



Legislative Assembly
of Ontario

Second Session, 40th Parliament

Assemblée législative
de l'Ontario

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 18 February 2014

Mardi 18 février 2014

Speaker
Honourable Dave Levac

Président
L'honorable Dave Levac

Clerk
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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY
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ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 0900.

The Speaker (Hon. Dave Levac): Good morning. Welcome back. Please join me in prayer.

Prayers.

ORDERS OF THE DAY

INFRASTRUCTURE FOR JOBS
AND PROSPERITY ACT, 2014

LOI DE 2014 SUR L'INFRASTRUCTURE
AU SERVICE DE L'EMPLOI
ET DE LA PROSPÉRITÉ

Resuming the debate adjourned on December 5, 2013, on the motion for second reading of the following bill:

Bill 141, An Act to enact the Infrastructure for Jobs and Prosperity Act, 2013 / Projet de loi 141, Loi édictant la Loi de 2013 sur l'infrastructure au service de l'emploi et de la prospérité.

The Speaker (Hon. Dave Levac): Further debate? The member for Newmarket–Aurora.

Mr. Frank Klees: Thank you, Speaker. I first of all want to thank members of the Legislature for agreeing to have my leadoff on this bill deferred. I have been looking forward to participating in debate on Bill 141.

The Speaker (Hon. Dave Levac): Member, I have to confirm that this is your leadoff.

Mr. Frank Klees: Well, if you don't trust me, Speaker, you might check with the Clerk, but it is my leadoff, yes.

The Speaker (Hon. Dave Levac): That's precisely what I'm doing, but I was asked to make sure that, because of the stand-down, this was it. So the clock will stop and reset. The member from Newmarket–Aurora, on the lead.

Mr. Frank Klees: Thank you, Speaker. I am pleased to participate in this, my leadoff, on debate of Bill 141, An Act to enact the Infrastructure for Jobs and Prosperity Act, 2013.

Speaker, there were a number of issues that I raised in the very few minutes that I had when the minister introduced this bill, and I indicated at that time—in fact, I had asked for unanimous consent for the government to allow me some more time than the 30 seconds that I had to actually respond. That was denied by the government and so, fortunately, we're now here, and I'd ask those watching by parliamentary channel to settle in because we're in for an hour's debate here. I do commit to take my full hour because there's a great deal to be said about this

issue and the important priority that infrastructure should have with the government of Ontario.

Hon. David Zimmer: And does have.

Mr. Frank Klees: The member opposite has already started his heckling, the Liberal member, and I haven't even started. Although we can't name members, Mr. Zimmer, who—

The Speaker (Hon. Dave Levac): I can.

Mr. Frank Klees: I'll leave that to you, Speaker.

So we have a bill here that, according to the minister when he made his introductory remarks, is to establish a mechanism to encourage principled, evidence-based and strategic long-term infrastructure planning for the province of Ontario. He indicated that underlying this legislation was the objective to support job creation and training opportunities, economic growth and protection of the environment, and to incorporate design excellence into infrastructure planning. I want to say at the very outset, Speaker, that I and my colleagues in the official opposition fully support every one of those principles.

I will be the first one to say that I believe, when it comes to the important issue of infrastructure in this province, that this is a policy that should be beyond politics. I have said for many years that when it comes to making a commitment to an infrastructure project, assuming that it has been planned and prioritized properly, once the decision has been made to invest in that infrastructure project, it should be beyond political interference from that point on. There should be no such thing as a stop and start to these programs, which is why we have a serious problem in the province of Ontario today, that, whether it was transit, whether it was the construction of roads, the minute that a new administration came into office, whether that was at the provincial level, whether it was at the federal level or municipal level, the political tug of war started to take place. Those who had the strongest voice in terms of "I don't want that project in my backyard" or "I think that it's more important to build a transitway here rather than there"—what took place in this province and continues to take place is that those with the loudest voices get heard and important infrastructure projects are stalled.

So we can talk as much as we want in this place on behalf of our constituents and argue that gridlock is our top priority, but until we get to the point here in this Legislature of putting in place legislation that actually will lift the decisions about whether those infrastructure projects get implemented, get built and financed in the long term without interference, we'll continue to fail the people of this province.

To start, I want to speak to one issue that the minister has raised in this bill which I agree with, and that's the need for long-term planning for infrastructure. In his bill, the minister made reference to the importance of having an inventory of our infrastructure assets in this province. I agree. In fact, he makes reference to the fact that infrastructure planning and investment should take into account, of course, applicable budgets or fiscal plans. He indicates in this legislation that the planning and investment should take a long-term view, that decision-makers should take into account the needs of Ontarians by being mindful of, among other things, demographic and economic trends. He indicated that it's important that infrastructure planning and investment should foster innovation by creating opportunities to make use of innovative technologies, services and practices, particularly where doing so would utilize technology, techniques and practices developed in Ontario. Again, I fully support the objective that the minister has set out in this legislation.

0910

But I want to talk about the issue of the inventory of our assets. Speaker, we cannot make an intelligent decision and a responsible decision about which infrastructure projects should be prioritized if we don't know the existing infrastructure inventory and its state of repair or disrepair. Speaker, whether it's a provincial politician or politicians at the local municipal level, when an announcement is made that new infrastructure funds will be available, it's very easy to immediately identify the high-profile projects within the community, within the province, that will give us the biggest bang for our buck politically. And so all too often when announcements are made for new infrastructure funding, we default to announcing or prioritizing a project within our community that's going to give the biggest public relations kick to us, that we can cut the ribbons on, that we can get the accolades on—and particularly if we are nearing the crazy season called elections. As we all know, the closer we get to an election, the more compromising the decisions can become, not in terms of what is the most important infrastructure project, but what is the most important politically beneficial project for me. And so we hear about the infrastructure deficit in this province.

We know that under the streets of the city of Toronto, or any other municipality in the GTA and across the province, there is an invisible infrastructure that is being ignored by far too many who have been placed in positions of responsibility to ensure that that important infrastructure is protected. Speaker, I'm talking about the pipes that deliver the drinking water to our communities. I'm talking about the waste water management system that is invisible, that is underground, that we count on. And the only time there is real evidence that that infrastructure, that invisible infrastructure, is being ignored is when we have circumstances such as happened in the city of Toronto just within the last few months, where we see systems backing up, people's basements and homes filling up with water. Why? Because that invisible infrastructure has been neglected and it's incapable of hand-

ling those issues, those storms that may only happen once every 50 years, maybe only once every 100 years. But that's why long-term planning is important and that's why people get elected: to make those decisions.

And yes, it may be that sometimes that new library, as nice as it would be to be able to construct that new library—sometimes the decision may have to be made by that council, by the ministry of the provincial government or by the ministry of the federal government that, no, that project is not a priority in your community because we have evidence that there is a crumbling infrastructure that should, in fact, be prioritized.

We have an example here in the city of Toronto. We hear what's happening to the Gardiner Expressway—a lot of debate. Here is what's disturbing about that one particular infrastructure investment. We have it on good authority that hundreds of millions of dollars have, over the years, been put aside for the maintenance of that important piece of infrastructure, and millions of dollars have not been spent on in fact maintaining it, and so we are now in a crisis situation. And what could have cost us a few million to properly maintain it over the years is now going to be a multi-million- and perhaps billion-dollar problem that we have to address.

How do we deal with it? Well, the minister rightfully—I want to commend him—made reference to asset management. We have had that discussion. What concerns me is that the legislation that we have before us speaks about it in a broad framework sense, but there is nothing here that is substantive that is going to change anything, after this legislation is passed, from the circumstances we have today. We have talked for years in this Legislature about the importance of asset management. Everybody agrees that it's important.

To the credit of the Ministry of Transportation, a number of years ago they partnered with the Good Roads Association to put in place an asset management program, primarily focused on bridges, in the province. The ministry invested—I understand that currently the investment is up to some \$750,000. Good Roads has made their contribution and is managing that process. There are a number of municipalities that are part of that program and they're benefiting from it.

Here is the problem: I also understand that Good Roads has now had a number of meetings with, certainly, the former minister; I believe they've met with the current minister as well, twice. I have made a written submission to the minister as well, supporting Good Roads in their request for additional funding to ensure that that asset management program is fully extended across the province, is made available to all municipalities, and is expanded beyond the asset of bridges, because the same principle, the same platform, can be used for other infrastructure assets in our province. Unless something's changed since the last time I've had communication on this, the ministry has essentially shut that file down from the standpoint of saying, "There's no more money. We're not going to carry on." Speaker, that's our problem.

There are partial solutions. It's not that people in the province—whether it's municipalities, whether it's pro-

professionals, whether it's politicians, there's never an issue in most cases of understanding what the problem is and what the solution is. The big gap exists between making the pronouncement and developing a solution and actually implementing it. That's the problem. We have, in the case of asset management, a strong organization that is province-wide that is willing to take the lead. We have the technology, and all that is missing is the minister stepping in and saying, "Yes, we will fund this in the same way; there has to be a long-term, 10-year plan for infrastructure." The asset management program that underlies that infrastructure program also has to be part of that long-term planning.

But, Minister, along with planning comes providing the resources. What we can't do is mandate an asset management program and then say to the municipalities, "You have to pay for it." I believe this should be a partnership, and the partnership should be the federal government, the provincial government and municipalities. But it is only the province of Ontario that can, through legislation, make an asset management program mandatory. I'm advising the minister that I will be bringing forward an amendment to his legislation that will, in fact, add that word "mandatory" into the legislation so that it actually has some teeth. I believe that that is so fundamental to dealing with the infrastructure crisis that we have in the province of Ontario that I'm going to appeal to the minister, to my colleagues on all sides of the House, to look at this very, very seriously. If there's anything that we do in this Legislature over the next number of months to ensure that the province of Ontario will be properly served by us on the infrastructure file, it will be that we put in place a mandatory asset management program province-wide that will apply not only to municipal infrastructure assets but to provincial infrastructure assets as well.

0920

Speaker, I'd like to move on to another issue, and that is the legislation dealing with the issue of the long-term plan. I struggle with this. Again, as I say, I support the minister's initiative, and I support what is in this legislation when it talks about the importance of putting in place a 10-year strategy and a 10-year infrastructure plan. What is puzzling to me is why it's going to take three years to put a 10-year plan in place. I don't know what this government has been doing for the last 10 years.

We've had proclamation after proclamation now, from three different ministers who have had responsibility for this file. They talk about putting in place a long-term plan, they talk about putting in place reliable and sustainable funding for infrastructure, and here we are 10 years later. Once again, we have a document, a legislative framework, that is telling us that it's important to have a 10-year plan, but the government is saying it'll take them three years to put the 10-year plan together.

Now, who isn't frustrated by that? How can we blame our municipal partners for being cynical about what goes on here and what is being proclaimed in this place? Perhaps the public can be fooled by headlines. This gov-

ernment has been so good at redrafting press releases, at restaging public announcements and at marching their ministers out into wonderful backdrops to make another pronouncement that was made two years before, two years before that and two years before that. It's like it's news all over again.

Ms. Catherine Fife: But it never happens.

Mr. Frank Klees: But it never happens—not a shovel in the ground. Speaker, I'm not sure how to deal with this, because—and my friends in the press gallery are not going to be happy with me for this—I don't understand why the media isn't holding the government to account every time they get a press release where they know full well the only things that have been changed are the date and the name of the minister. Why is it not that the press gallery holds these people accountable and exposes them for what's going on? The only reason the public isn't holding the government to account is because they're too busy to do that kind of work. They're too busy to keep track of where those announcements were, when they took place and under which ministers' names that old announcement was uncovered, re-presented, repackaged and respun. With all due respect, I'm going to challenge our press gallery to do some research on the announcements from the Minister of Infrastructure, from the Minister of Transportation, and his predecessors. It'll be quite some revealing exercise. What have we been getting for our investment in government for the last 10 years, other than a bunch of retreaded announcements that have made things ever worse for us?

So what is it going to take? Well, I think it will take holding this government to account. I am hoping that the leader of the third party is serious. I read in the media this morning that Ms. Horwath has sent a letter to the Premier essentially drawing a line in the sand, saying, "I want to put you on notice that we are not going to play this game anymore." You know, I don't agree with probably most of what Andrea Horwath wants to do to this province in terms of giving the till away and spending money we don't have, but here is what I do agree with her on. This is from the Toronto Star—and, by the way, I tried to get a copy of Ms. Horwath's letter today before the debate, and I was told that they're still reformatting. So as soon as I get it, I'll share it with you. But obviously the Toronto Star had it before anyone else did. I'm not sure how that happens, but here is what the Toronto Star said the NDP leader wrote. Do any members of the NDP have a copy of their leader's letter?

Ms. Cindy Forster: Well, we didn't bring it with us.

Mr. Frank Klees: They don't, Speaker.

Here is what Toronto Star said the leader wrote: "I will not support any new taxes, tolls or fees that hit middle-class families." You know what? Quite frankly, I think people in this province are overtaxed, and when we look at the waste that this government has allowed to take place under their watch over the last 10 years, Speaker, and whether—

Interjection.

Mr. Frank Klees: The Minister of Health just identified herself here. She didn't like where I'm going be-

cause she knows full well that what I'm going to say is that one of those areas of waste, lack of accountability and lack of transparency is her own file, the Ornge file. She also won't like the fact that we know that that kind of waste continues in another one of her files, the eHealth file. We also know that if, in fact, the Auditor General were to check up on any other area or department in her ministry, he would find that there are other multi-, multi-millions of dollars of waste taking place because of a lack of oversight, a lack of accountability and a lack of transparency. We know that that's taking place across this government.

So our position is, no, Madam Wynne, you don't immediately, knee-jerk, go back into the pockets of hard-working taxpayers in this province. What you do, first of all, is you line your ministers up and you say, "Do your job on behalf of the people of this province. Be accountable and ensure that your ministry is doing its job. Be accountable to the taxpayers." Then you go to your bureaucrats and you say, "Be accountable and, by the way, if you're not, there are consequences." And what should happen, based on the evidence, is that the whole bunch of the ministers should resign. They should then ask their deputies to resign and their assistant deputies to resign and keep going until you get to the point where people in this province and the bureaucrats in this government actually understand that there is accountability and that there will be consequences for people who don't do their job.

But that isn't the way this government does business, Speaker. Here is what they do: "Well, it's just another billion. It's just another billion. We'll shuffle the chairs. We'll move one minister to the other."

Hon. John Milloy: I heard Montgomery Burns give that speech in The Simpsons.

Mr. Frank Klees: You see, they consider that's very funny, right? I would suggest, Speaker, that the government House leader, whose job is to defend the indefensible every day in this House—why? Because the ministers are afraid to stand up on their own two feet and defend themselves. And so they defer to the government House leader—and the people of the province are getting tired of this—to get up and read his speaking notes that say nothing about the issue and that continue to deflect what is important to the people of this province, and that is that their tax dollars are treated with respect, that the people who work for them in the government of Ontario do so with accountability and that ministers of this government take responsibility.

0930

There has not been a minister in this government who has shown any sense of remorse for what has taken place in their ministry wasting multi-millions of tax dollars. In the meantime, what have we got? Back in our constituency offices, we are dealing with families who are being told by ministers of the crown, "I'm sorry; there's not enough money to ensure that your autistic child has the kind of support and care that they need."

We're being told in our constituency offices, by families and by seniors, that essential home care that was

provided for them in their retirement homes, that was provided for them in their own homes through home care, in seniors' homes, in long-term-care homes—they are calling us in our constituency offices saying, "We're being told that essential home care services can no longer be continued." They're being asked to help the government by rationing the kind of home care support services that they're getting.

We're being told that people in our constituencies who are in desperate need of cancer care drugs are being told, "No, we're not going to make a political decision about saving your life. We're going to leave that to a bureaucratic organization. If it means that you're being told that you can't have the life-saving cancer care drug, then so be it, because we're doing the honourable thing as government by not interfering."

Speaker, the last time I looked, you and I got elected by people in our ridings to advocate for them, to intervene for them, on the issues that matter to them. When it gets to the point where government ministers—and backbenchers, who often don't have the courage to stand up for their constituents against the ministers who they know are doing the wrong thing—when it gets to that point, we know that we have a government that has lost the trust, the confidence and the authority to be there. I believe the day is coming very soon when the people in this province will have an opportunity to make a decision about whether or not the kind of excuses, the lack of accountability, the lack of transparency—whether they want that type of government to continue.

It's a rhetorical question. I don't have to answer it. We heard a poll, as recently as this morning, that 70% of the people in this province believe that another political party should take control of this government. The 30% are, without question, the families of the ministers and the backbenchers here, and the people who are afraid. You see, 30%—that will be the rest of the bureaucrats who are afraid to have the light of accountability shone into their departments. The rest of the bureaucrats, the efficient ones, the responsible ones—and there are millions—are with us. They're with the 70% of people in this province who have concluded, without the help of the media, that it's time for a change in this province.

Anyway, let me get back to this bill. I want to make a specific reference to the principles that are outlined here in the bill. It talks about how projects should be prioritized; this is under section 6 of the legislation. I'm going to read from the bill because I think it's important, again, to emphasize that this is an area that I fully support. I believe my colleagues do as well.

I want to speak to how easy it is to craft legislation that sounds good but is absolutely meaningless. That's why it's so frustrating for some of us in this place as we stand up to debate legislation. We spend 20 minutes or 30 minutes or an hour, and essentially we're preaching to the converted here. The minister knows it's meaningless because what he'll do when it's all over is, he'll take great pride in having another piece of legislation proclaimed, and nothing else is going to happen.

Stakeholders will come forward, as they have already done on many other occasions. Stakeholders are invited to come in to testify at public hearings. They will come forward, and they will make their recommendations in terms of amendments that should be incorporated into this legislation to make it better and to make it practical. They will take time out of their schedules to prepare, to come here, to make their presentation, and they will leave and they will have been ignored. They will have been ignored.

Speaker, if you ever took a look and did the analysis—in fact, I've been working with the library and asked them to do a summary for me, over the last 10 years, of the number of amendments that have been proposed by the opposition parties on legislation and how many of those amendments were actually incorporated into legislation. It's a work in progress, but I can tell you at this point that, on average, out of 1,000 amendments, there might be two that were actually incorporated into legislation.

Members of the government party who sit on standing committees will know that that's a fact because any observer of standing committees will know that the minute an amendment is read that is proposed by an opposition member of the Legislature, you can see the penguins lifting their hands voting no. They are told, "You cannot have a mind of your own." Even if a member of a standing committee on the part of the government believes that amendment is worthwhile, they're not allowed to vote in favour of that amendment. They'd be yanked from their committee appointment; they'd be hauled into the whip's office or the leader's office and disciplined. That's a reality. That's what happens here, and Speaker, you know that.

If there's anything we need in this place, it's to actually reinvigorate the process. The process is good. There's nothing wrong with the process: first and second reading, committee. If all of that was allowed to work without the heavy-handed interference of those who just want it their way, we would have a dynamic government. But we don't because the Premier's office, the whip's office and the minister's office just won't let it happen. It's too threatening to them, and there are consequences to that.

In any event, back to the minister's principles of infrastructure-related requirements. It says that "whether the construction of the infrastructure asset would reasonably be expected to,

"(i) be a long-term return on investment"—we agree;

"(ii) stimulate productivity and economic competitiveness"—we agree;

"(iii) maximize tax assessment values and tax base growth"—we agree; and

"(iv) support any other public policy goals of the government of Ontario or of any affected municipalities in Ontario"—I have some question about that.

0940

I'm going to give you one example here, where I'm concerned that this statement really has nothing to do

with the objective of this plan but has more to do with accommodating some special interests. There's a reference which on the surface is well meaning, and that is the requirement that infrastructure projects should engage apprentices. Who could possibly speak about that in principle?

Specifically, the legislation states as follows, under section 8—first of all, it defines "apprentice" as follows: It means, "an apprentice within the meaning of the Ontario College of Trades and Apprenticeship Act, 2009, and includes any person deemed under that act to be an apprentice for any purpose." So the definition of an apprentice relates to the meaning of that term under the Ontario College of Trades and Apprenticeship Act. Then it goes on to say:

"Apprentices to be engaged

"(2) The government shall require that such numbers of apprentices as may be prescribed are employed or engaged for the purposes of the construction or of the maintenance by the government of infrastructure assets."

Here's why I have serious concerns, and I believe my colleagues in the official opposition have serious concerns about this as well, and I've heard from many stakeholders in the construction trades industry. They want to see this removed, and one of our amendments will deal with that. The concern is that, first of all, the whole debate around the College of Trades issue is one that is highly controversial. Most employers within the construction and trades industry are highly opposed to the bureaucracy that is being created by this government, and we can begin to see, already, the fault lines in that policy and in that bureaucracy forcing apprentices, forcing tradesmen into a bureaucratic organization that, in the end, doesn't benefit them, and it does not benefit the industry and certainly not the economy.

But the point of this clause in this bill—for the government to intervene, and to encroach by saying, "You must hire a certain number of apprentices into a particular project," is the beginning of ensuring that, rather than have efficiency in a project, we have a bureaucratic inefficiency. There are going to be contractors who will refuse to bid if, in fact, they will be handcuffed by this clause. This is an area that the government does not need to get involved in. It has nothing whatsoever to do with infrastructure projects and with ensuring that the long-term infrastructure needs of our province are met. And I am going to appeal to the minister to listen, if not to me, to stakeholders, very serious stakeholders, who I know have been making the same point with the minister. This is not something that is essential.

Hon. Glen R. Murray: Zero representation.

Mr. Frank Klees: The minister is shaking his head and we'll have some discussion around that, and I'm sure that the minister will not want to ignore very important stakeholders who have a serious issue with this. As I indicate, we have a problem with that particular principle.

The fifth principle is, "provide a foundation for further infrastructure projects." I'm not sure if that means any-

thing, but I think we can support at least three out of the five principles here, and work with the government to ensure that we have a good framework brought forward.

Now, there's a reference here to consultation, under section 6(3). I'll read it:

“Consultation required before issuing criteria

“(3) Before issuing criteria under subsection (2), the minister shall consult, in the manner that the minister considers appropriate, with any persons or bodies that the minister considers appropriate given the content of the proposed criteria, including any potentially affected ministries, crown agencies or broader public sector entities.”

So the minister is saying in legislation that he'll consult, but he'll only consult with people that, to him or whoever the subsequent minister is, are appropriate. Well, pray tell, who wouldn't be appropriate to consult with in the province of Ontario? If there are stakeholders, if there are people who want to provide input on these criteria, why would anyone be excluded? And yet, we know from experience that that has been the practice of this government. There are some people that they are pleased to listen to and welcome, and there are others who are excluded from that so-called “conversation” that the Premier likes to talk about. What we're saying—and what I'd like to say to the minister—is that if you are serious about wanting to get this legislation right, then you won't exclude people from that consultation, and they will be welcome. We know who you listen to, mostly, but I would ask you to expand the horizon somewhat. We'll be watching.

I referred earlier to a letter that was sent by the leader of the third party to the Premier. Tim Hudak, the leader of the official opposition, sent a letter to the Premier as well, and also sent a letter to the leader of the third party, as recently as February 9. On January 13, Tim Hudak announced the Million Jobs Act, which will be before this Legislature for debate. Tim Hudak spoke about the importance of the economy to the province of Ontario. If passed, the legislation that he is bringing forward will put people back to work and help young people achieve their goals of employment. He appealed based on what Statistics Canada showed: that Ontario had lost another 39,000 jobs in December. That's Ontario. That's 39,000 jobs lost in just one month under the watch of this government. The government payroll, interestingly, increased by 13,000 employees in the same time. What does that tell us? It tells us that the priorities of this government are wrong. They could not be more wrong and, if allowed to continue under this government, will continue to see Ontario last.

I think that it's appropriate to let people know as they listen to this debate that there is hope, that there are alternatives, that it does not have to be this way. Under Tim Hudak and the Progressive Conservative caucus, there are very crystal-clear policies that have been put forward, that are in contrast to the current government. Those policies show a path to ensuring the creation of a million new jobs. They will ensure energy affordability and reliability. There's a commitment to training more

skilled workers to meet the demands in our trades and to help young people find essential jobs. Speaker, there are far too many young people who in past decades would have already been in the workforce earning a living, taking pride in the work that they are doing, and under the Wynne government, those young people are living in basements with their parents. They are wondering what their future holds. They can't make the car payments; they can't make the car insurance payments. Everything is out of their reach. That's the Ontario that the Wynne-McGuinty Liberals have created.

0950

I want the people in this province to know that there is an alternative and there is hope, and it is not under this current government and it will not be under a new experiment with the New Democrats in this province. We've had that experience under Bob Rae. Unfortunately, there are far too many young people who don't even remember those days, but I ask them to check with their parents, because they'll remember well what those days were like.

What we need is a return to and a refocus on economic responsibility, on accountability, on transparency in government, a government that actually respects the tax dollars that are sent to Queen's Park every year, a government that will put young people first, a government that will put seniors first.

I have a meeting, Speaker, later this week in a retirement home in Newmarket with seniors who have been told that their essential long-term-care and home care services are going to be removed from them. They will no longer have the confidence and sense of dignity that they have now because they've been able to rely on in-house service. How can anyone take pride in supporting that kind of policy?

I suggest that it is time for a change. We talk in this bill about hard public infrastructure assets. The government has failed miserably on that count and we have before us a piece of legislation that is a framework only, that minister after minister has promised to address and they haven't, and we have no reason to believe that this leopard will change its spots. We have no reason to believe that the same people are going to start doing something differently, even in the face of an impending election. They can't—it's not who they are—but that's the hard infrastructure assets we're talking about.

What is even more important is the devastation that this government has brought to our social services and to the people of our province and the young people of our province and the seniors of our province and the disabled in our province who are also being neglected.

What it's going to take is an absolute change of government, a change of attitude, and it's going to take a group of people who know how important it is that if you're going to look after the social service needs of our province, you must have a strong economy to do that. You cannot continue to borrow our way into debt. That's precisely what's been happening. The only group of people in this Legislature who are offering that kind of

solution is the Progressive Conservative caucus under Tim Hudak, because it's this caucus that has put forward documentation of policies that will fix the economy, that will restore confidence in our economy, that will attract investment into the economy, that will encourage business owners to reinvest in their business so that they can create the jobs that young people in our province so desperately need. That's only going to come through strong fiscal policy, that's only going to come if we rip out the red tape that is stifling business in this province, and it's only going to come if you can actually demonstrate that you have a vision and a plan to go with that vision. Tim Hudak and the Progressive Conservative caucus have that plan, and I look forward to the next election because that's the only way that there will be hope for the people of this province.

