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des débats  
(Hansard)**

**Tuesday 1 December 2009**

**Mardi 1<sup>er</sup> décembre 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 1 December 2009

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 1<sup>er</sup> décembre 2009

*The House recessed from 1800 to 1845.*

ORDERS OF THE DAY

TIME ALLOCATION

**The Acting Speaker (Ms. Cheri DiNovo):** The government House leader has moved motion 166. Further debate?

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Order, please.

Mr. Gerretsen has moved government notice of motion 166. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. There will be a 10-minute bell.

*Interjection.*

**The Acting Speaker (Ms. Cheri DiNovo):** Pursuant to standing order 28(h), I have a request that the vote on the time allocation motion listed on today's order paper as government notice of motion 166 be deferred.

*Vote deferred.*

TIME ALLOCATION

**Hon. Rick Bartolucci:** I move that, pursuant to standing order 47 and notwithstanding any other standing order or special order of the House relating to Bill 203, An Act to allow for better cross-border policing co-operation with other Canadian provinces and territories and to make consequential amendments to the Police Services Act, when Bill 203 is next called as a government order, 45 minutes shall be allotted to the third reading stage of the bill, apportioned equally among the recognized parties. At the end of this time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That there shall be no deferral of the third reading vote allowed pursuant to standing order 28(h); and

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

**The Acting Speaker (Ms. Cheri DiNovo):** Mr. Bartolucci.

**Hon. Rick Bartolucci:** This is a very important bill. I want to give just a little bit of the history behind the bill because I think that's very relevant to us this evening.

Shortly into our mandate, we were approached by the Police Association of Ontario, the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, along with the Canadian association of police. They asked if in fact we couldn't come up with some legislation that would allow for more flexibility with regard to police officers being able to do their duty not only in Ontario but in Manitoba, Quebec and in other jurisdictions. So we attempted at the time to draft some legislation, and that drafting resulted in this bill. This bill has gone through first reading, it's gone through second reading, and it has received public hearings.

**1850**

I have to tell you, Madam Speaker, that the co-operation between the three parties on this particular bill has been excellent. There were some amendments that were made by all parties, and they were well debated. There is, I think, a consensus on the part of everyone that this bill move forward. Why? Because it makes good sense.

We know that crime knows no borders. In our ongoing effort to reduce crime and protect Ontarians, we must adopt the necessary measures to make it easier for police to investigate criminals and their illegal activities wherever they happen in Canada. Therefore, we must give police the powers they need to continue their investigations across provincial and territorial borders. The police are the people who put their lives on the line day in and day out to ensure that our province remains safe, secure and prosperous.

The Interprovincial Policing Act, 2009, would, if passed, establish a process whereby an Ontario official appointed by the Minister of Community Safety and Correctional Services could grant a police officer from another Canadian jurisdiction permission to enter Ontario and perform police duties. Similar legislation in other Canadian provinces and territories would grant reciprocal authority to Ontario police officers working outside Ontario.

On September 11 of this year, Quebec's intergovernmental affairs minister and Quebec's minister of public security joined me in signing a declaration committing both our provinces to introducing this type of legislation. Such legislation would allow for reciprocity between our two neighbouring provinces in the matter of cross-border policing.

I'm pleased to inform this House that Quebec's legislation has already been introduced in their House. This

legislation is designed to create a streamlined and efficient system for enabling police to continue their investigations outside their home provinces. It would update a system already in place and provide greater accountability while enhancing the ability of police to pursue investigations across borders. We would also make sure that extra-provincial police officers working in Ontario and Ontario police officers working in other jurisdictions would be held accountable for their actions.

I want to say that during the debate on this bill, which was led by our parliamentary assistant, Dave Levac, the member from Brant—and I have to say that his knowledge of this particular bill is unbelievable. The way he was able to collaborate and to coordinate with the other two parties in this House at committee level was very, very good to see. It was indeed democracy in action. There were some changes to the bill. I think that the bill is stronger because of the committee work. The member from Brant deserves an awful lot of credit, and I want to thank him for that.

The proposed legislation would provide a more seamless approach to law enforcement and will help make Ontario safer. At the end of the day, that's what it's all about. Currently, extra-provincial police officers operating in Ontario must be appointed as special constables by a municipal police services board or the Ontario Provincial Police Commissioner, with the approval of the Minister of Community Safety and Correctional Services. This process can sometimes delay the operations and criminal investigations of our police services.

Let's face it: Here in Ontario, I don't care what partisan political stripe you are; you want your families, your friends and your neighbours to be safe. Safer communities is what we're all about collectively, and this bill does that in a very real way. The special constable system does not automatically allow for the extra-provincial police officers to have all the powers of an Ontario police officer, nor does it address issues of oversight, discipline and civil liability for the extra-provincial police officer. In addition, Ontario police officers do not automatically retain their authority when they cross provincial boundaries.

In recent years, police services have increasingly been faced with investigating criminal activity that extends beyond their provincial borders. For example, major investigations in bank robberies and organized crime, including motorcycle and youth crimes and gangs, often straddle these borders. We have to give the police officers the necessary tools to do their jobs.

Police services in Ontario and other provinces have called for this legislation that would allow provincially appointed police officers to retain their police officer powers when they travel to another police jurisdiction on police business. A working group set up by the Uniform Law Conference of Canada addressed this issue and in 2003 proposed a model statute on cross-border policing for all provinces. Manitoba, Nova Scotia, Saskatchewan and New Brunswick have already adopted this cross-border policing legislation based on that model.

Ontario police services that border Quebec have asked that both Ontario and Quebec implement cross-border policing legislation and allow for seamless policing across provincial borders. The Interprovincial Policing Act, 2009, responds to those needs as expressed by police services.

Our policing partners such as the Police Association of Ontario and the Ontario Association of Chiefs of Police also support this initiative because it provides for a mechanism for their members to deal with the increasing incidence of interprovincial crime. The proposed legislation would allow the Minister of Community Safety and Correctional Services to provide designated officers with the authority to extend the same powers held by Ontario police officers to out-of-province police officers who need to work in Ontario. It would also allow municipal police chiefs and Ontario Provincial Police department commanders to extend these powers for short periods in urgent circumstances. The process we are proposing would be efficient and effective and would be much better than what currently exists.

In summary, what does this bill propose? It proposes, quite simply and quite succinctly, to give police officers those extra powers necessary to cross into Quebec or Manitoba or any other province in Canada, provides them with the tools necessary to complete and do their work adequately, and puts measures on them so that they are accountable. And at the end of the day, it's all about better policing.

I want to say, in conclusion, that I am very, very pleased with the process that took place, led by our parliamentary assistant, Dave Levac. I want to thank all members for their input. This has been a fully debated bill, and I look forward to its passage.

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

**Mr. John O'Toole:** Certainly, our side listened to the minister's remarks. I guess the best way to start, in a very harmonious tone, would be to say that it's really unpleasant when we don't have advance notice of what order is going to be called. To keep the tone at a reasonable and respectful level, on many of the pieces of legislation we have voiced our opinions. In fact, this bill here was introduced back in September, and there have been a number of speakers on it. As well, our critic, of course, the member from Simcoe North, Garfield Dunlop, has participated and is well recognized within the community of the stakeholders as being a staunch supporter of trying to move forward with this legislation. Mr. Levac would, I think, echo the same comments.

I think that's all we are trying to say here. In a climate of business as usual, often the House leaders work these things out so that Mr. Dunlop could have been here, in his place. I'm really not the critic on this file, but we've always paid close attention to the bill, whether it's Bill 203 or other bills.

Just a couple of points. The member in his remarks has said that we need a full assessment of who pays for the various transferred services. We have some idea and

understanding of the legitimizing or the role and duty of chiefs and deputy chiefs to legitimize these officers who could be transferred interjurisdictionally. We'd like to see better co-operation between, for instance, just municipal police forces on drugs and gangs and other sorts of task forces that do work collectively and that have manpower concerns.

#### 1900

Often the associations have strong views on how these things are resolved as well, and when you look at special events, whether it's the G8 or the G20 summit proposed for Ontario, we do need extra policing, we need a surge in qualified individuals, and that's where these interjurisdictional orders would certainly come into force. I would think even this year, with the Olympics coming up in 2010, that there would be another perfect case where those interjurisdictional agreements would work.

