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Tuesday 18 May 2010

Mardi 18 mai 2010

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 18 May 2010

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 18 mai 2010

The House recessed from 1830 to 1845.

ORDERS OF THE DAY

NOT-FOR-PROFIT
CORPORATIONS ACT, 2010

LOI DE 2010 SUR LES ORGANISATIONS
SANS BUT LUCRATIF

Resuming the debate adjourned on May 17, 2010, on the motion for second reading of 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 Acting Speaker (Mrs. Julia Munro): Further debate?

M^{me} France Gélinas: J'étais pour dire merci, madame la Présidente, mais je ne suis pas si sûre que c'est ça que je veux dire.

Le projet de loi 65, la loi modifiant les organismes à but non lucratif—je dois dire que j'ai 25 années d'expérience à travailler avec les organismes à but non lucratif, et je serais parfaitement d'accord pour dire que, oui, la loi a besoin d'être modifiée.

Un organisme à but non lucratif en Ontario est dirigé—la gouvernance est dirigée par un conseil d'administration. Les conseils d'administration sont élus par les membres qui font partie de la corporation. Pour vous donner un exemple, au centre de santé communautaire où je travaillais les cartes de membre étaient de 5 \$; donc, n'importe qui dans la communauté pouvait devenir membre en payant sa carte de membre de 5 \$. En devenant membre, ça leur donnait le droit de vote pour l'assemblée générale annuelle pour élire les gens qui siègent au conseil d'administration.

Le conseil d'administration est ce qu'on appelle en français « l'organe suprême ». C'est un drôle de mot qui veut dire que ce sont eux qui sont en charge, ce sont eux qui font la gouvernance et ce sont eux qui donnent les objectifs stratégiques de l'organisme à but non lucratif. C'est ce qu'on va appeler une « personne morale ».

I have one second to have a page bring me a glass of water, please.

Donc, je reviens à ma personne morale. Les membres de la corporation élisent les membres du conseil d'administration. Les membres du conseil d'administration sont la personne morale; ce sont eux qui représentent la communauté.

On dit que ces bénévoles-là sont des bénévoles mandataires fiduciaires; non seulement ils sont élus et ils exercent leur fonction de façon bénévole, mais ces personnes-là ont une responsabilité fiscale. Ça veut dire que, lorsque le gouvernement fait un transfert de fonds, le transfert de fonds se fait à la personne morale; il se fait aux personnes qui sont au conseil d'administration de cette agence-là.

1850

De là, ils vont déléguer leurs pouvoirs au directeur ou à la directrice générale; parfois, appelé un président il est directeur général, mais en général, on va parler de direction générale. La direction générale, c'est elle, cette personne-là, qui va diriger toute l'équipe—les employés, la dépense des budgets, etc. En général, les personnes morales—les personnes en charge d'une corporation, le conseil d'administration—vont se réunir une fois par mois et vont avoir un agenda d'éléments pertinents à l'orientation stratégique de leur organisme à but non lucratif.

Donc, si tu compares ça un peu avec un organisme privé—un organisme privé, ça peut être moi, ou n'importe qui d'autre, qui décide de se lancer en affaires. C'est moi qui prend les risques; c'est moi qui prend les décisions; c'est moi qui décide. Dans un organisme à but non lucratif, ça ne se passe pas comme ça. Ce n'est pas le directeur général qui a le mot final, c'est le conseil d'administration. Donc, le conseil d'administration a non seulement des responsabilités, mais il a également un pouvoir d'autorité.

Le gouvernement transfère des fonds pour la mission de l'organisme. Une des premières choses que le conseil d'administration aura à faire sera de développer quelles seront la mission, la vision et les orientations stratégiques. Une fois que ces dernières sont mises en place, ils vont déléguer au directeur ou à la directrice générale les fonctions de mettre ça en place.

Pour le mettre en place, ils vont également donner des balises. C'est-à-dire que dans l'exercice de ses fonctions, le directeur ou la directrice générale aura le droit de faire certaines choses, mais ses pouvoirs seront limités. Ils auront le droit de prendre certaines décisions, mais pour d'autres décisions, ils devront aller consulter le conseil d'administration.

Donc, pour le directeur ou la directrice générale, cette personne-là voit son patron une fois par mois lors de la réunion du conseil d'administration. Lorsqu'elle voit son patron, lorsqu'il y a une réunion du conseil d'administration, le conseil d'administration doit être capable de déléguer et de faire confiance. S'il y a un bris de con-

fiance qui se passe entre le conseil d'administration et le directeur ou la directrice générale, on va avoir des problèmes, et on va souvent avoir des problèmes sérieux, parce que comme organisme à but non lucratif dirigé par un conseil d'administration, ces bénévoles-là, ces mandataires fiduciaires-là, ne sont pas toujours là. La plupart du temps, au jour le jour, lorsque les activités se déroulent, ces gens-là ne sont pas là. Donc, ils doivent être capables d'avoir confiance en la personne à qui ils vont déléguer les responsabilités, et ça veut dire que si ce lien de confiance n'est pas là, la gouvernance ne fonctionnera pas bien. Moi, je dis à ces organismes à but non lucratif : « Si vous avez perdu confiance en votre directeur général ou votre directrice générale, c'est le temps d'en embaucher un autre; allez vous chercher une autre personne en qui vous allez pouvoir avoir confiance et à qui vous allez pouvoir déléguer vos pouvoirs entre les réunions. »

Une autre chose qui est très importante est l'assemblée générale annuelle. À l'assemblée générale annuelle, il y aura toutes sortes de règles qui vont diriger ça. Ces règles-là, on peut les retrouver dans le projet de loi dont on parle aujourd'hui. Ces règles-là sont là pour s'assurer que tout est fait de façon transparente et que tout est fait de façon à être imputable à la communauté au travers des membres corporatifs.

Donc, il est important que, dans le projet de loi dont on parle aujourd'hui, le projet de loi 65—et je peux vous répéter le nom : Loi modifiant des lois en ce qui concerne les organisations sans but lucratif ce soit bien défini.

À même les organismes francophones de l'Ontario. La plupart d'entre eux utilisent ce qu'on appelle le code Morin. C'est un code de procédures parlementaires qui décrit comment on ferait les choses—comment on fait pour apporter une proposition, comment on fait pour la modifier; quand qu'on vote sur un amendement : et si on a besoin de 50 % des voix ou de 75 % des voix. Ça, c'est le code parlementaire qui est décrit dans le code Morin.

Dans la plupart des organismes à but non lucratif du côté anglophone, ils vont utiliser ce qu'on appelle Robert's Rules of Order. C'est la même chose; c'est un code de procédures parlementaires qui va décrire comment une corporation doit gérer ses choses.

Donc, l'assemblée générale annuelle—on l'appelle « annuelle » parce qu'elle a lieu seulement une fois par année—va être appelée. Souvent, il faut faire une annonce dans les journaux pour être sûr que ce soit transparent, pour être sûr que n'importe qui voulant y participer a la chance de savoir que cette réunion-là a lieu et a la chance, également, de savoir quels seront les items à l'ordre du jour pour y arriver préparé. Les gens qui sont membres corporatifs auront le droit de vote, donc, si on décide de changer les statuts et règlements, c'est certainement quelque chose.

Une loi qui est modifiée dans le projet de loi, c'est comment les statuts corporatifs sont mis en place. C'est un processus légal qui avait tendance à être un petit peu difficile, mais maintenant, avec le nouveau projet de loi, ils vont rendre ce processus-là beaucoup plus facile. Ce

qu'on appelle l'obtention de tes lettres patentes—donc, que tu t'enregistres, que le gouvernement te reconnaisse comme une agence à but non lucratif—était quelque chose de compliqué, de légal, pour lequel tu devais retenir les services d'un avocat. Il y avait également des frais reliés à ça.

Avec le nouveau projet de loi, on rend ça beaucoup plus facile où il y a des espèces de gabarits qui peuvent être utilisés. Si tu es un organisme du milieu de la santé et des services sociaux, il y a un gabarit fait pour toi que tu peux utiliser et qui rend les choses plus faciles. Si tu es du côté de la justice—parce que les agences à but non lucratif, on en retrouve dans tous les secteurs de fonctionnement de notre société. Donc, peu importe, maintenant avec le nouveau projet de loi, tu auras des gabarits qui vont rendre le processus pour t'enregistrer comme un organisme à but non lucratif en Ontario beaucoup plus facile.

Donc, l'organisme reçoit ses lettres patentes, organise sa première assemblée générale annuelle, vend des cartes de membre; les membres corporatifs arrivent, revoient l'agenda et votent. Une des premières choses qu'ils auront à faire de mettre en place des statuts et règlements qui vont définir, entre autres, le nom de l'agence, le sceau; qui vont définir combien de membres seront à leur conseil d'administration, s'il y a un exécutif, quel code parlementaire ils décident d'utiliser, le code Morin ou Robert's Rules of Order—mais il y en a d'autres également. Donc, tout ça, ce sera dans leurs statuts et règlements.

Il y a différents types de gouvernance qui existent. Le modèle dont je suis en train de vous parler est un modèle qu'on appelle le type traditionnel. C'est-à-dire que tu auras un conseil d'administration avec un comité exécutif, et le comité exécutif, habituellement, est formé des membres—le président ou la présidente, le vice-président, le secrétaire, le trésorier. C'est pas mal standard pour former le comité exécutif.

Le conseil peut également décider de former d'autres comités. On peut penser souvent à un comité de prélèvement de fonds. Vous saurez très bien que les organismes à but non lucratif en arrachent de ces temps-ci en Ontario.

On avait les aides à l'enfance qui étaient ici hier pour venir nous rencontrer. Je peux vous dire que l'aide à l'enfance de Sudbury a partagé avec moi des manques à gagner dans leur budget qui sont très significatifs, certainement, mais ils ne sont pas les seuls. Si tu regardes tous les autres organismes qui dépendent, en partie ou en totalité, de deniers publics pour offrir leurs services, ils se sont tous fait dire que ce sera un gel des revenus et des transferts de paiements qui va se faire du gouvernement envers eux.

Mais ça ne veut pas dire que—les conventions collectives qui ont été signées, il faut quand même qu'elles soient honorées, et cela veut souvent dire l'« escalation » des coûts de la main-d'œuvre quand les revenus restent à plat. Donc, c'est toujours la même chose : tu as des revenus qui n'augmentent pas pendant que tes dépenses continuent d'augmenter.

1900

Avec la taxe de vente harmonisée, on sait tous que le coût d'énergie et d'électricité—tout ça va augmenter. Bien, toutes les agences à but non lucratif doivent payer pour ce genre de frais-là, donc, on sait que leurs coûts d'opération vont continuer d'augmenter.

Dans le nord de l'Ontario, les coûts de chauffage et d'électricité sont très hauts. On ajoute 8 % à ça avec la nouvelle taxe harmonisée. Ça va vouloir dire que les coûts d'opération des organismes à but non lucratif à la grandeur de la province vont augmenter, tandis que la province envoie un message que les revenus vont rester plats. Ce ne sont pas de bonnes nouvelles.

Moi, je suis au comité spécial pour la santé mentale, et des douzaines d'organismes qui offrent des services de santé mentale aux enfants sont venus nous voir pour dire que dans les 10 dernières années, ils n'ont eu qu'une seule augmentation de leur fonds d'opération—une augmentation de 3 % en 10 ans—tandis que les coûts d'opération ont augmenté de façon multiplicative.

Toutes les agences qui offrent des services de santé mentale aux enfants sont dans le même pétrin. Ce sont de bons organismes à but non lucratif qui sont bien gérés, avec une gouvernance qui fait bien son travail et avec des travailleurs qui ont le cœur à l'ouvrage et qui essaient bien fort de rendre les services désirés. Mais quand ta source de revenus est le gouvernement, et le gouvernement décide de ne pas augmenter ton budget, il y a des décisions difficiles qui doivent se prendre.

Ces décisions difficiles-là, c'est au niveau de la gouvernance que ça se fait; c'est au niveau du conseil d'administration. C'est pour ça que j'ai dit au tout début qu'on les appelle les mandataires fiduciaires. Savez-vous qu'avec le projet de loi qu'on a là, une personne qui est au conseil d'un organisme à but non lucratif est responsable personnellement des déficits que cette agence-là pourrait encourir? Cela veut dire que, malgré la bonne volonté de tout le monde, malgré que tout le monde ait mis l'épaule à la roue et qu'on ait essayé d'équilibrer le budget, si on se retrouve avec un budget déficitaire, avec notre projet de loi, ce sont les bénévoles, les mandataires fiduciaires, les membres du conseil d'administration, qui sont personnellement responsables de ce déficit. C'est une grosse responsabilité à mettre sur les épaules des bénévoles.

Je dois dire qu'au Canada, on n'a pas une histoire où le gouvernement a tendance à faire ça, mais le projet de loi rend quand même possible que le gouvernement demanderait de se faire rembourser à même les bénévoles, les mandataires fiduciaires, qui ont été élus au conseil d'administration. Donc, ce sont quand même des choses importantes à considérer.

Il y a souvent des organismes à but non lucratif qui ont de la difficulté à recruter des membres à leur conseil d'administration. C'est une responsabilité importante d'être mandataire fiduciaire, et puis quand on te rajoute des responsabilités comme ça, une responsabilité où tu es personnellement responsable des déficits de ton agence, ça fait réfléchir.

Je vous parlais de l'aide à l'enfance de Sudbury, qui, elle, regarde à 1,2 million de dollars de déficit d'opération cette année. S'il n'y a rien qui change, si leur budget n'augmente pas—ça, c'est seulement l'« escalation » des coûts d'opération reliée à leur convention collective. Donc, on peut voir que si une personne comme vous et moi, madame la Présidente, était au conseil d'administration de cette agence-là—on peut voir pourquoi c'est gens-là seraient un peu nerveux, avec bonne raison. Je pense qu'il n'y a aucun de nous autres qui aurait 1,2 million de dollars dans leur poche et qui serait prêt à repayer le gouvernement pour un manque à gagner, pour un programme qui est plus ou moins mandaté par le gouvernement.

Surtout quand on parle de l'aide à l'enfance, la plupart des services qu'ils offrent sont des services mandatés. Le gouvernement dit que si un enfant se retrouve en situation d'aide, vous devez répondre à l'appel, vous devez faire telle et telle évaluation, vous devez faire tel et tel suivi. Donc, c'est un peu une dichotomie que l'on retrouve là, où les gens se retrouvent responsables des services qui sont mandatés par le gouvernement et pas nécessairement des services qu'ils ont choisi d'offrir.

Ce n'est pas que les services d'aide à l'enfance que l'on a en ce moment ne soient pas adéquats; ce n'est pas ça que j'essaie de dire. J'essaie vraiment de démontrer que ce projet de loi-là qui touche aux agences à but non lucratif est un projet de loi sérieux, parce qu'on retrouve partout les agences à but non lucratif. Que tu parles d'une maison d'hébergement pour femmes violentées—la plupart du temps ce sont des agences à but non lucratif; si on regarde les centres de santé communautaires, les centres pour n'importe quelle sphère d'activité, on va y retrouver des agences à but non lucratif.

