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of Ontario

First Session, 37<sup>th</sup> Parliament

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de l'Ontario

Première session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 25 September 2000**

**Lundi 25 septembre 2000**

Speaker  
Honourable Gary Carr

Clerk  
Claude L. DesRosiers

Président  
L'honorable Gary Carr

Greffier  
Claude L. DesRosiers

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**LEGISLATIVE ASSEMBLY  
OF ONTARIO**

Monday 25 September 2000

**ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO**

Lundi 25 septembre 2000

*The House met at 1330.  
Prayers.*

INTRODUCTION OF MEMBER FOR  
ANCASTER-DUNDAS-  
FLAMBOROUGH-ALDERSHOT

**The Speaker (Hon Gary Carr):** I beg to inform the House that the Clerk has received from the chief election officer and laid upon the table a certificate of the by-election in the electoral district of Ancaster-Dundas-Flamborough-Aldershot.

**Clerk of the House (Mr Claude L. DesRosiers):** I have a letter addressed to:

“Mr Claude L. DesRosiers  
“Clerk of the Legislative Assembly  
“Room 104, Legislative Building  
“Queen’s Park  
“Toronto, Ontario  
“M7A 1A2.”

It reads as follows:

“Dear Mr DesRosiers:

“A writ of election dated the 4th day of August 2000 was issued by the Honourable Lieutenant Governor of the province of Ontario and was addressed to Jean Schemmer, returning officer for the electoral district of Ancaster-Dundas-Flamborough-Aldershot, for the election of a member to represent the said electoral district of Ancaster-Dundas-Flamborough-Aldershot in the Legislative Assembly of this province in the room of Toni Skarica, who since his election as representative of the said electoral district of Ancaster-Dundas-Flamborough-Aldershot has resigned his seat. This is to certify that, a poll having been granted and held in Ancaster-Dundas-Flamborough-Aldershot on the 7th day of September 2000, Ted McMeekin has been returned as duly elected as appears by the return of the said writ of election dated the 15th day of September 2000, which is now lodged of record in my office.

“Warren R. Bailie

“Chief election officer

“Toronto, September 15, 2000.”

**Mr Dalton McGuinty (Leader of the Opposition):** Mr Speaker, I have the honour to present to you, and to the House, Ted McMeekin, member-elect for the electoral district of Ancaster-Dundas-Flamborough-Aldershot, who has taken the oath and signed the roll and now claims the right to take his seat.

**The Speaker:** Let the member take his seat.

**MEMBERS’ STATEMENTS**

DOCTOR SHORTAGE

**Mrs Sandra Pupatello (Windsor West):** Speaker, I ask you, what has changed since June 1995? When I was first elected, my office was besieged with calls about people who couldn’t access doctors and couldn’t access specialists. Fast-forward to the summer of 2000, and my office was besieged with calls from people who can’t access doctors or specialists.

A case in point is Eva, who is 85 years old and suffering from degenerative discs in her spine. She was taken by her daughter to her specialist, from a spring appointment with her family doctor to a fall appointment with a neurosurgeon, except when the daughter, Nancy, took her mother to the specialist, she was there in the wrong year. She was meant to go next year, in September of the year 2001. That is the status of doctors and specialists where I come from.

Nothing has changed after five and a half years of Tory rule in Ontario. Promise after promise, and nothing has changed. Never mind Eva, who may not make it outside of a wheelchair by next year just in seeing a specialist, what are you going to do for the countless other people who deal with this on an ongoing basis? I ask this House to put this issue as a priority, especially for the people like Eva, who live in my riding.

QUEEN MOTHER

**Mr Ted Arnott (Waterloo-Wellington):** Welcome back, Mr Speaker.

On August 4 this year, Canadians joined the rest of the Commonwealth and the world in wishing a happy 100th birthday to Her Majesty Queen Elizabeth, the Queen Mother.

Throughout her entire life the Queen Mother has always been the epitome of leadership, service and devotion to duty. Hers was a hurried childhood, as the First World War began on her 14th birthday.

As Queen and wife of King George VI, she arrived with her husband in this very chamber in 1939, where the King sat in the Speaker’s chair as sovereign of Canada and Ontario, and awarded honours to deserving Ontarians on the eve of the Second World War.

Canadians have always loved and cherished the Queen Mother, and Her Majesty has never kept her special affection for Canada a secret either. Her vision, deter-

mination and confidence are the qualities by which she has captured hearts throughout the world.

On August 4, Her Honour, the Honourable Hilary Weston, Lieutenant Governor of Ontario, and the Honourable Gary Carr, Speaker of the Ontario Parliament, held a great birthday party in honour of the Queen Mother here on the grounds of the legislative precinct. I want to take this opportunity to publicly thank them both for organizing so great a tribute to so great a lady.

On behalf of all my colleagues in the Legislative Assembly, I too wish to add my voice to those of so many in saying, "Happy birthday, Your Majesty, and many happy returns for many, many more years to come."

#### LONG-TERM CARE

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** In 1998 this government promised that 144 long-term-care beds would be allocated to Frontenac, Lennox and Addington. Subsequently, Fairmount Home, a not-for-profit facility, applied for some of the beds, but all 96 from the first round were awarded to private facilities.

Just a couple of weeks ago, I met with the Deputy Minister of Health, along with Bill MacDonald, who is the chair of the Frontenac Management Board, with regard to the lack of affordable long-term-care beds. During this meeting we were assured that these concerns would be taken into account when the next rounds of beds were allocated.

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Our concerns will not be addressed, because last week the government announced its intention to reallocate the remaining 48 beds. Eighteen per cent of the population of Hastings-Frontenac-Lennox and Addington is over the age of 65, one of the highest senior populations in the province. Many live on fixed incomes and need access to affordable long-term care. However, not a single not-for-profit bed has been allocated to my riding.

My leader, Dalton McGuinty, highlighted many times a litany of broken promises by this government. Now we add another to the list. Frontenac county was promised long-term-care beds. On behalf of my constituents, I'm asking this government to keep its promise.

#### ACTIVITIES IN NORTHUMBERLAND

**Mr Doug Galt (Northumberland):** Over the weekend I ate one of the best-tasting apples I've ever had. I'm sure the others who braved the wet weather and attended this year's Applefest in Brighton will agree that Northumberland has some of the best apples in Ontario.

This past weekend we enjoyed Applefest in Brighton and the Great Farini festival in Port Hope, two of the wonderful events that take place every year in my riding. Northumberland provided an opportunity to taste and experience Ontario agriculture at several fairs and farmers' markets. You could enjoy outdoor concerts in

Brighton's Memorial Park or the Scottish/Irish Festival in Quinte West. You could visit Iron Chief Charlie or the cardboard boat races in Campbellford, listen to A Barnful of Broadway at the Westben Arts Festival Theatre, go to the rodeo at the Warkworth Western Weekend, tour area farms during Rural Rambles, check out classic cars in Cobourg's land yacht regatta, and even tell your friends to go "Take a Hike" in Presqu'ile Provincial Park.

These festivals could only happen with the hard work and dedication of volunteers. Volunteerism is a major aspect of rural life. Northumberland is a leader, county-wide, in volunteerism.

A big thank you and a salute to those many volunteers who dedicate their time and effort to their community, because without them our rural communities would not be the fun and exciting places that many Ontarians like to visit and many others call home.

#### CANCER CARE

**Mr Rick Bartolucci (Sudbury):** It's been a very long, exhausting and frustrating summer for cancer patients living in northern Ontario. While Mike Harris spent the summer months improving his golf swing and baiting his lures, cancer patient Janice Skinner, who's in the gallery today, spent her summer fighting for both her health and for justice. In fact, Janice Skinner is in Toronto today, paying her own travel and accommodation in order for her to get cancer treatment.

Gerry Lougheed Jr, former chair of Cancer Care Ontario northeast, and Janice and René Boucher, who formed Ontarians Seeking Equal Cancer Care, continue to fight this government over its unjust, discriminatory policy that believes that cancer patients from northern Ontario should not receive the same amount of money as those in southern Ontario.

Although their pleas have fallen on Mike Harris's deaf ears, voters from across Ontario recognize the injustice and have voiced their concern. During the month of August, Maureen Shaw, a Mississauga high school teacher, cycled her way across Ontario collecting signatures for OSECC's petition, demanding that the Mike Harris government move immediately to right this wrong. Gerry Lougheed Jr, along with people like Maureen Shaw and Janice Skinner, have collected over 51,000 signatures, and the number grows daily.

Beginning today, Gerry, Maureen, Janice and the 51,000 other Ontarians who believe this government believes in health care apartheid will have their petitions entered daily, 100 at a time, until you fix the problem.

#### OAK RIDGES MORAINÉ

**Ms Shelley Martel (Nickel Belt):** The protection of the Oak Ridges moraine continues to be a very important public issue. That's why New Democrats believe that full public hearings on our Bill 71, An Act to freeze development on the Oak Ridges Moraine and to amend the Planning Act to increase and strengthen the protection of

natural areas across Ontario, must occur as soon as possible.

On June 1 this bill was debated and passed second reading. It was referred to the general government committee. The government also referred Bill 101 to the same committee this summer, and public hearings were held on that instead. But clause-by-clause consideration of Bill 101 will soon be complete. I am therefore calling on the Chair of the committee, Steve Gilchrist, and all committee members to support a recommendation to hold public hearings on Bill 71 next.

Bill 71 does two important things: Firstly, it imposes a development freeze on the Oak Ridges moraine. This will remain in place until the government issues a policy statement under the Planning Act to direct how the moraine will be dealt with in the long term.

Secondly, the bill amends the Planning Act to guarantee that environmental protection is front and centre in decisions involving development in Ontario. Decision-makers at all levels will have to ensure that decisions involving planning matters "shall be consistent ... with policy statements issued" by the provincial government.

In light of the ongoing concern regarding protection of the Oak Ridges moraine, and with the quality of water and security of water generally in Ontario, it's time for full public hearings on the NDP's Bill 71. I trust the committee and the government will proceed with these as soon as possible.

#### GRIMSBY CENOTAPH

**Mr Brad Clark (Stoney Creek):** I'd like to welcome all the members back to the House. I'd like to inform this House that on September 17 the Royal Canadian Legion Branch 127 in Grimsby celebrated the unveiling of its cenotaph on the grounds of the Grimsby Museum. This cenotaph will speak silently to present and future residents of the community and to visitors from near and far. It will remind everyone of the consequences of war and the need to preserve the peace.

The unveiling ceremony was very poignant and powerful. As Jack Hendricks, the legion's cenotaph committee chair, put it, "It came 50 years too late, but we sure did it right." In addition to Mr Hendricks, many individuals worked hard for over two years to see this project through. They include committee members Bernard Prévost, John Threader, Doreen Brown, Dan Moore, Colleen Lavadiere and Claire McCausland, a student architect who produced the cenotaph design.

Two honour blocks will accompany the structure now in place, and they are scheduled to be unveiled shortly. They will contain the names of those from Grimsby and the surrounding community who paid the ultimate sacrifice, their lives, to fight tyranny and preserve the freedom we all cherish. They will never be forgotten.

I congratulate the members of the Royal Canadian Legion Branch 127 and look forward to observing this year's Remembrance Day with them in Grimsby.

#### VICTORIAN ORDER OF NURSES

**Mr Dominic Agostino (Hamilton East):** In the Hamilton area, over 200 VON nurses have now been on strike for the fourth week to protest and go after this government for equal funding, for fair funding and for better care for their patients. Many of these nurses are with us today. The VON has provided outstanding service over 100 years in the Hamilton area. An average nurse who works with the VON makes \$7 an hour less than the same nurse in a hospital setting across this province. It is a discrepancy that you must address.

