in Canada.

Premier, your runaway spending on billion-dollar—

Interjections.

The Speaker (Hon. Steve Peters): The Leader of the Opposition.

Mr. Tim Hudak: Premier, your spending on billion-dollar boondoggles at eHealth has saddled each and every household in Ontario with \$11,000 in new debt. Dalton McGuinty is a lot like the contractor who gives an estimate of \$10,000 to do a home renovation, but ends up charging you \$25,000 once he's there—and the place looks worse after he's done with it. Premier, how much more debt are you going to put on the backs of Ontario families?

Hon. Dalton McGuinty: Speaker, you will not be surprised to hear that I just don't find that's particularly helpful.

I think we should use the metaphor used by the auditor in his report. He said that we have been building a highway. That highway is largely completed. Where there is still more work to be done, it consists of putting the cars and trucks in place that can deliver information back and forth along that new infrastructure. That's what he has said.

There's been a significant investment that has been made in this highway, so to speak—

Interjections.

The Speaker (Hon. Steve Peters): This is making it extremely difficult to hear, and I would just ask the members to have consideration for our guests who are here, who also would like to ensure that they understand what's happening in these proceedings today.

Premier?

Hon. Dalton McGuinty: Just to finish, the fact of the matter is that there has been a significant investment in the foundation for our electronic health record. I think Ontarians understand why it's so important that we finish this work. It will introduce new efficiencies in the health care system, but more importantly, it will provide better health care for our families. That's why we're going to keep moving ahead.

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

Mr. Tim Hudak: Ontario families now know where your highway is taking us. It's taking us to have-not status and the biggest debt level in the history of our province.

The Premier has increased Ontario's net debt by \$53 billion in just six years, saddling each and every home in our province with \$11,000 in debt. The Premier has everyone paying higher income taxes, higher fees, higher auto insurance, higher tuition, higher hydro, and the list goes on. We're seeing emergency rooms close down in communities like Fort Erie and Port Colborne—less time with the kids, less time with their family and less money in their take-home pay.

Premier, how much longer and how much harder will Ontario families have to work to pay down your record debt?

Hon. Dalton McGuinty: I want to take this opportunity to say to Ontarians that it's been a tremendous privilege serving as leader of their government and to thank and congratulate them for the work that we've been able to do together.

The fact of the matter is, we have more schools and more hospitals, we have more doctors, we have more nurses, we have more teachers and we have shorter wait times. We have more MRIs. We have higher test scores. We have higher graduation rates. We have more land than ever before protected and set aside for future generations to enjoy this wonderful, natural environment that we have in the province of Ontario.

Unlike my friend opposite, I remain very optimistic about the future of the province and have every continuing confidence in the people of Ontario to rise to whatever challenge that they might—

The Speaker (Hon. Steve Peters): New question.

GOVERNMENT SPENDING

Ms. Andrea Horwath: My question is to the Premier. While this government sat back and allowed a billion dollars to go out the door, health care services have been on the chopping block. Now, the finance minister is hinting that more cuts are on the way, and I shudder to think what this is going to mean for communities across this province.

Does the Premier understand that his health care cuts are already hurting families, or is he more concerned with keeping the door wide open for his million-dollar-a-day consultant feeding frenzy?

Hon. Dalton McGuinty: I'm always pleased to take the question. As my honourable colleague knows we are in fact making great strides forward when it comes to reducing the number of consultants we are using. It's down by 34% in contrast to 2003.

My honourable colleague also knows that every year, year over year, we have increased our funding levels for health care in the province of Ontario. Hospital funding has gone up by 42%. I stand that in contrast with the increase to the cost of living over the same period, 11%. The facts are, consultants are coming down and funding levels continue to go up.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: Today in the gallery are residents from Fort Erie and Port Colborne. Last month, their emergency room was closed. People in Fort Erie know the impact of cuts to health care because they're living with the consequences each and every day. They now face potentially life-threatening travel times to surrounding hospitals that were barely coping before the influx of new patients that is coming their way.

With a billion dollars gone, with consultants still making more than a million dollars a day and with health bureaucrats' bloated salaries being hidden, what does the Premier have to say to the people of Fort Erie?

Hon. Dalton McGuinty: To the folks here from Fort Erie, I welcome them to Queen's Park. I can say that their commitment to the best possible health care in the community has been nothing short of inspirational, and I thank them for the work they have done.

We've been working hard with the local community, with our partners in the Niagara region. We've worked

with the mayor of Fort Erie, Doug Martin, the local emergency system and doctors who are supportive of the plan that we are putting in place. What we're saying essentially is that 97% of the folks who are going to the Douglas Memorial now will be able to continue to go there in the future, but 3% of the folks whom we cannot manage at the optimum level in terms of quality of care are going to have to move on—

The Speaker (Hon. Steve Peters): We welcome, as always, all of our guests to the Legislature. Just stop the clock, please. We ask that you observe and, as much as you may wish to participate in the debate, you need to be elected to participate in the debate. So, I would say that nodding your head one way or another is not helpful, and I just ask that you be conscious of that. Thanks.

Hon. Dalton McGuinty: People feel strongly about their hospital and their health care in their community, and I understand that and I respect that. But I must say that we've been working long and hard with the community to put in place the best possible health care, we've relied on the best local advice that we can, and we're confident this will improve quality care within the community.

1050

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

Ms. Andrea Horwath: Ontarians are already seeing the cuts, those from Niagara region and elsewhere across the province; they know that more cuts are on the way. The Premier needs to come clean. He needs to be upfront and tell us what else he is planning to cut. But he also needs to tell us how he'll rein in consultant contracts, how he'll end the waste, how he'll stop the excesses in compensation in this province. Will he look at the people from Fort Erie right now and tell them how?

Hon. Dalton McGuinty: Just so we have a few facts with respect to what's happened in the Niagara health system, there has been more than an \$88-million increase in funding since 2003; that's a 43% increase. There is a \$60-million increase in the Hamilton Niagara Haldimand Brant LHIN towards a three-year local aging at home strategy. Something that is really important is the new Niagara Regional Cancer Centre, which is going to save folks in Fort Erie the drive all the way to Hamilton. I would think this is a tremendous source of pride in the regional health system as it grows ever stronger.

I know and I understand that there are always concerns when there are these kinds of changes that are made in your own community, but we have worked with the best professionals, relied on the very best advice, and our intention remains to improve the quality of care within the community itself.

TAXATION

Ms. Andrea Horwath: My next question is to the Premier as well. Yesterday, the Minister of Finance cryptically implied that people should expect more cuts to public services. Today, the public sector retiree coalition,

a group of retired police officers and municipal employees, announced an HST protest that's going to take place here at Queen's Park next week. Their concern: higher costs on everything from hydro to condo fees.

How can this Premier tell pensioners to pay more and expect less?

Hon. Dalton McGuinty: To the Minister of Revenue.

Hon. John Wilkinson: Next year, when we permanently cut income taxes for people, we will honour the contributions our seniors have made to this great province by taking special care and ensuring that it's our seniors who will receive the most benefit from our proposed tax cuts.

The first thing that we're doing for some 93% of Ontarians is permanently cutting their taxes by lowering the income tax rate on the first \$37,000 worth of income. Beyond that, seniors of modest means, particularly seniors on fixed incomes, received today, some of them, the GST rebate. That is going to be more than doubled. We're also increasing the property tax credit as well, and for seniors we're more than doubling it, because we feel the best way to honour our seniors and the contribution they've made to this province is to ensure that those tax cuts that are coming to people in Ontario are targeted particularly to seniors. It's our way of honouring the contribution that they have made to our province.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Andrea Horwath: You know, this minister knows very well that for every dollar raised off a consumer's back, only 18 cents are going back in tax cuts. That's the fact. This government seems to have all the money in the world when it comes to the chosen few: a million dollars a day for consultants, hidden bonuses for senior staff, a billion dollars in tax cuts to business. But for everyone else, like retired police officers and firefighters who put their lives on the line for years and years in this province: a new tax and more cuts. How can the Premier justify asking people to pay more and get less?

Hon. John Wilkinson: Perhaps the member wasn't listening to my response. It must be the new math, but I know that seniors understand the old math.

Interjection.

Hon. John Wilkinson: What we are doing is taking all of the money that—

The Speaker (Hon. Steve Peters): I just ask the honourable member from Nepean to withdraw the comment, please.

Ms. Lisa MacLeod: Withdrawn.

Hon. John Wilkinson: It's important that seniors understand that under our tax reform package, as we modernize our tax system so that we compete and win for jobs in the 21st century, we are taking the money that's raised by sales tax and permanently cutting income taxes for people. There is no group in the province of Ontario that we will honour more with our tax cuts than our seniors, who have contributed to this great province that we have.

As I was saying, we are permanently cutting income taxes on the first \$37,000 worth of income. We'll have

the lowest personal income tax rate of any province in this country after we finish—

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

Ms. Andrea Horwath: I think someone around here said, “Nobody’s buying it,” and that’s the truth. Nobody is buying it. As the Premier stumbles around to rationalize million-dollar-a-day consultant costs, he tells the people to brace themselves for cuts—cuts to health care and cuts to education in this province. Meanwhile, he’s plowing ahead with a job-killing—job-killing—new tax that will make life less affordable for the people in this province, for middle-income Ontarians and everyone else. People are being told to pay more and to expect less.

How can the Premier justify this massive tax on the backs of people who most need a break right now?

Hon. John Wilkinson: I would say, particularly to the seniors, that there is a wonderful public service provided in the province: quality public health care available to everybody. There is no one who counts on that more than our seniors.

They understand that despite this global recession, the most important thing we can do is get people back to work. We need people working. That is the greatest assurance that we can have that we will be able to maintain our high-quality public services. So we’ve taken a step to ensure that Ontario and our businesses are going to be competitive so they can hire people.

It’s exactly those people who want to have a brighter future who are willing to make that sacrifice, who are going to pay the taxes to ensure that we can keep our covenant with seniors, that we will continue to provide high-quality public service, particularly universal health care, in this province for all seniors. We know that they appreciate that. When I was talking to my own mom and dad about this, and I was able to explain to them the tax cuts that they will receive, they said, “Well, that’s amazing”—

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

ONTARIO ECONOMY

Mr. Norm Miller: My question is for the Minister of Finance. Minister, three weeks ago, you confidently stood in the House and said this year’s deficit would be \$18.5 billion. Yesterday, at a speech to the Canadian and Empire clubs, you hinted that deficit would be worse than you forecasted just three weeks ago. The minister’s remarks away from this House shows he is more committed to selling a PR scheme for his record deficit than stopping it at \$18.5 billion.

Minister how many more billions did you add to the deficit in just three short weeks?

Hon. Dwight Duncan: I thank my colleague opposite for the question. He will recall that a year ago, when I announced that we were looking at a deficit in order to sustain our public services and to invest in jobs for people, we indicated that it would continue to grow. That

week the Prime Minister of Canada, for instance, said he saw surplus budgets well into the future. We have seen a global downturn. We’ve seen the government of Canada, for instance, go from surpluses into the future to a \$55-billion deficit, and that may well grow yet. We’ve seen that in British Columbia, Alberta, Manitoba, Great Britain, the United States, Germany, Japan, China. We invested in stimulus—

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

Mr. Norm Miller: Minister, we’re talking about three weeks. In three weeks, we’ve seen a government that is too distracted with scandals to manage economic recovery. The auditor revealed the McGuinty Liberals wasted a billion dollars on eHealth. Freedom of information revealed that Cancer Care Ontario was used to hand Courtyard another \$18 million. The Ontario PC caucus revealed millions of dollars in budget overruns on the Windsor casino expansion and \$80 million wasted on an energy centre. It’s no wonder the McGuinty Liberals are described as “Canada’s worst government.” Why should taxpayers give this distracted, scandal-ridden, out-of-touch government billions more?

1100

Hon. Dwight Duncan: We have responded to the worst global downturn since the Great Depression. We followed the advice of the International Monetary Fund.

Interjections.

The Speaker (Hon. Steve Peters): Stop the clock. If you want to have a debate, I appreciate that you debate in the chamber, but I need you to go through the Chair. If not, I would encourage the Minister of Economic Development and Trade and the honourable member from Simcoe–Grey to go outside and have the discussion there.

Interjections.

The Speaker (Hon. Steve Peters): I apologize for that, because the Speaker should not be causing disorder in the House.

Minister?

Hon. Dwight Duncan: We have continued to turn our attention to the serious challenge with employment for Ontarians throughout Ontario by investing \$32.5 billion in infrastructure over two years and by maintaining the size of the public service. We think it’s wrong to lay people off at this time. We think it’s wrong to do those kinds of things that will harm the economy.

These are difficult times that are faced around the world. Governments around the world are facing larger deficits than any of them would want.

We’ve taken those decisions. We will make the right decisions to get Ontario through this. We will be bigger, we will be better and we will be stronger when we’re done.

ASSISTANCE TO FARMERS

Mr. Michael Prue: My question is for the Minister of Finance. The Ontario Association of Food Banks and Ontario farmers need your help. Even while there are

140,000 children in our province who live in a home without enough food, there is an abundance of fresh, surplus, local food available at Ontario's farms that is ploughed back into the soil or sent out for disposal. Farmers and food banks are asking for a farm tax credit to offset their much-needed donations of fresh food to our poorest families. Minister, will you implement this tax credit in your next budget?

Hon. Dwight Duncan: There are enormous challenges to ensuring that we feed all of the people of Ontario. That's why I was delighted when Gail Nyberg of the Daily Bread Food Bank endorsed our government's policy of tax cuts for low-income people. That's why I'm glad that Hugh Mackenzie and others associated with the New Democratic Party have urged your leader to back off on the things you're saying that will harm the poorest.

With respect to tax policy, we consider any number of options in any given year. I remind the member opposite that we doubled the seniors' property tax credit; he voted against that. We've created the largest sales tax credit in Canada; he voted against that. He voted against a number of measures that the Ontario Federation of Agriculture endorsed in our budget. But—

Interjections.

The Speaker (Hon. Steve Peters): Stop the clock. I have allowed the clock to run when the noise is so loud from the opposition side. The clock will run. But if I continue to get interjections, I will stop the clock. We have lots of time. Some of you can be late for your meetings. But I think it's important. Question period is extremely important to the people of Ontario, and I think we collectively owe it to them to allow questions to be asked and answers to be given as well.

Minister of Finance.

Hon. Dwight Duncan: We consider any range of options with respect to tax measures—those are normally dealt with in the budget—and we will continue to consider those sorts of things as we move forward through these challenging times.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Michael Prue: Thousands upon thousands of families are struggling to make ends meet during tough economic times. In the first three months of 2009, demand for food banks has skyrocketed by 20% annually, and the procurement of fresh food is very difficult for all of these people. An estimated surplus of over 25 million pounds of fresh fruits and vegetables in Ontario that is currently ploughed back into the soil or sent for disposal, could provide nutritious meals for 350,000 of our poorest citizens who are forced to turn to food banks each month.

The solution is very simple: Are you on board or are you not on board? Will this government commit today to implement a tax credit for farmers and food banks so that people can have decent and nutritious food?

Hon. Dwight Duncan: Here's what the Daily Bread Food Bank said about what our government did in its last budget. It said, "If you're a low-income Ontarian this is a positive budget, and I congratulate the government on

recognizing that you can fight poverty and stimulate the economic scene at the same time." That member and his party are voting against those measures. You're voting against the increase in the child benefit. You're voting against—let's talk about farmers. The member opposite does not want us to allow farmers to no longer pay sales tax on trucks, on light vans and parts, furniture, lawn mowers, computers, office supplies, freezers and equipment. The member opposite has voted against a range of stimulus packages. He wants to have it both ways, and he can't. He needs to be consistent, he needs to be clear and he needs to be straightforward.

IMMIGRATION POLICY

Mr. Bas Balkissoon: My question is for the Minister of Citizenship and Immigration. An article in the Toronto Sun titled "Immigration Bad for Us" goes on to highlight how newcomer policies are flawed and that Canada is changing for the worse as a result of mass immigration. This article was written in reaction to a book published by the Fraser Institute titled *The Effects of Mass Immigration on Canadian Living Standards and Society*. The publication provides an assessment of the negative impact of immigration on Canada in recent decades. It concludes that immigration has been harmful to our living standards and is challenging the country's existing national identity, culture and social fabric.

These viewpoints are in stark contradiction of the beliefs and actions of the McGuinty government. Should folks in my constituency of Scarborough–Rouge River, one of the most diverse in the country, be concerned over the development of these so-called findings?

Hon. Michael Chan: I want to thank the honourable member from Rouge River. I am aware of the findings made available by the Fraser Institute. I flatly disagree with the findings. The suggestions are absurd, narrow-focused and downright backwards. Our national identity is stronger because of immigration, our culture is more vibrant because of immigration and our social fabric is more intact because of immigration.

In Ontario, we are committed to a clear vision for newcomers, a vision that is open, inclusive and equal. We understand that immigration is fundamental to our social and economic well-being. Residents of Rouge River and communities across Ontario can rest assured that our government welcomes newcomers with open arms.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Bas Balkissoon: The article goes on to quote a James Bissett, a former executive of the Canadian Immigration Service, as saying, "Reasons with which Canada justifies its high immigration intake are simply not valid." The publication speaks for a model of a Canadian society based on a rethinking of the Canadian policy on multiculturalism: zero net immigration and limited government intervention.

It's ironic that we are having this discussion during national Citizenship Week, a week where we celebrate all

the things that the findings suggest we should undermine. The Ontario I know cherishes and values the contribution of all its citizens, including newcomers. Could the minister inform the House about the work this government is undertaking to ensure that all newcomers continue to play a vital role in building our communities across Ontario and across Canada?

Hon. Michael Chan: I want to tell you who I agree with. I agree with Naomi Alboim and the Maytree Foundation. I agree with their report on fixing Canada's economic immigration policies. I agree that it is essential to grow our population base, achieve labour market growth and contribute to innovation. I agree with them that during the current economic climate, Canada needs a robust, competitive immigration system that will contribute to our society. We'll take advice from the Maytree Foundation, not from the findings or the publications of the Fraser Institute.

This is why we are investing in our newcomers and investing in new settlement services: language training, bridge training and others. Allow me to repeat: Ontario—we are open, inclusive and equal.