Il y a quelques semaines, on avait les services familiaux—family services—qui sont venus nous voir. Eux aussi fonctionnent comme agence à but non lucratif. Ils reçoivent leur budget, ou une partie de leur budget, du gouvernement; ils offrent une série de services à la population qu'ils desservent dans un secteur géographique; et ils sont dirigés par un conseil d'administration qui a aussi des membres corporatifs.

Donc, le projet de loi qu'on est en train de revoir ce soir, le projet de loi 65, aura des rebondissements dans toutes les sphères d'activité de notre société, et c'est un projet de loi qui est quand même important de par le fait que tellement d'organismes seront touchés.

J'encourage toute la population de l'Ontario à se mettre au courant de ce qui est contenu dans le projet de loi 65. C'est un projet de loi quand même assez volumineux; il y a plus de 109 pages, et cela aura un impact.

J'espère qu'on n'aura pas comme effet pervers que toutes les agences à but non lucratif aient à embaucher des avocats pour leur expliquer ce qu'il y a dans ce projet de loi-là. J'espère qu'on aura la chance d'avoir une version facile à comprendre et facile à interpréter pour toutes les agences à but non lucratif. Il y en a de très petites; si on parle des Grands Frères Grandes Sœurs, ce sont souvent des organismes très petits qui ont très peu

de ressources et qui ne seraient pas dans une position d'employer des avocats pour leur dire exactement quelles sont les répercussions du projet de loi 65.

Donc, j'espère qu'on verra des formulaires écrits dans un langage beaucoup plus facile que celui dans le projet de loi pour expliquer à toutes les agences à but non lucratif dans la province ce qui se passe, parce qu'elles font certainement un bon travail, et je les encourage à continuer.

The Acting Speaker (Mrs. Julia Munro): Comments and questions?

Mr. Pat Hoy: I'm pleased to rise and make a few comments on Bill 65 in respect to the Not-for-Profit Corporations Act. I think it's important to note that the current act has not been substantially revised since 1953, which is many years ago, decades ago now, so obviously I think in this modern world we need to revise this act and bring it into this millennium.

This legislation reflects the feedback that we got from our partners through an extensive consultation process. Of course, we all know what good work these not-for-profit organizations do within our ridings, but I think it's useful to know that in 2003 these not-for-profit organizations reported almost \$50 billion in annual revenues. So you can see the magnitude of the work they do just through that figure alone. This Ontario figure represents about 43% of all revenues throughout the whole Dominion of Canada, so clearly they are very vigorous within our communities all across the province.

What we're talking about here is making it easier for not-for-profit corporations to operate and do business in today's world and today's marketplace. We've introduced this act that, if passed, would provide a modern legal framework that addresses the needs of approximately 46,000 not-for-profit corporations in Ontario. It's a huge number and, as I said, shows the significance of all the good work that they do here.

It will simplify the incorporation process to allow incorporation in as little as three to five working days, down from up to two months. These are just some of the new regimes that we'll put in place to modernize an act that hasn't been substantially revised since 1953.

The Acting Speaker (Mrs. Julia Munro): Further comments and questions?

Mr. Jim Wilson: You are the critic for the PC caucus, Madam Speaker. I was reading your remarks—they were absolutely wonderful—on second reading, in your leadoff debate.

1910

We are waiting as a caucus to see what the groups say. There are, just so people know, an estimated 161,000 non-profits and charities in Canada. Imagine Canada gives us some statistics that say that Canada's non-profit and voluntary sector is the second-largest in the world; the Netherlands is the largest and the United States is fifth. So congratulations to all those hard-working volunteers. The sector represents \$79.1 billion, or 7.8% of our GDP. Imagine Canada says that that's larger than the automotive or manufacturing industries.

I noticed that one of the things that this bill is meant to do is enhance "member democracy by expanding member remedies to ensure directors are acting in the corporation's best interests." It's timely in the sense that the Newmarket SPCA board made a decision to euthanize some 350 animals. Obviously the membership didn't agree with that board. I think 100 animals did end up getting euthanized because of ringworm. I just wonder if, whenever the parliamentary assistant or the minister speak, perhaps we could find out whether, in a real-case scenario—the SPCA in Newmarket being a non-profit animal shelter—the membership would have more democratic rights, as you pointed out in your remarks, Madam Speaker, in terms of making sure the board of directors not only acts in the best fiduciary interests of the corporation itself but also in the interests of the volunteer members, for which it is supposed to be responsible. I'd be interested to see if any of the government members have a comment on that.

The Acting Speaker (Mrs. Julia Munro): Further questions and comments?

Mr. Glen R. Murray: I want to start off my two minutes by commending the member from Nickel Belt. I thought her presentation was thoughtful and very thorough.

I also want to say that I was in the House, Madam Speaker, when as the member for York-Simcoe you presented what I thought was one of the most fulsome and complete and competent understandings of the non-profit sector. So I just want to—

Mr. John O'Toole: That's not what you said yesterday.

Mr. Glen R. Murray: Yes, it's exactly what I said yesterday, and the member from Durham can check the record. I want to thank you for that, because I come from that sector.

I spoke for 10 minutes yesterday at length about it, and I was asked by our whip to speak about it today. I just want to put on the record something in a very non-partisan way, because I think this is something we share. It is impossible for governments over the next 10 years to meet the needs of an aging population—the health care dollars—and what will eventually be declining revenues, starting about eight or 10 years out. The private sector brings a great deal of complications to that, and they can't do that. I fundamentally believe that this legislation, and the specificity with which it corrects so many problems facing the non-profit sector, create the opportunity.

We only have to look at a city like London, where 80% of the city of London's public services are not provided by the private sector or the public sector but by a range of not-for-profit and non-governmental organizations, right from transit to housing.

When I was mayor of Winnipeg, we built 4,500 affordable housing units, owned and run by the people who lived in that community. That was 10 times the amount of public housing that was built that year in Toronto, a city much larger.

I think that this is a foundation for bold new public policy initiatives in the future to address some very pressing problems.

The Acting Speaker (Mrs. Julia Munro): Further comments?

Mr. John O'Toole: The member from Toronto Centre is quite magnanimous this evening, which is a good sign. I'm glad that he didn't run for mayor of the city of Toronto. The reason I say that is because George Smitherman will have an easier job of it.

The real point is that he's quite generous in his comment tonight that we really have to recognize the not-for-profit sector. There's no question about that. I think, Madam Speaker, respectfully, that your remarks earlier, your response as our critic, were so exact because of the time you spent—I believe it was a full year—dialoguing with people, whether it's people working in the cultural area or the arts area. All those not-for-profits that really work to enhance the quality of life that we share need to be protected.

The most important part that I see: There are the governance issues here, and I fully understand that. The member's remarks were—quite a bit of it was in French, so I didn't understand all of it; I didn't have the advantage of translation at the time. But I believe she as well has worked in community-based organizations, so she knows of what she speaks.

The member for Whitby–Oshawa, Christine Elliott—I was at a wonderful celebration this past week. Minister Best was there to celebrate with the Abilities Centre in Durham. There's another example in which a community-based organization is working for a common purpose, for a common outcome, to enhance the quality of life for persons with special needs. Full accessibility is what the Abilities Centre in Durham is all about. All four levels of government were there: local, regional, provincial and federal.

What we need to do is make sure that people who work in volunteer positions on these boards are not liable for inadvertent decisions. Direct and intended decisions are quite another thing that could be challenged. But I think, as part XI says, it's fundamental—

The Acting Speaker (Mrs. Julia Munro): Thank you. The member for Nickel Belt has two minutes to respond.

M^{me} France Gélinas: I'd like to start by thanking the members from Chatham–Kent–Essex, Simcoe–Grey, Toronto Centre and Durham for their comments.

When we look at not-for-profits, we have to look at the corporations that make them up, at the boards of directors, at the governance. The people on the boards of directors of not-for-profit organizations in Ontario are the ears, the eyes and the conscience of those communities that they serve. We have to modify the laws to allow them to do that job unencumbered by the fact that if they make a mistake, they are fiscally responsible for that. Because then you'll see not-for-profit corporations that are not fulfilling the important mandate that not-for-profits have in this province.

The member from Toronto Centre talked about 80% of the services provided in London, as an example, coming from the not-for-profit sector. They play an integral part. Not only are they able to deliver good-quality services at a reasonable price; they are also an economic engine for the communities in which they offer programs and services. They usually offer decent, respectful employment to the people who work for them, plus they offer tons of volunteer opportunities for people who want to volunteer. But I want to be very sure that this legislation is not a step that will force volunteers to do jobs that are the responsibility of our government to provide.

I take exception to one of the comments that was made by the member from Toronto Centre: that it is impossible for a government to meet the needs of an aging population. This is absolutely not true. We are able to meet the needs of the population if you do things differently. If you support people in their own homes, it will be cheaper.

The Acting Speaker (Mrs. Julia Munro): Further debate?

Mr. David Zimmer: Let me apologize for rising to speak on Bill 65, the Not-for-Profit Corporations Act, without a tie on. I was not expecting to be here this evening for this rare late-night sitting. If the people at home watching this show realize that all of their hard-working MPPs from all parties are going to be here tonight until 12 o'clock, they'll have some appreciation for the very long days that we have here, which in this case started at 9 o'clock this morning. Nine in the morning till 12 at night is a long, long day, and I apologize for not having my tie on.

I'm very pleased to speak to the Not-for-Profit Corporations Act. In my professional career before I was elected in 2003, I spent many, many years practising law, and in the context of that, I served on the boards of a number of not-for-profit agencies. In addition to that, I also had a bit of a sub-specialty in law where I advised the boards of not-for-profits on the host of issues that they had to deal with over the years. At the time, one thing that I realized, well before I came to this chamber, was that the act, the Not-for-Profit Corporations Act, really needed a fine combing-through, an overhaul, to bring it up to standard so that it could deal with the sorts of issues we're dealing with here in 2010.

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Madam Speaker, you've heard from a number of speakers who have referenced that the act originates from 1953 and hasn't had any real amendments since then. The world in which not-for-profits operate has changed dramatically since 1953. That's 57 years ago. Things are done differently now. The things that are expected of not-for-profits are dramatically different from what they were 57 years ago.

An even more important aspect of the issue of the modernization of not-for-profit corporations is that today, particularly in the very difficult economic times we find ourselves in and the challenging times we find ourselves in, there is a greater demand for the services that not-for-

profits provide and a greater expectation that not-for-profits will step up to the plate on a whole range of issues that our governments and our societies have to deal with. So it is really incumbent upon government to give not-for-profits a modern context in which they can operate, so that they can deliver the very best services, the very best of what they do.

The recipients of those services are, of course, the members of the public. Government today, for a variety of reasons, finds it very, very necessary and helpful—I suppose that of the two words, “helpful” and “necessary,” I would stress the necessity of working with not-for-profits and of ensuring that we work together to provide the many services that not-for-profits do.

That’s the driving force, the context, the motive, if you will, behind this modernization exercise of the not-for-profit corporations world.

Keep in mind that today there are some 46,000 not-for-profit corporations in Ontario. If you sort of pause and close your eyes and think about the variety of services and undertakings of not-for-profits in Ontario—46,000 not-for-profits—the services they provide are dramatically different. We hear about the United Appeal and the Alzheimer Society of Canada and the Canadian Cancer Society. Those are the big sisters and big brothers of the world of not-for-profit corporations. Then we get down to the medium-sized ones and the smaller ones and so on. But there are thousands and thousands of small not-for-profits that are operating in our communities, providing niche services that all of us in our respective ridings have grown accustomed to, and we really have the obligation to create a context in which they can operate more effectively.

Let me just walk through some of the salient points in the legislation that will work toward meeting our motive of modernizing and providing a better context. There are many, many aspects I would like to cover, but I’ve got about 15 minutes left, so I’m just going to touch on a few, in no particular order.

First of all, what the new act is going to do is simplify the incorporation process to allow incorporation of not-for-profits in as little as three to five working days. That’s down from about six to eight weeks. One of the complaints I would hear when I was working in the not-for-profit world and doing not-for-profit legal work and so on was the complexity, especially if it was a small neighbourhood or community not-for-profit that was setting up, perhaps to help out some hockey parents, perhaps to help out some schoolchildren—some small piece of the not-for-profit world. They found themselves in the complex and tricky world of incorporation and had to hire lawyers, and it took six or eight weeks or more. It was very, very difficult.

We’ve simplified that process, so that if someone has an idea, if a group of citizens in your community has a thought of some service they can provide, they can quickly incorporate and quickly get the benefits of not-for-profit incorporation. And if they can quickly do that and quickly get those benefits, the service they are pro-

viding could be provided quickly; they could satisfy that need quickly. So simplification is a big thing.

Another thing we’re going to do with this is enhance corporate governance and accountability. What do I mean by that? Well, most people involved in not-for-profits, especially in the medium-sized and smaller ones, are unsure of the obligations they are taking on. If they become president, vice-president or a director, what is expected of them? What duty of care do they have to demonstrate? How do they meet that?

What we’ve done is spelled out a statutory duty—

Interjection.

Mr. David Zimmer: Lou, I can’t hear myself think. Quiet.

Mr. Lou Rinaldi: Sorry.

Mr. David Zimmer: I’m sorry for the intervention, Madam Speaker, but it’s very distracting, especially by a member of your own party.

Many new presidents, vice-presidents and officers of these not-for-profits get involved, and they have to call a lawyer and ask, “What’s expected of me? What do I have to do? What can I do? What can’t I do? What are my responsibilities for the finances?” and so on and so forth. So the act sets out very clearly what is expected of an officer or member of a not-for-profit. That again brings simplification and clarity.

Another thing that officers and directors of not-for-profits often worry about is, “If I become president, vice-president or a director and things go wrong—if we’re providing transportation services for senior citizens and there’s some terrible car accident or truck accident—what is my liability? What am I responsible for?” It makes them very, very nervous. These are people who are coming to this exercise and want to contribute their time and expertise voluntarily, but at the same time, they worry about their personal liability.

What we have done is provide directors and officers with better protection from personal liability. If we can provide that protection from personal liability through insurance mechanisms and that sort of thing, what that will do is take some of the worry out of serving as an officer of a not-for-profit and we can attract more people who want to get involved but perhaps are afraid of some of the risk. So this is a mechanism to attract the very best people and more people to get involved in not-for-profits.

