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Monday 17 May 2010

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Lundi 17 mai 2010

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 17 May 2010

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 17 mai 2010

The House met at 1030.

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

Prayers.

INTRODUCTION OF VISITORS

Mr. Bruce Crozier: I would like members of the Legislature to join me, along with page Michelle Lutsch, in welcoming her mother, Pauline; her father, Mike; and her aunt Grace McCann, sitting in the east members' gallery.

Ms. Cheri DiNovo: I want to introduce the family of page Tristen Groves: mother, Victoria Lavine-Groves, and family friend Alon Blumberger. They're here for the day.

I also want to introduce a whole group of trans-activists, here for anti-homophobia day and to support Toby's Act, from the Registered Nurses' Association of Ontario, CUPE, the Canadian Federation of Students, CUPW, Trans Health, the Trans PULSE Project, Egale, Rainbow Health and many others. They will be arriving as we continue.

Ms. Helena Jaczek: Joining us today are people from the York Region Children's Aid Society—from the board, Denise Bilsland; Rev. M.J. Perry; Avanthi Goddard; Sophia Wong; Ginger Beard-Martin; Patrick Lake, executive director; and Jennifer Grant.

Hon. Monique M. Smith: I'd like to welcome Mary Beth Caliciuri and her son Anthony. Many will remember that Anthony was a page here not that long ago. He's obviously missing the place, and we're happy to have him back.

Mr. Randy Hillier: I'd like to welcome to the House today Suzanne Geoffrion and Sylvie Powell from the Lanark children's aid society, who have been here today.

Mr. Glen R. Murray: I would like to welcome to the Legislature today the Rainbow Health Network, who are here to support and celebrate International Day Against Homophobia and Transphobia—Georgina Bencsik; Swami Bodhidharma; Susan Gapka, whom I'd like to recognize for her outstanding leadership; Martine Stonehouse; Jake Pyne; Nicole Nussbaum; and Stefonknee Wolscht.

I'd also like to recognize, in the gallery, Ronald Lwabaayi and Todd Ross from Africans in Partnership Against Aids, who are fighting homophobia in Uganda.

Hon. John Gerretsen: I'd like to welcome, from the Kingston children's aid society, Ray Muldoon, the executive director; Brian Devlin, the president or chair of the board; and another board member, Yvonne Cooper.

Mr. Steve Clark: I am pleased to introduce, from Family and Children's Services of Leeds and Grenville, Bob Pickens and Tim Blake. Welcome to the Legislature.

Mr. Yasir Naqvi: I'm really pleased to introduce the family of my good friend Susanne Sviergula. Please welcome Carolann Perron, Janel Perron and Zach Perron. Welcome to Queen's Park.

Hon. Dwight Duncan: I'm pleased to welcome Nick Dzudz from Windsor, former president of the CAW, GM local, particularly appropriate today, the day the company has returned to profitability. Welcome.

Mr. Ernie Hardeman: I would like to welcome Chris Friesen, the president of the Oxford children's aid society, and Bruce Burbank, who is the executive director of the Oxford children's aid society. They're here again to celebrate with us today.

Mr. Mike Colle: I have the delegation from the Ontario Association of Police Services Boards. With us today we have Henry Jensen, Kevin Eccles, Bob Maich, Doug Martin, Mike Fenchak, Don Smith, George Braithwaite, Nick Dzudz, Rayudu Koka, Bill Clancey, Sue Petkovsek, Kathy Wallace, Fred Kaustinen and Alok Mukherjee.

Mr. Charles Sousa: I'd like to introduce, in the members' east gallery, two individuals who participated in Full Circle to help children in our community participate in the Mississauga Waterfront Festival. Please welcome to the Legislative Assembly Bill Mahood and Robbie Moyles. Welcome to the Legislature.

Mrs. Joyce Savoline: I would like to introduce, in the west members' gallery, the friends and family of our page from Burlington, Dylan Thompson: his mom, Lisa-Marie Pharand; Carol-Anne Aulenbeck and James Kubik, his grandparents; and James Hanian, a family friend.

Hon. Carol Mitchell: It's my pleasure to introduce Carolynne Griffith, the chair of Egg Farmers of Ontario; Bill Emmott, the chair of Dairy Farmers of Ontario; Amy Cronin and Teresa Van Raay, directors of Ontario Pork; Brian Gilroy, chair of the Ontario Fruit and Vegetable Growers' Association; and Murray Opsteen and Henry Zantingh, directors from Chicken Farmers of Ontario.

I want to encourage all members to come out to the farmers' market from 12 to 2 for good food that is grown in Ontario. They're not with us, but they will be with us shortly. Welcome, everyone.

Mr. Bruce Crozier: I'd like to introduce guests who are from the Windsor-Essex Children's Aid Society: Bill Bevan, the executive director; Jamie Henderson, a board member of the agency; and Tina Gatt, manager of public relations, or PR, and prevention.

Hon. Laurel C. Broten: It's my pleasure to acknowledge the leadership of the Ontario Association of Children's Aid Societies, who have joined us here today, and the many CASs who have joined us. You might have noticed a theme in the introductions of CASs today. It is the OACAS lobby day, and we're very pleased that they're here.

Ms. Sylvia Jones: From my riding, and representing children's aid societies—Peel CAS—the executive director, Paul Zarnke; and from Dufferin Child and Family Services, it's my pleasure to welcome Trish Keachie.

Mr. Bruce Crozier: I'd like to introduce a good friend and a great community volunteer in the name of Mike Fenchak, who's here from the Lakeshore police services board.

Hon. Linda Jeffrey: I'd like to welcome members of the Ontario Biodiversity Council, who released their first state of Ontario's biodiversity report this morning with me. Joining us today in Queen's Park is Jon Grant, the chair; Julie Cayley, from Ducks Unlimited Canada; Dan Kraus, from the Nature Conservancy of Canada; Mark Stabb, from the Nature Conservancy of Canada; Steve Hounsell, of Ontario Power Generation; Terry Rees, from the Federation of Ontario Cottagers' Association; Don Pearson, of Conservation Ontario; and Don McCabe, of the Ontario Federation of Agriculture.

1040

Mr. Ernie Hardeman: I would like to introduce Joe Varner, who is the partner of my seatmate, Lisa MacLeod. I'd like to welcome him to Queen's Park today.

Hon. Christopher Bentley: On behalf of my London colleagues, I welcome Jane Fitzgerald and the London children's aid society to Queen's Park.

Also, on behalf of the Minister of Community Safety and Correctional Services, I acknowledge the presence today of the Ontario Association of Police Services Boards.

Mr. Frank Klees: I want to extend a special invitation to M.J. Perry, from York region, who sits on the York Region Children's Aid Society board. I'll be meeting with her and representatives later on. We thank them for the good work they do, and we hope that the government hears them loudly and clearly today.

M^{me} France Gélinas: Il me fait plaisir de présenter M^{me} Colette Prévost de la société d'aide à l'enfance de Sudbury—the children's aid society, where she's the executive director—as well as Ashley Thomson. Welcome to Queen's Park.

The Speaker (Hon. Steve Peters): I'd like to take this opportunity, on behalf of the member from Guelph and page Rhett Figliuzzi, to welcome his mother, Cheryl Figliuzzi, in the gallery today. Welcome to Queen's Park.

Seated in the Speaker's gallery from Family and Children's Services of St. Thomas and Elgin County, I'd like

to welcome Executive Director Rod Potgieter, board of directors Vice-President Jeff Addley, board of directors member Cheryl Fish and director of services Dawn Flegel. Welcome to Queen's Park.

DISCLOSURE OF CONFIDENTIAL INFORMATION

Mr. Peter Kormos: On a point of privilege, Mr. Speaker.

The Speaker (Hon. Steve Peters): I thank the member from Welland. He provided me with proper notice.

The member from Welland.

Mr. Peter Kormos: Amongst other things, I'm going to be referring to a number of news clippings. If a page would come and take these to the table, we'll know we're all reading from the same book. Thank you kindly.

Speaker, with great hesitation, I rise on this point of privilege, because I very strongly believe that we have been witness to acts and conduct that constitute contempt of Parliament by the government and by its House leader. These relate to numerous statements attributed to the government and to the government House leader in a number of press articles—I'm speaking at this point only to the printed press; I can't speak to electronic media, because I simply haven't researched that yet.

We start with May 15, a Canadian Press article coming out of Collingwood. Of course, it's around the issue of the tripartite ad hoc committee of this Parliament that was charged with the selection of an Ombudsman, the term of office of the current Ombudsman having expired.

I refer to the very final paragraphs of that Canadian Press article: "But the panel charged with hiring an Ombudsman was unable to reach a consensus, and a new committee will have to be formed, said government House leader Monique Smith."

Further, "About 50 people applied for the job, but most were unsuitable for the job and only four people were interviewed, the government said."

I turn to the item by Command News dated Sunday, May 16. There, toward the end of that article, "The Ombudsman committee couldn't agree on whom to hire, which means the process must start again with a new panel, said government House leader Monique Smith.

"About 50 people applied for the job, but most were deemed unsuitable and only four candidates were interviewed, including Marin, according to government officials."

"Smith said she's asked Speaker Steve Peters to form a new committee and post the job again."

Now, these are direct quotes: "My understanding was that our first posting was only in one newspaper and it was only about a week of time," she said.

"So I've asked that we post it more broadly and for a more extended period of time to allow for more interest."

Ottawa Citizen article, May 14, 2010, by Lee Greenberg, referring to Marin:

"Government insiders are sniping at Marin's financial management of his office, noting particularly the decision to relocate from one downtown Toronto address to another.

"The move involved extensive renovations, one Liberal said. The Liberals also suggest Marin is claiming frequent travel to his Ottawa home as a work expense."

I simply want to put those in the context of my point of privilege. These are scurrilous, malicious and, with all due respect, slanderous, and they are not unattributed statements; they are attributed to "one Liberal said" and government insiders.

Further in that same Ottawa Citizen article:

"Despite Marin's expectations to be considered for the job, government House leader Monique Smith told the Citizen she asked Speaker Steve Peters to strike another panel and begin a new search for candidates.

"The Speaker wrote to us and told us that the panel didn't come to a conclusion so I suggested he convene a new panel and post the job again," Smith said.

"There may be different candidates that bring different things to the table."

Ottawa Citizen again, Greenberg writing on May 15, 2010, repeating the same two comments:

"Government insiders are sniping at Marin's financial management of his office, noting particularly the decision to relocate from one downtown Toronto address to another.

"The move involved extensive renovations, one Liberal said. The Liberals also suggest Marin is claiming frequent travel to his Ottawa home as a work expense."

May 15, 2010, Toronto Star—and again, this is obviously utilizing the Canadian Press story that I referred to earlier:

"But the panel charged with hiring an Ombudsman was unable to reach a consensus, and a new committee will have to be formed, said government house leader Monique Smith....

"About 50 people applied for the job, but most were unsuitable for the job and only four people were interviewed, the government said."

The Globe and Mail, Sunday, May 16, by Maria Babage for the Canadian Press: "And now there are reports of Liberal grumblings about Marin's expenses, including complaints that he's claiming frequent travel to his Ottawa home and made extensive renovations to his new office."

I say to you that these are scurrilous, malicious and slanderous comments.

Further, the final paragraph of that article as published: "About 50 people applied for the job, but most were unsuitable for the job and only four people were interviewed, the government said."

Finally, the Globe and Mail, May 16, 2010, Karen Howlett, halfway through the article titled "Search Continues for Next Ontario Ombudsman":

"Liberal House leader Monique Smith said in an interview on Sunday that she had heard anecdotally that individuals who wanted to apply for the job did not realize

it had been posted until after the deadline for applications. The job was advertised in only one newspaper for one or two days, she said. Ms. Smith plans to ask Speaker Steve Peters to appoint a new search committee and to instruct the committee to advertise the job opening more broadly.

"According to the unnamed government official, about 50 people applied for the job in the first round but only four were interviewed, including Mr. Marin. Another was former Liberal MP Susan Whelan, but Ms. Smith denied that she was the Liberals' choice for Ombudsman."

Those are the media references that I rely upon.

There are two issues here. One is with respect to in camera proceedings. The literature and the reference material is rife with commentary on this. I refer to Parliamentary Privilege in Canada, second edition, Maingot, page 249. "Unlike secret sessions, the purpose of which is to keep matters secret, in camera proceedings are held to enable members to feel free to discuss and deliberate, and particularly to enable them to reach a decision by means of compromise without the glare of publicity and, unless it is alleged that a particular person gave the in camera proceedings to the press or some other misconduct is alleged specifically, a Speaker will be reluctant to find a *prima facie* case of privilege."

1050

Well, sir, I am alleging that the contents of an in camera process were given to the press. I believe that that record is apparent.

I go back to Bourinot, and I'm referring to the third edition, published 1903, page 153: "It is an old order of Parliament 'that the evidence taken by any select committee of this House, and the documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of that committee or by any other person."

I appreciate that the reference there, like the reference in O'Brien and Bosc, is to select committees, but the broader rule and the reason why we're referring to select committees as compared to standing committees is for the obvious reason that standing committees are in and of themselves inherently public but for the rare time when the standing orders provide for in camera portions.

The hiring or the selection committee, in my respectful submission to you, sir, although not designed by the standing orders, was a committee of this House, a committee of this Parliament, to which all three caucuses, all three House leaders, all three party leaders agreed. It deserves the same protection as any other committee. It wasn't functioning in a partisan way; it was designed to function in a non-partisan way. That was the agreement. The agreement at the onset of the hearings, and Speaker, of course you were present at those, was that the subject matter of those proceedings would be confidential. There was some question about whether they were privileged at law and could people be subpoenaed to testify as to what happened in that committee, and there was a suggestion that should there be civil litigation flowing out of the

process, those members might well not be able to claim privilege, but we committed ourselves to confidentiality.

Erskine May, page 139, the 23rd edition: “As early as the mid-seventeenth century, it was declared to be against the custom of Parliament for any act done at a committee to be divulged before it being reported to the House. Subsequently, though the House of Commons found it increasingly difficult to enforce effectively its rules against the disclosure abroad of proceedings in the chamber, the privacy of committee proceedings and the prior right of the House itself to a committee’s conclusions was upheld, and punishment was inflicted on a newspaper proprietor who published the contents of a draft report laid before a select committee but not considered by it or presented to the House.”

Finally, in O’Brien and Bosc, and this is a very—look, I’m not suggesting that, should there be a finding of contempt here, anybody be sent to the Tower.

Ms. Sylvia Jones: It’s tempting.

Mr. Peter Kormos: Well, some of the older reference books make frequent reference to people being committed to the Tower until they’re kneeling at the bar of Parliament, submitting their apologies. I’m not suggesting that.

As a matter of fact, this is an interesting observation in O’Brien and Bosc, page 87: “The reluctance to invoke the House’s authority to reprimand or admonish anyone found to have trampled its dignity or authority and that of its members appears to have become a near constant feature of the Canadian approach to privilege.” Here’s where an ellipsis would be appropriate. Later in that paragraph: “In the 1987 Parry case where the member divulged the result of an in camera vote, the Standing Committee on Elections, Privilege and Procedure also did not recommend punishment, and the member’s apology to the House put an end to the matter.”

I cite that because, again, it’s clear that that conduct doesn’t necessarily—doesn’t necessarily—compel punishment. But it’s equally clear from the reference to the Parry case in Ottawa that it is a breach of privilege and it is a contempt of Parliament.

That’s dealing with the disclosure, I put to you, of the subject matter and process in that confidential ad hoc committee, which, in my respectful submission, for the purpose of determining privilege has the same status as a select committee referred to. Indeed, the older literature simply refers to any committee of a Parliament, and that was a committee of the Parliament; I don’t think there can be any dispute about that.

O’Brien and Bosc, in listing on page 84 those things that will constitute a contempt, include “divulging or publishing the content of any report or evidence of a select committee before it has been reported to the House.”

I then go to what I have identified in my submission as scurrilous, malicious slanders against Mr. Marin. Referring once again to Maingot, page 250, “There are actions that, while not directly in a physical way obstructing the House of Commons or the member, nevertheless obstruct

the House in the performance of its functions by diminishing the respect due it.” Mr. Marin is an officer of this assembly, as are you, sir, as is the Clerk, along with several other positions. A slander, I put to you, of an officer of this assembly has specifically the result of diminishing the respect due to this Parliament—even more regrettably, a slanderous statement where the subject matter of that, an esteemed officer of this assembly, is not given an opportunity to respond.

In fact, Maingot finds that “Contempt is whatever a House finds as contempt”—page 229; we’ve reviewed this before: “Another category relates to matters of contempt that are not a breach of any enumerated right. Because the House of Commons has the penal right of the old high court of Parliament, it has the right to find a person in contempt for ‘disrespect to that which is entitled to legal regard.’ And, like contempt of court, ‘it is so manifold in its aspects that it is difficult to lay down any exact definition of the offence.’”

It goes on and refers to things being treated as a contempt, even though there is no precedent for the offence. I again refer you to O’Brien and Bosc, page 82. “Privilege Versus Contempt” is the subheading: “The House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions, obstructs or impedes any member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its members, or its officers.” Mr. Marin is an officer of this Assembly and he has been the victim of a libel, I say to you.

I note, in reference to declining to ask the Speaker or the chamber to send anybody to the Tower, Bourinot. Again in that 1903 third edition that I referred to earlier, “A contempt of the privileges of the House will be punished according to its character”—page 158. “In some cases the House will not deem it necessary to proceed beyond an admonition or a reprimand, but occasions may arise hereafter, as in the past, when it will be found necessary to resort to the extreme measure of imprisonment.” So this is a very serious matter.

We had a confidential selection process that was consistent with good human resources practices—best practices, if you will. All three caucuses were represented on that committee. When decisions were made, they were only made as a result of unanimity. For the government House leader to criticize that committee’s decision, for instance, about advertising an open position, when her own member, who was a delegate of her leader, was speaking for her leader and her caucus at that committee and acquiesced to that, I find disingenuous. For the government House leader to regrettably divulge information that was to be kept confidential and had been kept confidential—and I’m well aware of your letter. I received your letter. I received Ms. Smith’s letter of May 14 and I trust that by now you’ve received my letter of May 14. This is with respect to where the select committee goes

next. I will not divulge the contents of those letters. They've either been read by you or they're in your mailboxes.

1100

I just find this an extremely troubling thing, when a process like this—it has to be kept pristine. We're hiring an officer of the assembly. We've made great progress in the last 15 years in ensuring that officers of the assembly have the support of all three caucuses. We've aspired towards unanimity to depoliticize that position, as it must be.

I regret, sir, that—it's my view—some of the indiscretions and comments that have been published, comments by Ms. Smith or by the government, Liberal insiders, government insiders, identified as such and who obviously identified themselves as such, detract from that process and, again, very much politicize it. I also regret that in the course of doing that, an esteemed officer of this assembly has been libelled, slandered. The sad thing about libel and slander is that all the apologies in the world, all the corrections in the world, even should one choose to litigate all of the awards in the world, never take away that blemish, that scarlet letter that is wrongly attached to that victim of slander and libel.

I leave this in your hands, sir. I don't want to belabour the point any further. I appreciate your patience in a serious matter that I believe has to be approached in a very serious way by all of us here in this assembly.

The Speaker (Hon. Steve Peters): The member for Renfrew–Nipissing–Pembroke on the same point of privilege.

Mr. John Yakabuski: I rise in support of my colleague from Welland in his registering of this point of privilege here in the Legislature today.

While I don't need to go through all of the media reports, I share and agree with him that everything he has stated in those are written in this package that I have as well. It began with a story written by Adam Radwanski on Friday, in which the contents of your letter to House leaders was divulged. The result of that, predictably, was a frenzied attempt on the part of the media to get to the bottom of this issue, which proceeded to continue through the weekend.

This issue of a point of privilege seems to be a habit that has developed on the part of this government, a habit of obstruction and arrogance and cynicism that has emerged. Earlier in this session you found a prima facie breach of privilege in the obstruction of the PC caucus on their way to the Legislature to listen to the budget presentation. Hearings into this case will once again take place this Wednesday. While members of the government scoff at the hearings, the significance of such a decision has not been lost on the members on this side of the House.

Only 15 times in the history of this province has a Speaker found a prima facie case of breach of privilege, and your order on the budget day obstruction was that number—15. Additionally, you ordered a standing committee to look into the alleged breach of privilege when the government broke its own law when it cancelled a

review of the unelected and unaccountable LHINs. Now the member from Welland presents a case supported by House of Commons Procedure and Practice, second edition, page 83, referring to a contempt of Parliament.

What the government has done offends at least two identifiable cases of contempt. The first is interfering with or obstructing a person who is carrying out a lawful order of the House. As a legislative officer, the Ombudsman is doing exactly that. The attempt on the part of this government, through unidentified spokespersons or unidentified insiders, as they're quoted as identifying themselves—clearly they cannot hide behind that. Every member on the opposite side of this House knows that no one there so much as blows their nose without the consent of the Premier's office, and if Liberal insiders are giving quotes to the newspapers on matters as sensitive as the appointment, the reappointment or the process involving the appointment of the Ombudsman, you know they have the blessing of the power in the Premier's office. And then the Premier stands and defends the Ombudsman and says lovely things—well, we know that you have to be taken for your actions, not your words.

What has happened through the course of the weekend: divulging the process, talking about the numbers of people who are interviewed, the advertisement process—and my friend talked about that. The advertisement for persons to apply to be the Ombudsman was agreed upon by the committee. That would be the process. The government appointee on that committee agreed to that. It would be a fair assumption that if 50 people applied for that position and the committee was able to narrow that down, then that process probably was sufficient. What would lead anyone to believe that a new process would produce any different results? We all know what Freud said about continuing to do the same thing over and over again and expecting different results.

Hon. John Milloy: Einstein.

Mr. John Yakabuski: Thank you for the correction. Yakabuski said it, too.

Anyway, this is clearly an attempt to indicate that there were flaws in the process, when the flaw is in the way that the government has treated the process, the way that they have disrespected the process and disrespected the members of that committee. By implying that restarting that process, and doing so in public, would somehow produce better candidates for the job—everyone in this province who wants to be the Ombudsman was well aware of the time of the expiration of his term and well aware that the government was putting out feelers looking for new candidates. Back in February, the Premier was on record in the press as having said, "We're looking for new officers," and indicating that he didn't think it was a good idea to be reappointing people to subsequent terms.

Hon. James J. Bradley: Not automatically.

Mr. John Yakabuski: Automatically—well.

The Premier already laid the groundwork for what the government is trying to do with respect to the Ombudsman. To then send out spokespeople to besmirch and

sully the reputation of an officer of this Legislature still acting as that officer—I think it is, quite frankly, unprecedented for the government to publicly try to harm his reputation, indicating, for example, that he was using his office to expense trips back home to Ottawa when in fact it's the Ombudsman Act that allows him to do just that, just as members of this Legislature are allowed to expense their trips home when they go back and forth to their ridings. Why you would do those kinds of things unless you're deliberately trying to harm the person—and that, I believe, not only insults in the most egregious way the Ombudsman, but it insults every member of this Legislature, as well.

So I agree with the member from Welland and his point of privilege, and we are looking forward to your ruling on this, Mr. Speaker.

The Speaker (Hon. Steve Peters): Government House leader?

Hon. Monique M. Smith: Thank you, Mr. Speaker. I don't want to take up too much time. I simply wanted to say that I received a copy of the letter from the member from Welland regarding his point of privilege today at 10:15, and therefore did not have great opportunity to prepare for this point of privilege, so I look forward to providing you with written submissions in due course.

With respect to the process, I think it has been very clearly outlined. It is not set out in the Ombudsman Act what the process is for reappointment; simply that the Ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the assembly. We have set up a process through this Legislature, as you have as the Speaker, convening a panel of all three parties to review applicants and to make a recommendation.

1110

As you've noted in your letter to all of the House leaders on May 5, 2010, "A selection panel was named and charged with the recruitment"—

Mr. Peter Kormos: On a point of order, Mr. Speaker.

The Speaker (Hon. Steve Peters): No. I'll come back to the honourable member from Welland. I'd like to hear—

Interjection.

The Speaker (Hon. Steve Peters): No, I'm going to let her continue.

Hon. Monique M. Smith: In the letter, Mr. Speaker, you advised that a consensus had not been reached by the selection panel. I would note for the member from Welland that the process was discussed in various media reports dating back to February 2004, including an article by Maria Babbage on February 24, 2010, where it was noted, "But it was Kormos's complaints over Cavoukian's reappointment that prompted a return to the competitive process that's been in place for years, said government House leader Monique Smith, who put the wheels in motion last week."

The member for Welland has, on numerous occasions, commented on the need for a process, a public process, an open process, and in fact, is quoted extensively in the media about this, particularly on May 27, 2009, when he

discussed his concern around the appointment of the privacy commissioner.

I would also note an op ed piece provided by the leader of the third party, his leader Andrea Horwath, on March 8, 2010, in the Toronto Star. She outlined, and this is the title, "How to Hire an Ombudsman." In the process of her article, she said, "Let's be clear. New Democrats have consistently called for an open competition for the appointment of officers of the Legislative Assembly, such as the Ombudsman and the environment commissioner, among others. Furthermore, as 'officers of the assembly,' these office-holders must have all-party support."

She goes on to say, "At the time of the privacy commissioner's reappointment, New Democrats raised concerns about the lack of transparency. A perusal through the record of debate at Queen's Park shows we aren't the only ones uncomfortable."

Then she goes on to say what she sees as the process. First, "the Ombudsman term should be fixed at 10 years.... instead of the current five.

"Second, there should be no reappointment. Once the 10 years are up"—and, "Third, the incumbent Ombudsman should automatically keep the job until the successor is" named.

There's been much discussion in the public domain about the appointment process. As early as February 24, we noted that an all-party committee was going to be named and convened, and the advertisement was posted.

With respect to my comments about how long the advertisement was posted, it's in the public record how long it was posted. You can check the papers for how long it was posted and how long the process was allowed to run. My comments were in no way, Mr. Speaker, a criticism of the committee or of your ability to run this process. I was simply indicating that I thought perhaps a longer process should be run in the second running of this competition.

With respect to the comments that the member for Welland has made with respect to contempt, I will address those in my written submissions. I do not believe that they are in any way relevant to this discussion of contempt of the Legislature. I believe that the member for Welland has taken the opportunity to go on at some length about things that he wanted to speak about in this Legislature but that are not relevant to the point of contempt or the point of privilege.

I would note, Mr. Speaker, that I did, in fact, send you a letter last week, advising that I felt there should be a new panel created, made up of appointments of all parties of the House, as we have in the past. I also noted that I suggested that the posting be made more broadly and for a longer period of time.

I take exception to the member for Welland indicating in his submissions this morning that I instructed you in any way. In fact, the quote was from the newspaper, that I had asked you, the Speaker, to appoint a new search committee and to instruct the committee to advise. In fact, I don't think in my letter I even asked you to instruct. That was perhaps some licence by the author of

the article, but I certainly in no way would ever assume to instruct you in your duties as Speaker.

We have followed an open and transparent process in this appointment. We continue to do so. There is no contempt of Parliament, nor is there a point of privilege that's been violated in this case. We continue to work in an open and transparent way.

I just want to end by saying that I am relieved to know that the member for Welland will not be seeking that I go to the gallows should a contempt be found.

The Speaker (Hon. Steve Peters): The member from Welland.

Mr. Peter Kormos: I have no quarrel with the government House leader filing or tabling written arguments, but I would ask that we, the opposition House leaders, receive copies of them, and I would ask also that the Speaker consider giving us an opportunity to respond to them, should we deem it necessary.

Hon. Monique M. Smith: I would ask that we receive a written submission from the member from Welland on his point of privilege this morning, as well as have an opportunity to respond to any further submissions that he makes.

The Speaker (Hon. Steve Peters): I'd like to take this opportunity to thank the member from Welland, the member from Renfrew–Nipissing–Pembroke and the government House leader for their comments on this issue. I do welcome submissions from individuals to assist me in my deliberations, and I will reserve judgment at this time.

It is now time for oral questions.

ORAL QUESTIONS

GOVERNMENT APPOINTMENTS

Ms. Lisa MacLeod: My question is to the Acting Premier. Working Families is an American-style campaign organization set up for the sole purpose of stopping the Ontario PCs from forming government. They ran attack ads against PC candidates in each of the past two election campaigns. The front man of the Working Families Coalition is Patrick Dillon, whom Dalton McGuinty wants to appoint to the College of Trades Appointments Council tomorrow. Is the appointment a reward for helping the Liberals win the 2007 election campaign?