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

Mr. Percy Hatfield: I'd like to take a couple of minutes just to tap on one aspect of this bill. The minister says it will make infrastructure projects in the province more transparent in the future. That will be a good thing because we've learned from the Herb Gray Parkway, for example, some of the mistakes in the past. I know local suppliers in my area aren't being paid for the work that they've done on the Herb Gray Parkway. Hotham Building Materials is owed more than \$100,000; Jake's Crane, almost \$100,000 owing; Waltron Trailers in Ridgetown, \$50,000; R.J. Cyr, nearly \$15,000. These are suppliers who have provided goods and services in good faith to a government of Ontario infrastructure project, and they haven't been paid. Some of them have had to resort very recently to expensive legal action to try to get the government to make the suppliers—who they're still continuing to give money to—pay their bills.

As this bill goes forward, we need assurances from the government that they will put in place stipulations that if government money is coming into a project, the people receiving that money will pay their bills, will pay their local suppliers and will not hang them out to dry and not force them to take expensive legal action to try to recover what is rightfully theirs. It's all a matter of principle, Speaker, that in Ontario, when small business people are doing business with this government, they will be fairly treated and fairly compensated. I'd like to see that somehow put into the bill as this bill goes forward.

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

Hon. Glen R. Murray: I appreciate my friend from Newmarket–Aurora's comments. I want to assure the member from Newmarket–Aurora that we will be listening to him very carefully. He and I continue to meet constructively to put ideas together as we move to actually ensuring there's no light between the plan and the vision the province has in the budget. Integrating it into a 10-year budget, I think, is a huge step forward.

I just want to comment briefly on what the challenge is. Around the world, Madam Speaker, it is generally the standard that 5% of your gross domestic product should

be spent on infrastructure. That has been the goal when I was at the Federation of Canadian Municipalities. I don't think there's anyone who doesn't agree with that. This is not a partisan shot at the official opposition, but from 1973 to 2003, we were spending, in Ontario, somewhere between \$2 billion and \$3 billion in infrastructure, or 0.25%. Today, we're spending \$13 or \$14 billion, which is about 2% of GDP. The formula has been traditionally that the province spends 2% of GDP and municipalities 1%, which they're doing. The federal government now is down to 0.25% or less 0.5% of GDP. So the infrastructure strategy and budget we have and the plan will sustain in the long term that commitment to 2%. The challenge is that the federal government, which takes 60% of the taxes collected in Canada, is only at 0.25% to 0.5%, depending on the province—less than 0.5% in Ontario. This doesn't work. We will see loss of competitiveness unless our national government does that.

Al Duerr, who at the time was the mayor of Calgary, and I when I was the mayor of Winnipeg negotiated that deal for a five-cent-a-litre gas tax. There is almost net no new money above that, and that's a municipal transfer. That's our challenge.

The Acting Speaker (Mrs. Julia Munro): The member for Durham.

Mr. John O'Toole: I listened carefully and attentively to the member from Newmarket–Aurora on his comments on Bill 141. I believe that he linked it very well to the need for the leader—whether it's Dalton McGuinty, Kathleen Wynne or, for that matter, Tim Hudak—to have a vision and a plan. We've heard over the last several months of the lack of a vision or a plan, jumping around and throwing money out at by-elections that really aren't linked to an overarching plan.

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That's the most troubling part of it: Whether it's a gas plant during an election that's being decided, spending billions of dollars to basically buy an election—that's the point that Mr. Klees was making. The lack of a vision and a plan has been troubling for the last 10 years of jerking around, spending money like drunken sailors and spending money in excess of the growth in the economy. That's exactly why we're in the trouble that we're in.

I think Mr. Klees, in his remarks, quite succinctly outlined the perilous position that Ontario is in today. The third-largest expenditure in Ontario—Madam Speaker, you know this as well. The province of Ontario is in a bit of a tailspin. We spend more on servicing the debt—that's the interest on our accumulated debt—than we do on many other expectations of service in the province of Ontario. It's affecting most seniors and people in Ontario. The unemployed, the most vulnerable in Ontario are being affected by the performance of this government.

All the good things—when Premier Wynne speaks, she's a great communicator, but I don't believe a word she says. That's the problem. We heard that during the by-elections: throwing money at hospitals, racetracks—you name it. What's missing in Ontario today is a vision and a plan. Where are the jobs? The only thing I've

heard, even from the Minister of Infrastructure over there—Mr. Murray said that he wants to increase taxes by 10 cents per litre of gas. That's their plan. I don't think—

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

Ms. Catherine Fife: It's a pleasure, actually, to comment on some of the reflections that the member from Newmarket–Aurora has provided today on this important piece of legislation. If we get infrastructure right, then there are thousands of jobs to be created, so I think that we share that vision that the member has communicated.

We also welcome the provision of increased use of apprenticeships, but other than that, we really don't see a response to what the construction industry is actually telling us is a badly flawed model for building infrastructure. We will not address the infrastructure deficit if we keep doing things the same way that we always have. For example, at a time when foreign global companies are increasingly winning huge construction contracts, there are no requirements spelled out for increased Ontario content. This should be a shared goal of ours: to create jobs in Ontario.

I will also note that the member from Newmarket says that he's looking forward to the next election, because, of course, he's not going to be in the next election. He has provided 18 and a half years to this House, and I personally want to say thank you for that. But his frustration on the infrastructure file—which, he rightly points out, the Liberals have had over 10 years to address—is a shared frustration that we have. We, of course, on this side of the House, have tried to address and come to the table with some solutions, like participating in the budget process and bringing forward ideas throughout that well-documented process of budget 2012 and budget 2013.

These are the facts: We have a \$100-billion deficit on the infrastructure file, and 60% of the infrastructure that needs to be replaced in this province is over 50 years old. This should be an issue that we all refocus our attention on. The piece of legislation that's before us, when it gets to second reading—we are going to be making sure that whatever implementation strategy is on the table actually works and brings resolution on the infrastructure file.

The Acting Speaker (Mrs. Julia Munro): The member for Newmarket–Aurora has two minutes to respond.

Mr. Frank Klees: I want to thank the member for Windsor–Tecumseh, the Minister of Transportation, the member for Durham and the member for Kitchener–Waterloo for their comments.

I will simply say this—oh, before I do, I do want to acknowledge that that letter that I referred to from the leader of the third party was in fact delivered to me, reformatted, halfway through my speech, so it does exist.

I want to thank you for the opportunity to speak this morning on this bill. There is no question that infrastructure should be and must be a priority of the Ontario government. I have serious concerns about the ability of the current government, notwithstanding this piece of legislation, to actually take it to the next step and to

implement the policies that are necessary to ensure that the infrastructure deficit in our province is finally addressed.

There is also no question in my mind that there is only one government that will have the ability to put in place the economic policies as well as to implement their vision for a better Ontario, and that is the Progressive Conservative Party of Ontario. I encourage people in the province of Ontario to take note of what their options are. In my opinion, there is really only one option, and that is Tim Hudak as Premier and the Progressive Conservative caucus as their government. That is what will give us a better Ontario. Thank you, Speaker.

The Acting Speaker (Mrs. Julia Munro): Further debate? The member for Windsor–Tecumseh.

Mr. Percy Hatfield: Thank you, Speaker. I'm told that I'm to take a lead on this as well. I don't know that I will ever stretch it out to the full hour, but it is my pleasure to stand and speak on behalf of the New Democratic Party and our leader, Andrea Horwath, on this issue, Bill 141, the Infrastructure for Jobs and Prosperity Act.

I was in the House late last year when the minister first spoke to this and gave us his view of the bill. He started out by talking about former Premier Bill Davis and Mr. Davis's vision for Ontario's future that he laid out back in the mid-1960s. I'm not sure that my friend the minister has the same crystal ball that Mr. Davis used back when he was in office, but the minister was boldly predicting that we're going to see the creation of 800,000 new jobs in Ontario by the year 2016. That certainly caught my attention: 800,000 new jobs in a couple of years. I'm just curious about those new jobs—when the minister's staff put together the numbers for him on that, whether they had revised the count after recent events, such as the uncertainty now around the Ring of Fire. Without a dedicated source of power in northwestern Ontario—we all know there are 12 or 13 mines that could open up if they had dedicated power. But without the hydro, the roads, the rail, the transmission lines may never happen and therefore the jobs would never happen, without the commitment to hydro. That was the first link in the jobs chain, Speaker. So some uncertainty lingers around that.

The minister also spoke of having a plan, having a policy and having a budget. He said the plan would be actionable, he said the plan would be measurable and he said the plan would be transparent. Perhaps, Speaker, if the minister were to share with us his crystal ball, we'd just how transparent those job numbers really are. We would like to see where those 800,000 new jobs would be created and what percentage of those jobs would be the type that pay good money. We all know that some jobs these days are temporary, they're precarious and they come with no health benefits. And how many of these jobs would be doled out by the growing number of temporary job agencies?

Speaker, the minister painted a rosy picture of 800,000 new jobs and, if I'm correct, he tied some of them into this infrastructure bill, Bill 141. Of course, what he failed

to mention in calculating those job numbers was that at the same time, in the same place, in the same province, hydro rates are going up, month after month after month. Many people feel that jobs will be lost when companies leave for more affordable locations elsewhere. They can't afford to pay the hydro here. They're moving to other jurisdictions where hydro rates are lower, taking the jobs with them, not expanding their businesses and not creating new jobs. So I believe it's a fair question to put to the minister—whether these job losses were a part of his calculation—because if we don't have the same number of companies, they won't be expanding their employment force and they won't be hiring some of the people the minister may have been counting on to get to that 800,000 number.

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I see, Speaker, a major difference in a well-paying job held by someone working on a government-financed infrastructure project and a not-so-well-paying-job held by someone serving fast food somewhat near a location of an infrastructure project. Don't get me wrong: I respect everyone who creates a job, holds a job, is looking for a job, or would love to get back into the workforce but for reasons of disability or other health issues can't do it at this time. But when I hear the number of 800,000 new jobs, I think that perhaps, unintentionally, a rosy picture of a brighter future is created in the minds of some. So, minister, from your lips to God's ear; I hope we see a lot of new jobs created. But at the same time, let us do what we can to hold onto the jobs we already have.

Now, I know you can't be working on infrastructure projects unless you're working with the banks. You need the money to pay for these. And when we talk about 800,000 new jobs, I'm not sure how many would be coming from the banking sector. I guess not too many, because we heard last year—in fact, Speaker, it was on the very same day that the minister rose in the House to speak to this bill that we heard of the record-breaking profits taken in by the RBC. Banks, as we all know, have been laying off people, cutting jobs, outsourcing jobs, and now we can see the wheelbarrows—wheelbarrows that should be on construction sites, but instead wheelbarrows full of money, money taken to load boxcars, boxcars full of money going into the pockets of the shareholders of the banks instead of being used to create new jobs. Record profits, and not the creation of a single new job. For every IT job in a bank in Canada, there are four, and sometimes five, people in IT in India and elsewhere working on the same projects. So to the bankers, Speaker, I say, bring those jobs back to Canada. Share those profits with your employees and your customers, and regain some trust and some respect.

The minister spoke during his kick-off to this bill, Bill 141, about the Herb Gray Parkway and the P3 partnership, which, again, has caused many of us to question why the government seems determined to stick with the P3 models instead of returning to the more traditional methods of tendering out construction work in Ontario. We learned with this P3 project in Windsor and Essex

county, and we learned the hard way, that there are flaws that need serious consideration. You'll recall, Speaker, the huge safety concern that developed there when a company, a consortium from France and Spain, had the financial ability to bid on the project even without being certified by the CSA to do the work they were hired to do. Girders were built month after month by unqualified, uncertified, unsupervised workers. Yet, at the end of the day, when that shoddy work was exposed, the minister had to step in, put a stop to the work and order an investigation by a panel of experts, which initially gave the opinion that perhaps the shoddy work could be rehabilitated. But after a further forensic examination of the work—meaning the girders were cut open, Speaker, end to end—an examination of the metal rods and cages holding the girders together, they were found to be a jumble, a rat's nest, a twisted mess. No rehabilitation, band-aid solution, could be found to put those humpty dumpty girders back together again. That—

The Acting Speaker (Mrs. Julia Munro): Thank you. *Second reading debate deemed adjourned.*

The Acting Speaker (Mrs. Julia Munro): The time has come to recess. This House stands recessed until 10:30.

The House recessed from 1015 to 1030.

INTRODUCTION OF VISITORS

Hon. Linda Jeffrey: Today I'd like to introduce my son, Ryan Jeffrey, who is in the gallery visiting to watch question period today.

Ms. Lisa M. Thompson: It's my pleasure this morning to welcome four people from Huron county who provide valuable services. We have Pauline Douglas from Queensway long-term care in Hensall and Erika King, Seaforth Manor. They've done an outstanding job caring for their folks during the winter storms. They are joined today by Christine Ozimek and Richard Sullivan of PCLT. Thank you for being here.

Hon. Teresa Piruzza: Good morning. Today I would like to welcome Rita Soronen, Susan Towle and Bruce McKenna, who are here from the Dave Thomas Foundation. Thank you for being here, and welcome.

Hon. Kathleen O. Wynne: I'd like to introduce some guests from Don Valley West in the gallery: Janet MacDougall, Anne Marie Branch, Margaret Casey and Sara Hill.

I'd also like to introduce the Honourable Alvin Curling, who is actually here with 11 of his Seneca College public administration students.

The Speaker (Hon. Dave Levac): You're stepping on my toes.

Hon. Kathleen O. Wynne: And I know that the Speaker will want to elaborate on the roles that Dr. Curling has played.

The Speaker (Hon. Dave Levac): You mean you stepped on my toes?

The member for Nepean—Carleton.

Ms. Lisa MacLeod: I would like to introduce Roxanne Villeneuve Robertson in the gallery today. She is joined by Moe Menard, who is up from the riding of Glengarry–Prescott–Russell.

Speaker, while I do have the floor and my mike is still on, many of the MPPs here are aware that one of our journalists in our family here at Queen's Park is quite ill, so I want to send on behalf of everybody our best wishes to Jonathan Jenkins.

Hon. Michael Coteau: I'd like to welcome the Canadian Black Caucus to Queen's Park here today, who will be joining many members of this House celebrating Black History Month. Welcome.

Mr. Victor Fedeli: Good morning. I would like to welcome the mother of page Jaclyn Hurley, Mary Beth Hurley, and her aunt, Julie May Doherty, to the Legislature today.

Hon. Deborah Matthews: I'm delighted that Harrison Clark, a volunteer in my office in London, is joining us today. Welcome, Harrison Clark.

Mr. John Yakabuski: I'd like to welcome—even though he was obscured by one of those ornate poles, I have located him—Patrick Kelly, who has joined my staff here at Queen's Park. I'm looking forward to a long and productive relationship with Patrick here at Queen's Park.

Hon. Eric Hoskins: I'd like to welcome not only Thomas Clifford, who is a page here from St. Paul's—he's today's page captain—but his mother, who is joining us in the gallery: Catherine Pepevnak.

Mrs. Laura Albanese: I'm delighted to welcome here in the Legislature a fine resident of the riding of York–South Weston, Asquith Allen.

Mr. Frank Klees: I want to welcome page Michael Sadono from Newmarket. I want to recognize his father, Andre; his mother, Yola; and his sister, Mary.

Hon. Yasir Naqvi: Speaker, Happy New Year to you. I just want to remind all members that this is Kindness Week in Ontario. After question period, the member from Dufferin–Caledon, the member from Nickel Belt and I will be serving Kindness Week Tim Hortons cookies to encourage kindness to everyone. Happy Kindness Week.

Hon. Charles Sousa: It gives me great pleasure to introduce today the mother of Sarah Forbes, a new page from Mississauga South. Her mother is Robin Forbes. She's attending Queen's Park to see her daughter's first day in the Legislature. Welcome to Queen's Park.

Mr. Todd Smith: Mr. Speaker, as you may recall, I had the very unique and proud experience in the last session of Parliament to have my daughter serving here as a page in the Legislature. Payton was here four weeks. It is a very unique experience and memorable for the entire family. I'm so pleased that Abbey Jackson, who is the daughter of MPP Rod Jackson from Barrie, is going to be spending the next three weeks here as a page in the Legislature.

The Speaker (Hon. Dave Levac): Even though the Premier stepped on my toes, I'll carry on with the intro-

duction. In the Speaker's gallery, we have a delegation from the college, as pointed out by the Premier, but we also have with us a distinguished member from this place, from Scarborough North in the 33rd, 34th, 35th and 36th; Scarborough–Rouge River in the 37th and 38th; and Speaker in the 38th Parliament, Alvin Curling. Dr. Curling, welcome.

RAINBOW FLAG

Hon. John Milloy: Mr. Speaker, I seek unanimous consent that, as a one-time exception to the prescribed use of the precinct's courtesy flagpole, the rainbow flag be flown at the Ontario Legislature for the duration of the 2014 Winter Olympic Games, subject to being temporarily interrupted for any other flag-raising that would normally occur during this period.

The Speaker (Hon. Dave Levac): The government House leader is seeking unanimous consent that, as a one-time exception to the prescribed use of the precinct's courtesy flagpole, the rainbow flag be flown at the Ontario Legislature for the duration of the 2014 Olympic Games, subject to being temporarily interrupted for any other flag-raising that would normally occur during this period. Do we have unanimous consent? Agreed? Agreed.

ORAL QUESTIONS

JOB CREATION

Mr. Tim Hudak: My question is to the Premier. Premier, in review of your first year in office, I noticed that Ontario didn't create a single new job, that we lost as many jobs in the province as we gained. Unfortunately, Dalton McGuinty's approach and Premier Wynne's approach continues to—

Interjections.

The Speaker (Hon. Dave Levac): Order.

Mr. Tim Hudak: —on the wrong track. We're losing jobs—39,000 jobs in December alone—and people are losing hope in the province.

So my question to you is: Given that Ontario did not add a single new job in all of 2013, why do you want to do more of the same? Isn't it time to try a new and different track to put people back to work and Ontario back in business?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Hon. Kathleen O. Wynne: Mr. Speaker, first of all, let me welcome everyone back. I want to just say to the MPPs-elect, Wayne Gates and Gila Martow, congratulations to them, and we look forward to welcoming them in the Legislature.

Let me just say to the Leader of the Opposition, Mr. Speaker, through you, that in fact, he's got his information wrong. There have been 93,000 net new jobs created in this province just in the last year. Last month there

were 23,000 new jobs—6,000 net new jobs. So in fact, the plan that we have in place is working, and that plan is based on investing in infrastructure. It's based on making sure the people have the skills they need and investing in people so that they can get the training and the skills that they need, and it's based on working in partnership with business. I hope the Leader of the Opposition can work with us on that.

The Speaker (Hon. Dave Levac): Supplementary.

Mr. Tim Hudak: There is the old expression, Premier, that facts are stubborn things. Throughout all of 2013, Ontario did not add a single net new job in the province. We lost as many jobs as we gained, and that's a record of failure.

I know you try to brush it off on the McGuinty administration like you had once met Dalton McGuinty at a fundraiser or something, even though you were one of the key ministers. You've continued on the same path, and that means that we have almost a million people in our province who are out of work. I think we can do a lot better than that.

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The second thing that concerns me is that not only, under your premiership, have we not added new jobs in 2013, we now are the only province in Canada that saw welfare rates increase, the number of people stuck on dependency. Ontario is unique, sadly, in this fact, that our proportion has actually increased. To me, that seems to be a record of failure.

I think we can restore hope to Ontario and put people back to work, but we can't do it the same way. So why are you stuck on the McGuinty agenda? Isn't it time to try something new to get Ontario back—

The Speaker (Hon. Dave Levac): Thank you.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Premier.

Hon. Kathleen O. Wynne: I understand that we're at the beginning of a new session and that the Leader of the Opposition is going to go on the attack; I get that, Mr. Speaker. But I think it's really important that the Leader of the Opposition be accurate when he goes on that attack. There have been 95,000 net new jobs created in this province just in the last year, so he's just plain wrong when he puts out that there are no new jobs. It's just not true.

I look forward to debating with him the issues, but I want to debate with him on a factual basis—so 95,000 net new jobs, and if the Leader of the Opposition is asking whether we will join him on a spiral downward, to lose good-paying jobs in this province and undermine labour in his so-called right to work, we are not going there.

The Speaker (Hon. Dave Levac): Final supplementary.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please.

Interjection.

The Speaker (Hon. Dave Levac): The member from Eglinton–Lawrence, come to order.

Final supplementary, please.

Mr. Tim Hudak: Well, Premier, that's my entire point. The PC caucus is not going to join you on this whirlwind downwards of job losses in the province of Ontario. It's an entire whirlpool.

I guess you are trying to put your first year in office into the past, but you say there are more jobs. Tell that to the folks who lost their job at Kellogg's; tell that to the folks who lost their jobs at Heinz; tell that to the folks who lost their jobs at Novartis.

I've got a plan to restore hope to Ontario, with more paycheques and better take-home pay. I've got a plan to put young people back to work in the province of Ontario, not in Saskatchewan or Alberta. I call it my million jobs plan, a million new jobs over the next eight years. The plan will lower taxes and create jobs, make energy more affordable; less provincial debt and an emphasis on skilled trades.

I've got a plan to create a million jobs in this province; you've got a plan for a whirlpool of job losses. We reject your plan. We see a better future for Ontarians. Won't you join us and support our million jobs plan today?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Order.

Premier.

Hon. Kathleen O. Wynne: Thank you very much, Mr. Speaker. In 2013, employment rose by 95,700 jobs. Since June 2009, 440,000 net new jobs have been created in Ontario. So those are the facts. If the Leader of the Opposition is not interested in those facts, that's his prerogative, but we know that making those investments in people and partnering with business and making sure that we create the environment for business to come to the province—that that's working.

The drive to the bottom is being led by the Leader of the Opposition. His plan is to cut and slash, to undermine labour, to drive good-wage jobs out of the province. The so-called right-to-work thrust is his. We are not going to go there. We are not going to join him in that downward spiral. We are going to continue to work with business, create partnerships and create jobs.

JOB CREATION

Mr. Tim Hudak: Back to the Premier, Speaker: It's unfortunate that the Premier's only plan seems to be the minimum wage act. Our plan is a million-jobs plan for good, middle-class jobs, where people can build a career.

I want to see people have jobs they can build a career around, they can buy a house, they can raise a family—not a job that we're stuck with.

Premier, I'll remind you of your record. You told the people of Ontario that your Green Energy Act would create 50,000 jobs; in fact, we found out that it has cost us jobs. Premier, you told us that your big stimulus package in 2008 would create 400,000 jobs; in fact, we

lost jobs in 2013. You told us that your HST tax hike would create 600,000 jobs. That's over a million jobs. Unfortunately, it probably cost us jobs, because there's a million people in Ontario who have no job to go to today.

Premier, why do you persist in a minimum-wage jobs plan? Why don't you engage in our plan to create good, middle-class jobs—a million of them—over the next eight years?

Interjections.

The Speaker (Hon. Dave Levac): Stop the clock, please. Be seated, please. Thank you.

Premier?

Hon. Kathleen O. Wynne: The right-to-work initiative that the Leader of the Opposition would like to initiate—would like to see everyone working at minimum wage or lower. That's where he would like to go.

So, 440,000 net new jobs in this province since June 2009—and there are many, many people who look at Ontario and know that things are going well. Things are looking much better in Ontario than they were, and the Ontario economy is starting to grow again. Who said that, Mr. Speaker? Jim Flaherty, January 5, 2014.

The fact is that we have worked with industry. We have created opportunity, and 440,000 net new jobs have been created in this province. What the Leader of the Opposition would like to do is cut services, slash programs and drive good jobs out of this province. We're not going there.

The Speaker (Hon. Dave Levac): Thank you. Supplementary?

Mr. Tim Hudak: Premier, if I wanted people to work at minimum wage jobs, I'd prop you up just like the NDP is doing, because you're leading when it comes to minimum wage jobs.

I'm not going to argue with you, Premier. If you want a Premier focused on minimum wage jobs, you've got one right now. If you want one focused on creating middle-class jobs with better take-home pay, that's me, that's my team and that's my plan.

Premier, you just can't argue with the facts. You failed to create any new jobs in 2013. You've turned Ontario now into the welfare capital of Canada. I think we can do a lot better than that. I see an Ontario that rises again. I see an Ontario that guarantees the next generation that they can make their way in the province of Ontario with good careers and good jobs. I've got a plan to do so: the million jobs plan. I've asked to meet with you to discuss it. But, Premier, when we're hemorrhaging jobs in the province, why don't you take another—

The Speaker (Hon. Dave Levac): Thank you. Stop the clock, please. Be seated, please. Thank you.

Premier.

Hon. Kathleen O. Wynne: The Leader of the Opposition has a slogan, and I understand it's a catchy slogan, but there's no detail about how those jobs would actually be created. In fact, Grant LaFleche of the Welland Tribune says it well: Hudak's "magical wish thinking is just insulting to our collective intelligence."

The fact is, there's no substance to what the Leader of the Opposition is talking about. In fact, the specifics that are in the Leader of the Opposition's plan are specifics that would drive us down, that would undermine the gains that organized labour has made for generations, that would drive good jobs out of the province, and we are not going to go there.

We are going to continue to make the investments that are necessary. Right now, business needs a government to partner with them and make sure they have the supports that are necessary so they can compete in the global economy. That's the path that we're going to take.

The Speaker (Hon. Dave Levac): Thank you. Final supplementary.

Mr. Tim Hudak: You know, Premier, I think we will agree on this: You're basically one of Dalton McGuinty's top lieutenants. You supported his policies that got us into a huge mess, that doubled our debt and lost us 300,000 manufacturing jobs. Now, for the year you've been in office, you've actually made matters worse. We've seen manufacturing job losses accelerate in our great province.