We’ve also got several sections in the new act that will increase the rights of members of not-for-profits by providing greater transparency. Here’s an important point: When I was practising law in this area, it was not unusual, for a variety of reasons, for a not-for-profit to get into some financial difficulty. That was because they were operating on tight budgets, they were volunteers, they were laypersons, and perhaps didn’t understand the minutiae of financial statements and financial reporting. Sometimes there would be a terrible knot, a terrible tangle there, and lawyers and accountants would have to get involved to straighten it out. So we’ve got a number of transparencies that are built around the whole access to the financial information of a particular not-for-profit—

again, simplification, clarity and shortening of the process, making it clear to everybody how to run a not-for-profit.

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An aspect of that is a simpler financial review process, a simpler audit process. Those things are very, very important because not-for-profits are, in effect, spending public money, in the sense that they take in collections and they do fundraisers. People who are contributing to the particular non-profit of their choice want the assurance that their money is going in there and that it's going to be well managed and it's going to be accounted for and there's going to be transparency. The not-for-profit certainly wants to do that. If we can marry those two needs—the need for transparency and clarity—with the donors' expectation that they want to have that transparency and clarity, I rather think what's going to happen is that the donors are going to be even more generous. If we have a context in which donors are encouraged to be more generous because they have the confidence in how their donation is going to be managed and so on, that's good for the non-profit. That means more income. If the non-profit has more income, that's better for the market or the service that they're providing, be it a seniors' organization, a youth organization or what have you.

There has always been a problem about what non-profits can do in terms of commercial activities. It has been kind of a murky area. There has been this idea that not-for-profits ought to stay away from commercial activities in terms of raising money. What the legislation is going to do is allow not-for-profits to engage in some commercial activities where the revenues from those commercial activities are reinvested in the corporation to support the purposes of the corporation. Again, we're creating a context where we make it easier and simpler and more attractive for a not-for-profit to raise funds. This, again, goes back to the idea of creating a context where we encourage not-for-profits to be financially transparent, financially healthy. That's good for everybody: donors and the users of the service.

As I said earlier, the not-for-profit legislation is some 57 years old. You only have to reflect on your own day-to-day lives: the commercial aspects of your life, the business aspects of your life, the financial aspects of your life. How you interact with banks and how you do your banking and how you spend your money and all of those sorts of things have changed dramatically in 57 years. What this legislation does is bring the not-for-profits up to date, into the modern world. That's good for everybody.

Let me just give you some useful statistics so that you can put what not-for-profits do in a financial context. Did you know—and these figures are six or seven years old now—that in 2003, the last year we have really meaningful statistics for this sort of thing—and I should say that as a result of this legislation, if passed, we'll be in a position to get really current, up-to-date and reliable statistics. But there was a statistic prepared in 2003 which told us that just in Ontario not-for-profit organizations reported—and I found this staggering, because I

was not aware of this statistic until just recently—almost \$50 billion in annual revenues—\$50 billion. The Ontario budget itself, in the last few years, is about \$90 billion or \$100 billion. Not-for-profits' revenues are equal to half of what the Ontario government's revenues are. That's a huge amount of money. Imagine if not-for-profits did not do what they have to do to raise that \$50 billion, and you took all of those services that the not-for-profits provided and had to add those onto the provincial budget, in effect saying, "The not-for-profits aren't providing it, so the province should provide it"—because they're all meaningful and worthwhile services. That would increase our annual budget by \$50 billion. I think people lose sight of that tremendous contribution that the not-for-profits are making to the welfare and betterment of everybody here in Ontario.

That \$50 billion comes from the huge not-for-profits that have province-wide funding campaigns and raise millions of dollars and from the neighbourhood, tiny not-for-profits that are doing something for the school hockey team or a nursing home in the area or a senior citizens' home. Adding all that up: \$50 billion.

Because it's a \$50-billion exercise, we really need the best possible legislation to regulate, to govern, to oversee that. Because it's a \$50-billion exercise, we need the most modern piece of legislation, to reflect the context of our times.

Another fact that was generated by that 2003 statistic is that in Ontario there were almost one million workers employed in the not-for-profit sector—one million employees in the not-for-profit sector. Until I dug out these statistics, I didn't realize myself that it was that high. Those one million employees who were employed—and these are 2003 figures—represented one sixth of all employed Ontarians. The province, in addition to the one million employees, had approximately 7.8 million volunteers at the time. So in effect that's a workforce of 8.8 million employees: seven million volunteers and one million employees.

That order of magnitude—the \$50 billion in revenues that the not-for-profits generate in a year; one million employees, 7.8 million volunteers—should give you a context and a reason why this legislation, modernizing the world of not-for-profits, is absolutely essential. It's just as essential as anything else in Ontario if we're going to provide the highest quality—the best quality—of life in Ontario.

Governments can't do everything. They can do a lot, but governments need and depend on the enormous contribution that not-for-profits make to our society. Since we depend on that and we need it and we recognize its value, we have an obligation to create a corporate context, if you will, which will enable the not-for-profits to work with their stakeholders to provide, again, all of those services together with the province.

The Speaker (Hon. Steve Peters): Questions and comments?

Mr. Norm Miller: Mr. Speaker, nice to see you here in this evening sitting tonight.

I'm pleased to add some comments on the speech by the member from Willowdale on Bill 65, the Not-for-Profit Corporations Act, 2010. Certainly, the PC caucus recognizes that the non-profit sector is an important part of Ontario's economy. We support reforming the governance of non-profits to reflect current-day realities, but of course it has to be done right.

The member from Willowdale started out speaking by asking why we are here tonight, so I'd like to respond to that question that he posed at the beginning of his speech. We in the opposition thought we had an agreement on what is called a programming motion so that we'd know what bills we were speaking to. All of the bills that the government wanted to deal with from now until June 3 would be dealt with in a timely and reasonable fashion. In fact, we were operating, for a number of days following the programming motion, on the belief that our House leader, Mr. Yakabuski, had negotiated an agreement in principle.

Part of what we were getting for following this was an opposition day motion which was to be debated tomorrow. Our motion which we filed was on the HST, to give the Legislature a chance to vote on the HST, seeing as it was not something brought up in the last election. We realize when we hear from our constituents that it's a really important concern. I guess the government House leader didn't like our opposition day motion, so they pulled out and changed their mind about this programming motion.

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As a result of that, the opposition has to use what tools we have, and that includes ringing bells and being here till midnight this evening to debate bills. So we're pleased to debate Bill 65 and we're looking forward to staying here until midnight this evening.

The Speaker (Hon. Steve Peters): Questions and comments?

M^{me} France G  linas: I find it a little bit hard to take that the member from the Liberal Party would stand up and do the praise of all of the not-for profits, all the good work that they do and the value-added that they bring to the province of Ontario, but when they have an opportunity to support the not-for-profit sector, it is all but gone.

We've asked to put a moratorium on the competitive bidding process for home care twice now since this government got into power. What has the competitive bidding process done to home care? It has bankrupted all of the good, well-established not-for-profits that brought value-added to our communities. They are all but gone from the home care system. We now have the American-style Comcare and We Care and all of those which have moved into our communities.

When competitive bidding came into play, VON, which had been a stellar provider of home care in Sudbury, went bankrupt. They were a good, not-for-profit, good-citizen organization of our community. What were they replaced with? They were replaced with subsidiaries of American home care providers that offer

horrible working conditions, that do not provide for the economic base of our community, that are forever trying to recruit and retain a stable workforce because if any of their workers can get a shift at McDonald's, they get 25 cents more an hour, and this is where they go. So don't tell me how important the not-for-profit sector is to the Liberal government, because when they have a chance to do something about it, they don't.

The same thing is happening in the long-term-care sector. Not that we have too many new beds, but in the last 2,000 beds that were put out through the competitive bidding process, all but about 138 of them—128, actually, to be exact—went to for-profit corporations. If not-for-profit was so important, they would have—

The Speaker (Hon. Steve Peters): Thank you. The member for Mississauga—Streetsville.

Mr. Bob Delaney: It's a pleasure to stand up and pass comments on the always erudite deliberations of the member for Willowdale.

The current legislation that governs not-for-profits was last substantially revised in 1953. All I can say is, I was actually alive at that point, but that was a long time ago. Prior to that, this statute had really not been changed since 1907. At that time, other than the fact that I think Hazel McCallion was still the mayor of Mississauga at that point, that is a long time ago. So this one is really ready for a remake, and that's what this legislation does. It takes the statutes that govern not-for-profits, those organizations that deliver some of the most essential services, services that every year at around this time we as members stand up and reward many of the volunteers who serve non-profits in our communities, our ethnic service organizations, our organizations serving newcomers, our organizations around health care, our seniors' organizations. All of these organizations function with an antiquated 1953 act that predates the Ford Edsel. In fact, it goes back—well, it's a postwar act. It's about time, like another postwar relic, the PST, that it too was replaced. Indeed, it will be replaced: by a modern act that is going to provide significant benefits for the not-for-profit sector.

Among the many benefits—well, I'm out of time. I look forward to being able to speak to this act in the very near future.

The Speaker (Hon. Steve Peters): Questions and comments?

Mr. Randy Hillier: As I was listening to the member from Willowdale speak, it really caught my attention that he was astonished and amazed at the statistics of the not-for-profits. He went on at length about the \$50 billion in revenue that not-for-profits have and the over one million employees. But I guess, far be it from the Liberals to understand an industry before they bring in legislation to regulate it. That would be a little bit out of character for this Liberal Party.

There are a couple of elements of this bill that I'd like the Liberals to ponder on a little bit. I'll give you some examples. One was increasing the ability for not-for-profits to engage in commercial activity. I'll give you a

couple of examples. The March of Dimes is a not-for-profit; it's a \$100-million corporation. Some \$95 million of its revenue comes from activities engaged with government: WSIB—there's a host of them. Some \$5 million comes from private donations. Trees Ontario is another example: \$6 million in revenue; \$500,000 in actual donations; \$5.5 million in taxpayer funding goes to that not-for-profit. I think it's important for us to consider: You want to increase those abilities. For most people, when you say "not-for-profit," it conjures up an image of community-based volunteers funded by individual donations.

Ought the Liberals not to be looking at what really does constitute a not-for-profit as well? Instead of just promoting further commercialization, let's fully understand the industry before you bring in legislation to regulate it.

The Speaker (Hon. Steve Peters): The member from Willowdale has two minutes in response.

Mr. David Zimmer: In my earlier remarks, I stressed openness and clarity and modernization and creating a context so that not-for profits can not only continue to thrive but can thrive in a new way. Really, that ties in with what this chamber heard in the throne speech: Open Ontario. It's part of the same culture. In the throne speech, we talked about all of the things we were doing for the Open Ontario initiative. The not-for-profit legislation really does reflect the feedback that we received from shareholders through the consultation process that we carried out quite extensively. The modernization of the Corporations Act really supports Ontario's Open for Business initiative by enhancing the efficiency of Ontario's business laws and tying them in so that they reflect the special needs of the world of not-for-profits.

We're doing the same thing in the not-for-profit world as we are in Open Ontario: streamlining operational and administrative requirements, improving efficiency, harmonizing the law with the laws in other Canadian jurisdictions and, above all, providing corporate governance and accountability clarification and transparency for not-for-profits. So this legislation, if passed, is going to be good for not-for-profits, it's going to be good for Ontarians and it's especially going to be good for all of those recipients of the very, very fine services provided by not-for-profits.

The Speaker (Hon. Steve Peters): Further debate?

Mr. Peter Shurman: I can tell you that tonight I'll be talking to the people who are in this House and whoever is taking a break from the hockey game to watch us on the Ontario legislative channel. It can't be an awful lot of people. We're between periods; it's 1-0 and the Canadiens are down. That was just a short plug.

I want to talk a little bit about Bill 65, the Not-for-Profit Corporations Act, 2010. The first thing I want to observe is that during this debate we've had the pleasure of the presence of the minister who brought this bill. I want to congratulate her, because it is, I believe, the first major bill that she has brought before the House. She's dealing with a subject that affects us all and affects me on a couple of levels.

First of all, it's an important subject. It's an important subject because of what we've heard from other members and what the bill itself states, and that is that we haven't taken a look at not-for-profits for a very, very long time. Like everything else in our society, there has been a great degree of change in the not-for-profit sector and how it does business, in the growth of the not-for-profit sector and the levels on which it operates.

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When I was a little boy, there wasn't very much thought that you had to give to the not-for profit sector, because it usually was somebody who knocked on your door and asked for pocket change. That was the not-for-profit sector then. The not-for-profit sector now is a huge web of generally electronically intermingled and tangled organizations that are sometimes dealing in yesteryear's legislative nightmares in trying to do incredible work. And they do incredible work, so we should all support them. One of the ways we can do that is by ensuring they have a climate in which that work is simplified.

These are times of need. If you take a look at the last couple of years, natural disasters alone have brought out the best in Canadians. They've brought out the best in a lot of people, but Canadians, of all the people around the world who are called upon to give when there's a tsunami, when there's an earthquake, when there is war and destruction in some other country, seem to come to the fore and do so more quickly, more readily, in greater numbers and with bigger dollars than virtually any other people on earth, and there are statistics to support that.

I would like to mention a couple of things as well. One of the first reactions I saw from some people who should know—I'm talking about the Ontario Bar Association—was very supportive. What they were and are saying is that Ontario's non-profit and charity lawyers are pleased to see a long-awaited act like this, and that the legislation "will bring corporate law and governance into the modern era."

That's what I've been talking about. When you talk about the difference between a doorbell ringing and somebody asking you for dimes and quarters, and sitting down at your computer with the ability to donate thousands and thousands of dollars, or as in, I think, all of our cases here—certainly in mine—being able to click a couple of boxes and know that your bank account is going to be accessed time and time again on a weekly or monthly basis, for years in some cases, makes it a far cry from what we were thinking about back in the 1950s. So they're pretty happy about it. They say the legislation "will bring corporate law and governance into the modern era and will meet the sophisticated needs of thousands of charitable and non-profit corporations in Ontario, helping them to operate more efficiently and effectively." I can say that our caucus supports that principle.

Volunteerism, which is really the underpinning of the not-for-profit sector, is legendary in Ontario. I think many members of this House, over the course of the past couple of weeks—certainly the past couple of months—

have gone out with the Minister of Citizenship and Immigration in their own communities to hand out Ontario Volunteer Awards. When you take a look at the number of hours—it's in the millions—that are given freely and willingly by people who were never asked to do so, who never received any compensation, who never asked for any award but nonetheless are being recognized, what it does is give us a measuring tool or yardstick on the depth of commitment to volunteerism in the province of Ontario. New Canadians very particularly—I have some very personal knowledge of that when I look in my own community and my own riding of Thornhill. We have approximately 150 ethnicities in Thornhill, and we're talking about people who are pretty well across the board newer or new Canadians. The first thing they think of is how they can raise money, either to help family and friends who are still at home—"home" being their mother country—and secondly, and almost on an equal footing, how they can raise money and contribute to their own communities.