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ELECTRONIC HEALTH INFORMATION

Mrs. Christine Elliott: My question is for the Premier. The McGuinty Liberals wasted a billion dollars of taxpayers' money on eHealth with nothing to show for it. But—

Interjections.

The Speaker (Hon. Steve Peters): Stop the clock. The honourable member just got up to ask the question. She was not even up five seconds and the interjections were coming across the floor—and it goes both ways. I just ask that we try and be respectful to one another and allow these questions to be put.

Please continue.

Mrs. Christine Elliott: But when the public interest calls for an inquiry, Premier McGuinty calls it “gamesmanship,” and acts as though he soars above the political fray. If he is as committed to the greater public interest as he says he is, then we need to see him put his money where his mouth is. My question is, how much of the billion dollars wasted in the eHealth scandal has Premier McGuinty ordered the Liberals to pay back to Ontario taxpayers?

The Speaker (Hon. Steve Peters): I would just ask the honourable member to withdraw that last comment, please.

Mrs. Christine Elliott: Withdrawn.

Hon. Dalton McGuinty: Again, I'm just one of those who believes that the facts are important, and I want to return to the facts. My colleagues opposite have difficulty accepting the findings of the auditor. But one of the things I'd ask them to turn their minds to is—there's this chart I referenced to earlier. It comes from Canada Health Infoway. They assessed the jurisdictional progress on electronic health deliverables as of March 31, 2009.

They said that when it comes to the client registry in Ontario, we are 95% to 100% complete; when it comes to the diagnostic imaging system, we are 95% to 100% complete; and when it comes to clinical reports for immunization, we are 95% to 100%.

Again, I would encourage my friends to understand that there has been a tremendous amount of work done, a strong foundation has been laid, and we look forward to continuing to build on that.

The Speaker (Hon. Steve Peters): Supplementary?

Mrs. Christine Elliott: Well, despite what the Premier is saying, the Auditor General has indicated that hundreds of millions of tax dollars were wasted in this, with nothing to show for it. Now, the Premier has indicated that he accepts the auditor's finding that Ontario taxpayers did not receive full value for money and the untendered contracts that Minister Smitherman, Management Board, and the Premier's hand-picked CEO gave to Liberal friends, but he hasn't recovered any of that lost money. He hasn't fired Minister Smitherman for spending \$837 million on what he called “a cesspool.” So what is the Premier going to do to get the money wasted by Minister Smitherman back?

The Speaker (Hon. Steve Peters): I would just ask the honourable member to withdraw a comment that she made in the first part of her question.

Mrs. Christine Elliott: Could you clarify, please?

The Speaker (Hon. Steve Peters): You left the impression that something was given to somebody. I just ask that you withdraw that.

Interjection.

Mrs. Christine Elliott: I withdraw.

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

Hon. Dalton McGuinty: I will allow my colleagues to speculate, interpret and to interpolate, but I'm going to stick with the report itself, because I think the findings in there, the specific wording, are really important. With respect to the work done, I want to repeat the finding of the auditor. He said that when it comes to the network and the two data centres that underpin the electronic health record, as of December 2008, the data centres housed an estimated 1,300 servers and the network connected some 3,500 clients. Clients include all of Ontario's public hospitals, public health units, community care access centres, retail chain pharmacies, many of the province's continuing care organizations and some physician offices.

Again, the facts are—I'm not interpreting, and I'm not speculating; I'm just sticking to the report—we have laid a strong part of the foundations when it comes to the Ontario health record.

AUTOMOBILE INSURANCE

Mr. Michael Prue: My question is again to the Minister of Finance. All across this province, frustrated Ontario drivers are up in arms. At the same time that many are getting double-digit increases in their premiums, it appears that this government is going to cave to powerful

insurance insiders and slash insurance payouts for non-catastrophic injuries by 75%.

Minister, when will this government stop caving in to every demand of the private auto insurance industry, draw the line on rate increases and fundamentally rethink a system that every driver and every consumer knows just doesn't work?

Hon. Dwight Duncan: We will be introducing a number of reforms very shortly as a result of the five-year review of auto insurance premiums.

There's no doubt that consumers are concerned about recent increases, as is the government. It's an important issue for many people. They have to have insurance; we compel them to. It's incumbent on us to provide the right regulatory climate. I remind the member opposite that premiums do remain below where they were when we took office. We are working hard to ensure that, moving forward, we continue to ensure the proper regulatory climate and the proper industry situation to ensure that people who purchase auto insurance continue to benefit from rates that don't go up beyond the rate of inflation. I'll be bringing those changes forward very shortly.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Michael Prue: I'm glad the minister wants to bring them forward because he promised to bring them forward in June, in July, in September, and we're now mostly finished October.

Here are the facts: Double-digit rate increases are hitting drivers province-wide, and for some Toronto-area drivers, rate increases could total 30% or more—

Interjection.

The Speaker (Hon. Steve Peters): I just ask the honourable member from Essex—I believe that came from him—to withdraw his comment.

Mr. Bruce Crozier: I'll withdraw that.

Mr. Michael Prue: Any day now, this government will cave to insurance-industry pressure to reduce the cap on medical and rehabilitation costs for non-catastrophic injuries to \$25,000 from \$100,000.

Minister, it doesn't have to be this way. There are—

Interjection.

The Speaker (Hon. Steve Peters): I didn't hear where that comment came from, but it's not appropriate to continue to throw comments like that across.

Please continue.

Mr. Michael Prue: Minister, it doesn't have to be this way; there are other options available. Will this government launch a full-scale review of Ontario's badly broken auto insurance system? Will it take a serious look at the public auto option that has so successfully served the drivers of Manitoba, Saskatchewan, BC and Quebec for decades?

Interjection.

Hon. Dwight Duncan: As rich as it is to respond to that, I want to begin by acknowledging how important insurance premiums are to working families. That's why we have worked hard to keep them down, and that's why we will be bringing forward a package shortly that we believe will assist in that.

These are always challenges, as the member knows full well. Even his own government pledged to do public insurance then backed down on that. He'll also remember that premiums went up 20% between 1993 and 1995. He'll know that they increased premiums three times when they were in office. They abandoned the commitment on public auto insurance for a variety of reasons.

This is always a challenging issue. This government, this party, remains on the side of working families. We'll do our best to help them manage their auto insurance premiums so that they can continue to be affordable.

ECONOMIC DEVELOPMENT

Mr. Yasir Naqvi: My question is for the Minister of Research and Innovation. The high-tech economy and creating good jobs in the technology sector are incredibly important in my community of Ottawa and to my constituents of Ottawa Centre. Not only is this a major regional industry and employer for our community, but it is also exactly the type of industry we need to foster in Ontario for the 21st century. New technologies and applications will revolutionize the way our lives and our commerce are conducted. There is a huge amount of economic gain to be had if Ontario is at the forefront of that enormous new market.

Minister, I know you understand the absolute necessity of our economy embracing the 21st century, and I know you are working hard to ensure we, as a government, make smart investments in emerging technologies and the high-tech sector for Ontario's future prosperity and competitiveness. Could you tell my constituents what we are doing to make sure that Ottawa and Ontario are at the forefront of the new innovation-based economy?

1120

Hon. John Milloy: I was very pleased a number of weeks ago to join my colleague the Minister of Economic Development and Trade at a round table with leaders of the high-tech community in Ottawa that was organized by the Minister of Municipal Affairs and Housing and his other caucus colleagues. At the end of the session, I was pleased to help announce \$9.3 million to support a \$44-million initiative called the Coral CEA. The Coral CEA will support Ontario companies that want to compete for part of the growing demand for a technology known as communication-enabled applications, or, as they're known in a short form, CEAs.

This initiative is expected to create 200 new high-tech jobs and strengthen Ottawa's technology community. CEAs are software applications that enable different technologies to communicate with each other, potentially creating smart systems that can analyze information—

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

Mr. Yasir Naqvi: My supplementary is for the Minister of Economic Development and Trade. Minister, you might know that for decades now, Ottawa has been referred to by the high-tech industry and proud residents alike as Silicon Valley North. This nickname is a tribute

to our talented and innovative technology sector, which has historically rivalled the best technology clusters in the world. Above all, my community wants to ensure that we will continue to thrive as one of the top jurisdictions for companies and entrepreneurs to create, develop and produce the things the modern world wants and needs.

But many in my community are concerned. We are worried that the technology industry in Ottawa is facing decline. With the demise of Nortel, which had been one of the cornerstones of the Ottawa technology foundation, the perception is only growing that perhaps the best days are behind us. Minister, what is our government doing in light of these challenges to ensure Ottawa continues to be known the world over as Silicon Valley North?

Hon. John Milloy: Minister of Economic Development and Trade.

Hon. Sandra Pupatello: I very much appreciate the question. This member also knows that we participated in the microelectronics conference in Ottawa again this past Friday. It is heartening to see these companies, many of them Ottawa-based, which are thriving, which are recognizing that our challenges are of a global nature. That means we have to take on the world.

The Ontario government is there to reach out and help them to do this. We are giving them significant business tax relief, and have been doing so for the last three years. In addition, we're helping with some incentive programs that our IT sector is taking advantage of. So 284,000 people working in this sector across Ontario have much to look forward to, because our cluster for IT, against all of North America, is the third largest, and we're moving up.

MUNICIPAL FUNDING

Mr. Bill Murdoch: My question is to the Minister of Municipal Affairs. It has been brought to my attention that next year you're going to fully implement the OMPF grant that was designed about three or four years ago, where the Minister of Municipal Affairs has always topped up the municipalities that were going to be affected. A lot of them in rural and northern Ontario were going to be devastated, some with an up to 20% increase in their taxes. Now it has been brought to our attention that next year you will be implementing this fully. I want to remind the minister that it's his job to protect the municipalities, to keep them away from the Ministry of Finance. Also, it's not up to the municipalities to pay for the \$1-billion boondoggle.

My question to the minister is, will he leave it alone next year and top it up again and then phase it in over five years? A lot of municipalities have asked you to do that. Will you do that, Minister?

Hon. Jim Watson: I'm happy to take the question, and I thank the honourable member for the question.

The Ontario municipal partnership fund, or OMPF, does fall under the jurisdiction of the Minister of Finance, but I can confirm to the honourable member that in 2009 we provided \$949 million through OMPF grants

and also as a result of the uploading of the Ontario drug plan and the administrative costs of the Ontario disability support program. This combined benefit is a \$105-million, or 12%, increase over 2007's OMPF grant and a \$330-million, or 53%, increase over the old community reinvestment fund. I think many of us who served in municipal government remember the old CRF—it was not fair or transparent. The OMPF is much more transparent and more understandable to the municipal sector. We've been there to help the municipal sector in the past, and we look forward to working with them in the future.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. John Yakabuski: My question is obviously also for the Minister of Municipal Affairs and Housing respecting the ending of the mitigation funding as well. We don't need a mathematical dissertation; we need an answer.

In my riding, in the county of Renfrew nine municipalities will take a hit totalling over \$4 million if this issue is not resolved. As one example, the township of Admaston/Bromley, with a total tax levy of \$864,000 will lose \$268,000 if this issue is not addressed. This is not new to the minister. AMO and the Eastern Ontario Wardens' Caucus and the county of Renfrew have written you, the Minister of Finance and the Premier to no avail.

This situation is unacceptable. It will leave municipalities bankrupt. Will you commit to postponing these changes until a fair and equitable arrangement can be made with municipalities and not leave them hanging by a thread as a result of your mismanagement?

Hon. Jim Watson: I think every member of this Legislative Assembly will acknowledge the work that this government has done to increase funding for every municipality across the province of Ontario. As a result of the uploads for which our government signed an agreement with AMO and the city of Toronto a year ago this month, Renfrew will be ahead by \$5.9 million, net dollars.

Every single year for the last four years, we have committed to mitigation funding, but when we signed the AMO agreement a year ago this year, we committed to one more year of mitigation, and the Minister of Finance undertook that he would do a review in conjunction with AMO. That review is being undertaken now.

But I can tell you also that in the honourable member's riding, the city of Pembroke will be ahead \$2.6 million. So there is more money going to the municipal sector. We're proud to partner with them, and we look forward to working with them in the future.

FULL-DAY KINDERGARTEN

Ms. Andrea Horwath: My question is to the Minister of Education. My niece is here with her classmates from A. M. Cunningham school in Hamilton. Her name is Sarah Benvenuti.

Today is early childhood education appreciation day, as most members in this chamber know, and it's an ideal

day to hear more about the government's timetable for implementing full-day learning for children in Ontario.

Will the minister assure us today that the McGuinty government will fully implement all the recommendations in Dr. Pascal's report and tell us when we might be able to expect her announcement in this regard, or will it fall victim to a new round of government belt-tightening?

Hon. Kathleen O. Wynne: I want to welcome all the students here today. It's wonderful to have you in the chamber.

I want to assure everyone that we are committed to implementing full-day programming for four-year-olds and five-year-olds. We've been very, very clear about that. It's a huge opportunity to make sure that our youngest students get the enriched environment they need, that we have the best learning resources available for them.

We know that, given the economic circumstances, we may not be able to do everything at once, but what we also know is that the education sector and parents and the community know that moving on this is more important than an ideological rigidity about complete implementation instantly. What's important is that we get started and we make sure that children in this province have the resources they need—

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

Ms. Andrea Horwath: I'm sure Charles will be happy to know that you think he's an ideologue, Minister. The minister's response does nothing to build confidence in the government's commitment to full implementation of Dr. Pascal's report. Parents and educators, child care providers and school boards all want to know when the government will announce the full rollout of all the recommendations in the Pascal report. We, for one group in this Legislature, actually believe they deserve an answer.

With all the government talk of cuts and belt-tightening, will this minister also commit to maintaining the stability of Ontario's existing not-for-profit child care centres as the implementation proceeds?

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Hon. Kathleen O. Wynne: We're going to begin rolling out the full-day learning for four- and five-year-olds in September 2010. We are committed to that; that's what we're going to do. I just have to say that it has been known for a very long time that early childhood education is very important and that the education system needs to be involved.

We have done more for education in the six years—it seems to me that the party opposite was in office at a time when it was clear that early childhood education was important, and this program was not implemented. We're going to begin September 2010. We've been very clear about that and we're working closely with the child care sector. I've been working with Minister Matthews before and Minister Broten now; we're very cognizant that the education system and the child care system need to be working together. We're going to start in September 2010. It is a great opportunity for Ontario.

TOURISM

Mr. David Zimmer: My question is for the Minister of Tourism. The economic downturn is a huge concern for tourist operators in the province and the GTA. Tourism has its own very special set of economic challenges which affect the province and the city of Toronto. Fewer US travellers visited the province because of the fluctuating dollar, the state of the economy and confusion over passport requirements. Minister, what are we doing to help this vital industry here in Ontario and the GTA?

Hon. Monique M. Smith: I want to thank the member for Willowdale. As he mentioned, our tourism sector across Canada has faced a number of challenges over the past few years, including the high dollar and the economic downturn worldwide. At the same time, our government has recognized the importance of tourism and we've continued to invest in tourism opportunities across the province.

A few weeks ago I attend the Scotiabank Nuit Blanche Pre-Nuit, which was an event here in Toronto. I am pleased that the McGuinty government has invested \$350,000 to help Scotiabank Nuit Blanche enhance and market their event. This free event, which took place over the weekend of October 4, featured three exhibition zones across Toronto. It hosted 130 projects and included close to 500 artists. Supporting innovative events like Nuit Blanche helps to bring creativity to a community and attract people to visit that community.

Our festivals and events across the province are invigorating local economies. Tourism is an important job creator and economic driver in communities across the province and I think that our government will continue—

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

Mr. David Zimmer: Nuit Blanche is one of the many signature events held in Toronto each year. It's been taking place in Toronto since 2006. In fact, it was the first of its kind in North America. It's a substantial tourist draw to Toronto and shines a cultural light on tourism in this area. Minister, what is the specific economic impact of this event for Toronto and the GTA?

Hon. Monique M. Smith: As I spoke of earlier, tourism is an important job creator and economic driver for the province. In 2007, tourists spent over \$22 billion in Ontario, which translates to approximately 300,000 direct and indirect jobs in our province. I'm proud that, through our investment in Nuit Blanche this year, we've seen an expansion of Nuit Blanche, which was founded in 2006 here in Toronto. This event fills hotel rooms, increases spending in restaurants and businesses, and attracts many visitors to the city. Last year alone, over 800,000 people attended the event. Of these, over 100,000 were visitors from outside of the GTA. This year, attendance is estimated at over 900,000 and the economic impact for the city of Toronto is estimated to be over \$16.5 million.

By working together with our partners in the industry and investing in festivals and events like Nuit Blanche,

we can position tourism to become an even more important economic driver for future growth and prosperity in Toronto and—

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

SEWAGE TREATMENT

Mrs. Julia Munro: My question is for the Minister of the Environment. The Pefferlaw Post has reported that Sibbald Point Provincial Park is spraying effluent from their sewage lagoon on parkland only metres from Lake Simcoe. The Ministry of the Environment district office told the Post they “have never inspected the facility.” No one at the Ministry of the Environment or Natural Resources or the park could even say how many litres are being sprayed.

Minister, why are you allowing this to happen? Is this consistent with the Lake Simcoe Protection Act?

Hon. John Gerretsen: As the member well knows when she first made me aware of this issue a couple of days ago, we looked into it right away. As a matter of fact, I forwarded to her right in this chamber the note that I got on it so that she could be fully aware of the situation there.

It’s my understanding that the certificate of approval that was given with respect to the pond is currently being looked at. It was issued back in 1972 for the operation of a sewage lagoon treatment system. The ministry is looking into this situation, it will continue to monitor the situation, and we will do whatever we can to make sure that the health and welfare of the people, not only in this area but particularly in Sibbald Point, are protected in the best way that we know how.

The Speaker (Hon. Steve Peters): Supplementary?

Mrs. Julia Munro: Is this practice common to all provincial parks?

Hon. John Gerretsen: I’m sorry, I didn’t get the question.

Mrs. Julia Munro: Is this practice common to all provincial parks?

Hon. John Gerretsen: I’ll refer that to the Minister of Natural Resources.