I don't understand, if you are trying to stick to a plan that's costing us jobs, why you keep putting your head against the wall. Why don't we turn around and try a brand new plan for the province? If you want details, here are the details. Stop the unaffordable subsidies to wind and solar, to make hydro affordable. Lower taxes in our province. Say we can do more in the skilled trades, to actually look at more trade opportunities by joining the New West Partnership.

Premier, my bill is full of plans and details. It will be debated at 3 o'clock. Why don't you join me, pass and accelerate it? Let's get people back to work and restore hope in our great province. That's what it's all about.

Interjections.

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The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Premier?

Hon. Kathleen O. Wynne: Well, I think we're going to stay on the plan that actually is creating jobs, Mr. Speaker. We've made enormous recovery since June 2009, and employment has risen by more than 95,000 jobs just in this last year.

Obviously, the track that we're on that is leading to that job creation and is bringing business to the province—there's no doubt that we're in a transition. I've said that many times over the past few weeks. We are in a transition. Many manufacturing companies are needing to invest in order to be able to compete globally, and that's why we're partnering with them.

One of the things that has surprised me about the Leader of the Opposition is that he has not expressed a willingness or an interest in partnering with businesses, in understanding that that kind of investment, when we're competing with jurisdictions all around the world—that we have to put that kind of support and resource on the table.

We're going to continue to do that, Mr. Speaker, and I am absolutely positive that the recovery that we're seeing will continue.

GOVERNMENT'S AGENDA

Ms. Andrea Horwath: Before I begin, on behalf of New Democrats, I want to welcome and acknowledge Wayne Gates, the MPP-elect for the riding of Niagara Falls. I look forward to him taking his spot with our caucus.

Speaker, my question is for the Premier. Does the Premier agree that middle-class families who make Ontario work are feeling financially stretched in tough times?

Hon. Kathleen O. Wynne: I absolutely do agree that we have to be very cognizant of the burdens that middle-class people are feeling. The fact is that they are concerned about many things. One of the things that they're concerned about is retirement security, Mr. Speaker. One of the things that they're concerned about is that in their communities, people who are living on minimum wage haven't had certainty about where that minimum wage is going to go. Another thing that they're concerned about is that their children will have jobs.

Mr. Speaker, we are absolutely concerned about the middle class. The plan that we've put in place and the six pillars of that plan are targeted directly at making sure that middle-class people retain their jobs and more people can find a middle-class job.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Supplementary?

Ms. Andrea Horwath: For months, the Premier has made it clear that she plans to move ahead with new, unfair taxes, tolls and fees that will hit household budgets. Can the Premier tell families today how much more she'll be asking them to pay?

Hon. Kathleen O. Wynne: Again, underlying the question from the leader of the third party is an assumption that people don't want more transit, that people don't want investment in retirement security, that people don't want to make sure that there is a business climate that is going to allow them to find a job.

Mr. Speaker, I have said, and I have said repeatedly, I am concerned about the burden that people in this province are carrying. I understand that that's something we have to take very seriously. When we bring in our budget, we will be paying very, very close attention to that. But that does not mean that the people of this province do not need investment in infrastructure and do not need investment and a structure within which to save for their retirement. I hope that the leader of the third party will support us on those initiatives.

The Speaker (Hon. Dave Levac): Final supplementary.

Ms. Andrea Horwath: Speaker, I think the Premier missed the premise of the question, which is what people

can or cannot afford right now while they're being squeezed right out of the middle class. On election night, in fact, I heard the Premier dismiss the message that voters sent. She said that she could ignore the voters and ignore the message they sent because, frankly, she's the Premier.

One thing I heard loud and clear knocking on doors in Niagara Falls and at kitchen tables and doughnut shops all over Ontario through the winter was that families who make Ontario work feel like they are being squeezed right out of the middle class, and they cannot be asked to pay more yet again. Is the Premier going to listen, or will she continue to ignore them?

Hon. Kathleen O. Wynne: Well, let me just say first of all that I've been in the same doughnut shops and those same kitchens. I do not ignore the commentary from those people, because they are us. There is no separation between us and them, Mr. Speaker. We are in this together, and if we do not make decisions for the long term in this Legislature, if we do not make the investments that are necessary so that there will be jobs, so that there will be infrastructure in this province, then there will be no future for Ontario.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please.

Interjections.

The Speaker (Hon. Dave Levac): The member from Prince Edward-Hastings, come to order.

New question: leader of the third party.

GOVERNMENT'S AGENDA

Ms. Andrea Horwath: My next question is also for the Premier. I sent a letter to the Premier yesterday and I made it clear that I will not support a budget that has new taxes or tolls for middle-class families. New Democrats are going to actually respect the people whose paycheques and jobs make Ontario work and focus on making their lives affordable, not squeezing them out of the middle class.

Can the Premier tell hard-working Ontario families how much more the Liberal government is going to make them pay?

Hon. Kathleen O. Wynne: I got the letter from the leader of the third party, and I appreciate it and I certainly will be responding. I will be reaching out to both leaders and I would like to meet with them as we develop the budget.

But what was not in that letter was a single thing that the leader of the third party believes in. I have no idea if the leader of the third party supports indexing of minimum wage to inflation. I have no idea whether the leader of the third party understands that those same people she's talking about are worried about retirement security for themselves and for their children. I have no idea if the leader of the third party understands and is interested in the fact that people are worried about how they are going to get to work and how they're going to get their kids home because of congestion. So I look forward to meet-

ing with the leader of the third party and I really look forward to hearing from her what she believes in.

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Interjections.

The Speaker (Hon. Dave Levac): Minister of the Environment. That was a delayed reaction.

Supplementary.

Ms. Andrea Horwath: The Premier likes to talk about fairness, but families have been hit with the HST, climbing hydro bills and the highest auto insurance rates in Canada, while the money they send to Queen's Park is allocated to gas plant cancellations, rising CEO salaries and bloated severance packages. I think it's time to show the middle-class families who make Ontario work a little bit of respect.

I ask again: How much more is the Premier going to ask them to pay?

Hon. Kathleen O. Wynne: Again, the leader of the third party has got a list of some very populist ideas and she raised them last year when we talked about the budget. We found common ground, and so, on auto insurance, for example, auto insurance rates dropped by 3.98% in the fourth quarter; we've seen a reduction of 4.66%, on average, since August. We're on track to meet our goal of an average 8% reduction by August 2014. That's happening; we are doing those things. We had identified auto insurance as an area that we needed to work on, so we're working on those things.

The leader of the third party does not have the corner on compassion for people who are burdened; she does not have that. We are working to help people in their day-to-day lives and we will continue to do that.

We also have a vision for how we should move ahead in this province. We also believe in something. We believe that investing in people and partnering with business and investing in infrastructure and transit and making sure that people have those resources—that those things are important.

What does she believe in, Mr. Speaker?

The Speaker (Hon. Dave Levac): Final supplementary?

Ms. Andrea Horwath: New Democrats are not going to support new taxes, tolls and fees that hit household budgets. We don't think that hitting families with yet another sales tax hike is going to actually grow our economy, and we don't agree with the Hudak Conservatives' plan for new, private, 407-style toll highways. The families that make Ontario work are being squeezed like never before, and our economy will not succeed if they're falling further and further behind.

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Is the Premier ready to respect the people who sent us here, who voted in by-elections last week and who are tired of being asked to pay more while others get all the breaks?

Hon. Kathleen O. Wynne: As I have said, I am very aware that people are feeling that, as the economy

recovers, there are burdens on them, and they are concerned about the future of the province, which is exactly why I think it's very important that at this moment in our history we have a plan that works with people in the province, that works with businesses in the province, that makes the investments that are necessary in order for us to have that aspirational future that I believe we all want.

We're going to bring forward a budget that is fair, that is reasonable, paying very close attention to the people who are experiencing those concerns. But at the same time, we are taking actions to help people. I would love to know why the leader of the third party will not commit to support our indexation of minimum wage to inflation. That's an initiative that I would have thought the third party would have been very interested in.

JOB CREATION

Mr. Victor Fedeli: Good morning, Speaker. My question is for the Premier. Let me share with you, Premier, what our caucus learned by visiting over 30 cities over the last couple of months, from Sarnia to Kenora, from Webequie to Oakville, from Timmins to Rockland, and dozens of communities in between: Skyrocketing hydro rates, high taxes and crippling red tape were the top three issues.

Our three biggest problems were created by this government, and they have absolutely no plan to change direction on any of those three issues. As a result, Ontario had 86 consecutive months with higher-than-the-national-average unemployment.

Next Thursday, our leader, Tim Hudak, is bringing his million jobs act to the floor of this Legislature. Premier, will you support his plan to bring people back to work in Ontario?

The Speaker (Hon. Dave Levac): Premier?

Hon. Kathleen O. Wynne: Minister of Finance.

Hon. Charles Sousa: I appreciate the question. Let's get some facts straight. Ontario has had over 450,000 net—

Interjections.

The Speaker (Hon. Dave Levac): Order, please.

Interjection.

The Speaker (Hon. Dave Levac): I thought maybe one might be able to control themselves.

Minister.

Hon. Charles Sousa: Ontario has been increasing jobs over the last number of years, to the tune of 440,000 net new jobs, including the 300,000 that were lost during a recession that affected the global market. We've taken initiatives. The members opposite are trying to recycle old plans that are going to bring us down in a downward spiral. They're looking at the initiatives that we've taken and they're trying to replicate some of what we've done, but they do it in a poor way. You've been to the table way too late now, because we're on a track to do even more.

We have in our plan another 100,000 more net new jobs coming forward because of the initiatives that we

put in our budget. The member opposite should be supporting that and should be standing up for Ontario.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Victor Fedeli: Back to the Premier: Kellogg's, Heinz, Caterpillar—they've all left Ontario. Now, they're still making cereal, they're still making ketchup, they're still making earth-moving equipment; they're just not making them in Ontario any longer. In fact, one million people woke up this morning in Ontario without a job. That's your facts, Minister.

You've given us the highest energy rates in North America; the highest payroll taxes in Canada. We're about to have the highest business taxes amongst the large provinces in Canada, and it's this government that shut down the Red Tape Commission. Skyrocketing hydro, high taxes, crippling red tape: That's the legacy of the Liberal-NDP coalition.

Will you be supporting Tim Hudak's plan to put people back to work in the discussion next Thursday?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Minister.

Hon. Charles Sousa: The Minister of Economic Development, Trade and Employment.

Hon. Eric Hoskins: Thank you, Mr. Speaker. I still don't understand why the official opposition doesn't get the statistics from Statistics Canada that showed 95,000 net new jobs created last year. In fact, what the opposition is intent on is—every job that's created in this province, they seem to be against. So 3,700 high-paying IT jobs that Cisco was bringing to this country—not some other country or jurisdiction around the world, in December—that party was against.

Again, we've got evidence of job creation across this province. In London, there was an announcement just last week by General Dynamics of the largest export contract in the history of this country; that took place in London, Ontario. They're going to be exporting—they have a contract for the next 14 years, which is going to guarantee good jobs for those 3,000 persons in London, Ontario.

The Eastern Ontario Development Fund and the Southwestern Ontario Development Fund together have created and retained more than 22,000 jobs. The party opposite voted against that important measure. I don't understand what their jobs plan is, because to me it seems like it's job destruction.

GOVERNMENT'S RECORD

Ms. Catherine Fife: My question is for the Premier. For families across Ontario, it seems like the Liberal government just doesn't seem interested in the change that Ontario needs. The government is bringing down costs for auto insurance companies, but drivers tell us their bills are still climbing. The government promised to have the Financial Accountability Office up and running by the end of 2013 to protect taxpayers, but Christmas came and went, and no one has been hired.

The Premier claims she's offering change. Why does it look like more of the same?

Hon. Kathleen O. Wynne: Government House leader.

Hon. John Milloy: I'm a little disappointed in the member. The Financial Accountability Officer is an officer of this House. There is a panel that is in place which is, in my understanding, interviewing individuals to take over that position. A member of her own party is on it. To stand up here and try to be mischievous, to say that somehow we're dragging our feet on a process which involves the entire Legislature, is, quite frankly, beneath her, and I'm very, very surprised that she would raise this question.

The Speaker (Hon. Dave Levac): Supplementary?

Ms. Catherine Fife: Premier, families hear promises from this government, but Liberals seem unwilling or unable to deliver results. Despite promises to reduce auto insurance rates by 15%, families still have not seen relief. The government seems more interested in playing the numbers than in reducing the rates. While families are being told they have to make sacrifices, they see yet another public sector CEO collecting more money in a severance package than they will make in a decade, and the government insists, with a straight face, that a hard cap at twice the Premier's salary is absolutely impossible. The Financial Accountability Office, which was supposed to be up and running last year, remains vacant.

Does the Premier think that that is real change?

Hon. John Milloy: This is, as I say, beneath the honourable member. She knows exactly the process that is in place. We have a representative from each party. This is an officer of the Legislature—not an officer of the government; an officer of the Legislature. It's in the hands of a committee of the Legislature on which her party has a representative.

My understanding is that they are in the process of reviewing candidates. They will be conducting interviews, and they will come forward with a recommendation which will be considered by this Legislature. That was what was envisioned in the legislation which was presented to this House, which her party supported.

Again, as I say, I think it's beneath her to try to sow mischief as she is doing today. We look forward to a Financial Accountability Officer, as prescribed in the legislation which was brought forward to this Legislature and supported by her and her party.

MINIMUM WAGE

Mr. Phil McNeely: My question is for the Minister of Labour. Our government wanted to ensure that, going forward, the minimum wage would be set in a way that is both fair for workers and predictable for businesses. That's why we established the Minimum Wage Advisory Panel. This panel was comprised of representatives from business, labour, poverty advocates and youth. The panel travelled the province, speaking to and hearing from businesses—both large and small—community groups and everyday Ontarians. They then developed a consen-

sus report based on the feedback that was received from the outreach with Ontarians, and recently the chair of the panel provided his report with recommendations to the government.

Mr. Speaker, through you to the minister: Could you speak about what the panel recommended on this very important issue to all Ontarians?

Hon. Yasir Naqvi: I thank the member from Ottawa–Orléans for a very important question. Speaker, as you may recall, last June, the government created an independent advisory panel to look into the issue of minimum wage. The panel was led by an independent chair, and he was also accompanied by members from the business community, from retail and tourism, labour, anti-poverty groups and youth representatives.

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They have provided to the government a consensus report with four recommendations, the recommendations being:

—that the minimum wage be linked to the consumer price index;

—that it be revised annually, with four months' notice;

—that there be a full review of the minimum wage every five years; and

—that an ongoing research program be established.

I'm very proud to say that the Premier announced that the government will be raising the minimum wage to \$11 an hour as of June 1, and also, we will be bringing legislation forward that will index any future increases to the Ontario consumer price index.

The Speaker (Hon. Dave Levac): Supplementary.

Mr. Phil McNeely: I would like to thank the minister for his response. I'm glad that we are giving hard-working Ontarians an increase in the minimum wage now. It's only fair.

I'm happy to see legislation coming forward to remove the ad hoc nature of previous increases. This legislation will provide predictability for business, especially our small businesses, allowing them to plan for increases so that they may remain competitive and create jobs.

Now, I know that there are still some constituents in my community of Ottawa–Orléans who would like the government to increase the minimum wage by 40% to \$14 an hour, and others have said that there should be no increase whatsoever. But it's important that we take care to ensure that people's wages and businesses stay competitive.

Mr. Speaker, through you to the minister: Can you speak to what we are doing to ensure that the changes we make are fair for workers and businesses alike?

Hon. Yasir Naqvi: We are setting a fair minimum wage in Ontario: fair for Ontarians who work on minimum wage, and predictable for businesses that create jobs in our economy. We're using an objective and balanced way of determining the minimum wage to \$11 an hour, and also tying any future increases, on an annual basis, to the cost of living. Therefore, what we are suggesting is that we take politics out of how minimum wage is determined.

Now, it is regrettable that the official opposition does not support any increases to minimum wage. They did not raise the minimum wage in the eight years that they were in government and, of course, they don't support any minimum wage. But what has been surprising is how the NDP, the third party, has no position on minimum wage. That is extremely shocking and surprising, because people want to know: Where does the NDP stand on increasing minimum wage? Do they support indexing minimum wage to the cost of living? It's shocking that this party has no position whatsoever.

ENERGY POLICIES

Ms. Lisa MacLeod: My question is to the Minister of Energy. I find myself asking where to start. They blew \$1 billion on cancelled gas plants. They admitted to a 42% hike in the hydro bills; announced more costly wind turbines; played postal-code politics during the blackout; mismanaged the OPG, according to the auditor; mishandled a propane shortage; and the Ombudsman is now investigating Hydro One. These are the facts.

Enough is enough. When will this government admit that their energy strategy has failed Ontarians?

Hon. Bob Chiarelli: Mr. Speaker, she covered a lot, and I'm going to try to cover several of those items.

People in this province have a choice, okay? They have a choice between the PC approach, where their energy policy just doesn't add up—they claim they want to lower rates, but they have confirmed that they will spend \$15 billion on new nuclear energy that the province does not need. That will lead to major price increases.

They said, "First, cancel existing FIT contracts," and then their leader reversed course and said they wouldn't. Now Tory MPPs leave the impression that they would cancel existing wind contracts.

Their white paper on energy said they would create a special industrial rate. The only way they could do that is by shifting the burden onto individual consumers.

We have a number of significant programs to help families with their energy bills, including the Ontario Clean Energy Benefit, the energy and property tax credit, and the Northern Ontario Energy Credit, which that critic and that party voted against—

Interjections.

The Speaker (Hon. Dave Levac): Thank you. Be seated, please.

Supplementary?

Ms. Lisa MacLeod: While the Minister of Energy was playing hide-and-go-seek over the course of the last few months, I travelled to close to 30 ridings across Ontario to talk to families about hydro, doing the minister's homework for him.

This is what I found out, particularly about Hydro One: Seniors are spending more on their hydro bills than they are receiving in their OAS. Small businesses are closing under the threat of high bills and disconnection notices because of Hydro One. Families have lost thousands of dollars because of an incompetent billing scheme. This

government has turned Hydro One into public enemy number one.

A long time ago, when this minister was the mayor of Ottawa, he took decisive action against the Ottawa housing corporation because they failed the consumer and they failed the taxpayer. Now we see the Hydro One CEO doing the same thing. What has changed? What has changed you? Will you take decisive action?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister?

Hon. Bob Chiarelli: I'm pleased that the critic raised the question of the Hydro One issue. Mr. Speaker, Hydro One has 1.3 million customers, and a number of those customers have experienced unacceptable levels of inconvenience as a result of a new billing system. Prior to the Ombudsman's review, the CEO of Hydro One publicly apologized to the affected customers, and they have been working diligently to ensure that all outstanding issues are corrected.

While Hydro One is an independent crown corporation, our government shares in that apology. I have written to the Ombudsman and pledged the full cooperation of my office and the Ministry of Energy.

Hydro One continues to work tirelessly on this issue. Refunds and credits are being offered for errors, and all interest on these charges has been waived.

MANUFACTURING JOBS

Ms. Teresa J. Armstrong: My question is to the Premier. Last Wednesday, London's manufacturing sector took yet another hit with the announcement that Ohio-based Invacare Corp. was shutting the doors to its long-term-care-beds plant and cutting 70 workers. The 70 workers laid off at Invacare join a long list of plant closures in southwestern Ontario: 740 workers laid off at Heinz in Leamington, 500 laid off at Kellogg's in London and 100 laid off at Worthington Cylinders in Tilbury.

Premier, when is this government going to get serious about creating and preserving the good-paying manufacturing jobs that are the lifeblood of the southwestern economy?

Hon. Kathleen O. Wynne: Minister of Economic Development, Trade and Employment.

Hon. Eric Hoskins: It's a very important question, and I appreciate the member opposite asking it.

I want to start by saying, of course, that whenever there's a closure or a notice of layoffs, our first concern as a government is for those employees and their families, to make sure we do everything possible to help them, assist them under those difficult circumstances, and then also hopefully get them that next job. If it requires retraining, we are in a position to provide that kind of support as well. It's very important.

With regard to London and more generally the southwestern Ontario region, as I mentioned just a few minutes ago, we were very pleased last week—I think the member opposite was as well—with the announcement

of a \$10-billion export contract from General Dynamics in London, which is going to protect and preserve about 3,000 jobs. That's a contract over 14 years, Mr. Speaker, so it's the kind of stability that that particular sector expects and enjoys.

The Speaker (Hon. Dave Levac): Answer?

Hon. Eric Hoskins: I'll be speaking in the supplementary, if I have the opportunity, about some other investments as well.

The Speaker (Hon. Dave Levac): Supplementary? The member from London—

Ms. Peggy Sattler: West.

The Speaker (Hon. Dave Levac): West.

Ms. Peggy Sattler: Thank you. Speaker, the fact is that 300,000 manufacturing jobs have been lost while this government has been sitting on its hands. Southwestern Ontario has been hardest hit by those job losses. A jobs strategy requires more than good labour adjustment practices and hoping that the feds hand out money. It should include initiatives like a job creation tax credit, something New Democrats have long called for, but this government refuses to act.

When is this government going to move on initiatives such as the job creation tax credit to begin to make up for the 300,000 good-paying jobs that have been lost under their watch?

Hon. Eric Hoskins: Mr. Speaker, I certainly hope the NDP don't follow the lead of the Progressive Conservatives when they begin to talk down this province in terms of our hard-working employees or our manufacturing sector, which has done so well. They'll acknowledge as well, for example, in the auto sector, more than 12,500 new jobs created since the bottom of the recession.

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Also, I was in London just a couple of weeks ago, with the Minister of Health, actually, making a tremendous announcement with Natra, which is a chocolate company based in Europe. It chose London as its North American headquarters. It actually doesn't have a presence in this continent. It chose London because of the opportunities it provided there. I know that the member opposite also understands that the unemployment rate, which was unacceptably high in London—fortunately, we're seeing it come down. It was almost 9% roughly a year ago. It's now down significantly from that.

That doesn't mean that our work is done, and that's why important measures like the Southwestern Ontario Development Fund, which has created and retained, I think, up to about 8,000 jobs since its creation about a year and a half ago, are so important for our economy and for our workers.

SPORTS FUNDING

Mr. Kevin Daniel Flynn: My question is to the Minister of Tourism, Culture and Sport. Minister, like the majority of Ontarians, I've been cheering on the other Ontarians from our own backyard who are proudly representing our great country of Canada and this great province at the Olympics in Sochi. My own riding of

Oakville serves as a great hub for athletes like Brianne Jenner and John Tavares. But to compete with the best in the world, it takes years of dedication, of training and support of all kinds to help our athletes reach events like the Olympics.

Mr. Speaker, through you to the minister, would he please share with this House what our government is doing to support those high-performance athletes as well as the current and future Olympians and Paralympians?

Hon. Michael Chan: Thank you very much for the question from my colleague from Oakville.

My ministry's Quest for Gold is a program that's an excellent example of our government's commitment to our high-performance athletes and para-athletes. Some of the main objectives of the program are to help athletes continue their pursuit of athletic excellence at the highest levels of national and international competition; encourage athletes to stay in Ontario to live and receive the training; enable athletes to successfully pursue excellence in sport while fulfilling their educational goals; and increase athletes' access to high-performance coaching.

Speaker, since it was established in 2006, in seven years, our government has provided Ontario athletes and coaches with more than \$80 million in support.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Kevin Daniel Flynn: Thank you, Minister, for that wonderful response. I'm sure we can all agree that our athletes and para-athletes not only serve as ambassadors in sport but as leaders, as performers and as an inspiration to us all here back home.

As it turns out, Team Canada this year is the largest we've ever had for a Winter Olympics. It's represented by more Ontarians than any other province in this great country. Sixty-four athletes and 11 coaches from Ontario will be on Team Canada in hopes of winning gold in their respective sports.

With so many of our athletes competing in Sochi, Mr. Speaker, again through you to the minister, could he please tell us what our government is doing to specifically support Ontario's sports sector?

Hon. Michael Chan: Our government is pleased to support our athletes as they pursue athletic excellence. We are proud to support them at events like the Winter Olympics in Sochi.

I would like to once again congratulate the strong contingent of Ontario athletes on Team Canada, who will make our province proud as they compete for gold.

Speaker, these Ontarians and Canadians serve as an inspiration to us all. Past, present and future athletes and para-athletes with their stories and performances only reinforce the importance of developing community role models and to promote an active, healthy lifestyle. This is why, in 2013-14, our government has provided over \$23 million to our sports partners to achieve these goals.

MANUFACTURING JOBS

Mr. Monte McNaughton: My question this morning is to the Premier. In the 12 months since your Wynne-Horwath Liberal-NDP coalition came to power, Ontario

has lost an additional 30,000 vital manufacturing jobs. Dozens of plants across our province have announced layoffs or outright closure since your Liberal coronation. Premier, southwestern Ontario has been especially hard-hit, with recent plant closings announced at Invacare, London—that was 70 jobs; Heinz, Leamington, 740 jobs; Kellogg's, London, 500 jobs; Worthington Cylinders, Tilbury, 100 jobs; Wescast Industries, Strathroy, 40 jobs; Imperial Oil lubricants, Sarnia, 60 jobs; Ethyl Corp., Corunna, 30 jobs.

Premier, why are so many factories closing under your watch?

Hon. Kathleen O. Wynne: Minister of Economic Development, Trade and Employment.

Hon. Eric Hoskins: I know the member opposite has his list, so I'll go through my list, and I'll start in Dunnville with Original Foods. I was actually at the opening of that new company, where they moved here from Quebec—150 jobs created just last fall.

Armo Tool, just outside of London, which I know the member opposite knows well, was our first recipient of the Southwestern Ontario Development Fund—14 jobs. Armstrong Milling, in Hagersville, 10 jobs; CenterLine, in Windsor, 31 jobs; Conestoga meats, outside of Kitchener and Breslau, 100 jobs there; Desch Canada, 10 jobs; Durose Manufacturing, another 12; Elmira Pet Products, in Elmira, 146 jobs protected and many more created, Mr. Speaker. The list goes on and on, from Tillsonburg to Cambridge, Wallaceburg, Guelph and St. Catharines.