I'm thinking very particularly of a Korean community within our community that not only has established itself from a business perspective, from a social perspective and from a religious perspective, but has also created a series of awards that are never given to Koreans. They're given to other communities within the community so that the Koreans can recognize the reality of where they live on a global scale. That, to me, is a magnificent tribute to what I am saying: that we Canadians, even in the intake of our newest people, imbue this quality that we have, and I don't think it is any stronger than here in Ontario.

There is a need for community organization. There are needs I have identified that are rooted in natural disaster, that are rooted in war. In the last year or two years, we've seen, very sadly, at the level of things like food banks, needs that are rooted in economic difficulties. Whether we want to take the opportunity to say, "It's your fault," to the Liberal side, or whether it's happenstance on a worldwide scale, regardless of where it came from, people wound up out of work when they least expected, and the result of being out of work was that they needed our help. We in Ontario—we in Canada—extended that helping hand and made sure they got it in their hour of need.

The last thing I want to mention on this, before I get into the nuts and bolts of the act, is something that affects me because of my Jewish roots. I'll use the word "tzedakah." It's Hebrew for "charity." It's a very deep-rooted principle. In fact, I would say it goes beyond my Judaic roots; it's a Judeo-Christian precept.

What tzedakah suggests is that there are four levels of charity. There's the one where I give you something. I hand it to you, so you know who I am and I know who you are. The second is where I give willingly but I don't know who you are, or where you take willingly but you don't know who I am. The last is where we don't know each other at all. That's the form of charity we're talking about, and it's what most of our not-for-profits engage in.

What I'm saying is that I'll write a cheque because I believe in a cause, believing that that money will be used

properly to help people I am never going to see, who are never going to see me, who are never going to know me but who are going to reap the benefit of my giving. That's the best of tzedakah. I wanted to cite that because that principle is at the root of this bill and at the root of what not-for-profits do.

Not too many years ago, before I got into this business or the business many of you know me for—broadcasting—I owned and operated a call centre, and its prime business was handling not-for-profit donations. We handled some of the best of them: Foster Parents Plan, World Wildlife Fund, Hospital for Sick Children, Red Cross—I could go on and name you 20 more. The point is, we learned how to do it.

It was in an intervening period. It was between that period when we did person-to-person, door-to-door collections and the period now when people by and large donate using a website somewhere. I learned what kind of governance there was in some of the better organizations, but I also learned that there were fly-by-nighters out there—whom of course I haven't named—who would take advantage of people.

So it's an appropriate thing—it took me 10 minutes to get here—to say that, certainly in principle, our party, and I in particular, agree with the concept of revitalizing our approach to the not-for-profit sector and at looking for the first time in—what?—57 years at a rethink that is absolutely necessary.

I do worry a little bit: Sometimes when a bill sounds good, I have to pinch myself and say, "This is a Liberal bill." A Liberal bill typically sounds good but requires scrutiny to determine if it measures up. So I think I'm going to take a break, review this bill and see if it measures up, and perhaps come back later.

With that, I move adjournment of the debate.

The Speaker (Hon. Steve Peters): Mr. Shurman has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

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

The division bells rang from 2000 to 2030.

The Speaker (Hon. Steve Peters): Members please take their seats. It's a pleasure to be here in the evening and it's a pleasure to be in the chair not wearing the penguin outfit.

Mr. Shurman has moved adjournment of the debate.

All those in favour, please rise to be recorded by the Clerk.

All those opposed?

The Deputy Clerk (Mr. Todd Decker): The ayes are 8; the nays are 28.

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

Further debate.

Mr. Peter Shurman: Chapter 2—and it's still 1-0 near the end of the second period.

Hon. Rick Bartolucci: Talk for a little while and then adjourn again, okay?

Mr. Peter Shurman: And thank you to the Speaker for having the air conditioning turned on. If we're going to make spurious comments, we may as well thank people who do us favours. Thank you, sir.

When the minister introduced the bill, she said, "The current Corporations Act governs the incorporation, governance and dissolution of not-for-profit corporations. It was first enacted in 1907 and has not been substantially updated since 1953. Our partners in the sector have told us that it is cumbersome, antiquated and does not adequately meet the needs of Ontario's not-for-profit sector." She is right, and that's why, in principle, the concept of this bill is a good one, and with some degree of trepidation I'm inclined to say that I support it. I support the principle.

Applause.

Mr. Peter Shurman: One of the things that worries me, however, before you applaud too loudly on the other side, is the fact that this is a Liberal bill and, as seen with the Green Energy Act and as seen today with the introduction of the new water opportunities bill and with the Open for Business Act, which is really about red tape which the Liberals invented and now, through this act, seem to want to reverse, the road to hell seems to be paved with Dalton McGuinty's good intentions. So as I say, the bill makes some sense to me, but I worry a little bit about it and I've learned in three years to become a little bit shy on this. But let's refocus the spotlight on what we're talking about: not-for-profits and the good work that they do, and the wide range of services and supports that they provide to our society.

I have, very recently particularly but over a long period of time, made a lot of speeches to a lot of groups about getting active, about the concept of civic engagement, about the need for ordinary citizens to have voices heard. Oftentimes I talk about this in the political sense, but I also talk about it in the sense of not-for-profits. I don't really care what people support; that's their choice. What I care about is that they get up off their duffs and get out and do something for the community. That's what it's about. But there are some things that we have to take into consideration.

In 2000 an American writer, Robert Putnam, wrote a groundbreaking book, and he called it *Bowling Alone*. He concluded that in the United States, social capital, the fabric that binds society and communities, was in serious decline. I underscore that I said "in the United States." He goes on and draws on evidence, including nearly 500,000 interviews over the past quarter of a century, to show that fewer petitions are signed, that fewer people belong to organizations, that fewer people know their neighbours, meet with their friends less frequently, and people even socialize with friends and family less than they used to. Yes, a lot of it has to do with Twitter and a lot of it has to do with MySpace and with Facebook. It's easier to thumb some keyboard than to go and talk to people. In effect, volunteerism in the United States,

according to Putnam, is in deep decline. That highlights the importance of not-for-profit corporations. They have stepped in where volunteerism of the average citizen has declined. There's growing recognition, now, that government cannot bring all things to all people, that people have to be involved.

We cannot expect government to meet every societal need, and that is where the not-for-profit sector plays a vital role in society. Fortunately—and this is why I underscored "United States" when I quoted from Putnam—Canada doesn't fall into the same category. Canada has a very enviable record on volunteerism. It hasn't dropped as far as the US. According to *Imagine Canada*, Canada's non-profit and voluntary sector is the second-largest in the world. The United States stands fifth. So we can pat ourselves on the back a little bit. Having said that, we can always do better. A bill like this, when we consider it in a Legislature of the stature of Ontario's, dealing as we are with a third of the population of the country, needs to set an example and needs to make sure that when we're dealing with 46,000 not-for-profit organizations—46,000 of them—we have a regulatory structure in which they can operate, in which they can thrive, in which they're not tied up in red tape and in which they're not attached to antiquated laws that are over 50 years old. Not-for-profits need a legislative framework that allows them to operate efficiently to bring the greatest benefit in carrying out their public purpose in a digital and global environment.

Interjections.

Mr. Peter Shurman: You know, you're running too much interference on me. I'm going to have to stop soon.

I also want to say that there's a reason why we're debating this bill tonight. Ultimately, we know it's going to pass, probably after a time allocation motion. The reason that we're here at 8:35 tonight, as opposed to during the day, is because of the inability of our House leaders to come together. The Liberals wouldn't give on a programming motion. It's very simply because they didn't want to hear about the HST again. All we wanted to do was debate a motion that would have put off the implementation of the HST until a later date, when people had their say. For that reason, I have to move adjournment of the House.

The Speaker (Hon. Steve Peters): Mr. Shurman has moved adjournment of the House.

All those in favour will say aye.

All those opposed will say nay.

In my opinion, the nays have it.

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

The division bells rang from 2038 to 2108.

The Acting Speaker (Mrs. Julia Munro): Order.

Mr. Shurman has moved adjournment of the House. All those in favour, please rise to be counted by the Clerk.

All those opposed, please rise to be counted by the Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 9; the nays are 31.

The Acting Speaker (Mrs. Julia Munro): I declare the motion lost.

Pursuant to standing order 47(c), there having been six and a half hours of debate on this bill, this debate is deemed adjourned unless the government House leader specifies otherwise.

Hon. Monique M. Smith: We have no further debate on this bill, Madam Speaker.

Second reading debate deemed adjourned.

FAR NORTH ACT, 2010

LOI DE 2010 SUR LE GRAND NORD

Resuming the debate adjourned on May 18, 2010, on the motion for second reading of Bill 191, An Act with respect to land use planning and protection in the Far North / Projet de loi 191, Loi relative à l'aménagement et à la protection du Grand Nord.

The Acting Speaker (Mrs. Julia Munro): The member for Lanark–Frontenac–Lennox and Addington has the floor.

Mr. Randy Hillier: It's my pleasure to speak once again to Bill 191, the Far North Act. It's a little after 9 p.m. this evening, and of course we're here speaking to this bill because the Liberal government reneged on a deal on the HST opposition day motion and did not want to have a vote on the HST. So we're going to speak about Bill 191, seeing that they're a little fearful of speaking about the HST.

The interesting part of Bill 191—and there are many interesting parts—is that the Liberal government has said that they have worked tirelessly and they have a commitment to the First Nations to have them on board with this bill.

The NAN First Nations, on April 1, proposed, voted on and approved a resolution condemning this Liberal government over Bill 191 and how it takes away many of their treaty rights and allows the Liberal government to impose conditions in the north such as depriving everybody in this province of a quarter-million square kilometres of land that will become the Liberal super-park of Canada—the super-park of Ontario—and will prevent all development and any economic activity on a quarter-million square kilometres of land.

It was interesting listening to the minister speak to this bill earlier this evening. She was talking about the wolverines and the golden hawks. Really, it was touching, how the wolverines and the golden hawks were so important to the minister. But what about the people in northern Ontario? Do they not have a say? What about the First Nations people in Ontario? Do they not have a say? Is this Liberal government so far out of touch and uncompassionate about the people who live there that they will take away any ability to have economic prosperity?

They have no care, no concern, no regard for the people of the north, and we've seen that time and time again. We saw it very clearly when they didn't consult anybody on this Bill 191.

Interjection: They never do.

Mr. Randy Hillier: No, they did consult one person. But they didn't consult the prospectors and developers. They certainly didn't consult with the First Nations community. They didn't consult with the municipalities. They didn't consult with anybody except their favourite little green buddy from the World Wildlife Fund, Monte Hummel. He was at the committee hearings, and he of course said that he was consulted. But everybody else who was asked said that it came as a total surprise and total shock that this Liberal government had introduced Bill 191.

We've seen where this Liberal government gets their ideas, where they get their policy initiatives. It's not from people. It's not from individuals. It's not from the real stakeholders. They get their policy initiatives from groups that they fund, like the Working Families Coalition; they get to determine Liberal labour policy. When it comes to environmental policy or natural resources policy—

Mr. Jim Wilson: World Wildlife.

Mr. Randy Hillier: The World Wildlife Fund is a great resource for this Liberal government.

Of course, they fund all these groups with significant amounts of taxpayers' money. They take money from taxpayers and then fund their own lobby and advocacy groups and come up with legislation that, of course, harms the people whom they collected the money from in the first place but is of great benefit to their friends.

I want to just read from this NAN resolution—I think you've got it.

Interjection.

Mr. Randy Hillier: Did you give it back to me? Then I'm missing a piece. I'll find it a little bit later.

Anyway, we also saw that, and I mentioned this earlier, this Liberal government is completely abrogating any use in a quarter of a million square kilometres of land. They're not going to allow any hydro development. They're not going to allow any roads. They're not going to allow any mines, any forestry—nothing will be allowed there. Of course, I guess Monte Hummel will probably get a free pass to the park on our dime, but everybody else will be out of the loop. Maybe the Minister of Natural Resources will get up there once in a while as well.

Also, what a contradiction with this Liberal government, because we've all heard during the budget discussions and their throne speech about the Ring of Fire and how this Ring of Fire is going to bring untold prosperity to the north. Well, there's one little contradiction here: The Ring of Fire is in the north where the superpark is going to be, where there's no development allowed. It's one more of those little examples of Liberals making legislation without understanding what it is that they're doing. They're just appeasing their groups, but killing our economy in the north.

Here's a statement from the NAN First Nations: "This Far North Act is socially and morally unjust. It makes a mockery of the treaty signed by the Nishnawbe Aski First Nations and the crown governments of Canada and

Ontario. It will lock down First Nations' homelands and prevent them from achieving economic development that would help end a cycle of devastating poverty and injustice."

That's what the First Nations communities in the north are saying about Bill 191, and the minister tonight had the gall to stand up and say, "We are committed to working with the First Nations." This is what the First Nations are saying about this.

How about what Jon Baird, president of the Prospectors and Developers Association of Canada said?

"Bill 191 ... would deprive ... First Nations communities ... of the economic benefits that responsible mineral resource development can provide.

"Bill 191 fails to provide First Nations with an appropriate and clearly defined role in the land use planning process.

"Bill 191 seriously compromises the ability of the minerals sector to operate in the Far North."

First Nations are opposed. Mining and mineral explorations are opposed. Municipalities are opposed.

Here is a quote from Dr. Stewart Jackson. He's a geologist and a prospector. He was at the committee hearings that these members in the Liberal government actually heard last summer. He said that it's easy to sit in Toronto and wave a line around a map and pick off huge land masses to satisfy some unrealistic quota, that the land has to be evaluated very carefully for mineral and forestry potential before any restrictions are put in place. But no, this Liberal government is going to lock off a quarter of a million square kilometres without even knowing it's there.

As I mentioned earlier, this Liberal government, when officially asked for a map and an inventory of the crown lands in northern Ontario, couldn't provide it. Now, put this in perspective, people of Ontario: Your Liberal government, the steward of crown land, cannot even provide an inventory or a map of what they are the owners of, but they're going to legislate and regulate it and prevent anybody else from being there. It's absolutely amazing that this level of incompetence can be achieved from an administration that spends over \$100 billion a year. They can't even get a map together. They can't even get an inventory list together. Some \$100 billion a year of expenses and the incompetence is even greater than their expenditures.

This Liberal government has shown contempt for the people of Ontario. I think they've also shown contempt for the people of this House. They've shown contempt for the people of Ontario in the north with Bill 191 and, just as importantly, they're also showing contempt for this House when they renege on deals that prevent us from discussing our motion on the HST. They were so fearful of voting—

Mr. Lou Rinaldi: They're just shaking.

Mr. Randy Hillier: They were shaking and they're still shaking. Lou is still going to shake—that was the member for Northumberland who mentioned he was shaking. I would imagine the people in Northumberland

are going to give Lou a little bit of a shaking, come October 2011.

Anyway, it's clear to me and I think it's clear to everyone that this Liberal government renegeing on their deals on the HST, hiding from a vote on the HST, really deserves that we move a motion to adjourn the debate on Bill 191.