The funding announcement made earlier by the minister falls inadequately short of what is needed: over \$3 million less than what the CCAC has asked for in Hamilton for the upcoming budget year. In the last two years there has been a 45% increase in the number of visits but less than a 25% increase in the money allocated to enable these visits to be carried out. In order for them to meet the budget you have given them, it would mean 1,000 fewer visits per day in the Hamilton area. They are not willing to sacrifice their patients the way you are with your inadequate funding.

This government has the power today to come forward and put on the table the money necessary to ensure that the nurses do what they want to do, and that is go back to work with their patients. They're professionals and they're dedicated. You have shortchanged them. This government has literally screwed the nurses who have worked hard to look after patients. It's time to fix this, and fix it once and for all.

#### PALERMO ATHLETICS

**Mr Ted Chudleigh (Halton):** I want to take this opportunity to congratulate the Palermo Athletics, a men's AA fastball team, on their recent eastern Canadian fastball championship, won in Moncton, New Brunswick.

Led by four Miltonians, the Palermo team, out of north Oakville, claimed the title with a 6-1 record in the double-knockout event. Winning the title required two straight wins over Nova Scotia, with the ultimate game an 8-7 nail-biter.

In the final game, Milton's Darryl Herbert hit an eighth-inning homer to complete the comeback. Miltonians Tim Lamers and Larry Withnell also had key hits in the victory.

The eastern Canadian win comes on the heels of a strong seventh-place finish from among 48 teams in the world series AA North American Championships, held in Fargo, North Dakota.

Congratulations to the Palermo Athletics on a really great season in the year 2000.

**The Speaker (Hon Gary Carr):** Point of order, the member for Hamilton West.

**Mr David Christopherson (Hamilton West):** I seek unanimous consent to have an emergency debate today on the strike and the crisis of the VON workers and on

home care in general in Hamilton and across the province.

**The Speaker:** Is there unanimous consent? I'm afraid I heard some noes.

1350

ROYAL ASSENT  
SANCTION ROYALE

**The Speaker (Hon Gary Carr):** I beg to inform the House that on Friday, June 23, in the name of Her Majesty the Queen, His Honour the Acting Administrator was pleased to assent to certain bills in the Lieutenant Governor's office.

**Clerk Assistant (Ms Deborah Deller):** The following are the titles of the bills to which His Honour did assent:

Bill 28, An Act to proclaim German Pioneers Day /  
Projet de loi 67, Loi proclamant le Jour des pionniers allemands;

Bill 49, An Act to adopt an official tartan for Ontario /  
Projet de loi 132, Loi visant à adopter un tartan officiel pour l'Ontario;

Bill 68, An Act, in memory of Brian Smith, to amend the Mental Health Act and the Health Care Consent Act, 1996 /  
Projet de loi 68, Loi à la mémoire de Brian Smith modifiant la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé;

Bill 72, An Act to pay a dividend to Ontario taxpayers, cut taxes, create jobs and implement the Budget /  
Projet de loi 72, Loi visant à verser un dividende aux contribuables de l'Ontario, à réduire les impôts, à créer des emplois et à mettre en oeuvre le budget;

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience /  
Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves;

Bill 81, An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act /  
Projet de loi 81, Loi visant à accroître le respect et le sens des responsabilités, à fixer des normes pour garantir la sécurité des conditions d'apprentissage et d'enseignement dans les écoles et à modifier la Loi sur la profession enseignante;

Bill 86, An Act to establish the Association of Professional Geoscientists of Ontario /  
Loi visant à établir l'Ordre des géoscientifiques professionnels de l'Ontario;

Bill 87, An Act to amend the Public Inquiries Act /  
Projet de loi 87, Loi modifiant la Loi sur les enquêtes publiques;

Bill 91, An Act to require the mandatory reporting of severely damaged vehicles to counter motor vehicle fraud and theft /  
Projet de loi 91, Loi exigeant la déclaration

obligatoire des véhicules gravement endommagés afin de lutter contre la fraude et le vol des véhicules automobiles;

Bill Pr3, An Act respecting Peterborough Regional Health Centre;

Bill Pr5, An Act respecting the Ross Memorial Hospital;

Bill Pr16, An Act to incorporate Talpiot College;

Bill Pr19, An Act respecting Redeemer Reformed Christian College;

Bill Pr20, An Act respecting Ner Israel Yeshiva College;

Bill Pr21, An Act to revive 1264030 Ontario Inc;

Bill Pr22, An Act respecting the Town of Greater Napanee;

Bill Pr24, An Act respecting Huron University College.

ELECTORAL DISTRICTS

**The Speaker (Hon Gary Carr):** I beg to inform the House of the name changes of four electoral districts, occasioned by the passage of Bill C-473 by the House of Commons and the Senate of Canada, which received Royal Assent on June 29.

Effective that date, the electoral district of Wentworth-Burlington became Ancaster-Dundas-Flamborough-Aldershot, the electoral district of Bruce-Grey became Bruce-Grey-Owen Sound, the electoral district of Carleton-Gloucester became Ottawa-Orléans and the electoral district of Broadview-Greenwood became Toronto-Danforth.

SPECIAL REPORT,  
ENVIRONMENTAL COMMISSIONER  
OF ONTARIO

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on Thursday, July 27, 2000, the special report of the Environmental Commissioner on the protection of Ontario's groundwater and intensive farming was tabled.

QUEEN MOTHER

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on August 4, Her Majesty Queen Elizabeth, the Queen Mother, conveyed thanks to the members of the assembly for our greetings sent to her on the occasion of her 100th birthday.

ANNUAL REPORT,  
CHIEF ELECTION OFFICER

**The Speaker (Hon Gary Carr):** I further beg to inform the House that on August 30, the 1999 annual report of the Chief Election Officer, under the Election Finances Act, was tabled.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Gary Carr):** I beg to inform the House that during the recess the Clerk received the 11th and 12th reports of the standing committee on government agencies. Pursuant to standing order 106(e)(9), these reports are deemed to have been adopted by the House.

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

**Mr John Gerretsen (Kingston and the Islands):** I beg leave to present a report on the office of the public guardian and trustee from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker (Hon Gary Carr):** Does the member wish to make a brief statement?

**Mr Gerretsen:** First of all, I'd like to thank all of the staff who were involved in the report, as well as the committee members. It's the third report that has been presented by the committee. It's a unanimous report. If its recommendations are adopted by the government agency involved, hopefully it will improve the operations of the office, particularly for those Ontarians who will be dealing with this office.

With that, I move the adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

Reports by committees?

**Mr Gerretsen:** I beg leave to present a report on Cancer Care Ontario from the standing committee on public accounts and move the adoption of its recommendations.

**The Speaker:** Does the member wish to make a brief statement?

**Mr Gerretsen:** Again I'd like to thank all those people who were involved in the report, both the staff and the committee members. It is the fourth report from the committee, and again it was a unanimous report. If adopted by the government and by the Ministry of Health and Cancer Care Ontario, it will undoubtedly improve the condition of those people who are suffering from cancer in this province.

With that, I move the adjournment of the debate.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

### SPEAKER'S RULING

**The Speaker (Hon Gary Carr):** On Tuesday, June 20, the member for Parkdale-High Park, Mr Kennedy, provided me with written material intended to supplement another point he had originally raised earlier in June

and on which I delivered a ruling on June 21. The earlier point did not specifically address this new supplementary material.

The earlier point related to radio advertisements placed by the government on the subject of Bill 74, the Education Accountability Act. The supplementary material deals with a memorandum from the assistant deputy minister of education to directors of education throughout the province, also on the subject of Bill 74.

The member for Parkdale-High Park asserted that the terminology used by the assistant deputy minister in the memorandum was definitive in its description of the changes being made in the education system and did not qualify that those changes still required the passage of Bill 74, the bill that was in the standing committee on justice and social policy, and was in fact 11 days away from its eventual passage and 14 days from royal assent.

As a result, the member alleged that the memorandum presumed the outcome of public hearings still in progress and presumed that the bill would not only be passed by the House, but without further changes. Reference is made to a 1997 ruling by Speaker Stockwell in which he found that the government advertisement which similarly conveyed that a legislative outcome was a foregone conclusion constituted a prima facie contempt of the House. The member concluded that the current memorandum does the same and is therefore a similar violation of privileges.

I have carefully reviewed the memorandum in question. It does indeed use language that fails to convey the conditions that still must be met before changes it describes will be in effect, that is, the remainder of the legislative process and ultimately the approval by the House at third reading. It does not do so in a way that contemptuously dismisses the Legislature's superior role, since it makes no reference to that role at all. That, though, is an important point: in many previous instances, previous Speakers have warned that care must be taken when describing proposed legislative changes to ensure they are described as just that—proposed changes which have not received legislative sanction. It is regrettable that we continue to see such communications as the one at hand. The member for Parkdale-High Park has certainly identified a genuine grievance, and I will again issue a caution to the civil servants on this count.

Notwithstanding my concern, however, I find that the memorandum in question does not constitute a prima facie contempt or a violation of the member's privileges.

### 1400

In the first instance, unlike the broad-spectrum government advertising, the audience for this memo is not, strictly speaking, a public one. It is a group of education insiders, administrators with a specific need for the information being conveyed to them. This group would or should know that proposed changes were in the system but still subject to final approval, even though the memo did not say so.

Secondly, this group would indeed need to commence plans to implement the proposed changes, even if only on

a contingency basis, on the supposition that they would pass the Legislature and would be in effect at the start of the following school year.

Thirdly, and most importantly, the same requirement to plan in advance applies to staff at the Ministry of Education, who were obligated to ensure that their partners in the education system were aware of the details of the proposed changes so that prudent planning would take place. Even though they were still being formally made, planning for such changes is a legitimate and necessary activity.

Speaker Edighoffer said in a similar situation, on page 273 of the Journals for December 20, 1989, "It is perfectly valid for the public service to proceed with plans based on a bill that is already in the system, in order to be able to act swiftly once the bill becomes law."

Though it unfortunately fails to account due deference to the Legislative Assembly and the legislative process, of which I strongly disapprove, the memorandum does represent a legitimate activity as described by Speaker Edighoffer.

I therefore find that a prima facie case of privilege has not been made out and I thank the member for his participation.

## INTRODUCTION OF BILLS

### VICTIMS' BILL OF RIGHTS AMENDMENT ACT 2000

#### LOI DE 2000 MODIFIANT LA CHARTE DES DROITS DES VICTIMES D'ACTES CRIMINELS

Mr Flaherty moved first reading of the following bill:

Bill 114, An Act to amend the Victims' Bill of Rights, 1995 / Projet de loi 114, Loi modifiant la Charte de 1995 des droits des victimes d'actes criminels.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The Attorney General for a brief statement?

**Hon Jim Flaherty (Attorney General, minister responsible for native affairs):** This legislation, if passed, would permanently establish the Office for Victims of Crime. This office plays a pivotal role in helping victims of crime deal with a sudden and painful turn of events in their lives. The new Office for Victims—

*Interjections.*

**The Speaker:** Order. I know it's the first day back, but we do need to hear other members when they are introducing bills. There will be plenty of time during question period to yell out.

*Interjection.*

**The Speaker:** The member for Niagara, come to order, please. When the Speaker is up, stop speaking, please.

I apologize. Attorney General.

**Hon Mr Flaherty:** The new Office for Victims of Crime would provide advice on ways to ensure that the principles set out in the Victims' Bill of Rights are respected, legislation policy and practice is relevant to victims of crime, the development of provincial standards—

*Interjection.*

**The Speaker:** The member for Niagara, come to order, please.

Attorney General.

**Hon Mr Flaherty:**—for victims' services and the use of the victims' justice fund. As Attorney General, I will be seeking to assign the new agency special tasks that will reinforce its bonds with victims. Creation of a permanent Office for Victims of Crime keeps our government's Blueprint promise to create such an agency and fulfills our budget commitment of \$1 million to support the office. Thank you.