It's unfortunate that the party opposite did not support us in creating a permanent fund for southwestern Ontario to create those exact manufacturing jobs that the member opposite seems to be so concerned about.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Monte McNaughton: Back to the Premier: Premier, on January 22, I wrote to you about the closure of Wescast in Strathroy. The reason for this closure is due to the high price of electricity coupled with Ontario's outdated labour policies and outdated apprenticeship ratios. In fact, Wescast's CEO wrote to me on January 7 and said, "If electricity rates do not become more affordable, Ontario risks losing important investments from companies like Wescast."

Premier, your careless approach has helped push Ontario's manufacturing sector into crisis. Some 30,000 manufacturing jobs have been lost since you have become Premier of this province. Only Tim Hudak and the Ontario PCs have put forward a jobs plan to help the thousands of people who are unemployed in Ontario today.

Premier, I ask again: How come so many manufacturing plants are closing under your watch, and why are you and NDP leader Andrea Horwath so determined to lead the race to the bottom?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister.

Hon. Eric Hoskins: Well, Mr. Speaker, it's pretty rich, coming from this party opposite that really hasn't

supported any of our jobs plans or efforts over the past few years. If they had had their way, back when the province supported the auto industry in 2009—which they did not support—we wouldn't even have an auto industry. It would have left for the United States or Mexico. Fortunately, we have created 12,500 new jobs in the auto sector alone.

Mr. Speaker, they're not even listening to their own party in Ottawa when Jim Flaherty, just a few weeks ago, talked about the manufacturing sector in this province and said it was bouncing back. Also, we have RBC, that came out with a report in December which indicated that they see significant recovery in the manufacturing sector in the two years ahead. It's going to help drive the recovery. Of course, with the Canadian dollar coming down, that's going to help as well. So we're making great strides.

I don't know why the member opposite and his party continue to talk down this economy, the hard-working Ontario workers that are working in the manufacturing sector, and the 700,000 people, that I'm very proud of, that contribute to manufacturing in this province.

HORSE RACING INDUSTRY

Ms. Andrea Horwath: My question is for the Premier. After months and months of constant pressure on the Liberal government from horse people, from the Fort Erie council and the NDP, the government finally listened and promised funding so that the Fort Erie Race Track can have live racing this coming season. However, one-time funding for this year alone is not a solution for the hundreds of families that depend on the Fort Erie Race Track.

Will the Premier commit to reinstating the slots-at-racetracks partnership and ensure that Fort Erie has a long and bright future?

Hon. Kathleen O. Wynne: Well, you know, it was gratifying when the leader of the third party began questioning about Fort Erie and horse racing when the by-election was on the horizon.

The fact is, we've been working on this plan; we've been working to restore horse racing across the province. We had the panel in place; we had their recommendations. I was determined to provide an opportunity for Fort Erie and the other tracks in the province to have a sustainable future.

1130

Now, the leader of the third party is asking whether we will bring back a non-accountable, inefficient plan. We are not going to do that. We have a strategy, Mr. Speaker. We have committed to investing \$400 million over the next five years, and we will continue to work with the industry to make sure that they have a sustainable future, as we worked with Fort Erie, by-election or not.

The Speaker (Hon. Dave Levac): Supplementary?

Ms. Andrea Horwath: Speaker, like it or not, this government waited until a few days before a provincial

by-election to announce funding for Fort Erie. I don't recall that they've announced any other funding.

The NDP stood shoulder to shoulder with the people of Fort Erie since day one—it's unfortunate that the Premier didn't even notice—and we will continue to push the government for a long-term solution and not just by-election promises.

Will the Premier do the right thing? Reinstating the slots-at-racetracks partnership so that horse racing can continue at the Fort Erie track and sustain over 1,000 jobs in the region for many, many years to come.

Hon. Kathleen O. Wynne: We're working towards a five-year plan. We're working towards a five-year plan, and I think the people at Fort Erie know that.

Mr. Speaker, the leader of the third party should know that when I met with the Fort Erie folks at a round table, there were horse people in the lobby of that building urging us to make an announcement sooner rather than later because they were making business decisions. The leader may not know that, and because she has chosen to link this to the by-election—that's her prerogative.

The fact is, Mr. Speaker, we were meeting with the folks in Fort Erie before there was a question raised in this House. We are working towards a long-term plan. Restoring horse racing in this province is something I committed to, and I have delivered on that.

PUBLIC PARTICIPATION

Mr. Vic Dhillon: My question is for the Attorney General. Since 2008, over 65 municipalities have passed resolutions calling on the government to legislate against strategic lawsuits. Our government heard those concerns, and on June 4, 2013, the Attorney General introduced Bill 83, a proposal for the protection of public participation. It passed first reading.

This is an important bill that assists with an increase of access to justice for all Ontarians. Mr. Speaker, could the Attorney General please tell the House about the protection of public participation?

Hon. John Gerretsen: Let me first of all say how great it is to be back here to discuss the issues of the day in an open and free democratic fashion, and the member is quite correct. This question is very timely, because this afternoon we will continue second reading debate on Bill 83.

We as a government have worked very hard to develop a proposal that balances the protection of public participation and freedom of expression with the protection of reputation and economic interest. We all know that if this bill is passed, it would protect citizens by allowing courts to quickly identify and deal with these strategic lawsuits, including a fast-track process, which requires that a request to dismiss must be heard by the court within 60 days. That is good for the system; it's good for all parties concerned, Speaker. That's why I urge everyone here to support Bill 83.

The Speaker (Hon. Dave Levac): Supplementary?

Mr. Vic Dhillon: It's good to hear of our government's commitment in balancing the protection of public

participation while also considering the protection of reputation and economic interest. This provides a made-in-Ontario solution based on the consensus recommendations of an expert advisory panel and extensive stakeholder consultations.

Mr. Speaker, in addition to assisting with the early identification of strategic lawsuits, could the Attorney General please inform this House of other ways in which the bill assists in protecting public participation?

Hon. John Gerretsen: I think we all recognize, Speaker, that reputation is very important to each and every one of us, and we have worked very hard to develop a proposal that balances the interests of the defendants and the plaintiffs in these defamation suits—the protection of public participation and freedom of expression against the protection of reputation and economic interests.

Speaker, the proposed legal test for identifying strategic suits is carefully balanced to ensure that lawsuits that seriously harm reputation, business or personal interests of others can continue. On the other hand, causes with no merit or with merely technical merit but without evidence of substantial harm would be dismissed within that 60-day period.

The government's continued support of legislation such as this particular bill ensures that all parties' interests will be considered in the civil process, and I hope that this bill passes with the unanimous consent of this House as soon as possible, Speaker.

MANUFACTURING JOBS

Mrs. Jane McKenna: My question is for the Premier. Premier, since your party came to office, the province's manufacturing sector has lost over 330,000 manufacturing jobs. That's a city the size of London waking up with no jobs, few prospects and losing hope.

Since you became Premier, roughly 40 companies have announced Ontario closures. There's RockTenn in my riding of Burlington, Kraft in Oakville, Novartis in Mississauga, ACCO in Brampton, Wescast in Strathroy, ExxonMobil in Belleville and Sandvik in North Bay—sadly, the list of closures goes on and on.

Premier, most new employees get three months' probation; you've had a year. When will you make jobs a priority?

Hon. Kathleen O. Wynne: The Minister of Economic Development, Trade and Employment.

Hon. Eric Hoskins: I appreciate the question from the member opposite. I have to say, I still don't understand why you didn't support the Cisco investment in this province, which is creating 3,700 high-tech, good jobs over the next 10 years.

Mr. Speaker, our manufacturing sector—we've resolved it since the bottom of the recession. We've actually created 25,000 jobs in the manufacturing sector across this province. Many of them, of course, are in the part of the province that the member opposite represents.

But let me tell you what isn't in their jobs plan, curiously, but obviously is a preoccupation of the party

opposite: their right-to-work plan, which, quite frankly, Mr. Speaker, is the centrepiece of their jobs plan. But it's going to be a right to work for less. It's a scheme that will lower wages and lessen benefits for all workers in Ontario. Mr. Speaker, I'm happy to talk more about that in the supplementary.

The Speaker (Hon. Dave Levac): Thank you. Supplementary?

Mrs. Jane McKenna: So I'm curious, Minister: How are we supposed to judge your numbers? It's not 3,100; it's 1,700 for Cisco.

But, nevertheless, I'll give you this: You've been consistent—consistent in driving businesses out of Ontario, and it's not hard to figure out why. Ontario has the highest rates in North America. Small and medium businesses are drowning in red tape. We have the highest WSIB rates in the country, which cripples businesses' ability to hire. Higher bottom-line costs, more bureaucratic headaches—that's not exactly a winning economic strategy.

You need to step up your game or step aside. When are you going to show the people of Ontario a real job plan?

Interjections.

The Speaker (Hon. Dave Levac): Be seated, please. Thank you.

Minister.

Hon. Eric Hoskins: First of all, it is 3,700 new jobs by Cisco, and the member opposite needs to get her facts straight.

Also, in terms of the right-to-work-for-less plan, it's not something that we're obviously preoccupied with because the party opposite is advocating—many of their own members are very concerned about its potential impact. They know that it's a job killer. It's going to drive down wages, and it's going to hurt job creation.

I know they're trying to distract the public by focusing on this alleged million jobs plan, but the centrepiece of that is the right-to-work legislation, the Wisconsin-like legislation, this policy which we know is so extreme that even the member opposite's own party is trying to seek some clarity on, asking their leader to come clean as to what kind of damage he's going to do to our economy through this right-to-work legislation. Eleven PC candidates in northern Ontario are concerned. They're turning to us as well to make sure that this explosive policy file of the PC Party doesn't see the light of day. The former PC candidate in Niagara Falls is on record as saying—

The Speaker (Hon. Dave Levac): Thank you. New question.

GENDER IDENTITY

Ms. Cheri DiNovo: My question is to the Minister of Community Safety and Correctional Services. Last week, Avery Edison, a trans woman, was held at Maplehurst Correctional, a provincial men's facility. Being confined in a jail for men, Ms. Edison's health and safety were put at dire risk.

In Ontario, we have Toby's Law, where gender identity and gender expression are protected under the Ontario Human Rights Code. Can the minister explain why Toby's Law is not being respected?

Hon. Madeleine Meilleur: Mr. Speaker, I want to thank the member for this excellent question. Yes, this issue was brought to my attention, and so it was of concern to me, too. I think that the problem was resolved, and we have a policy in place to ensure that the process is followed very closely. Ministry officials conduct a screening process for every inmate who is admitted into provincial custody. Part of that process is identifying the individual's sexual identity, and an individual may self-identify as transgendered or the facility may be notified by authorities that the individual is transgendered.

So correctional officers take self-identification into account, and in the supplementary—

The Speaker (Hon. Dave Levac): Thank you. I'll allow the supplementary.

Ms. Cheri DiNovo: Last week, I wrote to the minister urging an immediate investigation into Ms. Edison's confinement in a jail for men. Clearly, whatever policies are in place are not working. Everyone involved in this detention should be trained in how to treat trans people with dignity and respect. Such an incident must not reoccur.

I'm going to ask again: Will the minister be launching an investigation into this matter?

Hon. Madeleine Meilleur: I would like to assure the member from the opposition that it is not going to happen again, but unfortunately, I cannot say that. But we will make sure that an investigation, first of all, is being conducted when these things happen, and the policy will be reviewed to make sure that everybody is treated as they should be and an incident like the one that happened does not happen again.

Of course, the safety of individuals and those in correctional facilities is taken very seriously, and we want to treat these people with respect and dignity. I'll make sure that we reinforce the procedure.

The Speaker (Hon. Dave Levac): The member from Kitchener–Waterloo on a point of order.

Ms. Catherine Fife: Mr. Speaker, I rise on a point of order under standing order section 23(i): "Imputes false or unavowed motives to another member."

The House leader earlier today accused my question of being "mischievous." In fact, the budget of 2013 passed in May. The interviews are not—

Interjections.

The Speaker (Hon. Dave Levac): I look for the day when none of us are mischievous.

There are no deferred votes. This House stands recessed until 3 p.m. this afternoon.

The House recessed from 1142 to 1500.

INTRODUCTION OF VISITORS

The Speaker (Hon. Dave Levac): Introduction of guests. The member from Mississippi—

Mr. Jack MacLaren: Carleton.

The Speaker (Hon. Dave Levac): Carleton—Mississippi Mills.

Mr. Jack MacLaren: Thank you, Mr. Speaker. It gives me great pleasure, at a bit of a sad moment in our lives, to introduce two of my guests, one of whom has a broken heart at this point: Yvette Rath, my friend, who was a partner with Bob Mackie, who recently died of a heart attack, and her friend, a good friend of mine, Stefanos Karatopis, who is president of the Niagara Landowners Association.

The Speaker (Hon. Dave Levac): Welcome. Sorry about your grief.

MEMBERS' STATEMENTS

BOB MACKIE

Mr. Jack MacLaren: My statement is a tribute to Bob Mackie, who recently died. Bob Mackie died of heart failure on February 8, 2014. He was 60 years old, but he was young in spirit and very active in his community. His life partner, Yvette Rath, is here with us today, sitting in the members' gallery.

Bob was one of the founding members of the Niagara Landowners Association and was their current president. Under Bob's leadership, the Niagara Landowners Association grew in numbers and strength. He helped many local landowner members in their fight to protect their property rights from the wrongful intrusions and interferences by the local conservation authority and the Niagara Escarpment Commission—people like David White, Mark Barnsfield and Jim Williams.

Bob had been fighting his own battle with the Niagara Escarpment Commission over the terrible crime of running an archery training facility for brain-injured people on his rural property. His fight with the Niagara Escarpment Commission had been going on in court for seven years and is not over yet, but the stress took its toll on Bob. He is no longer here to fight for his rights or to help his neighbours.

But his fight was not in vain, and we will not fail him. The Niagara Escarpment Commission is an unnecessary, outdated government body that is wrongfully interfering with people's property rights. It is time for the Niagara Escarpment Commission to be gone.

I will use my private member's bill this year to repeal the Niagara Escarpment Planning and Development Act. The bill will be called the Bob Mackie Act. We do this in memory of Bob.

SCHOOL CLOSURES

Miss Monique Taylor: It's very good to be back in the Legislature, but it was also really great to be back in my community of Hamilton Mountain and spend some time with my residents over the past couple of months. It's always good to hear what's on people's minds and to learn about the challenges that they're facing.

I heard about some of the cutbacks in our health care, such as the cancellation of cataract surgery, which created many anxious weeks for a number of my seniors. I also heard from families, as I have over the past 18 months, about the planned closure of schools. They don't feel that the ARC process addresses all the issues. It doesn't recognize the impact that the closures have on the entire community.

One of the main problems is the outdated funding formula. This funding formula encourages school boards to close schools, when we could be taking a different approach. Instead, the funding formula should promote schools as community hubs. It should encourage the use of schools to meet a range of needs in our community and around it. They could be used for recreation. They could be used for health services. They could be used to deliver social services.

Many parents chose to move to a particular area because it had a school in the neighbourhood, and they are angry that that has been taken away. What it's done is pitted schools against each other. Instead, declining enrolment could be an opportunity to develop innovative ways to utilize the space and keep the schools open. A changed funding formula would help that.

CHINESE NEW YEAR

Mr. Bas Balkissoon: Mr. Speaker, the eve of January 31 marked the arrival of the Year of the Horse and, with it, 15 days of celebration by our Chinese community.

People born in the Year of the Horse are said to be a bit like horses: energetic, animated and active. They love being in a crowd. They learn to be independent quickly, like foals that walk within minutes of being born. They have a straightforward and positive attitude towards life. They are recognized for their communication skills and are remarkably witty.

The lunar new year is a time for family and friends to gather and reflect on the blessings of the past year and to look forward to the year ahead with hope and determination.

The Chinese community makes up 35% of my riding of Scarborough–Rouge River. I want to thank them for their contributions to our community and for inviting me to their many celebrations. I appreciated being joined by many of my colleagues, spending time with friends and family and meeting new people, and I particularly enjoyed the various festivities. Handing out red envelopes as a symbol of good luck for the year to come was one of the highlights in our community.

Although Chinese New Year officially ended on February 14, I wish all Chinese Canadians in Scarborough and Ontario a happy, healthy and prosperous Year of the Horse.

Xin Nian Kuai Le. Gong Hay Fat Choy. Xie Xie.

EMERGENCY PREPAREDNESS

Mr. Ted Arnott: Mr. Speaker, I'm very honoured today to stand in this place and speak on behalf of the

people of Wellington–Halton Hills on this first day of the spring sitting of the Ontario Legislature—although with the weather we're currently enduring, it hardly seems like spring.

This winter has been one for the books, and we'll never forget the Christmas ice storm of 2013—but it wasn't all bad. All across the province, neighbour helped neighbour with whatever they needed, families spent time together, and most importantly, we showed our caring for one another.

Many of our local municipal councillors and staff postponed or interrupted their own Christmas celebrations to provide the needed local leadership. Hydro One and local utility staff worked 24/7 in the cold temperatures to restore power to their affected customers. They were all magnificent and deserve our sincere thanks for a job well done.

Now we must deal with the aftermath. We need to strike a select committee of this Legislature to review the province's emergency preparedness protocols, to seek better communication and quicker responses.

I call upon the government to review the municipal requests for financial assistance for legitimate ice storm cleanup costs. I'm aware that the town of Halton Hills, the town of Erin and the township of Guelph/Eramosa are seeking such assistance. They hope to receive a favourable response by March 1. I urge the government to respond to our municipal partners without delay.

SOLAR ENERGY PROJECTS

The Speaker (Hon. Dave Levac): Members' statements. The member from Algoma—no—

Mr. John Vanthof: Timiskaming–Cochrane, Speaker.

The Speaker (Hon. Dave Levac): Timiskaming–Cochrane. I got the two of you mixed up. My apologies.

Mr. John Vanthof: I'm better looking.

In 2012, construction began on one of three 10-megawatt solar farms in the city of Temiskaming Shores. The sites were carefully chosen. They did not encroach on agricultural land or on other local land uses. The company that was granted the OPA contract was Canadian Solar, a large publicly traded company. Local contractors were eager to begin on the project.

As construction started, it was announced that upon completion, the projects would be transferred to TransCanada Energy. Since residents of our region have a long-standing relationship with TransCanada Pipe-Lines, they were further encouraged by this development. A project backed by a contract from the Ontario Power Authority and owned by two reputable companies—Canadian Solar and TransCanada Energy—was viewed as an economic boon for the area but has since turned into a nightmare.

The project was subcontracted, and then sub-subcontracted, and some of the players along the line did not pay their bills, so local contractors are left with hundreds of thousands of dollars of unpaid invoices. Other project managers arrived, only to claim that they

were not responsible for the unpaid bills. Local contractors are in danger of losing their hard-earned family businesses.

I have written to the Minister of Energy to make him aware of the situation and to ask him to direct OPA to place a hold on the power purchase agreement until all local contractors are paid.

When the gas plant was moved in southern Ontario, the government decided to keep TransCanada Energy whole. The least they could do in this case is to ensure that local contractors get paid for work completed in good faith.

AGINCOURT RECREATION CENTRE

Ms. Soo Wong: In December, the city of Toronto and surrounding municipalities were struck by a major ice storm unlike any other.

1510

As the member for Scarborough–Agin-court, I hosted one of the largest warming centres at the Agincourt Recreation Centre, and I'm very grateful to all the volunteers who came out to help their neighbours. Together we knocked on doors to check on our seniors, delivered baskets of food and provided support at designated warming centres across the city.

I want to formally recognize the many volunteers, from local youth to the Red Cross, and the staff at Agincourt Rec Centre. I'm going to name them, Mr. Speaker; I'm going to speak really fast:

Angus Ho, Cherie Wai, Deon Hua, Grace Tsui, Josephine Huynh, Kevin Vuong, Kristoffer Kwan, Martin Tam, Merlin Zhao, Michael Huang, Rowley Luo, Sarah Tsui, Tim Mui, Winston Li, Kris Flores, Andrew Fialkow, Victoria Humphreys, Tyler Dorman, Matthew Lee, Eric Sin, Gina Siva, Lisa Young, Adam Wan Bok Nale, Malinda Mahinda, Reggie Andreas, Vanessa Lin, Benson Lam, Belinda Kwan, A.J. Sivagnanam, Trevor Baxter, Alan Lee, Benjamin Liang, Dominic Bogcaki, Mayoaran Perinparajah, Jenny Molina, Jennifer Courage, Matt Garber, James Chen, Kashyap Gosai, Karen MacFarlane, Shanna Morales, Fiona Young, Karyn Lau, Julie McColvin-St. Clair, Linda Koehler, Gary Sanger, Tim Krissilas, Debra Smith, Sebastian McKerracher, Lora Tanfara, Scott Dempster, Terrance Santhakumar and Ross White.

Mr. Speaker, I want to thank all the volunteers who have volunteered—

The Speaker (Hon. Dave Levac): Thank you. Members' statements.

GOVERNMENT'S RECORD

Mr. Jim Wilson: Today I rise to speak of issues I heard at the agricultural round table in my riding last week. Over 80 people participated in what turned into a town hall type of discussion. The feeling in the room was both friendly and frustrating.

There were various issues discussed at the meeting. Roughly half of the comments revolved around this government's approval of non-agricultural projects on prime agricultural land, including, for example, wind and solar projects in my riding, as well as residential and estate-type developments. Two specific projects that people are upset about are the Midhurst secondary plan and the proposed Aria solar farm in Springwater township.

Another issue discussed was the escalating price of hydro and the fact that farmers literally can no longer afford to pay their energy bills.

Several people spoke to me about this government's outrageous proposal for a 10-cent-per-litre hike on the gas tax so that the Liberals can build subways in Toronto. It was noted that Premier Wynne must really think of people in Ontario as endless revenue tools.

We heard from people in the horse racing sector who are angry with this government's decimation of what once was a prosperous industry. It was noted that the horse industry as a whole is half of what it was before the Liberals arbitrarily decided to cancel the Slots at Race-tracks Program.

We heard from farmers concerned over regulation and obtrusive red tape. One meat processor spoke about being asked to provide the same paperwork over and over, creating a never-ending cycle of unnecessary intrusions into his daily livelihood.

Clearly, the people of my riding, and the farmers in particular, are very disappointed with this government and they want change.

COVENANT HOUSE

Mr. Kevin Daniel Flynn: On a more positive note, I rise in the House today to recognize Covenant House in Toronto. I want the members to know we're joined today by two members of the staff of Covenant House: Julie Neubauer and Erin Boudreau, who is no stranger to this place.

Covenant House is Canada's largest homeless youth agency. They educate and advocate for change to help at-risk and homeless youth by influencing public policy and delivering prevention and awareness programs—but they're much more than a shelter. They offer about 3,000 kids annually the widest range of life-changing services under one roof, including education, employment and job training, counselling and health care. To do all this, it relies on donors for 80% of its annual budget.

This February, they launched the first-ever Covenant House Month to raise awareness and funds to help homeless youth. The month is being proclaimed by the city of Toronto and is recognized by the Ontario government.

Speaker, the myth persists that homeless youth are rebelling against parental authority, but the harsh reality is that most are fleeing or being forced out of homes where there is abuse and neglect and a very high risk of violence or exploitation.

Please join me in wishing Covenant House a very, very successful February.

MONESTIME FAMILY

Mr. Victor Fedeli: Tonight at city hall in Toronto, it will be my distinct honour and pleasure to celebrate the opening of a photo exhibit as part of Black History Month. You see, this exhibit pays tribute to the 50th anniversary of the election of the first black mayor in Canada, who just happened to reside in my riding of Nipissing and was someone I knew. Dr. Saint-Firmin Monestime became mayor of the town of Mattawa in 1964 and was instrumental in the town's development during that time. My hope is that this exhibit provides an opportunity to educate people about Dr. Monestime's tremendous influence in our riding and his role in moving forward the fundamental Canadian values of respect, tolerance, understanding, diversity and multiculturalism.

His tremendous legacy continues to live on through his family, who have made their own mark in our riding of Nipissing. His daughter Vala has spent 35 years as an administrator of the Algonquin Nursing Home. Her contributions to the community resulted in her being awarded a Queen's jubilee medal in 2012. I'll be introducing her family very shortly. Sasha works in farming in the Stouffville area, but we'll get him back to Nipissing in the near future; I'm confident of that. Yura Monestime is a well-known TV videographer and an instructor at Canadore College.

Without Dr. Monestime and his family, I can say without hesitation that our communities in Nipissing would much poorer. On behalf of our residents, I thank them for their contributions and for the advancement of the caring, accepting society we all strive to maintain and embrace across Ontario.

The Speaker (Hon. Dave Levac): That completes our statements. I thank all members for their statements.

The member for Nipissing would like to stand on a point of order.

VISITORS

Mr. Victor Fedeli: Thank you, Speaker. I would like to introduce the family and friends of Dr. Saint-Firmin Monestime. We have Doug Mackey; Paul Mackey; John Drechsler; Bonnie Drechsler; Jodie Porter; Eden Porter; Sasha Monestime and his daughters Natalia Monestime, Tatyana Monestime and Adriana Monestime; and Vala Monestime-Belter and her husband, Wayne Belter. Joining us shortly will be Yura Monestime and Cindy Boston.

I thank you for the opportunity to introduce this family.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Dave Levac): I beg to inform the House that today the Clerk received a report on intended appointments dated February 18, 2014, of the Standing

Committee on Government Agencies. Pursuant to standing order 108(f)(9), the report is deemed to be adopted by the House.

Report deemed adopted.

INTRODUCTION OF BILLS

TAMIL HERITAGE MONTH ACT, 2014

LOI DE 2014 SUR LE MOIS DU PATRIMOINE TAMOUL

Mr. Smith moved first reading of the following bill:

Bill 156, An Act to proclaim the month of January Tamil Heritage Month / *Projet de loi 156, Loi proclamant le mois de janvier Mois du patrimoine tamoul.*

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

First reading agreed to.

The Speaker (Hon. Dave Levac): The member for a short statement?

Mr. Todd Smith: This bill proclaims the month of January in each year as Tamil Heritage Month.

Further to that, I would seek unanimous consent that the orders for second and third reading of this bill be now called and that the question be put without debate or amendment.

The Speaker (Hon. Dave Levac): The member from Prince Edward-Hastings is seeking unanimous consent to put the question for second and third reading. Agreed?

I heard a no.

A point of order from the government House leader.