The Acting Speaker (Mrs. Julia Munro): Questions and comments?

Mr. Randy Hillier: I moved adjournment.

The Acting Speaker (Mrs. Julia Munro): Mr. Hillier has moved adjournment of the debate.

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

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

The division bells rang from 2122 to 2152.

The Acting Speaker (Mrs. Julia Munro): Mr. Hillier has moved adjournment of the debate.

All those in favour will please rise to be counted by the Clerk.

All those opposed will please rise to be counted by the Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 10; the nays are 29.

The Acting Speaker (Mrs. Julia Munro): I declare the motion lost.

The member for Lanark–Frontenac–Lennox and Addington.

Mr. Randy Hillier: I think it's important that we reference this Bill 191 to the Liberals' Open Ontario plan. Of course, we've heard much about the Liberals' Open Ontario plan through their budget—the Ring of Fire, the host of rhetoric that we've heard that would make people believe the Liberals actually want to conduct business in this province.

We know that Bill 191 is going to block off a quarter of a million square kilometres of land and prevent any economic development at all, but let's look at some of the other factors that are compounding the failures of this Liberal government in northern Ontario.

In addition to Bill 191, we also have the proposed policy on forest tenure, which everybody in the forestry industry is completely upset with. They announced it two weeks ago. It is going to create another layer of unaccountable agencies for forestry and increase the regulatory burden on our loggers and mills, if they haven't already damaged them enough.

Of course, the Endangered Species Act is harming that economic development with their significant removal of lands from forestry to protect the woodland caribou—and now Bill 191.

They're constantly putting up more and more hurdles for northern Ontario. Of course, they throw a few little crumbs out, like the \$130-a-year tax credit, as they suffocate and kill forestry, mining and any economic development.

I think it's important that we put this in context for people. We often hear, "What's this quarter of a million

square kilometres?” Well, that is a little over a hundred million acres of land in this province. For people to understand just how large that is, all the private land combined in this province is about 30 million acres. So, greater than three times the size of all the private land in this province will be dedicated to the Liberals’ superpark of destitution and poverty. That will be the name of this park they’re creating: the park of destitution and poverty in the north. It will be a vast, barren, empty ground, devoid of any prosperity and any economic activity.

I mentioned earlier the NAN First Nations resolution 10/22 on Bill 191, the Far North Act. I’d just like to provide the members of the Liberal Party with the exact wording of this resolution so they understand the hypocrisy and the contradiction of their statements about their commitment to work with the First Nations. It goes on:

“Therefore be it resolved that the NAN executive council is directed to issue a strong political statement to the government of Ontario to continue and strengthen its efforts in protesting the imposition of such a law on NAN First Nations prior to any reasonable effort at consultation and accommodation, and prior to seeking the free and informed consent of NAN First Nations;

“Further be it resolved that Bill 191 must be deferred until NAN First Nations and Ontario agree on a consultation, accommodation and consent process;

“Further be it resolved that the NAN chiefs-in-assembly demand that the government of Ontario, through the Ministry of Natural Resources and Ministry of Northern Development, Mines and Forestry, commit by May 31, 2010—that’s next week—“to long-term, multi-year and multi-million dollar funding to continue and complete land use plans, whether through an arm’s-length board and/or directly to First Nations;

“Finally, be it resolved that this resolution shall strengthen and support previous resolutions,” which have also gone unheard by this Liberal government.

This was dated at Thunder Bay on April 1, 2010. It was moved by Chief Andrew Solomon of the Fort Albany First Nation and seconded by Chief Arlene Slipperjack of the Whitewater Lake First Nation.

So much for that hollow, empty commitment of working with First Nations by this Liberal government—taking further and further steps backwards, as they abuse and have no regard and no respect for the First Nations communities in this province. But this is, of course, the Liberals’ open-door policy. This is what they call open doors: killing our industry, disregarding the expressed will of our First Nations people, killing any opportunity for anybody to make a living, earn a living and contribute in this super-park named “destitution and poverty” in northern Ontario.

2200

I mentioned in House a while ago that there is an actual physical impairment called daltonism. It is the inability to see the difference between red and green. This physical impairment that prevents people from distinguishing between red and green is clearly prevalent and dominant in all Liberals. They all seem to have this

disease, daltonism. Whenever they hear “green,” Ontario gets to see red: red ink from their green policies.

Obviously there are a lot of problems with this Liberal government. We’ve seen time and time again that they just keep paying off their friends, buying policies, buying legislation that will benefit the few at the cost of the many.

Interjection.

Mr. Randy Hillier: I think the member from Willowdale wants to have a fundraiser. Is that what he said?

The Acting Speaker (Mrs. Julia Munro): I’d ask the member to stay with the bill.

Mr. Randy Hillier: Yes. Anyway, as we can see, this is why everybody in the north is so upset with this government. They see the failings of all these pieces of legislation and all these regulatory burdens, and they know they are insignificant and unimportant in the Liberal scheme of things, when they have buddies like the World Wildlife Fund or the Working Families Coalition cozying up to them. They just continue to cozy up with their own buddies, and northern Ontario gets you know what from this Liberal government.

Everybody has been opposed: the anglers and hunters, the Ontario fur managers, the prospectors and developers and the First Nations. Nobody likes this bill, and they have passed resolutions to oppose it. But once again, as they have shown in their contempt at the deal to bring in an opposition day motion to debate the HST, and they reneged on that, they have reneged on every deal with the north, reneged on every promise to the north, reneged on every commitment to the north. That is why the north is feeling such hardship. It’s because of this Liberal government.

A quarter of a million square kilometres, 100 million acres of land and big projects as well—things like the Ring of Fire—will be in jeopardy with Bill 191. They’re talking out of both sides of their mouths: They talk about Open Ontario as they close the door on the Ring of Fire, as they close the doors on our mills and forestry, as they close the doors on our towns and communities. That’s the Liberal view of Open Ontario: a nice big park for the Minister of Natural Resources to take her friends from the World Wildlife Fund to on a little jaunt or a little junket up to northern Ontario to look at and marvel at the wolverines and the golden hawks, as she suggested; no people, but wolverines and golden hawks.

It is atrocious that this Liberal government would have the gall to reintroduce this bill after what they heard last year through the committee. We went to Sioux Lookout, we travelled through the north, we went to community after community and they heard it everywhere they went, from everybody who came to the committee, and they’ve done nothing about all those significant comments that were put in opposing Bill 191.

One has to really ask the people of this province, why did this House—why did this Liberal government—encourage and ask people to take the time out of their day to travel at great expense and over great distances to come and participate in our democracy, when this Liberal

government turned a blind eye to them, turned a deaf ear to them and were not moved in any fashion by those reasonable comments highlighting the dangers of Bill 191—nothing. That is why, with Bill 191, they have been termed “Canada’s worst government”—the moniker of this Liberal government—in the *Financial Post*.

I’ll give you another quote from Grand Chief Stan Beardy of the NAN First Nation. The quarter-million-square-kilometre conservation area established without consultation, without consent, will prevent his people “from achieving economic independence by preventing development needed to build our communities and strengthen” our Ontario economy. That’s what the people of the north are saying. That’s what Grand Chief Stan Beardy is saying. I’m agreeing with him because it’s so obvious. Anybody with an ounce of intellect could see that Bill 191 is going to devastate Chief Stan Beardy’s communities and all communities in northern Ontario.

But what do we hear? We hear some gallimaufry from the Liberal side once again, some baffleleg about how they rely on their total allegiance to daltonism. Everything else will be good. As long as daltonism is there, everything will be good. “We don’t have to actually think about anything; we just have to look for the daltonism and that will see us through to the next election,” they suppose, except for some of them who may be shaking over there, as we heard earlier today.

With all due respect, I do call on this Liberal government—the members of this Liberal government, this administration—to really show some sympathy, show some compassion, show some understanding for the people of northern Ontario. Go out of your way just a little bit and actually listen to them. Listen to their valid and real concerns. I know that the members from northern Ontario are hearing this all the time. They’re hearing it from every quarter in northern Ontario.

There is more to being a member than just looking up to his daltonism. You do have constituents who are very concerned, and rightly so, as I’ve read from Chief Stan Beardy, from the resolution of the NAN First Nation and from the prospectors and developers. Everybody is looking for this Liberal government to actually demonstrate that they have respect for the people of the north. They don’t want to hear this rhetoric, this gallimaufry of open doors as they slam northern Ontario shut.

Clearly, this Liberal government is out of touch and out of gas. They have nothing more to offer anybody, nothing to offer anybody as they continue to fail to see their constituents’ need. They cannot see their constituents’ need, or they just don’t care. I’m not sure what it is. Do they not see it? Are they incapable of understanding it?

Or is it just a dismissive shrug once more from the Liberal government? Do as you’re told. Just follow along. Pass the legislation. Don’t bother reading it. Don’t bother understanding it. Don’t bother caring about the consequences of it. Because daltonism says pass it, they’ll pass it.

Anyway, we’re here at 10:10 on a Tuesday evening because Liberals are known to renege on their deals:

renege on deals with our House leader, renege on deals with the people of northern Ontario, renege on the deal with the forestry industry on the tenure review, renege on their deals with the mining industry, renege on deals with everybody.

Oh, there is one group they never reneged on a deal with.

Mr. Robert Bailey: Who’s that? Courtyard?

Mr. Randy Hillier: Monte Hummel of the World Wildlife Fund never has his deal reneged on. Pat Dillon from Working Families never has a deal reneged on. And, of course, the consultants at the pork yard never have their deals reneged on.

Everybody else, well, who cares? If you’re a Liberal, who cares about everybody else? Those are the three groups they are concerned about. Those are the three groups that motivate a true Liberal. Those are three groups that all Liberals aspire to appease and acquiesce to.

Really, this Liberal government has no legitimacy in northern Ontario with the destruction—

Interjection.

Mr. Randy Hillier: Is he here?

Mr. Jim Wilson: He’s watching.

Mr. Randy Hillier: I have to say hello to Adam Wilson from Simcoe–Grey, who is watching this evening.

Anyway, this House will be here until midnight tonight, but really, we understand and we know that the Liberals couldn’t care less about what actually happens here.

Madam Speaker, I move adjournment of the House.

The Acting Speaker (Mrs. Julia Munro): Mr. Hillier has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say “aye.”

All those opposed, say “nay.”

In my opinion, the nays have it.

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

The division bells rang from 2214 to 2244.

The Acting Speaker (Mrs. Julia Munro): Mr. Hillier has moved adjournment of the House.

All those in favour, please rise to be counted by the Clerk.

All those opposed, please rise to be counted by the Clerk.

The Clerk of the Assembly (Ms. Deborah Deller): The ayes are 8; the nays are 26.

The Acting Speaker (Mrs. Julia Munro): I declare the motion lost.

The member for Lanark–Frontenac–Lennox and Addington.

Mr. Randy Hillier: Bill 191, the Far North Act: I think I should share a little story about when I was up in the north recently at Nestor Falls. I met with the members of the northwest tourist outfitters and the Sunset tourism association. I met with and a number of people in Rainy River and Fort Frances. We talked about how this Far North Act and the other Liberal policies and regulations have had such a damaging effect on forestry, on mining

and on communities. But also, our tourism in the north is being hammered. Of course, Bill 191 is going to rob them of opportunities as well, just as it's robbing everybody else in the north.

It's important to recognize just what this Liberal government has done with our province. We now have half a million regulations—and Bill 191 is going to add to that—in this province. To put that in perspective, in British Columbia they have 200,000 provincial regulations. The people in Alberta have about 180,000 regulations.

It's interesting: There's a pocket edition of regulations that you can purchase. I have a copy here. In 2004, the pocket edition was 2,000 pages in length. In six short years—or long years under the Liberal government—that pocket edition has gone from 2,000 pages to 3,500 pages. Let's keep that in mind.

Each regulation requires the government to provide permission or to license. People have to apply, they have to enter a process to get government permission to do something. I want to ask everybody here and everybody watching, a half a million activities in this province are regulated and legislated. Can anybody here in this House, can the collective over there think of a half a million activities they could ever possibly do, let alone require permission, permits, licences, applications and government approval before you undertake them?

Of course, one has to ask why Ontario is the most heavily regulated jurisdiction in the country. Does it have some other consequence other than just this suffocation of activity? Clearly, we can see other provinces—I mentioned that Alberta and BC have about 200,00 provincial regulations. They are in a have position; they are still growing far greater than Ontario. They weathered the recession far greater than Ontario—less unemployment, less debt, less deficit. Their people are in far better condition and their economy is in far better condition. But we have a half a million regulations because of this Liberal government. This nanny-state government has created half a million provincial regulations. That's not including municipal regulations, the bylaws. It's not including the federal, the Criminal Code. This is just the provincial regulations. That's the lottery Ontario won when they got this Liberal government: half a million regulations.

2250

We have to understand that with Bill 191, each one of these regulations deprives people of opportunities. Bill 191 is going to add to that. Bill 191 is nothing more than robbing the people of Ontario of opportunity. It's taking a quarter of a million square kilometres of land and, in perpetuity, putting it off limits, taking away opportunities from individuals, taking away opportunities from our First Nations. You are robbing the people of Ontario, you're robbing our First Nations people, and you're doing it without care or concern and, I believe, without even an understanding of what you're doing. Half a million regulations, and you're going to add more to it, just as you're adding more with the forest tenure process,

you're adding to it in the tourism industry, and you're adding to it with the Endangered Species Act. You keep adding and adding. There is more than just one straw breaking the back of this economy. It's half a million straws that you're placing on it that are breaking our economy.

As I was listening to the debate today and listening to the ministers and Liberals talking about Bill 191, I remembered a little passage, and I would like to read it. I'll ask the people in the House if this reminds them of anybody. This was a fellow who was speaking of the socialist Prime Minister of France back during the second republic. He went on to say this about the Prime Minister: "I do not know that I have ever ... met a mind so void of any thought of the public welfare as his.... Neither have I ever known a mind less sincere.... When speaking or writing he spoke the truth or lied, without caring what he did, occupied only with the effect he wished to produce at the moment...." That sounds an awful lot like somebody else who's now the Premier in this province: devoid of any thought, devoid of any sincerity, just occupied in the moment of the time.

That's what we get: We end up with a half a million regulations. We end up with a nanny state. We end up with an under-performing economy. We end up with high unemployment rates. We end up with hardship when you have a government and a Premier who is not aware or doesn't care. That is what we have here.

I know they call themselves the Liberal Party, but they are the socialist party of Ontario, without a doubt. Anybody who can bring in that many regulations is the socialist party of our country, the socialist party of our province, and I think it's important—

Interjection.

Mr. Randy Hillier: Did I hear the member from Guelph say they that they're the communist party? I think that's what I heard the member from Guelph referring to them as. I know there are many who would probably agree with her as well, but I'll just say that the facts are clear that they are the socialist and the half-a-million-regulation party of the province.