### OAK RIDGES MORAINÉ CONSERVATION, PROTECTION AND PROMOTION ACT, 2000

#### LOI DE 200 SUR LA PRÉSERVATION, LA PROTECTION ET LA PROMOTION DE LA MORAINÉ D'OAK RIDGES

Mr Colle moved first reading of the following bill:

Bill 115, An Act to conserve and protect the Oak Ridges Moraine by stopping urban sprawl and uncontrolled development and promoting recreational, commercial and agricultural activities that are environmentally sustainable / Projet de loi 115, Loi visant à préserver et à protéger la moraine d'Oak Ridges en mettant fin au mitage et à l'aménagement désordonné et en favorisant des activités récréatives, commerciales et agricoles soucieuses de l'environnement.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Mike Colle (Eglinton-Lawrence):** It is my pleasure here today, along with dozens of people from the Oak Ridges moraine who are here today in the gallery—

*Applause.*

**The Speaker:** Order. If the member could just take his seat, please. I just want to remind all of our guests we're obviously very pleased to have you here, but the members in the gallery should know unfortunately there is no clapping allowed in the House. Many of you probably don't know that, but I did just want to point that out and I would appreciate it if all members of the gallery would refrain from clapping. I know it's something that is hard not to do on occasion, but I would ask all members of the gallery to please abide by the rules of the House.

I'm sorry to interrupt the member. The member for a short statement?

**Mr Colle:** Thank you, Mr Speaker. This bill puts forward a temporary freeze on development on the Oak Ridges moraine from Port Perry all the way to the Caledon Hills. It puts this freeze in place until a protective plan can be put in place, and then this plan would be protected by a stewardship body that would ensure that the development on the moraine could not proceed unless it met the criteria of environmental sustainability.

This bill also recognizes the beauty and the recreational potential of the Oak Ridges moraine that are sustainable and the agricultural potential that is sustainable. It asks that this beauty be promoted, that there be ecotourism, that there be sustainable businesses like apple orchards, that there be hiking and fishing, that all these good activities could take place in the moraine as a result of this legislation.

I'm more than proud to stand up and say save, don't pave the Oak Ridges moraine.

#### INTERCOUNTRY ADOPTION AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR L'ADOPTION INTERNATIONALE

Mr Cordiano moved first reading of the following bill:

Bill 116, An Act to amend the Intercountry Adoption Act, 1998 / Projet de loi 116, Loi modifiant la Loi de 1998 sur l'adoption internationale.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

**Mr Joseph Cordiano (York South-Weston):** Thank you, Mr Speaker. This bill is necessary, unfortunately, because the government has refused to do away with the dreaded \$925 head tax it imposes on couples wishing to adopt from other countries, so we repeal clause 19(c) of the Intercountry Adoption Act, 1998. That clause provides the director with the authority to charge for expenses he or she incurred in connection with the intercountry adoption.

A new section is also added to the act which prohibits the government of Ontario from varying the amount it charges for intercountry adoptions solely on the basis of where the adoption will be finalized.

**The Speaker:** I apologize to the member. Apparently, in reading out the title I said "intercounty" and it should be "intercountry." I apologize for that mistake and correct the record.

1410

**Ms Marilyn Churley (Toronto-Danforth):** Mr Speaker, on a point of order: I ask for unanimous consent that the Oak Ridges Moraine Conservation, Protection and Promotion Act be given second reading and that it be referred to the general government committee to be considered along with the NDP Oak Ridges moraine bill, Bill 71, which has passed second reading and which I

know the member supports, despite the Liberal cat-calling.

**The Speaker:** Is there unanimous consent? I heard some noes.

#### MOTIONS

**Hon Frank Klees (Minister without Portfolio):** Mr Speaker, I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon Gary Carr):** Agreed? Agreed.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon Frank Klees (Minister without Portfolio):** I move that notwithstanding standing order 96(d), the following changes be made to the ballot list for private members' public business:

That Ms Lankin and Ms Churley exchange places in order of precedence, Mr Bradley and Mrs Bountrogianni exchange places in order of precedence, Mrs Munro and Mr Young exchange places in order of precedence, Mr Kennedy and Mrs McLeod exchange places in order of precedence;

That Mrs Molinari, Mr Guzzo and Mr Tascona exchange places in order of precedence such that Mrs Molinari assumes ballot item 57, Mr Guzzo assumes ballot item 39 and Mr Tascona assumes ballot item 53; and

Pursuant to standing order 96(g), notice be waived for the following ballot numbers: 35 through 38 inclusive.

**The Speaker (Hon Gary Carr):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Howard Hampton (Kenora-Rainy River):** Mr Speaker, on a point of order: I'm asking for unanimous consent. As we know, education in this province is in a growing crisis because of the actions of the Minister of Education. Ontario will lose 2,000 teachers this year, increased workloads are forcing teachers to limit their extracurricular activities and some children who need remedial help are being denied that help.

In view of these issues, I seek unanimous consent from this House to allow the Minister of Education to explain how she intends to resolve these problems.

**The Speaker:** Is it the pleasure of the House? I heard some noes.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### GOVERNMENT'S AGENDA

**Hon Michael D. Harris (Premier):** Mr Speaker, more to do to keep Ontario strong: that was the basis of the agenda we laid before the people of this province

during the 1999 election, and that we presented to this Legislature during last year's throne speech. It is an agenda based on continued progress, not complacency; on sustained growth, not the status quo. For even though Ontario was back on track and our economy was strong, we realized we could not take success for granted.

This afternoon I want to report on what has been accomplished already and, more importantly, on what lies ahead. If I were to sum up our plan in one paragraph, it would be this: we are keeping our promises, we are honouring our commitments, we are doing what we said we would do and we will continue to do so.

The provincial budget has been balanced, just as we said. Taxes have been cut, just as we promised. More than 725,000 new jobs were created in less than five years, just as the Common Sense Revolution predicted. Teacher testing is being introduced. Work for welfare has been implemented. Health funding has increased, exactly as we promised.

To speak of these accomplishments as the achievements of government is to miss, though, their impact on people. These really are the successes of individual Ontarians. We are back on track toward our campaign Blueprint's target of an additional 825,000 net new jobs. Last month another 6,635 men, women and children broke free from welfare dependency. That's the 31st straight month in which welfare rolls have declined and reflects more than 535,000 personal victories off the welfare rolls since 1995.

Each and every one of these success stories reminds us of our fight, in the face of great opposition, to restore the principle of work for welfare, an extension of the great Canadian work ethic that built this great country.

The strides Ontario has made over the past five years have in fact been inspiring, but we can't confuse progress with victory. While much has been accomplished, there is still much to do.

When we took office in 1995, Ontario's deficit approached \$11 billion. In response, we made dramatic changes, putting our fiscal house in order, identifying savings, doing better with less. We did this at the same time as we cut taxes—cut taxes to create jobs, to keep the economy strong and to return to taxpayers more of their hard-earned money. We stuck by our plan and the people of Ontario stood with us. This past May we announced the first back-to-back balanced budgets in more than 50 years. We are now enjoying a surplus and we are now paying down debt.

Our priority remains to increase take-home pay and to make families better off. Starting October 6, taxpayers will receive dividend cheques returning their share of last year's excess surplus, a surplus that belongs to hard-working taxpayers.

This fall we will introduce legislation to establish a made-for-Ontario tax system, one that allows us to cut taxes without federal interference. We will continue to eliminate job-killing regulations. We will introduce red tape legislation, expanding on the 12 bills that have already been passed.

The job of fixing government, of making it more effective, has only just begun. We will take further action to ensure taxpayers' money is spent wisely.

All levels of government must deliver services as efficiently as possible. We believe all municipal councils should be free to contract out the delivery of services, providing they honour their collective agreements. This fall the province will introduce legislation to transfer full responsibility for the administration of social housing to municipalities, giving them the say for pay and the ability to make local decisions on housing needs.

*Interjections.*

**The Speaker (Hon Gary Carr):** Order.

**Hon Mr Harris:** Consistent with our Blueprint commitment, we will introduce legislation that would allow hard-working union members to learn how much of their dues are spent on the salaries and benefits of top union officials. Proposed legislation would also strengthen the right of individual workers to decide if they want to be represented by a union.

Following consultations on whether and how the Employment Standards Act might be updated, the Minister of Labour will introduce legislation to reflect the realities of the 21st century workplace.

Not only must government perform its job effectively; it must also know—

*Interjections.*

**The Speaker:** Order. Premier, take his seat.

We're going to start off on the first day and set the rules very clearly. If I cannot hear the minister during the ministers' statements, I'm going to have to interrupt them. It seems as if we're going to have to be quick off the mark. I would ask for everybody's indulgence. We might not even get to question period before we name people, but we're not going to continue on shouting across like this. It's as simple as that.

**1420**

I've said on numerous occasions that the people of this province expect us to come here—there is going to be some lively debate, but shouting across where no one can hear him is not what the people of this province want, and it's not going to happen in here.

I don't want to start off even before question period with a blanket warning to everybody, so we're going to ease into it, but I would say to all members that I cannot hear the Premier speaking, and we are not going to continue as long as I cannot hear the Premier speaking. I'm close enough that I should be able to hear him, and all members—it seems in rotation—on the opposition side are yelling. We're not going to put up with this in this session. I say this to all the members.

I apologize for the interruption, Premier.

**Hon Mr Harris:** Thank you, Mr Speaker.

Not only must government perform its job effectively; it must also know when something is not its job. The cabinet committee on privatization and SuperBuild will continue to actively review and evaluate everything that government owns and all services that we provide. Following examples like the Bruce nuclear plant and the

new Penetanguishene correctional facility, we will continue, where safety and high standards are met, to outsource, to contract out and to privatize. This is the only way to eliminate public sector monopolies that cost taxpayers hard-earned dollars.

Through the SuperBuild Corp, we are also—

*Interjection.*

**The Speaker:** Order. Would the Premier take his seat.

I would ask the member to withdraw that. I heard exactly what he said. I would ask the member to withdraw that. It is not appropriate to yell those things across the House, especially on the first day as we are getting into it. Confrontational words like that are not acceptable any time, especially at the beginning.

*Interjections.*

**Mr Dave Levac (Brant):** Speaker, would you hear my point, please.

*Interjections.*

**Mr Levac:** Speaker, what was the word?

**The Speaker:** The word was “liar.”

**Mr Levac:** I did not say “liar.”

*Interjections.*

**The Speaker:** I thought he said—would the member take his seat. Order. That’s what happens when people get shouting back and forth. It’s very difficult to hear people.

Premier, continue. I apologize for the interruption.

**Hon Mr Harris:** Thank you, Mr Speaker.

Through the SuperBuild Corp, we are also investing in Ontario’s future through projects which, when completed, will improve our quality of life, increase competitiveness and create even more jobs.

A strong economic plan combined with a vision for a prosperous Ontario allows our government to proceed with long-overdue investments in our province’s capital infrastructure. In the budget, we invested more than \$1 billion for health care capital, committed \$1 billion to expand and improve Ontario’s highways, and provided \$1 billion for colleges and universities, to help create more than 73,000 new spaces for Ontario students. We are preparing for significant growth in this new economy, and we are determined to give our young people the skills they need for the hundreds of thousands of new jobs we will help to create in the years to come.

As a result of all these investments, this fall we will move forward with construction projects on a scope not seen in decades.

Keeping our streets safe is among our most important priorities. Families have the right not just to be safe, but to feel safe.

We can and we must do more to protect those who live in the shadow of domestic violence. Later this week, the Attorney General will introduce legislation that would lead to tougher consequences for abusers and provide better protection for victims.

We will introduce legislation that would protect the public and police from the misuse of imitation firearms.

With the failure of the federal Liberal government to improve the Criminal Code to combat organized crime,

we will introduce our own legislation to fight this growing problem.

Today we introduced legislation that would formally establish the Office for Victims of Crime and give victims a greater voice in the criminal justice process.