Hon. John Milloy: Mr. Speaker, I think the member is aware that with private members' bills of this nature, there is a process amongst House leaders. We certainly, I think, are very supportive on this side of the House, but I encourage him to raise it with the House leader to raise it at the next House leaders' meeting.

The Speaker (Hon. Dave Levac): Thank you.

Interjection.

The Speaker (Hon. Dave Levac): On the same point of order?

Mr. Todd Smith: Thank you, Mr. Speaker. Letters were sent, but unfortunately, the House leaders have been unable to meet for many, many months.

The Speaker (Hon. Dave Levac): I think that's the end of this.

1520

FINANCIAL ADVISORS ACT, 2014

LOI DE 2014 SUR LES CONSEILLERS FINANCIERS

Mr. Bartolucci moved first reading of the following bill:

Bill 157, An Act to regulate financial advisors / *Projet de loi 157, Loi réglementant les conseillers financiers.*

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

First reading agreed to.

The Speaker (Hon. Dave Levac): The member for a short statement.

Mr. Rick Bartolucci: Speaker, the explanatory note is a page and a half long, so I'll take some highlights from the explanatory note.

The bill enacts a new act, the Financial Advisors Act, 2014, to regulate financial advisors in Ontario. The act establishes the Office of the Director to administer the act.

The act requires that persons who act or hold themselves out as financial advisors be registered. A person who wishes to bring an action for commission or other remuneration for services in connection with the sale of financial advice must be registered, or the action may be stayed. Registrations are not transferrable.

The act gives the director power to deal with complaints made about registrants and provides powers to inspect registrants and conduct investigations.

The minister has the power to establish a code of ethics for financial advisors. A discipline committee and an appeals committee are to be established to determine whether registrants have failed to comply with the code.

The bill contains amendments that will update the act when the Delegated Administrative Authorities Act, 2012, comes into force. It also contains consequential amendments to the Collection Agencies Act, the Licence Appeal Tribunal Act, 1999, the Ontario Labour Mobility Act, 2009, and the Safety and Consumer Statutes Administration Act, 1996.

I am pleased today that Greg Pollock and Kristin Doucet from Advocis are here for the introduction of this bill.

MILLION JOBS ACT, 2014
LOI DE 2014 SUR LA CRÉATION
D'UN MILLION D'EMPLOIS

Mr. Hudak moved first reading of the following bill:

Bill 158, An Act to promote job creation in Ontario /
Projet de loi 158, Loi visant à promouvoir la création
d'emplois en Ontario.

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

First reading agreed to.

The Speaker (Hon. Dave Levac): The member for a short statement.

Mr. Tim Hudak: I just want to say I'm very excited to bring forward an economic plan that will put people back to work in our province and help young people achieve their goals right here in the province of Ontario.

If passed, this legislation will produce more well-paying jobs and increase take-home pay by ensuring that energy is affordable, that taxes come down, that debt comes down and by ending the bureaucratic runaround that gets in the way of job creation.

As we saw last week in the by-elections, families and job creators are tired of waiting for the government to bring forward a jobs plan. They want to see action now.

I want to say to my colleagues here in the assembly that I look forward to working with you—and our party, of course, and the other parties, too—to ensure that the Million Jobs Act gets passed as quickly as possible to provide hope to families across the province and bring in more well-paying jobs.

EMPLOYMENT STANDARDS
AMENDMENT ACT (TEMPORARY
HELP AGENCIES), 2014
LOI DE 2014 MODIFIANT
LA LOI SUR LES NORMES D'EMPLOI
(AGENCES DE PLACEMENT
TEMPORAIRE)

Mr. Takhar moved first reading of the following bill:

Bill 159, An Act to amend the Employment Standards Act, 2000 with respect to temporary help agencies /
Projet de loi 159, Loi modifiant la Loi de 2000 sur les
normes d'emploi en ce qui concerne les agences de
placement temporaire.

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

First reading agreed to.

The Speaker (Hon. Dave Levac): The member for a short statement, please.

Mr. Harinder S. Takhar: Mr. Speaker, this bill would amend the Employment Standards Act, 2000. This bill has three objectives. The first objective is to require all temporary employment agencies to have and maintain a valid licence to operate in Ontario. The second objective is to ensure that the employees operating under the temp agencies receive 80% of the total wages paid for the work they do for the clients. The third objective is to make sure how many people can be employed as temporary help in any given organization. So the purpose here is that no more than 25% of the total hours worked in any organization could be the temporary-help people.

This is an issue that affects temporary workers province-wide, and I look forward to a healthy discussion as this bill advances. As always, I look forward to comments from all of my colleagues from all sides and for any constructive ideas to improve this bill.

The Speaker (Hon. Dave Levac): Introduction of bills. Last call for introduction of bills.

I am going to take a short, teachable moment and remind all members that the normal procedure for private members' bills is to read from the explanatory notes. As the member from Sudbury indicated, he had over a two-page explanatory note but decided to shrink what his comments were out of the explanatory notes—and we stay for debate when the bill is introduced for all of the other comments. The bill is supposed to be just described inside of the explanatory notes for the private members' bills. I would appreciate co-operation on that particular issue. Thank you very much.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. John Milloy: Mr. Speaker, I believe that we have unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Dave Levac): The government House leader is seeking unanimous consent to put forth a notice of motion without notice. Do we agree? Agreed.

Hon. John Milloy: I move that, notwithstanding standing order 98(b), the following changes be made to the ballot list for private members' public business: Mr. Takhar and Mr. Dickson exchange places in order of precedence such that Mr. Takhar assumes ballot item number 71 and Mr. Dickson assumes ballot item number 76 and that, notwithstanding standing order 98(g), notice for ballot items 71 and 76 be waived.

The Speaker (Hon. Dave Levac): Do we agree? Agreed.

Motion agreed to.

PETITIONS

PROPERTY TAXATION

Mr. Victor Fedeli: "To the Legislative Assembly of Ontario:

"Whereas Chisholm township property owners concerned with high MPAC assessments believe Chisholm township's inflated, unaffordable municipal taxes are the outcome of unfair and poor property comparisons and valuations and are resulting in high property assessment; and

"Whereas the signatures obtained from the undersigned represent the taxpayers of Chisholm who are unhappy with their property assessment; and

"Whereas the 405 undersigned have agreed to have Chisholm township mayor Leo Jobin represent them in their dispute with MPAC with regard to inflated assessment comparables, unaffordable municipal taxes, which they believe to be a direct result of MPAC's high property assessments in Chisholm township;

"We, the undersigned, do hereby petition the Municipal Property Assessment Corp. to sit down with the Chisholm township mayor and other officials to review and adjust the most recent property assessment determinations by MPAC for Chisholm township."

I agree with this petition, Speaker, and sign my name and give it to page Jessie.

1530

GASOLINE PRICES

M^{me} France Gélinas: I have this petition that comes to me from Mr. Darwin Brunne from Whitefish, in my riding. He collected 245 names. It reads as follows:

"Whereas northern Ontario motorists continue to be subject to wild fluctuations in the price of gasoline; and

"Whereas the province could eliminate opportunistic price gouging and deliver fair, stable and predictable fuel prices; and

"Whereas five provinces and many US states already have some sort of gas-price regulation; and

"Whereas jurisdictions with gas-price regulation have seen an end to wild price fluctuations, a shrinking of price discrepancies between urban and rural communities and lower annualized gas prices;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows: Mandate the Ontario Energy Board to monitor the price of gasoline across Ontario in order to reduce price volatility and unfair regional price differences while encouraging competition."

I fully support this petition, will affix my name and will ask our new page Robin to bring it to the Clerk.

WASTE REDUCTION

Ms. Soo Wong: I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas protecting the environment should be everyone's responsibility, including manufacturing and material producing companies; and

"Whereas it is important to require producers to be financially and environmentally responsible for recycling the goods and packaging they sell in Ontario, and to divert these wastes from landfill to recycling to drive innovation, generate new jobs, and new Ontario-made products; and

"Whereas new approaches are needed that reflect ideas and recommendations from the recycling sector that are designed to improve current recycling systems, to increase recycling and diversion rates, and better protect our environment;

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

"That members of the Legislative Assembly pass Bill 91, the Waste Reduction Act, 2013, introduced on June 6, 2013, by the Ontario Minister of Environment."

I fully support their petition, Mr. Speaker, and I'll give it to page Anne.

WIND TURBINES

Ms. Laurie Scott: "To the Legislative Assembly of Ontario:

"Whereas Premier Kathleen Wynne and the Minister of Energy Bob Chiarelli have publicly stated that there will be no time extensions for large-scale FIT contracts in Ontario, and the Ontario Power Authority CEO, Colin Andersen, has stated the authority is expecting developers to meet contract commitments; and

"Whereas the Premier, minister and the power authority must recognize that damage to our rural area from being under continuing threat by industrial wind turbine

developers for three years is serious and unacceptable; and

“Whereas the FIT contracts for the Sumac Ridge, Snowy Ridge, Settlers Landing and Stoneboat projects—all on or near the Oak Ridges Moraine and in the former Manvers township in the city of Kawartha Lakes—have already been extended for one year or longer;

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

“That the government of Ontario, the Minister of Energy the Honourable Bob Chiarelli, and the Ontario Power Authority not issue any further time extensions for FIT contracts and, in particular, for the Sumac Ridge, Snowy Ridge, Settlers Landing and Stoneboat projects—before or after expiry of such contracts. We are advised, and we believe, that the ‘force majeure’ clause in the FIT contracts is completely inapplicable to these projects; accordingly, we respectfully further request the Legislature to instruct the Minister of Energy to adhere to his assurance that extensions will no longer be granted to wind project proponents who have no contractual right to such an extension and who fail to meet their contractual commitments.”

This was brought to me by Jane Zednik and Heather Stauble, and I'll pass it on to page Jessie.

SCHOOL CLOSURES

Mr. Peter Tabuns: I have a petition to the Legislative Assembly of Ontario:

“Whereas the Limestone District School Board (LDSB) has decided, in the face of overwhelming opposition from the residents of Kingston, to request that the Ministry of Education provide funds to build a new school and close the Kingston Collegiate and Vocational Institute (KCVI) and Queen Elizabeth Collegiate and Vocational Institute (QECVI); and

“Whereas KCVI is the most academically successful in the Limestone board; is full and generates funds for the board; has a socio-economically diverse student body; enjoys a unique location adjacent to Queen's that enhances learning opportunities for students; is the oldest public high school in Ontario, significant to the history of the city, the province and the nation and is housed in a distinctive, heritage building; is the only downtown high school and plays a crucial role in the vitality of Kingston; and

“Whereas the LDSB named the current QECVI site as the likely location for a new high school and has no viable alternatives, which is a site only 1.5 kilometres from Regiopolis-Notre Dame, a thriving, academically successful Catholic high school that serves the same community; and therefore the LDSB is proposing that two large high schools be located in close proximity in the north end and none in downtown Kingston, a distribution of schools that will lead to increased busing, attendant pollution, and the decline of Kingston's urban businesses and neighbourhoods; and

“Whereas in the event funds are not available for a new school, the LDSB's second option preserves KCVI

in downtown Kingston and repurposes QECVI as an alternative education centre, a proposal that has enormous public support; enables a more rational distribution of schools for the urban environment of central Kingston; best provides for the needs of all affected students; retains a jewel in Kingston's urban heritage; avoids the enormous expenditures entailed by new construction, and therefore costs Ontario taxpayers less and is in every way more environmentally, fiscally and socially responsible;

“We, the undersigned, petition the Legislative Assembly of Ontario to refuse the Limestone District School Board's request for funds to build a new high school in the city of Kingston.”

Madam Speaker, I've signed my name and give this petition to page Abbey for presentation.

SHALE BEACH

Mr. Jim Wilson: “To the Legislative Assembly of Ontario:

“Whereas the Ministry of Transportation closed public access to Shale Beach off Highway 26 in the town of Blue Mountains suddenly and with no consultation; and

“Whereas the closure will impact fishermen, swimmers and visitors who have been frequenting the beach for generations with no problem; and

“Whereas the closure will remove one of the only wheelchair-accessible fishing locations in the area; and

“Whereas the McGuinty-Wynne Liberal government won't let Ontarians enjoy anything for free anymore without implementing a new tax or a new fee;

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

“That Premier Kathleen Wynne and the Minister of Transportation immediately restore access to Shale Beach so that residents can continue to enjoy the beach and all that it has to offer for generations to come.”

I agree with this petition and I will sign it.

HYDRO RATES

Ms. Sarah Campbell: “To the Legislative Assembly of Ontario:

“Whereas home heating and electricity are essential utilities for northern families;

“Whereas the government has a duty and an obligation to ensure that essential goods and services are affordable for all families living in the north and across the province;

“Whereas government policy such as the Green Energy Act, the harmonized sales tax, cancellation of gas plants in Oakville and Mississauga have caused the price of electricity to artificially increase to the point it is no longer affordable for families or small business;

“Whereas electricity generated and used in north-western Ontario is among the cleanest and cheapest to produce in Canada, yet has been inflated by government policy;

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

“To take immediate steps to reduce the price of electricity in the northwest and ensure that residents and businesses have access to energy that properly reflects the price of local generation.”

I support this petition, will affix my signature, and give it to page Aqil to deliver to the table.

COAST GUARD AUXILIARY

Mr. John O’Toole: I’m pleased to present a petition on behalf of Todd Smith.

“To the Legislative Assembly of Ontario:

“Whereas Coast Guard Auxiliary units are oftentimes the first responders to any emergency situation that occurs on our waterways;

“Whereas the use of green flashing lights by Coast Guard volunteers in their vehicles would help to cut down on their response time by alerting others on the roadways to their presence;

“Whereas these flashing green lights are currently prohibited from use in Coast Guard volunteers’ vehicles under regulations in the Highway Traffic Act that restrict the use of flashing green lights to only the vehicles of volunteer firefighters and ministry-prescribed medical responders;

“Whereas the flashing green lights cost nothing to the government as they are bought and paid for by the volunteers themselves;

“Whereas, if the Coast Guard Auxiliary units were allowed the use of these flashing green lights in their vehicles, it would cut down the transportation time on the roadways, and this cut in time could very well mean the difference between life and death;

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

“That Coast Guard Auxiliary units either become prescribed medical responders, or a change to the act that adds ministry-prescribed” volunteer “first responders access to the use of the flashing green emergency light.”

I’m pleased to sign and support this and present it to page Jo Jo.

1540

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Teresa J. Armstrong: “To the Legislative Assembly of Ontario:

“December 9, 2013, was a precedent-setting day in this Legislature for Ontario’s most vulnerable citizens. Premier Kathleen Wynne gave a heartfelt and official apology challenging all Ontarians ‘to be led by our sense of moral purpose before all else’ when she publicly, on behalf of the people of Ontario, took responsibility for the profound suffering of the former residents of Huronia, Rideau and Southwestern Regional Centres

‘who were deeply harmed and continue to bear the scars and the consequences.’

“Whereas the institutional model of care at each of these centres has been acknowledged in the public apology to have been deeply flawed whereby residents ‘suffered neglect and abuse within the very system that was meant to provide them care’; and

“Whereas it was acknowledged that former residents ‘were forcibly restrained, left in unbearable seclusion, separated from their families and robbed of their potential, their comfort, safety and their dignity’; and

“Whereas all of the class actions for former residents at Huronia, Rideau and Southwestern Regional Centres have reached settlement agreements with the province for a combined total of \$67.7 million; and

“Whereas a \$67.7-million settlement is wholly inadequate as compensation to the thousands of former residents and their families to redress the long-term debilitating impact of this harm; and

“Whereas all legal costs of \$15.6 million are being taken from the combined settlement total before any compensation is paid to the former residents;

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

“We ask that Premier Kathleen Wynne be led by her sense of moral purpose and use her power as Premier to pay the legitimate legal costs of Koskie Minsky LLP from Toronto who acted on behalf of the Huronia, Southwestern and Rideau Regional Centre class members, from sources over and above the combined \$67.7-million settlement.”

I sign my signature to this petition and give it to page Kevin.

LCBO OUTLET

Mr. Joe Dickson: I rise to support a member’s petition, from Haliburton–Kawartha Lakes–Brock, and I’m pleased to present the petition to the Legislative Assembly of Ontario.

“Whereas the LCBO is opening a new location in Lindsay at Kent Street and requesting closure of the town’s original location at Russell Street; and

“Whereas we the residents, with the support of current and past MPPs, councillors, BIA and other local businesses and we, the undersigned, request the province of Ontario to encourage the LCBO to leave our downtown LCBO in place for our residents and a large number of tourists;

“Therefore, we recommend the LCBO reconsider and leave our Russell store open as a pilot project to assist the business areas and maintain jobs in Lindsay.”

That was spearheaded by Lindsay councillor Gord James. I sign my name to that and present that petition.

WIND TURBINES

Mr. Jim Wilson: I want to thank Betty Schneider for sending this petition to me.

“To the Legislative Assembly of Ontario:

“Whereas we, the residents of Clearview township and neighbouring townships, oppose the wpd Canada Fairview wind project on Fairgrounds Road and all wind energy projects in Clearview township; and

“Whereas we support the petition of mayors and councillors from 80 municipalities, farm organizations, the Ontario Federation of Agriculture and the Christian Farmers Federation of Ontario, which petition requested that the province place an immediate moratorium on all wind projects until an independent and comprehensive health study has determined that turbine noise is safe to human health, amongst other things; and

“Whereas wpd Canada’s Fairview wind project violates the OLS airspace and usability of registered aerodromes in Clearview, including Collingwood Regional Airport and Stayner field, and wpd Canada’s draft renewable energy approvals reports do not recognize these impacts or the jurisdiction of the government of Canada; and

“Whereas wpd Canada is seeking final approval from the province for the Fairview wind project prior to completion of the federal Health Canada study and prior to federal actions to protect aviation safety;

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

“That the government of Ontario agree and accept that until the federal health study is completed and federal aeronautical zoning is in place, that it will immediately take whatever action is necessary to give full effect to a moratorium on all wind turbine development in Ontario, including all projects for which final approvals have not been given.”

I agree with this petition and I’m happy to sign it.

ORDERS OF THE DAY

PROTECTION OF PUBLIC PARTICIPATION ACT, 2014

LOI DE 2014 SUR LA PROTECTION DU DROIT À LA PARTICIPATION AUX AFFAIRES PUBLIQUES

Resuming the debate adjourned on December 2, 2013, on the motion for second reading of the following bill:

Bill 83, An Act to amend the Courts of Justice Act, the Libel and Slander Act and the Statutory Powers Procedure Act in order to protect expression on matters of public interest / Projet de loi 83, Loi modifiant la Loi sur les tribunaux judiciaires, la Loi sur la diffamation et la Loi sur l’exercice des compétences légales afin de protéger l’expression sur les affaires d’intérêt public.

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

Mr. Paul Miller: First of all, I’d like to welcome my colleagues back from their winter break and look forward

to getting down to work and improving the lives of Ontario residents.

Today, I’m pleased to speak to a government bill, Bill 83, the Protection of Public Participation Act. In a democratic society, the right of citizens to speak freely and to criticize must not be limited by the fear of retaliatory lawsuits. As a strong union member, I’ve always felt that I had the right to speak out. Today, I’m sure my colleagues will confirm that from time to time I like to share my opinions.

However, increasingly, constituents and organizations are being silenced by the fear of being sued.

While our party welcomes the introduction of this legislation, I must note that in the past Andrea Horwath has introduced anti-SLAPP legislation twice.

The legislation is long overdue and will bring Ontario in line with similar legislation found in Quebec and about half of the United States.

In general, we are supportive of the bill as it incorporates most of the 2010 government-appointed panel recommendations. However, there are still several aspects which need to be examined in committee to amend the bill to make it better for all those concerned.

Strategic lawsuits against public participation, or SLAPPs, are tactical moves made to intimidate local residents or activists engaged in a fight with a developer or a corporation that can afford expensive lawyers. According to the Canadian Civil Liberties Association, the effect of SLAPPs is to silence voices through intimidation and the threat of expensive litigation. Resources are redirected to deal with a legal matter and away from the original public criticism, much like how at question period the government answers the questions in the head instead of answering them correctly.

The CCLA is concerned about the potential misuse of the civil justice system by powerful litigants to quash meaningful counter-perspectives and dissent on issues of public importance. They are also concerned about the chilling effects SLAPPs can have on other potential participants in public debate.

Madam Speaker, I also share these concerns. Activities that attract SLAPPs include citizens reporting environmental violations, filing complaints with government agencies, contacting the media, speaking at public meetings, participating at hearings before administrative tribunals or engaging in public campaigns. Increasingly, we are seeing wealthy individuals and corporations silencing the voices of concerned citizens. As is often the case, the plaintiffs are not residents, nor do they have any other commitments to the area other than their own personal or corporate gain.

A perfect example of the effects of a SLAPP is the case of Geranium Corp. v. Innisfil District Association. Geranium is the developer behind the proposed Big Bay Point mega-marina and resort on Lake Simcoe. In responding to multiple lawsuits, an unprecedented claim for \$3.2 million in OMB costs against the Innisfil District Association and its lawyers, one defendant swore in an affidavit to the OMB:

“I feel threatened, harassed, and intimidated by Geranium’s legal claims, and fear exposure to lawsuits and the costs associated with defending” myself.

“I do not write letters to the town,”—anymore—“county, province or local papers in fear of repercussions from the Big Bay Point developers, Kimvar Enterprises Inc., and Mr. Earl Rumm. From fear of being implicated in a lawsuit myself, I would not write a letter or voice my personal opinions about the project in any way whatsoever.

“I do not have the funds or means to defend myself in a lawsuit, which increases my fear of publicly speaking out as an individual. I would not testify at an OMB hearing with the lawsuits pending and the threat of new legal actions. I would not be able to defend myself financially from such a wealthy developer.”

Residents were sued for damages totalling over \$100 million for defamation, speaking out against the development. The town’s lawyer was sued for conspiracy after recommending council oppose the project. Not one of these lawsuits made it to trial. All were either dismissed by the court or withdrawn. It’s bad enough that they intimidate local activists, but to intimidate a local government official from doing their job is simply outrageous, appalling and unacceptable.

I wish this was the only example, but unfortunately I have more.

Dylan Powell of Marineland Animal Defense is currently facing a \$1.5-million SLAPP suit launched when he decided to shine a light on Marineland’s operations. In 2012, the Toronto Star broke a story that Marineland was burying animals on-site in mass graves without permits. A \$1.5-million claim was filed against Dylan and Marineland Animal Defense, thus changing the media focus from mass animal graves to a mass lawsuit. Marineland Canada filed six lawsuits over the period from December 2012 until June 2013. Those suits centre on former employees who have come forward with testimony against the park, the Toronto Star, and activists who have educated the public about that testimony and more. Damages claimed by Marineland in total stretch beyond \$12 million.

1550

In 2004, Marineland Canada filed a SLAPP suit against the advocacy group Niagara Action for Animals and organizers Catherine Ens and Dan Wilson. That suit, a \$250,000 libel claim, revolved around a year-old letter that the organization had written to a company educating them on the captive-animal facility and urging them to take their company picnics elsewhere. For two years, they organized against the suit, and finally Marineland Canada dropped it.

As you can see, Speaker, SLAPPs are a serious problem and a threat to public participation.

In 2010, the Ontario government struck a panel, chaired by University of Toronto law school dean Mayo Moran, to advise it on how to draft the legislation to stop developers or other plaintiffs from filing lawsuits meant only to intimidate critics. The panel recommended that

the plaintiff would have to prove that the damage he or she faced was greater than the harm to freedom of expression for the case to continue. The panel recommended that if a plaintiff were found to have acted with an improper motive in filing a SLAPP, the defendant would be entitled to damages.

As in most things in law, it goes to intent. The question is, what recourse would a community group have against a corporation whose intent was clearly intimidation?

What we need is anti-SLAPP legislation which promotes four important objectives:

- to encourage individuals to express themselves on matters of public interest;

- to promote broad public participation in debates on matters of public interest;

- to discourage the use of litigation as a means of unduly limiting expression on matters of public interest; and

- to reduce the risk that participation by the public in debates on matters of public interest will be hampered by fear of legal action.

While this bill is a step in the right direction, it still falls short. This morning during question period, the Liberal Attorney General was asked several softball questions about Bill 83 by the Liberal member from Brampton West. While the Attorney General did his best to promote Bill 83, he overlooked a few important aspects which I’d like to share with him.

The Attorney General stated that his government has “worked very hard to develop a proposal that balances the protection of public participation and freedom of expression with the protection of reputation and economic interest.” I must ask the Attorney General how this government expects to protect public participation and freedom of expression without reversing the burden of proof. The test for dismissal is probably the most significant feature of any anti-SLAPP legislation, as it sets out the legal test that has to be met for early dismissal of SLAPP suits.

As the bill is currently written, the defendant has the burden of proving to the court that the communication which is the subject of the lawsuit is a matter of public interest. The plaintiff can make any initial accusation they want without proving that it is not meant to silence public participation. Instead, community members and advocacy groups are presumed guilty until proven innocent. This is a complete reversal of the most basic principles upon which our justice system is based: that we are all innocent until proven guilty. As a result, a heavy financial burden may be placed on the groups to prove that their communications were in the public interest. They must also divert precious resources to defending themselves in court.

To the Attorney General: How does this promote public participation and public good? In fact, it does the reverse. This will continue to limit and suppress public debate and discussion. It is only after the lawsuit is shown by the defendant to involve communication on a

matter of public interest that the onus shifts to the plaintiff to show that (a) on a factual record before the court, the plaintiff's claim has substantial merit, and (b) there are substantial grounds to believe that the defendant has no valid defence.

The Attorney General also stated that if the bill is passed, it would protect citizens by allowing courts to quickly identify and deal with these strategic lawsuits, including a fast-track process which requires that a request to dismiss must be heard by the court within 60 days.

I must question this assertion, given that the bill does not specify timelines for filing of responding affidavits by the plaintiff or mention anything about the defendant filing additional affidavits, as per the panel recommendation of 2010. Speaker, this could result in delays in the hearing of the motion if a date has been set but the plaintiff has failed to file a responding affidavit.

Furthermore, I would like to add that this bill limits a stay of a tribunal proceeding only to tribunals that fall within the Statutory Powers Procedure Act, including the OMB. The panel had recommended that the stay provisions apply to both an administrative or a policy proceeding, including the Environmental Bill of Rights registry or resolutions made at municipal council meetings.