Now, I would say that Manitoba, Saskatchewan, Nova Scotia and New Brunswick have already, as the minister said, passed legislation. It's my understanding as well that Quebec and Ontario met in September and have work outlined, and they have introduced legislation just recently, I guess, in Quebec.

So these are issues that I think all governments would be working on to resolve the differences between jurisdictions. In fact, we on this side would say there is really one law for all, and those enforcement provisions should be shared across the province.

Now, there's one unusual thing that I've often wondered, and perhaps the minister could respond in his wrap-up speech. How come the Mounties are exempt? I know it's a federal force, and as such the provinces can't—

**Hon. Rick Bartolucci:** They already have the power.

**Mr. John O'Toole:** They have the power already? That's good to find out. I, as I said, am not the critic, so I haven't stayed up on this.

But I think really there are other issues at play here tonight. One of them is the degree of co-operation on this and subsequent bills, and I would like to think that if there just happens to be a 30-minute recess here shortly, we would have time to work those out between the ministers on the government side and the lowly opposition members. So with that provision and suggestion, I would move that we adjourn the debate.

**The Acting Speaker (Ms. Cheri DiNovo):** The member for Durham has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

I believe the nays have it.

Not seeing five members, I declare the motion defeated.

The member from Durham.

**Mr. John O'Toole:** I am somewhat disappointed that other members here present couldn't maybe dash out and find another willing Conservative to show up here someplace. But in that respect, we're not trying to be obstructive

in any way. What we are trying to do is bring some voice to the Legislature.

Now, I don't want to digress. I think this is a bill that we could find harmony on, and here is what I suggest that we do: If I tried this again, maybe we could have a recess, and I would have fulfilled my commitment to the House here tonight.

But I would call for public hearings on other bills. One of them would be Bill 218, this new HST. I heard the Minister of Economic Development and Trade downstairs at the Canadian Manufacturers and Exporters alliance. I knew several of the people, having worked in industry for 30 years. There were members from the auto sector, the technology sector, and many of them are quite respected business people. Now, I was appalled. I was standing beside, Madam Speaker, through you, and I'll try to speak as politely—she gave an extremely informative speech, a speech I've heard before in the Legislature, trying to sell Bill 218. Here we have guests in the Legislature at a reception to share, and she was giving them the core speech on 218. Now, it was well delivered, forcefully, and one of the—

**The Acting Speaker (Ms. Cheri DiNovo):** I would ask the member for Durham to at least occasionally mention the motion on the floor.

**Mr. John O'Toole:** Mr. Howcroft, who is the administrator for the association—the minister said it quite forcefully, I should say, and he said, "If we could just get her to be a little bit more subdued"—

**Hon. Sandra Pupatello:** Not to that crowd.

**The Acting Speaker (Ms. Cheri DiNovo):** Minister of Economic Development and Trade, come to order.

**Mr. John O'Toole:** —and I said, "If you could just get her back in her shell, it would be fine."

But anyway, I think it's an interesting opportunity. Every time we work with stakeholders, we should be listening more than talking. That's very important.

In my respect, if there was another member in the back, if there were five, I would probably suggest we would try to get another bell, but I can't even get—is anybody watching? If there is anybody watching this channel, wave back to me.

*Interjections.*

**Mr. John O'Toole:** Does this mean anything?

**Hon. Rick Bartolucci:** This is a pretty important bill.

**Mr. John O'Toole:** Oh, I'm not—Rick, the minister, is here, and, with respect, our position here is very clear. And the member for Simcoe North would like to have been courteously informed so that he could have said some of the complimentary things that Minister Bartolucci said.

Now, in fairness, I see the former minister, Minister Kwinter, here as well, and I would like to show respect for the time and years that he spent under the Ministry of Community Safety and as the Solicitor General. He's done a great job. This was probably started under your leadership—probably. I know how things work here, in some respects, and that probably would not have happened.

*Interjection.*

**The Acting Speaker (Ms. Cheri DiNovo):** Minister of Economic Development and Trade, if you continue, I will have to name you.

**Mr. John O'Toole:** There are a lot of people here that are really trying to make it difficult for me to make the points that I'm making—

**Mr. John Yakabuski:** I have a couple of names for her.

**Mr. John O'Toole:** —and I'm basically pleading with the people of Ontario.

This bill is a respectable way of encouraging inter-jurisdictional cooperation in the police forces, not just of Ontario and Quebec but all of Canada, and we would say that we would be supportive of that.

There remain questions, as there are with all legislation, of cost recovery and those kind of agreements—I understand that; and with the associations, that they've been fully consulted and satisfied, that there's no seniority provisions or overtime lost and those kinds of workplace difficulties.

I would say that it looks as though a lot of our members are making their way to the Legislature. They're out fighting the fight on Bill 218.

But in all fairness to the minister, her speech tonight to the manufacturers—after the speech, people were saying, "What is this HST?" Here are the leaders of industry who are shocked and amazed because the communications strategy is very tightly crafted. It's been very tightly crafted so that no one really has had a chance to sit and cogitate or think or reflect on this bill.

*Interjection.*

**Mr. John O'Toole:** Well, get your thesaurus out. Make it interesting here.

The point that I'm making here is that what we're trying to do is engage the people of Ontario on the most important fundamental change in tax policy in Ontario's history. One can argue on both sides of this case quite realistically, but I can tell you this for sure: The government is not doing Bill 218 to reduce revenue, they're doing it to increase revenue. So you can cut it, slice it, dice it however you wish, the real point is that Ontario today has a \$25-billion deficit, and that \$25 billion has been squandered by eHealth and overregulation and the—

**The Acting Speaker (Ms. Cheri DiNovo):** Again, I would remind the member from Durham to at least make reference to notice of motion 166.

**Mr. John O'Toole:** We need interprovincial policing to stop the flow of the economy out of Ontario.

But I would say that the time allocation bill that we're dealing with here tonight is unfairly presented to us, at an inopportune time. And with that—let me check the numbers here—I would move adjournment of the debate.

**The Acting Speaker (Ms. Cheri DiNovo):** I'm sorry, the member from Durham cannot move adjournment of the debate. You have already moved that, so it's already been defeated.

**Mr. John O'Toole:** I move adjournment of the House.

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Durham has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

I believe the nays have it.

At this point, I will call in the members. There will be a 30-minute bell.

*The division bells rang from 1910 to 1940.*

**The Acting Speaker (Ms. Cheri DiNovo):** Members will please take their seats. The member from Durham has moved adjournment of the House.

All those in favour will please rise and stay standing until counted by the Clerk. Thank you.

All those opposed will please stand and stay standing until counted by the Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 6; the nays are 29.

**The Acting Speaker (Ms. Cheri DiNovo):** I declare the motion defeated.

**Mr. John Yakabuski:** On a point of order, Madam Speaker: I realize we haven't had evening sittings for a while. I counted eight votes in favour of the motion.

**The Acting Speaker (Ms. Cheri DiNovo):** I announced the count; that's what the count is. Thank you, though, for your insight.

**Mr. John O'Toole:** I think what the count told me is that we thought it was eight because that's the new rate of tax for almost everything in Ontario, with the HST. So this number has been sort of emblazoned in our minds and in our eyes. Everything we see is 8% more. It's just unbelievable, and the people of Ontario should know this is coming to your town very soon. It's so sad, actually, that they wouldn't have one more day of hearings, just to respect the opposition's ability, which has been limited by Dalton McGuinty.

This interjurisdictional policing thing—if it was enforced, we could have stopped some of the jobs leaving Ontario. Policing at the borders could have stopped that.

I'm not sure. Actually, I probably need a few instructions on this bill, because as I read it, it had its second reading on October 22, and here it is December 1, and we're bringing it in.

The explanatory notes are a very good place to start when you read a bill. It's always important to read that section. It says here that the bill is modelled on the Uniform Cross-Border Policing Act, which was adopted in 2003 by the criminal and civil sections of the Uniform Law Conference of Canada. So there has been an incredible amount of work done on this. Let's be fair to Minister Bartolucci. He has been working with it.

I know that the former minister, who was then the Solicitor General, I believe, Mr. Kwinter, when he was the minister, worked on this; I know he did, and I know he cared. Also, the member from Simcoe North is quite disappointed that he's not here tonight to be able to appreciate the work the minister has put into this. I suspect that I've said quite enough on this.