The Speaker (Hon. Steve Peters): I remind the honourable member of impugning motive, and would ask her to withdraw that comment, please.

Ms. Lisa MacLeod: Withdrawn.

The Speaker (Hon. Steve Peters): Acting Premier.

Hon. Dwight Duncan: To the Minister of Colleges, Training and Universities.

Hon. John Milloy: I'm very proud to stand in this House and talk about the government's initiative in putting forward a college of trades, a first of its kind in the world.

It's passing strange: The opposition are the ones who have been raising concerns about the apprenticeship system here in the province of Ontario. Our response was to ask a noted expert, Mr. Tim Armstrong, to look into the apprenticeship system, and he came forward with the proposal for a college of trades, an opportunity for everyone involved in the apprenticeship system to gather and to look at many of the issues that are facing the province.

We are taking the first steps, through an appointments council, which will form the basis of the college of trades, and the member is a member of the—

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

Ms. Lisa MacLeod: To the Acting Premier: Tomorrow morning, the government agencies committee meets to consider whether Patrick Dillon should be given his newest appointment, but it's going to be hard to figure out how he will find the time, given that since the last election Dalton McGuinty has appointed Dillon to the board of Infrastructure Ontario and to the Workplace Safety and Insurance Board. Dillon gets \$550 a day for his appointment to the Infrastructure Ontario board and \$225 a day for his appointment to WSIB. How much more will Ontario families be forced to pay for this latest plum appointment of your Liberal attack dog?

Hon. John Milloy: The legislation establishing the college of trades has put together a council of nine individuals to do the preliminary work. I am very proud of the representatives on this council, who come from all aspects of the Ontario apprenticeship and training system. We have individuals who are involved in youth apprenticeship, people from the community college sector, people from the private sector. Yes, we have nominated Pat Dillon, who represents an important part of the apprenticeship training sector in this province.

The union and employer-union training sector punches far above its weight in terms of the amount of apprenticeship training that goes on, and we feel it is important to have their voice at the table when we talk about issues facing apprentices.

Since we've come to power, we have doubled the number of apprentices in the province of Ontario, from 60,000—

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

Ms. Lisa MacLeod: Back to the Acting Premier: Let's talk about Patrick Dillon. His experience on the WSIB hardly qualifies him for an appointment. Dillon signed off on hospitality, limousines and a GPS expense for former Liberal cabinet minister and current WSIB chair Steve Mahoney, but this is nothing compared to Dillon and Working Families spending \$7 million on anti-PC attack ads that effectively doubled the Liberal Party's ad purchase in the last two elections.

Why is Dalton McGuinty pushing for someone who breaks Ontario's election laws to have even more influence in their government?

1120

Hon. John Milloy: Expert after expert has told us that one of the greatest challenges facing Ontario is replacing the supply of skilled labourers. We took the initiative, the first jurisdiction in the country, to establish the college of trades. The college of trades is to be a clearing house where all voices will be heard. One of those important voices is unionized labour, which is responsible for a great deal of the apprenticeship training that goes on in the province of Ontario.

I make no apologies that we have a representative from the unionized sector who can talk about the experience there, who can talk about their successes and can meet with people from other sectors of the economy to talk about how we can have the strongest apprenticeship system in the country and how we can address the skills shortage that will be facing Ontario in the years to come.

GOVERNMENT APPOINTMENTS

Ms. Lisa MacLeod: Maybe the fourth time is the charm. To the Acting Premier: Dillon and Working Families have seen the inside of the Premier's office and those of senior McGuinty Liberal cabinet ministers. In June 2007, mere months before the provincial election, Dillon met with former Liberal campaign chair and finance minister Greg Sorbara in his ministerial boardroom. No notes were taken at the meeting, but weeks later, Dillon and Working Families released anti-PC attack ads that helped the Liberal election campaign.

Will you come clean and tell Ontario families and this House what was discussed at that meeting?

Hon. Dwight Duncan: Members of the cabinet meet routinely with leaders of the union movement and leaders of the business community.

Hon. James J. Bradley: Paul Godfrey.

Hon. Dwight Duncan: For instance, my colleague reminds me, I had the good opportunity to appoint Paul Godfrey as the head of Ontario Lottery and Gaming, a very prominent Conservative. He is serving the province of Ontario very well.

Mr. Dillon serves the province very well. He is the elected leader of the building trades movement in Ontario. They are an important part of our economy.

We will continue to meet with the elected representatives, and we will continue to appoint people from across the political spectrum. We just reappointed Dave Cooke, for instance, to the Education Quality and Accountability Office. These are important appointments, and these—

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

Ms. Lisa MacLeod: It says something about Dalton McGuinty that he won't distance himself from the Working Families Coalition or Patrick Dillon. What's worse is that Mr. McGuinty is bringing the directing minds of the Working Families Coalition into his government. Dillon, the chief spokesman for Working Families, spent \$7 million on anti-PC attack ads, and the Premier wants to give him a third political appointment in just three years. To

date, Working Families has received \$29 million in taxpayer money.

So I ask you: What makes Dalton McGuinty think public appointments and taxpayer money can be handed to those who helped the Ontario Liberals overspend in election limits?

Hon. Dwight Duncan: Perhaps it's the member's inexperience, but the first government that appointed Mr. Dillon was the previous Conservative government. I see the former Minister of Labour shaking her head in agreement. And by the way, you appointed him to the board of the WSIB.

I regret that this kind of question would be asked here and that the character of Mr. Dillon would be assailed in this fashion. I applaud the previous government for having appointed Mr. Dillon, recognizing his expertise in labour matters. We renewed his appointment. We have appointed Conservatives and appointed New Democrats. The sucking and blowing coming from over there is deafening.

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

Ms. Lisa MacLeod: The problem with the Acting Premier's answer is that no one believes you. Patrick Dillon had a secret meeting—

Interjections.

The Speaker (Hon. Steve Peters): Order. Acting Premier.

Ms. Lisa MacLeod: It's a question.

The Speaker (Hon. Steve Peters): Finish your question.

Ms. Lisa MacLeod: Thank you very much, Mr. Speaker.

Patrick Dillon had a secret meeting with your campaign chair. Dillon's pollster of choice is Don Guy, who conducted polling on the anti-PC attack ads during the last campaign while running the Liberal election campaign, and then he became Mr. McGuinty's chief of staff. The relationship is incestuous.

Is Patrick Dillon getting these political appointments as part of a deal to help you break Ontario's election laws?

Interjections.

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

Ms. Lisa MacLeod: I withdraw.

The Speaker (Hon. Steve Peters): Acting Premier.

Hon. Dwight Duncan: Mr. Dillon served on the WSIB from 1996. I would congratulate the former labour minister for appointing him.

The absolutely spurious comments that the member just withdrew are a real sham and reflect very badly on this House, particularly on the integrity of the questioning going on.

We will continue to make appointments like Mr. Dillon. Tonight, that member's party is having its big fundraiser. I note that her first comment was about American-style politics, and I would also note that the folks behind

the Shoppers Drug Mart—or one of the individuals behind that is a campaign manager for the Leader of the Opposition. I just think that the utter hypocrisy speaks very poorly of that caucus, of the double standard that they—

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

Interjections.

The Speaker (Hon. Steve Peters): Order. Stop the clock.

Interjections.

The Speaker (Hon. Steve Peters): Minister of Economic Development; Minister of Municipal Affairs; Minister of Agriculture; Government House leader.

Interjection.

The Speaker (Hon. Steve Peters): I believe that one was the member from Willowdale.

The member from Oxford is not being helpful, either.

Mr. John Yakabuski: You're doing well on voice recognition.

The Speaker (Hon. Steve Peters): I could close my eyes and tell who is speaking. The sad part is, it's only a few of them. Some voices I wouldn't recognize because I don't hear them.

New question.

RURAL HEALTH SERVICES

M^{me} France Gélinas: Ma question est pour le premier ministre adjoint. In April 2009, we had a huge demonstration right here on the lawn at Queen's Park. People were protesting cuts to rural hospitals. The government responded to this outcry by announcing the rural and northern health care panel. The citizens had been heard, or so we thought. It took until June before the members were appointed and October before we saw the mandate of the panel. But what a shock: Their mandate did not include hospitals. So 13 months later, what have we got? A largely inactive rural panel which has not yet held a single public, open consultation. Why is rural health such a low priority for the McGuinty government?

Hon. Dwight Duncan: To the Minister of Health.

1130

Hon. Deborah Matthews: The guiding principle for our government is that Ontarians should have access to the finest possible health care, no matter where they live in this province. But there's no question about it: People who live in rural and northern parts of this province do face different challenges when it comes to accessing that very fine health care system. We are absolutely committed to making the kinds of changes to our health care system so that all Ontarians do have access to that very, very fine care.

That's why we have created the northern and rural panel. I look forward to their recommendations. They have done some very good groundwork, but it's just the beginning of the conversation. As we move forward, we will be going to public consultations, where we will

make some very important refinements to our health care system so that people do get that health care.

The Speaker (Hon. Steve Peters): Supplementary?

M^{me} France Gélinas: The government has the resources to conduct wide consultations throughout rural and northern Ontario.

But here's what people have to say about the existing panel: "The government's rural and northern panel has refused to meet with local stakeholder groups and" is "conducting its review behind closed doors. No patient advocates, public interest groups and local community groups have been allowed to meet with the panel."

The Ontario Health Coalition stepped up to the plate. They got a seven-member panel together, organized 12 public meetings, listened to 1,150 residents and received and reviewed 487 submissions.

My question is simple: Why has the McGuinty government not directed its appointed expert panel on rural and northern health care to hold any public consultations?

Hon. Deborah Matthews: I'm very happy to have the opportunity to clarify what the process is when it comes to the rural and northern panel on health care.

The first phase is the phase that is coming to a close, and that is where we are consulting on the five big questions facing northern and rural health care. The next phase is a broad public consultation, community consultations. The third stage is the development of that provincial framework.

I do know that the member opposite is anxious for this process to unfold, as are we. We are committed to providing the best possible health care to all Ontarians.

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

M^{me} France Gélinas: It has been 13 months, and we are no further ahead. There are still cuts happening in rural and northern Ontario, and there's no end in sight.

I want to congratulate the Ontario Health Coalition for its work, for giving a voice to the people in rural and northern communities who are worried about their health services. Today they will be presenting their full report. I had the privilege to participate in the hearings, and even I was shocked by the horror stories that I heard in community after community.

Why is rural health not a priority? When is the minister going to take concrete action to bring access, equity and democracy to rural and northern health care?

Hon. Deborah Matthews: I have to take exception to the assertion of the member opposite that this is not a priority for our government. It absolutely is a priority. We have made significant investments in rural Ontario. If you look at the family health teams that have been created across the province in our rural areas, they are making a profound difference for people in those communities. Last week, we announced the next wave of proposals for nurse practitioner-led clinics; again, a remarkably fine innovation in the establishment of clinics that will serve people, particularly in communities where the need is the greatest.

We will continue to work to improve care for people in rural and northern Ontario.

RURAL HEALTH SERVICES

M^{me} France Gélinas: Ma question est encore pour le premier ministre adjoint.

The Ontario Health Coalition travelled to 12 communities and heard from the people about their experiences, something that the government, so far, has refused to do.

I remember hearing from the family of Reilly Anzovino. This young woman tragically died in a car accident this winter. The crash occurred four kilometres away from the closed Fort Erie hospital emergency department. Reilly died before she got to the next hospital, and now the coroner is investigating.

I remember Fran Renoy in Picton, who documented how her local hospital has systematically been stripped of services since being amalgamated.

Why is the McGuinty government not seeking input from residents in rural areas? Why does the McGuinty government not seem to care about the experiences of Ontarians who live—

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

Hon. Dwight Duncan: To the Minister of Health.

Hon. Deborah Matthews: Maybe I will repeat the answer to the earlier question: The rural and northern panel is in the first phase of the development of a strategy to address rural and northern health challenges—the first stage. The second stage will involve that kind of broad consultation.

This is very important work. It's important that we get the perspective of the entire spectrum of people who have part of the solution and who have had part of the experiences that the member opposite has spoken about.

I look forward to receiving the report of the Ontario Health Coalition. I understand that it was distributed to some, but not to me, so I look forward to getting that report. I will take it very seriously, and I look forward to the continuation of our process in developing northern and rural health policies.

The Speaker (Hon. Steve Peters): Supplementary?

M^{me} France Gélinas: Can I repeat that it has been 13 months and we have seen nada? In Desbarats and St. Joseph Island, the panel heard from Bill Wallace and Diana Rose. They explained that the local hospital is vital to the economic and social development of the island and surrounding communities. People have chosen to retire here because there is a hospital. It is vital also for young families with children or people with health problems. Tourists who flock to the island in the summer need access to hospital services. In general, the hospital is seen as security, critical for health care and extremely important in the maintenance and improvement of the social and economic development of the island.

Minister, why is your panel not talking to the people of St. Joseph Island, whose hospital is being threatened, 13 months after the fact?

Hon. Deborah Matthews: This gives me an opportunity to talk about one of the very important initiatives that we have undertaken that will really make a difference for people in rural and underserviced areas. The NRRR program, the northern and rural retention program, will greatly enhance the amount of money and incentives that we can offer physicians to locate in those northern and rural communities. We had a program that simply wasn't addressing the problems of today. We have embarked on this new program, which is already showing results. We've already heard about doctors who have located in northern and rural areas. They are setting up practices. They are serving people. It is a tremendous success already, and it's only a couple of months into this new program. That's just one example of what we are doing—

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

M^{me} France Gélinas: The NRRR is never going to take the place of a community-based hospital in rural Ontario. Once the hospital services are gone, part of the community fabric falls apart. The Ontario Health Coalition has done the work. They have written a very detailed report of what they've heard from across the province.

You see, because many hospitals in rural areas are amalgamated, the local residents do not have a say. The hospital corporation, located kilometres away, decides which sites it wants to operate and which sites it wants to close, no matter where the needs are, just to balance the books.

Will the McGuinty government commit to reviewing the Ontario Health Coalition report and take timely action on behalf of rural and northern residents?

Hon. Deborah Matthews: I absolutely will. I already have committed to taking a very serious look at the Ontario Health Coalition's report. It is the perspective of a certain group of people who have taken a hard look at our health care system.

But I do have a question for the member opposite, and perhaps she would undertake to respond to me. One of the recommendations, I understand, in the report is the elimination of the community voice in our health care system, the elimination of our local health integration networks. I'm curious to know whether this is a move backward into more control by the centre that the member opposite would, in fact, support.

APPOINTMENTS PROCESS

Mr. Jim Wilson: My question is for the Acting Premier. I want to say to the Acting Premier that Patrick Dillon has his head so deep in the patronage trough that he needs a snorkel to breathe. You people are a disgrace in what you're doing.

While Patrick Dillon's anti-Tory campaign doesn't stop him from advancing in the McGuinty government, apparently Dalton McGuinty has no place for those with the integrity of André Marin. The Premier appears to be blocking Marin's reappointment as Ombudsman. You get

rid of Marin and you get rid of his LHIN report. The Premier has done nothing to stop backroom staffers and Liberal insiders from smearing Marin's reputation.

Media reports say that you've been promoting former Liberal MP Susan Whelan for the job. Acting Premier, what makes you think you can get away with trying to install a member of the Liberal family in this important office?

1140

Hon. Dwight Duncan: I'll remind the member opposite what the Premier has said repeatedly both here in the House and in media interviews: that many of the recommendations coming from Mr. Marin's reports have been acted upon by the government. We believe that the course of action we're looking at in conjunction with the parties opposite is the appropriate way to look at positions such as the Ombudsman's. Advertising, as I understand it, during the first round was not as extensive as we may have liked. We've discussed earlier in the day the views expressed by both opposition parties. We recognize, as does the NDP, and the member for Welland had indicated earlier that it is important any time these positions come open to advertise and see who is available—

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

Mr. Jim Wilson: It says something about Dalton McGuinty in that he hasn't condemned Liberal insiders who defamed André Marin. If he gets his way, Dalton McGuinty will have a not-so-independent Ombudsman who can kill Marin's LHIN report.

Dalton McGuinty needs to show more respect for his office and, more importantly, the Ombudsman's office. So I ask the Acting Premier: Where in the job advertisement for the Ontario Ombudsman did it say only Liberal cronies could apply?

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

Mr. Jim Wilson: Withdrawn.

The Speaker (Hon. Steve Peters): Acting Premier.

Hon. Dwight Duncan: I understand that the committee that's been charged by the House with looking at this ran an advertising campaign that was approved and agreed to by the parties. My understanding is that there's a desire to look at a wider opportunity to seek out more applicants. We think it's important. Again, Mr. Marin has served the province well. My understanding is that he intends to apply to continue to serve as Ontario's Ombudsman, and we look forward to the process yielding a recommendation with respect to the Ombudsman who will serve this province for the next several years.

WATER QUALITY

Mr. Peter Tabuns: My question is to the Minister of the Environment. Later this week, we're going to be hearing a lot about water and this government's plan for it, but as of today—today—Ontario has 435 outstanding boil-water advisories. That's 10 years after Walkerton.

Do you have a plan to ensure that all Ontarians have clean water?

Hon. John Gerretsen: I thank you very much for the question because it allows me to talk about what we've done as a result of the tragedy at Walkerton. There are some good things that came out of that, even though it was a tragedy itself, which we all acknowledge.

Let's talk about the 119 drinking water inspectors that we have hired since that time who, on a daily basis, look after the drinking water situation here in the province of Ontario by inspecting municipal drinking water systems. We can also talk about the 19 source water protection committees that are doing excellent work right now in mapping out and planning out the sources of the various water supplies around this province, whether it's river or stream water or whether we're talking about groundwater. We can talk about the 17,000 new and existing drinking water professionals who have been trained so far at the Walkerton Clean Water Centre. A lot has happened, including—

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

Mr. Peter Tabuns: When a minister doesn't address the question by saying when he's going to deal with 435 boil-water advisories, that says to me that the minister doesn't have an answer at all. But I'll try: When are you going to protect those people who are currently dealing with boil-water advisories? When are you going to take that on?

Hon. John Gerretsen: As a result of the Walkerton inquiry, we have implemented each and every one of the recommendations that were made by Justice O'Connor. It is true that a lot of work has been done in the whole area of providing Ontarians with clean drinking water. More can always be done. Obviously, we are concerned with any drinking water order that's out there right now. We are addressing those issues on a day-to-day basis.

MEMBER'S COMMENTS

Mr. David Zimmer: My question is for the Minister of Tourism and Culture. This weekend there was a press release issued on behalf of the Conservative Party and its member for Simcoe-Grey. It said—sneeringly, I might add—that the Blue Mountain Resort was the host of a swanky Liberal policy conference. It implied that it was suspect for people to go to Collingwood, and this from a member who says he lives "in a part of the province that's very much dependent on tourism." Thousands and thousands of people go there. The member from Simcoe-Grey seems to miss the economic benefits of an attraction like Blue Mountain. The member's comments don't support tourism, jobs or economic growth in Simcoe or in Collingwood.

Minister, unlike the Conservative member for Simcoe-Grey, what are you doing to—

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

Hon. Michael Chan: I want to thank the member from Willowdale for the question. The release by the

Conservatives is simply outrageous and backwards. This is not how you attract visitors, jobs or economic growth. The member from Simcoe—Grey needs to stand up for local tourism. He needs to stand up for local attractions and he needs to stand up for local jobs. Talking down one of Ontario's top tourism destinations does not support tourism in Collingwood or in Ontario. Communities like these depend on a strong and vibrant tourism industry. The last thing these communities need is a party that tells the whole world not to visit Collingwood.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. David Zimmer: Collingwood is a great place, and the member for Simcoe—Grey should know that. He should support Collingwood. Here is what I found really odd when he criticized us for our policy conference there. It was very odd because about five years ago he called it a relaxed, informal place and then he went and organized a \$125-per-ticket reception at the same facility to recognize—

Interjections.

The Speaker (Hon. Steve Peters): Order.

Mr. Gerry Martiniuk: Hit man from Willowdale.

The Speaker (Hon. Steve Peters): That's not helpful, member from Cambridge.

Interjection.

The Speaker (Hon. Steve Peters): And that's not helpful either, Minister of Economic Development.

I'm quite comfortable just to let the clock run. I would just remind the members that we are here to do business. I would remind members on both sides of the House too that personal attacks are not helpful—and I'm going to be adding a little more to that in a few moments—personal attacks on a member in a question are not helpful at all.

With that, I am moving to a new question. The member for Dufferin—Caledon.

CHILDREN'S AID SOCIETIES

Ms. Sylvia Jones: My question is for the Minister of Children and Youth Services. Last year, a record 37 children's aid societies were forced to file section 14 reviews with your ministry after their budgets were cut. Many had to draw from a line of credit last year in order to provide mandated services, and many are starting this fiscal year with a deficit. Now, 11 children's aid societies have filed for a judicial review of the section 14 process.

Minister, I asked you last week but you did not answer: Can you share with the many children's aid societies who are here at Queen's Park today when the last time was that a judicial review had to be filed by a funding partner?

1150

Hon. Laurel C. Broten: I want to welcome the leadership of the OACAS and all children's aid societies here today to talk about this terrifically important issue, and that is how we can work together to ensure that we have better outcomes for Ontario's kids.

In 2010-11, we will invest more than \$1.4 billion in child protection service in this province. That provides us

with a tremendous opportunity ahead of us to look at this important investment and make sure that we are all working towards better outcomes for Ontario's kids. That is exactly what we are doing. We're working through our commission to promote the sustainability of children's aid societies, to find a pathway to sustainability, to ensure that the outcomes lead to better outcomes for Ontario's kids.

Something that we all agree on is the key focus and key priority of every CAS across the province and of our government as well as—

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

Ms. Sylvia Jones: The minister did not answer my question. You know very well that the services provided by children's aid societies are mandated through legislation. They cannot shut their doors or turn families away, but many children's aid societies, like Durham and York, have been forced to cut front-line workers.

Children's aid societies across Ontario are here today because they are struggling. In 2010-11, many are projecting a deficit situation again. Minister, clearly, filing a judicial review is an unprecedented move on behalf of children's aid societies and the 11 that were forced into it, and an indication to me of just how out of touch you are as the minister on what their responsibilities are. How could your relationship with the children's aid societies deteriorate so quickly?

Hon. Laurel C. Broten: I'm very pleased to talk about the fact that we are on the side of Ontario kids here in this government. I'm going to remind the member opposite about the increases that we have seen in funding for children's aid societies in the past 10 years: from \$500 million to \$1.4 billion. That \$1.4 billion is spent on better outcomes for kids.

I want to remind the members opposite what their record was with respect to children. You froze children's mental health base funding for your whole term in office. You cut off kids with autism at age six. You slashed thousands of child care subsidies. You attempted to muzzle the child advocate. And in this House, while we've sought to increase services for kids, you voted against child care spaces, you voted against recent increases for children's treatment centres and you voted against the Ontario child benefit.

On this side of the House, we are on the side of Ontario's—

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

TAXATION

Mr. Peter Tabuns: My question is to the Acting Premier. Your government told cities and towns across the province not to worry about the harmonized sales tax. It won't affect municipal budgets. The HST is supposed to be revenue-neutral for municipalities. Why does Sudbury expect the HST to cost the city \$450,000 every year?

Hon. Dwight Duncan: To the Minister of Revenue.

Hon. John Wilkinson: I appreciate the question. I've had an opportunity to meet with municipal leaders right across this province. I, first of all, want to thank the Minister of Finance, who set the reimbursement rate on the provincial portion of the HST at 78%. That is leading the country when it comes to support by a province to its municipal partners, and I want to thank him for that.

In regard to the question, specifically, I have had an opportunity to meet with many clerks and treasurers from across the municipal sector getting into the details of how they can ensure that their municipality is held whole. As the minister has said, the 78% reimbursement is for the broad municipal sector, as we have for many others in the MUSH sector.

I'd be more than happy to help the good people of Sudbury take a look at how they are applying this rule and the assumptions they are making. As I have done that, municipalities increasingly have come to the conclusion that they're actually in a slightly better position—

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

Mr. Peter Tabuns: Minister, not only are our cities and towns left paying more; people who use municipal services will pay more too. In Sudbury, a three-month swimming pool pass will jump by \$6; ice time in Windsor going up \$11; renting a baseball diamond in Wiarton is going up nearly \$20.

How can the Liberals claim that the HST won't affect municipalities when it's going to cost towns, cities and the people who rely on these services hundreds of thousands of dollars more every year?

Hon. John Wilkinson: As I have mentioned, as we have been dealing with municipalities—for example, the city of Peterborough finds that they will be \$600,000 ahead.

Here is what municipalities and their constituents, who are our constituents, have said: "We need more people working in the province of Ontario." On this side of the House, we have a plan that will see 591,000 more people working in this province. On that side of the House, their advice to us is, "Do nothing." We reject that.

On this side of the House, we have a plan that will see some \$47 billion worth of more investments into our municipalities. On that side of the House, they say, "Do nothing." We reject that advice.

We have dealt with municipalities. They appreciate the support, and they understand that for us to be able to support our municipalities, we need people working. That's exactly why we are reforming—

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

PHARMACISTS

Mr. Dave Levac: My question is for the Minister of Health and Long-Term Care. As many members already know all too well, Big Pharma and others have been bombarding my constituents with confusing calls from telemarketers and other propaganda in order to encourage

and trick them into opposing the reforms of the Ontario drug system.

I have been hearing from countless constituents who say that enough is enough. They are sick of being confronted with negative adverts, misleading literature, invasive phone calls and push polls. They have asked me, as their MPP, to stand up for them, take action and bring clarity to the issue.

The local pharmacists whom I've met with agree with me that we need to lower the temperature and talk. Could the minister tell this House what my constituents should do in response to these American-style political campaign letters, push polls and phone calls?

Hon. Deborah Matthews: I urge all Ontarians to get the facts, the whole story about our proposed drug reforms. These facts will give them the information they need when they get these misleading and intrusive phone calls at their home. The website ontario.ca/fairdrugprices is the place to go to get that information.

Fair drug prices—that is what we want to do in this province, and that is what our reforms will lead to. Our reforms will save some diabetes patients almost \$1,000 every year on the cost of their medications. Patients suffering from acid reflux or ulcers could save more than \$250 a year. These are just a few examples; there are many, many more. That is why we have the support of the Heart and Stroke Foundation, the Canadian Cancer Society and so many other health care advocates.

The members opposite—

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

Mr. Dave Levac: I recently wrote a letter to Mr. Jürgen Schreiber, the CEO and president of Shoppers Drug Mart, asking him politely to stop this Washington-style manipulative campaign, but it has recently come to my attention that I might also want to ask the opposition to do the same.

It is my understanding that the Leader of the Opposition's own campaign manager, Mark Spiro, may be the mastermind behind this big pharmacy, American-style smear campaign, that he's leading the charge to manipulate and scare people in my riding in an attempt to preserve the status quo.

Could I ask the minister if she could tell this House how this government is dealing with this Washington-style dirty-trick campaign?

Hon. Deborah Matthews: I do find it rather interesting that the party opposite has chosen to take the side of the big pharmacy chains against the people of Ontario and lower drug prices for Ontario families.

But I want to put politics aside here and focus on what it is we're trying to achieve. We are focused on getting lower drug prices, fairer drug prices, for the people of Ontario. We want to explain to the man with epilepsy that once our reforms are in place, he could save perhaps \$400 a year in medication costs. We're telling a woman working at a minimum-wage job that she could save \$80 or more on her birth control pills every year.

I want big chain drug stores and the members opposite to understand that our government is standing up for hard-working taxpayers. We are determined to get the very best value for every dollar we spend in health care.

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ANIMAL PROTECTION

Mr. Frank Klees: To the Acting Premier: The events of this week have undermined the public's confidence in the OSPCA. That confidence will only be restored if the public is convinced that a truly independent investigation has taken place, is told the truth about what happened in York region, and is assured that the necessary oversight is in place to ensure that it can never happen again. That public confidence will not be restored if the OSPCA is allowed to commission and oversee its own investigation.

I'm asking the Acting Premier: Will he agree with me that the only way to restore that public confidence is for the Minister of Community Safety to appoint an independent investigator who will have that report back to him and to this Legislature—

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

Hon. Dwight Duncan: The members of this House, and indeed all Ontarians, were deeply troubled by the circumstances last week. I believe that the government has followed the legislation carefully. The OSPCA, as I understand it, is appointing a review of this matter with independent veterinarians and advisers. That process will yield, I suspect, recommendations with respect to how to move forward to avoid these sorts of circumstances again.