Hon. Donna H. Cansfield: I’m more than pleased to be able to respond. It would depend on the location of the park. Obviously, where there are water treatment facilities, where there is sewer and water, then we have a different system in place. Again, it would depend. I’m more than happy to give the member different parks with different processes.

INTERNATIONAL TRADE

Mr. Peter Tabuns: My question is to the Premier. Premier, you’re aware that Buy Local is in danger. There are ongoing trade negotiations happening behind closed doors that may well close the door to local purchasing

requirements. Will you commit to opposing any trade deal that undermines local requirements?

Hon. Dalton McGuinty: To the Minister of Economic Development and Trade.

Hon. Sandra Pupatello: We certainly appreciate the question. It’s a concern to all of us in Ontario, the province in this nation that is the most affected by what we see is clearly a buy-American plan by the municipalities and states south of our border.

What’s really important for people to note is that all of the provinces have come together in a historic fashion very quickly to be able to parcel together a package that our federal government can put on the table with the Americans, to suggest that we sit down and have negotiations so that we can undo some of this buy-American pattern.

We are suffering as a result. Our businesses here in Ontario have lost valuable contracts. It’s important that we take a step forward to say that we’re prepared to negotiate, that we want to have that special relationship restored with our American friends, because when they do business with an Ontario company, it’s good for their business.

DEFERRED VOTES

MINING AMENDMENT ACT, 2009

LOI DE 2009 MODIFIANT LA LOI SUR LES MINES

Deferred vote on the motion for third reading of Bill 173, An Act to amend the Mining Act / Projet de loi 173, Loi modifiant la Loi sur les mines.

The Speaker (Hon. Steve Peters): Call in the members. This will be a five-minute bell.

The division bells rang from 1138 to 1143.

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

Ayes

Aggelonitis, Sophia
Arthurs, Wayne
Balkissoon, Bas
Bartolucci, Rick
Bentley, Christopher
Best, Margaret
Bradley, James J.
Brotten, Laurel C.
Brown, Michael A.
Brownell, Jim
Cansfield, Donna H.
Caplan, David
Carroll, Aileen
Chan, Michael
Colle, Mike
Craitor, Kim
Crozier, Bruce
Delaney, Bob
Dickson, Joe

Dombrowsky, Leona
Duguid, Brad
Duncan, Dwight
Flynn, Kevin Daniel
Fonseca, Peter
Gerretsen, John
Gravelle, Michael
Hoskins, Eric
Jaczek, Helena
Johnson, Rick
Kwinter, Monte
Lalonde, Jean-Marc
Leal, Jeff
Matthews, Deborah
Mauro, Bill
McGuinty, Dalton
McMeekin, Ted
McNeely, Phil
Meilleur, Madeleine

Milloy, John
Mitchell, Carol
Oraziotti, David
Phillips, Gerry
Pupatello, Sandra
Ramal, Khalil
Ramsay, David
Rinaldi, Lou
Ruprecht, Tony
Sergio, Mario
Smith, Monique
Smitherman, George
Sousa, Charles
Takhari, Harinder S.
Van Bommel, Maria
Watson, Jim
Wilkinson, John
Wynne, Kathleen O.
Zimmer, David

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

Nays

Arnott, Ted
Barrett, Toby
Bisson, Gilles
Chudleigh, Ted
DiNovo, Cheri
Dunlop, Garfield
Elliott, Christine
Gélinas, France
Hardeman, Ernie
Hillier, Randy
Horwath, Andrea

Hudak, Tim
Jones, Sylvia
Klees, Frank
MacLeod, Lisa
Marchese, Rosario
Martiniuk, Gerry
Miller, Norm
Miller, Paul
Munro, Julia
Murdoch, Bill
O'Toole, John

Ouellette, Jerry J.
Prue, Michael
Runciman, Robert W.
Savoline, Joyce
Shurman, Peter
Sterling, Norman W.
Wilson, Jim
Witmer, Elizabeth
Yakabuski, John

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 57; the nays are 31.

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

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

Third reading agreed to.

The Speaker (Hon. Steve Peters): There being no further business, this House stands recessed until 3 p.m. this afternoon.

The House recessed from 1146 to 1500.

INTRODUCTION OF VISITORS

Mr. Khalil Ramal: I'd like to welcome Marilyn Reid. She's the regional director of the Canadian Hearing Society in London. She is with us here somewhere in the gallery.

MEMBERS' STATEMENTS

CANADIAN HEARING SOCIETY

Ms. Sylvia Jones: It is my pleasure to welcome to Queen's Park today the Canadian Hearing Society. The society was founded in 1940 and has since become the leading provider of services, products and information that remove barriers to communication, advance hearing health and promote equity for people who are culturally deaf, oral deaf, deafened and hard-of-hearing.

The Canadian Hearing Society strives daily to educate the public about their organization, and earlier today they were able to share with MPPs and our staff CHS's ideal vision: a society where people are respected, have full access to communication and are able to participate without social, economic or emotional barriers.

To realize their vision, the Canadian Hearing Society offers a number of services across the country that include audiology, hearing aid fittings and dispensing. In addition, they also offer programs in seniors' outreach, mental health and addiction counselling, sign language interpretation and language development programs for children, just to name a few. These services are a tremen-

dous asset not only to clients of the Canadian Hearing Society but to their family and friends as well.

Without the dedication of staff and volunteers, the Canadian Hearing Society would not be the thriving, successful organization that it is today. On behalf of the many families and individuals who have a better quality of life in Ontario because of your work, I thank you.

MARK BOILEAU

Mr. Jim Brownell: My riding of Stormont-Dundas-South Glengarry is blessed with outstanding individuals and families who are passionate about their communities and who work continuously to strengthen the urban and rural fibre of those communities. The Economic Developer of the Year Award is presented annually by the Ontario East Economic Development Commission and is determined through a nomination process among economic development officers from across eastern Ontario. The award recognizes those individuals in economic development who go above and beyond their work to attract businesses and investment and retain businesses.

This year, the award was presented to Mark Boileau, manager of the city of Cornwall's economic development department. Mr. Boileau's advocacy and hard work in economic development is certainly recognized with this award. Mr. Boileau is the second economic developer from Cornwall to win the award, as founding Ontario east member Paul Fitzpatrick has also been honoured in the past.

Mark Boileau is an outstanding example of excellence in his profession. He has been an active member of the Ontario East Economic Development Commission and a strong advocate for Cornwall and area. In the past year alone, he has helped secure a major distribution centre for Cornwall and eastern Ontario.

It is with great pride that I recognize today the great accomplishments and the contribution of Mark Boileau to his city. Cornwall is certainly a better place for his work, and I thank him, and the community thanks him, for his involvement with economic development.

SMALL BUSINESS WEEK

Mr. John O'Toole: Canadians celebrate, from October 18 to 24, Small Business Week. I'm proud of the accomplishments of small business in my riding of Durham and the organizations that enable small businesses to help each other in our communities: the Clarington Board of Trade, for instance—Elaine Garnett is the president and Sheila Hall is the administrative person; Uxbridge Chamber of Commerce, with Ian Giffin—I spoke to them a week or so ago; Scugog Chamber of Commerce—Tony Janssen is president; the Bowmanville BIA, the business improvement area—Edgar Lucas is currently the chair and Garth Gilpin is the administrative assistant there; Uxbridge and Area Networking Group, a innovative group of young business operators, many home-based—Annie Hardock is the

chair; the Newcastle and District Chamber of Commerce—Dwight Hickson is the president. These are just a few of the resource people who help small businesses achieve their goals.

This government could learn a lot from the values of small business, such as working hard, being innovative, being accountable, keeping promises, watching the bottom line, customer service and support for the wider community that they serve and live in. Sadly, this government has fallen behind on its promises to small business, promises such as less red tape and competitive tax rates.

People in Ontario ask me, “How do you become a small business person?” I say, “In Ontario, how do you do it? You start as a large business, and you’ll eventually become a small business.” I urge the government to go beyond—

The Speaker (Hon. Steve Peters): The member from Beaches–East York.

CANADIAN HEARING SOCIETY

Mr. Michael Prue: I rise today to welcome my friends from the Canadian Hearing Society to Queen’s Park. Since 1940, the Canadian Hearing Society has been the leading provider of services, products and information that remove barriers to communication, advance hearing health and promote equity for people who are culturally deaf, orally deaf, deafened or hard-of-hearing.

They are here today focusing on two areas of need: first, mental health; and secondly, employment. They spoke to me particularly about the dismal state of employment amongst the community the CHS serves. It is extremely disappointing to know that between 55% and 75% of men and women with any number of disabilities can’t find work. Only 20.6% of deaf Canadians are fully employed today.

In Ontario, due to the lack of resources, the CHS cannot provide employment support services to many job seekers. Services are available only in Belleville, Brantford, Durham region, London, Ottawa, Peterborough, Sault Ste. Marie, Sudbury, Toronto and Waterloo. Due to funding cutbacks, these services are no longer available in Peel, York or Hamilton.

Today, I ask three things on behalf of the CHS: First, that Employment Ontario and ODSP recognize and fund specialized services like CHS—employment pays dividends in reduced social assistance, reduced health care costs, reduced barriers to housing and increased tax revenues—second, that they continue funding CHS employment services in existing communities; and third, expand CHS employment services in places like York, Peel and Hamilton.

RIDE PROGRAM

Mr. Khalil Ramal: I rise in the House today to announce that our government is honouring its commitment to make Ontario’s roads safer.

The RIDE program has been preventing drinking and driving on Ontario’s roads since 1969. In the city of London, our police services will receive \$45,000 for this year’s RIDE efforts to keep roads safe in London. Across Ontario, more than 8,000 officers will be funded for a second year. That’s double the number of officers compared to 2007-08.

Ontario’s continued support for RIDE makes a direct impact on road safety. Last year, police conducted close to 784,000 spot checks, resulting in 970 impaired-driving charges and 1,900 12-hour licence suspensions. The London Police Service alone stopped 26,219 vehicles, resulting in the arrests of 22 drivers and 114 licence suspensions.

I would like to commend the London Police Service for their hard work and dedication to combat drinking and driving. By working together with police and other dedicated groups across Ontario like MADD and Arrive Alive, we can achieve the goal of eliminating drinking and driving on our roads and the terrible losses that result.

I want to thank you, Mr. Speaker, for allowing me to stand up in my place, and thanks to the police of London for the great job they do on behalf of all of us in the city of London.

SMALL BUSINESS

Mrs. Julia Munro: Congratulations to all of the hard-working small business owners in Ontario during Small Business Week. They are Ontario’s number one job creator. They represent 99% of businesses in Ontario, yet for six years all that the McGuinty government has offered Ontario’s small businesses is more regulation and more tax.

Earlier this month, I introduced a resolution in this House calling on the government to cut red tape for small business. Small businesses should know that the Liberals voted it down. Yet we do see that the government is willing to take action when it comes to raising taxes.

1510

Less than nine months from today, every service business in Ontario will see an 8% increase in its provincial tax burden. Why is the government changing the tax system on small businesses during a recession? The government is failing Ontario. It has failed on red tape; it has failed on taxes. Small businesses have given up hope about receiving help from this government. They know that what they need is a change of government. Tim Hudak and the PC Party will offer small business that change.

ONTARIO MARKET INVESTMENT FUND

Mrs. Carol Mitchell: I recently announced two grants that deal with the promotion of Ontario foods through the Ontario market investment fund. The OMIF program, coordinated by the Ministry of Agriculture, Food and

Rural Affairs, is a four-year provincial initiative that supports industry, market research, promotional initiatives and local food network coordination to promote consumer awareness and encourage Ontarians to buy locally.

The first project, located in Kincardine, received over \$16,000 and was jointly coordinated by Anderkin Foods and the Grey Bruce Agriculture and Culinary Association. The project's goal is to showcase local food products through the creation of 30,000 food trail maps that would indicate where local food from the area can be purchased and the restaurants that serve these products. Additionally, they intend to purchase and outfit a mobile trailer promoting local culinary fare and Ontario honey products.

The second venture, the Huron-Perth Farm to Table project, received \$50,000 and was sponsored by Huron Business Development Corp., located in Seaford. This project will help build producer capacity to increase and to develop a business plan for a business incubator kitchen, network farmers' markets and create a website of local food and food security projects.

These projects and the commitment from the Ministry of Agriculture through the OMIF program further indicate this government's ongoing dedication to make sure that all Ontarians see the benefit of local food.

OLYMPIC TORCH RELAY

Mr. David Ramsay: As we all know, we are starting the countdown to the Winter Olympics in Vancouver. In fact, tomorrow night in Athens the torch will be lit and will start its 106-day journey.

On day 63, that torch is going to leave North Bay on Highway 11 and come right up through the riding of Timiskaming–Cochrane, as it is going to in many of the ridings in this province. It's going to go through the towns of Temagami, Latchford, Cobalt, Haileybury, and Temiskaming Shores, which used to be called New Liskeard and Haileybury, for those people who don't know where that is.

We are going to get that, then, on New Year's Eve, and Mayor Judy Pace of Temiskaming Shores is planning an afternoon of family activities topped off by a gala New Year's Eve party in the arena with the community invited.

The next day it's going to go up to Kirkland Lake, and the Kirkland Lake Interact Youth Group will be carrying the torch on the Kirkland Lake leg. These are local high school students who were involved in a demonstration of international projects to help the environment and who last year did what they called a water walk, where they basically walked water from Kirkland Lake to Kenogami, back and forth, to replicate what people in Africa have to do to transport their water. So they have been basically blessed with the opportunity and privilege of carrying the torch there. We all look forward to that.

It is a 45,000-kilometre journey across the world, and we look forward to that and to completing the Olympics.

CANADIAN HEARING SOCIETY

Mrs. Maria Van Bommel: I also want to take the opportunity to welcome the Canadian Hearing Society to Queen's Park today.

I met with four members of the society to talk about the challenges of delivering mental health services to people with hearing loss. Life is about communication, as we all know, and it's far too often taken for granted. Currently, one in four Canadians experience some kind of hearing loss, and the Canadian Hearing Society's dedication to combatting this is recognized by all of us in this House.

Our government is committed to improving accessibility for every Ontarian with a disability, and our vision is an accessible Ontario by 2025. In addition to the accessibility standard for customer service which is already law, four other accessibility standards are currently in development under the AODA which will positively impact accessibility for persons who are deaf, deafened or hard of hearing.

The Canadian Hearing Society has been dedicated to improving Canadians' hearing since the 1940s, as stated earlier, and while many things have changed, their commitment to the core principles of removing barriers to communication, advancing hearing health and promoting equality and equity for people who are hard-of-hearing has remained the same.

The Canadian Hearing Society is the largest organization of its kind in Canada and has improved the quality of life for countless Canadians, and the McGuinty government is committed to furthering the society's initiatives and looks forward to our continued partnership going forward.

I want to welcome them, and I hope they have enjoyed their day here at Queen's Park.

INTRODUCTION OF BILLS

EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT (LIVE-IN CAREGIVERS AND OTHERS), 2009

LOI DE 2009 SUR LA PROTECTION DES ÉTRANGERS DANS LE CADRE DE L'EMPLOI (AIDES FAMILIAUX ET AUTRES)

Mr. Fonseca moved first reading of the following bill:

Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000 /
Projet de loi 210, Loi visant à protéger les étrangers employés comme aides familiaux et dans d'autres emplois prescrits et modifiant la Loi de 2000 sur les normes d'emploi.

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

First reading agreed to.

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

Hon. Peter Fonseca: I will make my statement during ministerial statements.

MUNICIPAL AMENDMENT ACT
(GREEN ROOFS), 2009
LOI DE 2009 MODIFIANT
LA LOI SUR LES MUNICIPALITÉS
(TOITS VERTS)

Mr. Ruprecht moved first reading of the following bill:

Bill 211, An Act to amend the Municipal Act, 2001 to encourage the construction of green roofs / Projet de loi 211, Loi modifiant la Loi de 2001 sur les municipalités afin d'encourager l'aménagement de toits verts.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): The member for a short statement?

Mr. Tony Ruprecht: This is called a green act, just for your information. The act will empower municipalities across the province of Ontario to pass bylaws requiring and governing the construction of green roofs. Such vegetation-covered roofs will aid water and energy conservation, create green space and allow for the local production of healthy foods, which can be consumed by building residents or donated to local non-profits.

BRISMAIR PROPERTY
MANAGEMENT INC. ACT, 2009

Ms. DiNovo moved first reading of the following bill:
Bill Pr27, An Act to revive Brismair Property Management Inc.

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

First reading agreed to.

The Speaker (Hon. Steve Peters): Pursuant to standing order 86, this bill stands referred to the Standing Committee on Regulations and Private Bills.

MOTIONS

COMMITTEE SITTINGS

Hon. Monique M. Smith: I believe we have unanimous consent to put forward a motion without notice regarding the Standing Committee on Justice Policy.

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

Hon. Monique M. Smith: I move that, notwithstanding the order of the House dated May 1, 2008, establishing meeting times for the committees, the Standing Committee on Justice Policy be authorized to meet at the call of the Chair on Thursday, November 5, 2009, for the purpose of conducting public hearings in Barrie, Ontario, on Bill 196, An Act respecting the adjustment of the boundary between the City of Barrie and the Town of Innisfil, and that the committee be authorized to meet from 1 p.m. to 3 p.m. on Monday, November 16, 2009, for the purpose of clause-by-clause consideration of the bill.

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

Motion agreed to.

1520

STATEMENTS BY THE MINISTRY
AND RESPONSES

PROTECTION FOR WORKERS

Hon. Peter Fonseca: Today I rise to introduce legislation that will protect some of the most vulnerable employees in our province, foreign nationals who work as live-in caregivers. Our government has moved quickly to ensure that these employees, who are at risk of exploitation, receive the protections they need and deserve. This proposed legislation is about respect, dignity and worth of others.

Many in this House are aware that there have been reports of exploitation of employees who are part of the federal live-in caregiver program. There have been justifiable concerns raised about exorbitant placement fees charged to live-in caregivers, and reports of cases where passports and other personal documents of workers were improperly withheld. The legislation we're introducing today addresses these concerns and more.