We will further reform our prison, parole and probation system, introducing legislation that would impose tougher supervision for all offenders, respond strictly when probationers, parolees and prisoners use illegal drugs, and crack down on violent inmates. Serving time for breaking the law should be a form of punishment, not a free ride. We are introducing changes to teach criminals that their actions have consequences.

Ontario is blessed with forests and valleys and lakes and rivers, but we must be responsible stewards of this living legacy. That’s why we will dramatically increase the number of parks and protected lands through our Living Legacy program. In addition, we will take steps to encourage revitalization of abandoned industrial areas that could become green spaces and integral parts of our communities.

Events in Walkerton serve as a wake-up call. Ontario families have every right to expect that the water coming out of their taps is drinkable and that it is safe. That didn’t happen in Walkerton, where we still don’t know exactly what went wrong or why. We need to ensure this doesn’t happen again. That’s why we appointed Justice Dennis O’Connor to conduct an independent inquiry.

While we await the judge’s findings, we are already making changes designed to help prevent problems like this in future. Last month we strengthened water protection rules. Last week the Minister of the Environment reported on the many other steps we are taking. This fall we intend to set clear rules for small waterworks, ensure responsible agricultural practices and increase penalties for those who pollute the environment. In June we appointed a management expert to review the operation of the Ministry of the Environment and make recommendations for improvement.

We have also offered compensation to the victims of the Walkerton tragedy. The plan is no-fault, meaning victims need not prove liability, as they would have to do in court. Our offer is intended to provide a fair and fast out-of-court option to get money in the hands of those who need it as soon as possible.

Parents, government, communities, businesses—indeed, everyone in society—have a responsibility to ensure that all children get the best possible start in life. Already we have taken a leadership role in early child development. But this is only the beginning of our efforts to help children succeed.

We also understand the importance of a quality education for our children’s future. This fall, however, our students are yet again threatened with teachers’ strikes. We have been fair and we have been reasonable. We want to ensure that classrooms are not disrupted.

First, while establishing clear standards regarding the time teachers spend in the classroom, we have provided flexibility on how these standards can be met.

Then we accepted the union leaders' good faith that they would not withdraw co-instructional activities. We have not proclaimed sections of the Education Accountability Act which would have made it mandatory that teachers perform these duties. Teachers' unions may disagree with our government and our education reforms, but they should not be using students as pawns. They can oppose us, as they did in the last election, without punishing students.

We are determined to continue to improve education standards. This fall we will move forward with the implementation of comprehensive province-wide teacher testing. Our code of conduct sets clear rules of behaviour, and now we will start implementing new strict-discipline schooling programs for those who choose to seriously disrupt our classrooms. We will introduce legislation to promote excellence throughout the post-secondary system by giving students and parents the opportunity to choose privately funded institutions.

Ensuring access to quality health care still remains our most pressing concern. We inherited a system on the road to bankruptcy and disarray, so we launched an aggressive reform plan to meet Ontario's changing health care needs. We've increased provincial health spending dramatically. But as a son and as a parent, I know that we must do better. Our plan is working, but the health care system must be strengthened to meet the needs of an aging and of a growing population.

We'll continue to expand our hospitals and emergency rooms. We'll build new cancer and cardiac centres. We'll strengthen our internationally recognized mental health services. We're working to create 20,000 new long-term-care beds, the first since 1988. Inspired by recent news that Ontario's rate of organ donation has increased by 40% from last year, we'll act to continue to improve our organ donation system. Working with physicians and nurses, we'll continue primary care reform. Our goal is 24-hour, seven-day access to primary health care for everyone in Ontario.

For five years our innovative health reforms have led the nation, despite billions of dollars of federal cuts. I'm here today to tell you that without Ontario's leadership, the federal Liberals would never have reversed their cuts, never have restored the money; the recent agreement between Ottawa and the provinces would not have been reached. That's why we make absolutely no apologies for standing up to the federal government—

*Interjections.*

1430

**The Speaker:** Order. Would the Premier take his seat. Stop the clock, please. Order.

Sorry for the interruption. Premier?

**Hon Mr Harris:** Thank you, Mr Speaker. That's why, as I said, we make no apologies for standing up to the federal government for better health care. Even now, Ottawa will still fund less of health care than it did seven years ago.

*Interjections.*

**The Speaker:** Would the Premier take his seat. This is an official warning, the member for Windsor-St Clair, his last warning. Premier.

**Hon Mr Harris:** As I said, even now Ottawa will still fund less of health care than it did seven years ago when it had a massive budget deficit.

We will continue to lead the way in getting Ottawa to pay its fair share of health care funding. As always, we will continue to keep our promises. We will do what we said we would do, not just to be able to say that we kept our promises but because, once kept, these promises will build a stronger Ontario.

Our revolutionary spirit endures, but not as an end in itself. Instead, it reflects our determination to fight for what's important to Ontario families: more efficient government, lower taxes, more jobs, safer streets, better environmental protection, higher education standards and better health care. That's what Ontario families have told us matters to them. That is, then, what matters to us, and that's what we will deliver.

The opposition and the special interests want to take Ontario backward, but we are moving forward to build a province that attracts investment and provides a better quality of life for hard-working middle-class families. This session, this fall, the Common Sense Revolution continues. The work of fixing government, the work of reforming government and of improving government, goes on, because even after five years there is still so much more to do.

**The Speaker:** Responses?

**Mr Dalton McGuinty (Leader of the Opposition):** Mr Speaker, I can tell you that we on this side of the House are indeed very happy to be back in the House, because this is where we can best fight on behalf of the hard-working families who elected all of us, and what those families tell us they want is clean air, clean water and clean government. That's exactly what we're fighting for.

Three months have passed since we gathered here, and the people of Walkerton are still without clean and safe drinking water. Three months have passed and our air is still making Ontarians, but especially our children, sick. Three months have passed and the government continues to waste millions of taxpayer dollars on partisan political advertising. Unsafe water, dirty air and a filthy waste of taxpayers' money: that is what the Harris government has left for the people of this province.

Now the Premier would have us believe that the government is back on its feet and that he's back to work after the longest vacation in Ontario's political history. Well, we're not buying it. What we have here is a government that is on the run: on the run from its own record, on the run from the worst environmental disaster in Ontario's history, on the run from the continuing and mounting crisis in our emergency wards, on the run from the turmoil that he's created in our schools.

This government, by its own admission, has no vision, no direction and no agenda. In a word, this government is adrift. So instead it runs ads, millions of dollars worth of

ads, wasting millions of dollars in taxpayers' money. Do you know why they're doing that, Mr Speaker? Because when you're all spin and no substance, you've got to do a heck of a lot of spinning. This government has been very busy spinning the media lately, particularly when it comes to the law-and-order agenda. They are doing this not out of any sincere concern for public safety, but in an attempt to paper over a lack of vision.

Let's be clear on the subject of public safety. We on this side are all for law and order, but let's see some meaningful reforms. This government is all talk and no action when it comes to law and order. It would rather pass the buck to Ottawa than pass meaningful reforms. When we speak of crime in this session, let us do everything we can to ensure that the punishment handed out is swift and just, but let us also match the punishment with real prevention.

I note with interest that the Premier is following our lead to ban phony guns in Ontario, and I ask the Premier, if he is so genuinely dedicated and committed to that purpose, that he then pass my colleague Michael Bryant's bill, which received unanimous agreement on second reading. If the Premier chose to do so, we could make that law today.

Why not take law and order a step further? Why don't we pass a law that restores order to the protection of our drinking water and our air? Why don't we pass a law that will stop the fighting and put in place funding that will restore order to our schools? Why don't we pass a law and put in place modern reforms that will restore order to our health care system? That would be a real vision for Ontario, instead of passing the buck and papering over failures with millions of dollars in advertising.

In this session, Ontarians are going to see a real difference between a government that is running from its mistakes and Ontario Liberals who are fighting for hard-working families and the things they absolutely need to be able to count on: good schools, dependable health care, clean air, clean water and clean government. The people of Ancaster-Dundas-Flamborough-Aldershot recognize the difference. Now all Ontarians will have the chance to see the Ontario Liberals fight for them, and that's why we are thrilled to be back here.

**Mr Howard Hampton (Kenora-Rainy River):** We wondered what was happening to the Premier down in Sydney, Australia. I think it's pretty apparent now that he got too much sun. What's obvious is that this is a government that has come here today determined to evade and avoid dealing with the real problems of people in Ontario.

Premier, you talk a lot in your speech about punishment, but people in Ontario want to see some prevention. They want to see a government take action on clean water before six people die and 2,000 people are rendered ill. They want to see a government bring forward a safe drinking water act, but there's no mention of it here. Well, Premier, there is a Safe Drinking Water Act. It's been brought forward by my colleague Marilyn Churley. We're going to vote on it this Thursday. Will

you and your members be there to vote for a Safe Drinking Water Act for Ontario on Thursday?

Premier, you also talk about punishment and law and order, but there was a whole group of women here last week; 80 women's groups came to talk to this government about preventing violence against women and children, and not one member of the government was prepared to talk to them. Preventing violence against women, preventing violence against children, ensuring that it doesn't happen, and your government didn't even have the gumption to meet with them.

There are people across this province who want to see action to deal with the developing nursing crisis. Nothing. We have more communities than ever in this province that cannot find an adequate number of physicians, and what do we get from this government? A press release, another press release, another press release.

**1440**

We find out today that cancer patient waiting lists for treatment are growing longer and longer. Does this government have an agenda? No, just another press release. We know that cancer patients in northern Ontario, who are regularly having to travel six and seven hours, who in many cases have to fly here to Toronto to get cancer treatment, are told by this government, "Pay for it yourself out of your own pocket." But if you happen to be from one of the cabinet ministers' ridings, if you happen to be from Mississauga or Scarborough, the Minister of Health will pay for the full shot: the air fare, the taxi, the food allowance, everything—

*Interjection.*

**Mr Hampton:** —and this from a government that has to acknowledge it's got a \$3.5-billion surplus—

**The Speaker:** Order. Stop the clock. Member take his seat. I would ask the member for Brampton to withdraw that.

**Mr Joseph Spina (Brampton Centre):** I withdraw.

**Mr Hampton:** And then, Speaker, this government talks about how it's going to invest in early childhood education. Well, Premier, I'd be happier if you had invested a while ago, because while you were in Sydney, an 18-month-old child drowned in an unlicensed, unregulated child care centre, the kind of unlicensed, unregulated child care that your government is trying to push on more and more parents in this province.

Premier, you've got a \$3.5-billion surplus. Why not make a real investment in children in this province? Ensure that when they go to child care, it's a licensed, regulated child care centre that follows the rules of health and safety for our children. That is really dealing with the issues that confront families and parents.

Then, this government is going to put forward changes to the Employment Standards Act that are going to take us back into the last century. This government wants to promote a 60-hour work week. The rest of the world is learning to work smarter, not longer, not harder, not putting more and more people at risk.

Some of the government members laugh. I just want you to know that there's a case you should look at, a

steelworker in Sudbury who was following your pattern. He worked 30 consecutive 12-hour days and then, when he was going home, he fell asleep at the wheel of his car, crashed and died. We're talking about health and safety here. That's the agenda you should be following, one of investing in the people of Ontario, not a propaganda campaign to avoid the real issues.

**The Speaker:** Just before we begin question period, I'll remind members of the procedures here. Each member will have about a minute for the question, which I will also remind you is a little longer than they have in other jurisdictions around Canada. You'll have about a minute. What we will do is, at about 50 seconds I will shout out either "question" or "answer" depending on what the case may be. You'll have about 10 seconds to wrap up, and at that point I'll have to stand up and cut off whomever at about a minute.

I would ask all members not to shout "question" and "answer." We will try to make sure we watch the clock diligently, as will the table. But I will say it gets very confusing when people are shouting "question" and "answer," because if it's somebody down at the far end, they don't know if I've yelled it or somebody else.