I would like to know why the government felt a need to limit the stay of a tribunal proceeding only to tribunals that fall within the Statutory Powers Procedure Act. If the government was truly committed to protecting the fundamental freedom of expression like it claims, it would expand the provisions of this bill. When citizens cannot speak out against issues in their own community, we have a serious problem.

We support the intent of the bill because it supports communities against developers and the government-appointed, unaccountable OMB. As legislators, it is our job to protect the most basic rights of our constituents. This should not be a partisan issue, Speaker; this should definitely not be partisan.

Likewise, when it comes to protecting the rights of children, there should be unanimous, non-partisan support; yet, as we know, the government and the opposition deliberately blocked Bill 71, which would protect child performers. All parties supported this bill. It passed in committee, it moved on to this House, and games started to be played by the House leaders. As a result, since December 12, child performers have continued to lack adequate protection.

On this side of the aisle, we have continued to support legislation that protects the most vulnerable in our society, whether it's communities and activists in the David-and-Goliath battle against developers and corporations, or it is legislation to protect children.

Madam Speaker, the Liberals and Conservatives love to talk about protecting the rights of Ontario residents, and yet, when it comes to action, we see nothing. They have the opportunity to show they are serious about protecting children this week and, with proper amendments, how they are going to protect communities and their representative organizations.

I think it is important to note what will happen if this type of anti-SLAPP legislation is not enacted. If we do not enact this bill, activists and community members will continue to be silenced; wealthy individuals and corporations will increasingly be able to quash opposition; our legal system will continue to be tied up by meaningless litigation; and it will continue to undermine the democratic process which we should be moving mountains to protect.

I would like to take a few minutes to give you an example of a personal experience that I went through in the former city of Stoney Creek, which is now part of greater Hamilton. I was on city council at the time, and there was a landfill that was being proposed by a company, Philip Environmental. They went through the EA process. They actually had a community liaison committee appointed. They were going to put in an on-site leachate treatment plant. All these things were going to happen. Well, Speaker, the EA process was violated, the government didn't step in, they didn't build the treatment plant, and there were problems on the land—underground water and things like this.

We were intimidated. They tried to intimidate the council. They threatened people with lawsuits if they didn't agree to pass the project through our council. I went through a lot of that, and it was amazing. They would enlist the papers. They would pay for big ads. They would say that we were threatening people's jobs by not putting this landfill in.

Speaker, it was the worst place in Ontario to put a landfill—it was supposed to be a non-hazardous landfill, I might add: above a city, on fractured bedrock, a geological nightmare. They did that, and they went ahead with it. MOE did nothing. They were intimidated by this company. Inspectors would show up at times that didn't matter. Even after the landfill was built and they were trucking things in there, they said that they were monitoring the situation. Speaker, they'd monitor one truck out of every thousand.

What happened with this supposed-to-be-non-hazardous landfill? About five years into it, they got caught bringing stuff up from Michigan that Michigan state wouldn't even accept—and they take all the garbage from Toronto, by the way, or used to. They would not accept this hazardous material that went into that landfill above Hamilton, on fractured bedrock—tonnes and tonnes of hazardous material that's not supposed to be in there. Their answer was, "Well, we can't dig it up now." They got big bucks for that. They got fined, a little slap on the hand, and that stuff is still there.

1600

Now, Speaker, they're building houses around there. A new survey is going in right beside it. I'll bet the owners don't know anything about the landfill. I'm sure they don't.

I saw this develop over many years. So why am I bringing this up? Because companies with big bucks—and also, one of their former employees they served with a summons at a wedding in Las Vegas. A big guy came

up and threw it right on the head table of the wedding. That's the kind of thing they did.

They were trying to get certain councillors on board to support it, and they got what they wanted. The vote was 5 to 4. It was the first time in Ontario's history that four councillors appealed to the government in Toronto. The mayor was going to fire us all because we appealed to them to have another look at this, because the four councillors with a conscience asked this government to look at it. They were going to come after us and kick us out of office and fine us and do all these things, which never happened. It was another intimidation thing.

It was amazing. You could write a book about what happened. Talk about small-town—who's that lady in the States? Erin—

Hon. John Gerretsen: Brockovich.

Mr. Paul Miller: Brockovich. This would have been perfect for her.

We lived it in Stoney Creek. I saw all this; it happened.

Then, they sold the company. They got into some problems, as you know, and then they sold it to another company, and they went about their business.

They had a limit. The EAA put a limit on how high you could build the piles of nonhazardous waste. Now they've applied to build it a metre and a half higher, so that's roughly 11 feet higher. We couldn't see it from the road. When you drive up there, you can see these polluted piles of fill that are in there now. It's lovely for the landscape, up on the mountain.

It's about money. It's about intimidation. It's about leading the public down the path, scaring them. Anyone with a conscience has to run away because they're going to face a big lawsuit or they're going to be sued or intimidated or threatened. This is what happens.

This type of legislation should have been there a long time ago. If it had been in place during those times, they wouldn't have gotten away with half the stuff they got away with.

My biggest problem with the whole thing was the lack of involvement of the MOE and the lack of inspectors, who turned their back on some of the stuff that was going on. They didn't enforce the laws of this province. The problem is, Speaker, we can do anything we want in this chamber to make laws, but if they're not enforced and people haven't got the willpower to enforce them and actually go after these polluters or these people who are doing the wrong thing, then they're not worth the paper they're written on.

Over the last 40 years, I've seen so much of it: pollution, things dumped into Hamilton bay, stuff that should have never gone in there. Now they're spending hundreds of millions of dollars to clean up Randle Reef, because it was a hot spot in the Great Lakes. I have seen hundreds of things go on like this. What did we do about it?

You wonder why there's pollution. You wonder why people are having what they call cancer clusters and why people are dying from the air, the water, the food we eat.

Well, we let this go on too long, by allowing money to talk and the truth to walk. It's got to end, and it's got to end now.

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

Hon. John Gerretsen: First of all, let me start off by saying that I appreciate what the member had to say. I do not agree with everything that he said, but I'm pleased that both he and the Conservative Party, at least to this date, have indicated that they will be supporting this bill.

When all is said and done, we are only the second province that would pass a bill like this. There's one in Quebec, but they've got a slightly different legal system. We're the first common-law province to have this kind of a bill. There was a similar kind of bill in British Columbia a number of years ago, but that was taken off the books.

Speaker, in our system, fortunately or unfortunately, anyone can take a court action against anybody whenever they want. The real proof comes with whether or not they can prove what they're actually alleging in a court action. That's the way our system has worked, and generally speaking, it has worked well. I think we can be very proud of the system of justice that we have here in the province of Ontario.

What this bill, in effect, does is, if in one of those situations where someone is being sued for making an expression on a public interest issue—that individual that is being sued can take this before a judge. Within 60 days, that judge has to review the situation and determine whether or not it is purely an expression of public interest, and if that is so, then the case can be dismissed. That is a dramatic difference from the way the law stands with respect to most other civil lawsuits right now, Speaker.

We are prepared to look at some of the amendments that he is suggesting to make the law even better. We want to make sure that there's a balance there, because I realize full well that sometimes the plaintiffs are rich and powerful interests etc. and the defendants are not. They are, in most cases, in a lesser position. That's precisely why we brought this forward: so there can be a free, public and open expression on those issues of public interest in the province of Ontario. That's why this bill is here, and that's why I urge you to pass it as soon as possible.

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

Mr. John O'Toole: Yes, thank you, Madam Speaker. I should note that the Madam Speaker whom I refer to is our critic on this issue and has indicated that we would be supportive. The real issue here is that doing the right thing in this case is the right politics and the right policy.

I commend the member from Hamilton East–Stoney Creek for bringing some reasonable comments with respect to his experiences. He referred to the dump.

I want to also recognize that we are in support of this. We'd like to see it go to committee. Having access to resolving disputes is important. In that context, I want to

point out that more recently the Minister of the Environment, in my riding of Durham, has ruled against the decision that was made just recently in the shadow of Christmas and the holiday season. Mr. Bradley, the Minister of the Environment, has rejected a request for a full-scale environmental assessment on what is referred to as a mega transformer project in my riding. There has been a report done by the University of Guelph, the proponents there from Guelph university, a group called 360. Dr. Jana Levison, Dr. Beth Parker and Professor John Cherry of the University of Guelph stated in the report:

“It is our expert opinion”—and I’m quoting here—“that insufficient hydrogeological study has been carried out to make fulsome decisions regarding site selection for the proposed Clarington transformer station.”

This is another case where these volunteers—and I want to commend them, from the Enniskillen Environmental Association: Clint Cole, Doug Taylor, Stan Kuzma, Jim Sullivan and others. They have been here to Queen’s Park. They’ve met with, they’ve been reasonable, they’ve not politicized this issue. I claim here, this place, right now—this is another example of being slapped into place. Hydro One has basically bullied their way into this thing and tried to approve a minor project, which is now a major project, under the guise of a partial, a small, EA. This is a mistake. It’s another example of the government using its brute force to overcome the influence of constituents in my riding of Durham.

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

Mr. Jagmeet Singh: It’s a pleasure to rise today. It’s a pleasure to be back in the House. It feels like the first day back after a break—going back to school the first day. It’s a pleasure, and it’s great to see all of you here today.

The member from Hamilton East–Stoney Creek spoke with great passion about the importance of public participation. At the heart of this legislation, that’s its goal. I think that as legislators, one of the most important things we can do is encourage people to participate in their democracies. If we can get people to get out of their homes and to speak out on issues that matter to them in their communities, whether it’s developments, whether it’s environmental issues, whatever the issue may be, whatever the concern may be, if we can do whatever we can to make sure people are not deterred from voicing their concern, we’re doing something right. If we can encourage people to voice their dissent, which in my opinion is the hallmark of democracy—the ability to say, “I don’t agree with what’s going on.” If we can do something to bolster that, then we’re doing something right.

In this piece of legislation, the key component is the ability to assess whether or not the lawsuit is simply being used as a strategic lawsuit to discourage public participation. If there are those indicia that this is simply a strategic lawsuit, then there is a fast-track mechanism to get rid of the application. That’s a positive sign. It’s something that we’ve asked for as the NDP. We’ve

called for anti-SLAPP legislation for years. I’m glad to see that it’s finally made it to the House. I’m looking forward to seeing it passed.

Most importantly, there are many people who are deterred not only by the lawsuit but by the threat of a lawsuit. So what we can do now to make sure the climate is set, that people in this province don’t have to fear for participating—we have done a great step for democracy.

1610

The Acting Speaker (Mrs. Julia Munro): The member for Scarborough–Guildwood.

Ms. Mitzie Hunter: It’s my pleasure to rise in the House today to address Bill 83. Like the other members have said, it is good to be back in the House and to be presented with a bill such as this, which is about giving people a voice, and to speak out and to not fear doing so, particularly when the matter represents a broad public interest.

I noted the member opposite talking about environmental interests and those things that touch all of us. I know that—as a province, we dwell on the Great Lakes, and those types of environmental issues are so important to our sustainability here in this community.

I know for my community of Scarborough–Guildwood, it is a very important aspect, ensuring that, when there is a legitimate case to be brought forward, there isn’t that fear of being intimidated or silenced in any way, but rather that the law is protecting that voice and ensuring that there is an opportunity to bring forward those ideas and suggestions. So I absolutely agree with the Attorney General when he says we have a very strong legal system here in Ontario, and this bill is looking to strengthen that already strong legal system.

I too am looking forward to this bill passing and moving forward and ensuring that the diligence that has been placed in preparing this bill is brought to our benefit. I was very pleased to see the broad stakeholder consultation. The inviting in of those expert opinions is also part of that due diligence, and it is ensuring that, as we do think about adjusting this law, we’ve thought through its impact on those stakeholders and ensuring that it represents the best interests of the people of Ontario.

The Acting Speaker (Mrs. Julia Munro): The member for Hamilton East–Stoney Creek has two minutes to respond.

Mr. Paul Miller: Thank you, Speaker. With all due respect, I appreciate all the speakers who spoke to my presentation. However, I couldn’t disagree with the Attorney General more about how wonderful the laws are in Ontario. Some of the environmental laws in the EA process are like Swiss cheese; there are so many ins and outs that companies can use to get around the process.

When he says that everything is hunky-dory, it’s not, and that’s why we’re here. If everything was great and we had such a great judicial system, we wouldn’t be here. They wouldn’t need legislators. Legislation continually changes, from decade to decade. The environment changes; people change; requirements change. Amend-

ments change the laws; accountability changes. So for him to say that everything's fine—it's not.

We certainly have to go about the proper procedures to improve our legislative ability, improve the laws and the environmental laws and the judicial system. And we have several lawyers in here. If the system was perfect, we wouldn't need lawyers. We would just follow the directions of the regulations. Lawyers are there because there's always interpretation. There are always things that change. There are always challenges. And that's what the judicial system is all about, a healthy judicial system. That's why we have lawyers, so they can challenge decisions that were made that may be outdated.

Look at the laws of the G20. We had laws that were in place 100 years ago, and they got challenged. It took 100 years and something serious to happen before they changed. So, no, the judicial system isn't perfect. It's constantly changing, constantly evolving with time. And we have to put the energy in and do the right thing in this Legislature to improve the lives of Ontarians.

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

Hon. Yasir Naqvi: Thank you very much, Madam Speaker, for recognizing me. First of all, happy new year to you and to all the members. It's great to be back at the Legislature after, obviously, a busy two months in our respective communities working on issues that are very important to our communities.

Speaker, I am more than excited to speak about Bill 83, the Protection of Public Participation Act. The reason for my excitement is that it was in October 2012 that I had the honour of introducing Bill 132, which actually had the same title, the Protection of Public Participation Act. I'm very happy to see that that bill, my private member's bill, Bill 132, has been, in large extent, adopted by the government and now is in the form of Bill 83.

I have been involved in this issue around SLAPP, or anti-SLAPP—strategic litigation against public participation—for some time because of some of the issues that I saw in my community as to the nature of public participation or the steps that different groups may have taken to undermine public participation, especially those from citizens and community groups. It was my work, along with my community, that allowed me to learn more about this issue and in fact inspired me to speak about this issue in the last provincial election in 2011, which I followed up with by making a specific commitment to my constituents in Ottawa Centre, to my community, that if re-elected I would introduce an anti-SLAPP bill in the Ontario Legislature.

I'm very happy; it was a lot of work, over a year, to consult stakeholders. I worked with a lot of environmental groups, and I'm going to mention a few in a moment. I talked to my community to understand their concerns, and, of course, studied in depth and analyzed the Anti-SLAPP Advisory Panel that the government had created, looked at their recommendations, and then drafted a bill that was Bill 132, which received broad support from a lot of our stakeholders, from community groups and from environmental partners.

In that respect, I want to start by recognizing some of my community members who worked with me and inspired me to get this bill done, and of course some of the environmental NGOs as well. The first person from whom I learned about this issue was a gentleman by the name of Albert Galpin. Albert is a constituent of mine and has become a friend now, who was the subject of a SLAPP lawsuit. He did something that we would consider all our citizens to do, and that is to speak up about the community.

In his instance, what he did essentially was to remind the federal government about a guideline, a policy they had as to the location of parole offices around schools. The federal government, through Corrections Canada, had a policy that parole offices have to be a certain distance from schools. In my community in Ottawa Centre, in the downtown, that was not the case. I think it was in the radius of five kilometres, the parole office from a school.

He basically started rallying the community that this should not be the case, that the federal government should respect its own policy and guidelines. He obviously advocated to the federal government, to Corrections Canada, to follow its policy. After a couple of years of hard work and lots of petitions and whatnot, he was able to convince Corrections Canada that they actually were in violation of their own guideline, and they finally announced that they were going to move.

Everything is fine up to now, because the system worked the way it should be working. However, unfortunately, where the SLAPP came into play is that the landlord where the parole office was located decided to sue Mr. Galpin, my constituent, for some sort of a tort, essentially arguing that he, through his public advocacy as a citizen, forced the government to break the lease agreement. That was totally uncalled for. It was a strategic litigation against somebody who was participating as the public, exercising his democratic right, making sure the government follows its own rules and procedures.

1620

It took Mr. Galpin a couple of years to fight off the legal case. He won. Thankfully, he won. But it took him a long period of time to get there, because there is not something like anti-SLAPP legislation, like the one here before us. So, in that particular case, there was no 60-day hearing as being required or asked for if this bill becomes law—and not to mention the cost. I believe his expenses were in excess of \$50,000 to be able to fight that case.

So it was Albert who brought this matter to me, and I want to thank him for his advocacy. Because of his work, not only was I able to bring my private member's bill but then convince the government to bring a government bill, and I think that speaks to our public, our citizens, really sort of driving public policy.

I also wanted to thank the Hintonburg Community Association, that is located in my community of Ottawa Centre, for their hard work and advocacy on this matter and being a huge supporter of mine in terms of bringing

this matter forward. Jeff Leiper, who was the president of the association then, spoke in favour of my bill. In fact, Hintonburg Community Association also presented to the Anti-SLAPP Advisory Panel that our government had created.

I'd also like to thank Don Stewart, who is part of the Federation of Urban Neighbourhoods, for his good work on this particular issue and his support to me in making this happen.

Lastly, Speaker, the two people—three people, in fact; sorry—who I worked very closely with in drafting the bill, in all the research that was done: One is Ramani Nadarajah from the Canadian Environmental Law Association—I want to thank her—and Hugh Wilkins of Ecojustice, for their advocacy and good, sound advice to me as I was drafting this bill. I want to also thank my friend Will Amos, who is the executive director of the University of Ottawa and Ecojustice law clinic at the University of Ottawa law school, for his very good advice, and also Geoff Turner, who was then my legislative assistant, for his number of hours—umpteen hours—of work on this particular bill.

I also note, Speaker, that there are some other stakeholders here in the House today from Greenpeace and the legal community. I want to recognize Shane Moffatt, Maggie Bergamo, Amanda Gomm, Richard Brooks, Alex Speers-Roesch and Mary Ambrose in support of this bill. Welcome to Queen's Park. Thank you for your advocacy for this very important bill.

Speaker, I think we have heard from other members, and I'm very happy to hear that everyone is supportive of this particular bill, because, we, I think, all recognize that we need to provide protection to citizens and community groups who will advocate on matters of public interest and offer relief from meritless lawsuits that aim to keep them quiet or deter others from speaking out.

I gave you one particular example of a constituent of mine, and there are many, many more where community groups, because they care about their community, because they care about their environment, take up causes as citizens. We should have a system in place, Speaker, that does not penalize them for being good citizens. This is exactly what this bill does. It ensures that we are creating a level playing field in terms of community groups being able to speak on issues that are of public interest. Without their voices, we would not have good decision-making, and it's important that their point of view is always heard. If they get involved and bogged down in legal cases—I think we all know of many, many examples of community groups, citizens doing bake sales. I don't know how many hundreds of thousands of muffins it takes in order to really raise the necessary funds to be able to defend yourself from a meritless lawsuit like a SLAPP. And that is counterproductive, and that's not what a community group should go through.

Speaker, I think others have spoken that SLAPPs are a serious threat to public participation, open debate and community advocacy or action on such things as speaking at public meetings, participating in tribunal hearings,

engaging in public campaigns, contacting the media, reporting environmental violations or lodging complaints with the government. We need to put in place a system like that outlined in Bill 83, which I fully support and endorse, that will allow for frivolous anti-SLAPP cases to be dealt with in an expeditious manner.

We're not taking away the right for somebody to file a lawsuit; anybody has the right to file a lawsuit. Of course, there need to be checks and balances as to the purpose behind the lawsuits. Of course, we've got in our laws and our rules of civil procedure rules around frivolous or vexatious claims. But for all those claims to be fully heard takes a long time. In the case of my constituent, for example, it was almost a two-year period before the suit was found to be of no merit. Having something in place like that outlined in Bill 83, a process that could be heard within the first 60 days, allows a great relief for community groups which may be facing a SLAPP, or a strategic lawsuit. That's why I think it's important that we have this law in place in Ontario.

If the court finds that it's not a strategic lawsuit, then the case continues on. You're not taking away the right of an entity, of a corporation, of an organization to bring lawsuits, but we want to make sure that citizens and community groups are not being penalized for speaking on issues of public interest. In a democracy, we are stronger as a community if public voices are heard and they are taken into consideration.

One of the things that I have seen in my community is issues around the OMB, the Ontario Municipal Board. Communities, of course, rightfully have views as to what the character of their neighbourhoods should look like. They engage very actively in the process, be it the municipal level around the Planning Act. If they find that their concerns were not met by municipalities, they have the option to go to the OMB, or a developer has the option to go to the OMB. We, again, do not want to run into situations where a community group is being stopped through a litigation chill. That, again, is counterproductive. A law like this will ensure that our legal system is not bogged down in frivolous or vexatious lawsuits that are just being brought forward to quieten down public voices, but in fact the courts are being used for their rightful purpose, and that is to deal with issues that are important and are of a contentious nature.

Speaker, I'm not going to take too long—I've almost taken all my time—except to say that I am more than excited, as I mentioned earlier, that this Bill 83 is here as a government bill. It's very similar to what I had tabled under Bill 132, which very closely followed the Anti-SLAPP Advisory Panel's recommendations. I want to thank all the three panel members for their hard work. I think this is a step in the right direction. It is going to result in a stronger democracy in Ontario; it is going to result in strengthened participation by citizens and by community groups in matters of public interest, which is, I think, paramount in order to ensure that we are making good decisions not only at the provincial level, but at the federal and municipal levels as well.

I ask all members to please support this bill. I think the sooner we pass this into law, the better we are going to be as a province, as a society. I urge members: Let's not take too much time debating—and debate is important on the bill. Let's get the good ideas together, let's take it to committee, let's hear from community groups, let's hear from our environmental partners, and let's make this bill even stronger and bring it back to the House and pass it into law.

Thank you very much, Speaker.

1630

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

Mr. Victor Fedeli: I will be speaking very shortly, in fact next, for 20 minutes on this. While I note the importance of bringing forward and debating this particular piece of legislation, I would say at this point rather than in my 20-minute speech that another day has passed that this government has failed to bring forward a jobs plan to get the nearly 600,000 men and women who woke up this morning without a job back to work. Yes, Bill 83 is important, but we've been waiting for that jobs plan to come forward for more than a year now and can only conclude that the government has no plan and no idea how to get the economy moving again and, quite frankly, is out of gas.

With that said, I want to make it abundantly clear that the Ontario PC caucus stands behind the rights of individuals to express their opinions, especially on matters of public interest. I do look forward, in another couple of minutes, to speaking for 20 minutes on this.

One thing I will be bringing forward during my speech is a letter that all MPPs received today from Ms. Esther Wrightman. It was part of the speech that I would be bringing. We have somebody who is in another lawsuit that was launched by a wind turbine developer against a resident of Haldimand county in order to have the video of the destruction of a bald eagle's nest in a planned location for a wind turbine pulled off the Internet. I'm going to spend about 20 minutes talking about that, and about five minutes specifically on where the SLAPP lawsuit would have helped and will help this particular woman.

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

Ms. Teresa J. Armstrong: I'm glad we're back here and doing the work of the people that we represent in our constituency office, because it's very important. I know when I was back in the constituency office, many people were talking about the things that they wanted to see, the priorities they want to see, at Queen's Park. Of course, one of them that the member mentioned was a jobs strategy.

In my riding, as we talked about this morning in question period, just last Wednesday—almost a week ago—we had another manufacturer in London close its doors and move out of London. That means 70 people are going to be without a job. It just feels like hit after hit that London has been taking, with this job loss and

suffering in this economy. We really need to have a strong jobs plan that we can get behind, like incentivizing employers to stay in Ontario, grow their business and bring new business to Ontario, and diverse business: manufacturers, technology, food processors.

That was what I was hearing when I was back in the constituency office. People wanted that to be brought to the forefront and for us to speak about it in the Legislature and bring that as a priority to this government.

But today we're talking about the SLAPP legislation. We have the leisure of being members of provincial Parliament and speaking freely in this Legislature, in most cases, free of a lawsuit, of litigation by members, or perhaps even organizations too. But we still always remember that freedom of speech is one of the principles that we have in Canada, so this SLAPP legislation is important and I hope that we can move that forward.

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

Mr. John Fraser: I'm very pleased today to stand up and speak in support of Bill 83, the Protection of Public Participation Act. As my colleague from London just mentioned, it's great to be back. It was good to be back in our constituencies and talking to people about what's important to them.

A bill like this is important to them. I want to congratulate the minister, my colleague the member from Ottawa Centre, on putting forward the anti-SLAPP bill originally as a piece of private member's legislation. I know it's something that he worked very hard on, and now he sees this reflected in the legislation.

I'd also like to congratulate him on putting forward an increase to the minimum wage here in Ontario, something which I'm sure all parties are going to speak to at some point. I'm very pleased that we've proposed to tie that to the consumer price index.

The bill would provide protection to those individuals in our communities who are putting forward ideas in the public interest, sometimes ideas that are critical of other parties—large corporations that file lawsuits against them to prevent them from speaking out. This is a very important thing in our democratically organized society: that people be able to speak out on matters that are important to them and key to the public interest.

The bill would allow for a person being sued, the defendant in a lawsuit, who believes that he or she is being sued for expression on a matter of public interest, to have the lawsuit reviewed by a court within 60 days of filing a motion to dismiss this case. This is very important as access to justice should be quick.

The Acting Speaker (Mrs. Julia Munro): The member for Prince Edward–Hastings.

Mr. Todd Smith: I'm pleased to bring some comment to the comments that were made by our member from Ottawa Centre on Bill 83.

I can tell you, Madam Speaker, for probably two months now, since the Legislature was sitting, I have been out in the community of Prince Edward–Hastings, 16 different municipalities; I've spent time in Niagara

Falls, I've spent time in Thornhill; I've spent time, in my critic's portfolio, in Markham and Richmond Hill and Brampton and Scarborough and Etobicoke, and I can tell you, Madam Speaker, that I heard maybe once in two months somebody ask me about that SLAPP legislation going through at Queen's Park.