I would like to split the time with other members. We have a former Solicitor General, Mr. Runciman, and I would like to split my time with the member from Leeds–Grenville, who served as the minister of this particular jurisdictional area for some time. I know he wants to speak on this as soon as possible. I hope it's now. In that case, I'm pleased to relinquish my time and allow the minister to pick it up.

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

**Mr. Michael Prue:** On a point of order, Madam Speaker: I wonder if it's in rotation; I just wanted to stand on that.

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Beaches–East York.

**Mr. Michael Prue:** Since I'm on my feet, I might as well speak to the bill. I am here to support the bill. New Democrats will be voting in favour of the bill. We think the bill is a good thing.

You know, quite frankly, there are two or three spheres here, of which we are but one small part. I agree, and we know that when we have interprovincial policing, if we need to pursue a felon across a border of Quebec or Manitoba, if we need to pursue them north across Hudson Bay into Iqaluit, then there needs to be a mechanism that allows police forces to have the authority to go in there without taking the long procedures necessary to secure authorization.

We also know that criminals can hop on a plane anywhere in Canada. It only takes a couple of hours to get to Vancouver, to all the western provinces, to the eastern provinces, up into Northwest Territories or the Yukon. This is a very large country, with many jurisdictions—13 in all—and Ontario needs to have its provincial police able to go from one jurisdiction to another.

Although most crimes, probably 98 or 99% of them, will be solved locally and within the province of Ontario, there are those from time to time that will be transborder. There particularly will be white-collar crimes where people are able to rip off the systems—the stock markets, the banks and others—and can do so, usually with impunity, across the borders of all of the provinces. We need to give our police that authority. It is for that reason that I stand here to support that. I think the people of Ontario understand that crime does not know those boundaries. Crime can take place literally anywhere, and our police have to be able to pursue that wherever the leads take them, until the person or persons who are responsible are apprehended.

I also stand here to say that this is but one small part. I stood here the last time on second reading and I need to say it again, and I think the members opposite and the people of Ontario need to hear this: We also need to make the same kinds of arguments when it comes to transborder, particularly with the United States. In airport parlance, “transborder” refers to the United States and hardly ever to Saint Pierre and Miquelon: the amount of traffic that goes back and forth, both in terms of cargo and humanity, that crosses one boundary to another, just

as ordinary and good and decent people travel back and forth for vacations to see their relatives, to do commerce, to go to school, to do any number of things. We also have people who are intent on breaking the law crossing from that jurisdiction into ours and vice versa.

We need to make sure that when we are passing this law, the government of Canada understands that this law will not just be between the province of Ontario and our sister provinces and jurisdictions and the territories of Canada, but will also involve—our hope to involve—a foreign jurisdiction, that being the United States. Clearly, if criminals can pass that border, and they often do, then we need to be able to pursue them into the United States, as I'm sure the United States needs to pursue criminals who seek sanctuary in Canada.

The border is a porous place. I can speak from many years of experience, having worked in the immigration department, and see the difficulties that police officers have at our borders dealing with the kinds of activities that take place. The most common one, of course, that one can see at Pearson airport or in Windsor or Niagara Falls, or any of the major border points, is people attempting to smuggle drugs. You can see that all the time. We really need to have laws that allow for us to pursue drug smugglers, not only of opiates but also increasingly those that are pharmaceutical or chemical in nature. We need to be able to make sure that our border has the same authorities that we are about to grant the provincial police.

Last but not least, I think we also need to deal not only with the transborder issues but the international issues. Again, with my experience over those many years working in the immigration department, we would often find that the international police were hamstrung. It was very difficult, working through the Royal Canadian Mounted Police with agencies around the world, to try to get criminal records, to try to pursue criminals who had sought to remain in Canada or to hide in Canada, or to hide their ill-gotten gains in Canada. It was absolutely necessary to give that kind of authority. I also ask the government of Canada to do precisely that: to look at how we can strengthen the jurisdiction of the Royal Canadian Mounted Police, and also the police forces in Ontario and Quebec who are provincially mandated, and local police forces across the country, in order to make sure that criminals can find no sanctuary here, and that if crimes are committed in this jurisdiction we can pursue the criminals and we can prosecute to the full extent of the law whether the criminal leaves Ontario's jurisdiction or not. The same thing, as I've said, holds true for both transborder and international criminality as well.

**1950**

Having said that, I just want to close by stating that I think all the members in this House should be supporting this bill. All the members will know that their citizens are anxious that a bill such as this passes; that it is given teeth in this province and the authority that we have to give it; that we are making the same kind of arguments to our federal counterparts; and that we are telling the

people of this province that we will do everything that is humanly possible to give them the safety and security they so crave.

I will not be ringing any bells or doing anything else. I believe this bill should pass tonight. I believe we should get on with what needs to be done in this House. There are issues that I have against this government and against other bills, but this is not one of them. This is a bill that should simply be passed into law because we all agree on it.

Having said that, I know that I cannot cede time to my friends, because this is in rotation; I invite the government members, if they have anything else to say on the bill, to say so now.

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

**Mr. Monte Kwinter:** York Centre.

**The Acting Speaker (Ms. Cheri DiNovo):** York Centre.

**Mr. Monte Kwinter:** I'm delighted to be able to speak to this very important bill. As the former minister, I want to commend the current minister for bringing this bill through the various processes that took place, and to really say how important this is in the execution of policing in all the jurisdictions that border Ontario.

One of the things that has always concerned me is that criminals don't respect borders, and yet the police, who are trying to catch the criminals—

**Mr. Mike Colle:** The clock's not working.

**The Acting Speaker (Ms. Cheri DiNovo):** To the clerks, please: The clock is not working. Thank you.

**Mr. Monte Kwinter:** Criminals don't respect borders—they don't respect the law—and yet we are tying the hands of police officers who are pursuing them and suddenly find they are at a border. There are a couple of instances I had direct exposure to, and one of them, of course, was in Ottawa. You have a situation where Hull is basically abutting the city of Ottawa, and yet it's in Quebec. If there's a felony taking place in Ottawa and the perpetrators are going across the border, the minute they get across the border into Quebec, the Ottawa police force could not pursue them.

That made no sense; it made absolutely no sense. You had to wait until the Ottawa police could call the Quebec police or the Hull police to say, "We want to put you on alert that there are people who are perpetrators who have gone into Hull, and you should be on the alert for them." Well, even prior to this particular bill, we were able to work out an accommodation between Hull and Ottawa so that we could do that. That made eminent sense, and there's no reason why we shouldn't continue to do this to all our abutting jurisdictions.

I remember a really interesting situation up in Sault Ste. Marie. The OPP in Sault Ste. Marie had a working relationship with the Michigan State Police in Sault Ste. Marie, Michigan. Now, we would talk about a serious problem that was taking place in Sault Ste. Marie, and that was human smuggling, because the Michigan border is very, very close to the Sault Ste. Marie, Ontario bor-

der. Those people who were dealing in human trafficking would bring across at night people who had found their way into the United States and wanted to come to Canada. The two police services, the OPP and the Michigan state police, would be in boats and they would be patrolling that particular waterway.

We had to have a meeting to discuss how things were going, and because of the restrictions, the OPP could not go into Michigan. Interestingly enough, they could go into Michigan, but they couldn't take their side arms. The OPP said, "We're not going into Michigan without our side arms," and the situation in Michigan was exactly the same.

The solution was to meet in the middle of the water. The two boats met, they tied up beside each other, and we had our meeting. Again, that is really an absurd situation because of the particular restrictions that are in place.

What we are proposing, and what this bill does, is to provide the ability for police services in all of those jurisdictions to have extraterritorial jurisdiction in those other jurisdictions so we can effectively deal with the issues that are confronting police services throughout the province and throughout our neighbouring jurisdictions.

One of the other interesting things that happened: When grow ops were really a scourge—they still are—in Ontario, we went to Minnesota to meet with the Minnesota state police to discuss, "How do we deal and how do you deal with grow ops?" And they looked at us, and said, "Grow ops? We don't have a grow op problem, but you should be aware that you are going to be having a serious problem with crystal meth."