We will continue to monitor what's happening. The independent investigation that's going on, I believe, is appropriate in the circumstances to help satisfy the concerns that have been expressed by so many Ontarians.

The Speaker (Hon. Steve Peters): Supplementary?

Mr. Frank Klees: I fail to see why the government continues to let the OSPCA twist in the wind. The board admitted that that organization and its board made serious mistakes. Now the government is allowing that same board to appoint an investigator to investigate itself. This does nothing to restore public confidence.

I'm going to ask the minister one more time: Will he and his government do the right thing and take control of this file, appoint the independent investigator, require that that report comes back to the minister, not the board, and to this Legislature so that we can find out what went wrong, who was responsible and ensure this never happens again?

Hon. Dwight Duncan: I remind the member opposite that the OSPCA is an independent organization, as established by legislation that was approved by this House. There have been, over time, a number of changes to the act. Governments have recognized that animal welfare is best left to veterinarians and animal care experts.

I believe the OSPCA has taken the appropriate steps in this case, and that their findings will, hopefully, help avoid the very unfortunate circumstances that all of us

witnessed last week and lead to a stronger system of protection of animals in Ontario going forward.

HUMAN RIGHTS

Ms. Cheri DiNovo: My question is to the Attorney General. Today is the International Day Against Homophobia, and for the third time, I, on behalf of trans groups across Ontario, am introducing Toby's Act to add gender identity to the Ontario Human Rights Code.

Barbara Hall, as chair of the Human Rights Commission, agrees, and the commission twice has called for this, dating back to 1999. It's time to deliver on trans human rights. Why won't the Attorney General act?

Hon. Christopher Bentley: It is important that today we all stand together and recognize that discrimination based on homophobia and transphobia is simply not acceptable. We stand together today, and we stand together every single other day of the year.

I was at a launch this morning of the website mygsa.ca, created by Egale. The work that Tara Elliott and Egale are doing is extremely important.

I want to make one thing clear to all members of the Legislature and all those who are watching: We do have protections in our human rights system that guarantee the very goal that my friend speaks about. The law is clear; the legislation is clear; the protections exist. Let's make sure everybody understands that, as of today.

The Speaker (Hon. Steve Peters): Supplementary?

Ms. Cheri DiNovo: Absolutely not; it is not clear.

The Alberta Supreme Court has said that non-enumerated rights do not hold up. The Trans Pulse project has actually looked at over 400 transfolk in Ontario, and they say they're not protected by the Ontario Human Rights Code. The Ontario Human Rights Code says it needs gender identity in the Ontario Human Rights Code to protect transpeople.

How many more times do transfolk, on the day to end homophobia, have to come begging to the McGuinty Liberals before they will act to protect them?

Hon. Christopher Bentley: There is always more to do about education, about ensuring that we strengthen the protections we have, about making sure that everybody in society, everybody in Ontario, understands that we stand and must stand as one on this issue.

But I do not want anybody to take my friend's question and think or believe or be uncertain—the protections in law exist today. I say that to those who may need to access them. I say that to those who may think they can get away with discrimination. There is no acceptance and no tolerance in the law. Be clear: The law is clear, the protections exist, and the human rights system is there for the protection of all those in the—

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

CHILDREN'S AID SOCIETIES

Mrs. Liz Sandals: My question is for the Minister of Children and Youth Services.

Ontario's 53 children's aid societies provide important services to keep families together and to protect children and youth and help them reach their full potential; for example, Family and Children's Services in Guelph has an amazing foster care program. To do this, CASs rely on a wide network of volunteers and committed staff, many of whom are here today at Queen's Park talking about the important services that they provide in communities across Ontario.

Government also has a significant role to play in supporting vulnerable children and youth. Just today, the Laidlaw Foundation released a report talking about what governments, both provincial and federal, can be doing to better support crown wards.

What is our government doing to support children's aid societies, Minister?

Hon. Laurel C. Brotin: I'm very pleased to have a chance to talk about the more than \$1.4-billion investment that we are making in child protection services across the province. Those resources are in addition to the variety of services that are provided to children and youth and their families to make sure that we can have a society where we have better outcomes for kids.

I want to speak directly to the volunteers and the volunteer board members who are part of children's aid societies, because they are the ones who deliver on the vision of more than 100 years ago when J.J. Kelso said that we needed to work in communities to protect Ontario's kids. They do that in communities across the province. We look forward to being their partner and walking toward a pathway to find a sustainable future for child protection in this province and, at the same time, find better avenues to protect Ontario's kids and give them the outcomes that we want them all to have.

Mrs. Liz Sandals: Minister, I'd like to thank you for taking time to recognize the volunteers and front-line staff. However, recognizing those contributions alone isn't enough.

I'm hearing from the CAS in my riding—Family and Children's Services of Guelph and Wellington County—that it has been very difficult for CASs to manage within their funding envelope. On the other hand, overall government funding for CASs has increased by over \$1 billion in the last 10 years, from about \$500 million in 1999 to over \$1.4 billion this year. That kind of growth isn't sustainable in good times and certainly isn't sustainable in these tough economic times.

Can the minister please tell the House what work is being done to ensure the long-term sustainability of children's aid?

Hon. Laurel C. Brotin: I want to thank the member for Guelph for her advocacy and for her leadership on this file in her community.

The children's aid society of Guelph is doing very important work, and they are part of the children's aids across the province who are working hard to improve the outcomes in the child protection system. Thanks to the changes realized through the child welfare transformation and the hard work of CASs across the province, like in

Guelph, fewer kids are coming into care and more kids are getting the chance to succeed in permanent homes.

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But the funding growth that the member spoke about is simply not sustainable, and that's why we have taken the action of creating the Commission to Promote Sustainable Child Welfare to start down a path with CASs to ensure a sustainable future. But most importantly, our priority focus is ensuring that Ontario's kids have the best possible outcomes, that we give them every opportunity and that we continue to work as a collective to make sure that vision is a reality.

TAXATION

Mr. John Yakabuski: My question is for the Acting Premier. Liberals who gathered with elites over the weekend gave rapturous applause to Jeff Rubin when he called for a carbon tax. The former Mayor of Winnipeg, the Liberal member for downtown Toronto, is tweeting to rally support for your new carbon tax. Are you people so addicted that you're planning your next new tax grab when you haven't even fully implemented your \$3-billion HST tax grab?

Hon. Dwight Duncan: We have embraced cap and trade as a way of moving forward on climate change and reducing greenhouse gases. Our government has joined the Western Climate Initiative and a number of other opportunities. We have also embarked on a policy of closing all of Ontario's coal-fired generation plants by 2014. My understanding is that we are producing much less CO₂, resulting from our ability to close down Lakeview in Mississauga and beginning to start to shut down the furnaces in other coal-fired plants.

That is our government's response to climate change. We have not in the past, nor do we now, advocate a carbon tax. We will continue to work on the cap-and-trade system and look forward to what happens, particularly with the United States—

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

Mr. John Yakabuski: They denied they'd be coming in with the HST at one point, too. There are 45 days left before Dalton McGuinty starts taking 8% more from the pockets of Ontario families, and the surprises just keep on coming.

The HST applies to some items now. Tax collectors who won't miss a day of work get severance. You're raising prices to pocket more profit, and so will business. You knew the HST wasn't revenue-neutral but you said it was. Now you're planning to bring in a job-killing carbon tax, and we haven't even talked about your energy price increases and your backdoor energy tax grab. After six years, Dalton McGuinty has become too arrogant and out of touch.

What makes you think you will get away with your latest plan to attack and empty the pocketbooks of Ontario families?

Hon. Dwight Duncan: With respect to the HST, the member knows full well that our comprehensive tax package will actually reduce taxes for all Ontarians. I'll remind him of what his former leader said just on May 10. This is Mr. John Tory speaking: "I think [Hudak] has not acknowledged something that pretty well everybody else has. A lot of people call and say it is going to help with productivity and job creation and investment and the cost of capital. So I felt dishonest if I came out and said I was four-square against it because that benefit is significant." John Tory's right, Jim Flaherty's right, Cheryl Gallant's right, John Baird's right—a whole range of federal Tories.

That policy will create jobs, and that party still hasn't said whether or not they're going to repeal it. I'd invite the member for bluster to come clean on that—

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

POVERTY

Mr. Michael Prue: My question is to the Acting Premier. More and more Ontarians are struggling with poverty despite the McGuinty government's promise to actually reduce poverty. More residents of Toronto are waiting for affordable housing, they're turning to food banks, and they too are falling into poverty.

During the recent by-election campaign, the government's candidate and now-MPP for Toronto Centre promised that this government would develop neighbourhood plans to address pressing needs in Regent Park, St. Jamestown and other downtown poor neighbourhoods within 100 days of the election. Well, 100 days have passed. Can the Acting Premier tell us where the downtown Toronto neighbourhood plans are, and will the Acting Premier and the government share them with this House?

Hon. Dwight Duncan: We have advanced an anti-poverty agenda for many years. The new member has undertaken extensive consultation within his constituency around these neighbourhood plans. We have taken action across a range of files. For instance, the Ontario child benefit, which we have raised this year and that member voted against, will affect every poor neighbourhood in Toronto very directly. In terms of raising the minimum wage, which we have done continually, that affects every poor neighbourhood, every challenged neighbourhood in Toronto and, indeed, right across the province.

By setting out a poverty strategy, which many experts have cited as a leading example of how to proceed, that will benefit every neighbourhood in Ontario. It's important.

Finally, I will remind him of what Hugh Mackenzie and the Canadian Centre for Policy Alternatives say: that this government's tax policy helps Ontario's poorest people. It helps lift them out of poverty, helps reduce barriers. There's more to do—

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

Mr. Michael Prue: In the past 100 days, the two key things the McGuinty government have done around poverty are that they have cut the special diet allowance and they have shortened and delayed the Transit City lines that poor people rely on to get around.

Election promises are serious things, particularly when they are made to people in need. But there is no mention of neighbourhood plans or public meetings to develop such plans on any government website, despite the fact they were promised by a government member during the campaign and since the time he has been in this House.

How many hundreds of days more will people in Toronto Centre and in the downtown core of Toronto have to wait for the promised neighbourhood plans?

Hon. Dwight Duncan: The member opposite first of all did not, in my view, correctly characterize the initiatives we have taken with respect to transit in this community and elsewhere. But I would remind the member opposite that the Ontario sales tax credit of \$260 for each adult and child is permanent; it will reflect relief for 2.9 million Ontarians. That member and his party voted against it. A family of four with an annual income of \$25,000 will permanently save \$1,040.

Again, I need to go back to the Ontario child benefit, which goes into each and every neighbourhood in Toronto, each and every neighbourhood across our urban centres and, indeed, across rural areas throughout the province. That member voted against it, which is most unfortunate.

Finally, we are creating full-day learning for our four-year-olds and five-year-olds. That—

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

USE OF QUESTION PERIOD

The Speaker (Hon. Steve Peters): Just a few comments to the members of the Legislature who are here, and I can assure you I will be repeating these comments at the beginning of a question period as well.

I've had the privilege to serve in this chair since November 28, 2007, and this was one of the worst question periods I've experienced, and I'm saying it to both sides of the House.

I received a very interesting note from a member today: "We need a healthy dose of political check to bring all sides back to what we are elected to do: govern the province. That's the role Her Majesty's loyal opposition has to play and the role that the government has to play."

But as we go forward—and I don't want to put up with this until we leave in June 2011, when we all embark from this place and go out on a mission, and we all know what that is. But I'm just imploring all members that we need to use more temperate language in this place.

And yes, you each need to remember that we are all protected by privilege. We also need to accept a level of responsibility when making allegations and comments on the conduct of citizens of this province.

I want to quote from a ruling of Speaker Milliken: "Speakers discourage members of Parliament from using

names in speeches if they are speaking ill of some other person because, with parliamentary privilege applying to what they say, anything that is damaging to the reputation or to the individual ... is then liable to be published with the cover of parliamentary privilege and the person is unable"—that person who has been spoken of—"to bring any action in respect of those claims."

In addition, the use of certain language—suggestive language or innuendo—with regard to individuals, as we've seen today from both sides of this House, can provoke an angry response, which, as we have seen today, inevitably leads to disorder.

I'm asking all members—again, on all sides—to exercise more responsibility in the future and to not abuse this wonderful privilege of freedom of speech that each one of us enjoys in this House. This applies equally to the hurling of insults at each other and to personal attacks. As I've said previously and I will always believe, I know that each and every member in this House is capable of a higher standard.

There being no further business, this House stands recessed until 1 p.m. this afternoon.

The House recessed from 1221 to 1300.

INTRODUCTION OF VISITORS

Mr. Ernie Hardeman: I want to welcome family and friends of Richard, Laurie, Cassandra and Jordan Hawkins, who, a year and a half ago, tragically lost their lives due to carbon monoxide poisoning. Here today is John Gignac, Laurie's uncle, who created the End the Silence Foundation. Kayla, Kendra and Tom Hawkins Jr. came all the way from North Bay to be here today.

I would also like to welcome Carole Heller from Kidde, Chuck Rachis and Mary Ellen Sheppard from the carbon monoxide coalition, Pat Folliot from Readyclick, John Rutkaukas and Glyn Parsons from the Oxford OPP, and a number of firefighters from the Fire Fighters Association of Ontario: Willie Gregg, Dave Carruthers, Rob Simpson and, from Brampton, Brian Maltby.

I thank them for being here today as we introduce the private member's legislation.

Mr. Yasir Naqvi: I'm very happy to introduce my uncle, Yahya Naqvi, who's visiting Queen's Park today. Welcome to Queen's Park.

Ms. Cheri DiNovo: Again, I welcome back the trans-activists who were here this morning supporting to Toby's bill or law that will be tabled this afternoon. Welcome.

Mr. Dave Levac: I know he's been introduced, but I wanted to support Mr. Hardeman, the member from Oxford, on his private member's bill, and I thank him for that. John Gignac, who is a constituent of mine, is also a member of a group called the Friends of the Firefighters, doing the same work that he's doing nationally. So I welcome him here in the House today.

Hon. Kathleen O. Wynne: I'd like to welcome to the east members' gallery some members and staff from

Egale: Tara Elliott; Alex Duffy is coming—Alex Duffy will join us; Michael Pelz; Simon LeBrun is going to join us; and Maria Lau is here as well. Welcome.

MEMBERS' STATEMENTS

JAMES McCACKEN

Ms. Lisa MacLeod: It's my pleasure to be able to stand here today to say thank you to Jamie McCracken, who is the retiring director of education with the Ottawa Catholic School Board.

Jamie has been an educator for 30 years, and seven years as the director. I've gotten to know him over my four years as a public servant for Nepean–Carleton. As you know, Nepean–Carleton is one of the fastest-growing communities in all of Ontario, and with that growth, it means we must keep up with our infrastructure. Particularly when you have a high birth rate like Nepean–Carleton, it means you've got to keep up with the schools.

I can say that Mr. McCracken, through his time as director of education, was able to manage the growth. He was able to support our community by working with us to ensure that we were able to build the necessary school infrastructure.

One school in particular comes to mind. A couple of years ago, the Ministry of Natural Resources, the Department of Fisheries, if you can believe it, and the Rideau Valley Conservation Authority almost put a halt to one of our schools, the new St. Francis Xavier high school in Riverside South. It was through Jamie McCracken's leadership and work with Ottawa city councillors and our federal member of Parliament, Pierre Poilievre, and myself that we were able to bring everyone to the table to get that school built, and I really credit Jamie for that.

So I want to, first of all, say thank you to him. Second of all, I want to wish him very, very happy times in his retirement. I think that it's going to be a great one.

INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. Peter Tabuns: The International Day Against Homophobia and Transphobia is an opportunity to rededicate our efforts to end the attitudes and stereotypes that lead to direct and indirect discrimination against gay men, lesbians and bisexual, transsexual and transgendered people.

Homophobia and transphobia, like racism, sexism or anti-Semitism, have devastating effects. The suicide rate among young gays is much higher than among heterosexual males. Fear of rejection and isolation means that a great many gays and lesbians live in secret, and transgendered and transsexual persons continue to be marginalized to the fringes of society.

Ontario's New Democrats believe that our strength and vibrancy as a society comes from embracing and

celebrating our diversity. We encourage all Ontarians to join together in our homes, schools, workplaces and communities, and to lend our voices and actions to end homophobia and transphobia today.

Let us begin right now by including gender identity in the Ontario Human Rights Code.

Interruption.

The Speaker (Hon. Steve Peters): I'd just remind all our guests that we certainly welcome them to the Legislature. As much as they may desire to participate in the process, they need to be a sitting member to do so, and I just would ask that you refrain from applause. Thank you.

INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. Yasir Naqvi: May 17 is the International Day Against Homophobia and Transphobia. I feel very strongly that it is important to mark this day in the Legislative Assembly of Ontario.

We, as Canadians, are rightfully proud of our culture, respect and inclusion for all people of all backgrounds and persuasions. We, as a government, are committed to those values in the most profound way.

Sadly, despite great and continuing strides for human rights, we know that our friends and fellow citizens of the TBLG community continue to face persistent discrimination, intimidation and misguided animosity. It is imperative that we, as a government and as individuals, continue to work unfailingly toward a better and more just society. We must ensure that our workplaces thrive with equality and inclusivity. We must ensure that our public education system welcomes all, supports meaningful inclusion and teaches our children respect and understanding. We must ensure that our health care system provides the best possible care regardless of sexual orientation or gender identity. We must ensure that the laws that protect each person from acts of homophobia are consistently applied. Finally, we must ensure, as members of our community and individuals, that we do everything in our power every day to do the right thing, stand up for what we believe is right and what is fair and struggle against the ugly transgressions we see still.

In its seventh year, the International Day Against Homophobia's campaign focuses on homophobia in sport, which is fitting in Canada's Olympic year.

Just as we came together to celebrate the unifying power of sport in Vancouver, let us come together again today to rally for diversity and inclusivity in our society, and reject homophobia and transphobia.

CARBON MONOXIDE DETECTORS

Mr. Ernie Hardeman: A year and a half ago a young family, Richard, Laurie, Cassandra and Jordan Hawkins, lost their lives due to carbon monoxide in their home in Oxford. Their relatives and friends are here today hoping that this Legislature will help to prevent similar tragedies in the future.

Members might remember that just over a year ago, we unanimously gave the Hawkins Gignac Act second reading. This bill would make functioning carbon monoxide detectors mandatory in every home in Ontario. Unfortunately the bill was lost when the government prorogued the Legislature on March 4, but the people who understand that this inexpensive device saves lives have continued to work hard to promote its use. I want to thank John Gignac, Laurie's uncle, who has created the End the Silence Foundation to educate the people on the importance of having a functioning carbon monoxide detector in their home.

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Carbon monoxide is tasteless, colourless and odourless. It is often called the silent killer because it gives no warning to its victims. Carbon monoxide is the number one cause of accidental poisoning deaths in North America.

Today we have the opportunity to take a step forwards towards saving lives. Later this afternoon, I will introduce the Hawkins Gignac Act, word for word the exact same bill that this House agreed last year was essential. This legislation will save lives. I ask you to work with me and to ensure it is passed as quickly as possible to avoid more tragedies.

And I ask everyone to help save lives by making sure that you have a working carbon monoxide detector in your home today.

PORT CREDIT SALMON AND TROUT ASSOCIATION

Mr. Charles Sousa: I rise today to recognize the Port Credit Salmon and Trout Association, which recently formed in the riding of Mississauga South. They came together in March of this year to promote and protect the trout and salmon populations in the Credit River and Lake Ontario. The association formed to combat the decline in local trout and salmon stocks and work towards growing the lake's fish populations.

In its first month alone, the association has already taken some important steps towards realizing this goal. They have recruited over 100 members and initiated Port Credit's first pen rearing project.

The Ontario Ministry of Natural Resources and its partners stock about 1.7 million salmon and trout into lake Ontario annually to provide fish opportunities and support native species restoration. Of those, about 85,000 chinook salmon are stocked in the Credit River. This year, a small number of chinook salmon are being held in a pen in Port Credit prior to being stocked in the lake. The association is playing a crucial role in these efforts by caring for the fish. Soon, these 5,000 salmon will be mature enough to be released into the lake.

Port Credit has a long history as a fishing village. In the past, our community was home to a large commercial fishing industry, and to this day many local businesses continue to depend on this important fishery, including

fishing charters, the Port Credit harbour, village marinas, and dozens of local restaurants and coffee shops.

Port Credit is also home to Ontario's largest salmon derby, which is a tremendous tourism destination for anglers from all over Ontario and the United States. It's no surprise that the village prides itself on being the salmon capital of Ontario.

I want to commend the Port Credit Salmon and Trout Association for their work in promoting conservation and developing this world-class fishery.

ABILITIES CENTRE

Mr. Jerry J. Ouellette: Each of us was elected with a vision of making a difference for our family, our community and our province, in hopes that future generations live a life that's better than ours today. As elected officials, we are granted a certain stature, at least in the minds of some, that gives us an added ability to better the world that surrounds us and fulfill visions that don't necessarily fall into the mandate to which we were elected. I rise today to congratulate two such individuals for their dedication, hard work and commitment in making our world a better place through the actions of their vision that allowed for a groundbreaking ceremony to take place Friday last.

Christine Elliott and Jim Flaherty, through their personal vision, dedication, planning, and fundraising, broke the ground on the Abilities Centre in Whitby, Ontario. The Abilities Centre is a world-class recreation, athletic and performing arts centre that is fully accessible to persons with varying degrees of abilities and challenges.

The Abilities Centre is partnering with the Iroquois Park Sports Centre in Whitby and will build on their existing facilities and services. This new, barrier-free facility will include a field house which will contain walking trails; track; full-sized courts; fitness facilities; therapy rooms; life skills; art and music programs; performing arts components and much more. In addition, the centre is intended to be an international centre of excellence for the development and implementation of inclusionary practices for people with special needs.

The overall goal of the Abilities Centre is to shift the paradigm: Instead of seeing disabilities, our focus will be on the abilities of each person.

Good job—no, great job, Christine and Jim, and thank you for making our world a better place.

RESUSCITATION OUTCOMES CONSORTIUM

Mr. Ted McMeekin: I'm pleased to rise today to discuss the great work of the Resuscitation Outcomes Consortium, commonly known as ROC, which is making a difference every single day.

We have in the House today with us several very important people with the ROC: Laurie Morrison, Tyrone Perreira, Precilla Dsouza, Jaime Beecroft, Andrew

Brooks, Monica Yu, Suzanne Chung, Julie Saccone and Anuar Turgulov. Thank you very much for being here today.

The ROC is a large, multinational research collaboration of 10 sites across the United States and Canada, including one right here in Toronto, which are doing research on cardiac arrest and life-threatening trauma. In fact, in five regional sites which have participated, the cardiac arrest survival rates have more than tripled. Those involved in the project include hospitals, EMS services, not-for-profits and federal agencies.

As you know, my private member's bill, Bill 41, passed second reading on May 6, and the ROC's research was an important part of that. I want to take this opportunity to recognize and extend my sincere thanks to the ROC and all its partners, in both Canada and the United States, for their invaluable contribution to public health. I especially want to thank Dr. Laurie Morrison of Rescu at St. Michael's Hospital here in Toronto for her dedication and incredible hard work.

ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS

Mr. Bas Balkissoon: Today is Queen's Park Day for the Ontario Association of Police Services Boards. Our civilian police services boards strive to ensure the highest standard of policing excellence in the area they represent. As a result, the Ontario Association of Police Services Boards is a leader in promoting community safety across the province.

Our government has a strong working relationship with the Ontario Association of Police Services Boards and their 174 members. That relationship has allowed our government to implement several successful law enforcement initiatives since coming to office. For example, we launched the Safer Communities—1,000 Officers partnership. We also implemented successful anti-violence intervention strategies in Toronto and 17 other communities across Ontario, and we are doubling the province's annual contribution to the RIDE program. What's more, we've worked together to put more police officers on the streets and remove violent gangs, firearms and illegal drugs from those same streets.

I know that all my colleagues here will join me in thanking the men and women of Ontario's police services boards. Law enforcement is a very complicated and challenging profession, and their efforts keep our communities safe. We are immensely grateful for the work they do on our behalf.

KEVIN MCKAY

Mr. Reza Moridi: It is with great sadness that I stand before the members of the Ontario Legislature today to honour the supreme sacrifice of Private Kevin Thomas McKay, a Richmond Hill native who was killed last week by a roadside bomb near Kandahar, Afghanistan.

My heartfelt sympathy goes out to Private McKay's father, mother and brother.

Private McKay, aged 24, was completing his first tour with the First Battalion of the Princess Patricia's Canadian Light Infantry when he was killed. "Mickey," as he was known, "was a great soldier and an even better individual," said Captain Michael Hughes. "The boys of the platoon really loved Mickey."

Private McKay was two days away from the end of his tour when he was killed. His father, a captain with the Toronto Fire Services, described his son as "everybody's friend" and "the kind of guy that would take his shirt off his back to help someone out."

Private McKay is the sixth Canadian military member to die in Afghanistan this year and the 144th soldier killed since the start of the Afghan mission in 2002. He is the second Richmond Hill native to die in Afghanistan.

I would ask that a minute of silence be observed in honour of Private Kevin Thomas McKay.

The Speaker (Hon. Steve Peters): I would ask all members and our guests to please join me as we observe a moment of silence for the passing of Private McKay.

The House observed a moment's silence.

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REPORTS BY COMMITTEES

STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

Mrs. Laura Albanese: I beg leave to present a report from the Standing Committee on Finance and Economic Affairs and move its adoption.

The Clerk-at-the-Table (Ms. Tonia Grannum): Your committee begs to report the following bill without amendment:

Bill 44, An Act to implement the Northern Ontario energy credit / Projet de loi 44, Loi mettant en oeuvre le crédit pour les coûts d'énergie dans le Nord de l'Ontario.

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

Report adopted.

The Speaker (Hon. Steve Peters): Pursuant to the order of the House dated May 10, 2010, the bill is ordered for third reading.

INTRODUCTION OF BILLS

OPEN FOR BUSINESS ACT, 2010 LOI DE 2010 FAVORISANT UN ONTARIO PROPICE AUX AFFAIRES

Ms. Pupatello moved first reading of the following bill:

Bill 68, An Act to promote Ontario as open for business by amending or repealing certain Acts / Projet

de loi 68, Loi favorisant un Ontario propice aux affaires en modifiant ou en abrogeant certaines lois.

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. Sandra Pupatello: I'll make my statement during ministerial statements.

HAWKINS GIGNAC ACT (CARBON MONOXIDE DETECTORS), 2010

LOI HAWKINS GIGNAC DE 2010 (DÉTECTEURS DE MONOXYDE DE CARBONE)

Mr. Hardeman moved first reading of the following bill:

Bill 69, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in all residential buildings / Projet de loi 69, Loi modifiant la Loi de 1992 sur le code du bâtiment pour exiger l'installation de détecteurs de monoxyde de carbone dans tous les bâtiments servant à l'habitation.

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. Ernie Hardeman: Over a year and a half ago I introduced a bill, the Hawkins Gignac Act, in response to the tragic death of a young family in Oxford from carbon monoxide poisoning. Over a year ago, thanks to all the dedicated supporters and my fellow MPPs, we passed second reading unanimously. This spring, when the Ontario Legislature prorogued, the Hawkins Gignac Act died on the order paper. It seemed that all the work was lost.

I rise today to reintroduce that exact same act, which will require that functioning carbon monoxide detectors be mandatory in every home in Ontario. The short title of the bill is also the same, the Hawkins Gignac Act, in honour of the family that was lost.

As I said earlier, this bill is, word for word, the same as the one that was introduced and that passed first and second reading unanimously last year, so members have already seen it and had a chance to review it. For that reason, I would like to ask for unanimous consent to put the bill for second reading immediately.

The Speaker (Hon. Steve Peters): The member from Oxford seeks unanimous consent of the House to call for second reading. Agreed? I heard a no.