It has taken a lot of hard work by many individuals to get us to this point. I want to thank my parliamentary assistant, the member for Brampton West, Vic Dhillon; my office staff; my ministry for all their hard work in developing this legislation; my colleague the member for Eglinton—Lawrence, Mike Colle; and many members in this House who have given input.

I would also like to thank my communications adviser, Susan McConnell. We know full well that good communications are the basis of all our achievements as lawmakers. Susan has devoted her prodigious talent, intelligence and dedication to the communications aspect of this bill and many other labour bills that were introduced, passed and implemented by me and my predecessors. We have two here today, Speaker—you being a former labour minister, and Minister Duguid, a former labour minister—who worked with Susan McConnell. We couldn't have done it without her. Last week, Susan left my office to seek opportunities outside of govern-

ment. She will be greatly missed. Thank you, Susan. We wish you well.

Now I ask that all members and all guests who are here today look to the east gallery. In the east gallery we have some tremendous advocates. We've got some live-in caregivers with us. We've got Deena Ladd from the Workers Action Centre and one of her members here with us. But I want to point out Pura Velasco, who has been a tremendous advocate on behalf of live-in caregivers. Pura has just been tremendous. She has been involved in discussions and consultations on this bill since we started to look at ways to protect live-in caregivers. Without her continued guidance we would not have proposed this legislation. Pura, I can't thank you enough. Thank you.

Our proposed legislation would prohibit recruiters from charging any fees to live-in caregivers. This comprehensive ban would also prohibit recruiters from charging supplementary services, such as resumé writing, interview coaching or the like. Our proposed legislation also prohibits anyone from collecting fees on behalf of recruiters and would prohibit employers from recovering recruitment costs from live-in caregivers. These provisions would stop recruiters from somehow working through employers to indirectly get the recruitment fees that they couldn't get directly.

Our legislation would also prohibit an employer or recruiter from taking possession of personal documents, such as passports, belonging to a live-in caregiver. In addition, our bill has the flexibility to deal with new situations. It provides a regulation-making authority to expand the bill's protection to new categories of foreign workers and modify other elements of the legislation to accommodate these new protections.

To help live-in caregivers to protect themselves, this bill would require recruiters and, in some situations, employers to distribute information sheets describing their rights.

We have also proposed allowing live-in caregivers up to three and a half years to make a complaint. This longer limitation period would allow a live-in caregiver to make a complaint after she or he has obtained permanent residency status, which generally takes up to 36 months for caregivers once they've come to Canada, because by that point the live-in caregiver is not generally vulnerable to the threat of deportation and is in a better position to make a complaint.

Further, there is no monetary limit on the recovery of money pursuant to any order under this proposed legislation. So if a recruiter charges a caregiver \$20,000 in fees, we can order a recovery of that \$20,000 in fees.

The bill would also have a new enforcement provision that would allow employment standards officers to act on tips and investigate potential violations without waiting for a complaint to come forward.

The bill also has provisions that would allow employment standards officers to use search warrants more effectively. In particular, the officers could use warrants to retrieve those passports that have been illegally withheld.

My own experience of growing up in a family of immigrants has taught me about the challenges of coming to a new country. There are difficulties that all immigrants and newcomers face. We understand that. But they should not have to face exploitation and abuse.

This legislation that we're introducing will help correct a serious wrong. It shows caring for those who spend their work life caring for our loved ones.

I again want to thank all of those who have given input as well as inspiration to the creation of this legislation. This is the right thing to do, and I ask all members to support this legislation.

The Speaker (Hon. Steve Peters): Responses?

Mr. Randy Hillier: I would like to congratulate the members across the aisle for their attention to this important issue. As representatives of the people of Ontario, we have an obligation to protect those who cannot protect themselves. This bill is an excellent example of legislation that recognizes our responsibilities, and I applaud the government's attempts to protect foreign live-in caregivers who may not be aware of their freedoms and rights in our country. By providing temporary foreign workers with legislated protections and by mandating that they be informed of their rights and freedoms, we are protecting these visitors to our province and ensuring that people in Ontario do not fall victim to exploitation and corruption. Bringing temporary foreign workers, and live-in caregivers in particular, under the auspices of the Employment Standards Act is a valid and admirable goal.

However, it does strike me as odd that in examining the rationale behind the introduction of certain pieces of Liberal legislation, we often see that it is a response to the unscrupulous behaviour of certain members of the Liberal Party at both the federal and provincial levels. Certainly in the last few months we've seen changes to how the finances of our agencies, boards and commissions are handled here in Ontario. New regulations and policies are being brought forward as a consequence of Liberal scandals at eHealth, and more have been found at WSIB and OLG.

In this case, it is only after the abuses by federal Liberal Ruby Dhalla were exposed that the government has acknowledged that the problem needs to be addressed. A few months after these abuses came to light, the provincial government has determined that protection is needed for live-in caregivers. A cynical person might believe that this is just a reactive government that acts only when Liberal necks are on the line, but we can all be happy with a government that performs the correct actions.

1530

I might add that good government also means governing for the right reasons. Might I suggest that, if we were really serious about ending exploitation and corruption and making Ontario safe, we may consider banning Liberal politicians. Surely our need for more laws would be significantly reduced.

I would also like to remind this House that the McGuinty Liberals have indeed made a commitment that for every new regulation they introduce, they would

remove one. We've seen a lot of introductions but I've not seen any removals yet. But I can assure the House that I look forward to studying this bill and offering constructive criticism, and I'm sure that it will be accepted in that light.

Ms. Cheri DiNovo: It's an honour and a privilege to rise on behalf of all the precarious workers in Ontario, particularly precarious foreign caregivers who have been working and exploited perhaps more than any others in the province of Ontario. It's a pleasure also to be able to say that, of course, in the New Democratic Party, we're going to support this bill, but we're going to fight to make it way, way stronger because, as it stands, the member to my right, and I say that consciously, raised the issue of Ruby Dhalla. This bill would not have protected the nannies who worked for Ruby Dhalla, and I'll explain why that is.

Those nannies, and I want to mention their names because they stand out as whistle-blowers—women, like all nannies everywhere, like Pura Velasco herself, who are incredibly strong, who stand up against powers and principalities on behalf of all of those others who are exploited—Magdalene Gordo and Richelyn Tongson. These women complained about working 12- to 16-hour days, making about \$250 a week. They washed cars, they polished shoes and they cleaned offices, and they did so because of the threat of deportation. I realize that's a federal responsibility and that needs to be changed federally, that nannies can't leave their employers within two years without fear of deportation. I'm happy to work with my colleagues across the aisle to push the federal government to do the right thing in that regard, but the problem is, that law still stands. Right now, nannies who are working are still frightened because of it.

So this law, and it's a good one, goes not far enough. It does what it says it's going to do: It removes those usurious and exploitative fees to nannies to come into the country to get jobs, but it doesn't protect them once they've got the job because that 42-month length of time is only in relationship to the fees that they are charged when they come to the country. It's not in relationship to complaints about abuses to the Employment Standards Act, and that's where we have to see action.

I'm asking the minister to work with us at committee because, right now, you've only got six to 12 months to complain about an abuse under the Employment Standards Act, and those are the abuses that both Magdalene and Richelyn experienced working for Ruby Dhalla and that many, many live-in caregivers experience. So we need to lengthen that time. It has to be more than 12 months, it has to be more than the two years that it takes to move from one employer to another, to protect them. So, again, can we work within the confines of this bill—I hope we can; I think we can—to make amendments so that it can be really the strongest piece of legislation possible to give the most protection possible?

We were briefed just today, so I haven't had a chance to read the actual content of the bill; just the briefing notes. But I'm looking forward to sitting on committee,

to going through this clause-by-clause, to making sure that those nannies who are out there who are frightened to speak up, totally frightened because they might be deported, they might risk their immigration status, frightened and still making less than minimum wage, still not getting OHIP coverage for the first three months—and that's another issue we want to look at—still not getting vacation time, still not covered by WSIB, or so they think—those nannies we have to address.

So, good. Finally, with the passage of this bill, we will get rid of that level of exploitation when the nanny first comes into the country. Our concern, in the New Democratic Party, is what happens after she stays here. Together we can work, and I really want to just give kudos where kudos are due: to all those folks in the labour movement, and I think of steelworkers and OPSEU and all those who have worked with nannies and the nannies, of course, themselves, first and foremost. This bill is your bill. You worked for it, and we plan on working with you to make this the strongest possible protection for live-in caregivers anywhere in the world. Thank you very much for all of your hard work.

PETITIONS

IMAGINE ADOPTION

Mrs. Joyce Savoline: I have a petition to the Legislative Assembly of Ontario:

“Whereas the Minister of Children and Youth Services, in the matter of the bankruptcy of Kids Link International Inc., be held financially accountable for subsidizing the start-up costs associated with resurrecting the adoption agency formerly known as Imagine;

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

“To hold the Honourable Deb Matthews and the Minister of Children and Youth Services accountable, and be required to solely fund or partially subsidize the additional monies required to reinstate the adoption organization formerly known as Imagine. Because of the lack of oversight and due diligence, the executive director of Imagine Adoption was operating this agency autonomously, which resulted in a gross misappropriation of funds. Had the MCYS conducted routine checks of the agency's finances after the initial issuance of the adoption licence and demanded audit packages and financial statements to be submitted and reviewed prior to each renewal of the agency's licence, this would have been avoided.”

I agree with this petition, and I am going to sign it and give it to Nithya.

SERVICES DIAGNOSTIQUES

M. Gilles Bisson: J'ai une pétition ici de la part de M^{me} Gélinas à l'Assemblée législative de l'Ontario :

« Attendu que l'Ontario fait de la tomographie par émission de positons (TEP) un service de santé assuré par le régime public pour les patients atteints du cancer et de maladies cardiaques, lorsque les données cliniques indiquent que cette technique est efficace dans leur cas; et

« Attendu que d'ici octobre 2009, des TEP assurées seront effectuées à Ottawa, à London, à Toronto, à Hamilton ainsi qu'à Thunder Bay; et

« Attendu que la ville du Grand Sudbury est une plaque tournante pour la santé dans le nord-est de l'Ontario, qui compte l'Hôpital régional de Sudbury et son programme régional de cancer, de même que l'École de médecine du Nord de l'Ontario;

« Nous, soussignés, demandons à l'Assemblée législative de l'Ontario d'offrir la TEP par le biais de l'Hôpital régional de Sudbury, donnant ainsi un accès équitable aux résidents du nord-est de l'Ontario. »

J'ai signé cette pétition.

CEMETERIES

Mr. Jim Brownell: I have a petition signed by a number of Ontarians from Kingston, Pickering and Brampton, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas protecting and preserving Ontario's cemeteries is a shared responsibility and the foundation of a civilized society; and

“Whereas failure to safeguard one of our last remaining authentic original heritage resources, Ontario's inactive cemeteries, would be disastrous for the continuity of the historical record and our collective culture in this province;

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

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the re-location of inactive cemeteries in the province of Ontario.”

As I agree with this petition, I shall sign it and send it to the clerks' table.

TAXATION

Mr. John O'Toole: Each day I get hundreds of petitions, and the topic is remaining the same.

“Whereas Premier Dalton McGuinty plans to increase taxes yet again with his new 13% combined sales tax, at a time when families and businesses can least afford it;

“Whereas by 2010, Dalton McGuinty's new tax will increase the cost of goods and services that families and businesses buy and use every day. A few examples would include: condominium fees, apartment rent; coffee, newspapers and magazines; gas at the pump; home heating oil and electricity; postage stamps; haircuts; dry cleaning; home renovations; veterinary care, health care; arena ice and soccer field rentals and pool rentals;

“Whereas Dalton McGuinty promised he wouldn't raise taxes in the 2003 election. However, in 2004, he brought in the dreaded health tax, which costs upwards of \$600 to \$900 per person”—unbelievable;

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

“That Premier Dalton McGuinty's government wake up to people's current economic reality and stop raising taxes once and for all on Ontario's hard-working families and businesses.”

I'm pleased to sign and support this and present it to Kira, one of the new pages here. I think this is the third time she's done petitions.

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TAXATION

Mr. Paul Miller: This is entitled “Stop the Unfair Tax Grab.

“To the Legislative Assembly of Ontario:

“Whereas Ontario has lost 171,000 jobs since October and over 300,000 manufacturing and resource sector jobs since 2004; and

“Whereas many families are facing the threat of layoffs or reduced hours; and

“Whereas, rather than introducing a plan to sustain jobs and put Ontario's economy back on track, Dalton McGuinty and his government chose to slap an 8% tax on everyday purchases while giving profitable corporations a \$2-billion income tax cut;

“Be it resolved that the undersigned call on the Legislature to cancel the scheduled implementation of the sales tax harmonization.”

I agree with this petition and will affix my name to it. Rushabh will bring it down.

DIABETES TREATMENT

Mr. Tony Ruprecht: I have a petition to the Parliament of Ontario, and it reads as follows:

“Whereas elementary school-aged children in the province of Ontario suffering from diabetes require regular blood sugar monitoring and may also require insulin and glucagon to manage their disease; and

“Whereas there is no medical or nursing assistance readily available in schools as there was in the past; and

“Whereas the parents/guardians of these children must currently visit their child's school several times throughout the day in order to test their child's blood sugar levels; and

“Whereas the absence of medical support in our elementary schools results in substantial stress and disruption to the lives of children and their working parents;

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

“(1) That elementary schools in the province of Ontario have on-site staff trained in the daily monitoring of blood sugar levels of children who suffer from diabetes; and

“(2) That the trained staff also administer insulin and glucagon when required, with the consent of the child’s parent/guardian.”

I agree with this petition. I am delighted to put my name to it and send it to you by this boy called Matthew, who is our page.

TAXATION

Mrs. Julia Munro: “To the Legislative Assembly of Ontario:

“Whereas the McGuinty government’s plan to ‘harmonize’ the PST and the GST will result in Ontario taxpayers paying 8% more for a multitude of products and services;

“Whereas the 8% tax increase will increase the cost of services such as housing and real estate services, gasoline, hydro bills, home heating fuel, Internet and cable bills, haircuts, gym memberships, legal services, construction and renovations, car repairs, plumbing and electrical services, landscaping services, leisure activities, hotel rooms, veterinary services for the family pet and even funeral services; and

“Whereas Ontario taxpayers cannot afford this tax grab, particularly in the middle of a recession;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government of Ontario to abandon the sales tax increase announced in the 2009 budget.”

I have affixed my signature as I am in agreement.

TOM LONGBOAT

Mr. Jim Brownell: I have a petition signed by a number of Ontarians from Glengarry county that supports the Tom Longboat Day Act. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Tom Longboat is one of Canada’s greatest long-distance runners; and

“Whereas Tom Longboat is a great role model for all Canadians;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass the Tom Longboat Day Act into law so that we can honour this remarkable athlete and courageous Canadian, who is a great role model for all Canadians.”

As I agree with this petition, I shall sign it and send it to the clerks’ table.

TAXATION

Mr. Gerry Martiniuk: I have petitions provided to me by good citizens of Cambridge Les Swainston, Mr. and Mrs. Diebold and Penny Vokey, which read:

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty said he wouldn’t raise taxes in the 2003 election, but in 2004 he brought in the health tax, the biggest tax hike in Ontario’s history, but he still cuts health care ... and nurses;

“Whereas Dalton McGuinty will increase taxes yet again on Canada Day 2010, with his new 13% combined GST, at a time when families and businesses can least afford it;

“Whereas Dalton McGuinty’s new 13% combined GST will increase the cost of goods and services that families and businesses buy every day, such as: coffee ..., gas at the pumps, home heating oil and electricity, postage stamps, haircuts, dry cleaning, home renovations, veterinary care, arena ice and soccer field rentals, Internet fees, theatre admissions, funerals, courier fees, fast food sold for” under “\$4, bus fares, golf green fees, gym fees, snowplowing, bicycles, taxi fares, train fares, domestic air travel, accountant services and real estate commissions;

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

“That the Dalton McGuinty government wake up to Ontario’s current economic reality and stop raising taxes, once and for all, on Ontario’s hard-working families and businesses.”

As I agree with this petition, I affix my name thereto.

TAXATION

Mr. Paul Miller: “To the Legislative Assembly of Ontario:

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

“Be it resolved, I am opposed to Dalton McGuinty’s 8% sales tax grab and call on the Parliament of Ontario to cancel its plan to introduce a harmonized sales tax on July 1, 2010.”

I agree with this and I will affix my name to it, and Jeremy will bring it down.

HOSPITAL FUNDING

Mr. Bob Delaney: I have a petition here, addressed to the Ontario Legislative Assembly. I especially would like to thank Barb Myers of Streetsville and Des Drefke of Meadowvale for having collected the signatures. It reads as follows:

“Whereas wait times for access to surgical procedures in the western GTA 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.” Such “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.”

I am pleased to sign and to support this petition and to ask page Shaan Ali to carry it for me.

DOCTOR SHORTAGE

Mr. John O’Toole: I’ve been listening to—a lot of the petitions today are about the dreaded HST, so I thought I’d just bring in something a little bit new. It reads as follows. I agree with the HST—I don’t think that tax should be brought in.

“Whereas the McGuinty government is conducting a review of the province’s underserved area program (UAP) that may result in numerous communities across rural and small-town Ontario losing financial incentives to recruit and retain much-needed doctors” in small-town Ontario; and

“Whereas financial incentives to attract and keep doctors are essential to providing quality front-line health care services, particularly in small communities; and

“Whereas people across Ontario have been forced to pay Dalton McGuinty’s now-forgotten health tax since 2004, expecting health care services” would actually improve but, rather, they’ve been cut; and

“Whereas taxpayers deserve good value for their hard-earned money that goes into health care, unlike the wasteful and abusive spending under the McGuinty Liberals’ watch at eHealth Ontario”—\$1 billion wasted;

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

“That” Dalton McGuinty’s “government not reduce or eliminate financial incentives” to rural and small communities so that they can attract and retain the doctors they need to provide quality health care in Ontario.

I’m pleased to endorse and sign this and present it to Nithya.