I would ask all members if they would kindly cooperate. That way, we'll be able to get as many questions on for as many members as we can. With that, we'll start oral questions.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Given the Premier's announcement today, I seek unanimous consent to call for second reading of my colleague, Michael Bryant, the member for St Paul's Bill 67, which would deal with the phony gun issue here and now, today. I seek unanimous consent to give second and third readings.

**The Speaker:** Is there unanimous consent? I hear some noes.

## ORAL QUESTIONS

### WALKERTON TRAGEDY

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Premier. Four months ago the people of Walkerton were hit by the worst environmental disaster in the history of this province. Six people died and 2,000 more became seriously ill. We dragged you, kicking and screaming, into holding a full independent public inquiry, and we very much look forward to the results of that inquiry, as do the people of Walkerton.

But I can tell you there's something else that the people of Walkerton are looking forward to. It has now been four months and four days since they've had access to clean and safe drinking water through their taps. My question to you, Premier, on behalf of the families living in Walkerton today, is, why is it taking so long to turn the water back on in Walkerton?

**Hon Michael D. Harris (Premier):** The details of that would much better come from the Minister of the Environment, who's on the file on a daily basis. But let me say in general terms that we are doing everything we possibly can as quickly as we possibly can to restore clean water to Walkerton.

If there is an error to be made, we want to err on the side of a little longer to ensure that the water is safe. I think you are aware of what the mayor of Walkerton himself said: "From day one, Premier Mike Harris, the Minister of the Environment, Dan Newman, the Attorney General, James Flaherty, and the Ontario support team have done whatever it takes to restore clean and safe water to the residents of Brockton," the municipality that includes Walkerton. And we are indeed doing that. If you'd like details to date, I'd be happy to refer the supplementary to the minister.

**Mr McGuinty:** Premier, I would invite you to speak to the people living in Walkerton and ask them in a very direct way about what they think of your record when it comes to turning their taps back on.

Along with the perks and privileges and trappings that come with the Premier's office come a few basic and fundamental responsibilities. I would suggest to you, Premier, that one of the most basic responsibilities would be, in these circumstances, to ensure that the people of Walkerton have access to safe and clean drinking water. It's been four months and four days since they've been able to turn the taps on. The stuff that is still coming out of there today is deadly. It is toxic.

I'm asking you again, on their behalf, Premier. The answer that you just gave me was unacceptable. Why is it taking so darn long to get the water back on in Walkerton?

**Hon Mr Harris:** Again, if you would like all the technical details, which are given to the people of Walkerton on a regular basis, by the experts who have been retained—certainly we've allowed, through the Ministry of the Environment, for unlimited access to the very best professionals and engineers and teams of specialists that we can get.

I realize that, as leader of your party in an opposition role, you would never agree, but certainly the mayor of Walkerton, I think, agrees. I think sensible people do. I certainly know the newly elected member from Ancaster-Dundas-Flamborough-Aldershot, Ted McMeekin, your member, said, "I think the Minister of the Environment needs to receive some kudos for some of the actions that have been taken, for putting the water regulations in place. I think the government is trying as best it can."

I understand you have to represent an opposition, negative viewpoint, but I think reasonable people would say otherwise.

**Mr McGuinty:** Premier, I would suggest that instead of your European sojourns, you take the time and speak with people living in Walkerton, quite apart from the mayor. There are a number of people other than the mayor living in the community, and you might want to find out what the families living there are experiencing.

You know what they've told me? They are tired of lugging jugs of water up and down the stairs every day. They are tired of washing their hands with Javex every time they or their children come into contact with the water that's in the taps today. They are sick and tired of the smell of Javex and bleach on their dishes and on their clothes and on their pots and pans. That's the kind of interruption to their daily lives that these people are living with.

Why is it taking so long to fix this problem? Maybe, Premier, if you can't tell me why, tell me when. When is the water going to be turned back on so that the people of Walkerton can get back on with their lives?

1450

**Hon Mr Harris:** I can assure you that I, too, talk to people from Walkerton. We have ministers talking to them on a regular basis. We have ministry staff talking to them on a regular basis. I think reasonable people would want to ensure that the goal is not how fast you turn the water back on in Walkerton; the goal is how do you absolutely ensure that the water, when it is turned back on, is safe.

There's a lot of work going on. As I said, if you truly want the details, you know you can get more of the details from the Minister of the Environment. If you want to know when, the "when" is exactly the second it is absolutely 100% guaranteed safe.

#### WASTE DISPOSAL

**Mr Dalton McGuinty (Leader of the Opposition):** My second question is also for the Premier. I think the province should mark the passage of the new millennium, and apparently you agree. Unfortunately, your millennium legacy is going to be a pile of garbage 700 feet high, to be placed in an open pit mine in northern Ontario which feeds into Ontario's purest water, and that dump is going to have an existence for the next 1,000 years.

Premier, can you guarantee Ontarians that at no time during the next 1,000 years will the liquid poison produced by your dump ever leak into our underground streams and rivers and make either today's generation or future generations sick? Can you offer us that guarantee?

**Hon Michael D. Harris (Premier):** What I can offer to you is the guarantee that any dump site or any disposal site for garbage anywhere in the province, any extension of any proposal for a dump site, must go through a most rigorous environmental assessment with all of the professionals, not the politicians, making the decision independently, at arm's length from government, of whether that proposal is safe or whether it is not safe.

I understand that you and your party are for continuing to dump garbage on the Oak Ridges moraine. I understand that you think it's quite acceptable to send it down to southwestern Ontario. I understand that you think it's quite acceptable to ship the garbage to Michigan. But at the end of the day, responsible people have to take care of their own garbage.

We ask municipalities to follow the rules, tough regulations, full environmental assessment, and each project is reviewed on that basis.

**Mr McGuinty:** The only conclusion we can draw here is that you have failed to learn the painful lesson that everybody in this province has drawn, apart from yourself, from Walkerton. We're talking about 700 feet, in terms of the height of the garbage that's going to be placed in an open pit mine. You are choosing to place your confidence in an untried, untested pumping system that must continue to operate without fail for at least 100 years.

Premier, why is it that you are continuing to gamble with the safety and security of Ontarians, and generations yet to come, when it comes to the safety of our water supply, when it comes to guarding the right of Ontarians to enjoy safe and clean water? And we never had a full environmental assessment; we had a Mike Harris environmental assessment. There is a world of difference between the two, and you should be honest enough to admit that.

I ask you again, why are you prepared to gamble with the safety of Ontarians' lives by going ahead with a scheme which is untried and untested?

**Hon Mr Harris:** I think the member would know and acknowledge that there is no such thing as an individual's environmental assessment or a government environmental assessment. What the government does is lay out rules for the most stringent of assessments for any dump site, I believe anywhere, I might add, in North America. This is the process that the proponent went through, and then it is up to the city of Toronto to make a decision, do they wish to use this facility.

I have to say to the member that what is irresponsible is to continually say, "Not in my backyard, don't put garbage there," with never ever having a solution other than shipping it out of the country or carrying on in the Oak Ridges moraine of your own. That is irresponsible.

**Mr McGuinty:** Do you really want to know what's irresponsible? What's irresponsible is piling garbage 700 feet high in an open pit mine which is at present filled with water which is known to leak through, and there is a great likelihood that it is going to contaminate underground aquifers, underground streams, flow into Ontario rivers. That is irresponsible, Premier.

Why is it that you have failed to draw the lessons from Walkerton? Why is it that as the Premier of this province you are not standing on guard against any schemes where there might be the slightest chance of polluting our waters one more time and having that pollution, that toxicity, ending up inside our taps and somehow endangering the lives of our children? Why is it that you aren't standing up and saying, "Yes, I'm for alternatives, but I've looked at this one and this one is irresponsible"?

**Hon Mr Harris:** I suppose the great Toronto garbage mess began when politicians said: "Not here. You're not going to do it here. You can't dump it there." Politicians shouldn't be deciding where garbage is going to go. Politicians shouldn't be deciding where in fact is a safe

site. That is left for the experts, that is left for the engineers, that is left for the scientists, through an independent environmental assessment process. That is the process that was followed in the Adams mine site.

I again ask you, since you think you should be standing up saying it shouldn't go here, it shouldn't go there—we know where you don't want it—where do you suggest Toronto put its garbage? On the Oak Ridges moraine? Ship it to Michigan? What's your responsible position? It is the kind of position of a Liberal Party that got this province into the mess that we've been in for the last 20 years. You're all for never doing anything. You cannot stand up and take a responsible position, and that's the problem.

**The Speaker (Hon Gary Carr):** New question, the leader of the third party.

**Mr Howard Hampton (Kenora-Rainy River):** I want to acknowledge that many of the Liberals who voted against legislation which banned the use of the Adams mine site are now finally seeing the light and they're opposed to the Adams mine.

My question to the Premier is this: since even the Liberals now recognize that this is a very risky proposal, since municipal—

*Interjections.*

**The Speaker:** Order. The member take his seat. We were doing quite well on the time. That means more questions on. I will remind everybody that the more time that I stand here the less time we have to ask questions, when you're shouting back and forth. We will start from the beginning on the minute because the member didn't get a chance to get into it. The leader of the third party, sorry for the interruption.

**Mr Hampton:** Premier, municipal leaders now in Ontario and Quebec, the Ontario Federation of Agriculture, the neighbouring Timiskaming First Nation, even some of the Liberal backbenchers in Ottawa are now opposing this project, because they recognize it is incredibly risky and it makes no sense.

The question to you is this: have you learned anything from Walkerton? If you have, use your power to say no to this very risky deal. Say no to the Adams mine dump.

**Hon Mr Harris:** I want to welcome the member back—speaking of taking irresponsible positions—into the Legislature, because, yes, you have been consistently thinking that politicians should override environmental assessment, override the professionals, override the experts and say, "Not in my backyard." You have been consistent on that.

You're quite right: the Liberals are for it one day, against it the next, and they flip-flop back and forth. Pretty soon the Liberals are going to put out a release saying, "No, no, no, make sure you don't extend the Keele Valley dump site," after leaving that option open. We understand that.

You have been consistently saying that politicians should interfere in the environmental assessment process. I have the same question for you as I had for the leader of

the flip-flop party: since you think politicians should decide, where should Toronto's garbage go?

**1500**

**Mr Hampton:** Well, Premier, I'll take you up on that. Ontario, and principally Toronto, should follow the lead of Halifax and Edmonton and we should start reusing, recycling and composting and reduce by 80% the amount of waste that is generated. That's what we need to do.

I want to refer to one of the Premier's experts. On June 20, your Deputy Minister of Northern Development and Mines wrote to the chair of the Toronto works committee urging him to support the Adams mine project because, he said, "It's the only complete Ontario-based solution." Premier, you must know that's wrong. This landfill, if it goes ahead, is going to be owned by Waste Management Inc of Houston, Texas. You must know of them. They gave \$74,000 to your re-election campaign. You must know of them. They're under investigation in at least eight states in the United States. They've been fined over and over again.

Premier, before it becomes obvious to everybody but you, say no to this incredibly risky, incredibly suspect, bad strategy. Move to recycling, reuse and composting. Do the environmentally intelligent thing. Will you do that?

**Hon Mr Harris:** Let me first of all thank the member for reminding folks about reducing, reusing, recycling, composting. All those things, of course, we are supporting and we are encouraging; they are the first line of defence, if you like, in not having to dispose of garbage. But I would point out to you that every jurisdiction, including Edmonton and wherever else you mentioned, at the end of the day still has to put garbage somewhere.

I asked you a question. I think you've indicated that politicians should decide where garbage should go. We don't believe that. We think it should go to the professionals and to the environmental assessment process. To the leader of the New Democratic Party, I guess the last time you had the opportunity, you wanted a garbage dump 10 storeys high next to the Rouge River on sandy silt soil. This was under your IWA. Is this still the NDP position? You haven't given us any alternative. Your last position was right beside the Rouge River. Is that still your position?