Hon. Monique M. Smith: On a point of order, Mr. Speaker: I appreciate you recognizing me, Mr. Speaker. I just wanted to point out, because I know we have family members here, that the Hawkins Gignac Act is very personal to a great number of people, including people in my riding of North Bay. We did have a discussion, and

there was no agreement to move for unanimous consent on second reading. I just wanted to clarify that so they didn't take any offence. This is a proper—

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

TOBY'S ACT (RIGHT TO BE FREE FROM DISCRIMINATION AND HARASSMENT BECAUSE OF GENDER IDENTITY), 2010

LOI TOBY DE 2010 SUR LE DROIT À L'ABSENCE DE DISCRIMINATION ET DE HARCÈLEMENT FONDÉS SUR L'IDENTITÉ DE GENRE

Ms. DiNovo moved first reading of the following bill: Bill 70, An Act to amend the Human Rights Code respecting gender identity / Projet de loi 70, Loi modifiant le Code des droits de la personne en ce qui concerne l'identité de genre.

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.

Ms. Cheri DiNovo: This is Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity), 2010, named after Toby Dancer, a renowned musician who lost his life and who was a trans activist.

The bill amends the Ontario Human Rights Code to specify that every person has a right to equal treatment without discrimination because of gender identity with respect to services, goods and facilities; accommodation; contracting; employment; and membership in a trade union, trade or occupational association or self-governing profession. The bill also amends the code to specify that every person has a right to be free from harassment because of gender identity with respect to accommodation and employment.

This is the third time I've tabled this bill, and still no action from the McGuinty Liberals. We want trans—

The Speaker (Hon. Steve Peters): Thank you. I need to remind all members once again that when they are introducing a private member's bill, they are to read the introductory statement. I recognize that sometimes introductory statements can be very long as well, but we need to make sure that all members are consistent and stick to that script or I'm going to have to start being the schoolmarm, holding the bill in front of me and following all that.

DEFENDING EMPLOYEES' RIGHTS ACT, 2010

LOI DE 2010 SUR LA DÉFENSE DES DROITS DES EMPLOYÉS

Mr. Hillier moved first reading of the following bill:

Bill 71, An Act to amend the Labour Relations Act, 1995 to increase the rights of members of trade unions

and the duty of trade unions to disclose financial information / Projet de loi 71, Loi modifiant la Loi de 1995 sur les relations de travail pour accroître les droits des membres des syndicats et l'obligation des syndicats de divulguer des renseignements financiers.

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. Randy Hillier: Directly from the explanatory note: This bill amends the Labour Relations Act, 1995, to prohibit the Ontario Labour Relations Board from certifying the union as a bargaining agent of the employees in a bargaining unit unless a representation vote by the employees is held; the amount that a collective agreement between an employer and a trade union can require an employer to deduct from the wages of each employee in the unit affected by the agreement—the part of the employee's regular union dues that relates to collective bargaining—and does not include any amount that relates to any other purpose unless the employee specifically authorizes the trade union to include that amount in the deduction.

This bill requires a trade union that is party to a collective agreement to file a yearly statement with the minister setting out the dues that are payable to it under the agreement and particulars of its expenses incurred during the year, with a breakdown given of expenses of \$5,000 or more. The minister is required to post the statement on the ministry's website on the Internet, and the trade union is required to make a copy of the statement available to its members upon request.

STATEMENTS BY THE MINISTRY AND RESPONSES

GOVERNMENT REGULATIONS

Hon. Sandra Pupatello: Since 2003, the government of Ontario has demonstrated a commitment to working with the business community to generate investment and create jobs for Ontario families. As the economy continues to show signs of recovery, we're continuing our work to make Ontario a great place to start and grow a business through the Open Ontario plan.

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Today, we've tabled an act in the House: the Open for Business Act. It has been introduced today in the Legislature and, if passed, would save businesses both time and money while continuing to protect the public interest. The act includes legislative changes and updates to statutes from 10 different ministries that would deliver results for business.

In our consultations with business, they frequently asked for changes to modernize environmental and labour legislation. The proposed amendments to the En-

vironmental Protection Act and the Ontario Water Resources Act would allow the province to move to a modern, risk-based approach for approvals, focusing resources on activities that pose the greatest risk to the environment.

Ontario is one of the last jurisdictions in North America without a risk-based approach to environmental approvals. The current system places Ontario businesses at a disadvantage, causing unnecessary delays and increased costs.

My colleague the Minister of the Environment is going to speak to specifics in a moment, but I'm confident that these changes would enhance public transparency and environmental protection while improving services to business. The act allows businesses to comply in a much greater way.

Our balanced approach is also reflected in amendments proposed by the Ministry of Labour. The Employment Standards Act is an area where business has frequently asked for improvement. Among other things, the proposed changes included in the Open for Business Act would encourage employees and employers to settle disputes at an early stage, avoiding unnecessary costs for both parties, let alone the time involved for both, and allowing employment standards officers to focus on the current backlog of claims. The removal of the claims backlog would allow the Ministry of Labour to focus on public education and outreach, as well as conduct more proactive inspections that would reach more workplaces.

Speaking in more general terms, the Open for Business Act aims to provide businesses with time and cost savings by:

- improving approvals and modernizing services;
- harmonizing legislation with other jurisdictions to lighten the administrative burden on business. We've watched through the Ontario-Quebec accord—it will necessitate us working together with colleague jurisdictions;
- delivering faster and easier government-to-business services; and
- responding to business and stakeholder requests by addressing specific issues.

We've taken great care to ensure that these changes continue to protect consumers, workers and the environment. Through creating a more focused regulatory environment, the government of Ontario will be able to ensure stronger, more rigorous compliance and improve the relationship between government and business.

Our government-wide Open for Business initiative is already making it easier for Ontario businesses to grow and succeed. Here is just a sample of our earlier achievements:

In September 2009, the Ministry of the Environment eliminated a backlog of about 1,700 applications for environmental certificates of approval. For business, this often means that they can move ahead with an investment rather than sitting and waiting through that process;

As of November 2009, ministries must post all proposed regulations that affect Ontario businesses on the

regulatory registry website. This helps businesses to learn about the regulatory proposals, provide input, and plan for future requirements;

We've also introduced twice-annual effective dates for regulations. New regulation affecting businesses now comes into effect twice a year, on January 1 and July 1, helping businesses to plan ahead;

ServiceOntario, in collaboration with Industry Canada, launched a new business info line for business information about federal, provincial and municipal governments, not to mention the new business ID number that is being introduced that will actually use the same ID for the same business across a number of different ministries. This saves time and money for our businesses.

The Open for Business Act continues our effort to make Ontario the best place in North America to do business, and it supports the Open Ontario plan to strengthen our economy.

I want to especially thank some of the members from our business community who join us in the House today to watch what I think really is landmark legislation being tabled—people like Len Crispino, from the Ontario Chamber of Commerce; Ian Howcroft, with the Canadian Manufacturers Association; Ian Kelso, who represents Interactive Ontario, our new digital gaming association; Terry Campbell, from the Canadian Youth Business Foundation; and Paul Mikolich, from the Canadian Steel Producers Association. We thank them for being here and being a big part of the process of the work that went into today's act.

We know that we can protect the public interest without creating unnecessary barriers to business. The Open for Business Act, if passed, would help Ontario businesses focus on what they do best: creating jobs for Ontario families.

Hon. John Gerretsen: I'm very pleased to speak about the modernization of approvals contained in the Open for Business bill introduced earlier.

This legislation would, if passed, ensure that the environment is vigorously protected while introducing a modern approvals system. We will not compromise on our duty to protect the environment and human health. We want to enhance our ability to do that, and this bill would accomplish that.

Under the current process, the Ministry of the Environment receives more than 6,000 requests for certificates of approval each year. Our system of environmental approvals has not substantially changed over the last 30 years; it is still completely paper-based. Currently, all applications are received in the same manner, regardless of whether they pose a low or a high risk to our environment. Many are for activities that pose a low risk to the environment and to human health, yet each must go through exactly the same process. We need an updated, modern system that provides better protection and places greater emphasis on applications providing a higher risk.

This bill would introduce a new risk-based approach to environmental approvals. It will allow for the creation

of a searchable online registry for activities that pose a lower risk for the environment. It will also allow us to more rigorously issue approvals for complex or unique activities by creating an electronic submission process. It would reduce paper and increase transparency since Ontarians could search online for information about approvals.

It would simplify the process for lower-risk activities and enhance our ability to protect the environment by allowing us to focus our resources on higher-risk activities. This would allow us to concentrate on the environmental outcomes, which is always what it should be about; not the process, but what are the environmental outcomes?

We have consulted widely on this bill, over the past two years, with both industry and the environmental community. We posted our approach on the Environmental Registry and held many round tables with the business community and with environmental organizations. If the legislation is passed, we would gradually roll out the new requirements through tough regulations throughout 2011 and 2012.

We know that all Ontarians want a strong and competitive economy, but we also know that all Ontarians value a healthy and clean environment, and that's what this bill is all about. All of this would be what our proposed new approvals process would achieve.

The Speaker (Hon. Steve Peters): Responses? The member from York Simcoe.

Mrs. Julia Munro: “Open for Business” is what the government calls this bill, but this has not been the case for the last seven years. Six years after it abolished the Red Tape Commission, this government has finally responded to the burden of red tape in Ontario. This bill is the government’s attempt to cut red tape.

Establishing the Red Tape Commission was one of the first actions the PC government took in 1995. The commission oversaw the passage of 15 red tape reduction and government efficiency acts since 1995. These acts helped repeal over 80 outdated statutes and amend well over 200 other acts. In addition, the commission worked with ministries and their agencies to remove over 2,000 outdated and unnecessary regulations. After all this work, the McGuinty government killed the Red Tape Commission. Then it spent years ignoring the worries and fears of small business and other citizens caught up in red tape.

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Other provinces followed our actions in Ontario. The Alberta government established a regulatory review secretariat, and the British Columbia government has removed more than 151,000 needless regulations since 2001.

A CFIB survey found that 26% of new business owners would not have set up operation in this province if they had known the red tape burden they would face beforehand.

Be assured that initiatives that make it easier to do business in Ontario will have support, but the minister and the government should not pretend that they have

come up with a new idea. If they really want to help small businesses, maybe they should look at their tax hikes, which will kill many service businesses. They should talk to Ontario’s convenience store owners, who are trying to make a living; they should talk to career colleges, who face drastic new rules; and they should stop their plan to take \$750 million from pharmacies, large and small. In every one of these cases, it is the actions of this government that have put private sector businesses at risk.

People should know that this government’s so-called Open for Business plan comes after this government has repeatedly slammed the doors in the face of small businesses. Open for Business is just this government’s attempt to shed its anti-business image less than a year and a half from an election.

Mr. Toby Barrett: As we’ve just heard, it’s no secret that as Ontario PCs, we recognize the tremendous cost of excessive regulation and unnecessary red tape, something that’s acutely felt in the environmental business sector. So you can understand our hope when we see a government headline, “New Ontario Law Aims to Relieve ‘Headache’ for Business.” However, you can understand our immediate disappointment when the first media quote that I read from the economic development minister indicates, “This isn’t a ‘cutting red tape’ initiative.” So much for the hope.

Bureaucratic red tape and excessive regulation kills jobs. It’s that simple.

Currently, this province is awash in over 500,000 regulations. From what I understand, this economic development bill will slash about 50 from the environment ministry. That’s a bit of a start, I guess, but I do remind members that when the announced water plan is introduced, it will be the eighth environmental act under this government.

These are bills that are notorious for associated regulation, and they’re now becoming notorious for the accumulative smothering impact of this kind of legislation that drives business out of Ontario.

We had a briefing today—we appreciated that—and we were told this bill would harmonize legislation at federal, provincial and municipal levels. I would applaud that initiative if the government had not made a practice of already duplicating, through environmental legislation, federal government initiatives—the pesticides legislation, for example. Toxics reduction—another duplication. Cap and trade—you’re duplicating what’s going on in Ottawa.

This bill will introduce a risk-based system. I’m concerned. I asked for a science-based system; that might be a proper way to run an environment ministry.

Mr. Peter Tabuns: We will be keeping a close eye on this legislation. Any legislation that amends more than 100 regulations affecting 10 different provincial departments, including ministries of labour, environment and natural resources, needs very close scrutiny.

New Democrats don’t have a problem with making things simpler for companies and organizations to get government approvals required to do business in Ontario.

We are, however, deeply concerned about the changes to the Environmental Protection Act. Based on a quick reading, those are concerns that have been also set out by the Canadian Environmental Law Association, the Canadian Institute for Environmental Law and Policy, and Ecojustice.

The minister is touting this as a job-creation measure. However, rather than focusing solely on deregulation measures, New Democrats would focus on various initiatives to directly encourage investments. These include a buy-Ontario policy, encouraging buy-Ontario initiatives. Ontario taxpayer money should be used to create jobs for Ontarians. Ontario needs a comprehensive buy-Ontario program that would ensure that all provincial and municipal government procurement projects give preference to Ontario- and Canadian-made projects. An effective buy-Ontario program would allow smaller Ontario companies, such as those in the green energy sector, to achieve the scale they need to export and successfully compete in global markets, creating good-paying jobs for Ontarians.

We need focused financial incentives. Corporate tax cuts and the harmonized sales tax won't create jobs. High-wage, good-quality jobs can be created by carefully targeting financial incentives towards quality investments in plant, machinery, computer technologies and skills training. New Democrats believe in creating a pro-investment tax regime, a tax regime that directly rewards job-creating investments in plant, machinery, information technology and workplace skills.

There's nothing wrong with providing incentives to businesses to create jobs. The Scandinavian countries and provinces like Quebec and Manitoba have developed effective programs providing highly targeted incentives for investments that lead to high-quality jobs at a fraction of the cost of the McGuinty-style corporate tax cuts. New Democrats would build on the programs developed in pro-investment and socially progressive jurisdictions and develop made-in-Ontario incentives to encourage job-creating investments.

In terms of a forestry and mining strategy, Ontario must create more value-added jobs in the forestry and mining sectors. A value-added strategy in forestry would mean more jobs making hardwood flooring and doors, engineered wood products, cabinets and furniture, and less unprocessed lumber shipped out of the province.

Ontario resource concerns that are willing to commit to their communities deserve a stable and competitive hydro rate, and only the NDP will work with these employers to ensure a competitive hydro rate that will create and protect the kinds of jobs that will sustain communities.

PETITIONS

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. Frank Klees: I have a petition that was delivered to me by Gordon Kyle of Community Living Ontario. It

is headed, "Help Reinstate Much-Needed Funding to Developmental Services and Supports in Ontario."

"To the Legislative Assembly of Ontario:

"Whereas almost 12,000 Ontario citizens who have an intellectual disability are on waiting lists for residential supports;

"Whereas another 7,000 individuals are waiting for other supports;

"Whereas 80% of the 1,500 parents providing primary care for their adult children waiting for residential services are over the age of 70;

"Whereas the government of Ontario made a commitment in 2007 to provide a 2% base funding increase to agencies providing developmental services every year up to 2010-11;

"Whereas the government has decided not to provide the 2% funding increase promised for the current year;

"Whereas the failure to honour this funding commitment will cause further deterioration of supports and services for people who have an intellectual disability;

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

"That the government of Ontario reinstate the 2% base funding increase promised four years ago to service providers in the developmental services sector."

I'm pleased to add my personal signature to this in support of the appeal to the government.

MULTIPLE SCLEROSIS

Ms. Helena Jaczek: I have a petition to the Legislative Assembly of Ontario.

"Whereas multiple sclerosis ... is a debilitating disease affecting a great number of people in Ontario; and

"Whereas there has been a new treatment discovery called the liberation treatment, which addresses chronic cerebrospinal venous insufficiency ... and that has been seen to provide relief for many MS sufferers,

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

"That the government of Ontario invest in research regarding this new treatment and make it available to victims of MS in Ontario as a listed procedure in a timely manner."

As I agree with this petition, I will sign it and send it to the table with page Rhett.

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TAXATION

Mr. John O'Toole: I'm pleased to present a petition from my riding of Durham. This one is from Wilmot Creek, and one of the people who signed it is Madge Cadan. The petition she signed reads as follows:

"Whereas Premier Dalton McGuinty is increasing 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 include: coffee, newspapers and magazines; gas for the car, home heating oil and electricity; haircuts, dry cleaning and personal grooming; home renovations and home services; veterinary care and pet care; legal services, the sale of resale homes, and funeral arrangements” and the list goes on;

“Whereas Dalton McGuinty promised he wouldn’t raise taxes in the 2003 election. However, in 2004, he brought in the health tax, which costs upwards of ... \$900 per individual. And now he is” doing it again;

“Therefore 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 on Ontario’s hard-working families and businesses.”

I’m pleased to sign and support this, and send it down to the table with Ana, one of the new pages.

TAXATION

Mr. Robert Bailey: My petition is to the Legislative Assembly of Ontario from members of my riding.

“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; and

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

“Whereas Dalton McGuinty’s new 13% sales tax will increase the cost of goods and services that families and businesses buy every day, such as: ... gas at the pumps; home heating oil and electricity; postage stamps; haircuts; dry cleaning; home renovations; veterinary care; and arena ice and soccer field rentals;

“Therefore 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.”

I agree with this, affix my signature and will send it down with Mary.

WIND TURBINES

Mr. Ted Arnott: I have a petition, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas multiple industrial wind farm projects are being considered by the government of Ontario in the absence of independent, scientific studies on the long-term effects on the health of residents living near industrial wind farms;

“Therefore, we, the undersigned, respectfully petition the government of Ontario to put a moratorium on any renewable energy approvals for the construction of industrial wind farms in the province of Ontario until such time as it can be demonstrated that all reasonable

concerns regarding the long-term effects on the health of residents living near industrial wind farms have been fully studied and addressed.”

I have affixed my signature to this petition.

SPEECH AND LANGUAGE SERVICES

Mr. Frank Klees: I have a petition presented to me by Antonella Talota that contains numerous signatures from parents and speech language pathologists concerned about the long waiting list for speech language therapy in York region. It reads as follows:

“Whereas there are more than 1,000 children in the public and Catholic schools in York region who are on the wait-list for speech-language therapy; and

“Whereas these are children who are struggling with speech and language disorders, which can have serious consequences without timely intervention; and

“Whereas it is the responsibility of the Central Community Care Access Centre to assign speech-language pathologists to provide therapy to children on the wait-list, but the McGuinty government has substantially cut funding to the CCAC for speech-language pathology, with the result that children are not being released from the wait-list for treatment; and

“Whereas parents are being told to pay for private therapy if they want timely treatment for their children, but many parents cannot afford the cost of private therapy, with the result that these children are at risk of increased severity of their difficulties, impacting their social and academic skills;

“Therefore we, the undersigned, petition the Parliament of Ontario to call on Premier Dalton McGuinty, the minister responsible for children and youth services, the Minister of Health and LTC and the Minister of Education to intervene immediately to ensure that the Central CCAC develop a plan that will ensure that the more than 1,000 children in need of speech-language therapy in York region receive the necessary treatment.”

I’m pleased to affix my personal signature. I know that this is an issue right across the province.

ONTARIO PHARMACISTS

Mr. John O’Toole: I’m pleased to present another group of petitions from my riding of Durham. This one here is about the pharmacy cuts, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is cutting front-line health care at pharmacies, which could mean higher prices, less service and even store closures for us;

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

“Stop the cuts to front-line health care at our rural pharmacies now.”

I’m pleased to sign and support this on behalf of my constituents and those around Ontario.

ONTARIO PHARMACISTS

Mr. Frank Klees: This petition was delivered to me by local pharmacist Mr. Mike Khalil, and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is cutting front-line health care at pharmacies, which could mean higher prices, less service and even store closures for us;

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

“Stop the cuts to front-line health care at our pharmacy now.”

I’m pleased to affix my signature to this. I know it’s of great concern to many in my riding, especially seniors.

ONTARIO PHARMACISTS

Mr. Robert Bailey: This petition is to the Legislative Assembly of Ontario:

“Whereas the Ontario government is cutting front-line health care at pharmacies, which could mean higher prices, less service and even store closures for us;

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

“Stop the cuts to front-line health care at our pharmacies now.”

I agree with this and affix my signature to it as well.

ONTARIO PHARMACISTS

Mr. Frank Klees: Speaker, the petitions just keep on coming. This stack of petitions reads as follows. It’s a different version of others we’ve heard here, but I want to share this with you:

“Whereas the McGuinty government has announced that it will impose substantial cuts to pharmacies; and

“Whereas Dalton McGuinty’s cuts will:

“—reduce pharmacy hours during evenings and weekends;

“—increase wait times and lineups for patients;

“—increase the out-of-pocket fees people pay for their medication and its delivery; and

“—reduce critical patient health care services for seniors and people with chronic illnesses such as diabetes, heart disease and breathing problems; and

“Whereas these cuts will mean that some neighbourhood pharmacies will be forced out of business; and

“Whereas pharmacists are willing to work cooperatively with the government to find ways of reducing the cost of health care services and prescription drugs;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to call on Premier Dalton McGuinty and the Minister of Health to work with Ontario pharmacists to find a fair and reasonable solution to reduce the cost of drugs rather than impose their announced cuts that will have serious consequences to health care services in our community.”

I endorse the intent of this petition and affix my signature accordingly.

ONTARIO PHARMACISTS

Mr. Frank Klees: if there’s no one else, we never run out of petitions in the riding of Newmarket–Aurora. This was just delivered to me this morning:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is cutting front-line health care at pharmacies”—I wish they’d get the message—“which could mean higher prices, less service and even store closures for us;

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

“Stop the cuts to front-line health care at our pharmacy....”

I’m signing this for about the 54th time.

ONTARIO PHARMACISTS

Mr. John O’Toole: These petitions are from my riding of Durham. They read as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario government is cutting front-line health care at pharmacies, which could mean higher prices, less service and even store closures for” all of us;

“We, the undersigned, petition the Legislative Assembly of Ontario” and Premier McGuinty “as follows:

1400

“Stop the cuts to front-line health care at our pharmacy now.”

I’m pleased to sign and support this, and present it to Luke, one of the pages here, from Leeds–Grenville.

ORDERS OF THE DAY

NOT-FOR-PROFIT CORPORATIONS ACT, 2010

LOI DE 2010 SUR LES ORGANISATIONS SANS BUT LUCRATIF

Ms. Aggelonitis moved second reading of the following bill:

Bill 65, An Act to revise the law in respect of not-for-profit corporations / Projet de loi 65, Loi modifiant des lois en ce qui concerne les organisations sans but lucratif.

The Speaker (Hon. Steve Peters): Debate?

Hon. Sophia Aggelonitis: I’m privileged to rise in the House today for the second reading of the Not-for-Profit Corporations Act. I will be sharing my time with the member for Stormont–Dundas–South Glengarry, my wonderful parliamentary assistant.

I suspect that many of us would agree that, in most cases, rules and regulations put into place 57 years ago would warrant a review. This is the case with Ontario’s existing Corporations Act. The current act governs the

incorporation, governance and dissolution of not-for-profit corporations, including charities. It was first enacted in 1907, with the last substantial revision completed in 1953. As you can imagine, many of its provisions are no longer applicable or relevant; others are cumbersome and antiquated. There are also gaps that need to be addressed to create the legal certainties necessary for a not-for-profit to operate efficiently today.

We have heard from many not-for-profit corporations on all of these concerns. Our government understands them. We have listened. We know that the existing legislation no longer meets the needs of Ontario's dynamic, diverse and growing not-for-profit sector. For that reason, we have introduced the Not-for-Profit Corporations Act as a modern legal framework and effective response.

There are currently about 46,000 not-for-profit corporations in Ontario. They work to relieve poverty, to advance education and faith, and to strengthen medical research. They are our museums, art galleries, trade associations, social clubs, sports clubs and environmental groups. They promote awareness of good causes and elevate community involvement and spirit. These unique corporations and their army of volunteers benefit our people and our province in countless ways. Just as important, they generate a massive \$50 billion each and every year in annual revenues and employ about one million people all across the province. Almost eight million people volunteer their valuable time for not-for-profits in communities all across Ontario. Our goal is to support and strengthen this very important sector.

If passed, the proposed legislation would be far simpler to understand than the legislation that currently governs not-for-profit corporations. It would make it easier for organizations to conduct business in today's marketplace and allow them to respond better to the diverse needs of their clients. It would enable Ontario to leap to the forefront as a leader in not-for-profit corporations law, and it would also help build a stronger province for all of us.

Let me turn to the specifics of the Not-for-Profit Corporations Act. Our intention with the proposed legislation is to create a modern statute that would be transparent, flexible, efficient and fair and would strengthen the sector. To do this, the act proposes several key reforms. For example, it would expedite and streamline the incorporation process for not-for-profits. Currently, this could take up to six to eight weeks. Our goal is to bring that timeline down to about seven working days or less for a paper application and as little as two days when the online incorporation option is phased in.

The proposed act would update and provide flexibility to the rules that govern the relationship between a corporation and its directors. This would enable corporations to govern themselves more efficiently and enjoy better decision-making structures. We would also clarify the accountability of directors through such provisions as a clear duty of care and a maximum term of office, with an election being held at least every three years. Also, the proposed act would enhance democracy by adding

provisions to ensure that directors act in the corporation's best interests.

Directors would also be provided better protection from personal liability than under the current act. This would include a broad due diligence defence to allow them to rely in good faith on professional advisers and the advice of employees, as well as indemnification and insurance provisions. Not-for-profits need people of insight and expertise on their boards. Giving board members appropriate protection from personal liability would assist non-for-profits to recruit very highly qualified people.

The proposed act would be more flexible in terms of audit requirements and it would also allow a simpler financial review process in place of an audit in specific circumstances. It would also allow not-for-profits to engage in for-profit activities where the revenues are reinvested in support of the corporation's not-for-profit purposes. Currently, organizations are permitted to engage in commercial activities but there is some uncertainty about which profit-generating activities are permitted. The proposed act would provide clarification on these issues. For example, activities that not-for-profit corporations already may engage in include selling recyclable goods in support of an environmental group, a restaurant that employs individuals with health challenges and reinvests those revenues into career development training, and an organization that purchases organic produce from local farmers and redistributes it at a fair price to people who may not have access to healthy food. The ability to engage in commercial activities is important because it can provide not-for-profit corporations with a stable base of funding.

The new act would give Ontario's not-for-profit corporations the benefit of greater legal certainty in carrying out their commercial activities. Finally, the act would become consistent with Canada's Not-for-Profit Corporations Act and with legislation and best practices that currently support the sector in other provinces.

The reform we propose is based on extensive consultation. Over two years, our government released three discussion papers to solicit comments and suggestions on reforms of the Corporations Act. We listened to feedback on the proposed new act from partners representing about 200 organizations during workshops in Ottawa, London, Toronto and Thunder Bay. We established a web advisory panel to consult with key partners on preliminary policy recommendations. We also formed an interministry working group representing 15 ministries in order to reach as broad a stakeholder base as possible.

I would like to thank my colleagues for supporting these efforts and for ensuring comprehensive input to the legislation from a broader government perspective. The proposed Not-for-Profit Corporations Act that we are debating today reflects this feedback. Reaction to the modernization proposal has been and continues to be very positive, and here is what some of the people are saying:

The Ontario Nonprofit Network, Lynn Eakin, says: "The current act has not had a major revision for almost

50 years and needs updating. We were very grateful for the opportunity for the non-profit sector to contribute to the development of modern legislation. This legislation is critical for the sector's long-term well-being."

The Ontario Bar Association, Wayne Gray, says: "A vibrant not-for-profit sector is an important element of Ontario's economic, social, cultural and charitable fabric. New governance legislation will directly benefit approximately 46,000 Ontario organizations operating in the sector and indirectly benefit the many more who depend on the services that these organizations provide through their volunteers, donors, employees and members."

Then a quote from SPORT4ONTARIO, Margaret Emin; she's the chair: "We applaud the McGuinty government's recognition of the rich diversity and value of the Ontario not-for-profit sector and the transparent, inclusive process to solicit input on the modernization of the Ontario Corporations Act. The Ontario sport sector, which together with recreation forms the second largest not-for-profit and voluntary sector in Ontario, welcomes this highly anticipated revised legislation and looks forward to examining the proposed changes, critical to the well-being of our sector." That was, again, Margaret Emin from SPORT4ONTARIO.

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We have heard from many leaders right across the province. We listened, and now we are working together for a much simpler, more relevant and clearer act.

As you know, the McGuinty government has committed to modernizing Ontario's business laws. This is necessary to meet all the challenges and opportunities of the 21st century. It is our responsibility as leaders to ensure that Ontario attracts investment and jobs, remains an efficient place to do business and is able to effectively compete in a global economy. Modernizing the Corporations Act and the laws that govern the not-for-profit sector is an important part of that process. It would further enhance the efficiency of Ontario's business laws. It would also support our government's Open for Business initiative.