JUSTICE SYSTEM

Mr. Tony Ruprecht: I appreciate your recognizing me on this petition that I’ve received from Save Our Children. The Parliament of Ontario and the Attorney General are directly mentioned here. It reads as follows:

“Whereas the Canadian Judicial Council has been asked by Ontario’s Attorney General to probe the judicial behaviour of judges; and

“Whereas judges are human beings and have been known to make serious mistakes in the judicial system, leading to devastating consequences and unfair justice for Canadian citizens; and

“Whereas some judges” ... have fallen asleep in the midst of a trial...; and

“Whereas some judges have been observed making biased, disrespectful comments and abusing their judicial powers; and

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“Whereas Canadian families need to be protected from these judges who are unable to change their habits, unable to follow the rule of proper conduct and unable to exercise recommendations set by the Court of Appeal, and consequently commit grave injustices;

“Therefore we, the undersigned citizens, are strongly requesting the following changes in our judicial system:

“(1) That a ‘judicial demerit point system’ be applied to ensure that judges are accountable for their judgments rendered;

“(2) That a yearly review of their performance be established” by a Canadian judicial council.

I am passing this on through page Henry.

ORDERS OF THE DAY

TECHNICAL STANDARDS AND SAFETY STATUTE LAW AMENDMENT ACT, 2009

LOI DE 2009 MODIFIANT DES LOIS EN CE QUI A TRAIT AUX NORMES TECHNIQUES ET À LA SÉCURITÉ

Resuming the debate adjourned on October 20, 2009, on the motion for second reading of Bill 187, An Act to amend the Technical Standards and Safety Act, 2000 and the Safety and Consumer Statutes Administration Act, 1996 / Projet de loi 187, Loi modifiant la Loi de 2000 sur les normes techniques et la sécurité et la Loi de 1996 sur l’application de certaines lois traitant de sécurité et de services aux consommateurs.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Peter Tabuns: As I was saying yesterday when the clock hit 6, I have a number of concerns about the act before us. I want to talk about yet another element, and that is that when you actually go through this act, when you read the legislation, the sense you come away with is that there’s far greater concern in making sure that government has covered itself for liability as opposed to actually protecting the public. That concern about potential legal exposure may have some uses, but frankly, the critical thing that the people of Ontario want to know is that in fact this legislation will protect the public and will protect lives. A focus on government liability and avoiding liability is not what people expect when we debate this kind of legislation.

There is a lot of ink in this bill that’s spilled in isolating the government and the TSSA from liabilities relating to TSSA’s mandate. Very little—very little—is in this bill that makes the TSSA more accountable and makes Ontario a safer place to live and to work in. It’s the firm belief of the NDP—and I will enlarge upon this as I go through my remarks—that it’s time that the TSSA

was taken back from the private sector and brought under government control.

The Toronto Star produced an editorial on this matter in August 2008, and this was very fresh, immediately after the explosions. The Star, in their editorial, comments first on the impact of the explosion at Sunrise: “Rocked by a series of propane blasts that killed two and drove 12,000 people from their homes, public confidence in Ontario’s fuel safety agency has suffered a fresh blow. Days after the disaster,” TSSA was not able to provide an accurate list of propane facilities in this province.

The Toronto Star goes on to write: “Before the privatization efforts of former Premier Mike Harris, fuel safety came under the purview of government. When it was transferred to the industry-funded TSSA in the late 1990s, accountability was eroded. Its operations are not subject to the Auditor General’s reviews, so who oversees the watchdog?”

“Indeed,” they say, “it’s surprising that the Liberals haven’t taken” the step of bringing this regulatory power back in-house, back into the hands of government so that we have protection for the public, for workers, for property, from irresponsible operators. They say, “Indeed, it’s surprising that the Liberals haven’t taken such a step, given that they were so steadfastly opposed to Harris’s privatization of the TSSA before winning power.”

Well, the Star was right. It is surprising. I think it speaks to the power of the industries in question, their desire to regulate themselves, their desire not to have the kind of thoroughgoing regulation, oversight and inspection that in fact should be in place, oversight and inspection that in fact would probably drive up their costs. It would be good for the responsible players because in fact they want to have a good operation. They don’t want to put their employees and the public at risk. It would be bad news for the bad operators, but those bad operators clearly have enough power and influence that they can continue to drive an agenda here.

Workers in the industries covered by the TSSA report that if you’re lucky enough to get the authority’s inspectors to come in, usually they side with employers. No surprise, eh? The majority of representatives on the board of this authority come from the very industries that they’re supposed to monitor. This places the authority in an immediate conflict of interest with the public it’s supposed to protect. What we have here, very simply, is the fox looking out for the henhouse.

Again, as I did yesterday, I have to credit the Communications, Energy and Paperworkers Union for actually taking on this issue. As I said yesterday, their members are the people who work front-line with explosive substances, powerful chemicals and powerful fuels, and they have a fundamental and easily understood concern that these workplaces, substances should be properly regulated so that human life and workplace are protected.

There are some minor improvements in Bill 187 that would allow the minister to alter the number of directors on the board of the TSSA and determine competency

requirements. However, there’s no requirement that the board reflect a broader range of stakeholder interests. The board can remain as industry-dominated in the future as it is now.

The industry interests have inappropriate sway in other areas of Bill 187 as well. The current administration agreement between the government and the TSSA requires the government to consult with the authority in making legislation or policy that relates to the industries that fall under the jurisdiction of this authority. Since this authority is made up of industry representatives, this means that industry interests have a very big say in setting the health and safety standards that affect the public and workers.

Bill 187 expressly continues this existing administration agreement. Bill 187 does not break with the Harris legacy of deregulation and privatization, does not move forward and state unequivocally that the interests of the public must be protected by the public. No. Bill 187 allows public interests and concerns to continue to be hived off and left in the hands of those whom it is supposed to be regulating. Not good—not the thrust, the direction that we need in this legislation.

Another area of concern to the NDP is that the TSSA regularly grants “variances from regulations to industry, allowing the use of equipment and practices that are considered to be a safety risk.” Here you have a body at arm’s length, run by industry, that has the ability to rewrite the laws under which that industry operates. It’s bad enough that they get to set the allocation of funds for inspections, bad enough that they will be biased towards themselves, but to actually be able to write variances for themselves on safety regulations that have been passed by this Legislature, by the cabinet of this province, is extraordinary to me.

Why would you give that kind of governmental power to a private body? Unlike the government, the TSSA is under no obligation to give the public any notice of these variances, and there are very limited rights of appeal against these variances. Employees are not told when or why these exemptions are granted. The propane safety review panel report of November 2008 criticizes the authority’s practice in granting variances and recommends that the TSSA “make clear to public safety authorities and other stakeholders the reason for the proposed variance.”

From what I can see, and I look forward to hearing the minister or his parliamentary assistant address this, Bill 187 doesn’t implement this recommendation. It’s not there. So I look forward to having the section cited. I look forward to having that clarified. But in the end, if the public who elects us, who expects us to be accountable to them, who expects, through that election and accountability, to be able to protect themselves and make sure their interests are looked out for—is in a situation where power is in fact moved away from them, moved away from us and put into private hands.

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In the course of yesterday’s speeches, we heard about Ontario having some of the best standards in the world.

I'd ask people to think about whether or not we have the best standards in the world when you actually look at the propane safety review panel's commentary. Interestingly, they hired a consultant, Deloitte, to take a look at regulation in the other jurisdictions to see what in fact is being done in other places.

It's interesting: I had an opportunity to deal with staff reports when I was on city council. When you listen to staff reports, those who have worked in government know that often people can be quite delicate and diplomatic. They don't say, "You made a major mistake here. You put your foot in it, and really, you shouldn't show your face in public." You don't write that in a report. Sometimes you have to put things very diplomatically.

I may be misreading what the panel really meant when they wrote, but I have to say that they wrote, "Ontario measured favourably when compared with other provinces." You have to note that the research that was done checked out selected US states, the European Union, Australia and Japan. I would take that as saying we may compare well with some other Canadian provinces, but we don't compare well with the world standard in other industrialized jurisdictions: the European Union, Japan and a number of American states.

Here are their words: "In leading jurisdictions, the report notes, the regulation of propane storage and handling, and hazardous material sites more generally, reflects the following key characteristics: focus on emergency prevention and preparedness." You know, I think there's something to learn there. If we don't already have that, and I don't believe we do, then we continue to put people at risk because, as you know from the reports that came out, once they'd been sorted through, there are a number of other large propane sites, there are a number of other large hydrocarbon facilities that are located close to or in residential areas. But as I read this, we aren't following best practices in the rest of the world. It's interesting that in other places there is a focus on land use planning guidelines for the siting of hazardous industrial facilities—the Seveso II directive from the European community.

If the old city of York, the city of Toronto and the city of North York had been able to actually disallow the location of a propane facility at Sunrise, they would have done so. In the end, the courts decided that the power to do that was in the hands of the provincial government.

What other jurisdictions have done—what the European community has done—is to say, "When we look at safety regulations, we have to look at zoning and siting as well. It's all a parcel. It's integrated." Because even with the best of safety regulations, occasionally things will go badly wrong. So when you plan, you have to integrate land use planning and zoning along with supervision of these hazardous materials sites, these potentially explosive materials sites. When you look at the UK, the report says they have "successfully integrated the regulation of hazardous materials sites with local planning"—smart on their part.

When you look at best practices in training, certification and licensing, something that is now addressed in

this act and should never have not been part of the law in Ontario—in other jurisdictions such as Quebec, North Carolina and Florida, minimum liability insurance for large propane storage or filling facilities is already in place. We should have had that.

Insurance requirements are addressed in this legislation. It will be very interesting to see in the regulations what level they're set at because, if I remember correctly, the explosion that happened in Bowmanville in 2004 had about \$2.6 million in estimated damage. It's a fair amount. When you talk about the potential for damage in a built-up area, a residential area, you could be talking several, several, several millions of dollars.

I have to say that when I look at what is in place in other jurisdictions, I don't feel comforted, I don't feel assured by statements in this House that we have the best. Clearly we have not fought at the level that other jurisdictions have—other jurisdictions that have dealt with severe events and tragedies like the large-scale release of dioxin in Seveso in Italy a few decades ago. Those sorts of thinking, those ideas that have been put in place in other jurisdictions should have been put in place in Bill 187. There should be a recognition that when land use planning and zoning are put in place, hazardous materials regulation has to be integrated with that. I don't see that addressed in here.

Bill 187 does create a chief safety and risk officer to "independently review the TSSA's activities." But this officer is to be appointed by the TSSA, so it's hard to imagine how the officer would be fully independent. You get someone who is appointed in that manner, and in the end they will be beholden to the board of directors. Think about the Auditor General, who reports to this Legislature, who, because he reports to the Legislature, has some level of independence. Think about them having to depend on the cabinet for their ongoing contract, for their ongoing appointment. If that's the case, then they're going to try to please the body that has the power to appoint them and who sets their budget.

We here in this House have an Ombudsman, an Auditor General and an Environmental Commissioner who report to the Legislature, not to the cabinet. And however imperfectly, it gives them some level of independence and an ability to speak openly and honestly about the difficulties they see in the way that this government and other governments function and carry out their duties.

Under Bill 187, this officer—who, as I've said, has an independence that's circumscribed—is not obligated to do anything following a review but "may" pass information forward. That's not adequate. That doesn't do what we have to have done here in this particular House and what has to be done in this province.

If the officer in this case does prepare a report, there are no provisions obligating the TSSA to implement any of the officer's recommendations. So let's assume that we have this independent officer who has the will and the foresight and the commitment to say that there are fundamental problems with the way things operate. There

is no basis, there is no power within this act requiring that those recommendations be put in place. So we could hear all kinds of complaints, we could hear a litany of criticisms, we could see a broad range of issues brought before that board and possibly even made public, but in the end the TSSA is insulated.

There are three other changes in this bill which effectively continue the status quo. Section 3.21 states that the minister may consult with the TSSA and require the performance of various reviews. I would say that the minister—well, frankly, I should say that the minister should have the direct power to operate this, that it should be brought into the public realm. But in this case, let's assume that the bill passes as is, that the TSSA continues to be this independent, run-by-industry operation, self-regulated. Then the minister should be poking his nose in pretty regularly to ensure that the public interest is ensured; not just that the minister may require performance of various reviews, but shall require performance of various reviews to ensure that the public interest is in fact being safeguarded.

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The bill states that the Auditor General may audit the TSSA. That is an improvement. I have to say that is an improvement. It's useful to know that the Auditor General will have the power to go in and audit. But I would actually say, given what's at stake, and given the performance of this particular authority, that it would make sense to say that the Auditor General will regularly go in, assess and report.

It states that the minister may appoint an administrator to assume control of the TSSA if the minister believes it is in the public interest to do so. These are discretionary powers; they may or may not be exercised. But in the end, frankly, they are not a substitute for public ownership and control of this regulatory authority. That is the fundamental problem. We can do all kinds of interesting little work around the edges on this bill, but as long as, in the end, the power to run this authority is outside the hands of government, we have a substantial problem and we will continue to see safety issues cropping up.

Bill 187 does little to strengthen present inspection and enforcement functions of the TSSA. It does grant inspectors the power to order a party to take measures to reduce "imminent" hazards, but this power is useless if you don't have sufficient inspectors to identify hazards, or if your inspectors tend to side with the employer. In the end, let's face it: If the employers are carrying the load, if they're paying the freight, if they've got an inspector who is giving them a hard time, they're going to talk to their friends on the board and say, "Do you know what? This inspector has to go. This inspector is costing me money. This inspector is slowing down production. Move him out." That happens.

Last night on PBS there was a documentary about long-term capital management and about a securities commissioner in the United States under the Clinton administration who pointed out that the over-the-counter derivatives market was a bubble, a shell, an explosion

waiting to happen. That woman was moved out; she was dumped. Industry wasn't happy. She was pointing out that there were big problems, that there was an explosion waiting to happen. She was gone; she was history. People who take on industries that don't like having their profit margins messed with—they will, in turn, push back.

So I have to say that an inspector—someone who is employed by a company, directed by an industry—is often going to think twice before they blow their career chances by pointing out that an industry is in fact doing something that it shouldn't be doing, that it is putting workers and the public at risk. We saw after the Sunrise explosion that the TSSA was not able to actually keep a list of current propane facilities. In and of itself, that shows a major failing of this organization.

When you look at the propane safety review and the documents that led up to the panel's report, one of the things that people have to keep in mind is that the report itself was circumscribed. The report didn't look at the whole question of the role of municipalities and zoning. It didn't say, "Okay, we've had a major problem here. We've had a spectacular failure of regulatory authority." Their zone, their area of examination, was circumscribed, and so they didn't look at the whole question of exactly that zoning and how you deal with the question of dangerous industry and its relationship to population. That was a problem. It wasn't dealt with in the discussion paper and obviously couldn't be addressed in the panel review, and does not get addressed in the legislation before us.

Another issue that was left off the agenda of the safety review panel was the governance model of the TSSA. We in the NDP have raised serious questions about the TSSA since it was established by Mike Harris. It's a self-regulating body. Most of its directors come from industry. Only three of the 13 directors are appointed by the province. Industry overseeing industry is a clear conflict of interest.

We seem to always be in a situation where we look at these things, we realize them and we address them only after something explosive has happened. That again has happened in this case. If, in fact, that explosion hadn't happened, we wouldn't be having a debate in this Legislature. We would assume that things were fine until someday another catastrophic event occurred.

The TSSA was brought into being by the Harris government, a fully self-funded organization to cut costs and move forward with mass deregulation. In doing so, that government compromised public safety and sided with big business interests.

Liberal opposition at the time, many of whom are now in government, shared some of our criticisms. Here's what the current Minister of Finance, Mr. Dwight Duncan, had to say about the legislation that charged the TSSA with responsibility for public safety: "There are not enough checks and balances within the system, and where we believe it's prudent for government to regulate." Dwight Duncan was right.

This was echoed by the current Minister of Transportation, Mr. Bradley: "In light of what we've seen

happen in Walkerton and other communities, I know we would not want to turn that over to the private sector, but maintain that in public hands, owned and operated by the people of this province.” He’s right.

But when the McGuinty government came to power, it made no changes. They didn’t put public safety back in public hands. They embraced the legacy of Mike Harris, as much as they campaigned against it. People in this chamber may think that his legacy was a wonderful one, and they stand up and say that proudly. There are people who oppose that, and there are people who embrace that legacy but don’t publicly say that they do. That’s the situation we face in this province today.

It’s not too late for us to prevent future explosions, to protect people who work in boiler plants, who work in refineries, who work on gas pipelines. It’s not too late to protect all of those people from future catastrophic events. It shouldn’t be hard for us to make the decision to take these regulatory powers back into our hands.

The reality is that there’s extraordinary ongoing and relentless pressure for regulation to be pushed back, and it will always be there. As long as there’s a buck to be made, someone will be trying to make that buck. After the 1930s, there was action in governments in the western world to regulate the financial sector. There was a whole legacy that came out of the 1930s and 1940s that constrained financial institutions. Over the decades, that was chipped away and chipped away and chipped away because there were fortunes to be made in undermining that regulation. It’s the same in this context. The outcome of that deregulation is very similar in terms of the damage that it does to people, the damage that it does to society and the damage that it does to credibility.

This bill has some small elements in it that may well be useful. But on the whole, it’s a bill that, at its core, needs to be redone so it actually transfers power back to the public.

One of the other areas of concern that one can have when one looks at the bill is that the TSSA licensing seems to be based more on the goal of revenue generation and less on the goal of consumer and public safety. As the panel suggested, an alternative revenue model may very well indeed serve the public well.

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This isn’t the first time that this House has gone down this particular path. In 1986, there was an explosion in an illegal taxicab repair shop in the old city of York that caused extensive damage to the surrounding area. Luckily, and extraordinarily, there were no deaths.

Faced with mounting questions, the minister responsible for consumer safety at the time said, “I’m pleased to announce that in co-operation with the Ministry of Energy, a government-industry committee with consumer representation has been established to examine all aspects related to the siting of facilities for dispensing alternative transportation fuels such as propane and natural gas.”

That was May 11, 1987. The minister at the time was Monte Kwinter, now the member for York Centre. The committee was struck and delivered a report in March

1988 outlining their findings. A second report detailing the committee’s recommendations was to follow, but it never got to that stage.

Now a new minister is committing to review the issues a minister 20 years earlier made commitments to put through, but never followed up on. It’s exactly the type of thing that causes people to be frustrated with politicians and with the political process.