Crystal meth, in the northern United States that abut the Great Lakes, was really at an epidemic level. Although the OPP were aware of crystal meth as being a challenge, it wasn't nearly the scourge that it was in those jurisdictions, whereas we had the problem with grow ops in Ontario.

So, by co-operating with those other police services, we were able to get a heads-up that this was something that we were going to have to be cognizant of, this was something that we were going to have to really find out a great deal about how they enforce it, how they identify it, how they deal with it.

As a result of that particular visit, we were able, at the Ontario Police College, to set up a model house that was used to train police officers across Ontario who came to the police college. We would have one room that was a simulated grow op and another room that was a simulated crystal meth room, and they would be trained on exactly how to deal with a suspected operation in their particular community.

Again, that was something that we were able to do in co-operation with our neighbouring police forces. It's important that we share that information in a way that is convenient, effective, and will allow the police services in all of those jurisdictions to co-operate with each other, to be able to track down those perpetrators who are dealing in—whether it's human trafficking, crystal meth, grow ops—all of the things that criminals participate in.



## 2000

The main reason for all of these things is to get revenue for organized crime and also, of course, to be able to smuggle illegal firearms into Ontario. That's a whole other issue where people would be going into the United States. Law-abiding people, if you can believe it, would go to southern states where they have flea markets that sell guns, where they have big shows, gun shows. You can walk in and buy an AK-47; you can buy these arms. Normally law-abiding citizens will go in, buy half a dozen guns at relatively cheap prices, bring them across the border, sell them in Ontario and pay for their whole vacation. Suddenly you have people who normally are law-abiding saying, "Here's an easy way for me to make some money. I'll be able to bring them in."

What has happened is that the statistics show that about 75% of all of the illegal handguns that come into Ontario come from the United States. We can actually trace them. You can take a gun, once it's apprehended by the police, check the serial numbers—notwithstanding that some people think that they can remove these serial numbers off a firearm, the manufacturers put an identifying number in a place where it can't be removed—check the gun and its origin. So you can actually get a gun that turns up in Toronto and the police can say, "You know what? This gun was sold in Los Angeles, California. It was bought and the trail disappears." And you suddenly realize that it was bought by someone who had a permit, but from that point on it just goes into this dark hole and turns up in Ontario. These are serious, serious events that have a very, very profound effect on safety and the occurrence of crimes in our jurisdiction.

This legislation will go a long way in making sure that our policing is far more effective. We've always co-operated; that wasn't the problem. We've always co-operated. Whether it would be the FBI or the RCMP, the state troopers, the state police or the provincial police, that isn't quite the problem. The problem is that we didn't have the ability for our officers to pursue leads and to pursue suspects into another jurisdiction without a lot of paperwork and a lot of red tape that in many ways made it ineffective in the pursuit of the prevention of further crimes.

So this legislation will address that. It will be a wonderful tool. And it's not by coincidence that the Ontario Provincial Police Association, the Ontario Association of Chiefs of Police, the Toronto association of police officers, the Canadian Association of Chiefs of Police—and I'm sure many of you know that Chief Bill Blair of the Toronto Police Service is now the president of the Canadian police chiefs association, so, with the largest municipal police service in Canada, the experience that he has to be able to bring his experience to all of the police services in Canada in his role as the president of the Canadian police chiefs association.

I am pleased to have been able to participate and to lend support to my colleague and to encourage all members to support this legislation because it's good legislation. It's been debated and it's something that will absolutely help in the prevention of crime. Thank you.

## COMMITTEE SITTINGS

**Hon. Monique M. Smith:** On a point of order, Madam Speaker: I want to advise that I have delivered a letter to the Speaker this evening requesting interpretation of our time allocation motion, motion 162, that was passed in the House earlier today with regard to Bill 218. In motion 162 we allocate time for the rest of the proceedings regarding Bill 218. Part of that is that the Standing Committee on Finance and Economic Affairs—and I'm going to quote from the time allocation motion—"be authorized to meet on Thursday December 3, 2009, during its regular meeting times for the purpose of public hearings on the bill and following routine proceedings on Monday December 7, 2009, for clause-by-clause consideration of the bill." What I have asked of the Speaker and what I am asking the Speaker this evening is a ruling on the definition of "regular meeting times." It has been used various times—many times—in time allocation motions over the years, and the time of day of the standing committee is often referred to as the regular meeting times. The context as I've given to you in this instance is our motion 162 and the use of the words "regular meeting times" in that motion, which was, as I indicated, passed earlier today.

I've asked for a definition of the phrase from the clerks and have been advised that it can be interpreted rather broadly. I do not believe that the interpretation we've received from the clerks is appropriate. I believe that regular meeting times should reflect a time when the committee has in fact met, and in this case I don't believe that the Standing Committee on Finance and Economic Affairs has ever met in a time earlier than 7:30 or 8 o'clock in the morning.

There is difficulty here as there is no precedent for the definition that we've been given by the clerks' table. I believe that it does need a ruling from the Speaker and, because of the timeliness of this issue, because the standing committee is scheduled to meet on Thursday, I'm bringing up this point of order at this time. I realize that it is somewhat inconvenient for people at this time, but I do believe that we need to deal with this matter in a timely way.

I have offered to provide to the Speaker, and I'm offering to you, Madam Speaker, more fulsome submissions on this issue, but I think just a regular reading of the term "regular" in a dictionary would indicate that there would have to be some precedent involved. We have no precedent for the definition that is being provided by the Clerk's office, and therefore we would like to see the Speaker rule on that. Thank you, Madam Speaker.

**The Acting Speaker (Ms. Cheri DiNovo):** I thank the government House leader for the motion of order and defer a ruling on that until tomorrow.

Point of order, member from Leeds–Grenville.

**Mr. Robert W. Runciman:** On the same point, which I don't believe is a valid point: I think one of my colleagues made the point that we have a motion we're

dealing with tonight for this House to sit until midnight. These are unusual circumstances, and it's quite unbelievable. We have a subcommittee of the committee that makes these decisions in terms of scheduling. They've decided, in terms of having some increased opportunity for public input, that they would begin the sittings early. This is a decision of the subcommittee.

The committee has the power to overrule a subcommittee recommendation when it comes to full committee. That's a principle that has been in place and a practice that has been in place around this place as long as I can recall. So I think this point is completely invalid and I would encourage you to rule it so.

**The Acting Speaker (Ms. Cheri DiNovo):** I thank the member from Leeds–Grenville and, again, I harken back to what I said to the government House leader. I'm deferring a ruling on that point of order and your subsequent point of order until tomorrow. Thank you.

**Mr. Gilles Bisson:** Point of order.

**The Acting Speaker (Ms. Cheri DiNovo):** Is this on the same point of order?

**Mr. Gilles Bisson:** Madam Speaker, I don't want to take a lot of time on this but I want to put out a couple of things for the record. First of all, it's quite right that what has happened in this House is that that particular bill was ordered to the committee by way of a time allocation motion, but it is always up to the committee to decide how they're going to order up their business. Clearly, what has happened in this particular case: The government is not in a position to determine when the start of the morning is because the morning is any time after 12:01.

Committees in the past have decided to start sometimes at 9, sometimes at 11, sometimes at 7 o'clock in the morning, sometimes earlier. I've been around this place for 20 years. I've seen committees order up their business at various times of the morning in order to accommodate the schedule based on the amount of applicants who come before them to make depositions.

Clearly what has happened here is that the subcommittee has ruled—in fact, as I understand it, it's not just a question of the opposition; the government member of the subcommittee also decided along that path of action. There were representatives from each of the parties. Each of those parties said, "Yes, we're going to allow as much time as possible in order to allow people to present to this committee," and agreed on 12:01. So therefore it is up to the subcommittee to order that business. The only way that can be overturned, as you well know, is before the rules of the House, and I'm not going to get into that.

I would like to end on this point: I think it is a very slippery slope that we get into, after we've given a committee direction to hear a particular issue, for us to come back into the House and try to change that. There are all kinds of precedents within Monpetit and Beauchesne that speak directly to that issue.

The House, if you look at the precedents, is very clear. Once the House has ordered something into committee, it

is up to the committee to deal with it. The House by way of the precedents of both Monpetit and Beauchesne are very clear on that, that it is up to the committee then to deal with that issue, and if they're not able to, then they can order it back to the House. But it's a matter for the committee at this point and not the House.