The proposed legislation would reduce the regulatory burden on organizations; ensure that government services, such as the processing of applications, are delivered in a faster and smarter way; and streamline operational and administrative requirements.

As a final point, it would also align with our government's poverty reduction strategy. This is a priority for our government, and we work in partnership with many not-for-profits all across Ontario that are dedicated to helping the most vulnerable. We see their good work each and every day. These are the organizations that help feed the hungry, house the homeless, help children who are living in poverty do well in school and gain the opportunities they need to succeed, and support the children's parents when they need a helping hand.

Our proposed legislation would facilitate the effective operations of these fine organizations and help them to do more of the good work that they do so well. Supporting Ontario's not-for-profit organizations is an

important part of the government's Open Ontario plan to grow key sectors of the economy and create a climate where businesses can thrive.

The 46,000 not-for-profit corporations across Ontario deserve a modern statute that reflects their unique characteristics and complexities. They deserve to have certainty and clarity in their operations as they work to benefit Ontarians and to contribute to the economic strength of our great province. They deserve to be able to grow in the best way possible. By moving forward on the Not-for-Profit Corporations Act, this Legislature and this province would be supporting their strength and success. We would be providing this vibrant and innovative sector with the legislation it needs to progress in the 21st century. We would be taking another step forward in modernizing corporate and commercial statutes for the benefit of Ontario's businesses and not-for-profit communities. If this legislation is passed, we would be building a stronger Ontario.

Mr. Jim Brownell: I'm honoured to rise in the House today to support the Minister of Consumer Services on the proposed Not-for-Profit Corporations Act. As parliamentary assistant to the minister and MPP for Stormont-Dundas-South Glengarry, I know first-hand the importance of not-for-profit organizations and the reform that is necessary to help our partners in this sector operate effectively.

If passed, this legislation would provide a modern legal framework to better address the needs of Ontario's 46,000 not-for-profit corporations. It would make it easier for them to operate in today's world, as well as strengthen the overall sector.

Reform is long overdue; let me explain with a bit of history. As the Minister of Consumer Services has said, Ontario's not-for-profit sector is currently guided by the provisions of the existing Corporations Act. This legislation was enacted in 1907. It was set up to apply to all types of corporations, including not-for-profit, business, insurance and mining. It has not been substantially revised since 1953. Since then, there have been only small amendments.

Through the 1970s, the province introduced separate statutes to govern business corporations; however, the act was not updated to reflect this fundamental change, nor the many other changes over the decades in this sector. The result: For decades, large parts of the Corporations Act have been outdated. Not-for-profit corporations have told the Ministry of Consumer Services that they have been forced to piece together provisions of the act that apply to them. As you can imagine, this makes it difficult to use. Even lawyers have told the ministry that they on occasion find it difficult to locate the applicable law.

There are also other significant gaps. For instance, the current act lacks provisions that set out the duty and standard of care of directors and officers. There are no statutory defences for them against personal liability. It lacks a complete set of rules to address director and member meetings. Further, it is not consistent with the newer legislation in place in other Canadian jurisdictions. Basically, it is outdated legislation.

Our government wants to modernize the outdated legislation. Ontario's not-for-profits deserve fair, comprehensive and up-to-date laws that enable them to operate well in a modern world. The proposed Not-for-Profit Corporations Act would meet the need. If passed, this legislation would offer clarity and completeness. It would follow a logical order. It would address a range of issues, from incorporation to corporate governance to members' rights and protections to defences for directors and officers to dissolution. It would be a welcome improvement for this sector.

Some might wonder what constitutes a not-for-profit corporation in Ontario under the current legislation, the Corporations Act. There are three key elements: first, it is an organization that carries on its activities without the purpose of gain for its members; second, it is incorporated as a corporation that does not issue shares; and third, it must have not-for-profit purposes and use any profits that it makes to promote these purposes. These are the facts, but as we all know, not-for-profits are so much more than the sum of their parts. From daycare centres to food banks, from social clubs to service clubs, from professional groups to neighbourhood associations, these organizations are the heart and soul of our communities. They make remarkable contributions to our society, our people and our economy, and they are vital to the strength and success of our province.

Let me address some of the key reforms of the proposed Not-for-Profit Corporations Act. I'll begin with the incorporation process. Under the current legislation, incorporation of not-for-profits is a long and cumbersome process. In fact, its complexity leads to the rejection of about 35% of applications simply because of errors. As you can imagine, this causes significant delays and added costs as applications are returned for revision. Under the proposed legislation, the incorporation process would be fast, efficient and streamlined. Timelines would be reduced from six to eight weeks to approximately seven working days or less. It would be cost-effective. Eventually, it would enable electronic registration options including online incorporation, which would be even faster.

Additionally, corporations would be entitled to incorporate as of right if they comply with the requirements of the proposed act and its regulations. That is, if a corporation meets certain requirements, it is entitled to be incorporated. Under the current system, incorporation is discretionary.

Next, there is concern over corporate governance provisions as they currently stand under the Corporations Act. Our partners in the sector have asked for more certainty on issues such as accountability. They would welcome a reduced burden and more flexibility to deal with the realities of today's not-for-profit sector. Under the proposed act, we would address these concerns. Accountability would be strengthened, for example, by the provision of regular elections. We would set the term of office for directors at a three-year maximum, with no limit on the number of times they may be re-elected. New

provisions in the act would address gaps and clarify rules such as the duty of care for directors. Directors would be required to exercise the care, diligence and skill that reasonably prudent persons would in comparable circumstances.

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Third, member democracy would be strengthened. If passed, the Not-for-Profit Corporations Act would expand remedies to require directors to act in the best interests of the corporation. For instance, a member could obtain a compliance order if the corporation or its directors and officers fail to comply with duties as set out in the proposed act, its regulations, articles and bylaws.

Fourth, there is currently no limit on the liability of directors. This liability certainly acts as a deterrent for talented directors to serve on the boards. If passed, our new act would increase liability protection by adding a broad due-diligence defence, which includes good-faith reliance. This allows directors to rely on professionals and skilled managers for advice.

Next, most not-for-profits that are operating today must conduct a full, often expensive audit unless they meet onerous exemption rules. The proposed legislation would provide the flexibility to conduct a less expensive financial review or obtain an audit exemption. This would be based on specific circumstances, such as revenue thresholds and the type of corporation. Public benefit corporations, which include charities, would be held to a higher standard than non-public benefit corporations. It's a practical change that would relieve smaller corporations of the higher financial and administrative burdens associated with an audit. It would also help increase compliance of not-for-profits with requirements for financial reviews.

Sixth, while not-for-profit corporations in Ontario are currently permitted to engage in commercial activity, there is some uncertainty over what activities are permitted. If passed, the Not-for-Profit Corporations Act would clarify that organizations can engage in commercial activities in support of their not-for-profit purposes, as long as the revenue is returned to the organization. This might include, for example, operating a restaurant or a clothing store in order to provide people who are otherwise unemployable with job skills and basic income.

Finally, as you may have heard, the federal government enacted the new Canada Not-for-Profit Corporations Act last year. Our proposed act would, if passed, become consistent with the federal act. Both would provide, for example, a clear and easy structure to follow, a simplified incorporation process and enhanced member remedies.

Our provisions would also be broadly consistent with those of other Canadian provinces that have introduced modern legislation to govern not-for-profits, such as the province of Saskatchewan.

I would like to clarify which organizations would and would not be affected by our proposed reform.

All not-for-profit organizations that are incorporated in Ontario under the Corporations Act would be affected.

As I stated previously, there are about 46,000 organizations.

There are some types of not-for-profits operating in Ontario that would not be impacted. These include not-for-profit co-operative corporations, not-for-profits that are incorporated federally, and unincorporated not-for-profit organizations.

Additionally, some not-for-profits are incorporated through other special private or public acts. For example, the Corporations Act does not apply to municipal corporations. Therefore, municipalities would not be affected by our proposed reform.

With respect to charities, our proposed legislation would govern their incorporation, governance and dissolution, but not their regulation. This would fall to the Ministry of the Attorney General.

It would also facilitate the activities of not-for-profit social enterprise corporations in Ontario. Not-for-profit social enterprise corporations, which are organizations with specific social or environmental goals, would be permitted to engage with no restrictions in commercial activities to advance or support their not-for-profit purposes.

Our government engaged in thorough consultation while developing the legislation we are debating today. Three consultation papers were made available to over 1,100 stakeholders. Regional meetings were held in Ottawa, London, Toronto and Thunder Bay, and were attended by representatives of approximately 200 organizations. A web advisory panel engaged in an online consultation with key stakeholders.

There was widespread agreement among the sector that modernization was necessary, and our government has received very positive feedback for our initiative in undertaking the reform, as well as for the direction we propose. I would like to recognize the interministerial working group of 15 ministries that has worked closely with our ministry and provided an important cross-government perspective for the legislation. Should the bill pass, we would continue to work closely with this team to assist our partners in understanding the new laws.

As you know, our government has committed to a business modernization initiative. We have enacted the Securities Transfer Act. We have updated the Ontario Business Corporations Act and Personal Property Security Act, and made amendments to various other related statutes. Now we propose to modernize the law for not-for-profit corporations. The combined effect of these changes would establish Ontario as a leading jurisdiction in business law. The Not-for-Profit Corporations Act would also support our government's Open for Business initiative by streamlining operational and administrative requirements and processing applications more efficiently. It would also align with Ontario's poverty reduction strategy.

There are thousands of not-for-profit organizations across the province that are dedicated to improving the lives of vulnerable children and families who live in poverty. This act would make it easier for them and for

all of Ontario's unique and diverse not-for-profit organizations to operate and conduct business in today's marketplace. Ontario's not-for-profit sector contributes greatly to our society, our communities and our province. The sector is crucial to those who depend upon the diverse services that its organizations provide. It is vital to our economy, generating about \$50 billion in annual revenues and employing almost one million Ontarians—so important for the economy. Our government is committed to strengthening this sector that offers so much to so many.

We urge all members of the House to support the new, modern Not-for-Profit Corporations Act by approving this bill.

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

Mr. John O'Toole: I'm very pleased to acknowledge second reading of Bill 65, which—a lot of people should really be patient here and not assume anything. The talk is at a very high, non-concerning level, but there are 17 different sections—quite an intricate piece of work here; 108 pages. It does deal with a couple of things. I'm not finished reading and I have not been briefed on it, but I'm waiting and listening to the debate. The section here about the liabilities: I'd perhaps like the minister—this is very important for non-profit organizations to not be burdened. Under the governance model, it's clear that the appointment of directors is under part IV, quorum, and the need to have membership. I think people who volunteer, mainly, for these organizations are usually community builders. As such, often they face liabilities which are—I suspect in the corporate world they're absolutely protecting against liability; it's important. And if they can avoid huge legal costs in these not-for-profit environments, I would be very supportive of that section for sure.

If you look at the "Auditors" and "Financial disclosure" requirements in parts VII and VIII, they're very important. I haven't completely read them yet but, again, it's very much like in part IX, where it talks about the ability to borrow, the ability to create debt and obligations, and to charge dues and memberships. Those are appropriate, and most often happen today in those organizations, but not always. Persons can be directors who aren't members, which is often the case. They bring in experts who bring a specialty to the organization, who are often, again, volunteers who contribute and make them worthy organizations.

So there's a lot in this. I hope it's all good, but I'm always troubled when they bring in these large omnibus types of bills saying that they're going to do all these good things, and at the end of the day the minister—she's new on the job and I'm sure she needs to be briefed on it as well.

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

Mr. Peter Kormos: I listened carefully to the leads by the government minister and parliamentary assistant. I was pleased to be able to do it. I'm going to have a

chance to speak to this in short order, and I want to be able to say things about the bill as I read it. I'm eager to hear the member for Whitby–Oshawa and her comments on the bill.

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So far, this seems like a relatively benign proposition, and that's a good thing. I wouldn't expect anything less from this minister. On the part of the New Democrats, I can indicate that we don't want to see this thing spend a whole lot of time at second reading. It's important to get it into committee and let the real world out there address it. Let's find out if there are any areas in the bill that need speaking to or some tweaking, if you will, and then we should do that.

I will have some comments to make about the government's insistence that this is somehow part of a poverty reduction strategy. I understand that the people who write these things are doing their best to get good spin and to wring out as much as they can from it, kind of like wringing out a dish cloth, but sometimes that towel is dry. Sometimes the pitcher is empty. No matter how much you shake it or clang it, short of spitting in it, you ain't going to get anything into it.

I hear the minister, and I take her at her word, of course. I hear the parliamentary assistant, and the same will go for him on this one. The poverty reduction strategy: I'm starting to get a little bit suspicious that maybe there's some hyperbole going on here, but after all, if hyperbole can't take place here, where can it?

I'm looking forward to hearing the official opposition's response, and then I'm looking forward to making my own on behalf of New Democrats.

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

Mrs. Maria Van Bommel: As the member from Durham pointed out, a number of people who get involved in the boards of not-for-profits are the volunteers of our communities.

For myself, my first experience with the not-for-profit sector was as the co-founder of some farm women's organizations in this province. One of the things that we found we needed to do was incorporate, and we did so. It wouldn't have stopped us from continuing with the work we did, but I think had our partners at home known the kind of personal liability that we were putting on their farm operations by the fact that we were then part of a not-for-profit corporation, it would have made them, I think, exceptionally nervous. In terms of recruiting volunteers to sit on these boards and become part of that, when you consider the possibility and the potential of personal liability, it is certainly something that would keep good people from considering doing that kind of thing, and that's very important if we're going to move forward.

When I see that the act itself hasn't been substantially revised or amended since 1953, I think we also have a situation now where people have different expectations. If you're a member of a not-for-profit organization, there may have been a time when you trusted the board to do

the right thing, and you assumed that they were doing the right thing. Under this act, we're now talking about the fact that there is more accountability necessary, and I think most members of not-for-profits have those expectations.

Even in our own constituency office, we sometimes have people who question what is happening with the not-for-profits. By going through and working at this bill and bringing this forward, we are now going to address that kind of accountability for our constituents as well.

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

Mr. Ted Chudleigh: This is an interesting piece of legislation. Unfortunately, we haven't had an opportunity to caucus this bill. It was introduced last Wednesday.

I found it interesting, on the point of privilege that was being debated this morning, that the House leader brought up the point that that point of privilege had only been introduced at a quarter after 10 in the morning, and she really didn't have time to peruse the point and to make intelligent comment on it.

Here we are in the same situation. The vast majority of bills that come into this House are introduced on a Wednesday or a Thursday, and the first day of debate is prior to the Tuesday, which is our caucus day. People in our party and the third party don't have an opportunity to caucus the bill and to get some sense from the expertise sitting around the room as to what the consequences of this bill are.

Some of the points that are in this bill are certainly dealing with non-profit organizations, the local organizations that support volunteers and various aspects of any community. I think of my own communities and the huge number of people who volunteer their time. I'm sure that Ontario is in the forefront of the communities that volunteer their time across the world, and that time is spent enhancing the lifestyle that our communities have. Without the volunteers we wouldn't be as rich a community as we are.

Those organizations from which those volunteers work do need some fiscal responsibility injected into them, and I hope this bill makes it easier, not more difficult, for those organizations to exist.

The Acting Speaker (Ms. Cheri DiNovo): The Minister of Consumer Services has up to two minutes to respond.

Hon. Sophia Aggelonitis: I want to thank my parliamentary assistant from Stormont–Dundas–South Glengarry, as well as the member from Lambton–Kent–Middlesex, the member from Durham, the member from Welland and of course, the member from Halton.

As a fairly new member of this House, it truly is a privilege to be able to listen to everyone in the House. You get some great feedback from the members opposite. I just wanted to say that I really, really appreciate your comments.

What this bill is really about is—it's an old act. We haven't substantially changed it in 57 years. It's a \$50-billion industry where there are so many people working,

and many of them are, of course, here in Ontario. We want to make it easier. We want to get rid of the antiquated bill and we want it to not be cumbersome.

Interjection.

Hon. Sophia Aggelonitis: I appreciate the member from Durham, who still wants to speak on this. I can't wait for when he gets his briefing, which will be very soon.

What this bill is about is simplifying the incorporation process. It's not going to take six to eight weeks anymore; it'll take less than seven days. It is a good bill. It's a bill for our not-for-profits, which are doing a fabulous job for Ontarians.

We are going to make sure that this bill enhances corporate governance and accountability. It's going to provide directors and other officers better protection from personal liability. It's an important bill for all of us. Again, I appreciate all the members who spoke and I look forward to the debate.

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

Mrs. Julia Munro: I'm pleased to join the debate on Bill 65, the Not-for-Profit Corporations Act. I want to just say at this time that I will be sharing my time with the member for Whitby-Oshawa.

As is becoming increasingly common with this government, bills are being introduced with little time to prepare for debate or to study their contents, as others have already mentioned. Consequently, I am not prepared to commit today to supporting or opposing this bill on behalf of our party. This last-minute rush is also interesting when we consider that the government did its consultations to prepare for this bill in 2007 and 2008. Why wasn't it introduced years, or at least months, ago? It's certainly an interesting question, a question that I'm sure one of the government members will be able to explain.

Nevertheless, this is an important bill and we need to make sure that it suits the needs of non-profit organizations. We need to hear from the non-profit sector, from its clients and customers, its participants and from the general public before we commit to this bill. I am certainly supportive of the concept of making it easier for non-profits to organize and operate; we just need to ensure that this bill will in fact accomplish these goals.

To begin my remarks, I would like to consider why we have non-profit organizations and why they are such an important force in our society. As a Conservative, I believe that most decisions are best made by individuals making their choices in a free market. For most companies, that means selling their products or services to make a profit. With those companies that are inefficient or selling things that people don't want, that means going out of business or changing how they operate. People work to make a profit because they can use profit to better their own lives and the lives of their families and their children. They make decisions on where to work, what to buy and how to live based on their own best judgments about their economic self-interest. This im-

pulse is good. It encourages people to work, to create and to come up with new ideas and concepts. Prosperity would come from this impulse and, I would argue, only from this impulse.

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Yet, economic advancement is not the only impulse that drives individuals. People have an impulse to help others, to express their faith and to join together in causes, celebrations and common goals. This is where what we call the not-for-profit sector comes into play. This is all a part of what Edmund Burke refers to as the little platoons of society: "To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country, and to mankind."

Citizens connect with one another in little platoons, whether they are religious groups, charities, local hockey leagues or the fall fair. Society is built firstly on the responsibilities and rights of individuals, but also on all these little platoons that people join to make the lives of others better.

In an age when we so often seem to be isolated or segmented from others, these organizations are vital in maintaining the health of our families and our communities. We all know very well that volunteering is not just about giving. It's also about what you get: the connection with other people and the world around you.

"Not-for-profit" is actually a poor name for this sector. Other names include civil society or the voluntary sector. The emphasis on not making a profit actually obscures the importance of the sector and sets up a false conflict between non-profit agencies and the free market. To me, non-profit organizations are a full part of the free market, as they can only exist when individuals decide to band together in pursuit of a common goal.

I know I would put my trust in the collective and individual wisdom of millions of Ontarians making their own decisions about how they live their lives, spend their money and use their time. Nevertheless, it is the government that must set up the rules for non-profits, so we in this House must all work to get them right. These rules must be clear, easy for non-profits to meet and limited in their cost to non-profits in money, time and expertise. They must ensure that non-profits are accountable to their members and clients for how money is spent. Non-profits are an important part of what is now called civil society, and many people now use the term instead of non-profit.

Imagine Canada, a charity and non-profit research group, has provided some good statistical information on the non-profit sector. The first point is that Canada's non-profit and voluntary sector is the second-largest in the world. The largest is the Netherlands, and the United States is fifth. I should add, of course, that this is in relation to population. There are an estimated 161,000 non-profits and charities in Canada. Half of these—in fact, 54%—are run entirely by volunteers. Two million people are employed by these organizations, representing

11% of the economically active population. The sector represents \$79.1 billion, or 7.8%, of the GDP, which by the way is larger than the automotive or manufacturing industries. Smaller provinces have an even higher number of organizations relative to their populations. The top 1% of organizations command 60% of all revenues.

Supporting non-profits and the voluntary sector has always been a priority for the Progressive Conservative Party. In 1995, Premier Mike Harris directed me to conduct a review of the voluntary sector in Ontario. Here is how the website charityvillage.com describes the process we went through:

"The new Ontario government's speech from the throne in September 27, 1995, contained a directive from the Premier to Julia Munro, his parliamentary assistant and MPP for Durham-York, to do something to foster volunteer activity in Ontario. To determine what should/could be done, Munro created an 11-member advisory board ... with Sally Horsfall as chair. Given its duties to both determine the facts and make recommendations, the board was not unlike a commission of inquiry.

"Beginning with 10 first principles ... the discussion paper addresses how the voluntary sector can adapt to its changing role in society by examining what goals it shares with government and business. Here it sees the critical importance of volunteerism to civic society flowing from its aid to the public good, the idea being that volunteerism springs from citizenship and social responsibility. 'As the voluntary sector continues to evolve and grow, it will be shaped by an understanding of our concern, respect, compassion and obligation to one another within society,' the document reads. Government's function, meanwhile, is the protection of the public good. This, the paper suggests, provides a mutual and enduring foundation, even though the relationship between the two is changing. Government would be wise to forget about managing the voluntary sector and focus instead on removing any obstacles to its growth, an initiative that would lead to eventual self-government by the sector. The paper notes that such a development would require voluntary organizations to collaborate while competing for resources.

"A redefinition of the relationship between government and the voluntary sector, the paper suggests, might see government funding essential services provided by the voluntary sector.... Further, the government could agree not to transfer responsibilities to the sector without concomitant funding. Another suggestion is to involve the voluntary sector in the development of relevant government policies, which is precisely what the advisory board is doing, or designating a cabinet minister responsible for the voluntary sector.

"On a practical level, government could try to eliminate barriers to the use of public resources ... get insurance companies to stop penalizing voluntary organizations that hire people with disabilities, and make representations to Ottawa on federal tax legislation affecting voluntary organizations.

"The relationship between the voluntary sector and business also requires redefinition, says the discussion paper. More businesses should be encouraged to invest in the voluntary sector by way of acknowledging their role as partners in the community; they should be made to see the benefit of supporting community well-being which in turn would have them recognize the value of reciprocal relationships and resource sharing with the voluntary sector.

"Encouraging voluntarism among employees and establishing minimum standards for corporate donations are two objectives, but in a newly defined relationship, business should recognize that it has more to give than staff and money; there are also physical resources, leadership, training and expertise. Businesses should be able to claim for tax purposes the wages paid employees while working as volunteers.

"If there is a key word in the discussion paper, it is change. Society is changing, government is changing, business is changing. Therefore, the clear message is that whether it wants to or not, the volunteer sector must change to remain relevant. Change presents both obstacle and opportunity. For example, the paper notes, an aging population creates more demand for services, but it also provides a larger volunteer pool. As well, high unemployment creates more demand for services, but also brings volunteers looking for work experience that will lead them to a paying job.

"'The vision for the voluntary sector of the future,' says the paper, 'is one where it has the position of equivalent stature and reciprocity with other sectors of our society. In this position, the voluntary sector would seem to have valuable resources and expertise that not only warrant support from the public, government and business, but also have much to contribute to those segments of society.'

"Within this vision, voluntary organizations will be particularly skilled in networking and building bridges—within the voluntary sector and outside. Within the sector, organizations will collaborate to build a common voice that can speak with strength and cohesiveness on issues that cut across the sector. Outside the sector, voluntary organizations will be acknowledged partners in the workplace and in government policy development processes."

1450

I think much of what the advisory board reported on in the 1990s still holds up today. The importance of these issues, when we consider this bill and non-profits in general, is the human motivation behind their existence. As I said earlier, non-profits cannot drive prosperity in Ontario; for this we need competitive business. But they meet the motivations and needs that our economic system often cannot address.

In the recent UK election campaign, now-Prime Minister David Cameron described what he called his Big Society proposal. His ideas illustrate the importance he places on the non-profit sector and how it could meet

many of his country's problems. Here is how the UK Conservative Party described the plan in March:

"Conservatives seek to build a Big Society based on responsibility and respect, in stark contrast with Labour's big government built on paternalism and waste."

"Speaking at a conference on the Big Society today, David Cameron and 11 members of the shadow cabinet set out how a Conservative government would give power to neighbourhood groups and boost social action.

"It is a guiding philosophy," Cameron said, "a society where the leading force for progress is social responsibility, not state control."

"It includes a whole set of unifying approaches—breaking state monopolies, allowing charities, social enterprises and companies to provide public services, devolving power down to neighbourhoods, making government more accountable.

"And it's the thread that runs consistently through our whole policy program—our plans to reform public services, mend our broken society, and rebuild trust in politics."

The new policies announced as part of the Big Society plan include:

"[A] neighbourhood army of 5,000 full-time, professional community organizers who will be trained with the skills they need to identify local community leaders, bring communities together, help people start their own neighbourhood groups, and give communities the help they need to take control and tackle their problems. This plan is directly based on the successful community organizing movement established by Saul Alinsky in the United States and has successfully trained generations of community organizers, including President Obama."

"A Big Society bank, funded from unclaimed bank assets, which will leverage private sector investment to provide hundreds of millions of pounds of new finance for neighbourhood groups, charities, social enterprises and other non-governmental bodies.

"Neighbourhood grants for the UK's poorest areas to encourage people to come together to form neighbourhood groups and support social enterprises and charities in these poorest areas...."

"Launching an annual national Big Society Day to celebrate the work of neighbourhood groups and encourage more people to take part in social action projects.

"Providing new funding to support the next generation of social entrepreneurs, and helping successful social enterprises to expand and succeed."

I think what the British Conservatives have recognized is that a vital sector exists between government and business, one that needs cultivation and support. In a nation that has experienced wide ideological swings in weeks and decades, I think the British example where their leaders are going today gives us some interesting ideas to pursue as we develop policies for Ontario.

As part of the justification for this bill, this government claims it forms part of its poverty reduction strategy. I have great difficulty making that stretch between what is effectively going to deal with boards of

directors and their legal liabilities and the problem that we see all around us in our communities where we have issues around mental health and children in need and so many areas. The Poverty Reduction Act just seems a long way away from an act that deals with boards and their responsibilities.

The Poverty Reduction Act itself, of course, was something of a smoke-and-mirrors exercise because all it requires that the government do is to devise a strategy and to write reports on how well it's meeting its own strategy. It doesn't pull a single person out of poverty.

I know that the government received the support of many of the poverty groups for the poverty bill, a bill which offered hope without any dollars attached. If Bill 65 is supposed to help the government meet its poverty reduction strategy, it is not a very high bar to meet.

I think this bill is necessary and could help nonprofits. The government should not mix it up with the gesture politics of its Poverty Reduction Act. There are real needs that need to be met in Ontario, issues such as children's mental health, as I mentioned. This bill is important in revising the rules, but the government should certainly not try to stretch that this is also going to directly assist those in need.

One of the priorities, as we look at this legislation, is whether or not it will encourage the creation and growth of non-profits in Ontario and whether these new organizations will meet the needs they claim to alleviate. To do this, I recommend that a step be added, preferably as an amendment, to the bill. We need a follow-up review to study the effectiveness of these changes, to report to this House in two or three years to tell us: Has the time to register a non-profit been cut and by how much? Has the amount non-profits, particularly small ones, have to spend on auditing and meeting government rules decreased, and by how much? Do we have more nonprofits? Are people more willing to sit on community boards? Has the liability fear actually been decreased? Are non-profits successfully meeting their goals, whether charitable or social?

This bill should have an accountability mechanism written into the text, as indeed, I would argue, most bills should. We need to know if it has been effective so that the Legislature can make any necessary changes in a few years' time. We also need to know if this bill will work to make non-profits accountable to their own members and to the public. How much revenue goes to overhead, particularly in charitable non-profits? Both government and the non-profits themselves need to be completely transparent and accountable.

I look forward to the continued debate on this bill and to hearing from non-profits and the general public during the committee hearing process. The government should hold hearings outside Queen's Park, as well as in this building. We need to hear the voices of non-profits from throughout Ontario, not just in Toronto. We need to know from non-profits how the changes in the bill will affect them.

Is there enough variation to take into account the needs of small groups, as well as large ones? I think

that's an extremely important aspect of the contemplation of this bill because, in taking the entire non-profit sector, you are looking at very, very sophisticated, national-style organizations to very small community organizations. I think that it's very important that through the committee process and responses to those concerns, we make sure that the needs of the whole range of non-profits are taken into account.