**The Speaker:** Final supplementary.

**Ms Marilyn Churley (Toronto-Danforth):** Premier, we're offering you a solution today. I'm going to try again, and I'll ask you again, when are you going to wake up and say no to this disastrous plan? The only made-in-Ontario solution that is happening here is that 83 billion litres of clean water will be polluted over the 20-year lifespan of this dump if it goes ahead.

Those pushing the Adams mine plan or the expansion of the Lindsay site want us to believe, as you're saying yourself today, that there is no alternative to outdated megadumps. But there is. In Tory-ruled Alberta and Nova Scotia they have proven otherwise. They are diverting up to 60% to 80% out of landfill. Your own

handpicked waste diversion organization told you that you have to move to composting.

I'm asking you, will you tell Toronto that Ontario will financially support banning organics from landfills, that there is an alternative? Will you help them say no to the Adams mine deal and protect our water, Premier?

**Hon Mr Harris:** As I said to your leader before he ducked the final supplementary, and let me say to you, of course we are very supportive of anything we can do to reduce the amount of garbage that ultimately needs to be disposed of. Whether it's reducing, recycling, reusing, composting, that is exactly what we want to encourage first and foremost.

However, since your leader refused to answer, I would ask you, as the environment critic for your party, is it still your position that you put forward under the IWA—and we've heard nothing since—that Toronto's garbage should be stored 10 storeys high next to the Rouge River on sandy silt soil? That's where you had it before you lost office. Is that still your position?

#### MINISTRY OF THE ENVIRONMENT STAFF

**Ms Marilyn Churley (Toronto-Danforth):** I have a question for the Premier. I ask the questions here, Premier, not you. I want an answer too, because this is a very serious question.

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock. Order.

Member for Toronto-Danforth. Sorry for the interruption.

**Hon Frank Klees (Minister without Portfolio):** On a point of order, Mr Speaker: I ask for unanimous consent to have the member give an answer.

**The Speaker:** The member will know that we ask that points of order don't come in question period, because if you start that, we're going to have the other side doing it as well. I would appreciate the chief government whip not starting with that right off the bat the first day. I say to all members, we have one hour for question period. It's the members' time. We do not want to get into points of order during question period. I would ask all members to consider that.

Sorry again for the interruption. The member for Toronto-Danforth.

**Ms Churley:** Thank you, Speaker.

Premier, the people of Ontario want to know why you are still putting tax cuts ahead of safe water. In the draft cabinet document we released, your ministry said you need 500 new staff, but they said you should at least hire a SWAT team of 138 new employees. You couldn't even go to half that amount, Premier. You chose 65, and those are only temporary contracts. But on top of that, Premier, yesterday one of your MOE staff told me that they were shocked to read a memo from the deputy at environment saying that even those 65 won't be all new, additional staff.

Are you really going to use existing staff along with some new hires when you're so short-staffed already? Premier, will you guarantee that none of the 65 temporary new hires will come out of the existing MOE staff?

**Hon Michael D. Harris (Premier):** I'm disappointed that you seem to have so little confidence in the existing MOE staff. Obviously, if they're capable of performing the job and if they have time to do the job, then I would assume the deputy minister would invite them to do this job. If you would like to get into the details of the actual numbers of people, I could refer in supplementaries, and I will if you wish that, to the Minister of the Environment.

But let me say in response to the first part of your question that it has been tax cuts—over your objections, over Liberal objections—that have led and fuelled the miraculous recovery of the province of Ontario, that have balanced the books a year ahead of schedule, that have given us the billions of dollars we have had for health care, for environment, for education, for investments into children in this province. Without tax cuts, we would not have had those dollars to make these kinds of reinvestments.

The second part of your question deals with the number of staff—

**The Speaker:** Order. I'm afraid the Premier's time is up. Final supplementary.

**Mr Howard Hampton (Kenora-Rainy River):** It would seem that the Premier has learned nothing. You laid off 1,000 staff at the Ministry of the Environment. It meant you didn't have the inspectors, the enforcement officers, to prevent something like Walkerton from happening.

My question is, have you learned anything? People want safe drinking water. This Thursday, Bill 96, the Safe Drinking Water Act by my colleague Marilyn Churley, comes before this Legislature for a vote. You have a chance to rectify some of the damage you've done. You have a chance to put in place legislation which will protect Ontario's drinking water. What are you going to do, Premier? Are you going to support Bill 96, the Safe Drinking Water Act, or are you going to continue to emphasize tax cuts over protecting the environment?

1510

**Hon Mr Harris:** Let me just correct the record, that it has only been tax cuts that have given us the economy, the jobs and the dollars to invest into health care, into the environment. In fact, had we not cut the heavy burden of taxes that you and the Liberals had brought in over 10 years, we would not have the employment, we would not have the dollars, we would not have the books balanced and we would not be able to make the investments required into all areas of government programs. It's only because of that that we are spending record amounts here in Ontario with balanced books.

I could give you a litany of things we have done to improve clean water: Operation Clean Water itself, which is focusing province-wide efforts to improve water quality; tough, clear standards now with the full force of

law so that we don't need the legislation you're talking about, which would be repetitive and duplicate the regulations we've already brought in place; effective inspection and enforcement; tough penalties for non-compliance; strategic investments and efficient delivery practices; a new drinking water protection regulation; consultation with the owners and users of small water-works—the discussion paper is out there; private wells. In addition, the provincial chief medical—

**The Speaker:** Order. I'm afraid the Premier's time is up. Can we stop the clock for just a quick moment, please.

#### VISITOR

**The Speaker (Hon Gary Carr):** I apologize for interrupting the flow of question period, but I inadvertently forgot to introduce a guest, with so much happening before question period. So I apologize to all members.

In the Speaker's gallery today we have Michael German, member of the National Assembly of Wales. If all members could join in welcoming him.

Again, I apologize for interrupting the flow. I inadvertently forgot and our friend has to leave, so I apologize for that.

#### MUNICIPAL RESTRUCTURING

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My question is for the Minister of Municipal Affairs and Housing. Just at the outset, however, I'd like to say how pleased I am to be here and how pleased I am that the government follows with some regularity comments I make. I wonder if they take the time to follow the published comments of their own members, or should I say "ex-members."

In a published interview last week, the former member, Toni Skarica, had this to say about this government and the Hamilton supercity, and I quote, "The government wanted a local solution. A Mississauga bureaucrat came up with a bogus report, about as close to a local solution as a marriage is to a brothel, except in a brothel, unlike in my community, there's consent to the acts that are going on."

Later in the same interview he added, "I really feel sorry for my Tory colleagues because I know they didn't support the supercity legislation. Basically, the Premier pulled his card out. When he saw he didn't have support, he said, 'Look, you vote against this and it's a vote against my leadership.' He got everybody in line and the whole government voted for something they didn't believe in."

Minister, those comments by your former member are, to say the least, very startling. How can a government that has such contempt for its own members expect to keep the support of the people?

**Hon Tony Clement (Minister of Municipal Affairs and Housing):** Let me offer verbally my welcome to the

honourable member and the debates that go on here. That's the end of the welcome.

The fact of the matter is, as the honourable member knows because he participated in it, there have been 20, 30, 40 years of discussion in that community over how best to deliver better services at less cost to the taxpayer, how best to have accountability for the local citizen in the local representative government. That discussion took place for so long that eventually all of the local representatives, all of the civic leaders, all of the business leaders and the citizens said, "We can't do it alone. We need your help. We need the provincial government to be part of the solution."

It was only as a result of that that this government did pass a law as part of this Legislature and this government did act on behalf of the citizens. Lower taxes, more accountable government, a government that works for them—that is what we on this side of the Legislature are fighting for day in and day out.

**Mr McMeekin:** Mr Minister, given that your own special adviser projected suburban tax increases of up to 12% in the new supercity and, in fact, double that once the area rating comes off, I want to ask, is your government prepared today, right now, to guarantee that every citizen in the new city of Hamilton will receive the same or better service without any increase in property taxes, and will you, Mr Minister, move to introduce legislation to ensure that no property tax increases will occur in your new supercity?

**Hon Mr Clement:** I can say to the honourable member, without fear of contradiction, that we have done more to protect the citizens in his riding against property tax increases through our legislation, through area rating, through mandating that the tax cuts are front-end loaded, than that honourable member did or the Leader of the Opposition did.

I'll read the honourable member a quote. This is what the Leader of the Opposition said: "We are going to provide an opportunity for consensus. Ninety days. If the communities are unable to arrive at a position of their own accord in that period of time, we will appoint someone else who will consult and return to the government with recommendations, and then we'll act on the recommendations." That's what his leader said before he flip-flopped. This honourable member had a proposal before his community that would have meant over 98% of his community would have received up to 34% tax increases. We stepped in and said that is not good enough for the people of Ontario, particularly in his riding. We are here to protect the taxpayer.

#### JUNIOR KINDERGARTEN

**Mr Doug Galt (Northumberland):** My question is directed to the Minister of Education. While recently at the plowing match, I received a pamphlet under the windshield wiper of my car. It was distributed by the local Liberal association in an attempt to promote their agenda and, of course, try to defeat this government. Talk

about spinning an agenda, I can't find anything in it that's really accurate, and I want to question the minister. This is a quote from it: "A Dalton McGuinty government will restore junior kindergarten."

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. The member take his seat. I can't hear the member. Sorry for the interruption to the member.

**Mr Galt:** It clearly states that a Dalton McGuinty government will restore junior kindergarten. Now, Minister, you can't restore it unless it's been removed. What are they talking about, or is this accurate, and I doubt that it is. When was junior kindergarten, in effect, eliminated?

**Hon Janet Ecker (Minister of Education):** I agree that it's quite difficult to follow where the Liberals are coming from on this, because I'm not sure what junior kindergarten they're trying to restore, since 70 of the 72 school boards provide junior kindergarten. As a matter of fact, we've had a 24% increase in the number of children going to junior kindergarten, and the two school boards that don't have junior kindergarten get funding from this government for an alternative program. We think junior kindergarten and kindergarten are very important in getting our young children off to a good start. That's one of the reasons we've revamped curriculum for kindergarten, the first time that's happened in 50 years—very much needed.

We've also brought in a new learning assessment procedure, so that we know if our children are ready to learn and can learn, and we've increased funding for reading and literacy skills at those crucial early stages—very important, junior kindergarten.

**Mr Galt:** Thank you very much, Minister, for that very informative response. I also notice that on the cover it says, "Only two people can stop Mike Harris." Obviously, Dalton McGuinty alone will never be able to stop him. It's pretty clear on the front cover here that Dalton is admitting it.

Clearly, the members on the other side just don't get it, because they as a caucus had a very poor turnout at the plowing match. We had a tremendous turnout. But I would like you to respond to another quote, Minister, if you don't mind, "A Dalton McGuinty government will stop the Harris—"

*Interjections.*

**The Speaker:** Order. Members, I appreciate the input from all members. The member can ask the question on his own. Again, I apologize for the interruptions. The member may continue.

1520

**Mr Galt:** Thank you very much. As I was saying to the minister, just if she'd respond to the second one, "A Dalton McGuinty government will stop the Harris education cuts and guarantee adequate funding for our schools."

I just don't understand: with the continuous increase in funding, maybe you could state how much money this government spends on education so that the members

opposite can see that this government takes the education system very seriously.

**Hon Mrs Ecker:** Factual descriptions of what is happening in education are something that is sadly lacking in material of that kind from the other side of the House. Our goal—we've been very clear in education reform—is better quality, more accountability, more resources focused in the classroom. That's why we're spending more on education today than was being spent in 1995-96, from \$12.9 billion up to \$13.5 billion. More of that is in classrooms; some \$700 million more of that is in classrooms than was there before. We've had significant increases in priority areas like special needs children, for example, a 12% increase in the amount of money for school boards to offer those very important services.