**2010**

**The Acting Speaker (Ms. Cheri DiNovo):** I thank the member from Timmins–James Bay for his point of order. As I said earlier to the others who deputed on this, this will be a ruling that's deferred until tomorrow when the Speaker makes the ruling.

**Hon. Monique M. Smith:** Madam Speaker—

**The Acting Speaker (Ms. Cheri DiNovo):** Is this the same point of order? On the same point of order, government House leader.

**Hon. Monique M. Smith:** Just two more points on the same point of order: The House leader for the opposition has indicated that the House standing orders do provide for midnight sittings, and they do provide for midnight sittings; I'm not arguing that. That's what we're doing this evening. However, that is not the same interpretation of committee hearings and of the words "regular meeting times."

I also recognize that the subcommittee has made a recommendation; however, because of the scheduling that's involved, the full committee will not be sitting in order to look at the subcommittee report prior to the convening of this at 12:01 a.m. potentially, and I would argue that that is not a regular meeting time for that committee.

**Mr. John O'Toole:** Madam Speaker, on the same point of order, referencing the comments made by our House leader. This unusual intervention into a debate that's on the floor is—I am assured by our member, Lisa MacLeod from Nepean–Carleton, that they are in the process now of engaging people across the province of Ontario to appear and to make the logistical arrangements for them to travel from other parts of Ontario to be here on the scheduled date of December 3, I believe it is. So I think deferring this complicates it even further. This won't allow the people of Ontario to make the necessary logistical arrangements to be here, whether it's from Thunder Bay or from Nepean or wherever they are coming from. If they had hearings in other parts of the province, it would have been more convenient.

So I think it's important that we don't confuse the message. The subcommittee of the finance and economics committee met legitimately. They made a decision, and that decision shouldn't be debated in this Legislature. Let the people of Ontario speak at 12:01 on December 3.

**The Acting Speaker (Ms. Cheri DiNovo):** I've heard the government House leader and I've heard both opposition parties at this point. I've ruled on the deferral of the ruling on this particular point of order and the conversations around it until tomorrow morning. If there's anything new to be added to the debate, I am interested in hearing it but please be brief.

**Mr. Michael Prue:** Yes, I will indeed be brief. I was on the subcommittee, alone amongst the people speaking. I was actually there.

A couple of things: First of all, the other people who were there—Ms. MacLeod was there from the Conservatives, I was there from the NDP, the member from York South–Weston was there from the Liberals, and of course the Acting Chair was there as well to speak. I want to state unequivocally for the record that not only—and I made the motion for the 12:01; it was me who made it. I made that motion. It was supported by the Conservatives and it was also—I don't want to say completely supported, but not fought over one iota by the member from York South–Weston, who agreed that it was possible to do it.

I do acknowledge that the member, the parliamentary assistant, did voice his concerns, and I'm not going to say he did not, but the member from York South–Weston, a third member of the committee, did not object to what was being done.

I want to say that the committee had the authority. We questioned the clerk who was there. The clerk informed us that he would go back and find out further information about whether or not that was possible. He relayed that information to us about an hour later and confirmed that the motion that we had made for 12:01 was correct.

We did precisely what the Legislature asked us to do in order to accommodate the numbers of people we anticipate will want to be heard. At the time we sat down, there were 37 people listed to depute, without even advertising, and it was estimated by the clerk and the other people who were there that there was going to be in excess of 60 to 80 people by the time one day's advertisements were made on the parliamentary channel. This was an attempt to accommodate those people. That is why it was done, and for no other nefarious purpose as is being alleged.

**Mr. Wayne Arthurs:** If I can make a couple of comments as the government member sitting on the subcommittee: First, the member from Pickering–Scarborough East is the government member on the subcommittee. The member from York South–Weston is the vice-chair of the committee. I was quite clear, as the member from the government side of the House, of our opposition to what was put forward. There was absolutely no clarity.

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Member from Hamilton East–Stoney Creek.

**Mr. Wayne Arthurs:** The member from Timmins–James Bay indicated that all the committee members were in support, generally or specifically, of the motion. That's not the case.

Secondly, if I could, we spoke vehemently against it. The member from Durham said the clerk is already taking action to schedule the deputants and the like. The clerk is not doing that. The clerk was very specific in an e-mail to the members, as to the outline of what he is proposing we would do based on the subcommittee two-

member majority recommendation—not a unanimous decision.

The clerk will undertake the work outlined in that memorandum to us at such time as the bill is referred to the committee, which will be subsequent to the vote on Bill 218 tomorrow. He has taken no action in scheduling or anything else in respect to the committee. I will agree that there are a great number of interested deputants, but that is not advertising; that will not take place until the point where this House deals with Bill 218.

As a member from the government side, I expressed my opposition quite definitively and clearly.

**The Acting Speaker (Ms. Cheri DiNovo):** Everyone has been heard on this particular point of order. As I've said, I'm going to defer the ruling to tomorrow; we will allow the Speaker to do that. He will bring in the ruling tomorrow.

#### TIME ALLOCATION

(continued)

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

**Mr. Jim Wilson:** I believe we're debating a time allocation motion on Bill 203, An Act to allow for better cross-border policing co-operation with other Canadian provinces and territories and to make consequential amendments to the Police Services Act.

First, I just want to compliment the former speaker for the government, the honourable member from York Centre. During his time as Minister of Community Safety and Correctional Services, he would have laid much of the groundwork, I'm sure, for this legislation to be before us today.

Generally, as my colleagues have said, we're in support of this legislation. I think most of our constituents, if they're listening to this debate or have listened to the previous debate we had on this, would be cocking their heads and saying, "Gee, can't our police go over artificial lines called provincial boundaries and other boundaries? We would have thought that issue would be solved a long time ago." It's sort of like watching US programming where if you can get to the county line, you can escape the police that are chasing you. I certainly thought—and I compliment the current minister for bringing this forward—that there wasn't a problem like that in Canada, but I guess it does exist from time to time.

Time allocation, of course, is something we're not happy about. It seems obvious to me that you're desperate to get out of here on December 10, not the December 22 you floated out here. We're here, no matter what you do, as Her Majesty's loyal opposition.

The debate we just had is similar to time allocation, in terms of the House leader for the government wanting to get up and squeeze even tighter the little bit of committee time, which is down to one day now, on the greatest tax change that will ever occur—and has ever occurred—in my lifetime and everybody's lifetime in this chamber, with respect to Ontario's sales tax and the new HST.

It's not what the government has been selling, so we need a lot of committee time. We just had time allocation on that slammed down on us today. To say that now she wants to ask the Speaker, through the House, for a new definition of what the regular sitting times are for that particular committee time is what I call the most petty thing I've heard in the last 24 hours, and we've heard a lot of petty things.

But you're down to, frankly, one day. The committee is trying to be polite to those deputants who want to come forward. The member for—Mr. Prue; I'm tired and I can't remember, and I've got pneumonia. I'm supposed to be in bed. You're all going to get notes from my doctor tomorrow about why the hell I'm here when I should be in bed.

The fact of the matter is, it's just horrible. Why would she get up and do that? You're down to one day. Can you not sit in committee for one day and respect the wishes of the subcommittee, which the government had a member sit on, and just listen to a few people? We've heard from the member for Beaches—East York that there may only be 60 people or so, if they can accommodate them in the hours they want—the regular sitting time they want.

We've had time allocation on the bill. We've got time allocation on Bill 203, which we're discussing right now. You've obviously done your war-gaming, set from December 10. You've now got everything time-allocated, so you really don't need any more than one of us to sit here, and maybe one member from the third party.

You've got a complete dictatorship going, and you're pretty well just closing down debate on absolutely everything, particularly the HST.

With that, I have no other choice than to call for adjournment of the debate.

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Simcoe—Grey has moved adjournment of the debate.

All those in favour, please say “aye.”

All those opposed, please say “nay.”

I believe the nays have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 2021 to 2051.*

**The Acting Speaker (Ms. Cheri DiNovo):** The member for Simcoe—Grey has moved adjournment of the debate.

All those in favour, please rise and remain standing until counted by the Clerk.

All those opposed, please rise and remain standing until counted by the Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 6; the nays are 29.

**The Acting Speaker (Ms. Cheri DiNovo):** I declare the motion defeated.

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Order, please.

I am now required to put the question.