What are the cost implications? Will non-profits have to spend large sums of money on legal advice to meet the requirements of this new bill? We do not yet know the answers to these questions; only the non-profits can tell us.

I look forward to committee hearings, which, I assume, will be held this summer. The government makes the point that the regulation of non-profits has not changed substantially since the 1950s. It is important that we get this right, particularly if the sector needs to wait another 50 years for the next revision.

Mrs. Christine Elliott: I am very pleased to add a few comments on Bill 65, An Act to revise the law in respect of not-for-profit corporations, and to add a few comments to those of the member from York-Simcoe, my colleague, who made a very cogent argument for hearings in this matter and for this bill, of course, to be modernized.

1500

I do have some familiarity with the Corporations Act from my past life before being elected to this Legislature. In my capacity as a lawyer in private practice, I did have the occasion to incorporate a number of not-for-profit and charitable corporations under this act. I would certainly agree with the minister when she said it's a very old act and it needs to be modernized. There is no question about that.

But I do have a couple of questions. Part of the problem, again, with this bill coming forward—and it has been mentioned by several of my colleagues on this side of the House—is the fact that we simply don't have enough time to give the bills that are coming before us the kind of thoughtful and reasonable examination that I think the members of the public would expect we would do with several of the issues we've been dealing with which are of significant magnitude.

In this case, it's no different from any others. This is an old bill. It does need to be modernized, but there are some new parts to it that I think require further examination, though I'm not in a position right now to come definitively down in favour or not in favour. I think, generally speaking, what we've been hearing is that this is necessary. The stakeholders seem to be thinking that this is an important piece of legislation and they're onside with it. So I think it's all the more reason that we need to get this matter into committee and be able to understand all of the ramifications of the act.

For the purposes of those people who may be following this debate in the Legislature and are wondering what kind of corporation it is we're talking about, I'd just like to clarify a little bit the kinds of corporations we're

dealing with. Essentially there are two basic kinds: the share capital corporation and the non-share capital corporation.

The share capital corporation is what we would typically refer to as a business corporation, where you become a voting member by purchasing a share and you become a shareholder in the corporation. That's not the kind of act that we're dealing with here. There is a separate statute that governs that called the Business Corporations Act.

What we're dealing with here is non-share capital corporations, where you don't get a share in the corporation; you become a member of the corporation. So it's a very different kind of animal. Then, within that sub-category, there are non-share capital corporations which are non-profit corporations and those which are charitable corporations—again, another fairly significant difference, because a non-profit corporation would be formed for something like a baseball or a hockey association, where you really just need a legal structure in order for the association to be able to carry on its business. That's very different than a charitable corporation, which is a non-profit with a much higher level of responsibility. With a charitable corporation, all of the purposes of the charitable corporation have to be entirely charitable in nature, and it's a fairly narrow category of charitable purposes that will fall into this category. It has to be for religious purposes, educational purposes or the advancement of the community—pretty narrowly defined, and then that has to go before the scrutiny, of course, of the Canada Customs and Revenue Agency to determine federally whether that is a corporation that is deemed to be worthy of being granted a charitable registration, which of course allows it to issue charitable tax receipts.

With this bill, we're talking about both non-profit corporations and charitable corporations, the structure of which is deemed to be formed by members rather than by shares.

So here we're looking at the act that, as the minister mentioned, was originally enacted in 1907 and hasn't been substantially revised since 1953. In the meantime, the world has changed substantially. There was no provision in the old act for electronic registration, for voting, for meetings and for all kinds of other things. This act simply modernizes, streamlines and simplifies the incorporation process.

It is quite important in today's economy because we are dealing with a fast-growing sector of both non-profit and charitable corporations, both of which employ a lot of people in our economy. I think when you're trying to encourage volunteer giving and volunteer involvement, you need to have a statute that is going to be able to keep up with the times.

Right now, we have some 46,000 non-profit organizations operating in Ontario. We want to make sure that they're all able to do the good work they do each and every day in our community. This act, hopefully, will help.

It governs the creation, the governance and the dissolution of these corporations and has a number of boilerplate provisions dealing with members, categories of members, how you can vote, how you elect directors and so on. It's pretty technical stuff, but there are a couple of things in the bill that I would just like to highlight and that I think are quite favourable and that I'm very much in favour of.

One is just the incorporation itself. The minister mentioned that it used to take six to eight weeks in order to be able to incorporate a charitable or non-profit corporation. Under the new act, this will be streamlined and can be completed by way of submitting articles of incorporation, along with any other necessary documents—a name-search report and so on—along with the requisite fee. This can be done as a matter of right, which is different than previously, where incorporation was up to the discretion of the Minister of Government Services—whether he or she wished to have this corporation be incorporated in the first place. So that's very positive.

Secondly, under the old act you would have to prepare operating resolutions and bylaws in order to be able to operate the corporation. In fact, what happened—and it's a little bit unfortunate—was that a lot of organizers, when they got their charitable number or their name incorporated, that's sort of where things ended. They didn't go through and do the indoor housekeeping to set up the corporation properly. In this case, what the act provides for is that if, after 60 days, you have not prepared those opening bylaws and resolutions, there are some default organizational bylaws approved by the director that are deemed to have applied. In other words, that corporate structure will be set up for you. If you don't have one by default, you get the standard boilerplate that the ministry approves. I think that's positive, because then you have an actual operating structure to work with. In this respect it's very similar to the old Partnerships Act, where rules and regulations were deemed to apply in situations where you might not have gotten around to actually doing it. So that's also good.

Directors and officers: Again, it changes the law somewhat regarding directors' liabilities and the standard of care. First of all, it sets it out very clearly and requires directors "to act honestly and in good faith with a view to the best interests of the corporation and to exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable."

The one change here that I would say is different from the common law, which this encapsulates now in the act, is that "directors are given a reasonable diligence defence, including reliance on officers and employees of the corporation and on professional advice." By professional advice, they're primarily referring to financial advice. So if directors are given financial advice by the auditors or the accountants of the corporation, they're entitled to rely on that as long as they're acting in a reasonably prudent matter and they won't incur any personal liability as a result of acting on that advice. I think that that's probably good in that sense, but I'm just

wondering how far that responsibility will go. I look forward to making some inquiries with respect to that once we get the matter in committee.

As I've indicated, most of the stakeholders whom I've had an opportunity to speak with so far—and I haven't had a chance to, of course, fully canvass them, but certainly the Ontario Bar Association is supportive, both from the business corporations section of the association as well as the charities and not-for-profit section. They also said, and I think I would certainly credit the minister with this, that there was significant consultation with respect to this bill before it was brought forward. I'm quite pleased to hear that, because that doesn't always happen in this place. But I've also heard that further consultation, and probably amendment, is necessary in order to move this bill from being good to being excellent. It's already well thought out, but there is some further amendment and due consideration that's needed in order to make sure that this bill is going to be good to move forward for the next 100 years or so—long past the time I'm going to be around, anyway.

I do think that the thrust of the bill is important. It's good. We are modernizing the bill. I do have some questions, though, that I would like to raise on just a few of the issues.

1510

One is with the newly defined public benefit corporation. This is something new that was not allowed for under the previous act. I've been told that this shouldn't change things too significantly from what we already have. It's defined as:

"(a) a charitable corporation, or

"(b) a non-charitable corporation that receives more than \$10,000 in a financial year,

"(i) in the form of donations or gifts from persons who are not members, directors, officers or employees of the corporation, or

"(ii) in the form of grants or similar financial assistance from the federal government or a provincial or municipal government or an agency of any such government."

So it is a newly defined structure.

If you refer back to section 8, it talks about how the purposes can be commercial, to a certain degree, as long as the commercial purpose of the corporation "is intended only to advance or support one or more of the non-profit purposes of the corporation."

I'm really curious to hear from stakeholders about how this will actually work, because once you start mixing the for-profit, commercial nature of a by-nature non-profit organization, I'm a little confused about how that's going to work, and I want to make sure that—

Mr. Peter Kormos: On a point of order, Madam Speaker: Is there a quorum?

The Acting Speaker (Ms. Cheri DiNovo): I would ask the clerk to do a count.

The Clerk-at-the-Table (Ms. Tonia Grannum): A quorum is present.

The Acting Speaker (Ms. Cheri DiNovo): A quorum is present. Please continue with the debate.

Mrs. Christine Elliott: Again, my question is with respect to the public benefit corporation: I want to make sure that when we have charitable corporations and non-profit corporations—I certainly understand that to some extent, in order to be able to do the work they do, they need to be able to do things like fundraise for their organization and so on, but I think we have to be very cognizant of the fact that there need to be some boundaries to that, to make sure they're acting for the purposes for which they were intended and also to make sure that improper elements don't creep in. I look forward to fleshing that out in committee.

Secondly, section 173 deals with fraud investigation. I think that's a very positive development; we need to have a mechanism. We've all read in the newspapers recently about concerns with fraud and improper activity, particularly in charitable corporations. We all want to make sure we can maintain the integrity of these corporations and that the hugely good work done by the vast majority of non-profits and charitable organizations in Ontario isn't tainted by the bad actions of a few.

One of the things that concerned me when I was reading that section is that when you are asking for an investigation and making a court application for an investigation into these kinds of activities in a charitable corporation, the hearings don't need to be held in public. I would really like to understand why that's the case and make sure that the public benefit—the right to know—is being served here and that we aren't having secret hearings that don't do anything to shine the light and make sure the integrity of these organizations is being maintained.

At the end of all this, I would just like to say that we look forward to getting this matter into committee. It seems like a good bill on the face of it, but there are these other issues that I think need to be addressed. I hope the government will allow sufficient time for all these issues to be fully examined and resolved.

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

Mr. Peter Kormos: I listened carefully to the contribution by the member from Whitby-Oshawa, along with her colleague the member for York-Simcoe, and I'm particularly grateful to her for drawing our attention to the public benefit corporation. Of course, it is something that is worthy of some inquiry into what is intended here, what it's encompassing and what goals it purports or intends to achieve.

Of course, almost the corollary of that is the permission that a non-profit corporation that is contemplated by this act be allowed to carry on commercial activity. That's almost the flip side of the public benefit corporation, isn't it? It's an interesting pair of concepts. The committee will be the place to investigate this.

I'm going to have a chance to speak to this for an hour and 20 minutes—I guess only an hour; I'm sorry.

Hon. Leona Dombrowsky: It will seem like an hour.

Mr. Peter Kormos: For Ms. Dombrowsky it will seem like an hour, of course. It will seem like two hours, probably, if indeed she has pulled House duty. I can't, for the life of me, imagine why a senior minister would be pulling House duty except out of respect for her colleague the Minister of Consumer Affairs—

Interjection.

Mr. Peter Kormos: —Consumer Services, who deserves to have her colleagues here watching, so she can show them how it's done.

I'm going to be talking a little bit about that ministry. Although there won't be any personal comments, I think I'll have occasion to talk a little bit about the minister, seeing as how I have an hour. If Charlie and Mary are watching, I want you to stay tuned because I may talk a little bit about you as well.

Mr. Prue will have the final questions and comments, and then I'll have the floor for a little while, and we'll see where this debate takes us this afternoon and perhaps into the evening.

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

Mr. Wayne Arthurs: I'm pleased to have a couple of minutes. I had the opportunity, if I can digress momentarily, to hear both the minister and the parliamentary assistant speak to the matter during the time I was here. I had to step out for a bit while the member opposite, the critic, the member from Whitby-Oshawa, was making her presentation. I came back in for part of it, near the end. I was with our CAS, so it was time also well spent.

I do want to start by following up on the member's statement today, the member from Oshawa, and also extend my congratulations to the member from Whitby-Oshawa—and in this case, I will say to her husband, the current federal Minister of Finance and former Minister of Finance here, in a former government. I'm so pleased to hear about the success of the Abilities Centre. I know that has been a passion of yours, of your husband's and of the community. I recall when I first arrived here, on this side of the House, and the critic for finance, a former minister, came across to this side of the floor looking for my support, as a new member on the government side, for the Abilities Centre. I was obviously pleased to be able to extend that hand of support in that regard as well. So, congratulations.

On the legislation itself, I heard the member opposite, in her comments. I'm obviously pleased to hear that she is speaking highly of the bill, the consultative process, the debate that's going on here and the desire to see it in committee and make a good bill better, to make it the best it can be. I know that would be the minister's desire as well as the parliamentary assistant's in their role during the process we're into, and they'll look forward to what happens here as well as elsewhere.

I had the opportunity, in my last 20 seconds, on Saturday night to be at the Women's Multicultural Resource and Counselling Centre fundraising ball, Quest for a New Home. That's an example of a non-profit organization that needs new legislation to be effective directors and to

manage the affairs of an organization of that nature in our community, the community where I live. I look forward to this legislation supporting those types of organizations and what they need.

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

Mr. Ted Chudleigh: It's always a pleasure to listen to the member from Whitby–Oshawa speak, and particularly on this bill, which she's somewhat familiar with—a little more familiar perhaps than the rest of us, but we didn't have much time to prepare for this bill. We didn't have much time to caucus this bill, which I'm sure we'll do tomorrow. It's becoming a habit of this government to introduce bills and debate them prior to the opposition having time to caucus them and to get the various expertise involved in it over time. That always makes it difficult.

I think of the organizations in my riding that are going to be affected by this bill, hopefully affected by it in a good way. Certainly those who volunteer in non-profit organizations are deserving of any help that we can give them, as legislators in this province. They give of their time unselfishly, they improve the quality of life that we have in our ridings, and for them to have an easier time with the regulations would be a good thing.

In the same vein, we have to be very careful because there are those who would take advantage, of course, and that's something that we always have to prepare for and be aware of and make sure that the legislation doesn't assist those who would take advantage of a more benevolent regulatory regime. The problem with that is that that dual-edged sword quite often puts added pressure, and perhaps even added expenses, on to the volunteer organizations that will be affected by this. We certainly hope that this legislation won't do that. If the government takes its time, has committee hearings and hears from the people who are directly involved with it, this might be a better piece of legislation.

1520

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

Mr. Michael Prue: I rise to commend both the member from York–Simcoe and the member from Whitby–Oshawa for the statements they made here today. I must admit that on perusing this bill, I found it as dry as dust. I was trying to read it and trying to find some of the oomph and some of the passion, or something that one would be able to speak—but in listening to the two members and in listening to what they had to say, they did come up with some very good ideas. I commend them, first of all, for recognizing that this will need to go to committee in order to be fleshed out and that all the parties be heard. I'm given to understand that the government will be allowing this to go forward to committee, so I think that that's a good thing that both of the members said.

The member from Whitby–Oshawa talked about committee members having the authority or being allowed to seek professional opinion and professional advice. I

would tell you that that is one thing that is sorely needed, particularly in non-profit institutions—people who give out of the goodness of their time, their soul, their volunteer capacity—to be able to get that kind of professional advice to render them blameless or harmless, in legal terms.

I also commend her for her input on the public benefit that she talked about, because—I think it was the public benefit corporation; I wrote it down. This was new to me, and I think that it is an avenue well worth exploring.

To the two members, thank you for bringing some clarity to this. I hope that as the days and weeks go by, it becomes more and more exciting to those of us who participate.

The Acting Speaker (Ms. Cheri DiNovo): The member from Whitby–Oshawa has up to two minutes to respond.

Mrs. Christine Elliott: I'd like to thank the members from Welland, Pickering–Scarborough East, Halton and Beaches–East York for their comments. I think that we're all looking forward to getting this matter into committee and to making it into the excellent bill that we're told that it can be.

I would like to say, just to the comment that was made by the member for Pickering–Scarborough East with respect to the actual sod-turning that we had last Friday for the Abilities Centre, it has been a long-time passion of mine—10 years in the making—and I'm so pleased, for all of our communities and for people with special needs, that we've finally got the matter under way.

I'm also very grateful that all four levels of government are supporting this project. The federal minister, Minister Diane Finley, was there, and the provincial minister, Minister Best, was there as well. I want to thank her very much for attending on Friday and for her very kind words with respect to the centre. Mr. Roger Anderson, who is the chair of Durham region, also attended, as well as Mayor Pat Perkins and a number of councillors, including the mayor of Pickering. It was a really great community event.

I know I'm not speaking exactly on the topic—I'm wandering off a bit—but I'll ask for your indulgence on this, because this is a project that is going to be a world-class sports, recreation and performing arts centre for people with special needs that is being built in Whitby, adjacent to our municipal sports complex, Iroquois Park. In addition to being a regional sports facility, we're hoping that it will be able to model the inclusion that we want to see in our communities for people with special needs.

In addition to doing regional training, we hope to be able to do some international training and have people come to the Abilities Centre from all parts of the world in order to learn inclusionary practices. I think this will put Whitby on the map, but more importantly, Ontario as a truly inclusive place to live. Thank you very much.

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

Mr. Peter Kormos: I am pleased to engage in this discussion, this debate, this discourse, on behalf of the

New Democratic Party here at Queen's Park. I will do my incompetent best to keep Mr. Prue engaged and, if I can, from time to time excite him about this particular bill—I just frowned, but you know exactly what I meant—or to the concepts embodied in it or to any other number of things that I may find myself speaking about in the course of the next hour.

First, I want to thank the staff from the Ministry of Consumer Services for accommodating me with a briefing this morning. It was a very brief meeting. The entourage that showed up was very impressive. There were five of them. There was just one of me, but there were five of them. I went, "One, two, three, four"—I was very impressed. They had their pens out—they were wonderful people. Obviously, the minister's political staff person was there. She performs multiple functions, but she's a delightful woman and I enjoyed having her there. She didn't bar any of my questions.

From time to time, you do one of these briefings and the political staffer will be there. I've done enough briefings and I think I have a reasonably good idea of what to ask the bureaucrats. First, usually as a windup, I say, "Is there anything that is going to be contentious about the bill?" Right away, especially a younger political staffer, will sort of drop the hand down and, sort of lawyer-like, "You won't answer that." It's at that point that you remind the political staffer that we can do this with or without that political staffer.

But Ms. Aggelonitis here—her Ministry of Consumer Services staff were outstanding. She should be very proud of them. They seemed to be quite pleased to have a bill on the table here. Well, think about it, Minister. It's been a long time. You take the ministry and, there you go, you've got a bill in first reading and then in second reading. That doesn't happen readily. It's pretty competitive in that cabinet room, isn't it? You've got cabinet ministers just climbing all over each other, trying to get their bills advanced.

Interjection.

Mr. Peter Kormos: Well, you do. You've got some pretty seasoned pros in there who are ready to kick you aside or walk right over you, if need be, to get their bill advanced. So here's a newly minted minister who was able to kick butt and obviously just say, "No, this bill is going to have priority. The Attorney General can go pound salt and, for that matter, so can the Minister of Community Safety. The finance minister can just wait his turn," along with half a dozen other cabinet heavyweights, and the Minister of Consumer Services prevailed. I wouldn't expect anything less from a woman from Welland. I thought it was pretty slick from the minister.

Now, she's probably made some enemies in the course of doing that, and the kinds of enemies you make in the course of doing that, they're not likely to confront you to your face. I learned a long time ago that you walk slowly with your back to the wall and sort of walk sideways, crab-like. So you'll do fine. The occasional stab in the back—there are tailors out there who can do invisible

mending. It's remarkable what can be done from being stabbed in the back by your colleagues.

It's a competitive business, isn't it, Minister? It's not easy. It's not only demanding in terms of the time you have to commit, but as I say, there's politics within politics. There's the politics of partisan politics, political parties—New Democrats, Conservatives, Liberals—and then within the Liberal Party, there's politics, just like there is in the Conservative Party and the NDP. There's politics within cabinet and then there's the Premier's office politics. That's the part that's particularly annoying, because there you've got to duel with people who aren't even elected. You don't mind taking on somebody else who's won their seat in an election. Regardless of the political stripe they happen to be, they got elected fairly and squarely by their constituents. But to have some—what did Bill Murdoch call them?

Interjection: We can't say here.

Ms. Sylvia Jones: Pimply-faced—

Mr. Peter Kormos: Yes?

Interjection: Nancies.

Mr. Peter Kormos: Yes, sir. Okay, we've got that now. You see, that's how you get on Hansard: by being acknowledged. If I didn't want you on Hansard, I just would have ignored you. So you said it for me. That's a Murdochism that I think will be in the books.

So I say to the minister, I'm pleased to be able to debate this legislation. I suspect, unless Paul Miller really, really wants to, I'll be working with the committee as this bill winds its way through committee.

Anyway, I want to make it clear: The New Democrats have every intention of supporting this bill on principle on second reading. There's certainly no reason not to. Our goal is to get it into committee. That's where the hard work is going to be done, and the experts, if you will—which is just everyone from engineers and lawyers to really the real experts, just plain folks out there—are going to have a chance to comment on it. I'm confident, as is my colleague from Whitby-Oshawa, Ms. Elliott, that the minister, and more importantly the government—because if you thought it was a struggle to get this bill past your cabinet colleagues, the firewall in the Premier's office is even more formidable, isn't it? Getting to those guys is really, really difficult, and they can make you or break you.

1530

But once again, I'm just telling the minions in the Premier's office: Don't even think of taking on the Minister of Consumer Services, because she's tougher than all of you combined.

So I thanked your staff. I say that in all sincerity, because it was a delightful briefing and I appreciate the speed with which we did it.

As you have heard, some people have noted that it's a little bit difficult to see bills introduced and then called for second reading within 24 to 48 hours, because not only does the member who's the critic, for instance, want to be briefed on it, but then our research staff want to get briefed on it. And we really do like to have this as a

subject matter at caucus meetings. But this bill was introduced last Wednesday or Thursday. Caucus meetings, as everybody knows, are on Tuesday, and that means we don't have another caucus meeting until tomorrow. So here I am already making policy, and I could have generated some strife in my own caucus by just coming forward and saying that we are going to support the bill in principle on second reading. Who knows what kind of grief I'll get in caucus tomorrow from my caucus mates or from my leader? Those things happen. I'm not freelancing. I'm not going rogue. I'm just doing the best I can under the circumstances that have been imposed on us.

That's why it's important to get a briefing promptly, as the ministerial staff were prepared to do today. I'm confident that if I need them again, they'll be there again. All five don't have to come. Maybe they just wanted to get out of the ministry for a while. It's like the pages here. Sometimes, like on this Monday afternoon, things sort of slow down, evaporate, dry up in here. Like Mr. Prue said, he found this bill, upon first reading, as exciting as dust.

Mr. Michael Prue: Dry as dust.

Mr. Peter Kormos: Dry as dust, yes. I won't mix up my similes.

The one thing I am going to talk about—and I made reference to this in one of the little two-minute opportunities that I had—I appreciate that the government is trying to roll this out and package it up to make it part of a broader overall theme.

I know you just got back from, as some people would say, that upscale weekend in Collingwood. I don't know why people are offended—somebody referred to Collingwood as being upscale and even a little pricey. It's a very attractive part of the province. You expect to pay for quality. It's not skid row by any stretch of the imagination. Well, it isn't. So can you understand why some of your colleagues got their knickers in a knot about somebody pointing out that Collingwood was upscale? That was the impression I got. Of course Collingwood is upscale. It's ski people and chalet people. I've been to Collingwood. I don't get there a lot, and they're probably just as pleased about that as anybody else. But I don't know why he got all upset and twisted about that.

Of course, I was back in Welland on the weekend. I had to come back here on Sunday. I had to get a point of privilege prepared, and I think we did okay with that. We managed to make it seem reasonably presentable. It got the right people upset, I suppose. If there is a test of a point of order or point of privilege, it's whether or not you get the right people upset. If nobody is bothered by it, you probably haven't done a very good job at all. Similarly, if legislation is as dry as dust, it's the minister's job to spruce it up a little bit and make it sexy so that people talk about it—and I suspect people will.

As a matter of fact, one of the things I was at on the weekend was down in Wainfleet, on Rathfon Road, a beautiful bit of acreage, at a project called Jericho House, that had its origins in Newfoundland. It's been somewhat

peripatetic, if you will. It wound its way from Newfoundland to up near Orangeville, finally down to Welland. It's a Catholic-based but multi-faith ministry, and its focus is on young people. Its focus is on developing leadership in general, on social and ecological justice, and of course, on the spirituality component.

There were people there from all sorts of faiths. A Brethren in Christ preacher was there. I know him because Malcolm Allen and I were at his church on a Sunday morning several months ago. It was nice to see him again. There are a lot of Brethren in Christ down there, as you know. They're a historical congregation that shares roots with the Mennonite people. They're peace-loving people, social justice-bent people; good folks.

So there we were at Jericho House. I suspect they're the very sort of corporation that this bill contemplates. They had already poured the concrete pad for a \$1.85-million centre for—I think it was going to be 40 ensuite rooms. Again, it's designed for training programs for young people. I felt really good about it. I had the opportunity to speak to them and I said that the story they're telling about young people is about young people who have strong, inherent talent, skill and smarts. They're telling a story about young people who are clever; young people who have passion for things like social justice and ecological justice; young people who are interested in their spirituality and developing or expanding their spirituality; young people who have leadership skills. That's not the story you hear about young people when you watch the evening news or read the Toronto Sun or watch any number of those evening soap operas on television and some of the incredible pop culture stuff, which doesn't tell a very good story about young people.

I suppose that one of the things that always impresses me about the pages here at Queen's Park—and I thought of the pages when I was speaking to that group—is that these are the sort of young people whom that group is talking about working with: young people who are bright and talented—say no if it's not the case, but I think you are—with a passion, a thirst for knowledge, a hunger to learn things; people who are well-rounded; people who think about others more than they think about themselves. I thought about the pages, young people who are destined for leadership positions in their own right.

I closed at the Jericho House groundbreaking—it was a faux groundbreaking, if you will, because the concrete pad had been poured. They left a little patch that was just gravel so they could do the groundbreaking. I commented on the fact that young people need that sort of training, because Lord knows their parents and grandparents have left behind some awful messes when it comes to ecological and social matters and social justice.

I knew this was coming up this afternoon in terms of second reading debate, so I started reflecting on the bill in seriousness while I was at Jericho House. I was there with Malcolm Allen. He's our new member of Parliament in Welland, another New Democrat. We're very proud of Malcolm. Malcolm has been working his behind

off. He has been working like the devil, in the riding and in Ottawa. He's the junior agriculture critic. He just got back from the east coast, visiting farmers in the various eastern provinces and talking to farmers as part of the federal agricultural committee; trying to get in touch and see the sort of things that especially young farmers, which is—well, we have to. The old farmers are precisely that: old farmers. They know it. They're tired. They don't want to farm anymore. It's young people who we want to get interested in farming.

As I say, we were up in St. Catharines at the folk arts festival, with Jim Bradley, for the kick-off. Then we were at the great Latino celebration—which is a really fascinating, wonderful, vibrant, exciting community. We're really lucky to have them in Niagara.

Niagara has always been communities of immigrants. The minister's family and my family are examples of that. But now we've got these ongoing waves of immigration, and the character of the new Canadian there has changed dramatically. It's not people from eastern Europe or southern Europe, like my family or the minister's family; it's people from Asia and Central America and South America and Africa, literally the whole world. As I say, I was so excited to be with the Latino group.

Then we visited, before I had other things I had to do, the Slovak community up at Holy Rosary church in Thorold. The Vychodna dancers were there. They're based in Mississauga. It's a long-time dance troupe. They're always very popular, because they're a very robust dance group—young people. As a matter of fact, they had a young Slovak choreographer who spent six months, I think she told me, here in Canada with them. It's always exciting for these groups to get—because again, those are the sorts of groups that would have occasion to use these sorts of non-equity corporations.

1540

As I said, I was going to object to the effort—and look, I know that the minister didn't write all of that. She wrote the biggest chunk of her comments, but she had imposed on her the spin about this bill being part of the poverty reduction strategy. I know her, and she wouldn't have said that if it were up to her. I know the parliamentary assistant, and he used similar language. Look, to be fair, in the total scheme of things—let's not mince words here; there's no reason to be shy, no reason to be fearful—an area of disaster for this government has been the poverty file, the bizarre commentary that, "We're in a recession now, so now is the wrong time to address poverty." Lord love a duck. What better time? That's when more and more people are poor. Yet the government has not been very successful at all. It has been totally unsuccessful. It's been a disaster when it comes to addressing poverty—and a whole lot of other things, but I'll limit it to that because I don't want to stray from the topic at hand.