People aren't talking about the SLAPP legislation. The only people who want to talk about this are those on the government side because they don't want to talk about the things that people really want to talk about in these various communities and ridings that I mentioned across Ontario, and those are the lack of jobs; the soaring hydro rates; the over-regulation, where our businesses are moving outside of Ontario to other jurisdictions because it's easier for them to do business and grow jobs there; and increased taxation. Those are the items people want to talk about in Ontario, but these guys would rather spend time here—two or three hours this afternoon—talking about SLAPP legislation.

I can tell you, there are probably about 12 and a half million Ontarians who don't have a clue what SLAPP is. But these guys want to talk about it here. It's not a priority for the people of Ontario. That's why they want to talk about it, because they have no plan when it comes to the priorities of Ontarians. We need to create good jobs, we need to get the electricity rates and our energy rates under control, we need to deal with over-regulation, we need to deal with high taxes—we need to support the Million Jobs Act that was presented by our leader this afternoon, not waste our time talking about this legislation here today.

The Acting Speaker (Mrs. Julia Munro): The Minister of Labour has two minutes to respond.

Hon. Yasir Naqvi: I want to thank the members from Nipissing, London–Fanshawe, Ottawa South and Prince Edward–Hastings for their comments.

It's hard to decipher sometimes, listening to the Conservatives and the NDP, as to who is who, because they are sharing the same talking points. It's unfortunate that this House, in their view, should not show leadership on issues that are important to Ontario.

I think what's even more disappointing is to see the NDP not talking about the environment at all. They are no longer interested in building public transit, something my community in Ottawa Centre cares about. They are more interested in subsidizing car drivers, ensuring that it's cheaper and easier to have more cars on the road than good public transit.

I think the environmental NGOs who are in the Legislature today are even more disappointed to hear from them that they are not focusing on a bill like anti-SLAPP legislation, which will allow for stronger, more active participation by our communities and our community groups on issues that are important to them, and that is a cleaner environment, sustainable societies and a growing economy.

1640

That's why this bill is very important, because when our communities are stronger, our province is stronger,

and one of the best ways to ensure that our communities are stronger is by making sure that there is healthy public debate taking place, that we don't have forces at play using the legal system, the court system that would take that away from our communities.

What this bill does is ensure that we are levelling the playing field, so to speak, in terms of the power imbalance that may exist between strong corporate entities and our community groups. Again, I encourage all members to vote for this bill as soon as possible.

The Acting Speaker (Mrs. Julia Munro): Pursuant to standing order 47(c), I am now required to interrupt the proceedings and announce that there has been more than six and one half hours of debate on the motion for second reading of this bill. This debate will therefore be deemed adjourned unless the government House leader specifies otherwise.

Minister of Labour.

Hon. Yasir Naqvi: We wish the debate to continue.

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

Mr. Victor Fedeli: Thank you very much, Speaker, and thank you.

I rise today to speak to Bill 83, the Protection of Public Participation Act. As I stated earlier, I want to make it abundantly clear that the Ontario PC caucus stands behind the rights of individuals to express their opinions, especially on matters of public interest.

How does this bill do that? Bill 83 looks to amend the Courts of Justice Act to create a process to determine if a lawsuit is a SLAPP—that's a strategic lawsuit against public participation—and to dismiss it accordingly. A SLAPP is a lawsuit that is pursued for the sole purpose of silencing or punishing those with an opposing viewpoint. This effect is also sometimes referred to as "litigation chill."

Part of what defines a SLAPP is the fact that it is a meritless case and is intended more to intimidate or punish the defendant rather than seek justice for a wrong suffered by the plaintiff. Typically, SLAPPs are withdrawn shortly before going to trial. However, by this time, they have served their intended purpose as they have forced the defendant to go through an extended period of duress, and often at great financial cost.

Bill 83 establishes a new legal procedure that can be used if someone is sued for voicing their opinions on matters of public interest. If enacted, Bill 83 would allow the defendant in this situation to move a motion that would allow them the chance to prove to a judge that the legal proceeding brought against them arises from a communication they made regarding the public interest. If the defendant does prove this, then the judge summarily dismisses the action if the plaintiff cannot satisfy a three-part test. The onus is on the plaintiff to show: (1) that the proceeding has sustained merit; (2) the lack of a valid defence on the part of the defendant; and (3) that the harm is sufficiently serious enough to outweigh the public interest in protecting the expression. It's complicated, but these are the legal technicalities.

So what is the argument, if any, against this? Critics of this bill—and there aren't many—point to this three-part test as being too onerous on the plaintiff. They charge that the plaintiff is put at a disadvantage because the test is applied without the benefit of normal court procedure, without full documentary production, examinations for discovery or oral evidence. They also claim it will be nearly impossible for a judge to decide on a summary basis whether a claimant has substantial merit, whether the defendant lacks a valid defence and, finally, what the public interest is in any given dispute.

I'm going to get to that example of the wind turbine video very shortly.

The critics will also claim that this bill will give the defendant, in an ironic twist, the ability to bully the plaintiff. While the test is onerous on the plaintiff and may restrict access to the courts, it's my view—it's our view, Speaker—that this legislation does it in a justifiable manner. Court actions without merit are quite simply an abuse of process and thus an abuse of resources, which are funded by the taxpayers of Ontario. Frivolous lawsuits are detrimental to the delivery of justice on a grand scale and must be guarded against. In our court system, time is money, and that's a very important consideration.

If the judge is then satisfied that the three-part test is met, the legal proceeding would be dismissed, as it would, in effect, be determined a SLAPP. However, if the judge was not satisfied, the legal proceeding would proceed. The judge would also be able to award compensation regarding costs on the motion if they determine it appropriate. If the judge dismisses the legal proceeding due to the motion and finds that the suing party brought the procedure in bad faith, the judge may award the defendant damages, as the judge considers appropriate. If the suing party has proceedings before a tribunal, the defendant who has moved a motion under this new Bill 83 may also supply a copy of the motion that was filed with the court to the tribunal, and the tribunal proceeding shall be stayed until the motion is dealt with in court.

Bill 83 also places a 60-day timeline on the hearing of the motion so that the matter may be dealt with in a timely manner. This is a key factor in limiting SLAPPs' negative effect on the court system. It is also important for countering the effect of potentially having tribunal proceedings stayed while the motion is before the courts.

The bill also amends the Libel and Slander Act to establish that the current privileges regarding oral or written communications possessed by individuals who have a direct interest in a matter of public interest are also extended to media representations or communications of said individuals or oral or written communication. Again, Speaker, it's awfully complicated, but basically right now if someone has a direct interest in a matter of public interest, they can discuss it and be fairly protected from legal action. However, if a reporter or someone else were to write about what the person said and publish it, then they would be susceptible to legal action because they could be seen as not having a direct interest in the matter. Bill 83 extends protections to

include individuals and reporters recounting or repeating any discussions on the matter.

The bill also amends the Statutory Powers Procedure Act to provide that submissions for costs shall be made in writing. The reality is that while these SLAPPs, as they are known, are relatively rare, when they do occur, they can quite simply ruin people's lives. The Ontario PC caucus does not think it is appropriate for residents to fear having a voice in the growth of their communities. Moreover, these SLAPPs are, by definition, unfounded and stand little chance of ever succeeding, so they needlessly bog down Ontario's court system. Of course, the greater the courts' backlog, the greater costs we have to our court system. That's a critical point, in my view, when we have a government that's running a \$9-billion-plus deficit forecasted by the government themselves to hit \$11.7 billion this year. They continue to overspend, it appears, with reckless abandon. We need to be looking at every area of government in order to find areas where we can be more efficient and reduce costs, and Bill 83 should be no exception.

It's obvious that the government is not doing enough to look to reduce costs. The \$11.7-billion deficit they talk about is a great example. They talk about a legislated wage freeze, but they never implemented it. They put in the budget that they would save \$6 billion by 2017-18 in order to balance the budget. That hasn't materialized, yet they still say they're going to balance. They have talked about a review of agencies, boards and commissions which has not happened. I can tell you that Bill 83, the bill we're speaking about today, is a drop in the bucket when it comes to the bold action that we need to see to rein in spending in Ontario.

1650

Bill 83 is a good step toward addressing the issue of costly court backlogs. For these reasons that I've outlined, I can tell you that I will be voting in favour of the legislation on second reading.

I'd like to go back and talk about some of the issues that led to this piece of legislation coming forward. This bill follows a 2010 report to the Attorney General from the Anti-SLAPP Advisory Panel. The panel was chaired by Dean Mayo Moran of the faculty of law, University of Toronto, and was composed of Peter Downard, a partner at Fasken Martineau law firm; and Brian MacLeod Rogers, a Toronto media lawyer. The panel was created to advise the Attorney General on how the Ontario justice system could prevent the misuse of the courts and other agencies by SLAPP cases while, at the same time, preserving the appropriate recourse for those who are caused harm by the expressions of another. We're speaking about libel and slander here.

Bill 83 is based on "98%" of the 2010 report. The only aspect of the report that was not included in Bill 83 is a section of the report which recommends automatic cost awards and payments upon resolution of a motion under the bill. Ministry officials stated during a technical briefing that stakeholders were hesitant to include this section as it tampered with already well-established cost-

ing and payment methods within Ontario's legal system. SLAPPs are rare, but, due to a select few high-profile cases, have garnered significant public attention, especially lately.

Three potential examples of SLAPPs in Ontario are: (1) the Big Bay Point development near Barrie, (2) an Ontario mayor who sued three opponents three weeks before election day and (3) another Ontario mayor who sued critics. The Big Bay Point case in particular was cited as a driving force behind the anti-SLAPP efforts.

More recently, another lawsuit was launched by a wind turbine developer against a resident of Haldimand county in order to have video of the destruction of a bald eagle's nest in the planned location for a wind turbine pulled off the Internet. You'll remember that. The Ministry of the Environment allowed a wind turbine company to go in and cut down a tree with a bald eagle's nest in it. It was done over the Christmas holidays, I'm sure with the hopes that nobody would ever see this happen, but the vigilant homeowners in the nearby area captured it on video, and there was a request for the wind turbine video to be pulled off the Internet.

Only this morning, all MPPs received a letter from Esther Wrightman. I've got seven minutes left; I'll read you a few pages of her letter, then. I won't read it all. It's a letter to the Attorney General and all Ontario MPPs:

"Dear Mr. Gerretsen and all Ontario MPPs,

"I've been following Bill 83, the 'Protection of Public Participation Act,' as it makes its way through the legislative process, and today I heard that the bill would be discussed this afternoon. I write this in an effort to clarify the need and urgency for this bill for the public."

She goes on to say, a couple of paragraphs later:

"For five years I have been fighting wind developers who are—as I speak—now constructing 100-plus turbines throughout my community. Because of this, I created and operated three websites"—she names them—"Ontario Wind Resistance, Middlesex-Lambton Wind Action Group and Ill Wind Reporting over the years to initiate community and province-wide discussion and education on an issue of extreme importance throughout rural Ontario. I fought every error and every terror these companies committed.

"Perhaps the most stinging terror was publicly exposed in a video I took of a wind energy company destroying an active bald eagle nest in Haldimand county. When I expressed outrage in the form of a parodied image of the company's logo"—she says what she changed it to from the company's original name; I won't get into that—"the Florida ... company ... demanded I remove the image, the video, and refrain from even using the word 'terror' in connection....

"And yet, parody and satire are protected by the Copyright Act. And despite the claims in the lawsuit (yes, they sued me when I declined) being manifestly weak—some say, even absurd—I am forced to prove to a court that the wind developer's charges lack merit.

"There are many who say, 'Good for you, Esther, you're doing the right thing!' When I politely inquire if

they would do the same 'right thing,' they quietly back off, saying they have too much to lose by going to court. Besides, they add, they have neither the time or energy or financial resources, to fight.

"I understand their dilemma. They have homes, savings, possessions. At 32 years old, I have little to none of that—with a husband on disability and two kids aged eight and 10, and pinched in my own work from spending endless time fighting the wind companies in a (so far) vain effort to save my home and family farm.

"Even so, this doesn't mean my family's ability to flourish in the future should be crippled by a corporation that has clearly filed this lawsuit to drain my energy, time and life. Despite knowing the plaintiff would get precious little should it prevail in court, I wake up daily with the fear and sting of this looming over my family's life, for years to come. And as Julia Munro"—Speaker, she's speaking about you—"stated during Bill 83's debate, '... justice delayed is justice denied, and it is as much in this context as in any other legal context.'

"I'm not the only one in a legal chokehold of a corporate SLAPP suit. Bluewater, West Grey, Plympton-Wyoming, Wainfleet, Adelaide Metcalfe—all small townships—have been likewise slapped around by threat of either lawsuit or some other legal action by big wind developers. The developers know well the inevitable legal bill would drain township coffers.

"Most of those subjected to this treatment fall silent, right away, regardless of the issue. I've watched it happen even just within the wind energy issue. One can imagine its prevalence when 'little people' like me say 'no' to the guys in the suits and black SUVs...."

At least she didn't say yellow ties.

"When the many conflicting, disagreeable and yes, inconvenient voices of the people fall silent, and the corporate or party line reigns unopposed across the land, you can be sure democracy has been replaced by something else. There are those who argue it has already begun in this province. The Green Energy Act being a case in point—as the voice of the people has been effectively removed from decision-making, leaving us only one option: to protest and speak outside of the government process. If Ontario is going to pass the" Green Energy Act "and similar authoritarian measures, then I ask that this present Legislature have the backbone to pass Bill 83 as a necessary counterweight and precaution."

She ends with, "Even though we might not agree with one another's opinion, and how we express it, we must defend our human right to do so. With that, I ask that you please make the passing of Bill 83 a top priority."

She signs it Esther Wrightman, and her home address and email are here—a very compelling letter from Esther, and quite frankly, the true case for the SLAPP lawsuit. This type of action should concern all of us in the Legislature, especially those on the government side whose green energy subsidies are leading to issues like this one, not to mention the tripling of hydro rates for Ontario families and businesses over the past 10 years.

1700

A November 2013 column published in the Toronto Star noted that more than 150 different organizations, more than 60 municipalities and the Ontario Bar Association have called on us here in the Legislature to pass anti-SLAPP legislation. This is one of those—

Applause.

Mr. Victor Fedeli: Sorry you missed the last 19 minutes. You would have heard raving comments about it.

Hon. James J. Bradley: I'm going to read the Hansard.

Mr. Victor Fedeli: You'll enjoy it, I guarantee you.

This is one of those rare occasions where all three parties seem to agree that this type of legislation is indeed worthwhile pursuing and worthwhile passing.

Speaker, the right and freedom to voice your opinion, especially when it comes to matters of public interest, is fundamental to our democracy. The use of SLAPPs runs counter to that principle. As I said earlier, I'm pleased to support this legislation upon second reading, and I thank you very much for the 20 minutes you have given me to speak to this important bill.

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

Ms. Sarah Campbell: It's a pleasure to be able to rise and speak in the House. I'm quite happy that we're back here at Queen's Park, where we're able to roll up our sleeves and get to work and raise many of the important issues that certainly our constituents have raised with us over the past couple of months while we've been away.

The Legislature here is a very important platform. It's important for a few reasons.

Some of the themes that I heard over the break are the necessity of having affordable hydro—that's a theme and a lot of pressure that I'm receiving from my constituents—as well as the need to have safe and passable highways. That's an issue that I raised while we were away, but I didn't have much success, despite the Minister of Transportation saying that if it continued to be a problem, he would come up to Kenora–Rainy River and meet with the contractor and myself.

We're here to talk about the anti-SLAPP legislation, but I did want to pass along those comments and stress how happy I am that we are back so we can talk about a number of other issues.

As New Democrats, we welcome the introduction of this legislation. It is important to note, as I'm sure has been mentioned by many of my NDP colleagues, that our leader, Andrea Horwath, has introduced anti-SLAPP legislation in this Legislature twice before.

As New Democrats, we are supportive of this bill because it incorporates most of the panel recommendations, but we do look forward to taking the opportunity to strengthen this bill when it goes to committee. We want to hear from a number of stakeholders, too, to make sure it is the best possible piece of legislation that we can come up with.

The bill, however, doesn't reverse the onus of proof. The party that's initiating the suit does not have to prove

that the suit is not being brought forward to silence public participation. So there are a number of things that we will be looking to strengthen in committee.

I thank you for the opportunity to weigh in.

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

Mr. Bob Delaney: Speaker, it is actually a pleasure to stand up and to agree with my colleague from Nipissing, particularly on this particular measure. It's said that money doesn't talk, that it screams. That's certainly the case in the event that someone comes home and finds a process server handing them a statement of claim and saying, "You've just been sued because you've objected to" whatever.

The member for Nipissing has rhymed off a number of things that people have written him about. I can tell him a personal story. Back in the 1990s, there was a proposal to implement in Peel schools a scheme from a particularly dubious supplier that would have forced kids to watch commercial television and required the schools to guarantee that 90% of the kids watched it 90% of the time. In fairness, the government of the day did withdraw or back away from that. But in the process of that, I had a website, and I objected to that.

One day the process server showed up. I had a few friends who were lawyers. I showed this to them, and they said, "This is a SLAPP lawsuit. Let us look after this for you." Obviously, this particular prospective vendor never had the backbone to pursue it, because he would have lost in court. Nonetheless, there were a number of others who were similarly harassed. For a lot of them, this was a very traumatic experience, when you get a process server ringing your doorbell in the middle of the night, handing you a statement—a claim—and saying, "Hi, I'm a process server. You've been sued." This bill proposes a made-in-Ontario solution that would allow the courts to quickly identify and to deal with these vexatious actions by the plaintiff, to dismiss them and, frankly, to stick the plaintiffs with the cost.

I think this is a good one, and I think all three parties are on the same page here. I do hope we can get this thing to committee and get it passed.

The Acting Speaker (Mrs. Julia Munro): The member for Durham.

Mr. John O'Toole: Again, I just want to be here to thank the member from Nipissing for bringing a voice to his constituents, in this case Esther Wrightman; he was making the point that she should have certain rights, the right of, if you will, freedom of speech. Bill 83, as has been said by all members here, is to do that. It's to dismiss under the three different statutes it amends, the Courts of Justice Act, Libel and Slander Act and the Statutory Powers Procedure Act—all in their own specific way deal with the rights of the person to defend themselves against frivolous and vexatious and intimidating threats of legal action, which was the case in the Big Bay Point marina on Lake Simcoe, as well as Marineland.

This came to my light as well, a perfect example—the Minister of the Environment is here. In my riding, I had the good work done by honest, hard-working constituents

Clint Cole, Doug Taylor and others, a group of people who characterize themselves as the Clarington trans-former defendants. This decision was made to not respect the interests of the constituents who had the support—I'm going to read here from STORM, that's Save the Oak Ridges Moraine group. "In conclusion, it is STORM's position that the draft ESR does not adequately reflect the legislative and policy context and imperatives of the Oak Ridges Moraine Conservation Act and ORMCP. STORM therefore respectfully requests a Part II order for this undertaking in order for Hydro One to demonstrate legislative compliance." In fact, academics—these aren't politicians—said that incomplete work was done in the review of that process.

I challenge the minister—and under his decision, there's no appeal. This is another case of government, the big-handed government, in the context of this discussion under SLAPP legislation—I'm asking the minister to—

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

Hon. James J. Bradley: I am a strong proponent of this particular bill, as well, and I appreciated the remarks of the member for Nipissing, who I think outlined good reasons for a bill of this kind to be brought forward. We are trying to move legislation as rapidly as possible in a context of unanimity amongst the three parties. Getting this committee, making any amendments or proposing any amendments will be helpful, and then we'll have the legislation in effect.

I think of an individual in my community by the name of Eleanor Lancaster, who ended up in a court case. Eleanor Lancaster ran against me for the Conservative Party in 1977. A marvelous individual, she has been a lifelong, loyal Progressive Conservative over the years. She decided in the last municipal election she would check out where the donations came from, so she registered a complaint with the appropriate people, and it ended up going to court.

Now her problem was, here was a citizen, of her own volition, taking it upon herself to do some investigating in determining whether these contributions were appropriate or not, and she ended up in court. They were trying to get costs against her for doing it. I thought, "How unfortunate." I've met with Eleanor on a couple of occasions. She's a top-notch individual. Her husband, interestingly enough, at one time was on the Ontario Municipal Board; Bud Lancaster was on the Ontario Municipal Board.

It's all in this realm of people being intimidated from taking action they felt in their own heart and their own mind was appropriate. She took this particular action, and she ended up in court, again, having to hire her own lawyer and try to defend herself against those who were trying to assess costs against her.

It's all in the appropriate field. I think the member has had a good speech. The part I heard of it was excellent, and I commend him for it.

1710

The Acting Speaker (Mrs. Julia Munro): The member for Nipissing has two minutes to respond.

Mr. Victor Fedeli: Thank you very much, Speaker. I want to say thank you to the members from Kenora–Rainy River, Mississauga–Streetsville, Durham and the Minister of the Environment for their comments as well.

I wanted to pick up where the member from Mississauga–Streetsville left off when he spoke about the trauma. I can tell you, from the 1990s, after I had sold my company—between then and 2003, when I became mayor of the city of North Bay, I worked as a volunteer at a wonderful organization called the Air Base Property Corp., which took over all the assets of the former Canadian Forces base in North Bay. I served as chairman of that corporation.

I remember coming home one night, and my wife said—she was a little bit shaken up, talking—and she's no wallflower; trust me. She was a little bit shaken up. She said, "There was a man here with papers to serve you." We talked about it a little bit and I told her, "This is from my volunteer work at Air Base Property. It's a hundreds-of-million-dollar organization that is inevitably going to have lawsuits from contractors." So I phoned the process server, who was an elderly gentleman. I said, "Look, why don't you bring your wife from now on when you come to the house? Come over and we'll have coffee and Patty's cheesecake together." That's how we did it, because I knew there were going to be a dozen lawsuits coming. They were all frivolous. None of them ever went anywhere. I never had to spend a second in court, but it was enough that it upset her. She wondered, "Are we going to lose our house over this? You're only volunteering at this job. Why should you stay there?" They were trying to intimidate us by that.

It didn't work. We were able to quite seriously have him, the process server and his wife—they'd pull up in the car. He would phone me in advance and tell me he was coming. I would go home. He'd bring his wife. She and Patty and he and I would sit, the four of us together, and we'd shoot the breeze. He'd hand me the papers. I would assure Patty there was nothing to worry about. But that's how we had to handle it. It was a very traumatic thing—not as much for me because I knew what it was about, but for my wife it was. So this is the kind of SLAPP law that will help families like that.

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

Ms. Peggy Sattler: As the MPP for London West, it's a great pleasure for me to rise today to speak in support of this bill, Bill 83, protection of public participation. I have to say how wonderful it is to see us start a new year with this shared commitment to move ahead on the priorities of the people we represent.

I want to begin by congratulating the government for having taken action on this very important issue. It is something that has been desperately needed in this province for a very long time.

I was listening to CBC Radio last week and I did hear the Attorney General talking about the bill. I was very impressed by his defence of the legislation and the rationale he presented for bringing it forward. Of course,

he didn't mention that the legislation was actually twice introduced by the NDP, by our leader, Andrea Horwath, in the form of a private member's bill as long ago as 2008, or that also it has been more than three years since the government's own panel issued a major report in 2010, urging the adoption of anti-SLAPP legislation.

Nevertheless, despite the passage of time, we're pleased to see this important bill moving forward on the legislative agenda, and that's because truly, as all of us know who are elected to this place, there is nothing more fundamental to democracy than freedom of speech and there are few tools more effective in silencing democracy than strategic lawsuits against public participation, or SLAPPs. To paraphrase a colourful US judge, "Short of a gun to the head, a greater threat to freedom of expression can scarcely be imagined."

What is a SLAPP? The government's 2010 expert panel, chaired by U of T law school's Dean Mayo Moran, defined a SLAPP as follows. It is "a lawsuit initiated against one or more individuals or groups that speak out or take a position on an issue of public interest. SLAPPs use the court system to limit the effectiveness of the opposing party's speech or conduct. SLAPPs can intimidate opponents, deplete their resources, reduce their ability to participate in public affairs and deter others from participating in discussion on matters of public interest."

The sole purpose of a SLAPP is to censor, intimidate and silence critics, usually local residents or activists who are opposed to the actions of a developer or a corporation. The corporation launching the SLAPP does not expect to win. They are not looking for monetary compensation or other legal remedies. No, their intention is tactical. It is to make the defendants pay the legal costs of defending themselves and, in so doing, to wear them down and exhaust them financially and emotionally until they drop their opposition or criticism.

Of course, the other indirect but equally insidious result of a SLAPP is to intimidate others from taking up the fight and to discourage future groups or citizens from intervening or organizing against the plaintiff. In this way, SLAPPs have been called a form of legal bullying.

There have been many, many examples of recent SLAPP lawsuits which confirm and reinforce the need for this legislation, and I'd like to mention a couple of them here now.

There was the Toronto Port Authority case where a community group and seven of its directors were sued for \$850,000 in damages by the port authority because of comments made about the reindustrialization of the Toronto waterfront.

There is the Quebec example of *Noir Canada*, an academic and exhaustively researched book about the impact of the mining industry in Africa. The small, Quebec-based publisher of the book and the three authors were sued by Barrick Gold and Banro for approximately \$11 million. Barrick Gold and Banro stated that the book was libelous and that the defendants orchestrated an international campaign to harm their reputations.

Other cases that have been mentioned by my colleagues already today concerned Geranium Corp. and the proposed Big Bay Point mega-marina and resort in the town of Innisfil on Lake Simcoe—and obviously, the Marineland situation.

I want to quote from an affidavit that was presented to the OMB by one of the defendants in the Geranium Corp. SLAPP. He said:

"I feel threatened, harassed, and intimidated by Geranium's legal claims, and fear exposure to lawsuits and the costs associated with defending them.

"I do not write letters to the town, county, province or local papers in fear of repercussions from the Big Bay Point developers.... From fear of being implicated in a lawsuit myself, I would not write a letter or voice my personal opinions about the project in any way whatsoever.

"I do not have the funds or means to defend myself in a lawsuit, which increases my fear of publicly speaking out as an individual. I would not testify at an OMB hearing with the lawsuits pending and the threat of new legal actions. I would not be able to defend myself financially from such a wealthy developer."