Mr. Bartolucci has moved government notice of motion number 168. Is it the pleasure of the House that the motion carry?

All those in favour, please say “aye.”

All those opposed, please say “nay.”

I declare the motion carried.

There will be a 10-minute bell. Call in the members.

*The division bells rang from 2053 to 2054.*

**The Acting Speaker (Ms. Cheri DiNovo):** I've just received a government notice of motion 168 deferral slip. The government House leader has asked that this be deferred until December 2, 2009.

*Vote deferred.*

## 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

Mr. McMeekin moved third reading of the following bill:

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 Acting Speaker (Ms. Cheri DiNovo):** Minister of Consumer Services.

**Hon. Ted McMeekin:** I'm pleased to have the opportunity to speak to this important piece of legislation. I know that members of the House will want to engage in some discussion on this, given the importance of public safety.

The Ministry of Consumer Services comprises two significant operational areas: one focused on protection and education for consumers themselves and the other focused on the regulatory environment in a number of industrial sectors. We also play an important role in the oversight of administrative authorities that administer certain laws on behalf of the government. One of my first activities when I was appointed back in June as the new Minister of Consumer Services was to review a comprehensive third party study of the administrative authority model. The model, as many of you are no doubt aware, was conceived in 1996 by the previous government and had been evaluated only once, in 2001, in the early years of its development. This review gave us an opportunity to look at the model in a more mature state and to assess its strengths and weaknesses.

That's always helpful, when you get a chance to reflect on something that's happened and to take the opportunity to learn from it. I've always thought, why would one bother reflecting on anything unless it was with a goal to learn something, and from that learning, to then be able to plot a plan to bring in some change that hopefully would make this world a little bit of a better place to live?

I'm pleased to report that the review's findings were twofold: First, as a model, the system of delivering

consumer protection and regulatory governance through the administrative authority model works very, very well. The second major finding of the model review was that, day by day and organization by organization, the administrative authorities are doing a good job. I think it's good news for all of us, and for all Ontarians who may be tuned in tonight, to know that those areas that the government does delegate to people with specific expertise—that's done by way of almost a sacred trust. We trust people. We entrust people to be on top of things and to make sure that public safety is protected, and that includes everything from elevators through to upholstered goods—I spent the day down at the CNE inspecting upholstered goods. The TSSA has some responsibility for that. But that's just by way of preamble.

I want to talk a little bit more specifically about the Technical Standards and Safety Authority itself, because that's really what the bill is about. I offered that preamble just to kind of set the context. I know you have to be concerned about the exegesis of these things; they can't all be; they can't all be isogesis. It's got to be exegetically sound. I know you have some appreciation for that.

**2100**

In that context, I just want to say that on August 10, 2008—

**Hon. Sandra Pupatello:** Ted, you went way over their heads on that one.

**Hon. Ted McMeekin:** Well, it's a little bit of theological inside baseball, but the Speaker well knows of what I speak.

On August 10, 2008, a tragic explosion occurred, as we all know, at the Sunrise Propane facility in Downsview. In the immediate aftermath, the government felt it prudent to establish an expert propane safety review panel and sought out and appointed two independent experts, Dr. Michael Birk, who's well known in this area, and Ms. Susana Katz to the panel, another well-known person in the area of public safety.

The panel was asked to conduct a comprehensive safety review of Ontario's legislative and regulatory framework for the storage, handling, location and transportation of propane. The panel received submissions and suggestions from a very wide range of participants, including, of course, the propane industry, municipalities, ratepayer groups, emergency responders and, obviously, the insurance industry that had some interest in this particular topic.

In November 2008, the panel issued a report, which concluded that the building blocks for propane safety that are in place in Ontario have served Ontarians well over the years. In fact, they went a bit further than that; they said it was one of the best public safety systems in the world, which we were pleased to hear and which I think Ontarians were generally pleased to hear. You like to have that kind of assurance offered up by independent people.

Notwithstanding that expression of confidence, the review group made some 40 different recommendations.

They said, "Hey, it's really good. It's probably one of the best in the world. But you know what? Here are 40 good ideas that, if you were to implement them, would make the system even better." So what did we do? We took the recommendations that were made and we acted on them. In fact most have already come through regulation, as you know, Madam Speaker, because we did a little bit of an exchange dialogue, a very helpful dialogue, by the way, in the estimates committee about each of the specific recommendations in detail: how they've been implemented or indeed are in the process of being implemented. I really enjoyed that, by the way. It was almost cleansing to be able to do that, to be able to actually feel that we had, together, caused something important to happen, and that was very much the case.

As well as the 40 recommendations, the Technical Standards and Safety Association—we affectionately refer to it as TSSA, as you know—issued its own action plan to respond to the panel's recommendations in the report. I believe it was in December 2008 that the TSSA completed a re-audit of all propane facilities in the province. And this re-audit did not—I emphasize "did not"—identify any trends or systemic safety issues. I think that's kind of important, right?

In addition, the government put in place new regulations implementing a number of the panel's recommendations, and I think in fairness to those who probably haven't reflected on this or touched on this for some time, it would be helpful just to quickly enumerate some of those issues. I'm not going to go through all 40, like I did in the estimates committee. That took us half an hour just there—a half-hour well spent, by the way, I think you would agree—but it was something that we wanted to do.

The regulatory amendments that we made based on the recommendations related to enhancing and improving Ontario's propane system included—they're in no particular order, but they're certainly all very important:

- a minimum of annual inspections for all propane facilities, which makes sense, regulate that and get that up front;

- additional requirements for the licensing of propane facilities;

- stricter limits on the storage and inventory of propane;

- enhanced training requirements, which seemed particularly appropriate given the circumstances of the tragedy that we faced and the charges that were laid related specifically to a lack of training; and

- public availability of a facility's emergency preparedness plan, which involves working with emergency people, the fire department, fire marshals, what have you. We know these people lay it on the line every single day to protect public safety, so there's nobody better to be involved in checking that out.

Two of the recommendations required legislative changes, and these changes have, in fact, been incorporated into the amendments to the Technical Standards and Safety Statute Law Amendment Act, 2009, which, if

passed, and I'm optimistic and very hopeful that we will embrace passing this bill, would require propane operators to carry insurance as a condition of licensing—anyone that's not insured can't be in the business, full stop—and provide TSSA with clear authority to respond to imminent hazards and charge the cost of those hazards and checking on them and making sure that it's done back to the operator itself. I think that's an appropriate response.

We know that tragic events can happen no matter how careful we are, but that doesn't allow us any licence not to seek continuous improvement, right? It's a good system, but tragedies happen, and you want to be there. You want to make sure that you make the changes.

The best political advice I ever got was from the late great Sterling Hunt up in Linden, who said, "You want to get elected?" I said, "Sure do." He said, "Well, tell them what's broke and how you're going to fix it." When all the dust settles, that's probably all that politics is really about. We gather in this place, we look at what's going on, we try to ascertain what's broke, and we try to determine what the best way is to fix it, right? Plan, think, act, review.

There are no steps that will ever guarantee absolute safety. That having been said, we can't be complacent. We do have a responsibility to seek continuous improvement in our systems. If we have the misfortune to experience a disaster, we must seize that opportunity and learn from it. What went wrong? Where did we fail? How can we make things better?

The propane safety review panel made specific recommendations for improving propane safety, and we're acting on all of those. Notwithstanding that Ontario technical standards are amongst the best in the world, we're still acting on those 40 recommendations. They work well to protect the people of this province every single day. Again, when all is said and done, that's a big part of what we're here for and certainly what the TSSA is here for.

The TSSA has demonstrated positive public safety results in the sectors that they regulate. They have increased their capacity to undertake inspections, which I think is good. This has led to a fairly dramatic decline in the number of incidents that present themselves as being problematic.

**2110**

Even though the TSSA has this strong performance record in safeguarding the public, it was, of course, prudent for us to move forward with amendments that would strengthen our governance and accountability framework and which would also strengthen public confidence in our safety system. Why, you might ask? Because it's our job to continually identify and act where improvements can be made. That was precisely our intent with these proposed amendments to Ontario's Technical Standards and Safety Act.

So let's just look specifically, because I've got a few minutes left, at what some of these proposed amendments would do. There are a number of things that are covered off.