This I thought was interesting, because the effort, the attempt to paint this as part of a poverty reduction strategy, reminded me of the proverb, "Una hirundo non

facit ver." I'll get back to that before the hour is over, I'm sure. My pronunciation may not be the best, but people who do the Latin-English pronunciation will understand exactly what I mean. The pages do. They know what I'm talking about. They're bright, clever young people.

By the way, I'm sure that down at the Fireside on Southworth Street—I suspect that the minister made sure that her parents knew that she, as minister, was presenting her first bill today to kick off second reading. I can't be certain, but I know the family well enough. Let me put it this way: They'd be very upset if she hadn't. They'd be ordering DVDs and videotapes from the legislative broadcast service. They'd be watching. The minister would be in trouble at home. I'd have to drop by and make peace, I suppose, and explain that she's so busy that she just never—but she didn't forget her parents.

As a matter of fact, I was talking to her mother just the other day, because Charlie was celebrating his birthday. He was 71, and Mary is going to be 66 today, tomorrow, some time—

Hon. Leona Dombrowsky: You're not supposed to tell people's age.

Mr. Peter Kormos: No, no. These people are—look, I've known them for so long that they can't be younger than that. Why shouldn't everybody know? What's wrong with being healthy and hard-working after having raised children and supported family and friends and, at the ages of 71 and 66, still be working hard and having passion and energy and getting up every morning and still being excited? You're darn right, Mary's turning 66 and Charlie turned 71. You know what? They should be proud of their age and proud of the fact that they're still vibrant, exciting people and, again, tough as nails. They are.

The restaurant business—and the minister was just a little kid; she doesn't remember. Breakfast is a big meal there, so you've got to be up at—who knows?—4 o'clock. I could speak with some of the other male members here. At 4 o'clock we're up and awake and out of bed, but then as soon as we do what we've got to do, we're back in for another hour, hour and a half. But when Mary and Charlie were up at 4 in the morning to get things going for the restaurant, it wasn't a matter of just relieving yourself and going back to bed. It was a matter of getting downstairs, into the kitchen and starting the hard, hard work.

Sunday mornings at the Fireside are always a delight. It's sort of like Sunday brunch. It's not the King Edward Hotel, it's not the Four Seasons. It's the Fireside, and everybody is there. Steve Latinovich was a big patron there. Steve's a former hockey player and a very capable, very competent, as a matter of fact, corporate lawyer. Steve Latinovich would know about this sort of stuff, hands down. I used to be there when I was still practising law. Marc Girard, my dear friend the judge, would be there. Occasionally—nobody ever served a Caesar before 11 o'clock, but occasionally—nobody ever served a Caesar before 11 o'clock. I'll leave it at that. It simply never would happen anywhere, least of all at the Fireside. What a neat restaurant it is.

They're out of style. First of all, nobody wants to—and the damned McDonald's and Burger Kings, those horrible food poisoning stations. Well, it's true. They kill people. Talk to your colleague Ms. Best. She'll be the first to tell you. You don't eat that stuff, do you? It'll kill you. First it makes you fat and then it kills you.

The Acting Speaker (Ms. Cheri DiNovo): However entertaining, I would just ask the member from Welland to occasionally come back to the subject of the bill put forward by the Minister of Consumer Services.

Mr. Peter Kormos: Speaker, I appreciate your guidance and direction. I really do. I value it. I want you to know that you should feel free any time you choose—if you feel that I'm straying off path, just turn me around and set me right back to where I ought to be going.

But I also want to tell you this, Speaker: It's like travelling to Welland from Toronto. There are two ways to get there. You can take the QEW, which is boring and nerve-racking, but you get there faster than any other way, although some days it's not very fast at all. Or you could take Highway 8 and Highway 20. That's the scenic route. It may take you a little longer to get there, but it's a heck of a lot more interesting. You learn more, you see more, you enjoy the ride more, but it just takes a little bit longer. So bear with me, Speaker. Let's take the scenic route to where I'm going, because I promise you we'll get there. I promise you.

The minister's staff, the briefing—I'm grateful. Mary and Charlie, who are wonderful people, delightful people, I wish both of them happy birthdays and many, many more to come. Their daughter doesn't see them often enough, but they can raise that with her. I'm on record as having admonished her for not taking better care of her parents, because, Lord knows, they took care of her when she needed them.

We did Jericho House on the weekend, a non-profit organization.

Let's take a look at the bill. I'm not getting on the QEW yet, but I'm getting to Welland. One of the interesting things—not here. This is a rewrite and it hasn't really been that long and the old bill isn't really that bad. It's just old. And when was old ever bad? That's for probably the youngest minister in the cabinet to make that sort of observation. It's probably easy, but increasingly I resent that—I do. I was probably guilty of casting those stones in my own day, but I'm a little older than I was a day ago. For Pete's sake, it doesn't mean I have to be repealed. I'm looking forward to carrying on.

One of the things that was interesting—we encountered this with Bill 158 and the foreign-trained accountants. The incredible resistance to recognizing that Canada is a far different place than it was during the prime ministership of Louis St. Laurent, which was some time around 1954—1948 to 1954, sometime in the post-war years, in the 1950s, when I was a kid. One of the things that I found remarkable, and I'm wondering if the minister wants to take note of it, is in section 11, "Prohibitions," where it says, "A corporation may not have a name"—fair enough. There's the usual stuff about a name that's

some other name. You have to do these searches before you register your corporation, and the ministry has to be satisfied that you aren't stealing somebody else's name.

1550

You interrupted me when I was condemning the fast food industry, right? Yes, McDonald's and Burger King poison people. They make you fat, and then they kill you. That's why I love places like the Fireside that make real food—not pre-packaged, not synthetic, no chemicals, just lots of love and hard work. People should be eating at the Fireside, not at McDonald's, end of story. You want a burger? Go to the Fireside. They'll make you a burger that'll knock you flat on your behind. They will.

Ms. Sylvia Jones: In a good way.

Mr. Peter Kormos: Yes, in a good way. You'll be astounded. Or the souvlaki. Go for the souvlaki, and tzatziki sauce, of course—and garlic. But that's okay; garlic's good. We know that.

But take a look, if you will, at section 11 of your bill. You have the usual prohibitions on using names that are deemed for a corporation. But then in subsection (2)—again, granted that it says, "Subject to the regulations, a corporation may have a name that is,

"(a) English only;

"(b) French only;

"(c) one name that is a combination of English and French; or

"(d) one name in English and one name in French that are equivalent but are used separately."

I listened carefully when the minister said that this was an updating of the act, but I thought, "Hmm. English and French I get, but what about my Croatian friends in Welland who have their Croatian National Home, the dom hrvatski? Why should they be prohibited from naming their non-profit corporate entity in their language?"

You go down further and "only letters from the Roman alphabet" can be used—fair enough. Although, to be fair, if I was an Arabic group—because there is an Arabic centre along the QEW as you get close to the Gardiner. There are big signs out there, and they're in Arabic script. I hope that's the correct way of describing it. I can't read it, but they obviously say, "That's fine. We don't care if you read it or not; it's for our community, for our people."

We do have the requirement that the name be written in the Roman alphabet—fair enough—so you're not going to use Cyrillic. Then again, some of my family people use the Cyrillic alphabet, the eastern ones, and that's okay, but why not let people use a language that may be, in the case of an ethnic group or an ethnic community or an ethnic social club or, heck, a mutual benefit society, a settlement community, a community that assists newcomers—why not let them use Spanish or Hungarian or Sudanese or whatever language they wish? Why not let them use that language to name the legal name? Because the argument will be, "Well, they can use any name they want when they're carrying on business, but then they have to put"—as I understand the law, and

we'll check this out in committee—"somewhere the name of the corporation for legal purposes," so you know who it is.

That seemed to me like it might make sense, but I'm eager to hear—if I'm wrong, say so. Okay, so I'm not wrong. I appreciate that. There may be others who will say so down the road, and fair enough, but I just wondered if that was something that would, again, embrace new Canadians. And not just embrace new Canadians, because there's nothing new Canadian about using a language other than English or French. It could be very old Canadian, because the reality is that while we're a bilingual country, we are also at the same time a multilingual country. You can't deny it. It's the reality of it. You go down the Danforth, and you don't just hear people speaking Greek; you hear every other language under the sun, too. And I particularly enjoy the Danforth, because with my last name being what it is, tavern owners will say, "Oh, Mr. Kormos, are you Greek?" And I say, "In my heart." I don't lie. An ouzo here and there, a retsina here and there—who am I to say no?

Mr. Michael Prue: Don't forget the Metaxa.

Mr. Peter Kormos: Oh, the Metaxa. You're getting into the brandy and stuff. No, no—maybe late at night, but we're talking early in the evening. That lays you low too quickly. You're home too soon after you get into Metaxa—although I suppose, if push came to shove, what am I going to do once it's poured, other than say thank you?

You go down to Niagara. We have the folk arts festival in St. Catharines, primarily in Jim Bradley's riding, except the riding of Welland is also the southern and western part of St. Catharines, so we share the riding. Unfortunately, the MPP for St. Catharines, Minister Bradley, and I can't be there during the course of the week, which is just as well because I've just lost a whole whack of weight that I don't want to put on, and Mr. Bradley—I don't know. I'd suspect he hasn't lost a whole lot of weight, and Lord knows he doesn't need more. But we always have this dilemma around the folk arts festival. We look at each other and we figure, you know—

The Acting Speaker (Ms. Cheri DiNovo): I would have to ask that you don't speak about members who are not present, particularly their weight.

Mr. Peter Kormos: Listen, I suppose when I was 20 pounds fatter, I could do it. Maybe you're right. I'm not skinny, by any stretch of the imagination, and I'm struggling to keep the weight off; you've got to understand that, Speaker. So my apologies. I was the last person who was going to mention that he wasn't here, because that's not particularly parliamentary either, is it? But it's part of this—

Interjection.

Mr. Peter Kormos: The member from Bruce—Grey—Owen Sound has been to a few folk arts festival dinners himself.

Mr. Bill Murdoch: Yes.

Mr. Peter Kormos: "Yes," he says.

You go to that folks arts community. Then we've got the Welland Folklore Festival, at the multicultural centre and heritage council, coming up in the course of July and August—again, another whole run of these things.

What I'm saying is that many of these communities aspire to having little social clubs or ethnic clubs or halls, however modest. Many of them aspire to doing work with their own community or other communities, helping not just new immigrants but families that are in crisis. They're the sort of groups and communities that are going to be using this new legislation, aren't they? They're going to have no choice, once the bill becomes law.

All I'm saying—this most modest of proposals—is why not consider letting these people use their mother tongue to create the words to identify their corporate name? Surely we're big enough to understand that we are not just a bilingual country; we're a multilingual country. Although we're a country with what we call two founding cultures—ignoring the native aboriginal community in the course of doing that—we are a multicultural country.

I was just reading the book *Public Integrity*, which is most appropriate, as you can imagine, working here as I do. There's a beautiful illustration of the American approach as compared to the Canadian approach to multiculturalism. The American approach is one that's far more so—at least the mainstream of it is—of uniculturalism. I'll get it into the chamber at some point. So that was something that came to mind.

I am going to talk about the corporate liability, the director's liability, but I do want to—because from time to time, I have members of the chamber suggest, "Why can't these bills just pass? What's this business of debate?" This bill isn't going to be debated at length. The work is going to be done in committee, because in principle we support the bill. If we don't support the bill in principle, then there's even lengthier debate. There's a whole lot of stuff written about these sorts of things.

I had occasion just the other day to be reading *Procedure in the Canadian House of Commons*, by W.F. Dawson. It's a book I picked up used because it's not in print anymore. It originally was at the Tallahassee junior college—that'd be where? Tallahassee, Florida?

1600

Interjection.

Mr. Peter Kormos: Yeah. So this wonderful book, this wonderful text—it really is an important book, in terms of Canadian parliamentary procedure—is out of print, and made its route long distance. See, it's just like I told you about going to Welland: This book came back to Toronto and did the long distance route. It went all the way to Tallahassee, Florida, and then back here.

Interjection.

Mr. Peter Kormos: Tallahassee junior college.

In any event, I'm just taking a look, because you see, the Parliament is not about government. The Parliament is about checks and balances on government, and if you're in the government caucus, you learn that quicker

than anybody does, especially if you're in cabinet. The government is, well, the Premier's office, and just as a government caucus is a check and balance on the Premier and the Premier's office, the Parliament is a check and balance on the government, or it should be at least. It's a special role, an important role, that the opposition has.

I get people calling—my neighbour just the other night, Wighty, Rob Wightman, who works over at Lakeside Steel; he's been there a long, long time. He and his wife are dear friends of mine. He was watching question period, the hour and 15 minutes, last Thursday morning, and he was complaining to me about the nature of the speeches. He said, "Why can't the opposition just support the government once in a while?" I want to give him Paul Miller's phone number and let him speak to the member from Hamilton East—Stoney Creek about that proposition. As far as the member from Hamilton East—Stoney Creek is concerned, he has supported the government far too often, to the point where he can't do it. But the opposition plays a very important role.

So here's Dawson, right off the bat: "Above all, parliamentary practice, which grew up without written rules, was designed to encourage opposition to the executive." This whole process here is designed to encourage opposition, and that's right at the get-go, right at page 3.

"The mere shortening of the session may appear attractive to members who feel now that they are underpaid and are given insufficient time to maintain a business in their home constituencies. This feeling is, obviously, not a sufficient justification for altering the procedure of the House, although it may be a convincing argument for increasing the pay of members. The only really acceptable version of this argument is the one which contends that the session should be shortened now, so that in future, when the House has more work to do, the session can be again extended."

This is the important part: "A desire for efficiency is, on the surface, commendable. But again, we must be careful that in a blind search for efficiency we do not lose the essence of the parliamentary system. Clearly, a rigidly controlled Parliament and a muzzled opposition would, in one sense, from the most efficient Legislature possible to devise. But the important fact is that Parliament, by its encouragement of an opposition, is deliberately using means which are apparently inefficient in order to achieve efficiency in its ultimate aims. We encourage slow procedures, such as three readings of bills, because we feel that better legislation results if full publicity is given to the activities of the government. No matter how efficient we wish to make Parliament, we must not lose sight of these democratic necessities."

I thought that was a pretty interesting observation, and it's a consistent theme in many of the texts and writings about parliamentary democracy and procedure in Westminster and other Commonwealth Parliaments.

So what we do here is important. Yes, it is the job of the opposition to have the contra voice. Otherwise, as Dawson points out in his book, just muzzle the opposition, send everybody home, and then you don't have

democracy at all, do you? But very high levels of efficiency. If I recall, those trains will run on time, won't they? But that kind of efficiency is at the expense of democracy and at the expense of good government, because good government is as much a function of a strong and effective opposition as it is of anything else.

Think about some of the poorest governments we've had, and you almost inevitably can discover oppositions that are understaffed, under-resourced, undersized or simply tired and—well, they've thrown in the towel, demoralized. Perhaps they've suffered one too many time allocation motions, one too many guillotine motions, one too many closure motions.

It seems to me that the important thing for this bill now is to get it out into committee.

I do note, because the government has insisted that I be told, on their website—they don't have to pound the drum on this bill. The baby doesn't have to be spanked before it breathes its first breath. This bill is going to do fine all on its own. You don't have to embellish it with fluffy stuff, or you don't have to embellish it by making it appear to be something that it's not. I'm going to get to—nuts, we're running out of time, Speaker. I was hoping you'd let me know when we were running short, but I suppose, just as I wasn't looking at the clock, you may not have been looking at the clock, either. I understand.

I will get to the liability of directors, which is a big issue out there. Why don't we just get to it right now—no, I don't want to get to it yet. I still want to talk about, again, embellishing this bill with stuff like saying it's—oh, please. Everybody was doing fine until they started talking about how this bill is part of a poverty reduction strategy. It's not. Then the argument is, "Oh, well, we rely so much on volunteerism," because the public sector is abandoning filling—because now, you see, there's an effort to confuse the public sector with volunteerism. Well, they're both public sector, huh? I suppose they are in that they're not private, except that the volunteer world is full of private entities, isn't it, Mr. Prue? The Red Cross: Organizations like that are fundamentally private organizations. They're not private the same way that evil McDonald's is; they're not private the same way that poisonous Burger King company is; they're not private the same way that those deadly Slurpee manufacturers are—

Interjection.

Mr. Peter Kormos: Deadly Slurpees. Kids walk out of there—not just kids, adults. I go to the corner store, and they've got their arms wrapped around a great big Slurpee. It's like a 10-pound bag of potatoes. All it does is make you fat, and then it kills you. You die a slow death, so the public purse is taxed again because OHIP is stressed, and Slurpee incorporated makes huge amounts of money. They're as bad as the heroin dealer or the meth dealer or the crack cocaine dealer. I suppose Slurpees are almost the crack cocaine of the suburbs, aren't they?

Look, I find our increased reliance upon the public sector very disturbing—very disturbing. I expect to pay

taxes based on how much money I make, based upon my family size and deductibles. I don't have any deductions, so I expect to pay taxes. I, quite frankly, don't hope that we as a community, we as a province, we as a society relinquish our collective responsibility to each other in favour of, "Oh, we'll let churches and volunteer organizations take care of them. People can give as they wish," so it's up to you to decide how much you're going to give. So if you're having a generous day, maybe you'll give a little more. If you're having a grumpy day—maybe the Speaker is grumpy today and the Speaker, being grumpy today, is less inclined. Maybe the Speaker had a bad week. Maybe the Speaker had to replace some windows in her house and the Speaker, or any other member, just simply doesn't have the cash.

I like the idea of paying taxes and paying taxes based on my income—in other words, the ability to pay—so that we provide health care, so that we provide public security, policing and health-based security, so that we provide skating rinks and swimming pools for young people and old folks. I like paying those taxes—well, that's not true. Nobody likes paying taxes, but you don't like paying for the gas in your car either, do you? But that's the kind of world that I think my grandparents envisioned as they were struggling through the 1930s and as they made sacrifices, and certainly my parents in that post-war era. Nobody likes paying taxes or paying for gas for their car. But the idea of paying on the basis of what your income is—in other words, paying your fair share; rich people paying more than poor people. We can't expect poor people to sustain our public services because they're poor. They don't have any money.

1610

The McGuinty government, with its tax gifts to the banks and big corporations and the elimination of the capital tax—Mr. Prue, am I right on that one? Some of the most wealthy institutions in our society get huge tax breaks, when their presence here has nothing to do with how much tax they pay or don't pay. The CIBC, the Bank of Nova Scotia, that whole gang of them, are going to be here picking your pockets anyway, nickel-and-diming you at the ATM machine, ripping off your bank accounts left and right, then trying to sell you life insurance, car insurance and who knows what else down the road.

I appreciate volunteer work; I appreciate good works, good acts. I appreciate selfless activity. I appreciate the generosity of spirit that we, in general, have in Canada. As a matter of fact, it has been noted by more than a few that the existence of volunteer agencies is always a hallmark of a freer society. Totalitarian countries do not have volunteer organizations because, of course, totalitarian countries are frightened or intimidated by counter-structures that could pose a risk to their identity.

So I appreciate volunteers. Obviously, all of us, on a daily basis, are in touch with the volunteer sector in our communities.

I really find objectionable the proposition that somehow we, as a community and a government, can abandon

our role and obligation to redistribute wealth and to ensure that the sick are healed, to ensure that the aged—our parents and grandparents—are taken care of, and to ensure that people are housed.

This morning I read a delightful Joe Fiorito column in the Toronto Star. I'm a fan of Joe Fiorito. I saw him the other day. I was at a radio show with him. He tore out a new one for some young, bohemian-type artist who wrote a book of caricatures of street people with very uncomplimentary captions. Fiorito, the columnist, just went up one side and down the other side of him and pointed out the response in the audience to his little book of caricatures—he called it "art." What he did was take street people here in Toronto, many of them suffering from mental illness, and did caricatures in his book, then ascribed some of the worst in stereotypic qualities to them, calling one woman a crack whore and calling another one a drug dealer. These were real people, and they knew who they were when they were shown this. This young artist, so artsy, thought he was so clever and his latte-drinking friends could just giggle and chuckle about this. I'm so proud—read Joe Fiorito's column today. All right, good for you, Fiorito. He's a down-to-earth kind of guy who has a very strong social justice bent.

So there we are. I don't want to suggest that New Democrats are supporting this bill because we think there should be an even greater volunteer public sector. I don't want to diminish it, but I envision the kind of Ontario where the prosperity is spread around fairly enough that we have less and less need of volunteer organizations, and that if there are volunteer organizations, they are truly in addition to the basic needs; in other words, we don't rely upon them for the delivery of core social services. I think that's a very dangerous thing. It's a step backward.

As I say, I grew up in the 1950s. I was blessed to be able to watch my grandparents and parents struggle through their lifetimes, and I watched them work too hard, struggle too much, labour too long and sacrifice far too much to create a fairer Canada and a fairer Ontario, and build things like health care and OHIP and public education. They were in the Hall-Dennis era, with the growth of community colleges. That was the democratization of post-secondary education, wasn't it?

Heck, in my lifetime it was the democratization of secondary schools. We had two-year courses in secondary school. Young people had to buy books in so-called public secondary school. Kids who were going to Catholic schools had to pay tuition. That was a real battle that was fought and won. I remember that the New Democrats who were here fought hard to finally get full funding, because they thought it was wrong that any kid or her family should pay for her to go to public high school. We were witnesses to that.

I did want to get to section 43. This has been a matter of concern by a whole lot of folks—they call our constituency offices pretty regularly—and it's the whole issue of directors' liability. In other words, how does a

director protect himself from being sued; how does a director protect himself or herself from violating the law?

To be fair, this legislation codifies the standard of behaviour in subsection 43(1):

“Every director and officer in exercising his or her powers and discharging his or her duties to the corporation shall,

“(a) act honestly and in good faith with a view to the best interests of the corporation; and

“(b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.”

Talk about a lost opportunity. You tell me what that means. I can get you half a dozen lawyers to write you half a dozen different letters of opinion about what that means. That’s legal jargon. Folks from the OBA: Don’t call me threatening to expel me. I’m not a member of the OBA, so you can’t expel me.

It’s legal jargon that’s subject to legal interpretation. And so be it. This is a legal document; it’s legislation. But for the life of me, I don’t know why—

Interjection.

Mr. Peter Kormos: Don’t engage him. Ignore him, for Pete’s sake.

Mr. John O’Toole: Ignore him.

Mr. Peter Kormos: Ignore him. He’s simply trying to bait you.

Interjection.

Mr. Peter Kormos: Ignore O’Toole, and if he starts gesturing with his hands, duck.

Interjection.

Mr. Peter Kormos: His one-finger wave made him famous.

Interjections.

The Acting Speaker (Ms. Cheri DiNovo): Member from Durham.

Mr. Peter Kormos: Again, I insist that he was only noting that I was still number one in his books.

We’ve got the importation of some legalese here. All I’m saying is that I’m not sure that section—I know what the lawyers intended; I know what the drafters, legislative counsel, intended. I think I do, but I’m not sure that’s of much comfort to the amateur board member, and I don’t say that disparagingly. Who’s on these boards down in small-town Ontario, the real Ontario, places like Wainfleet, Port Colborne, Welland, Thorold and south St. Catharines, like where I come from? Who’s on these boards? It’s not lawyers—some are—but just plain folks. Sometimes it’s church people. Sometimes it’s people from the immigrant community. Sometimes they’ve got college and university degrees; sometimes they don’t. Sometimes their literacy skills are very good; sometimes they ain’t—I said.

So, where’s the plain language here? Again, I know the ministry has been struggling for years—decades—around plain language. There are some international standards now, but nobody has managed to get it together here in the province. Where’s the plain language so that somebody in good faith down where I come from can

read that section and say, “I understand what that means”?

There is the provision in section 44, the reasonable-diligence defence. In my view, the part that’s going to be emphasized most is that if a member of a board of directors bases their conduct relying in good faith on “a report of a lawyer, accountant, engineer, appraiser or other person whose profession lends credibility to a statement made by them,” then they’ve done due diligence.

One of the things I asked the good staff who came to give me the briefing this morning—we only used up 20 minutes of their time; it was over relatively quickly. I had read most of the bill and had a reasonably good handle on it; I just wanted to find out if there was anything I should be aware of that maybe I had missed.

1620

As a member of the law society—it’s the monopoly on lawyers here in the province of Ontario—I can call their assistance line any time I’m faced with what I consider to be an ethical dilemma, a practitioner’s dilemma, and I can get advice. It doesn’t cost me anything, and prudent lawyers will make an email or some sort of record of that advice—I don’t know if they give you a number, literally—so that down the road, if somebody challenges your ethics, you can say, “No, I talked to the law society.”

I suggested this to the ministry staff this morning. It’s by and large well-meaning people who use their scarce free time to serve on the boards of most—not all, but most—of the organizations that we’re talking about. I know that the ministry is going to have brochures and pamphlets, and again, Arlo Guthrie’s eight-by-10 glossy photos with circles and arrows on each one. I understand that. What would be wrong with, literally, a help desk so that members of boards of directors wouldn’t have to get the report of a lawyer, accountant, engineer or appraiser?

I know that primarily, that’s going to be for when that lawyer, accountant, engineer or appraiser is retained by the corporation as a whole, but these little volunteer groups have no money. They don’t have money, and the money they do get, they give away. If they didn’t give it away, there’d be something wrong with them. Again, there are lawyers who provide pro bono services, and in some places there aren’t. I don’t begrudge lawyers making money, but for Pete’s sake, make your income off of people who can afford it.

What would be wrong with the ministry, if it’s really going to service this community—because the community is large, I agree with that. It’s the “gotcha” game: governments do it all the time when it comes to grants. They’ve got these lengthy application forms and qualifications, unless it’s that round of grant-giving that Mike Colle supervised; remember that one? No application forms, no paper trail. It was sort of, wink wink, nudge nudge, and “Here’s the cash,” but that was the exception, fortunately, and not the rule.

How many times have we had contacts in our constituency offices from these transfer payment agencies, people who apply for grants, and all of a sudden they’re

being told, "Oh, that's it; you didn't fill in this box." I don't know about you. I get a lot of those, and as I say, I call it the "gotcha" game because it's as if all of the high-priced help in the various bureaucracies sit back and just wait for one of these volunteer groups to muck up, and then they say, "Gotcha."

Why aren't we helping these groups do these things in the first place? It seems to me that a central law society handles it with a very small staff in terms of being a practitioners' resource. If the law society can do it for lawyers, surely the ministry can do it for volunteer boards and these sorts of things.

Again, you've got to have multilingualism. Not everybody is going to speak English. Not everybody is going to speak French. You can do all of the written material in the world, but there's always going to be that one extra question that isn't in the material. If people are going to be serving on these boards, one, they deserve to serve there with a level of comfort that they're not going to get themselves into a mess; and two, they want to be able to know that they can access something like this to get the best possible advice, best practices, if you will, to know that they're fulfilling their commitment, a moral one if not a legal one, to their corporate body and to the enterprise that that body's engaged in. Those are just a couple of modest proposals.

The reference *una hirundo non facit ver*, with respect to this being part of a poverty reduction plan—in English, it's "One swallow does not make a summer."

I thank you for your patience with me, Speaker. I appreciate Mary and Charlie for all their good stuff that they continue to do down in Welland, and I look forward to this going to committee.

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

Mr. John O'Toole: I always try to listen as carefully as possible to the member from Welland because he is a lawyer. I think he practised before he came here, and he's still practising while he's here—in this place, I mean. He does often bring a lot of what I call technical content to the debate here, especially on challenging the standing orders and the lack of compliance, often, by the government in following those orders.

With respect, the important part he has the right to speak about and the knowledge is the liability for these volunteer boards. I would be supportive of taking any ambiguity out of whether or not they're liable. But even in the bill itself—I'm not qualified at this point because I've not been briefed on this. But if I'm looking at page 27 here, under part IV of the bill, under the "Officers" section, and it's subsection 42(2) right down to subsection 43(1):

"43.(1) Every director and officer in exercising his or her powers and discharging his or her duties to the corporation shall

"(a) act honestly and in good faith....

"(b) exercise the care, diligence and skill," and it goes on.

If you look at part III, it says here—if I can just find it. It gets a bit technical here reading all this stuff in the very limited time I'm given here. In part III it says:

"Capacity and Powers

"Corporations are given the capacity, rights, powers and privileges of a natural person, subject to any limitation in the act or in the corporation's articles. The act expressly provides that a corporation's actions are valid even if the corporation acted contrary to the act or its articles."