The financial, emotional and even physical stress on a defendant who is served in a SLAPP can be horrendous. Not only do defendants find themselves embroiled in lengthy litigation, but they may experience difficulty keeping their jobs, their family relationships can suffer, they can encounter challenges getting financial credit with a significant legal claim against them, and of course, there is the reputational damage of being involved in a lawsuit.

There is a vital need for this legislation, to protect the rights of citizens to speak out about what they see happening in their communities, to participate in democracy and to raise their concerns. This is particularly important when it comes to environmental issues and development decisions, when citizens can end up challenging some very significant players, some very powerful people. This was noted in a 2008-09 report of the Environmental Commissioner of Ontario, who said, "When the stakes are in the many millions—sometimes billions—of dollars, the resources that developers are prepared to invest to overcome residents' objections far surpass the capacity of most citizens groups, environmental organizations, and even conservation authorities and municipalities."

The possibility that citizens can be charged, that they can be served lawsuits and sued or threatened for speaking out, can have a chilling effect on public participation and public dissent. It can discourage people from engaging in their community by making them fearful that raising objections or expressing opposition can put them at huge legal risk. This has an impact at every level of democratic participation, from writing a letter to the newspaper, to tweeting or posting to Facebook, to attending a rally or protest, to speaking up at a public meeting and to talking to the media.

1720

If we are serious about protecting democracy and about creating conditions where democracy can flourish,

then we have to have legislative protections in place to enable people to speak up, to take a stand on an issue and to try to mobilize their community around an idea or cause. Think of how many of us in this Legislature started that way because we felt so strongly about an issue that we wanted to make a change. And think about how many of us might have been deterred if we knew that powerful corporate interests could take us to court and create huge financial and other challenges by launching a SLAPP.

What does Bill 83 do? First, it allows a person against whom a proceeding is brought to introduce a motion that can result in the proceeding being dismissed by a judge if the person can demonstrate that the proceeding arises from an expression made on a matter of public interest. The legislation also allows the motion to dismiss to be brought at any time and requires that it be heard within 60 days. Appeals to the motion must be heard as soon as possible.

Although New Democrats welcome this legislation, since we did author it initially, there are still some issues we would like to see addressed when the bill passes second reading, which it sounds like it will, and proceeds to committee.

First, Bill 83 does not reverse the onus of proof. The party initiating the SLAPP does not have to prove that the SLAPP is not being launched to silence public participation. The bill does not specify timelines for filing of responding affidavits by the plaintiff or mention anything about the defendant filing additional affidavits. Third, the bill limits a stay of a tribunal proceeding only to tribunals that fall within the Statutory Powers Procedure Act—for example, the OMB.

Aside from these concerns, we are strongly supportive of this legislation and look forward to seeing it improved in committee with input from stakeholders.

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

Ms. Soo Wong: I'm pleased to rise to support Bill 83. I listened intently to my colleague from London West and my colleague from Nipissing earlier giving different examples of why this bill is necessary to protect the public, especially those who are strong advocates in terms of democracy. But more important, Madam Speaker, it is to protect the community and individuals who may not be able to come forward to advocate on behalf of the community.

As the bill said, it talks about combatting lawsuits brought solely to silence individuals. I heard the member from London West talking about the issue of bullying. At the end of the day, we don't want to silence individuals who intently try to advocate for their community. At the end of the day, each one of us in this House advocates out in our community. Why should we, as individuals in our community, not be able to speak eloquently on behalf of our community or work with our community?

The other piece of the legislation is, it is a made-in-Ontario bill, meaning that it is a made-in-Ontario solution that will allow courts to quickly identify whether this is a

vexatious lawsuit or it is an unwarranted lawsuit to silence certain critics. At the end of the day, we really need to make sure we differentiate between those who legitimately have a right to be in court and those who are trying to intimidate. We heard from our colleague from Nipissing of some intimidating tactics, such as going to people's homes to try to intimidate.

This is why Bill 83 is necessary, to ensure that citizens of this great province have a legitimate ability to voice their concerns before being taken to task by certain individuals or organizations or big companies.

Madam Speaker, I'm really pleased to hear in this afternoon's debate that many of our members are supportive of the bill.

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

Mr. John O'Toole: I do also want to thank the member from London West, who brings a voice on behalf of her constituents. I should say that I agree—pretty well all members agree—with the general sentiment here of this bill.

I'd like to put a little more attention, a little focus, on one part. It's the amendments to the Courts of Justice Act. Now, it sounds very technical and all that stuff, but it really is quite plain language if you read it:

“Under subsection 137.1(3), a person against whom a proceeding is brought may bring a motion to get the proceeding dismissed on the basis that the proceeding arises from an expression made by the person that relates to a matter of public interest...” This “defines ‘expression’ for the purposes of” this section I just mentioned. “If the judge hearing the motion is satisfied of this, he or she must dismiss the proceeding”—so it's early dismissal, and that is very important. The person who is being taken to court, if you will, is being intimidated, often so that they will drop their opposition to the issue that's before them.

We, as members here, often see this, dealing with environmental issues. What we're looking for is fairness, and that's the real issue. If it's being flagrantly intervened by a group—and I'm going to say this with all sincerity. In my area and in part of southern Ontario there is a large issue dealing with Line 9, which is the transfer of gas and bitumen across southern Ontario into Montreal to get the western oil to the—now this, quite honestly, is very legal. It's being dealt with by the federal government, but really the voices should be heard, and there's a panel. The federal government has brought together hearings. People will maybe disagree with some of those hearings, but I believe those persons charged with listening to the scientific information should take it seriously and dismiss those who are just being oppositionist to these things. So it's a very good remark—

The Acting Speaker (Mrs. Julia Munro): Thank you. Further comments? The member for Ottawa-Nepean.

Mr. Phil McNeely: Free speech is basic to our democracy in these days. We know that environmental groups across the country are placed in a position by the

federal government now where they could lose that tax status that they have. That's why David Suzuki left his organization: so that he could continue to speak out for the environment. Individuals who feel strongly about protecting our environment—especially protecting our environment—must have this protection. They need this protection to be able to voice their opinion when you see big oil, big gas, big coal and big many things really dominating our economy.

I really support this bill. I think it's important for Ontario and it's important for individuals who want to help build a stronger environment.

The Acting Speaker (Mrs. Julia Munro): I want to correct my record: Ottawa–Orléans.

Any further comments? Any further questions or comments?

Hon. James J. Bradley: I beat John Yakabuski, the member for Renfrew–Nipissing–Pembroke, to the stage here.

Again, I want to reiterate my strong support for this. I hear many speeches in this House. I haven't heard any yet that were negative to this legislation, which tells me it's a piece of legislation that should probably proceed now directly to committee and have appropriate input in committee. Then, of course, there's third reading. I can recall, when I was first elected to this House, by the way, that there was no third reading. Third reading was a nod of the head. That's changed, and I understand that, and that's fine. When Mr. Yakabuski's father was sitting on the government benches in that particular case, he would have noted—

Mr. John Yakabuski: It must be nice. I've never been there.

Hon. James J. Bradley: At least one of the Yakabuskis has been on the government benches, and who knows what the future holds anywhere in this province?

Anyway, this particular piece of legislation, I think, is appropriate. One of the concerns I personally have had is that people who want to oppose projects or proposals that are put forward often feel intimidated by the fact that they might be sued.

The difference with these kinds of suits, the so-called SLAPP suits and other suits, is that some suits are pursued for justifiable purposes and they actually intend to proceed with it through the full court proceedings. In this particular case they're often used simply to intimidate people, and people will back off before there's ever a court case. Most of the time, these suits never proceed to court.

I'm saying that we have unanimity in this House. We have a great opportunity to show the public out there how we can work together on a piece of legislation that we all agree upon. I certainly look to my colleagues on the other side of the House to join us in having this go to committee and be appropriately dealt with at that point in time.

1730

The Acting Speaker (Mrs. Julia Munro): The member has two minutes to respond.

Ms. Peggy Sattler: I want to thank my colleagues the member for Scarborough–Agincourt, the member for Durham, the member for Ottawa–Orléans and the Minister of the Environment for their comments.

There were a couple of points that were made that I think are really key to this debate. The first is around matters of public interest. We need to find ways to enable citizens, residents and community organizations to participate in discussions about issues within their community.

I think of my own community in London West and the actions that citizens have taken to protect environmentally sensitive areas like Sifton Bog, Meadowlily Woods and Reservoir Hill against unfettered development. What would have happened to these citizens and these efforts if SLAPP lawsuits had been launched? We need to enable healthy democracy to flourish and to give voice to citizens to participate.

The other thing I think we need to reinforce to people in Ontario is that anti-SLAPP legislation is really a way to level the playing field. It does not prevent anyone from seeking relief in court for legitimate reasons. What it does is create consequences for organizations or corporations that launch meritless lawsuits for the sole purpose of intimidation.

So I agree with the Minister of the Environment that it is time to move on with this legislation, to get this in place so that we can further the democratic process in this province. Thank you.

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

Mr. Gilles Bisson: Point of order.

The Acting Speaker (Mrs. Julia Munro): The member for Timmins–James Bay.

Mr. Gilles Bisson: On a point of order, Madam Speaker: Standing order 23 is pretty clear that you cannot impute motive to another member in the House. Further, the parliamentary privileges—if you take a look at page 83, when it speaks to privileges versus contempt, it says, “deliberately publishing a false or misleading report of the proceedings of the House or a committee” could be found to be a contemptuous issue.

I have a letter here dated February 18 from Todd Smith, the member from Prince Edward–Hastings, who said that New Democratic members in the House today refused unanimous consent on a bill dealing with recognizing January as the Tamil—you know, a proclamation bill for Tamils in the month of January. That was not the case. We did not say no. We were allowing it to go forward. The member is now sending a letter across this province saying that New Democrats did something that they did not do in the House, and I wish this to be looked into.

The Acting Speaker (Mrs. Julia Munro): Thank you. First of all, I don't think it's a point of order, but I certainly will take it under advisement.

Further debate?

Mr. Rick Nicholls: It's my honour and privilege to rise today and debate Bill 83, the Protection of Public

Participation Act, 2013. I need to specify the year, because similar bills have been introduced in the past, but for one reason or another we find ourselves still trying to pass this legislation.

Before I begin my remarks, I'd like to thank our critic, the member from York–Simcoe, for an insightful analysis of this piece of legislation. I would also like to thank the member from Dufferin–Caledon for her one-hour speech highlighting three high-profile cases of SLAPPs here in Ontario.

Firstly, people might be wondering, just what is a SLAPP? Well, it stands for “strategic lawsuit against public participation.” It's defined as a lawsuit that is pursued for the sole purpose of silencing or punishing those with an opposing viewpoint. The effect that such lawsuits have is often referred to as a litigation chill.

Part of what defines a strategic lawsuit against public participation is the fact that it is a meritless case. The purpose of these lawsuits is to punish or intimidate, not to seek justice for a legitimate grievance.

In most cases, these lawsuits are withdrawn shortly before going to trial. However, by this time, they've already taken a tremendous toll on the defendants of such targeting. These lawsuits cause defendants an undue amount of stress and often great financial costs.

Anti-SLAPP laws are on the books in Quebec, were around briefly in British Columbia and can be found in roughly half of the US states. California is the most commonly cited when discussing such laws. Several high-profile cases in the state have led to an increased focus on these types of suits. In fact, the Kardashians are currently in a legal battle this month, as their lawyer is looking to fend off a lawsuit using California's anti-SLAPP laws.

But it's not only the rich and famous who get targeted by spurious lawsuits. Ontario has had its share of strategic lawsuits against public participation. More often than not, it's the poor or vulnerable who get targeted by those who have the resources to wage court battles to silence their opposition.

Bill 83 is a response to a 2010 report to the Attorney General from the Anti-SLAPP Advisory Panel. The panel was chaired by University of Toronto faculty of law Dean Moran. This was not one of the 36 panels, by the way, that this Premier created within her first nine months on the job. I'm not sure if they still keep stats for that, but that's got to be some kind of record.

However, back on the anti-SLAPP discussion, the anti-SLAPP panel was in fact created to provide advice to the Attorney General on how Ontario's judicial system could prevent the misuse of the courts and other agencies by SLAPP cases while simultaneously preserving the appropriate legal response available to those who are experiencing legitimate cases of libel or even slander.

Essentially, they had to be mindful to find a balance. They had to ensure that they protected those who were being unfairly targeted while allowing legitimate cases, where parties had indeed been caused harm by the words or actions of others, to continue to be heard by the courts.

The panel found that the threat of abusive lawsuits claiming massive damages, especially for defamation, is deterring significant numbers of Ontarians from speaking out on issues of important public interest. The panel called for a test that defendants could use to throw SLAPPs out of court. Technically speaking, Bill 83 would in fact establish a new legal procedure that can be used if someone is being sued for voicing their opinions on public interest.

Again, as I look through my notes here, and we're talking a lot about the anti-SLAPP laws, a lot has been said about this. But I would like to bring to the attention of everyone what our PC Party is proud to say, and that is, we are proud to support this bill. For those on the receiving end of a SLAPP lawsuit, it can feel like David versus Goliath. This is David's sling; it gives power to the little guy who, up until now, had no other option than to fight the lawsuit, costing them time and money.

The PC Party stands firm in the belief that individuals are free to voice their opinions and expressions in the public interest. Our democracy is built upon public engagement. Any effort to silence citizens of this province must not be tolerated.

On behalf of the organizations, it has been stated that if this bill is passed, it will champion the human rights of ordinary Ontarians, allow for robust debate on matters of public interest and save taxpayer money. Speaker, we all know we need to focus and zero in on how we can save the taxpayers' money as opposed to just throwing that taxpayer money to the wind, no pun intended.

Additionally, over 64 municipalities and the Ontario Bar Association have supported anti-SLAPP legislation. I hope that for once, the government side listens to the wishes of municipalities, as they have been ignored by the province on several issues in the last few years—most notably the Green Energy Act, which stripped rural Ontarians of any input in regard to massive industrial wind turbine projects being forced upon their communities, but I'll get back to that in a moment.

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What I would like to talk about most importantly here is an example that highlights—a lady by the name of Esther Wrightman, who was targeted by a lawsuit last summer. While many of my fellow members may be familiar with that name, folks at home watching today may need to be reminded of just who this woman is.

She's an anti-wind activist who had vocally criticized wind farm proposals in Middlesex and Lambton counties. As a result of her opposition to wind turbine development in her community, the mother of two is being targeted with a lawsuit from a \$32-billion energy corporation. Boggled down in a court battle, she has had much less time to voice her opposition to turbine developments. NextEra Energy Canada is suing Mrs. Wrightman over altered company logos that appeared online and in videos that were posted to YouTube. Esther, frustrated as her community's opposition to wind turbine development was completely ignored by a provincial government that has long ignored rural Ontario, posted an altered version

of NextEra's logo. The statement of claim from NextEra seeks unspecified damages over "offending material deliberately used to adversely affect NextEra's reputation," after the company had issued a cease-and-desist order to Wrightman.

In a Sarnia Observer article written last June, Mrs. Wrightman said that she could be the poster child for Ontario's proposed new law to curb strategic lawsuits launched to silence critics.

Interestingly, the government introduced the Protection of Public Participation Act just weeks after wind farm developer NextEra Energy Canada launched a lawsuit against Wrightman. Will this lawsuit qualify as a SLAPP lawsuit under the new piece of legislation? While we may never find out the answer to that question, the PC Party does feel that Mrs. Wrightman was targeted by a SLAPP lawsuit.

By supporting Bill 83, I just want to send a message to my constituents who are voicing their concerns, whether it's regarding industrial wind turbines or any other matters related to public interests. All of my constituents and all Ontarians must be able to enjoy the freedom to express their opinions without fear.

If you play by the rules, you're not going to be subject to spurious lawsuits. If you are targeted with a baseless lawsuit, there will soon be options to fight back and get these cases out of court.

The reality here is simply this: While strategic lawsuits against public participation are fairly uncommon, when they do come up, they can potentially ruin someone's life. Bill 83 expands the tool kit to our province's judges.

Again, we in the Ontario PC caucus believe in no uncertain terms that it is unacceptable for residents to fear having a voice in their own communities. The ability of our citizens to engage in meaningful debate on matters of public interest is a cornerstone of our democracy, and we must do all we can to protect this essential freedom.

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

Mr. Paul Miller: Well, Speaker, I'm glad to hear the debate that has gone on in the House today. It has been long overdue, to say the least. I don't want to reiterate, but our leader has brought this forward twice before, and it didn't get through. Now, all of a sudden, it has become a priority, and it's getting through. Well that's good, because the people of this province have a right to speak out on events that are taking place in their community, and they certainly have the right to not feel that they can't stand up to major corporations because of the fear of being sued or intimidated or threatened. That has no place in our society. But trust me, over the years, I have seen a lot of that intimidation, and money talks and you know what else goes away.

So the bottom line is, when an individual in a community feels threatened about an environmental situation—and the environment minister can relate to this—whether it's a landfill, whether it's dumping illegal toxins into our lakes and our ponds, they have a right to speak out without the fear of being threatened physically,

threatened with litigation or actually isolated and removed from the process. That's what has happened so many times in our society over the years.

This is a start. I read some recommendations that I would like to see put into this bill because I myself, Speaker, lived through the Taro landfill in Hamilton. I also saw Randle Reef. I've lived through a lot of these situations in heavy industries that have seen many people over the years being squashed when they were doing the right thing. Even my uncle, the former mayor of Hamilton, was a huge environmentalist. At one point, he was even threatened by the Steel Company of Canada of being fired for daring to challenge them on some of the things that were going on. He stood by his guns, so to speak, and they eventually capitulated in their attack and he managed to retain his employment, but of course with an eye being on him all the time. That's unfortunate.

Those days should be gone. People have a right to speak out if they see something that's wrong. I'm glad the government is at least moving in the right direction, and we certainly would support it.

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

Mrs. Laura Albanese: I am really pleased to add my voice in support of Bill 83, the Protection of Public Participation Act.

I've been listening attentively to the debate that has been taking place here this afternoon. I believe that this bill will give a voice to citizens to help them participate in public affairs. As we've heard, it has been presented here in the House by more than one member—certainly by the member from Ottawa Centre, now Minister of Labour, and, as we've heard, also from the member from Hamilton Centre. It is a bill that, having been presented in the House a number of times, has the support of many of our colleagues. Therefore, I would really urge everyone to support it and make it go to committee so that if there are any items that need to be fine-tuned, that can happen as soon as possible.

It is important because, as we all know, our courts are overburdened. Sometimes these strategic lawsuits can take years to get to trial. They cost hundreds of thousands of dollars sometimes, and they also stop the voices that need to be heard in a democratic society. Therefore, I would urge everyone to support the bill. I think that it's well thought out even in the different faces and the questions that are basically asked. There has been extensive consultation on the bill that has taken place throughout the province. I think we're ready to move it forward.

The Acting Speaker (Mrs. Julia Munro): The member for Durham.

Mr. John O'Toole: Thank you, Madam Speaker. I want to compliment the member from Chatham-Kent-Essex. There's an example of a member who's doing the very best work for his riding, and I commend him for his remarks that are so relevant. I know there have been issues in his riding—that he has been a very strong voice.

That's the point he was making: that these are essential freedoms, as he said in his remarks.

More relevant to my riding of Durham—more recently, the Ministry of Energy approved a solar farm project on 100 acres of class 1 farmland on Shirley Road.

Ms. Sylvia Jones: Which is not supposed to happen.

Mr. John O'Toole: This was approved. They engaged the government—under Bill 150, there's no dissent or appeal mechanism. They won the right to appeal to the environmental tribunal, and they were frightened off by the intimidation of this government, under Kathleen Wynne—of the legal fees.

Interjections.

Mr. John O'Toole: I'm not making this up. I'm trying to represent my constituents. The problem with the Liberals that I've found so far—they are so partisan because they support this bill. I have no faith that this bill will ever see the light of day.

Bill 150 expunged any right of appeal or public input. In this case, it was a solar farm of 100 acres on class 1 farmland. These people did all the right things. They're not political at all; they're just people who are trying to farm to make a living in Ontario today. Then they were bullied out of the right to their day in court because they were going to have to pay the costs for both the proponent and the defence.

1750

I say to you, you say one thing—your actions speak louder than words. Bill 150 is a clear example of a government that has no intention of hearing your concerns. This bill here, until I see it in committee and I see them listen to our recommendations, I have no faith in anything that—

The Acting Speaker (Mrs. Julia Munro): Thank you. The Minister of the Environment.

Hon. James J. Bradley: Well, there's a solution to that, Madam Speaker, and that is to let it get to committee. We hear about this bill never coming to fruition, and it's largely because, with so many bills we have before the House, the Conservative caucus gets up and filibusters and prevents the bill from proceeding, even when there is agreement.

I can understand it when there is a matter of contention; that makes all kinds of sense. I've seen some of the members opposite make some compelling arguments against government bills which are of contention and with which they disagree, and that's quite legitimate in debate. Here we have an example of a bill that everybody agrees with in principle, and we're at second reading, which is in principle. It seems to me, from the speeches I've already heard from members of the Conservative caucus, the official opposition, that they are in favour. Therefore, as members of the New Democratic Party and members of the government have said, why don't we get

this bill to committee? It could actually go to committee as a result of the debate today.

It could go to committee, and ultimately a final determination could be made. It allows the opportunity to make amendments in committee. We are always interested in hearing from, first of all, the public, and second, all members of the Legislature of all the political parties, on amendments which could improve or strengthen the bill. But we cannot do this if, on every piece of legislation, we see Conservative members getting up to continue to speak to slow down the process on bills where there is agreement.

I reiterate: Where there is no agreement, I fully understand the official opposition going through the process they do. We have agreement. The government agrees, the third party agrees, the official opposition agrees. It's time to get this bill to committee. I hope that we have heard the last speaker now and that this bill will go to committee as a result of this debate.

The Acting Speaker (Mrs. Julia Munro): The member has two minutes to respond.

Mr. Rick Nicholls: I would like to thank the members from Hamilton East–Stoney Creek, York South–Weston, the member from Durham and the Minister of the Environment, the member from St. Catharines.

Much has already been said about SLAPP legislation, and truly, in my opinion, trying to silence democracy and the right to speak out on matters of public interest is just outright corporate-wind-turbine bullying; that's what that is. But you know what? I've already said there has been enough said about SLAPP legislation, but there's one thing that has yet to be mentioned here. That's how this government and their prop partners, the NDP, have been slapping Ontarians around through expensive hydro rates that are driving business out of Ontario, resulting in thousands of job losses; paying other jurisdictions to take our excess hydro that the taxpayers of Ontario have already paid for to have produced; crippling red tape and increased taxes. These are all the things that they're doing in terms of slapping Ontarians around.

Speaker, the PC Party is prepared to debate our leader's private member's bill that will bring one million jobs to Ontario in eight years. I thank the member from Kingston and the Islands, also known as the Attorney General, for bringing forth this piece of legislation. We will support this particular bill, but in all truth and sincerity, far more important issues really do need to be debated in this Legislature.

The Acting Speaker (Mrs. Julia Munro): Thank you.
Second reading debate deemed adjourned.

The Acting Speaker (Mrs. Julia Munro): It being close to 6 p.m., this House stands adjourned until tomorrow morning at 9 a.m.

The House adjourned at 1755.

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Hudak, Tim (PC)	Niagara West–Glanbrook / Niagara-Ouest–Glanbrook	Leader, Official Opposition / Chef de l'opposition officielle Leader, Progressive Conservative Party of Ontario / Chef du Parti progressiste-conservateur de l'Ontario
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Walker, Bill (PC)	Bruce–Grey–Owen Sound	
Wilson, Jim (PC)	Simcoe–Grey	Opposition House Leader / Leader parlementaire de l'opposition officielle
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Wynne, Hon. / L'hon. Kathleen O. (LIB)	Don Valley West / Don Valley-Ouest	Minister of Agriculture and Food / Ministre de l'Agriculture et de l'Alimentation Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Première ministre Leader, Government / Chef du gouvernement Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
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Jeff Yurek
Committee Clerk / Greffière: Sylwia Przewdziecki

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Vice-Chair / Vice-président: Rick Bartolucci
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Randy Pettapiece, Monique Taylor
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**Standing Committee on Justice Policy / Comité permanent de
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Vice-Chair / Vice-président: Phil McNeely
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Bob Delaney, Frank Klees
Jack MacLaren, Phil McNeely
Rob E. Milligan, Shafiq Qaadri
Jonah Schein
Committee Clerk / Greffière: Tamara Pomanski

**Standing Committee on the Legislative Assembly / Comité
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Vice-Chair / Vice-présidente: Lisa MacLeod
Bas Balkissoon, Grant Crack
Vic Dhillon, Garfield Dunlop
Cindy Forster, Lisa MacLeod
Amrit Mangat, Michael Mantha
Todd Smith
Committee Clerk / Greffier: Trevor Day

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

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Vice-Chair / Vice-président: Toby Barrett
Toby Barrett, Lorenzo Berardinetti
France Gélinas, Helena Jaczek
Bill Mauro, Phil McNeely
Norm Miller, John O'Toole
Jagmeet Singh
Committee Clerk / Greffier: William Short

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

Chair / Président: Peter Tabuns
Vice-Chair / Vice-président: John Vanthof
Donna H. Cansfield, Dipika Damerla
John Fraser, Monte Kwinter
Jane McKenna, Rick Nicholls
Peter Tabuns, John Vanthof
Bill Walker
Committee Clerk / Greffière: Valerie Quioc Lim

**Standing Committee on Social Policy / Comité permanent de
la politique sociale**

Chair / Président: Ernie Hardeman
Vice-Chair / Vice-président: Ted Chudleigh
Bas Balkissoon, Ted Chudleigh
Mike Colle, Vic Dhillon
Cheri DiNovo, Ernie Hardeman
Rod Jackson, Helena Jaczek
Paul Miller
Committee Clerk / Greffière: Valerie Quioc Lim

**Select Committee on Developmental Services / Comité spécial
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intellectuelle**

Chair / Présidente: Laura Albanese
Vice-Chair / Vice-présidente: Christine Elliott
Laura Albanese, Bas Balkissoon
Cheri DiNovo, Christine Elliott
Mitzie Hunter, Rod Jackson
Sylvia Jones, Monique Taylor
Soo Wong
Committee Clerk / Greffier: Trevor Day

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