I mentioned earlier about how cozy they are with the environmental community, how they brace up with the environmental community without any regard or concern for the consequences for the forestry industry or the mining industry or the tourism industry. Again, they're just concerned about those wolverines, not people.

But here, just to read—this is out of the latest edition of the *Landowner Magazine*. Maybe you guys want to get a copy of that. In 2007, the MNR funded Trees Ontario with \$958,000 of taxpayers' money. They also provided \$4,549,364 to the Nature Conservancy of Canada and \$500,000 to Evergreen. I know that's just a little drop in the bucket for these Liberals when they're spending \$100 billion-plus a year. But that's where our taxpayers' money is going to: Liberals paying money to these advocacy groups that then come in with bills like Bill 191.

Where did we get Bill 191 from? The Liberals bought and paid for it with their friends. That's why Monte

Hummel was the only individual who had ever heard of it before it got introduced. That's why Jon Baird from the prospectors and miners hadn't heard of it. That's why Grand Chief Stan Beardy never heard of it—because he wasn't on the list of green friends of the Liberals.

There's also something else I'd like to comment on, and I think it's a very apt reflection of this Liberal Party. It's about the seen and the unseen of Bill 191. This was written by Frédéric Bastiat. He said:

“In the economic sphere an act, a habit, an institution, a law produces not only one effect, but a series of effects. Of these effects, the first alone is immediate; it appears simultaneously with its cause; it is seen. The other effects emerge only subsequently; they are not seen; we are fortunate if we foresee them.

“There is only one difference between a bad” politician “and a good one: The bad” politician “confines himself to the visible effect; the good” politician “takes into account both the effect that can be seen and those effects that must be foreseen.”

The Liberal government does not have any foresight, does not care to foresee the harm and the consequences of its policies. They are only concerned with the immediacy as they rob the people of Ontario of a quarter of a million square kilometres of land, as they rob the First Nations of over a hundred million acres of land and keep it exclusively for their friends like Monte Hummel of the World Wildlife Fund.

I have to ask this Liberal government, are they really a government of the people? Are they really, truly a democracy that cares about its constituency? Or is their constituency only the special interest groups who provide that political support they look for, who provide the legislative framework they aspire to, such as the Working Families Coalition, Monte Hummel and others? That is who this government is actually working for, not the people who have elected them, the people who pay their wages, the people who have an expectation of representation. No, this Liberal government is robbing the people of Ontario, robbing our children and our grandchildren of opportunities, while they keep piling on the half-million regulations as they continue their quest for the ultimate nanny state they're so clearly looking for.

Thirty million acres of private land—one bill. More than three times that amount will be locked off, over a hundred million acres. I know that when I go up to the north, as I meet with the tourist outfitters, with the miners, with the foresters, I'll be hearing the same story over the next year: more and more hardship they're being asked to weather, more and more hardship they are being burdened with because of these regulations, these ill-conceived, poorly thought out pieces of legislation like Bill 191, the Far North Act.

2300

I wonder how many more resolutions from the First Nations it will take before this Liberal government responds. How many more protests, how many more demonstrations of opposition will it take before this Liberal government owns up to its obligations? Will you

ever listen to those people or will you continue on with your empty, hollow words and platitudes, as we often hear: “We are committed to”? How many times have we heard the Liberals say, “We are committed to”? We heard it today: “We are committed to work with the First Nations. It's just that we're going to turn our backs on you and disregard you when you have a resolution,” which asks for your commitment to work with them, a plea for you to work with them.

Make no mistake: Continue on this path and you will reap what you've sown. You will find the problems that you are creating with Bill 191, with the Endangered Species Act, with the hardships in tourism, in forestry—you're going to reap those. As the good member from Northumberland mentioned earlier, there will continue to be shaking as they bring in this agenda for their friends, this agenda of nirvana that they hope to create throughout this province as they appease their backroom friends at Courtyard or at Working Families or at the World Wildlife Fund.

Madam Speaker, it is disappointing to see that—oh, Mr. Speaker—

The Acting Speaker (Mr. Jim Wilson): Thank you. Questions and comments?

Mr. Gilles Bisson: I just want to protest one particular part of the speech, where my good friend Mr. Hillier is accusing the Liberals of being socialists. My God. What is this world coming to? If that's socialism, I don't know what the heck is going on. I can tell you, it's nowhere near that.

I just want to say to my good friend that we sat on committee together last summer as this bill went out to travel across the province, and it was pretty clear—and Mr. Hillier I think makes the point well—that there wasn't a soul who came before the committee last year at first reading who said this is good legislation and it should be passed.

I want to speak to this a little bit later and I'm hoping that members will at least try to hear what we have to say on this particular bill. The issue is not that First Nations don't want a planning act; they want a planning act that they have some say in about how it's developed and how it's implemented and what it means to them in a final product, when it finally gets up and running some years down the road.

There is a real sense within the First Nations that this is a process that is being foisted on them. First, there were the changes to the Mining Act. Now we're going through the creation of this new Far North planning act. The only people to be affected by this legislation, by and large, are First Nations people; 99% of the people who live within the territory of the Far North planning act are First Nations.

It would seem to me—and this is where I agree with Mr. Hillier—that the First Nations should be in the driver's seat. We should be consulting with them as to what they think needs to happen when it comes to a good planning process, having other people at the table, along with the MNR, MOE and others that are involved, and

really trying to develop a product that at the end of the day creates clarity for those who want to develop in that area and allows for protection in a way that makes some sense from the perspective of both the environment and those First Nations that are affected by this legislation.

The Acting Speaker (Mr. Jim Wilson): Questions and comments?

Mr. David Oraziotti: I'm please to respond to the remarks made by the member from Lanark-Frontenac-Lennox and Addington. The member went on at length about government regulations and bureaucracy. We're going to be eliminating 7,000 pages of RST legislation on June 30, and I'm sure the member is pleased to be supporting the HST—and if his party has the opportunity, I'm sure they'll repeal it.

On the point of Bill 191, I think the member has clearly missed the mark. There have been consultations that have taken place and consultations that will continue to take place in the coming months. We have said very clearly that within Bill 191 as proposed, the First Nations will be able to initiate the planning process, and the minister will not sign off on any planning, community plans or land use plans for First Nations, unless the First Nations initiate it and are in agreement with it.

The member also referenced the prospectors, and not working with them. Garry Clark said very clearly that we have worked with them in order to address their industry's needs and concerns around the Far North initiative: "We are optimistic that the collection of geological data and other types of scientific data, needed for this project to be successful, will assist the explorers and developers of the Far North's minerals wealth." This is coming from the Ontario Prospectors Association itself.

There have been 30 projects that have been funded with First Nations for land use planning. All of those First Nations that have come forward, we have supported and helped to fund their community land use plan. No one has come forward who has been rejected and has not been able to move forward with their land use plan.

Members of the House know that we need to move forward with Bill 191.

The Acting Speaker (Mr. Jim Wilson): Further questions or comments?

Mr. Bill Murdoch: I want to talk for a couple of minutes on what our friend Mr. Hillier from Lanark-Frontenac-Lennox and Addington said. He has been up north quite a bit listening to what the people have to say, and it's not very pretty, what they have to say about the Liberal government.

The biggest concern they have is that they don't have any members who represent them here, because they come down here, McGuinty tells them what to do and that's what they do; it doesn't matter. It was the same thing when the Toronto garbage all got trucked over to London; the London members all went quiet: "We're not going to say anything about that. We wouldn't want to get in trouble. We want the garbage to come to London." The sort of thing that happened then, it's the same thing now: We have members from the north who don't speak

up for it, and they let silly bills like this get put on there. You go up there and listen to them and they say, "This is our problem, up here: We have nobody speaking for us down there." They won't; they just won't speak up.

The people in the tourist industry are really upset, and the forest industry. They just let it go. Now they come up with—what is it called?—the Far North planning and protection act: more regulations, more rules. As my friend from Lanark said, we've got 500,000 of them in this book, and in British Columbia it's, what, 200,000 to 250,000? There's something funny here. But it's because we've got a government where the backbenchers, the members, are afraid to speak up for their areas. That's the problem, and that's where we get in trouble. You have a Premier who looks after Toronto, and that's about it, and the rest of them are afraid to speak up and say, "No, I have an area that I want to speak up for." That's what happens: Our members don't speak up, and we get in trouble. As I say, we get silly bills like this introduced into this House, and that's the problem that's going on right now. Until something changes, we're going to always be in this kind of trouble.

The Acting Speaker (Mr. Jim Wilson): Further questions and comments?

Mr. Bill Mauro: I'm pleased to have a couple of minutes on the comments of the members from Lanark-Frontenac-Lennox and Addington.

I think it should be quite clear—there are some members in the Legislature who have been around this place a lot longer than I have, and some not as long as I have, but I don't know how often after first reading a piece of legislation introduced into this Legislature has actually travelled around the province. As has been referred to, but perhaps not clearly enunciated by members when they've spoken on the bill so far—and they make references to a lack of consultation—we have already gone out and travelled the province once after first reading on this particular bill. Bill 191 will be travelling again for a second time, I'm quite certain. I don't know that that's happening for sure; I don't have a travel schedule. In fact, I think it's quite clear to say that it's almost unheard of that legislation would actually travel twice with a committee. That's our commitment to people interested in this issue. That's our commitment to consultation on Bill 191: to travel not once but twice.

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A reference to funding: There's \$30 million committed to First Nations consultation. You heard the PA make reference just a short time ago to the clearly enunciated position by the minister of her intention not to go forward with any land use planning initiatives in the Far North unless they are first initiated and supported by First Nations communities as we go forward with this issue. I'm not sure how it could be made any clearer by any of us.

I wanted to comment as well—they often throw out things, just throwaway lines. Garry Clark, who runs the OPA in the province of Ontario—we've all gotten to know Garry quite well. The member just to my right,

from Sault Ste. Marie, spoke very clearly on Mr. Clark's position on this. Yes, he expresses a concern but certainly not opposition.

The Acting Speaker (Mr. Jim Wilson): The member from Lanark–Frontenac–Lennox and Addington has two minutes for his response.

Mr. Randy Hillier: I want to thank the members from Sault Ste. Marie, Timmins–James Bay, Bruce–Grey–Owen Sound, and Thunder Bay–Atikokan.

Let's be clear here: The First Nations are passing resolutions opposing this. So to all of your comments, the response is that the First Nations are opposed because you haven't listened. To suggest that a second set of travel is consultation, when you refuse to act upon expressed wishes—it's not consultation, it's a façade. It's an empty façade that does nothing to inspire people to become involved. They see the emptiness of that statement.

The member from James Bay does have it right: The First Nations are the people up there who need to be in the driver's seat, not, as the member from Bruce–Grey–Owen Sound mentioned, the members from Toronto. That's the problem with Bill 191; that's the motivation of Bill 191. It's been brought forward to appease and appeal to the people of southern Ontario, not the people who live in the north and who will have to carry the burden of this bill. The member from Bruce–Grey hit the nail on the head. This Liberal government has backbenchers who do not stand up and represent their constituents. Their members from the north kowtow to the members from Toronto. That is why we see such anger in the north, when we travel up there, over this Liberal bill and Liberal government.

The Acting Speaker (Mr. Jim Wilson): Further debate?

Mr. Gilles Bisson: I'm going to try to outline, as clearly as I can at this late hour—some 10 minutes after 11 o'clock on a Tuesday night—what the situation is in regard to land use planning vis-à-vis First Nations in northern Ontario.

Let me just start off by saying this: There are probably not very many people within First Nations communities in the north who say there shouldn't be some sort of planning regime. I think all of us understand, in one way or another, that First Nations very much want to have development in their territories. The issue is, how is that development going to happen? They understand, as we do, that if they're going to have a prosperous future and an opportunity for their kids to benefit from this economy we call Ontario, there has to be some kind of development in those territories. The key is, how will they be able to share the jobs and opportunities that those developments can get us?

I want to say up front that First Nations do want a planning regime. They're not opposed to the idea of having some form of planning, because they recognize that as development goes forward, we need to set out the rules for how that development will go forward so that it reflects their traditional values when it comes to what

happens in their territory; so that the environment is protected and we don't have wholesale hoarding of natural resources at the expense of the environment; and so that in the end there are some rules about making sure we are sensitive when it comes to development that reflects the traditional values that First Nations have about the land.

Let me start from this point: To understand the First Nations people—my good friend Donna Cansfield will know this, because she has travelled with many of the same people I've travelled with—it's all about the land. If you talk to anybody who's a First Nations person, when it comes to the ability—

Interjections.

Mr. Gilles Bisson: I wonder if you guys could have your conversations somewhere else. It would be kind of helpful.

The Acting Speaker (Mrs. Julia Munro): Order.

Mr. Gilles Bisson: As I was saying, the first thing you need to understand is that First Nations people identify themselves by way of the land. That's what it's all about. And it's something that's really hard to explain, because it's really an emotive type of response that First Nations people have vis-à-vis what the territory means to them. You have to ask yourselves this question: Why, in the middle of all the poverty we see in northern Ontario when it comes to First Nations communities—some of you have been fortunate enough to travel on committee, or individually as members, into some of these communities where you have virtually 90% unemployment—do people continue to stay there? Yes, it's because their families are there; that's a big reason why. But it's also a connection to the land, the cycle that the land brings to them and to their lives, and about how they identify themselves through the land itself, everything from being able to go out and do the goose hunt in the spring, to fishing, to hunting in the fall, to trapping—doing the things that are important to them that they have been doing for millennia on that territory.

So when we, the crown—as they see us, the colonial government—come in and say, “We're going to impose a planning system on you,” it's a bit of an odd reaction that First Nations give toward the government. They say, “We understand, in the context of the modern world, that we need to have planning, but where do you think we've been for thousands of years? Do you think we've not been planning and taking care of the territory that the Creator has given us? Don't you think we haven't, in our own concepts, figured out ways of being able to protect our land and develop the land in a way that's sustainable to both the environment and ourselves, as the people living on that territory?”

So, understand that the context of this debate within First Nations is the whole idea of that what happens on the land is central to who First Nations people are. That's why you're seeing a large pushback on the part of a lot of community leaders, as far as band councils, tribal councils and individual community members who are really pushing back on this Far North planning act against the

government. They're saying, "Hang on a second. Whatever the product is at the end, we want it to reflect those values that we have as First Nations people." As we look at the document today, Bill 191 as it was tabled at first reading and is now here for second reading, those values are not, in their view, sufficiently safeguarded within the process of the legislation we have established.

So I just want to say up front that you really have to understand that first part: The land is important as an identity to the First Nations people, and anything around the land is very serious business in their own minds.