It's almost like a contradiction here. If you knowingly act in contradiction to the act, you should be liable, or at least subject to liability and be exposed. If someone did it deliberately or maliciously, I believe they shouldn't be covered by a non-clause, where they would be themselves liable for actions, when, in fact, they may have encumbered the board. I'd like you, in your response, your wrap-up, as a lawyer, to say that there's a contradiction between parts III and IV.

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

Mr. Michael Prue: I commend my friend from Welland because he made something that was as dry as dust humorous in many places. You don't have to believe me—

Mr. John O'Toole: Madam Speaker, I'm wondering if a quorum is present.

The Acting Speaker (Ms. Cheri DiNovo): The member from Durham has asked for a quorum count.

Interjection.

The Acting Speaker (Ms. Cheri DiNovo): A quorum is present.

The member for Beaches—East York.

Mr. Michael Prue: I said before that this bill was as dry as dust, but I want to commend my friend from Welland for putting some life into it, some humour, some anecdotal evidence, giving us a little tour of his constituency in Welland and the environs and talking in very nice terms about Charlie and Mary. Although I had met them once—I believe once—I didn't remember their names or the stories and the warmth of the Fireside, so I thank him for that.

He did bring up a couple of really good points, though, that I think we need to look at. Two in that one hour were the strongest and the most poignant to me and, I hope, to the minister.

First was the whole issue of names and whether or not they have to be in English or French. I certainly know that in my own constituency, the first language, of course, is English, but the second one is not French. In my own constituency, the second language is Chinese. I know that in many of the stores, you will see Chinese characters and sometimes a little bit of English written underneath them. The third language is Greek. There are many people who speak Greek in the riding of Beaches—East York. I know all of those self-help agencies and those geographical agencies where people are very proud of where they come from, whether it be Epirus or Tripolis or any of the towns or regions of Greece. They

all have Greek names, and they all have Greek letters on them. You have to go inside and ask sometimes to find out what the English equivalent is unless you're familiar with the Greek alphabet. I think he's made that point very well.

He also made the point about having a volunteer desk. Surely, that is an idea that should be considered, because if you need help, you don't need it in the form that is in this bill, but somebody who can actually be on the other end of the phone who can assist you to make sure that you make the right decision in a timely manner. I think those are good ideas he came up with. I hope—

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

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Mrs. Liz Sandals: I'm very pleased to have a couple of minutes to comment in support of Bill 65, An Act to revise the law in respect of not-for-profit corporations. I've noted while I've been listening to the debate this afternoon that both the member from Whitby-Oshawa and the member from Welland have generally had comments that are quite positive, and that's because I think we all share some common experience. Although the two members opposite are lawyers and I'm not a lawyer, I have dealt on occasion with not-for-profit boards, and they have certainly expressed a number of concerns over the years—this is over many, many years, because it's a long time since this act has been amended.

The legal requirements you have to go through to set up a not-for-profit corporation are extraordinarily convoluted. For the non-lawyers of the world—you get into the big not-for-profits and they often do deliberately have a lawyer on the board, but the smaller not-for-profit corporations rarely have a lawyer on the board. If they don't have somebody who will do the work pro bono, it's extraordinarily cost-prohibitive to get the work done to incorporate.

It's important that we retain accountability, but it's also important that we deal with issues like ease of incorporation. This issue around personal liability is huge, and really does stand in the way of good people serving on wonderful not-for-profits. Sorting out this whole issue of personal liability will make life much, much easier for people who are recruiting for not-for-profit boards.

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

Mr. Ted Chudleigh: I very much enjoyed the member from Welland's dissertation, especially the little wander down his memory lane of last weekend and the restaurants he visited and the people he met. It adds an element to the debate in this House, and I think an important element, in that it reminds us that we are all here to serve the people in our constituencies—not only the people who voted for us but all the people who live in our constituencies—and it's an important reminder.

This bill purports to help the volunteer groups in our constituencies that add so much to the quality of our lives. On other side of the coin, I think we have all heard

the horror stories as well, not only the people who help and do wonderful work, but also the people who take advantage of a charity's status. They may raise a considerable amount of money over the course of the year, purportedly for a good cause, and are able to pay themselves a nice salary out of that fundraising. And the charity for which they are working gets precious little money, in that the administration costs can, in some cases, amount to 100%, but in many cases amount to 60%, 70% or 80%, of the money that comes in.

Those are the kinds of things that have to be protected against. When we get into the nuances of this bill, I hope to find that this bill stops that sort of thing, and certainly makes it extremely difficult to take advantage of the good nature of Ontarians. That's one of the sadder sides of this particular legislation.

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

Mr. Peter Kormos: People in their questions and comments raise a very interesting and difficult matter: the tension between simplifying the process of structuring a not-for-profit corporation—that is, making it simple enough; ideally, it would be simple enough that you wouldn't need a lawyer—but then maintaining a sufficiently high standard so that you protect the integrity of the process and protect the public you are relying upon for financial support through direct financial support or through various levels of government that are funnelling money from the public purse into this organization. I appreciate that that's an incredibly difficult tension. I'm interested because, of course, most of this is going to be done by regulation.

A fad—not a fad, but a technique used right now is the check-box technique, allowing people to make applications. We see them in our courts, in family courts, and so on where the choices are given. It's much easier, because it states it, and you just check it off if it applies to you. I don't know whether the ministry is planning on doing that. I don't know if they're that far advanced, but that tension between making it just simple, to the point of simplistic, to create a non-profit corporation and to operate it.

You've got your annual general meetings. I just barely recall from the old days the rigours that are required of business corporations for their annual filings and all that sort of stuff, for their annual reports and their meetings. You don't want to impose that on volunteer boards but, again, you want to protect the system. You want to protect the public either as a recipient of services or as a payer of funds to these organizations. You certainly don't want to open the doors to rip-off artists and scams or people who create these corporations willy-nilly for less-than-integrous motives.

Once again, I'm looking forward to this going into committee. I think it will be a most interesting process. It remains to be seen whether Paul Miller will beat me on the committee participation, but I'm going to do my best to make sure I'm there.

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

Mr. Yasir Naqvi: Thank you very much, Madam Speaker, for giving me the opportunity to speak on the Not-for-Profit Corporations Act, the proposed bill, which is in front of the House and we're debating today.

I wanted to bring a little bit of my personal experience to this very important issue from my life before coming into politics, and that is, being a lawyer and practising law in Ottawa and having the opportunity to help many not-for-profit corporations comply with the requirements and, in fact, the opportunity to work with a lot of community groups and helping them incorporate under the current legislation, which would be replaced by this proposed act. On top of all that is sitting on many boards and sort of helping them out as to how to navigate with compliance issues.

My experience has been that you've got some really good people in the community—I think all of us have the same experience—who want to help out. They have good ideas which they want to engage in to help their particular community. One of the ways to do it is to create this new organization and to incorporate as a not-for-profit.

The current legislation—I could literally go through it provision by provision—is not the easiest piece of legislation to navigate. These are people who want to do good in the community by creating a not-for-profit organization and getting down to the business of what they want to do to help the neighbourhood, the society, be a better place.

But the current regime is so complicated that they have to retain a lawyer. These are community people who obviously don't have the means to do that, to engage a lawyer and then go through that whole process of filling out all the documents. You have to write the articles of incorporation and the purpose clause within the thing, whether it's for a religious purpose or a community purpose. I can picture all the guidelines that exist on the Ministry of Consumer Services website right now, which one has to go through. It's a tedious, complicated process which one has to engage in.

Before I go further, I don't know if I mentioned, Madam Speaker, that I'll be sharing my time with the member from Toronto Centre. I think I probably should have done that earlier, so I just did that.

As I was saying, it is a tedious process which one has to go through and has to engage in. It's complicated, it's expensive, and I think it has a serious impact on the morale of individuals, the group of people who are trying to do good things because now, all of a sudden, they're stuck in bureaucracy. They're stuck in all this legalese to make sure that, obviously, they're doing the right thing and they're doing it in the right fashion, the right manner, so they don't run into trouble with the law. Of course, lawyers are involved. My experience was that, in a lot of these instances, I assisted these groups on a pro bono basis because, again, they didn't have the money to deal with this.

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There's a second part of the equation, because if they want to raise dollars and have a charitable status, then

they have to deal with the Canada Revenue Agency, which is a whole different game. It's far more complicated. After the tragedy of 9/11, it got even more complicated, especially if you're dealing with religious groups, because there are all kinds of concerns around whether the money is being raised for the right purpose and what the money is being used for. We won't even go there; that's at the federal level. But just the incorporation part at the provincial level, having a not-for-profit incorporation, is complicated.

Then you compound that whole issue with the length of time it takes to do the incorporation. That's even more where—again, these are motivated individuals, a group of people who want to start doing the good stuff they want to do under the new organization they want to create. They want to move ahead. They have ideas. They have energy. But they can't do anything, really, until they are a legal entity. There are liability issues. There are issues around what you can do and what you cannot do, and that causes serious concern. In the current mechanism, it could take six to eight weeks, and if the good people at the ministry have questions then they'll come back, and then there's back-and-forth correspondence that takes place. It could be longer.

All of these things combined can have quite a detrimental effect on the operation of not-for-profit corporations in the province of Ontario. It can have a serious impact on the people who are trying to get good things done in their community and put in effect the good ideas they have put in place. That's why I am very supportive of this bill. It's the right step that we should revisit the current law and see how we can simplify it: how we can cut the red tape, how we can make it encouraging for community groups to make sure that they are able to incorporate a not-for-profit corporation in a manner that is simple and easy to navigate.

The current legislation, as I understand it and according to the notes I have in front of me, has not been substantially revised since 1953. A lot has changed since 1953. I mean, we are in 2010. The way we do business has changed since 1953. If you just take the component around technology, a lot has changed since 1953. We have to take into account all these things to ensure that we create, again, tools in the way our government works which make life simpler and easier for people in communities who are impacted or affected by the government, especially the kind of people who are trying to create a not-for-profit corporation to progress something further in their community, be it because they are a religious group or because they are a group around social justice, an environmental group, whatever the case might be—so they have the means.

So what is this bill trying to do? How is it going to create significant benefits for the not-for-profit sector? Well, one of the things, as I mentioned, is simplifying enormously the incorporation process, which could be completed in three to five working days. Wow; I mean, that's incredible. Like I said, on average it's almost six to eight weeks that it takes to do this, and I think that alone

is a right step to make sure that we are able to allow for these people to continue in the work they want to do and which they've come together to do with their good ideas.

Corporate governance and accountability is also an important aspect. We need to make sure that there is some sort of a statutory duty of care, which is contemplated in this legislation. Again, we have come a long way in terms of corporate governance principles, which are becoming more and more part and parcel of our environment, and we need to make sure that those are accounted for as well.

I think that providing protection to directors and officers for personal liability is also very important because, again, these are community people. These are individuals who are your friends and my friends, and it probably includes all of us as well. I think all of us in this House have at some point sat on some board of a not-for-profit organization or have been involved in creating one, been champions of good ideas in our community, so we know exactly the kind of work that that goes on. These are volunteers who are doing the good work, so we need to make sure that there's some sort of protection for them as well.

Transparency is important in terms of access to financial information to make sure that we've got some sort of accountability measures in place so there is no malfeasance taking place. That's an important issue as well.

These are some of the things which I think very much attract me in this legislation to create an modern piece of legislation which fits into the reality of Ontario today, moving forward, making sure that our not-for-profit corporations remain a vibrant part of our community in a manner that all the good work that they're doing in enhancing and protecting an environment and moving forward with social justice causes, a diversity of religious groups who contribute to society—for all of those reasons I'm very much in support of this bill and I urge other members to vote in favour as well.

As I mentioned earlier, I look forward to hearing from my friend from Toronto Centre.

The Acting Speaker (Ms. Cheri DiNovo): The member from Toronto Centre.

Mr. Glen R. Murray: This is a bill that's very near and dear to my heart. I've spent most of my life working in the not-for-profit sector. I've been the chief executive officer of a number of charitable not-for-profit organizations, as well as the chair of federal crown, arm's-length, not-for-profit organizations. They do a very important job.

I was somewhat amused—I was unfortunately out of the House when my name came up in question period. Some people whose attention span doesn't allow them to read more than a short tweet and then arrive at that as a substantial question would be well advised to read the work, because the issue was carbon pricing—the question that was asked. And I hope the members will take time to read it. It was a paper I co-authored with a fellow named David McLaughlin, a very brilliant en-

vironmentalist, economist, a former deputy minister in Bernard Lord's New Brunswick government, former chief of staff to Jim Flaherty, currently the chief executive officer of the National Round Table on the Environment and the Economy, of which I was chair.

I and 21 volunteers, appointed by Prime Minister Harper, did what was unique—one of the reasons that we have arm's-length agencies—in that we wrote a comprehensive carbon pricing strategy for the federal government. That kind of process only is possible when you've got properly structured para-public, not-for-profit and non-governmental organizations in it. It was interesting as well—and I hope all members will read it—because it really is the foundation for carbon pricing strategies in this country and has been adopted by both Sweden and Norway as the basis for those, and actually has very little to do with carbon taxes.

It's particularly interesting to me because that's what not-for-profit organizations bring. They bring extraordinary value. I was president of the Canadian Urban Institute, which was founded by David Crombie and Richard Gilbert and a number of others, by the city of Toronto and by Dale Richmond, who was the CAO of Metro at the time. There was a feeling that the municipal infrastructure could not generate enough innovation and arm's-length creativity because the public service was so engaged in service delivery and fairness that para-public partnership organizations like the Canadian Urban Institute and, later, the Centre for Sustainable Transportation were created. They produced a huge volume of research and work out of something that is neither private sector nor public sector but brings players in the community together on common ground.

For the last 50 years in Ontario our not-for-profit legislation has really lacked the ability to do that. It has inhibited the development of one of the most important economic sectors in Canada. One of my colleagues, a friend from the Progressive Conservative Party, the member from York-Simcoe, I thought very articulately outlined the value of this; that Canada is the second-largest country, has the second-largest NGO community per capita. I think Toronto is about fourth in the world among cities for its NGO sector. I think we've never actually had a not-for-profit sector in Ontario, even though it is one of our largest sectors for employment and faces huge challenges. It faces challenges because it is more transparent and more sensitive to things like accelerated rent, finding affordable places to rent, managing costs and the level of transparency it has to manage.

1650

Why is this bill important to all those things? What I'm going to talk about now is not really the formulation of great ideas, but the conditions that are necessary to support them. One of the big problems is that our previous legislation for not-for-profits basically treated them as for-profit corporations. You expect directors who have a pecuniary interest, who actually generate personal wealth from the for-profit business, to have a higher risk

and liability when they do that, and they manage in a higher-risk environment.

When someone comes onto the board of a not-for-profit organization, as we did at the Canadian Urban Institute, it's very hard to get high-calibre accountants and people with the kind of breadth of experience you need in international affairs—we had former high commissioners and ambassadors on—because the exposure and liability is huge. The Canadian Urban Institute, of which I was the chief executive officer, was working in some of the most dangerous parts of the world. We were sending staff into places—we were in Bosnia in the middle of the war, we have a group right now in the Ukraine and we have several folks in different parts of Africa. The personal liability for that; the scale of contracts that the Canadian Urban Institute manages for CIDA and projects with the World Bank—a \$16.5-million project to do adaptive climate change strategies for municipalities in the Philippines—the level of liability when you have engineering work, economists and planners, all with certain levels of professional risk; you have no profit margin, and everything you make is reinvested: To maintain the kind of calibre that not-for-profit boards have to maintain is very difficult to attract when they have the same kind of liability.

The default position has been to buy very expensive directors' insurance, which can become very cost-prohibitive to organizations that have very narrow margins. I'm glad to see that as a major focus of this bill. It creates conditions that allow the NGO sector to have a board of directors.

The other thing is that it allows not-for-profit corporations to engage in commercial activities where the revenues are reinvested in the corporation to support its not-for-profit purposes. To give you my own personal example, when I was CEO of the Canadian Urban Institute, our revenues grew by \$3 million in one year. Most of that was from contracts we had with international agencies and municipalities. Our profit for that year was \$12,000, which was reinvested. That's the level of margin. You have a \$6-million or \$7-million organization that's finishing its year often tens of thousands of dollars in the black, and all of that gets reinvested.

The challenge has always been—and anyone who has been close to or active in the NGO community knows—that most NGOs, like Pollution Probe, the Canadian Urban Institute, Sustainable Cities, any of those that are not foundation-based or do not rely on government grants, have to raise all their own money. In Ontario—and the move in the public sector across Canada and the United States is that there is no grants program like there is for universities or there is for not-for-profits in the United States—we have actually grown this sector almost in spite of ourselves, because not-for-profits are not set up to compete with consulting companies for contracts. But the response of the federal government, most municipalities today and most provinces is to have NGOs and non-governmental organizations, which are trying to build civil society capacity, behave almost like consulting firms to sustain themselves.

We have had nothing in law that actually makes a legal determination about what those relationships are like compared to the charitable giving and the fund-raising dinners. In the case many of you are familiar with—I know my friends from Beaches—East York and Ottawa Centre would be—things like urban leadership awards right down to education programs for students and student placements, personal development and outreach all have to be sorted out to the satisfaction of the Canada Revenue Agency, but there is nothing in law in Ontario, or in most provinces save Saskatchewan—because we're joining Saskatchewan now—that actually regulates those outcomes and determines how that money is recorded. Just simply counting for sales tax—and I've got to tell you, the harmonized sales tax is a blessing for the NGO community, because I can tell you, having to manage two sales taxes in the NGO sector was horrific.

The final place is that this law actually makes the amalgamation of NGOs possible. Many smaller non-governmental organizations grow and merge with others. The old legislation, if you look at it, made that a nightmare. The Canadian Urban Institute was trying to merge with the International Centre for Sustainable Cities in Vancouver—it's a two-and-a-half-year process. When this legislation is passed, it will take about two months to do it. It is literally the cost in friction and time of a highly inefficient system, where our corporate legislation was heavily tilted to for-profit corporations.

Why is this legislation so good? I know it was two years ago, but the consultation the government took, long before I had the pleasure of being part of this Legislature, was well known, deep, and met the concerns of the larger community. Is it perfect? Is it everything that everybody wanted? No. But this bill is very practical, unexciting and boring to most people. No one's going to put in their election literature, "I voted for the Not-for-Profit Corporations Act," but to one of the largest and most important sectors, this will mean more jobs, it will reduce the cost in friction of managing those groups, it will make money easier to raise and it will make the management of finances and staff and contracts much easier.

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

Mr. Michael Prue: I had the opportunity and listened intently to my colleagues from Ottawa Centre and Toronto Centre and what they had to say on this bill. I'd like to thank both of them, because—I don't know if you were present in the room earlier. You may have been watching it on television when I talked about this bill being dry as dust, but you did bring some clarity to the bill and, in fact, my friend from Toronto Centre brought a great deal of clarity in terms of what it will mean to the non-profit sector, their ability to merge and their ability to not have to get such expensive liability insurance. I think, for those points, the bill needs to pass second reading.

I join with my colleague from Welland, who gave the leadoff speech on behalf of the New Democratic Party, by saying that we are generally supportive of the bill. I

think what the two members from Ottawa Centre and Toronto Centre did was bring out reasons why the bill ought to be supported, why it ought to go for second reading. I don't know how much debate there is going to be or whether I will actually have an opportunity to speak to the bill, so I would just like to state for the record as well that I intend to support this bill, mindful that there are at least a couple of avenues that need to be explored.

One of them is the mandatory use of English and French, because I think that that is a key point in our multicultural and multilingual province, that we ought to allow incorporations and signs and things in other languages.

The second is the whole issue of a volunteer desk. Although my colleagues didn't speak of that, I think that that, too, is an idea that is worth exploring. For all the good reasons that you brought up, the pair of you, I commend you for your speeches and thank you for bringing those facts to the Legislature.

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

Ms. M. Aileen Carroll: I'm more than pleased to join colleagues here in the Legislature today in the endorsement that seems to be quite general of this piece of legislation, the new Not-for-Profit Corporations Act. The member from Toronto Centre said that perhaps it appears somewhat boring and dull, but often some of the most boring and dull changes that are required of a legislative body are indeed the most requisite.

Having not, perhaps, the same amount of experience he has in dealing with the not-for-profit sector, still, at another time and in another place, I frequently related to NGOs or to not-for-profits and saw the restrictions that they laboured under, particularly in their ability to draw the kind of talent and experience that they needed to their boards.

I remember the first time there was a lawsuit, a number of years ago, on the matter of personal liability, being intertwined as it then was with corporate responsibility, it indeed put a fear into the sector and made many of us very concerned as to how we would draw the kind of persons we needed on those boards. So while the act makes many changes, all of them very laudatory, that one in particular struck me as one that we should note, and I'm glad other colleagues in the House have done so.

1700

It also allows the not-for-profits to engage in commercial activities—and that, too, is very, very important—so that they're able to reinvest the profits from those activities into the very reason for which they were created.

There are many good aspects of this bill. I commend it. I hope that it will indeed enjoy the support from all members of the House when we come to a vote a little later in the day.

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

Mr. John O'Toole: I was here earlier today on Bill 65, the Not-for-Profit Corporations Act, 2010. We all

agree, and our critic, Julia Munro from York-Simcoe, has made it clear to us that there are many good provisions in the bill. Let's be square about that. It's about time the bill is updated. I don't know what has taken them so long. In eight years, it clearly wasn't a priority for them.

But here's the real issue: There are some confusing sections, but the main message from our side, from our leader, Tim Hudak, is to recognize, especially during the month of May, that this is volunteer recognition time. Each of us in our ridings has been there and recognized those people that make—everyone from Boy Scouts to hockey to Meals on Wheels to service organizations.

Ms. Munro led a consultation on behalf of our leader at the time, Mike Harris, on volunteerism in Ontario, recognizing that it is an important part of the social infrastructure of Ontario. In Canada, I think there are 161,000 not-for-profit charities. Over half of those are right here in Ontario. We should be respectful of the time and talent these people contribute to those communities, community organizations and, indeed, you could argue, to our province when it comes to athletics and other things. It just makes our society much more friendly and raises the quality of life for everyone in Ontario.

But here's the point: Until we resolve some of the issues on liability for volunteer board members—and there is a section in here. I haven't seen the details nor have I been briefed, but there's a case where they have to make clarity an issue so that these people that are rendering a service, free of charge 99% of the time, in these not-for-profit companies—we need that assurance that this will be resolved at least, amongst other things.

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

The member from Toronto Centre has up to two minutes to respond.

Mr. Glen R. Murray: I want to thank the many members who spoke: my colleague from Barrie, who has seen this through the lens of federal government; my colleague from Beaches-East York, who has been a long-time advocate for the sector and is very familiar with it from his time as mayor and his important involvement in FCM; and my friend from Durham.

A couple of things: One is that subsection 11(2) stated that the names could only be in English or French, but subsection 11(6) of this proposed act allows for a corporation to use a name in any language as long as the articles of incorporation allow for it. So it does open it up to that, and maybe we could look at that more in committee.

I don't think that this bill will likely come back here unchanged. I think that the enormity of this sector and the number of people we have to hear from at committee is very important, so I think getting it to committee is very important.

I also just want to say again that the member from York-Simcoe, I thought, gave a very articulate presentation earlier on the sector, and I appreciate knowing that there are other colleagues in the House who value the sector as much.

Finally, the suggestion of a volunteer bureau by the member from Beaches–East York, I think, if I can get his attention for a second, is an important suggestion. I hope that, as someone who came from the sector—many states and provinces have not realized the enormity of the economic development and job creation opportunities that come from this sector. I think this government does, and I'm hoping this will be something that will enjoy broad support across all parties, because I think all of us place a high value on this sector.

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

Mr. Ted Chudleigh: I'm very disappointed that the government has decided to withdraw from our agreement that we had in this House about how this House would proceed for the next two weeks—three weeks, really, but we have a week off. In the last two weeks of any Legislature, there are always some disagreements about how things proceed. This time we had something put in place that would have seen the debate take place over the course of the last two weeks, and it would have been fairly constructive, I think. We would have had an opposition day. That was our part of the deal, and your part of the deal was that you got a number of bills passed and discussed.

Today, the government House leader has decided to withdraw her support for that agreement. And if we can't have support in this House, if we can't have co-operation, I can see no reason to continue the debate, and I would move adjournment of the debate.

The Acting Speaker (Ms. Cheri DiNovo): The member has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, please say “aye.”

Those opposed will please say “nay.”

In my opinion, the nays have it.

Call in the members: a 30-minute bell.

The division bells rang from 1706 to 1736.

The Acting Speaker (Ms. Cheri DiNovo): Members will please take their seats.

Mr. Chudleigh has moved adjournment of the debate.

All those in favour will please stand and remain standing until counted by the Clerk.

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

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 8; the nays are 36.

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

Further debate?

Mr. Ted Chudleigh: During the 30-minute bell, there was no conversation to fix the situation that was in place in this House, so I would move adjournment of the House.

The Acting Speaker (Ms. Cheri DiNovo): The member from Halton 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 declare that the nays have won the day.

This will be another 30-minute bell. Call in the members.

The division bells rang from 1738 to 1808.

The Acting Speaker (Ms. Cheri DiNovo): The members will please take their seats.

Mr. Chudleigh has moved adjournment of the House.

All those in favour will please stand and remain standing until counted by the Clerk.

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

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 2; the nays are 28.

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

Second reading debate deemed adjourned.

The Acting Speaker (Ms. Cheri DiNovo): It being nine past the hour of 6, I declare the House adjourned until tomorrow morning at 9 o'clock.

The House adjourned at 1810.

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Speaker / Président: Hon. / L'hon. Steve Peters

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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Brown, Michael A. (LIB)	Algoma-Manitoulin	
Brownell, Jim (LIB)	Stormont-Dundas-South Glengarry	
Cansfield, Donna H. (LIB)	Etobicoke Centre / Etobicoke-Centre	
Caplan, David (LIB)	Don Valley East / Don Valley-Est	
Carroll, M. Aileen (LIB)	Barrie	
Chan, Hon. / L'hon. Michael (LIB)	Markham-Unionville	Minister of Tourism and Culture / Ministre du Tourisme et de la Culture
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Chudleigh, Ted (PC)	Halton	
Clark, Steve (PC)	Leeds-Grenville	
Colle, Mike (LIB)	Eglinton-Lawrence	
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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Duguid, Hon. / L'hon. Brad (LIB)	Scarborough Centre / Scarborough-Centre	Minister of Energy and Infrastructure / Ministre de l'Énergie et de l'Infrastructure
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Flynn, Kevin Daniel (LIB)	Oakville	
Fonseca, Hon. / L'hon. Peter (LIB)	Mississauga East–Cooksville / Mississauga-Est–Cooksville	Minister of Labour / Ministre du Travail
Gélinas, France (NDP)	Nickel Belt	
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Gravelle, Hon. / L'hon. Michael (LIB)	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, Hon. / L'hon. Eric (LIB)	St. Paul's	Minister of Citizenship and Immigration / Ministre des Affaires civiques et de l'Immigration
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, Hon. / L'hon. Linda (LIB)	Brampton–Springdale	Minister of Natural Resources / Ministre des Richesses naturelles
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	
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Mauro, Bill (LIB)	Thunder Bay–Atikokan	
McGuinty, Hon. / L'hon. Dalton (LIB)	Ottawa South / Ottawa-Sud	Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
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McNeely, Phil (LIB)	Ottawa–Orléans	
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Miller, Norm (PC)	Parry Sound–Muskoka	
Miller, Paul (NDP)	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	
Milloy, Hon. / L'hon. John (LIB)	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, Hon. / L'hon. Carol (LIB)	Huron–Bruce	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Moridi, Reza (LIB)	Richmond Hill	

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Murray, Glen R (LIB)	Toronto Centre / Toronto-Centre	
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Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Ramal, Khalil (LIB)	London-Fanshawe	
Ramsay, David (LIB)	Timiskaming-Cochrane	
Rinaldi, Lou (LIB)	Northumberland-Quinte West	
Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
Smith, Hon. / L'hon. Monique M. (LIB)	Nipissing	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Government House Leader / Leader parlementaire du gouvernement
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Takhar, Hon. / L'hon. Harinder S. (LIB)	Mississauga-Erindale	Minister of Government Services / Ministre des Services gouvernementaux
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Wilson, Jim (PC)	Simcoe-Grey	First Deputy Chair of the Committee of the Whole House / Premier vice-président du comité plénier de l'Assemblée
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Kevin Daniel Flynn, France Gélinas
Helena Jaczek, Sylvia Jones
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