I make this point as a cautionary statement. So far, every step in the development of Bill 187 is the same as it was in 1987—a government caught off guard by an explosion in a populated area and a committee of independent experts struck to respond. The real test here, however, is whether the process actually leads to changes that improve public safety around the use of propane, around the regulation of natural gas, other fuels, elevating devices, amusement devices, a full range of activities that in fact we need to regulate in this province.

The fact that a report was written and a bill was produced isn’t relevant. The critical thing is, are we going to solve the problems that were made clear by the explosion at Sunrise Propane. Are we going to deal with the problems that have been reported to us by workers who work in these industries?

I have to say to you, Speaker, reading this bill, that is not going to happen. In the end, if this bill is passed in the form that it exists now, we will simply repeat that history, with outraged citizens dealing with extraordinarily difficult problems and all of us at another date coming back in here to debate the issue one more time.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Khalil Ramal: I’m pleased to stand in my place and comment on the speech by the member from Toronto–Danforth. I listened to him for almost 31 minutes speaking about Bill 187, so I know he’s talking about the negative part—if there is a negative part. He talks about one issue, the propane stations across Ontario, how we can create safety around those stations and talking about the mechanism that the ministry of the crown is putting in place to create safety in the province.

I read the whole bill. I was so impressed by the mechanism being put in place, especially the interest shown by the minister to appoint the chair and vice-chair and also allow the Auditor General not only to inspect the books and look at the financial aspects of the organization, of the board, but also to go beyond that, to study the effectiveness and transparency going on at the board and also the right to suggest and make recommendations to the board to enhance their ability to maintain safety in the province of Ontario.

I know the member made reference to many different jurisdictions around the globe. I know that we in Ontario enjoy the safety being put in place by our government to make sure in all the facilities across the province—whether it’s a propane facility, a hazardous materials company or a chemical company—there is some kind of safety mechanism in place.

I listened to him very carefully. He talked about a lot of things, but I think he should embrace the bill. It’s very

important to support such an initiative that will create some safety for the people of Ontario.

He only talked about propane stations, but he never talked about different places in the province of Ontario in which the minister showed great interest—not just great interest—by appointing the chair and also the vice-chair—

The Deputy Speaker (Mr. Bruce Crozier): Thank you.

Mr. Khalil Ramal: It's our commitment to safety in this province.

The Deputy Speaker (Mr. Bruce Crozier): Thank you. The member for Durham.

Mr. John O'Toole: Thank you very much. I am impressed by the member from Toronto–Danforth. He used all the allotted time as the NDP critic for this, in comparison to the discussion or the embarrassing display yesterday by the minister and his parliamentary assistant only using, oh, I think five to eight minutes of the time. Basically, they were prepared speeches; the ministry prepared speeches that they read. They were almost duplicates: very tightly messaged, a crafted kind of scheme, if you will.

But here's the issue: The suspicions raised by the member from Toronto–Danforth are the substance of what we're concerned about. This bill was introduced by another minister, Minister Takhar, in May 2009, and here it is some months later. In fact, this event at Sunrise Propane happened some time ago. It's a slow reaction.

Now they're trying to undermine—they say in one breath that the TSSA, the Technical Standards and Safety Authority, had no—

Mr. Michael A. Brown: So you guys had it right.

Mr. John O'Toole: Now, the member over there, Mr. Brown, is speaking. What was that you were saying? If you have something to say, stand up and say it. Have the courage to stand up and say it.

The Deputy Speaker (Mr. Bruce Crozier): If either one of you has anything to say, you should direct it through the Chair.

Mr. John O'Toole: I'd like more time, if I could, Mr. Speaker.

The issue here is that they've had the issue for six years. This tragedy happened on their watch. They were forced into doing something, and now they're going to rush this rather transparent bill through. This is what's happening: tightly messaged, crafted so they can take no responsibility, but they are criticizing something that government created. We in government created the TSSA.

I can tell you now that the member from Toronto–Danforth did bring up substantive questions that we need to have some answers to, which are not forthcoming by this government and the parliamentary—

The Deputy Speaker (Mr. Bruce Crozier): Thank you.

The member for Hamilton East–Stoney Creek.

Mr. Paul Miller: First of all, I'd like to commend the member from Toronto–Danforth for his enlightened comments on this very important issue.

I must concur with the member of the official opposition who just spoke. It seems that this government is very reactive when something serious happens. All of a sudden they come out with what I would call a half measure to deal with this.

You've got the TSSA, which is a private corporation. They do not want to take responsibility. They do not want to have it under government jurisdiction because they don't want the liability.

I could name several other incidents in this province that have happened on this government's watch and on other governments' watches over the years that have not been addressed when they should have been: not after it happens, but before.

If this government was smart, they might want to move some of these facilities away from residential areas. They might want to give funding so that they can move some of the more seriously questionable chemical plants or questionable works that deal with dangerous materials or hazardous materials. They might want to move them into an area that might not have an immediate impact on the residents, killing people and exposing people to dangerous situations. There are people who live down the street from some of these places and they don't even know what goes on in those buildings; they don't even know what they make.

So there's a lack of information, lack of enforcement, lack of ministry inspectors, and they should be moving these facilities away from residential areas. If you really want to do something, move them away from people.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Jim Brownell: I'm pleased to have a couple of minutes this afternoon to go on the record with regard to comments made in the second reading leadoff by the member from Toronto–Danforth.

I'd like to quote from comments made in the first part yesterday: "...we have a government that presents a bill and does not even speak to that bill...."

Well, I have a copy of the bill right here in my hand, and I would challenge and expect the folks to go back and understand that I talked about section 3.7(10) when I talked about how "the minister shall appoint the chair and the vice-chair of the board from among the directors."

I talked about section 3.11(1): "The corporation shall appoint a chief safety and risk officer with the consent of the minister."

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I talked about subsection 3.14(1): "The minister may issue policy directions to the corporation if the minister considers it in the public interest to do so." I talked about that.

I talked about subsection 3.20(1): "Each year, the board of directors of the corporation shall report to the minister on its activities and financial affairs in respect of this act, the regulations and minister's orders."

Those are the things that I presented, as well as subsection 3.22(1): “The Auditor General appointed under the Auditor General Act may conduct an audit of the corporation, other than an audit required under the Corporations Act.”

Those are the things that both the minister and his parliamentary assistant talked about yesterday. Those are the things that are in the act.

There's more than propane in this act, as we heard from the member from London–Fanshawe, who just mentioned that. I'll mention it again: Right, there is certainly propane because it's one of the fuels that we talk about, but there's more to the act than that.

The Deputy Speaker (Mr. Bruce Crozier): The member for Toronto–Danforth, you have up to two minutes to respond.

Mr. Peter Tabuns: First of all, my thanks to the members from London–Fanshawe, Durham, Hamilton East–Stoney Creek and Stormont–Dundas–South Glengarry for their comments.

First of all, maybe I misheard the member from Stormont–Dundas–South Glengarry. I didn't say that the government said nothing. I actually just looked at Hansard. I said they talked for about 20 minutes with a minimum of content. We are here today not because we've got a huge problem with toxic teddy bears, although occasionally you may have that kind of problem. Our problem is that we've had a spectacular failure of the regulatory authority in this province. We had people killed. We've had explosions in populated areas. That's what's on the table.

To have brought forward this legislation yesterday, to have talked for 20 minutes—and I said that numerous times: I didn't say you didn't talk about it; I said you talked for 20 minutes, with variable content—and to not mention the historical context that drove this whole matter to me is extraordinary. To say that you have amongst the best safety rules in the world and not explain why it all went so badly wrong is a substantial failure. To not give a coherent reason as to why you should not bring these regulatory powers back into the hands of the public says to me that this government doesn't have substance on its side.

We had two presentations yesterday that were sadly lacking in terms of explaining why exactly this came here: “Well, we have good regulations, and we could make them better.” No, we had a disaster, people were angry—justly—and we're trying to respond to it. You're responding in a way that's utterly inadequate to the problems at hand, and we are all going to pay for that.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mrs. Laura Albanese: I am pleased to rise in the House today to join the debate on Bill 187. Bill 187 would further strengthen, as we've heard, Ontario's public safety system and strengthen the governance and accountability framework between the ministry and the TSSA. These changes would improve the accountability

and transparency of the TSSA. They would also increase the TSSA's accountability to the government.

Having said that, I would like to begin by sharing my local perspective on this legislation. The tragic Sunrise Propane explosion that occurred in Toronto on Sunday, August 10, 2008, brought a great deal of attention to the handling of volatile fuels. The northeast part of the riding that I have the privilege to represent, York South–Weston, borders the Downsview site where the explosion occurred. It is also within the 1.6-kilometre radius that was under semi-evacuation immediately after the accident.

The proximity of companies handling hazardous fuels has been a source of concern in the riding of York South–Weston for a much longer time. Actually, the explosion that the member from Toronto–Danforth referred to earlier, at a taxi facility in 1986, also happened in York South–Weston. But just last year, in January 2008, the explosion of a single fuel tank at a scrapyard on Hyde Avenue in my riding caused the injury of a worker, and several nearby homes were also damaged. This was one in a series of repeated accidents over the course of several years that happened at that location. The January 2008 explosion was preceded by six fires on the same site since 1996. Therefore, my residents are also looking forward to changes in the way Ontario handles volatile fuels. In York South–Weston, industrial land use has existed alongside residential neighbourhoods for decades.

I want to specify that in the case of the Hyde Avenue scrapyard, the facility location was grandfathered when the city of Toronto went through amalgamation. In the case of Sunrise Propane, it was located there after amalgamation. The land has always been used for industrial purposes. It was the site of a cement company, then a used auto dealer, and then the facility was authorized for a propane facility. I believe the facility needs a provincial licence to operate, but the city has a choice as to where that can be located. However, in Toronto, many of these facilities have been grandfathered.

After the Sunrise explosion, the provincial government announced a review of the storage, handling, location and transport of propane in Ontario. Last October, before that review was completed, I presented a resolution in this House, which was passed unanimously, that meant to bring attention to a variety of issues in regard to volatile fuels, with the intention of increasing the safety of residential neighbourhoods that are close in proximity to operations that handle volatile fuels.

I was pleased to see that shortly after that, in November 2008, the ministry's review addressed many of the points that I had brought forward. In November 2008, the panel issued a report that made 40 recommendations to further strengthen propane safety in this province. The then Minister of Small Business and Consumer Services committed to implementing all of the panel's 40 recommendations. Thirty-three of the panel's recommendations have been actioned to date. Two of those recommendations were immediately acted on: The ministry requested Transport Canada to examine the

potential benefits to public safety of thermal protection requirements for highway tank trucks, and the ministry requested that the Canadian Standards Association review and update the relevant sections of the propane installation code.

On December 11, 2008, new regulations were filed which addressed 18 of the panel's recommendations to further improve the propane safety system. Another recommendation to amend planning rules to require municipalities to notify propane facility operators of changes to official plans or zoning that may affect the risk profile of their facilities is being worked on imminently.

In my resolution, I too had highlighted the important role of municipalities and fire services in site location, emergency planning and identification of hazardous sites. I also asked for a review of training procedures for the storage, handling and transportation of volatile fuels, as well as the monitoring of administrative procedures and requirements, including adequate insurance coverage.

This legislation, Bill 187, would respond specifically to these two concerns. Propane operators would be required to carry insurance as a condition of licensing, and where there is an imminent hazard to safety and the facility operator will not or cannot act to correct it, TSSA inspectors will have the full and clear authority to ensure that the installation is made safe and to charge the costs back to the operator.

Among the key features of this bill are the clear powers for the minister to guide the strategic focus and activities of the TSSA through policy directives and an annual mandate letter to the TSSA's board. I believe this would increase transparency and visibility of the minister's oversight role.

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This legislation calls also for a chief safety and risk officer. The officer would be a safety advocate and would provide annual reviews of how the TSSA is meeting its public safety mandate and assist the organization to continuously adopt new safety best practices. The officer would provide systemic oversight and report publicly—I believe that is an improvement.

The bill would also give authority for the Auditor General to access all TSSA records and choose to conduct a value-for-money audit of the TSSA at his discretion. The Auditor General's role includes assessing the organization's policies and procedures as well as providing suggestions for improvements, and I think that's a great improvement.

The bill would also require a memorandum of understanding between the ministry and the TSSA. This increases transparency and accountability tools and requirements, including policies consistent with government legislation, such as access and privacy of information, an ethical framework for employees, whistle-blowing and others.

Therefore, for all the above-mentioned reasons, I support this legislation, and as I said at the beginning, I believe it will further strengthen the public safety system in Ontario and the transparency of the TSSA.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mrs. Julia Munro: I would like to respond to the comments made by the member from York South–Weston. I think that everyone recognizes the important role that the government plays in setting the standard for public safety, whether it's through organizations such as the TSSA or every other aspect of lawmaking that the government is involved in. But here I think we have to also look at striking a delicate balance, because this, in its formation, was self-regulating, and so some of these issues that the member raises and that the government has raised are ones that I think we have to be very careful about. When you have a self-regulated group, it is the responsibility of the government to provide those guidelines and to ensure the safety, but it's also important for those who are doing that to have that kind of security in knowing that what they are about to undertake is in the best interests of the people but that it also takes into account the business practices and the way in which the members of these organizations are able to operate. It's that balance that we have to seek in any legislation we undertake.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Michael A. Brown: I'm delighted to have an opportunity this afternoon to comment on my colleague the member for York South–Weston's intervention here this afternoon. I just want to remind the members of the House of her strong advocacy for the people of York South–Weston on a number of issues, including the public safety aspects that result from a riding that is a highly urbanized, residential, industrial and commercial part of the great city of Toronto. I appreciate her advocacy on behalf of her constituents on a daily basis here in this place.

I just want to comment a little bit about the bill and the changes that are being made. I think it's important for members to understand that these changes are in addition to the regulations that were passed last December which implemented the propane safety review panel's recommendations. So we're talking much about propane today, although this bill isn't precisely about propane. I think people should know there has been action taken. It was taken some time ago in terms of recommendations.

I also would like to point out that this has an important feature for bringing accountability to the TSSA by allowing the Provincial Auditor to go into this organization and not only do value for money audits, but to ensure that the safety of Ontarians is actually being addressed through this organization, and addressed in a way that is consistent with both financial responsibility and obviously the safety of the people of Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments? The member for York South–Weston, you have up to two minutes to respond.

Mrs. Laura Albanese: I would like to thank the member for York–Simcoe and also the member from Algoma–Manitoulin for responding and for their comments.

Yes, we need to strike a delicate balance, and that's what I believe the purpose of the bill is. The public needs to have confidence in Ontario's public safety system. We need to strengthen the governance and the accountability framework between the ministry and organizations such as the TSSA, especially in urban areas such as York South–Weston, but as I mentioned, there are many in the province that face similar situations. The people, the residents, need to know that they're safe and feel safe.

This is an issue that is of interest to many ridings in many parts of the province. Therefore, I look forward to the changes that Bill 187 is proposing, because they will further improve and strengthen the system that we have today. There's always more work to do, there are more things that we can look at, but this is, I believe, a great improvement in the accountability to the government and to the people of Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mrs. Julia Munro: I'm pleased to be able to rise today and speak about Bill 187. But as I begin, I think I have to remind everyone that the only reason this bill is before this House today is the massive propane explosion that took place in Toronto in August 2008. That's why we're here, and that's why we're looking at Bill 187.

We all remember the shock of the explosion and fire. We remember the firefighter and the employee who died and the thousands of people who had to flee their homes after this series of explosions, and we know it could all have been much, much worse.

One of the papers reported at the time, "Boom after boom after boom, the successive blasts rattled homes, blowing doors off their hinges, shattering windows and leaving residents huddled in fear as giant balls of fire burst in the night sky and propane tanks were ejected several kilometres away.

"A Toronto neighbourhood of more than 10,000 residents had to be evacuated yesterday after a series of predawn explosions at a 24-hour propane dealer rocked the area, immediately raising questions about the proximity of such a facility to a residential area....

"We knew it was a danger zone from day one,' said Vicki Arciero, one of several community members who had complained to the city about the propane facility near her home in the Downsview area.

"It shouldn't have been put in a residential area. It should not have been there. Nobody did a damn thing. Nobody. And now the damage is done.'

"Ms. Arciero recalled being thrown from her bed by the first blast, then having to run from her home in her pyjamas with her children. Another resident, Joanne Crockett, said she had to flee as a massive ball of orange flames burst toward her home.

"A 1.6-kilometre-wide swath of the city was empty for most of the day, like a ghost town, with shattered storefronts, splintered trees, and doors and sidewalks blanketed by broken glass."

"A no-fly zone was ordered over the" site.

"By early yesterday evening," the report goes on, "residents were given the all-clear to go home, and Acting Deputy Mayor Shelley Carroll said the 401 was reopened.

"Canada's busiest highway had been closed between Highway 400 and the Don Valley Parkway for much of the day, causing extensive traffic jams."

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"Richard Hawrelak, an engineering expert, said propane explosions usually start because of a fault in the safety valve that normally lets out overcompressed gas, which builds up at the top of a tank of liquefied propane.

"Canadian propane safety regulations aren't as stringent as American or European ones,' Mr. Hawrelak said....

"While there were no toxic fumes, the evacuation stemmed from fears of further explosions from two tanker trucks filled with thousands of litres of propane.

"Flames and debris rained down while some residents fled. Eight people suffered minor injuries.

"With each successive explosion, the sky lit up and roared like thunder, witnesses reported.

"One elderly resident said the glow from the blast shone through her window blinds as if it was midday.

"The fire was a seven-alarm blaze and involved 40 vehicles and more than 200 firefighters.

"Mr. Leek, a 25-year veteran firefighter who died, was surveying damage away from the active site when he collapsed without signs of traumatic injuries.

"Most evacuees found shelter with friends or relatives. Nearly 150 residents who were left homeless were taken to York University...."

After the explosion, we suggested a number of actions that the government should take: One, require more frequent reporting from the TSSA confirming that inspections, in fact, are being carried out; two, legislate an absolute requirement for more frequent inspections under government regulation of all dangerous substances; establish an information centre in the community; make funding available to those who had to leave their homes and who are out of pocket; require the Ministry of the Environment to immediately test the soil and air to ensure that they are safe; and lastly, that there should be a review of the 911 service.