The second point is that they do want land use planning. But land use planning just for the sake of doing it is not what they want at the end; they want a product that they're able to work with. They understand that at the end, if development is going to happen—and it will happen—we need to have some sort of mechanism under law to ensure that whatever development happens is not going to harm the environment irreparably over a longer period of time. And there's some experience in that. The De Beers mine that was started up, the Victor Diamond Mine up in Attawapiskat, is a good example of how things can go well when a First Nation is in contact with the company, where they decide that they're going to work together and whatever is developed is developed in a way that there has to be a buy-in in the community.

I remember, at the beginning of the process of De Beers determining if they were going to go forward and build this mine, they decided, probably some eight years before the mine actually opened—maybe even 10 years—and correctly so, that they would not go forward without the consent of the First Nation. That's important, because that was the first time a mining company had actually said in Ontario, "We will not go forward and develop this mine unless we have the consent of the First Nations when it comes to the rules of engagement about how this mine is going to be built and what it means to them."

So there was a very long, protracted process by which First Nations members in Attawapiskat, Fort Albany and other communities engaged with De Beers in order to determine what this impact benefit agreement should look like when it came to allowing the mine to go forward. And yes, it was a very costly process. I would estimate that probably somewhere between \$25 million to \$30 million was spent by De Beers and by First Nations in trying to put together what eventually became the first IBA that De Beers put in place with the Attawapiskat First Nation. But because there was a process where De Beers said at the beginning, "It won't happen without consent," eventually they were able to work out an agreement that was ratified by 85% of the community members in Attawapiskat.

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Now, is everybody in Attawapiskat happy with De Beers? No. You'll never have everybody happy with the development, as we all know in our own communities. But the point was, there was a process at the very least that allowed the First Nations members in Attawapiskat,

and eventually in the other communities where IBAs were signed on the James Bay, an opportunity to have a say about how that development was going to happen.

What were some of the things that the First Nations wanted? It wasn't just a simple question of saying, "I want jobs and I want economic opportunity as far as business was etc." What they wanted to know is, "What's this mine going to do to the environment? How is it going to affect the fishery on the Attawapiskat River?"—those people who enjoy fishing on the river—"How is it going to affect the waters flowing from the De Beers mining project into the James Bay through the Attawapiskat River? What is this going to mean for the caribou that migrate through that area on a seasonal basis?" They wanted to make sure that when the De Beers mine actually started development and eventually went into production, that there was a good understanding of what needed to be done in order to mitigate those damages that could happen to the environment.

In a sense, Attawapiskat led the way, along with the rest of the communities on the James Bay. They engaged De Beers in a conversation that took some eight to 10 years in order to determine, "How are we going to safeguard the land?" Because what they wanted to know at the end of the day was that while land has been there for a millennium, the mine will only be there for 20 or 25 years, and after it's gone, what's going to be left? Are they going to be left with some sort of environmental disaster that's going to affect them for years to come when it comes to their ability to practise their traditional ways of doing things when it comes to harvesting the land through the means that they use to hunt, fish and gather as a nation?

The point I want to make here is that there are examples where planning can happen and can happen successfully. Again I want to say, on the De Beers issue, not everybody is happy today. There are certainly people who are offside with the De Beers agreement. But the point here is that at least there was a process that was established between the company and the First Nations in order to get an agreement to go forward.

I wouldn't say this is where it started, but this was a large catalyst in getting us to where we are now with Bill 191, the Far North Act, because what we learned through that process is that De Beers and Attawapiskat had to invent it themselves. What First Nations were saying, from Mushkegowuk Tribal Council to Wabun Tribal Council, to Matawa, Treaty 3 and Treaty 9, was the same thing: "We need to have some sort of a process so we don't, as communities, have to go out and renegotiate every darned deal that happens when it comes to development." We need some common rules about how development is going to happen so that, in fact, there is a bit of a—how would you say—how-to book about how development is going to happen in those traditional territories.

For the developers it was as important, because De Beers certainly learned through that process, as Musselwhite did when they developed the mine for the

Musselwhite project, that it is extremely expensive for the companies themselves to pay for this as part of their development. You have to ask yourself the question, is it really the responsibility of a mining company, forestry company, hydro development or whatever it might be to be those who fund the planning process? And I say not. I think that's a societal responsibility. I don't think it's the responsibility of the company to pay for that. Should they be involved? Sure they should be involved, because they're going to be end benefactors of what the land has to give. Is there a role for them? Absolutely. But there needs to be a mechanism, and there need to be some rules established at the provincial level that say, "Here are what the rules of engagement are." If there's going to be development, here are the things that you have to have regard to, here are the things that are law, that are written in stone, and here are the things that you've got to do in order to make your development become a reality. Those fundamental principles that are important when it comes to planning become respected.

This is where I want to go from this particular point: First Nations, as I said at the beginning, identify themselves through the land. What you also need to understand is that they are now trying to come to terms with how they as a nation of communities—and that's what you need to understand here. They do not regard themselves strictly as Ontario and Canadian citizens. They regard themselves as their own nation. They have never, in their estimation and their experience, ceded their political responsibility to govern themselves to the crown by way of treaty. When you talk to First Nations elders and community members in Treaty 9 or Treaty 3 or Treaty 5 or whatever it might be, it is very clear that the collective understanding is that there was a treaty signed to share the land between First Nations and the Europeans and, in sharing the land, both must benefit. That was the concept by which the treaties were signed. So they have never ceded their political authority over those territories. Those are the territories of the Mushkegowuk, of whatever tribal council they belong to, the Nishnawbe-Aski Treaty 9 or Treaty 5 or Treaty 3. They have never ceded the lands.

You have to understand it from their perspective. They're saying, "We are the ones who should be coming up with what type of action needs to be developed to deal with planning." They're saying to the government, they're saying to the crown, in this case Ontario, "We're not offside with the idea of a planning act, but we want a planning act where we have a say in how it's developed and what its principles should be."

Here's the important part. Don't foist this on them, because they are trying to come to terms themselves, as a nation of communities, with what development and what a planning act should look like. Fort Severn, Peawanuck, Attawapiskat or whatever community—they're all at different levels of understanding, capacity and where they're at when it comes to developing ideas for planning in their own communities.

Within our First Nations, we have not even scratched the surface of the issue of regional planning. So far,

planning is looked at strictly from the reserve community itself. It's not necessarily seen at a regional level.

You need to understand that they're going to need time to move forward with what a planning act should look like for a couple of reasons. One is, they need to organize themselves so that they're able to come together as a group of communities, as NAN or whoever's authority they fall within, and determine, "What are the questions we want to ask when it comes to what planning should look like?" They're going to need to develop the resources necessary to actually put together legislation that eventually would govern how planning is to be done.

What I want to say is this: They're not there yet. We're basically trying to foist on First Nations a bill that might be well-intended, but which in the end is going to foist a product on to First Nations that they're not ready to accept.

I ask this very fundamental question, and that is, if the McGuinty government says there is a new relationship with our First Nations—put yourself in their shoes. You're saying there's going to be a new relationship, but from where they sit, the relationship looks no different than it ever was before, because from their perspective, they're seeing a provincial government, in this case the crown of Ontario, push legislation through the Legislature that will bind them in a process that they may not be necessarily supportive of or happy with when it does finally get third reading and royal assent.

So I would very strongly urge the provincial government to take some time and allow First Nations to organize themselves so they can pull together what it is they want in a planning act, how it's to look and what the principles are to be etc. If that takes four, five or 10 years, you know what? The land has been there for thousands of years, my friends. It ain't going nowhere. It's going to be there for another thousand years for sure.

If we take extra time to allow the First Nations to develop the resources within their communities and deal with what a planning act should look like and resource them properly as far as making sure they've got financing to hire and train the people necessary to work on developing a planning act, you will end up with a much stronger planning act that would reflect the principles of the First Nations.

Here's the kicker: Once they've signed on, you will then have clear rules when it comes to development, because First Nations will establish what the rules of engagement are and how it's supposed to work. It's no different than any other municipality in the province of Ontario that does the same when it comes to planning.

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I just want to say up front, don't foist this product onto First Nations, because you're not going to get what you want at the end. If the stated goal of the government at the end is to put in place a planning act that's going to tell corporations how they're to go forward with development in the Far North, don't think that once this act is passed there will not be blockades—because, my friends, I'll tell you here in this House today: There will be

blockades. If they are not satisfied with what comes out of Bill 191, there will be First Nations who will say, "We are not onside. We don't want this project to go forward in the way that you're proposing it will, and we will do what we can, within our ability, to slow it down or stop it." The environmental movement will be right there with them. You're not solving the problem by forcing a product onto First Nations that they are not comfortable with. I really say to you that you need to go back and you need to give them the ability.

My good friend—I think it was the member from Thunder Bay—Atikokan; I forget. Maybe it was the member from Sault Ste. Marie—said that the government has consulted on this far more than any other bill in a long time and how great that consultation was. Yes, the government did introduce the bill at first reading and put it out to committee, and I applauded the government for that because I thought it was important so that we could gauge where people were when it came to this particular bill. But I'll tell you, what was clear was that as we travelled on committee in northern Ontario and went to the various communities to hear what people had to say about the bill, there was nobody from the First Nations communities, nobody from the mining communities, nobody from the municipal level of government and nobody from the environmental movement that was onside with the version of Bill 191 as it stands.

What we did learn is that not only were the First Nations offside but, quite frankly, most of the people affected by this legislation in one way or another were not happy for different reasons. Obviously, the environmental movement would like to have strong rules that really protect the environment in a way that makes them more comfortable than what is currently proposed in the act. Clearly, First Nations want a process of planning where they can feel that they're in the driver's seat, that they have a say about what's going to happen in their traditional territories. The mining and forestry companies say, "Listen, give me some rules that everybody has bought into so I know that if I've a project moving forward, it's not going to get stopped by protests or blockades because they're not happy with the product."

If the government is saying, "We want to provide clarity to developers by way of the planning act," you're not getting clarity, because the First Nations won't buy into it in the way that it's currently put forward. So I say again to the government that you really need to put the brakes on this one.

Again, it was clear at the committee hearings that there was nobody onside when it came to what was being proposed in this version of the act. What I thought was going to happen was that—I was being asked by various First Nation members and others, "What's going on with the planning act this winter?" I figured that the government had raised this as a trial balloon and, rightfully so, came to the conclusion that, although it's a noble idea to develop a planning act and to try to get a product done lickety-split, it was pretty clear that the First Nations were offside and that they needed to go back and give

some time to work out whatever needed to be done in order to get to a final product. I said, "I think it's going to die on the order paper. I don't think the government is going to call it for second reading." I was surprised a couple of weeks ago when it showed up on the radar screen at a House leaders' meeting that Bill 191 was going to get called back. I figured, "Well, maybe something has happened that I'm not aware of." So I got on the phone and I called people within the First Nations communities that I represent. I also called NAN and others—Chief Angus Toulouse, Stan Beardy and a number of other people—and they were surprised. They said, "What do you mean? Nobody has told us this legislation is coming back. We're still trying to sort things out here. What do you mean it's coming back?"

I put the question clearly to Stan Beardy, I guess it was last week, and they were pretty clear that they didn't want this bill going forward. In fact, they sent me an email. I don't have my glasses so I'm not going to read the email verbatim, but what they're saying is that they don't want this bill to be passed at second reading as it stands. They don't like the product the way it sits, and they need some time in order to do what I'm suggesting, which is to allow First Nations the ability to go and do some of the work that needs to be done in order to develop a planning act that works for them.

The other thing is that you have to look at this in the context of what else is important when it comes to the development of a planning act. How can you have a planning act but not have a mechanism to allow First Nations to benefit from the economic activities on their own traditional territories?

Imagine that in the community where you come from, there was a developer of some type who would come into the community and say, "I'm starting up some kind of a project, but I'm not paying any taxes to the city or the town. I'm not going to provide, other than employment, any benefit to the local community when it comes to paying our share of infrastructure that's necessary to allow a community to thrive to be able to support the development"—whatever the development might be. People in any community, any municipality, would be up in arms. Nobody would allow development to happen if they're not going to get some benefit out of it.

That's the case now with First Nations. You can literally start a mine right next to the First Nation, literally cut down the forest, literally dam the river, and there is no mechanism by law that allows First Nations an ability to share in the economic activity that is taking place.

Do governments and companies negotiate impact-benefit agreements? Absolutely. A good example of that is Ontario Power Generation. It's currently in discussions trying to come to terms with various First Nations when it comes to the redevelopment of the Mattagami River basin. They've signed an agreement with Moose Cree First Nation, and Moose Cree First Nation is satisfied with the terms it negotiated with OPG. Other communities such as New Post and Mocrebec are trying to get the same.

There is, obviously, in this day and age, more of an understanding that you can't dam the river, build the mine or cut the trees of the forest without giving the First Nations some ability to share in the economic activity that is going to take place in their own backyard. But how do you allow, in this century, that to happen without any legislative framework for revenue-sharing or benefits from the economic project? It's beyond me.

Again I say, we would not, in our communities, allow a development to go forward if it didn't have a net benefit to our community. If somebody came knocking at your door and said, "You're a community of 50,000, and we're going to start up a development, and there will be no taxes paid to the municipality, and we're not even necessarily going to hire anybody from here. We're going to fly people in to do the jobs that have to be done in your community"—boy, I can tell you, in Timmins they wouldn't let that happen. They wouldn't let it happen in Perth. It wouldn't happen in Ottawa. It certainly wouldn't happen in Toronto. Why are we allowing it to happen in places such as the Peawanucks of the world or Marten Falls or Attawapiskat?

Why are we allowing development to happen without any mechanism to allow First Nations to share? I say to the government, a planning act is fine, but the accompanying piece that has to go with this is revenue-sharing. There needs to be a provision within legislation somewhere—I would argue not necessarily the planning act, probably in a separate act—that creates some sort of regime so that the First Nation is able to benefit from the economic activity that is taking place.

I don't argue for one second, just so that people know, creating a new tax. That's not what I'm talking about here. I'm saying the provincial government and the federal government get a huge amount of revenue from activities on the developments in those territories. The crown of Ontario should be sharing the revenue that it gets from those projects with those communities affected or, at the very least, giving the First Nations community an equivalent ability to derive revenue, as we do in municipalities, by way of municipal taxation.

We may not be able, because of the Indian Act, to create municipal taxation in the same way. But certainly we can find something that will be akin to giving a First Nations community the ability to raise revenue that would allow them to develop the infrastructure in their communities so that their communities are able to benefit as a result of the economic development. It's absolutely preposterous that we allow development to happen in those communities and we do not have a mechanism to revenue-share whatsoever with those First Nations. So we need to have an accompanying piece of legislation that deals with the issue of revenue-sharing.

The other issue is that we need to have a real engagement and a real dialogue between First Nations and the provincial government, because we're responsible for training, to develop the capacity in our communities so that they're able to benefit from those jobs that are going to be happening as a result of economic activity.