First, we would require the TSSA to appoint an independent chief safety and risk officer—a darned good idea, don't you think? This position would provide independent advocacy for improving safety and report annually and publicly, in a transparent way, on how the TSSA is meeting its public safety mandate. This officer will also work with the TSSA to bring new safety best practices to the TSSA.

Secondly, we propose to give the Minister of Consumer Services—

*Interjection.*

**Hon. Ted McMeekin:** Yes, it's me; you're right, whoever said that—at the moment, at least. You never know, I've learned, in this place—the power to guide the strategic focus of the TSSA by issuing policy directives: a direct link. If the government wants to get something done, we will have, if this bill is passed, the ability to provide direct policy directives.

Third, we propose to give the Minister of Consumer Services—that's me again; thank you—the power to appoint the chair and vice-chair of the TSSA's board from amongst the directors. That has to do with accountability and the chain of command, right? We have a very strong interest in the effective operation of this board, and we're going to make sure we make that operational. One of the ways we're going to do that—and I don't know if everybody here knows this; I shared it in estimates. One of the things that I've undertaken as the minister is to covenant for quarterly meetings with all the designated administrative authorities. Now, why would we do that? Because learning doesn't start and stop; learning is an ongoing process. If we can gather people around the table who have this sacred trust that I referenced earlier and engage in a process where we can learn from each other, we all come out further ahead, but most importantly, the good people of Ontario come out further ahead. In addition, the board members who are appointed will need to meet certain competency criteria, again established by the minister.

Fourth, we propose to allow the Auditor General to access the TSSA's records, should the auditor choose to conduct an audit. Again, transparency and accountability, straight up.

Fifth, we propose to require the minister and the TSSA to enter into a new memorandum of understanding on the governance of the corporation, one that clearly articulates the roles and responsibility of both the government and the TSSA. That makes sense.

Sixth, and importantly, we propose to allow the Minister of Consumer Services—that's me again, currently—to require performance, governance, accountability or financial reviews of the corporation.

Now, as my honourable colleagues are aware, or should be aware, the panel reported that the building blocks for good public safety are in place. The panel also stated that these building blocks have served the good people of Ontario well. Of the 40 recommendations, as I mentioned, we've acted on most of these, and the two

that we needed to act on additionally are reflected specifically in the legislation which I'm speaking to now.

The panel advised that our government provide the TSSA with clear authority to respond to imminent hazards to public safety and to charge the cost back to the operator. We're moving on that. We've also proposed to provide authority to require propane operators in Ontario to carry insurance as a condition of licensing.

All in all, we really have made an honest, legitimate effort to analyze the situation, to reflect on it with people who know far more than this minister does specifically about it—although I'm learning an awful lot about propane and public safety—and to make amendments that will address the issues that have been identified. When all is said and done, that's what we're here to do, right? As I said, we're here to promote public safety and protect consumers.

We're going to provide authority to require propane operators in Ontario to carry that insurance that I mentioned. Through our proposed amendments the people of Ontario can be confident that we're taking steps in this province to make the province even safer. They can take pride in choosing to live and work in a province that considers technical safety to be of paramount importance.

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

**Mr. John O'Toole:** I did respectfully listen to the Minister of Consumer Services. I know, with all due respect, he did his very best to present his arguments, his case, for the bill.

I should also say, for those people in Ontario who are listening, that the Minister of Small Business and Consumer Services, when this was introduced in May 2009, was Minister Takhar, who is now the Minister of Government Services. So, things change and things somehow remain the same.

To put things in perspective, it's very important always to look to history. We're responsible for listening and learning from history or in fact we're doomed to repeat it. Putting it in a bit of context here, one would ask oneself what took them so long to respond to such a tragedy. That puts a bit of a frame around the argument that I intend to put on the table today.

What do I mean by that? If you look to the history of that, I put a call in to John Tory, our former leader. Mr. Tory was one of the kindest persons who had served in some time. The reason I say that is, he was the first elected person, in context, the people of Ontario should know, without a lot of fanfare—

*Laughter.*

**Mr. John O'Toole:** They are laughing. I won't name them. I won't name. I'm trying to keep this at a level of discourse that's complimentary to the minister's hard work here.

John Tory was at that site, speaking to the bereaved families and not—

*Interjections.*

**Mr. John O'Toole:** No, this is not about taking credit. This is about actions speaking louder than words.

I want to put context around this. It's very important to look at and learn from history. Not to be preaching or teaching, but this is a teachable moment for members here, and we have many.

What I want to say is this: Early one Sunday morning—August 10, 2008—a propane blast at the Sunrise Propane Industrial Gases facility hit the northwest end of Toronto, prompting the evacuation of local residents, and investigation of the incident, under the jurisdiction of the Ontario fire marshal.

I should say, with the greatest respect, last Friday evening I was in this building and I had the pleasure of sitting with the chief of Toronto police, Bill Stewart, as well as the Ontario fire marshal, Pat Burke.

**Interjection:** Mr. Stewart is the fire chief.

**Mr. John O'Toole:** Fire chief. Pardon me.

I would say this: These two gentlemen put their bravery on the line each day. That's not in dispute. Who was missing from the event? We'll leave the people of Ontario to figure it out.

There is no substance in this bill, unfortunately. There's a lot of talk but very, very little action. In fact, anything it does is dumped under the argument of regulation. The action response on this is an indication that they had very little planned. In fact, if you want, I think history—you know, normally I could just move to another motion here, but I like to draft these things. Our member Julia Munro, who is not here, did not know that this bill was going to be called tonight. Ms. Munro, the member from York-Simcoe, would have been here tonight to show respect for an event which cost life. Let's not trivialize this. This is a serious issue on which we want to improve the safety for the people of Ontario.

This explosion—I don't think any minister, in any intentional way, would ever set out to diminish the public safety in Ontario. I think that's unquestionable. But let's put a further little probe into the history. It's important always to learn from these incidents, or they could possibly happen again.

In fact, I'm pleased to say tonight that our member Bob Runciman, the member from Leeds-Grenville, was the minister when this organization came into effect. I commend him. This was Bill 42, if you want the history, and the year was 2000. Much has changed, but in this transfer of propane from truck to truck, I don't think you can legislate these things except by inspections. I think the minister knows that, and he said in his remarks that it had a reinspection a year ago. There were inquiries into this, and I don't want to cast—what are we learning from here?

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** The member from Renfrew.

**Mr. John O'Toole:** The only thing I see in this bill is a lot of talk and very little action. Many of the critics say that this is nothing more than window-dressing. I think bringing this in in the shadows of night sittings, a year or two after the event of the life that was lost, speaks loudly to the disrespect of the event itself. I am so disappointed

that I am going to at this time have to move adjournment of the debate, because it's an inappropriate action in the dark of night.

**The Acting Speaker (Ms. Cheri DiNovo):** The member for Durham has moved adjournment of the debate.

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

All those in favour will please say "aye."

All those opposed, please say "nay."

I believe the nays have it.

We will call in the members. This will be a 30-minute bell.

*The division bells rang from 2123 to 2153.*

**The Acting Speaker (Ms. Cheri DiNovo):** All those in favour will please rise and remain standing until counted by the Clerk.

All those opposed will please rise and remain standing until counted by the Clerk.

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 9; the nays are 32.

**The Acting Speaker (Ms. Cheri DiNovo):** I declare the motion defeated.

**Mrs. Carol Mitchell:** On a point of order, Speaker: I just want to bring my point of order to the floor. It is the season, and we certainly are all getting along very, very well. I wondered if we could just take a few minutes to sing a couple of Christmas carols in recognition of the season—

**The Acting Speaker (Ms. Cheri DiNovo):** As the member well knows, it is not a point of order. Thank you.

Pursuant to the order of the House—

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Order. Quiet.

**Mr. Mike Colle:** Speaker, on a point of order: I have a copy of Christmas carols here we could all sing.

**The Acting Speaker (Ms. Cheri DiNovo):** I would ask the member, first of all, not to use a prop; second of all, to take his seat.

*Interjections.*

**The Acting Speaker (Ms. Cheri DiNovo):** Order. Thank you.

Pursuant to the order of the House dated November 19, 2009, I am now required to put the question.

Mr. McMeekin has moved third reading of Bill 187, An Act to amend the Technical Standards and Safety Act, 2000 and the Safety and Consumer Statutes Administration Act, 1996.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

A five-minute bell will ensue. Call in the members.