On August 11, 2008, then-PC leader John Tory commented on the explosion in media interviews: "I think public safety, that being the number one concern at all times, warrants that we now have a provincial standard that says whether we can afford to have these anymore in close proximity to densely populated urban areas." He also said about propane facilities that "you have to look at how many are close to densely populated neighbourhoods; second, you've got to say what is then danger ... and then develop a province-wide standard that says we're not going to have them any closer than X to a neighbourhood in order to make sure that we put public safety number one.

"We've got to look at that and make a change, if necessary ... if you look at what others have done ... I'm

led to believe our rules are more lax than other places ... I think we should get on with it today and say that within 90 days they will at least have some indication of what they're going to do and give business reasonable notice as well."

The propane explosion compelled the government to set up the propane safety review, which reported to the minister in November 2008. The review gave the government 40 recommendations. The minister stated in May that two of the recommendations made their way into this bill. I would not expect every recommendation to go in, but I would like to hear from the government the exact status of the other 38 recommendations.

The chief risk and safety officer proposed by this bill should be given, as a first task, the responsibility of reporting on the implementation of these regulations by the TSSA, with a clear deadline for reporting. If the TSSA has failed to implement a recommendation, it should explain why.

I note that the TSSA published a response to the review shortly after it was released. The minister should ask the TSSA for an update on the progress of their action so that it can be considered at the committee stage of the bill. In May of this year, the government finally introduced a bill to make changes to the TSSA.

In his introductory remarks, the minister outlined about eight proposed legislative changes—on the surface, none of which I would want to oppose immediately. But I do think that it's an opportunity, and I look forward to committee hearings, to look at some of these particular directives that are being suggested in this legislation and the kind of effect that all of these proposals would have.

The first one—and the minister alluded to this in his remarks yesterday—was to appoint a chief risk and safety officer independent of the TSSA to report annually on how the TSSA is meeting its public safety mandate. This first one illustrates the point I made a moment ago about the role and the complexity of a risk and safety officer. "Risk" implies that you're looking at risk management. When you're talking about risk management, obviously there's a great deal of work that has to go into that: Is this person going to be adequately staffed? What kind of information would they have available to them? In suggesting that this is an individual independent of the TSSA, does this mean that he is a member of the public service? Is he independent? Reporting to whom? Reporting annually on how the TSSA is meeting its public safety mandate?—something that must be further understood. In the next part of the legislative process, in looking at public hearings, one would presumably have the opportunity to shed light on that.

A second one is to give the minister the power to issue policy directives to the TSSA. I looked back in the speech made by the minister yesterday. One of the things he mentioned right at the very beginning of his remarks, and I quote from yesterday's Hansard, was, "Ontario's technical standards are amongst the best in the world. They work well to protect the people of this province every single day." It seems to me that there are references

made later in his remarks: "Even though the TSSA has a strong performance record in safeguarding the public, it is prudent to look at amendments that will strengthen our governance and accountability framework." So, looking at these suggestions, we have to ask questions about what seems to be a gap when he's looking at policy directives but at the same time talking about the fact that the standards "are amongst the best in the world." Again, where is the intent of that legislation going? Clearly, to give the minister power to issue policy directives, it would seem to me, would fall, as is suggested later on—"enter into a memorandum of understanding."

1700

The question of giving the minister the power to appoint the chair and the vice-chair to the TSSA board: again, the question of the criteria that would be used; the question of who, in looking at the board. I believe it says here, "...appoint the chair and vice-chair of the board from among the directors." Well, who appointed the directors? Where do they come from? What are the criteria that the minister would use for this appointment?

The next one, allowing the Auditor General to access the TSSA records, I find is an interesting one, because this is a self-funding organization. Normally, when I think on the areas of particular interest and the areas open to the Auditor General to look at, we're talking about public money. I think that there has to be a great deal of further discussion on understanding this departure, to be looking at records on the issue of private money.

I would, by the way, just want to say that I'd be the last person who would be advocating less transparency and accountability, but I would just offer the suggestion that this is, in my view, something of a departure in asking the Auditor General to look at the issues around private money.

The other thing I would just add in here is that small businesses are also concerned about the question of the Ombudsman's powers over complaints as well as the ability to file freedom-of-information requests. I realize that's not directly in the bill but I simply offer it because I think it speaks to the broader issue of maintaining a balance. When you create a self-governing group to undertake certain responsibilities, obviously they have to have clear rules, they have to have an understanding of the direction government wants, and they have to be ultimately accountable to government. But at the same time, you have to provide the players with a playing field that allows them to conduct their normal business as well.

I already mentioned the question of the minister and the TSSA to enter into a memorandum of understanding. Particularly in the bill, it refers to it with regard to governance, but I think that in terms of the earlier question about policy directives, it has to be encompassed in that memorandum of understanding.

The sixth part wants to allow the minister to ask for reviews relating to the financial matters of the TSSA. Again, I think we have to remember that it's private money and that it has to be done respecting that.

However, as I say, I'm the last person who is going to advocate for less transparency and accountability.

Again, I think those are the kinds of things that are part of a memorandum of understanding.

The other points, giving the TSSA the clear authority to respond to imminent hazards to public safety and charge the costs back to the operators: Again, I think that when we know that the Ministry of Labour is involved in a legal process, we have to be cognizant of those kinds of issues and the dealings that other ministries may have and the complexities that that creates.

The imminent hazards issue: I know that the Ministry of the Environment has powers to deal with spills and environmental emergencies. The question comes, of course: Is this contemplated as the same kind of power? The most important thing, though, in examining these parts of the bill is to look at the fact that we have that opportunity at committee to hear from the small businesses and the citizens who will be able to come forward to tell us in committee of any of the problems with the suggestions about this bill. I quite look forward to hearing from them, and I know our caucus will decide our support for the bill depending on how it meets the needs of Ontarians.

The thing that disappoints me is what the government could have done with this bill but did not do. The minister and the government had the opportunity to make major changes to the TSSA. Safety, obviously, is the most important concern in this bill, but it should not be the only one. Many small business owners have contacted me with concerns about some of the TSSA practices. The Canadian Federation of Independent Business published a letter on its website with many small business concerns. The CFIB has made a number of suggestions for reform of the TSSA. The CFIB has more than 42,000 members in Ontario alone. They are the voice of small business in our province. Its suggestions are contained in a letter that was written to Elaine Todres, who is conducting a review of Ontario's delegated administrative authorities. The questions they ask and the suggestions they make about the TSSA need a response from this government. I am certain that the CFIB will want to make a presentation during committee consideration of this bill, and I would hope that the government will listen to them and meet their concerns.

The CFIB wrote in the letter that, "We continue to believe that ... the activities of the TSSA should be brought back into the Ontario government.... We do so for the following reasons:

"(1) TSSA's existing mandate is too broad and it needs to moderate its growth mentality.

"(2) TSSA is not adequately accountable to the government of Ontario nor are its activities subject to adequate oversight.

"(3) TSSA fee-for-services practices are highly questionable.

"(4) There is inadequate representation of small businesses in TSSA's governance and stakeholder activities."

The CFIB is concerned about the TSSA's mandate and their "ability to engage in business activities beyond that

mandate so long as they do not detract from or conflict with its delegated responsibilities." They identify—that is, the CFIB—three significant problems.

The first problem is: "These activities have been funded from the fees collected from the entities the TSSA regulates under its delegated authority. These fees are, in effect, taxes. Since excess funds were collected to finance new ventures ... to ask small business owners to fund these activities is wrong."

The CFIB refers to this as "over and above" and recommends that "all funds expended by the TSSA since its inception on 'over and above' activities should be returned to the businesses it regulates under its delegated authority. These funds should come from the treasury of the Ontario government."

The second problem: The Canadian Federation of Independent Business contends that the whole area of "over and above" activity distracts the senior management of the TSSA from the exercise of their delegated authority. "We are told ... that the reason the TSSA could not furnish a list of propane sites in the aftermath of the Sunrise tragedy was that the TSSA inherited information systems that 'didn't speak to each other' from the government. The TSSA has had over 10 years to address this problem. The executive and management time expended on outside activities—as well as the money spent on them—would have been better employed in fixing TSSA's information systems."

1710

The third problem: The CFIB identifies what they call the TSSA's "too-broad mandate," which has "fostered a growth mentality within the TSSA." It recommends that the TSSA "be directed to restrict its activities to the regulatory areas performed by the Ontario government prior to the creation of the TSSA."

A key contributor to this attitude is the lack of government oversight of the TSSA. The government is proposing to increase the ability of the minister to issue policy directions on "any matter relating to its governance and its administration of the act." As we all know, this may or may not result in actual oversight of the agency.

The CFIB's letter states, "As the Sunrise Propane tragedy made clear, the public holds the Ontario government—not the TSSA—primarily responsible for public safety in the areas regulated by the TSSA."

The government approves the TSSA fee schedule and any new TSSA regulation, but small businesses are concerned that these approvals have become "little more than a formality since the ministry does not have staff with the time or skill sets to actually exercise effective control."

A great example of the failure of government oversight pointed out by the CFIB concerns the new refrigeration regulatory regime introduced in 2006:

"The regulation was introduced without any proof of need in terms of actual incident/accident data.... We sought evidence of the need for this regulation without success. The TSSA could not so much as furnish us with a single anecdote that would indicate need for this

regulation—and a lot more than anecdotal evidence is needed....

“New regulation must be supported by proof of need. With safety regulation a thorough risk assessment is needed in order to establish a need. TSSA’s risk-informed decision-making is not adequate. It does only half the job. It does an adequate job of outlining the different severity levels of the various things that can go wrong. But, in terms of assessing the actual likelihood (risk) of the occurrence of each of these various things, it uses only qualitative information—low, medium and high. Quantitative data is needed—both engineering data and incident data....

“Despite this complete lack of any evidence of the need for the refrigeration regulation, the Ontario government approved such regulation.”

No matter what new powers the minister may gain to oversee the TSSA, will his staff have the technical expertise to do the job? The CFIB doesn’t think he will.

The CFIB also identifies a number of concerns with the TSSA’s fee and expense practices; in particular, their advance billing practices and the actual effectiveness of some of the inspections. They will point out the fact that TSSA gave Sunrise Propane a clean bill of health not long before the explosion, instead of detecting a problem.

The CFIB recommends a return to a flat-rate charge for most of the TSSA’s services and the abolition of advance billing.

According to the CFIB, “Small businesses need a number of things from the TSSA.

“(1) They need most of the regulation enforced by the TSSA. There are some exceptions.... However, in general, be it ski lifts, propane barbeque tanks, amusement rides, high-pressure boilers etc., our members realize that the reputation and viability of their industry depend on the enforcement of regulation adequate to protect their customers and themselves.

“(2) Small businesses also need protection by the TSSA:

“—They need protection from competitors in the underground economy who are not registered with the TSSA and other agencies and ministries of government.

“—They need protection from their large business competitors and the industry sector associations they dominate.

“Across much of the regulatory landscape the big private sector players have the money and the personnel available to sit on association boards and committees. They and their interests tend to dominate these organizations.”

They also point out that they need protection from the TSSA: “They need an appeal process. The best of agencies make mistakes....

“Small businesses need to be consulted when new regulation is proposed ... not only that requiring action by the Ontario government but any new requirements by the TSSA....

“Small businesses need a channel for suggestions regarding the manner in which TSSA operates.”

This government needs to listen to Ontario’s small businesses. They are not asking for TSSA regulations to disappear. They just want it based on evidence, to be affordable and to be fair. I truly hope this government will listen to the voices of small business people and amend this bill to meet their needs.

The propane explosion in August 2008 will remain in memories for a long time. Two lives were tragically lost. If the explosion had happened during the day, the death toll could have been much, much worse. Over the last year, the propane safety review has reported, and the government, to their credit, has made changes. Time will tell if the changes will be effective.

The TSSA must ensure that their new inspection and safety regimes work. What we have learned over the last year, but what the government has failed to act on, is that there are problems with the TSSA that do not relate to safety, problems that may make their safety planning worse.

The government must listen to the voices of small business who are concerned about the TSSA. They must ensure that the TSSA only writes rules that are necessary and rules based on evidence. They must ensure that the TSSA charges fees that are fair, and they must ensure that it does not use the fees it collects from business to expand its mandate beyond what is needed.

That concludes my remarks, but I just want to remind you that I began in a response to the member from York South–Weston about the importance of balance. I think if you look at the remarks that I have made, it’s very clear that I recognize the importance of government revisiting the TSSA and its mandate. But while they’re doing it, I think it’s very important to keep in mind the voice of those people who need the TSSA as a protection and as a public safety vehicle but who also need to be heard. It would be my hope that in the committee hearing process, the government will take a serious look at some of these other issues that need to be addressed at a time when legislative change is being contemplated to the mandate of the TSSA.

The Deputy Speaker (Mr. Bruce Crozier):
Questions and comments?

1720

Mr. Rosario Marchese: I do appreciate the comments made by the member from York–Simcoe. She raised a number of good points. But I do have a question. The Technical Standards and Safety Authority has demonstrated Olympic failures, you would agree. And if you don’t like the word “Olympic,” let’s say monumental.

Mrs. Julia Munro: I began that way.

Mr. Rosario Marchese: And we agree in that regard.

Part of this monumental failure, I think, is due to the fact that your party in government in 1995 put this committee in the—

Mr. John Yakabuski: It was 1996.

Mr. Rosario Marchese: In 1996, exactly—to be exact—and put this in the hands of a private corporation where the accountability measures, in my view, were lacking. I’m just wondering whether the member has any

second thoughts about that. I'm just going to wait for a second—

Mrs. Julia Munro: Okay. Sorry.

Mr. Rosario Marchese: No, no, you're doing other business.

I'm just wondering whether or not you have any doubts about the fact that this is a private corporation that is dominated by private industry interests that led to some of these problems. The Liberals had those concerns too, when you were in government. So my question is, have you thought about that and do you think it would be wiser, perhaps, to bring this Technical Standards and Safety Authority under the tutelage of the Minister of Consumer Services? Because in my view that might give us a little more protection and confidence and security that we all so desperately need.

Your thoughts on the matter?

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Bob Delaney: When we have an event such as that propane explosion, what it does give us as a province a chance to do is to reflect and say, "Do we have the procedures that we need?" It also gives us a chance to take the assumptions that we've made and to challenge them and to say, "How can we do better?"

Let's look at some of the features and benefits of Bill 197: clear powers for the minister to guide the strategic focus and the activities of the Technical Standards and Safety Authority, which is the body that enforces these rules, through some policy directives and an annual mandate letter to the TSSA's board. So, each year, the minister can say to the board, "Here is where we want you to be and these are things which you're going to report back on."

In essence, the bill allows the minister to increase the transparency and the visibility of the oversight role and it also is used to align the TSSA's priorities: "Are you going in the direction that the people of Ontario very clearly need you to go?" I think that's a very important feature of the bill. For example, if there is an emerging public safety issue, if there is a way in a year when you haven't had a major event, to say, "Okay, we realize that through regulations you can improve energy efficiency and conservation, labour mobility, diversity, that you can use innovative technology"—this is the kind of bill, through that mandate letter, that allows the minister to say to the TSSA, "If we've had a major event, here are the things you've got to do to fix it. If we haven't had a major event, here is the way the world has kept moving forward and here is the direction that you should be going to make sure that our ability to handle a disaster of the type that we had a few years ago and the type that—who knows?—we may have in the future—here's how to make sure that as a province we can respond most effectively."

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. John Yakubuski: I'm pleased to respond to the comments from my colleague from York-Simcoe. She

managed to put in 33 minutes on that topic, which was substantially more than the minister and the parliamentary assistant. She raised many issues with respect to the bill and I thank her for that, because we'll have the opportunity, perhaps, to debate these later on or in committee, as well.

There are a couple of things I wanted to raise too. These are things in the bill that give me reason for concern: "The minister may appoint at pleasure directors to the board as long as the directors appointed by the minister do not constitute a majority of the board...."

"The corporation shall provide for the payment of reasonable ... expenses to the directors appointed by the minister."

Given what we've seen go on at eHealth, the last thing I want to see is ministers over there appointing more people to boards of directors. Remember, this is a private company whose expenses are paid for out of private funds, not public funds, yet the minister is going to be dictating compensation for directors appointed by him or her. Now, that's something that the people of Ontario, after going through the last several months—and we're still going through it and we will be for a long time before we get to the bottom of it. If the Premier had any you-know-what, we'd have a public inquiry on this, but it gives me great reason to want to take a good look at this, if the minister is going to be appointing people and then dictating what kind of compensation they're getting. It sounds like another, you know, "If we can't hire you as a consultant, maybe we'll make you a member of the board of directors of the TSSA."

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

The member for York-Simcoe, you have up to two minutes to respond.

Mrs. Julia Munro: I appreciate the comments made by the members for Trinity-Spadina, Mississauga-Streetsville and Renfrew-Nipissing-Pembroke.

I want to begin with the comments made by the member for Trinity-Spadina, who asked me to comment, given his concerns about the bill that's before us today, on the issue of the creation of the stand-alone TSSA, and, because I was a member of the government that created it, would I do something differently today?

My response is really very simple. I agreed with the concept of it being self-regulatory. What I think is reasonable is that because it has now been more than 10 years that it has been in operation, I think it's quite legitimate to say it's time to have a review.

I think the kinds of issues that the CFIB raised—for instance, the growth of its mandate and things like that—are the kinds of things that a government should be watching for. They should understand that that's part of human nature, but it's also one where, in terms such as this one, the relationship between government and the TSSA should ensure that there is that oversight and that those things are addressed, in the same way of the lopsidedness of the small business people versus the larger interests and the time that people could allocate

with large organizations in being able to support the TSSA. So the answer is very much yes, time to review.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Mr. Rosario Marchese: It's always good to have an opportunity to speak on the many different issues that come before us. I want to welcome the citizens of Ontario to this parliamentary channel. It's 5:30, we're on live, and it's Wednesday. We're dealing with the amendments to the Technical Standards and Safety Authority introduced by these fine Liberals, who for a number of years had a different point of view about this, but they have changed their mind, and I'm going to speak to that.