We've been very true to what we said we would do: to focus good-quality resources in the classroom. I'm in the process of meeting yet again with my partners to see how we can make further enhancements for the coming school year.

#### BREAST CANCER

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the minister of health. It was nothing less than shocking to learn that women with breast cancer in Ontario may have to wait as long as seven months to get the treatment they need. Seven months is an unbelievable, agonizing time to wait when you have a disease that threatens your life. This time last year, you were assuring us that at least 50% of patients needing radiation would be seen within four weeks. We didn't consider that a very reassuring target at the time, but now we find that patients are waiting longer than ever. Things are getting worse, not better, and your response is to have a bureaucrat investigate the situation.

Surely you know this is a crisis that is spiralling out of control. Surely you're not just beginning to investigate this situation. After your completely false reassurances of a year ago, what can you say now to women with breast cancer who today are having to wait as long as seven months to get treatment?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member well knows, we have made progress. This situation regarding waiting times was brought to our attention in November 1998. Since that time, Cancer Care Ontario, which has the responsibility for making the decisions related to cancer treatment and waiting times, has been moving forward very aggressively.

In fact, I'm very pleased to indicate to you that a meeting took place between the Deputy Minister, Mr Closson, the head of the University Health Network and Dr Shumak, the head of Cancer Care Ontario. At that meeting, they made a commitment to us that Princess Margaret Hospital will expand its capacity for breast cancer radiation therapy by 50% and give priority to the people who are on the waiting list.

I want to assure you that action continues to be taken very quickly. As you know, we have invested over \$55 million since 1998 to reduce the waiting times, and we are seeing a reduction.

**Mrs McLeod:** Those are the same reassurances you gave this House a year ago, and now we have waiting lists that are longer than anybody involved in cancer care has ever seen, as much as seven months for women with breast cancer.

You are sending hundreds of cancer patients away from home to get care, and yet you can't provide timely treatment to those who can't travel. To those people you are saying, "Tough. You'll have to wait two months or three months or seven months." That's the only answer you've given them, when you've known about this crisis for at least a year.

Your government helped to create the crisis when you shut down the radiation therapy training programs. Now we have a critical shortage of therapists. We have an increasingly critical shortage of radiation oncologists, and you're not going to deal with that either. We have more and more people who are getting cancer who are going to need treatment and who aren't going to get it. And if the former minister of health thinks that women waiting for seven months to get breast cancer treatment is silly, tell me what his priority would be and why he helped create the problem women are facing right now.

Minister, your government's short-sightedness has helped create the crisis we face today. Your government's refusal to see what's ahead of it will guarantee one thing only, and that's that more and more people are going to wait longer and longer for treatment.

You say it is unacceptable to have a seven-month wait for radiation treatment. We say it's intolerable to risk having any patient die on a waiting list in this province.

Minister, will you sit down immediately with Cancer Care Ontario and develop a two-year, five-year and 10-year plan to provide adequate staffing and resources to meet the critical and growing need for cancer care in this province?

**Hon Mrs Witmer:** It is very unfortunate that there is so much information that has just been communicated that is inconsistent with what is happening today. Since 1998, as the member knows, we have been working with Cancer Care Ontario to take steps to reduce the waiting list—

*Interjections.*

**The Speaker (Hon Gary Carr):** Order. Would the minister take her seat.

**Mrs Sandra Papatello (Windsor West):** You knew what was happening.

**The Speaker:** The member for Windsor West, this is her last warning as well. Sorry, Minister. Please continue.

**Hon Mrs Witmer:** We have been working diligently, and Cancer Care Ontario has undertaken initiative after initiative. They have been supported. We have added \$160 million to cancer services, and we are making tremendous progress. We have added 11 new drugs. The number of people receiving radiation therapy has

increased by 25%. I am also pleased to tell you that when it comes to radiation therapy, we never closed any program down; in fact, we have expanded the number of spaces from 50 to 75.

Furthermore, I would again draw the member's attention—

**The Speaker:** Order. The minister's time is up.

## CROP INSURANCE

**Mr John O'Toole (Durham):** My question is to the Minister of Agriculture, Food and Rural Affairs. Let me start by saying I want to thank you, Minister, for visiting my riding this summer and meeting with constituents and dealing with their questions during your visit to the riding of Durham.

Of course, a significant number of people in my riding earn their livelihood in the agricultural sector. As you would know, it is the second-largest industry in the riding of Durham. There is very clear evidence to consider the success of local agriculture business when you look at the success of fairs like Blackstock, Orono, and the Durham Central Fair.

I have met, as you have, with members such as Burt Werry, who is here in the chamber today, Dave Frew, Brian deJong and others, including Dave Barry, president of the federation of agriculture. They've said very clearly that they want to level the playing field with the United States and ensure there are emergency safety net programs to deal with a very difficult year of low yield, low output and low price.

Minister, could you perhaps tell my constituents and the people of Ontario what your ministry is doing to help during this very difficult period in Ontario?

**Hon Ernie Hardeman (Minister of Agriculture, Food and Rural Affairs):** I thank the member for Durham for his question. I certainly enjoyed travelling in his area this summer and meeting with farmers in a part of Ontario with such a strong agricultural sector.

First let me assure the member that we understand the concerns of Ontario farmers and are working hard to help them as effectively as possible in a year with low prices and poor growing conditions.

We've taken leadership in standing up for our province's farmers with the federal government to make sure we get a fair share of the farm safety net funding. I am happy to report that persistence has paid off. Earlier this summer we signed an agreement with the federal government to make sure our Ontario farmers get their fair share, which will mean another \$30 million of federal money for Ontario farmers. That will be over and above the \$435 million that's available to our farmers for disaster relief. It has indeed been a tough summer for our farmers and we want to make sure we do all we can for those farmers in this year of bad growing conditions and poor commodity prices.

**Mr O'Toole:** Thank you very much, Minister. I have to admit right now that I was certainly impressed with the reception you received at the international plowing

match. I thought it was a very respectful interchange with the leaders of our agricultural community, with you taking the time to listen to their positions. It's just as important to my constituents in the riding of Durham that you are indeed listening and working on their behalf.

I can tell you that Anna Bragg, the president of the Ontario Corn Producers' Association, who lives in my riding of Durham, is in constant communication with her members on the whole issue of low yield and prices. They are very concerned, as I've repeated, that crop insurance and the compensation of farmers is absolutely critical to the survival of that sector of our economy.

Minister, perhaps you could broaden it out here. It's not just you who can solve the problem. What are the federal cousins saying to you? Are they there, supportive of the issue, or are you doing it on your own?

1530

**Hon Mr Hardeman:** The honourable member mentions the international plowing match. I wanted to tell the House how disappointed I was that I was unable to win first prize in the plowing, but I want to say that the member from Wellington, being at home—and I'm sure he had previously practised—indeed won first prize. I think that's worth noting.

I do want to say that Ontario has been a strong supporter of the market revenue insurance program for the grain and oilseed industry. Indeed, it is the only province in Canada that still maintains that program. I want to inform everyone that that is the saviour of the grain and oilseed industry this year as the commodity prices have dropped the way they have. Earlier this year, we were able to send out \$35 million in an interim payment to help the grain and oilseed industry. As we speak, AgriCorp is sending out another interim cheque to pay another 30% of that money to those farmers. Hopefully, by the end of the year we will be sending out another \$17 million. In fact, there will be \$115 million distributed through the market revenue insurance program for our Ontario grain and oilseed—

**The Speaker (Hon Gary Carr):** I'm afraid the minister's time is up. New question.

#### CANCER CARE

**Ms Frances Lankin (Beaches-East York):** My question is to the Minister of Health. Minister, I want to ask you again today if you will, as an emergency measure in order to save lives, agree to cover the cost of rectal and uterine cancer patients to receive out-of-province radiation treatment. There's a consensus in the cancer community that if you added rectal and uterine cancer patients to the breast and prostate cancer patients who are currently covered, you would have an immediate impact in decreasing waiting times here in Ontario. Will you take this positive proposal to save cancer patients' lives and act on it today? Will you agree to include rectal and uterine cancer patients in your program for out-of-province treatment?

**Hon Elizabeth Witmer (Minister of Health and Long-Term Care):** As the member knows, the decisions to make referrals out of province are decisions that are made by Cancer Care Ontario. We will continue to depend upon them to make those clinical decisions as to appropriate referrals.

**Ms Lankin:** Minister, the only cancers that are eligible for re-referral for you to pay the cost at this point in time are breast cancer and prostate cancer. I've raised this question with you again, but let me rephrase it: Why won't you include rectal and uterine cancer patients in the out-of-province treatment program? I raised it last December and this past spring; I raised it three weeks ago. I've been told by people in Cancer Care Ontario and at Princess Margaret that this simple and positive proposal would have an immediate impact in decreasing the waiting list, that those patients who can't travel would have access to more treatment here because there would be other people eligible to have their costs covered and they would move. It could save lives.

Despite all your claims, you have contributed to this crisis. I'm putting forward a positive proposal now. Minister, this is a question of life and death for many people who are on that list. Please tell us clearly, why won't you add rectal and uterine cancer? Why won't you take this simple step to save cancer patients' lives?

**Hon Mrs Witmer:** Again, Cancer Care Ontario is responsible for making decisions related to the treatment of cancer in Ontario. Certainly we always would welcome any advice that they would have in order to further enhance treatment and services for people in this province.

#### MINISTRY OF THE ENVIRONMENT STAFF

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of the Environment. Minister, last Thursday you were trotted out by the Premier's staff to the Toronto Brickworks to make what could only be described as an embarrassingly pathetic reannouncement of a so-called SWAT team consisting of half the number that was recommended, a mere 65, who your own personal staff admitted will not be permanent employees and will likely be staff yanked from other important positions within the ministry which will be left unprotected—this to deal with a political crisis rather than an environmental crisis. After firing one third of your staff and slashing almost 45% of your budget, the Premier and the Chair of Management Board have once again thrown you to the wolves by giving you fewer than half the staff recommended for your much-touted SWAT team.

Does the minister really expect the people of Ontario to believe that 65 staff yanked from other important jobs, 65 temporary staff, can possibly replace the over 900 employees turfed out the door of the MOE and the 45% of the budget that has been taken away from you?

**Hon Dan Newman (Minister of the Environment):** I know the member opposite wishes he had actually been there for the announcement, because he would have

known that there are 30 new inspectors to be hired, nine new investigators, plus program analysts, engineers and scientists, 65 new staff, keeping a campaign commitment in our Blueprint document to have that SWAT team up in place. That's a very important first step. I remind the member opposite that we also have an entire review of the ministry under way right now, headed up by Valerie Gibbons, a former deputy within the civil service.

But the fact of the matter is this environmental SWAT team is going to target emerging environmental issues and go after those deliberate repeat offenders. It's going to go after the people whom I know he also wants to see nabbed, and those will be the midnight dumpers who are dumping and polluting our environment in Ontario.

**Mr Bradley:** I see what the Minister of Education is talking about when she says there's a problem with math, because the Minister of the Environment seems to think that 65 people pulled from other jobs within the ministry are somehow supposed to replace the over 900 people who were sent out the door by the Chair of Management Board, the Premier and his staff.

We all recognize this announcement you had is simply a public relations ploy orchestrated by Paul Rhodes, your \$2,000-a-day spin doctor, taxpayer-paid advertising guru. We recognize as well that your own ministry, in a document which was leaked, said you're now inspecting only 10% of the environmental problems in this province and the document says that you will require in excess of 500 staff to be able to do the job properly. That's right in the document the Premier referred to as a phony-baloney document, which proved to be a genuine government document.