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I'll give you an example of what I'm talking about. I was in Constance Lake maybe a month or a month and a half ago, where Northland Power, a company that was bidding on some of this green energy, is going to be developing a number of run-of-the-river dams between Hearst and Constance Lake. It's a fairly large project. You're probably talking somewhere in the neighbourhood of 300 to 400 people being hired to work on the construction of this, if not more. I forget what the numbers are. I think it actually is more than 300 to 400, so I apologize to those who will be reading this later if I have the number wrong.

In the particular community meeting that I was at, Northland Power was saying that there are going to be all kinds of opportunities for community members to get jobs—and community members were excited, saying, "Holy jeez, I can get a job out of this? This will be a great thing"—under the construction process, which is going to take four to five years.

But then they started to figure out, "What are those jobs?" The job is a machinist, a mechanic, an electrician—certified tradespeople—engineers, people who have university diplomas. How many people in Constance Lake have those particular skills to be hired to work on that type of project? Not very many. There are some, because Lecours Lumber operates a mill in Constance Lake. There are tradespeople there, yes, and there are some qualified people available in the community. But to be able to give those community members who are unemployed an ability to get those jobs—there was no mechanism.

What is needed is that the province has to engage in discussions with First Nations in order to develop pre-certified apprenticeship training so that a person who wants to work on such a project is able to get qualified to serve the apprenticeship. As you know, if you want to be an apprentice, you need a minimum of grade 12, and in some cases many of the community members don't have grade 12. At the very least, there needs to be an ability to do some sort of equivalency training so that people are able to qualify for the apprenticeship training. There needs to be an engagement on the part of the province—"engagement" is not the word; "engagement" is the French word. The English word is—there needs to be a commitment on the part of the provincial government that they will in fact assist with supporting apprentices and their wages while they're training with their employers on these types of jobs, as we used to do in this province in the past.

The issue I'm trying to get at here is that you need to develop capacity within those communities. There are very few communities that have the ability to fulfill the roster of jobs that could be created as a result of a development. There are very few communities that have the people who can benefit fully from those particular jobs.

So I say to my colleagues on the other side of the House that the Ministry of Training, Colleges and Universities, I believe, has to rethink and discuss with First

Nations how we're able to provide real training so that individuals who live in those communities are able to benefit from those jobs that will be created when those developments go forward. Otherwise, what you're going to end up with is what we see now at De Beers, and this is the unfortunate part. Yes, there are lots of First Nations members working at De Beers; probably just over 100 are working there. The last time I looked, I think it was 120, 130 First Nations members working on the De Beers site, which is not insignificant. But by and large, they are at the lower end of these skilled jobs. The higher-skilled jobs are filled by people who are flown in from outside the community.

How fair is that to the community members? It is their natural resources that they're sharing with us. Should we not, at the very least, allow them to have the ability to benefit by way of the higher-skilled jobs that are going on in those projects?

I understand, as a certified electrician, you just can't take somebody off the street and say, "You're an electrician. Go and do the job and I'm going to pay you a tradesman's rate." It doesn't work that way, but you need to have an ability to train people to get to that point.

A good friend of mine, Gilbert Cheechoo, who is the IBA coordinator in Moose Factory for De Beers—actually, for the Moose Cree with De Beers—made a suggestion some years ago. I thought it was rather unfortunate because I had suggested it then to the Conservative government and it fell on deaf ears. The Liberal government has been no better on this point. But he made the following point—I thought at first it was radical and at first I sort of cringed when he said it, but as I started to understand it and think about it, it made sense. He said, "If we know, for example, during the construction of the De Beers mine we're going to need 30 electricians, we should set aside a certain number of those jobs to be filled by First Nations people, and you have it on a sliding scale going up so that you hire people from outside of the community to do those jobs that we need to get filled now, but then we bring in people who are able to train and serve their apprenticeships so that those people who are from the community end up becoming qualified to take those jobs themselves." It was sort of like a quota system on a sliding basis forward over a period of time.

Because they used the word "quota," I think a whole bunch of people got really nervous because of what quotas meant politically at the time, given the Employment Equity Act. What I took from that is that it's not a bad idea, that what you would do is say, "We know there's going to be a need for X amount of electricians over a five-year period. We'd like to train a certain number of community members to fill those positions, and once they become trained they're able to stay, and those who were there to do the training are able to move on to something else." That way you're able to develop some capacity within a community so that people can benefit from those particular jobs.

The other part that you need to do, as far as development of capacity—and Michael Bryant had spoken to this

and at least understood it after a whole bunch of conversations I had with him when he was responsible for native issues—is to develop capacity within communities so that communities can organize themselves when it comes to issues like land use planning. How does Attawapiskat deal with land use planning if they don't have people within their own community who are experts in land use planning? You've got to train people to understand what land use planning is all about and what the principles are so that the community can then come to terms with what land use planning should look like.

There was a bit of an attempt early on by the government to put some dollars forward to do some development capacity building, as they called it at the time. I thought that wasn't a bad idea. Unfortunately, it never really got the kind of support it needed within cabinet to give First Nations an ability to draw on funds that would allow them to train people within their own communities to deal with issues such as land use planning and the development of such legislation, so that they could say, "What are the better principles of land use planning as we understand them from the Europeans"—or, as they see us, the colonials—"and how do we impose our values within that so we have a product at the end of the day that meets the needs of the developers but, more importantly, meets our needs as First Nations and respects the land?"

So I think one of the things that really needs to happen is there needs to be an effort on the part of the provincial government to put together a fund that would allow First Nations to develop that capacity within their communities to allow them to do what needs to be done when it comes to developing a land use planning process such as is being suggested.

Another point I want to make is this: It's pretty clear in talking to First Nations at the NAN level and at the community level that nobody wants this government to move forward with this bill at this point. I'm a little bit surprised that the government has moved forward. I know from talking tonight to some of the government members in the House—we were having a bit of a chat and the discussion was, "Isn't it better to have something there on the shelf that's a model they could work toward? They would at least have a jump-start into land use planning." If you establish the legislation and the rules for land use planning and you put it there supposedly as something they can draw down on, it's going to be pretty hard to draw down anything if all the decisions are made. So it's pretty clear that First Nations are saying, "We don't want you to go forward with this, because if you do, you don't have our consent as far as moving forward."

I want to be very clear with the government that the First Nations—NAN, Mushkegowuk, Matawa, Wabun and the rest—are all saying the same thing: "Put the brakes on. Let us organize ourselves as First Nations when it comes to dealing with what the principles of land use planning should be. Give us the time to do that. Provide us some funds so that we can pull that together and do the development capacity that's necessary to get us there, and we'll come back to you when we're ready."

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I know that's a concept—many people here in the Legislature will say, “Why should we let them? Why should we wait for them?” Well, they've been on the lands for thousands of years. They've managed to do quite well at preserving the land as it has been for thousands and thousands of years, so they've got a pretty good understanding of what land use planning should be from sort of an emotive point of view, and a practical point of view, I would argue, as well.

So I say to the government, allow that process to happen. What you will end up with is, you will have a two-stage process. Those people who want to do development in the territory now without a land use planning act—that would not be in place yet—can go out and negotiate impact benefit agreements, and all the government would have to say is that before any project goes forward in the NAN territory or other traditional territories, there needs to be an impact benefit agreement signed by the parties. I'll tell you, the developers will do what they have to do if they understand that that's the price of doing business. They'll go out and do it. We saw the example with De Beers, who went forward with that particular principle. It took them some time, but they got there.

But what would also happen is that you would have a parallel process by which First Nations would start coming together on “How do we, first of all, determine which communities have control over what lands?” because that's a huge issue, as we all know. There is overlapping jurisdiction within First Nations about whose territory and whose land this really is. Does it belong to Attawapiskat? Does it belong to Kashechewan? Is it Fort Albany? Is it Marten Falls? Is it Fort Severn? Is it Peawanuck?

They've got to deal with those issues themselves because those, you have to understand, have been—what has happened is that those lands have changed as far as who sees themselves as the owner over a period of time because of family relationships. The reserve system is a fairly new one, as compared to those family relationships. So they've got to be able to deal with that particular issue themselves as far as which community has control over which pieces of land.

Then they have to deal with “How do we deal with regional land use planning so that we're able to effectively work together as communities when it comes to whether a project that's developed at the top of the river, at the head of the river, is not going to affect somebody at the bottom end of the river, where the water flows?” There needs to be some regional approach when it comes to land use planning, and that's something that really needs to be done. To do that, First Nations need to deal with their own jurisdictional issues that they're trying to deal with themselves.

In fact, there has been a fair amount of progress done. You would know that First Nations have been meeting on a couple of occasions now in order to try to deal with these issues. The latest meeting, I believe, was in Fort Severn, where pretty well all of the signatories of the

adhesion to Treaty 9 met in order to deal with this very issue. What they came out of that meeting with was that they've signed an agreement in principle that allows them to start the process of determining who owns what pieces of land and allows them to be able to deal with that together on a regional basis. So I say to the government across the way, there's no use trying to rush the process if the First Nations themselves are not onside.

The other point I want to make—and I know I'm going to get cut off here at some point, so I'll try to make it short—is this: I said this at the beginning, and you really, really have to understand this part. I'm going to repeat it again, because I think it's important. First Nations do identify themselves through the land. It's all about the land. If you're going in and you're trying to put a planning act in place that runs counter to what their natural instinct is as to how you protect that land, you're not achieving a heck of a lot. So I think it's important for the government to understand that you need to give First Nations that ability to do that for planning.

I've still got a bit of time, Madam Speaker, I take it?

Interjection.

Mr. Gilles Bisson: Okay. I was looking up at the clock and wondering if I wanted to get into that or not at this point. Well, let's deal with this issue.

What I'm being told by a number of people, not only within the First Nations but also just generally people in northern Ontario, is “Why, all of a sudden, is everybody so excited about getting a planning act going?” People are starting to correctly conclude all of a sudden, that there's gold in them thar hills, as they say in good English. We start to see, for example, the development of the Ring of Fire, where we have the largest chromite deposits in the world that are contained pretty well smack dab in the middle of my riding, in what's called the Ring of Fire.

All of a sudden, people are asking if the reason the government is moving on this is so that they can foist some sort of planning process in order to facilitate the development, never mind doing the protection side of how you protect the land. There is some argument to be made for that, because what's clearly happening—and we saw it in the case of Platinox and KI—is that there are some unscrupulous developers out there who would love nothing more than to come in and be told that there is a process they can follow in order to get the proper permits and that they don't have to take into consideration the needs, wishes and aspirations of First Nations.

Now, I'm not saying that's widespread. I'm not saying every mining company would do that. I think quite the opposite; I think the vast majority want to do the right thing. But there are certain companies out there that, quite frankly, are willing to—how would you say it?—take the shortcut and allow a development to go forward without, really, the consent or the will of the First Nation.

As you look at this Ring of Fire that the government has made a big thing of, what we end up with is a government all of a sudden wanting to put together a planning act that would facilitate the development of the Ring of Fire.

I just say that the Ring of Fire is going to happen, my friends. Don't worry about it. Listen, First Nations would like to see the Ring of Fire started. But if you foist a planning process on them, you're going to be creating more controversy, and you're going to be creating more resistance within the First Nations communities to development, because they're not going to feel that it is their development process. I want to be really clear on this point: At the end, the development is going to happen, but you've really got to put the First Nations in a position such that they're able to feel comfortable with what's going on.

It's no different than what happens in our communities. If somebody comes in and says, "I want to start up a plant or a development of some type in your community," there's a process they've got to go through, which has to have some community buy-in. You just can't go in and do anything you want without dealing with the concerns that individuals in that community may have. You need to have the same thing when it comes to First Nations.

The government needs to understand that creating a planning act is not necessarily going to create a better environment for development to happen. In fact, if you create a planning act that First Nations have not bought into, you're going to end up, quite frankly, with the opposite.

I talked to Chief Elijah Moonias, from Marten Falls; Thursday, I think, is when I last saw him. I'm going to have an opportunity to see him in a couple of weeks when I travel to his community. He is one of the ones who are saying exactly that. He's saying, "Listen, I want development to happen, because I know what it means to my community. But if you do not do the development in such a way that my community will benefit, and if you don't respect the land, we're going to stop you."

In fact, you will know that the community of Marten Falls, under his leadership, has basically blocked the development of winter strips to land aircraft on to do some exploration in that particular area of the Ring of Fire. They're clearly saying, communities like Marten Falls, "We need to make sure that there's a process at the end of the day that puts us in a position of comfort, so that we know what that development is and so that development goes forward in some way that makes some sense."

I see it's almost that time of the evening, Madam Speaker, and I would be fine if we continued some other day.

Second reading debate deemed adjourned.

The Acting Speaker (Mrs. Julia Munro): It being close to 12 o'clock, this House stands adjourned until tomorrow morning at 9.

The House adjourned at 2359.

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Peter Kormos, Reza Moridi
Leeanna Pendergast, Lou Rinaldi
David Zimmer
Committee Clerk / Greffière: Susan Sourial

**Standing Committee on the Legislative Assembly / Comité
permanent de l'Assemblée législative**

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Vice-Chair / Vice-président: Yasir Naqvi
Bas Balkissoon, Bob Delaney
Joe Dickson, Sylvia Jones
Amrit Mangat, Norm Miller
Yasir Naqvi, Michael Prue
Mario Sergio
Committee Clerk / Greffière: Tonia Grannum

**Standing Committee on Public Accounts / Comité permanent
des comptes publics**

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-président: Peter Shurman
M. Aileen Carroll, France Gélinas
Jerry J. Ouellette, David Ramsay
Liz Sandals, Peter Shurman
Norman W. Sterling, Maria Van Bommel
David Zimmer
Committee Clerk / Greffier: Katch Koch

**Standing Committee on Regulations and Private Bills / Comité
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Michael Prue
Vice-Chair / Vice-président: Paul Miller
David Caplan, Kim Craiton
Jeff Leal, Gerry Martiniuk
Paul Miller, Bill Murdoch
Michael Prue, Lou Rinaldi
Tony Ruprecht
Clerks / Greffiers: Trevor Day (pro tem.), Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de
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Chair / Président: Shafiq Qadri
Vice-Chair / Vice-président: Vic Dhillon
Vic Dhillon, Cheri DiNovo
Rick Johnson, Sylvia Jones
Jean-Marc Lalonde, Ted McMeekin
Shafiq Qadri, Khalil Ramal
Elizabeth Witmer
Committee Clerk / Greffier: Katch Koch

**Select Committee on Mental Health and Addictions / Comité
spécial de la santé mentale et des dépendances**

Chair / Président: Kevin Daniel Flynn
Vice-Chair / Vice-présidente: Christine Elliott
Bas Balkissoon, Christine Elliott
Kevin Daniel Flynn, France Gélinas
Helena Jaczek, Sylvia Jones
Jeff Leal, Liz Sandals
Maria Van Bommel
Committee Clerk / Greffière: Susan Sourial

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