It's interesting to hear some of the members talk about how the safety standards in Ontario are the best in the world, and they say this in the context of the monumental failures, one big example being the Sunrise Propane facility, which clearly showed that the oversight standards were poor and that we had much to worry about on who was watching whom. And so I want to say in that context that the safety standards in Ontario have not been very good—Olympicly bad, I would say.

I know that people don't spend a lot of time thinking about regulation of propane or natural gas or other substances on a daily basis, because they've got so many other worries to think about—unless you happen to be a victim of some explosion, and then all of a sudden you pay attention. And if it's big enough, governments start paying attention. It's sad how long it takes governments to react in a way that solves them once and for all.

1730

The member from Toronto–Danforth, our critic, mentioned another instance that happened in 2004, in Northumberland, and that too was spectacular in terms of propane explosions there—or an explosion; I'm not sure if it was propane. But it was a disaster. You would think that people would learn from that one and then provide the policies that would assure Ontarians that this would never happen again. The problem is, they continue to happen again and again.

So I wonder why it is that we continue to repeat the same things and why it is that a Liberal government would be happy to tinker around this issue rather than doing what the Toronto Star editorial board asked them to do, and that is to bring it under government control. That, in my view, is the answer. I am wondering why it is that the Liberal government doesn't listen to the Toronto Star editorial, because in my mind they are a powerful paper and they tend to influence Liberals on a regular basis, and they generally listen to them on a regular basis. When they don't, I wonder what's going on.

Hon. Jim Watson: They love you, Rosie.

Mr. Rosario Marchese: No, they love you, Jim. They love you more than they love me, I can tell you that. I've got to tell you that, and I say that with some regret, but they do.

So my question is: If you're not listening to the Toronto Star editorial, who are you listening to? You would think that the power of the Toronto Star is more

potent than the power of a few industry folks who you can deal with—you can, because you do have the power to deal with them. You can say to them, "Look, you've been discredited. Sorry, time to go. We're going to bring it under the oversight of government. We'll take responsibility for it. Not to worry." The industry folks would be a bit unhappy about it, but in the end, they would accept it. Why is it that you're not listening to the Toronto Star; that's the question. I am puzzled, I have to express.

I have to tell you that it was good to listen to the member from York–Simcoe because she said that a review is timely, meaning a review of whether or not we should be bringing it under government control. I think this is an interesting statement made by a Conservative member, because they're the ones who in 1996 took it out of public control and created a private corporation, which is self-regulated—because they love self-regulation; we know that. They believe the sector can do it, that the industry folks can be relied upon to do the job, because we're talking about safety, after all. So I marvel at the fact that the member from York–Simcoe is saying that we should do a review, but I marvel a lot more at the fact that the Liberals have not stated an interest in doing that at all.

I recall so very well the comments made by some Liberals. The now Minister of Finance, Monsieur Dwight Duncan, had this to say about the legislation in 1996 that changed the TSSA, which is the Technical Standards and Safety Authority. I want to spell it all out because often people use acronyms in this place, and those of you watching, you poor citizens, have no way of understanding what the TSSA is unless they tell you, and nobody tells you. So the now finance minister in 1996 said, "There are not enough checks and balances within the system and where we believe it's prudent for government to regulate." That was mon ami Dwight in October 2000.

This was echoed by mon ami Jim Bradley as well, who said, "In light of what we've seen happen in Walkerton and other communities, I know we would not want to turn that over to the private sector, but maintain that in public hands, owned and operated by the people of this province"—said he, in 2000.

These are powerful folks. This is the Minister of Finance. We've got the Minister of Transportation, Monsieur Bradley—people with influence.

So I wonder, if you wanted this enterprise to be taken out of the hands of private industry and brought under government supervision, where the oversight is provided by the minister, who I think I would trust a little more—not much, given the latest scandals of eHealth, but dare I say I trust the minister a little more, whoever that minister might be, in this case the Minister of Consumer Services—than I would trust a private corporation running itself, regulating itself, watching itself, monitoring itself. I have absolutely no confidence in that, as Mr. Bradley, now Minister of Transportation, and Dwight Duncan, now Minister of Finance, when they were in opposition, didn't trust them. And there were a whole lot of other Liberals who didn't trust self-regulation—for good reasons. Where are those powerful people today?

How is it that you could say so much in opposition by way of pronouncements and clarity about what we should do, and then you get elected and you lose that vision, that power to see things clearly? What is it that blinds so many of you when you get into government? That's the question I've been asking for quite some time, because that is the only answer.

So I'm left to talk about things in this bill—and I haven't had a chance to read the whole bill, but I'm left to speak to amendments to the Technical Standards and Safety Authority as opposed to talking about its abolition and getting it under the hands of the Minister of Consumer Services, which is where it belongs. When you're forced to talk about the amendments, you give it legitimacy. You almost say, "Now we've got to try to improve the amendments." You can never improve the amendments well enough to be able to do what I am saying we should be doing, and that is having public, government control over an issue of importance to people: public safety and the protection of property as well. The Toronto Star had it right in its August 2008 editorial. They expressed surprise, as the member from Toronto–Danforth said—because we both had a mind to say the same thing. The Toronto Star expressed surprise that the government, given their opposition to what the Tories had done, now expresses little or no interest in bringing it under government control. They expressed doubt about what the government is doing. New Democrats have the same doubt. I'm looking forward to another Toronto Star editorial, I really am, because if they told you what to do once, we'll wait and see whether they're going to do another editorial again condemning the direction you're moving in or whether they'll be happy with the fact that you've tinkered with some amendments to deal with the issue.

I want to touch on some of the amendments because I'm reduced to that as a critic. On page 3, with respect to the board of directors:

“Composition

“(2) The board of directors shall consist of 13 members unless the number is changed by order of the minister under clause (8)(a).

“Appointed directors

“(3) The minister may appoint at pleasure directors to the board as long as the directors appointed by the minister do not constitute a majority of the board.”

Okay, he's able to appoint at pleasure. Whether he will or he won't is up for grabs. We don't know. My sense is that they're not going to appoint too many; they're not.

“(4) The directors appointed by the minister may include representatives of consumer groups, business, government organizations or such other interests as the minister determines.”

I say to myself, why not list the number of people you want on this board made up of 13 people? Why not say that four or five will be consumer groups and that you'll also have business and government organizations and list them so that we are clear about who is going to be on that

board? Why not do that as opposed to “the minister may”?

1740

The only clear thing in this bill on page 3 around the composition of the board is that, “Subject to subsection (3), the number of directors appointed by the minister shall be established by order of the minister,” and, “Directors other than the directors appointed by the minister shall be elected by the members of the board.” So the only thing that the government will do, through the minister, is to appoint the chair and the vice-chair of the board from among the directors. That's it. That is the extent of their power or their influence over the directors of that board.

If you believe that two people, the chair and the vice-chair, are going to control the interests of the government through the public, I believe you're wrong. I still believe that this industry and this Technical Standards and Safety Authority are going to be dominated by the very same people who caused the Sunrise Propane facility to fester as a problem, where lack of oversight was rampant, where security of citizens was always at risk, and, in my view, we will continue to have the same problems.

Page 4 of the bill:

“Advisory councils

“3.10(1) The board of directors shall by bylaw establish one or more advisory councils.” I suspect there will not be any more than one advisory council. I suspect there won't be many advisory councils. I can guarantee it.

Then it talks about the composition:

“A bylaw establishing an advisory council shall provide for the council's composition and may require that the council include consumers or persons who have experience or knowledge relating to any matters assigned to the corporation under this act and the regulations.” But why have such an advisory body? Why not make sure that you have these members on the board of directors whereby consumers would represent the large number of that board, thereby providing the security that we as consumers need and demand? Why do you need an advisory board that “may” include consumers, and we don't even know? Why not just include them on the board and be done with it?

Continuing on with the chief safety and risk officer:

“3.11(1) The corporation shall appoint a chief safety and risk officer with the consent of the minister.

“Independent review of the corporation's activities

“(2) The chief safety and risk officer shall independently review the corporation's activities or proposed activities related to the public safety responsibilities assigned to the corporation under this act and the regulations.”

How many of you citizens following this debate believe that this chief safety and risk officer is going to be independent? Appointed by the board and, yes, approved by the minister, but how many actually believe that he or she is going to be independent? I don't believe that for a moment. So we're going to have an extra layer

of bureaucracy added to this board, as opposed to having the minister regulate with the safety that we demand, knowing fully well that the safety procedures and policies are going to be in place and the ultimate person responsible would be the minister, and we would know exactly where to go in the event of a failure in the safety standards. Now we're going to have a chief safety and risk officer, with the hope that he or she will be independent and accountable to the public, but there is no requirement for that person to be accountable to me and/or the minister and/or this Legislature and/or the public. There's no requirement at all. This person may write a report—doesn't have to, but may do so—and then submit that to the board, and it may or may not go anywhere.

Interjection.

Mr. Rosario Marchese: I beg your pardon?

Mr. John Yakabuski: You may speak for 20 minutes, but you don't have to.

Mr. Rosario Marchese: It may or may not go anywhere. Why would you put someone in that position and then say "may write a report," as opposed to "shall, each and every year, write a report"?

And maybe it would be nice if that person reported to this Legislature so we would know exactly what we need to do, and had direct accountability to this place, as opposed to an unaccountable board that is private, set up by the Tories and continued by Liberals. These people love self-regulation. People like me are afraid of it. And so we set up this office with the hope that somehow, by having this position, we can all rest assured that we can sleep at night and that safety is there and "Don't you worry; go about your business." This position is about making people feel good, making them feel that the government is doing something that will give us the protection and the safety we're looking for. In my view, it's not going to do it. It is not going to do it.

I'm thinking of an example given by the Minister of Consumer Services in terms of how opinions of an inspector were disregarded. He mentions an example which I'd like to read for the record, because it's very interesting.

"On or about November 9, 2006, an inspector from the Technical Standards and Safety Authority attended to conduct a spot inspection of the Murray Road facility. As a result of the inspection, the inspector had reason to believe the authorization holder had been carrying out truck-to-truck propane transfers."

For those who haven't had a chance to read the file, it's those truck-to-truck transfers that are particularly hazardous and in this case were the element, the action, that precipitated the explosion.

"The inspector issued an order pursuant to section 21 of the act to cease and desist the truck-to-truck propane transfer procedure." That was November 2006.

What is interesting is that the director goes on to say that despite the order issued by the inspector, the authorization holders or their directors or officers routinely

allowed the unsafe practice of transferring propane products from truck to truck.

What would lead me to believe, once we have put in place a chief safety or risk officer, that we wouldn't have the same problem, that the advice could be disregarded, might be disregarded?

I only cite that example to say to you that this is not reassuring to me. The only thing that could reassure me and most of the public who have followed this issue, including the Toronto Star, through its editorial commentary on this, is to bring this entity under the guidance, tutelage and responsibility of the Minister of Consumer Services and nothing else.

These amendments are tinkering around the edges to make us feel safe, but it doesn't do it. The Liberals have moved away from that—someone touch the clock. The Liberals have moved away from what they said in opposition, which in my mind would have been public control, to continuing something the Tories started in 1996, and that is to continue with self-regulation, which in my view and the view of New Democrats does not work.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. Khalil Ramal: I listened for the last 20 minutes to my colleague the member from Trinity-Spadina talking about Bill 187.

I know he's not happy about many parts of it, but I don't understand why, since this bill is talking about safety for the people of the province of Ontario, establishing a board to create a special mechanism to create safety for many different facilities which exist around Ontario: propane, chemical—many other institutions and facilities across Ontario.

He's talking about the government's involvement. I hope he's not recommending that the government come and micromanage every inch of the province of Ontario. It's not our intent. Our intent is to put regulations in place and put people in charge, on behalf of the people of Ontario, to make sure all the facilities are safe places.

I guess the minister is going to appoint the chair and vice-chair. Also, 49% of the board would be appointed by the government. Those members will be a safeguard for the whole industry, for the whole board, to make sure all the people are doing the right job at the right time.

Also, we will give a mandate to the Auditor General not only to inspect the books but also the procedures, mechanisms and efficiency of the board, if they do the right things or not. Also, the Auditor General will come and advise the board about the right mechanisms that should be used to make sure our province and our communities are safe.

I listened to him, and he was talking about many different issues and many different initiatives that he does not relate to the issue. But the main thing, I think, is that it's most important for all of us in this place to make sure everyone in Ontario lives in a safe community and all the facilities that already exist work according to the procedures and the rules and regulations which exist in the province of Ontario. That's why we have the board.

That's why we appoint the chair. That's why we appoint the vice-chair. That's why we have the members on that board, to make sure that all of the board works efficiently and around the rules and regulations which we put in place to make sure everyone's safe in this province.

1750

The Deputy Speaker (Mr. Bruce Crozier): Thank you. Questions and comments?

Ms. Lisa MacLeod: It's a pleasure to be able to speak to this bill on the TSSA.

As the previous critic for consumer and government services, I had the opportunity to speak to this piece of legislation at first reading. I was also the critic during the tragedy at Sunrise Propane. I just want to reiterate my comments that I made last spring.

It shouldn't have taken an explosion for the minister to do his job, and it shouldn't have taken an explosion to see a piece of legislation on how to better protect Ontarians. The McGuinty Liberals had an opportunity when the explosion at Sunrise occurred; he had an opportunity to visit the site. He had an opportunity to visit the site, and he didn't act for what I believe was almost a week. He failed to take any immediate action, and now we have a new minister who's going to herald this legislation through the chamber, through second reading and then third reading, and obviously through committee.

I think it's important at this particular time to also credit the former leader of the Progressive Conservative Party, John Tory, who in the immediate aftermath of the Sunrise Propane explosion took the necessary steps to go to the constituents, to help them, and later to work with me and other members of the Progressive Conservative caucus to write several recommendations which were never, ever acknowledged by the sitting Liberals. It's unfortunate that again we see not only with the TSSA but with so many other pieces of legislation, such as the public expenses act, that this government acts only when the spotlight is shining on them.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Hon. John Wilkinson: I'm glad to enter into the debate on Bill 187. I would like to say that I thought the actions of the MPP for York Centre, Monte Kwinter, were exceptional when the explosion happened. He has represented the good people of York Centre, and he was right there for them. He wasn't someone who came in from outside of the riding; it is his riding. That's exactly why he was there for his people. He was the point person for our government. I want to praise him publicly for the tremendous work that he was able to do in a time of need.

I want to say to members opposite that this was a tragedy, but we should never let the pursuit of perfection get in the way of what is practical. Obviously, the people of Ontario expect action. That's what this bill is all about. That's what Bill 187 is all about. I find nothing in this bill that would convince me that it should be voted down. I find everything in this bill to be something that I think reasonable people in Ontario think this government should do.

I would say to the members opposite that this is progress, and it is important for them to support it. I think people will look back and look at the question about whether, when the vote was called, you were for these types of measures or not. I look at what's in the bill and I can find no fault of the minister. I want to praise the minister for looking at this issue and figuring out what is required to move forward.

We have not, on our side of the House, spent our time reminding people who exactly created the TSSA in the first place. We have not done that, although I think the good member from Trinity–Spadina asked a very good question of the member from Simcoe about that issue, and then I think what she decided was that, yes, there are things that need to be reviewed. But today, in this House, the debate is about whether or not we should pass this bill, and I think we should pass this bill. I invite members opposite to vote for it.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Mr. John Yakabuski: Certainly the minister of HST would love us to support this bill, just as he wants us to support that HST, but we're not going to support the HST. We haven't come to all the conclusions on this bill, but I do have a lot of questions on this bill.

Interjections.

Mr. John Yakabuski: Oh, I might vote against it, but I'm not afraid to vote against anything. I'm not afraid of you folks over there, don't worry about that. But I have to ask myself, Mr. Speaker, and I ask you: What is in this bill that is going to, as the member for London–Fanshawe said, make people in Ontario safer?

“The board consists of directors who are appointed by the minister and directors who are elected by the members of the board ... Section 3.14 authorizes the minister, if he or she considers it in the public interest to do so, to issue policy directions to the corporation on any matter relating to its governance and its administration.” It's not about the technical side of the act; it's governance and administration. So we want the minister to be involved in picking out who's going to be on the board and also talking about matters of governance and administration. Sounds like the beginnings of just another Liberal boondoggle. Oh, it won't reach the proportions of eHealth, we know that. That has already hit \$1 billion, and we haven't even gotten to the bottom of it. Wait until we get into Cancer Care Ontario, wait until we get into MPAC, wait until we get into the WSIB. We're not done. Then we'll ask the minister if he feels all of those things are great.

The Deputy Speaker (Mr. Bruce Crozier): Member for Trinity–Spadina, you have up to two minutes to respond.

Mr. Rosario Marchese: I thank all my friends for commenting. I'm particularly fond of the comments made by the Minister of Revenue when he says, “We're not the types here”—meaning Liberals—“who attack others about what they did or didn't do.” It's comical, because it's all they do on a regular basis. They even go back as far as Bob Rae on a regular basis. The reason,

Minister, you're not attacking the Conservatives is because you have supported and continue to support, through this bill, their direction. You're supporting a private corporation, self-regulated. That's why you're not attacking them. I understand that, but say that. When you say, "We're not in the pursuit of perfection versus practical pursuits," is it so difficult to have government control versus private control? Do you really think that kind of perfection requires a great deal of work on your part that we couldn't achieve it? I mean, we had that prior to 1996. It wouldn't be so tough. All it would take is for one of your colleagues, a fellow minister, to say, "We're doing it," or the Premier to say to one of you, "We're doing it." That's it. It would hardly be a pursuit of perfection.

The debate is: public control or private? Public control or self-regulation? Which of the two do you like? It appears that the Liberals like private control, initiated by the Conservatives, and self-regulation. New Democrats don't agree with it. No matter how hard you try to make it work, it's not going to be as good as it can be if it's not under the control, supervision and oversight of a government, under a minister in your government. That's the answer.

Second reading debate deemed adjourned.

The Deputy Speaker (Mr. Bruce Crozier): My trusty pocket watch is reminding me that it is time to adjourn this House until 9 of the clock on Thursday, October 22.

The House adjourned at 1759.

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