I've just received a deferral slip, so Bill 187, An Act to amend the Technical Standards and Safety Act, 2000 and the Safety and Consumer Statutes Administration Act, 1996, will be voted on on December 2, 2009, tomorrow.

*Vote deferred.*

**The Acting Speaker (Ms. Cheri DiNovo):** Orders of the day.

**Hon. Monique M. Smith:** It will bring the member for Northumberland much joy that we have no further business this evening. I move adjournment of the House.

**The Acting Speaker (Ms. Cheri DiNovo):** Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

This House stands adjourned until tomorrow morning at 9 o'clock.

*The House adjourned at 2157.*



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Clerk / Greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman, Tonia Grannum

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Balkissoon, Bas (LIB)	Scarborough–Rouge River	
Barrett, Toby (PC)	Haldimand–Norfolk	
<b>Bartolucci, Hon. / L'hon. Rick (LIB)</b>	Sudbury	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels
<b>Bentley, Hon. / L'hon. Christopher (LIB)</b>	London West / London-Ouest	Attorney General / Procureur général
Berardinetti, Lorenzo (LIB)	Scarborough Southwest / Scarborough-Sud-Ouest	
<b>Best, Hon. / L'hon. Margaret R. (LIB)</b>	Scarborough–Guildwood	Minister of Health Promotion / Ministre de la Promotion de la santé
Bisson, Gilles (NDP)	Timmins–James Bay / Timmins–Baie James	
<b>Bradley, Hon. / L'hon. James J. (LIB)</b>	St. Catharines	Minister of Transportation / Ministre des Transports
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Brown, Michael A. (LIB)	Algoma–Manitoulin	
Brownell, Jim (LIB)	Stormont–Dundas–South Glengarry	
<b>Cansfield, Hon. / L'hon. Donna H. (LIB)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Natural Resources / Ministre des Richesses naturelles
Caplan, David (LIB)	Don Valley East / Don Valley-Est	
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Craitor, Kim (LIB)	Niagara Falls	
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Dhillon, Vic (LIB)	Brampton West / Brampton-Ouest	
Dickson, Joe (LIB)	Ajax–Pickering	
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Dunlop, Garfield (PC)	Simcoe North / Simcoe-Nord	
Elliott, Christine (PC)	Whitby–Oshawa	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle

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Gélinas, France (NDP)	Nickel Belt	
<b>Gerretsen, Hon. / L'hon. John (LIB)</b>	Kingston and the Islands / Kingston et les Îles	Minister of the Environment / Ministre de l'Environnement
<b>Gravelle, Hon. / L'hon. Michael (LIB)</b>	Thunder Bay–Superior North / Thunder Bay–Superior-Nord	Minister of Northern Development, Mines and Forestry / Ministre du Développement du Nord, des Mines et des Forêts
Hampton, Howard (NDP)	Kenora–Rainy River	
Hardeman, Ernie (PC)	Oxford	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
Hillier, Randy (PC)	Lanark–Frontenac–Lennox and Addington	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Recognized Party / Chef de parti reconnu Leader, New Democratic Party of Ontario / Chef du Nouveau parti démocratique de l'Ontario
Hoskins, Eric (LIB)	St. Paul's	
Hoy, Pat (LIB)	Chatham–Kent–Essex	
Hudak, Tim (PC)	Niagara West–Glanbrook / Niagara- Ouest–Glanbrook	Leader, Official Opposition / Chef de l'opposition officielle Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
Jaczek, Helena (LIB)	Oak Ridges–Markham	
Jeffrey, Linda (LIB)	Brampton–Springdale	
Johnson, Rick (LIB)	Haliburton–Kawartha Lakes–Brock	
Jones, Sylvia (PC)	Dufferin–Caledon	
Klees, Frank (PC)	Newmarket–Aurora	
Kormos, Peter (NDP)	Welland	Third Party House Leader / Leader parlementaire de parti reconnu
Kular, Kuldip (LIB)	Bramalea–Gore–Malton	
Kwinter, Monte (LIB)	York Centre / York-Centre	
Lalonde, Jean-Marc (LIB)	Glengarry–Prescott–Russell	
Leal, Jeff (LIB)	Peterborough	
Levac, Dave (LIB)	Brant	
MacLeod, Lisa (PC)	Nepean–Carleton	
Mangat, Amrit (LIB)	Mississauga–Brampton South / Mississauga–Brampton-Sud	
Marchese, Rosario (NDP)	Trinity–Spadina	
Martiniuk, Gerry (PC)	Cambridge	
<b>Matthews, Hon. / L'hon. Deborah (LIB)</b>	London North Centre / London- Centre-Nord	Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
Mauro, Bill (LIB)	Thunder Bay–Atikokan	
<b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
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<b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Vanier	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	
Miller, Paul (NDP)	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	
<b>Milloy, Hon. / L'hon. John (LIB)</b>	Kitchener Centre / Kitchener-Centre	Minister of Research and Innovation / Ministre de la Recherche et de l'Innovation Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Mitchell, Carol (LIB)	Huron–Bruce	
Moridi, Reza (LIB)	Richmond Hill	
<b>Munro, Julia (PC)</b>	York–Simcoe	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du Comité plénier de l'Assemblée législative

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
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Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
O'Toole, John (PC)	Durham	
Oraziotti, David (LIB)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	
Pendergast, Leeanna (LIB)	Kitchener–Conestoga	
<b>Peters, Hon. / L'hon. Steve (LIB)</b>	Elgin–Middlesex–London	Speaker / Président de l'Assemblée législative
<b>Phillips, Hon. / L'hon. Gerry (LIB)</b>	Scarborough–Agincourt	Chair of Cabinet / Président du Conseil des ministres Minister of Energy and Infrastructure / Ministre de l'Énergie et de l'Infrastructure
Prue, Michael (NDP)	Beaches–East York	
<b>Pupatello, Hon. / L'hon. Sandra (LIB)</b>	Windsor West / Windsor-Ouest	Minister of Economic Development and Trade / Ministre du Développement économique et du Commerce
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Ramal, Khalil (LIB)	London–Fanshawe	
Ramsay, David (LIB)	Timiskaming–Cochrane	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
Runciman, Robert W. (PC)	Leeds–Grenville	Opposition House Leader / Leader parlementaire de l'opposition officielle
Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
Smitherman, George (LIB)	Toronto Centre / Toronto-Centre	
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Sousa, Charles (LIB)	Mississauga South / Mississauga-Sud	
Sterling, Norman W. (PC)	Carleton–Mississippi Mills	
Tabuns, Peter (NDP)	Toronto–Danforth	Deputy Third Party House Leader / Leader parlementaire adjoint de parti reconnu
<b>Takhar, Hon. / L'hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Government Services / Ministre des Services gouvernementaux
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Kevin Daniel Flynn, France Gélinas  
Helena Jaczek, Sylvia Jones  
Jeff Leal, Liz Sandals  
Maria Van Bommel  
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## CONTENTS / TABLE DES MATIÈRES

Tuesday 1 December 2009 / Mardi 1<sup>er</sup> décembre 2009

### ORDERS OF THE DAY / ORDRE DU JOUR

#### Time allocation

Vote deferred ..... 8967

#### Time allocation

Hon. Rick Bartolucci ..... 8967

Mr. John O'Toole ..... 8968

Mr. Michael Prue ..... 8971

Mr. Monte Kwinter ..... 8972

#### Committee sittings

Hon. Monique M. Smith ..... 8973

The Acting Speaker (Ms. Cheri DiNovo) ..... 8973

Mr. Robert W. Runciman ..... 8973

Mr. Gilles Bisson ..... 8974

Mr. John O'Toole ..... 8974

Mr. Michael Prue ..... 8975

Mr. Wayne Arthurs ..... 8975

#### Time allocation (continued)

Mr. Jim Wilson ..... 8975

Vote deferred ..... 8976

#### Technical Standards and Safety Statute Law

**Amendment Act, 2009, Bill 187, Mr. McMeekin /  
Loi de 2009 modifiant des lois en ce qui a trait aux  
normes techniques et à la sécurité, projet de loi  
187, M. McMeekin**

Hon. Ted McMeekin ..... 8976

Mr. John O'Toole ..... 8979

Vote deferred ..... 8980