I ask the minister, would it not be better to bolster the investigations and enforcement staff, keep them totally independent, make sure that these are new additional staff, and would it not be wise to hire those 900 people back who provide the supplementary work for all the investigations and prosecutions that go on in this province instead of engaging in some kind of public relations exercise orchestrated by Paul Rhodes?

**Hon Mr Newman:** What the member opposite is asking us to do is not to keep our word, and that's not what we're all about in this government. In fact, the Blueprint document clearly stated that we would hire an environmental SWAT team to protect the environment here in Ontario. That's what it said. I know that their campaign document made no such reference to anything like that.

The announcement last Thursday was an important first step: 65 new staff—30 inspectors, nine investigators in addition to program analysts, engineers and scientists.

What we want to do with the environmental SWAT team is to hire the brightest and best people who will be out there to protect the environment on behalf of the people of Ontario. It's a Blueprint commitment in our election document. It's an important first step: 65 additional staff in this newly created separate unit within the Ministry of the Environment.

## PREMIER'S RESEARCH EXCELLENCE AWARDS

**Mr Frank Mazzilli (London-Fanshawe):** My question is to the Minister of Energy, Science and Technology. Minister, as the global marketplace is increasingly becoming technology-driven, it is important to ensure that Ontario remains a leader in scientific research and job creation. As you know, we must be ready to meet the challenges of the future, and we will have to bring investment into the province. To accomplish that goal, Ontario must have the best and brightest researchers working toward developing innovations that will benefit us all.

Minister, could you tell the House what the Mike Harris government is doing to attract researchers and to make sure that they have the resources they need to make sure that Ontario has a leading edge?

1540

**Hon Jim Wilson (Minister of Energy, Science and Technology):** One of the innovative programs that the Premier introduced some 18 months ago is the Premier's Research Excellence Awards. Over the past year and a half, 243 of our best and brightest researchers from our hospitals, our universities, our colleges and other public institutions have received \$150,000. That money is not used for personal use; it is used to attract researchers to their research teams and to build international excellence in research. It's the only program of its kind in Canada, it's the largest awards program in Canada, and on December 3 the Premier will personally thank this year's recipients of the Premier's Research Excellence Awards.

If the engine of economic growth is brainpower, then Ontario is leading our country in attracting people back from the United States. So far, we've had almost 18 individuals come back from the United States because we are providing the necessary resources for them to do world-class research right here in the province of Ontario.

**Mr Mazzilli:** I'm sure the tax cuts have helped bring some of these people back to Ontario. Minister, can you tell me specifically how the Premier's Research Excellence Awards will benefit the London area and the researchers at the University of Western Ontario?

**Hon Mr Wilson:** The University of Western Ontario alone has been the recipient of 21 Premier's Research Excellence Awards, people like Dr David Holdsworth of the John P. Robarts Research Institute. Professor Holdsworth and his research group have developed an X-ray imaging system that produces three-dimensional images of the blood vessels in the brain. This work is going a long way to help prevent strokes, and the findings of that research will hopefully be disseminated across our hospitals and our health care institutions in the near future so that all the people of Ontario can benefit.

Last week, we gave an award to a young researcher at the University of Waterloo. Her name is Dr Stephany Bennett. She told the audience at Waterloo that first her job is to make Alzheimer patients comfortable and then

she intends to cure the disease. That's the type of world-class research that's going on, the type of world-class research that I, as Minister of Energy, Science and Technology, on behalf of all members of the House, am pleased to recognize and support in this province.

#### PLAYGROUND EQUIPMENT

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of Education. Minister, the kids are back in school and we're finally back in the Legislature, but those kids are looking, thanks to you and your government, more than ever to the members of this House and to you in particular as the person who has taken charge of education in this province. We're going to be bringing you the problems you've inflicted on some of those kids, but today one very simple issue:

In Toronto and in other areas around the province there are playgrounds missing. There are kids like Kristina Fallows who are standing around literally, not getting exercise, not getting recreation and not being able to develop their social skills, because the equipment is missing.

I want to ask you something very specific, very straightforward. In your responsibility for education, will you act? Will you set up a matching fund so that the parents, the school boards and the municipalities can start to put that equipment back? Will you, from the province's standpoint, match the money they raise and make sure that kids can go out to play? Will you do that immediately, Minister?

**Hon Janet Ecker (Minister of Education):** I'm a little surprised this would have been the member's first question, because on the one hand this is the party that keeps saying that we've taken away decision-making responsibility from school boards. This is a particular situation where this school board, in their wisdom, made this decision. Now he is asking us to take this responsibility away from this school board and come in and second-guess what they did. I don't think that's appropriate.

School boards across this province have had the responsibility for making decisions around equipment, accommodation and health and safety issues. That's been there for many, many years. We pay substantial amounts of money to school boards to help them do that. As a matter of fact, there were several hundreds of millions of additional dollars to the Toronto board and other boards to give them flexibility in how to do that.

I don't think it's appropriate now, when they've made a decision, when the community has now objected, to come running to Queen's Park and ask for special treatment for Toronto that is not available to the other school boards in this province.

**Mr Kennedy:** There's the key to what's wrong with education. The minister will take no responsibility. The kids don't care if a mistake was made and they don't get to play; their equipment is missing.

This minister and this government have cut \$1,400 per student in Toronto. They plan to cut another \$750 per student in Toronto. There is no money at the school board.

Minister, you and I could walk to Jesse Ketchum school right after this and see there's no equipment there. Will you come and explain to Kristina Fallows at Jesse Ketchum school why you won't take the responsibility you've legislated for yourself? Again, will you put your politics aside? Will you say to the kids that their ability to play supersedes the games, that you will provide matching funds to make sure that playground equipment can be restored, not just in Toronto but in Ottawa, Windsor, Peterborough and other places where the safety of kids caused that to happen? Will you do that today? Will you come with me to Jesse Ketchum School and explain this to Kristina Fallows.

**Hon Mrs Ecker:** I have been to many schools and school boards across this province that are handling this same issue in a very different way than this particular school board. I would suggest to the honourable member that if some individuals would spend less time fighting politics and more time reading the staff reports that were put in front of them, perhaps we would not have situations like this. The school board and the community are working very hard, with the council, to try to make sure this decision is rectified, that there are indeed facilities for those children, as there should be. But the honourable member of the Liberal Party cannot, on one hand, sit in here and say I should be giving school boards flexibility to make decisions on their own and then, when they make a decision he doesn't agree with, come running to me and say, "Minister, fix it." I don't think that is appropriate. The community is responding, the council is responding, the board is responding with money they have received from us. I think that is appropriate to make sure these kids get what they deserve.

**The Speaker (Hon Gary Carr):** The time for question period is over.

**Mr David Christopherson (Hamilton West):** On a point of order, Mr Speaker: Very briefly, I know at the beginning you mentioned that you were going to try keep things as tight as possible, and obviously the House isn't always co-operative with that. But I want to bring to your attention again that one of the reasons for that is that we have a fourth question, and when we don't get to it, people like the VON workers who are here today and want to hear their question put on the floor, do not get an opportunity. I might suggest, Speaker, if it's helpful at all, that I as the House leader for the NDP caucus would certainly be willing to meet with you and the other House leaders to determine any kind of procedural mechanisms we can give effect to that would let us get to that fourth question.

**Mrs Brenda Elliott (Guelph-Wellington):** On a point of order, Mr Speaker: Earlier today, the leader of the third party indicated that a group wished to meet with representatives of the government and that that meeting had not occurred.

I would like to correct the record. In fact I did meet, on behalf of the government, and passed the information—

**The Speaker:** The member can't correct somebody else's point of order.

## PETITIONS

### NORTHERN HEALTH TRAVEL GRANT

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Ontario Legislature. It deals with the northern health travel grant.

“Whereas the northern health travel grant offers a reimbursement of partial travel costs at a rate of 30.4 cents per kilometre one way for northerners forced to travel for cancer care while travel policy for southerners who travel for cancer care features full reimbursement costs for travel, meals and accommodation;

“Whereas a cancer tumour knows no health travel policy or geographic location;

“Whereas a recently released Oracle research poll confirms that 92% of Ontarians support equal health travel funding;

“Whereas northern Ontario residents pay the same amount of taxes and are entitled to the same access to health care and all government services and inherent civil rights as residents living elsewhere in the province; and

“Whereas we support the efforts of the newly formed OSECC (Ontarians Seeking Equal Cancer Care), founded by Gerry Loughheed Jr, former chair of Cancer Care Ontario, Northeast Region, to correct this injustice against northerners travelling for cancer treatment;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to fund full travel expenses for northern Ontario cancer patients and eliminate the health care apartheid which exists presently in the province of Ontario.”

This is the first 100 of 51,000 petitions we will be presenting to the Ontario Legislature until this health care apartheid is corrected.

1550

### SAFE DRINKING WATER LEGISLATION

**Ms Marilyn Churley (Toronto-Danforth):** Thousands of people across Ontario have signed a petition in support of Bill 96, the Safe Drinking Water Act, which will be debated on Thursday morning at 10 am. The petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the people of Ontario have the right to receive clean and safe drinking water; and

“Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

“Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

“Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

“Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

“Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

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

“(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

“(2) Immediately pass into law Bill 96, the Safe Drinking Water Act, 2000.”

I will affix my signature to this petition.

### DEVELOPMENTALLY DISABLED

**Mr John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham, their hard work in presenting and preparing this petition, and I'll read it into the record.

“To the Legislative Assembly of Ontario:

“Whereas Ontarians with a developmental disability are in growing danger of inadequate support because compensation to their worker is, based on a recent survey, on average, 20% to 25% less than compensation for others doing the same work in provincial institutions or similar work in other settings;

“Whereas there are hundreds of senior parents in Ontario who have saved the Ontario government millions of dollars by keeping their children with a developmental disability at home, and who are still caring for them as adults;

“Whereas there is no plan of support for most of these adults with a developmental disability to go when their parents are no longer able to provide care;

“Whereas these parents live with constant anxiety and despair;

“We, the undersigned, petition the Legislature of Ontario as follows:

“To significantly increase compensation for workers in the developmental service sector so it is comparable to the compensation of government-funded workers in identical or similar occupations; and

“To provide the resources necessary to give appropriate support to Ontarians with a developmental disability who have no support when their parents are no longer able to care for them.”

I'm pleased to sign and support this petition on their behalf.

## DOCTOR SHORTAGE

**Mr Dave Levac (Brant):** “To the Legislative Assembly of Ontario:

“Whereas we, the undersigned, would appreciate more doctors and proper health care in Brant county;

“We, the undersigned, from senior citizens to young children just at birth, petition to the Legislative Assembly of Ontario that the government of Ontario proceed to work towards a solution to this very desperate problem in Brant county.”

It's signed by 231 names and I affix my name to that.

## NORTHERN HEALTH TRAVEL GRANT

**Mr Michael A. Brown (Algoma-Manitoulin):** I have even more petitions to go with the thousands that I presented in the last session.

“To the Legislative Assembly of Ontario:

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

“Whereas the Ontario government acknowledges that the costs associated with that travel should not be fully borne by those residents and, therefore, that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in their communities.”

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the member for Thunder Bay-Superior North.

*Interjection.*

**The Deputy Speaker:** I'll get to you in a moment.

**Mr Michael Gravelle (Thunder Bay-Superior North):** Mr Speaker, as you can tell, northerners are very incensed about the discriminatory nature of the northern health travel grant program. I'd like to also read some petitions attached to that.

“To the Legislative Assembly of Ontario:

“Whereas the northern health travel grant was introduced in 1987 in recognition of the fact that northern Ontario residents are often forced to receive treatment outside their own communities because of the lack of available services; and

“Whereas the Ontario government acknowledged that the cost associated with that travel should not be fully borne by those residents and therefore that financial support should be provided by the Ontario government through the travel grant program; and

“Whereas travel, accommodation and other costs have escalated sharply since the program was first put in place, particularly in the area of air travel; and

“Whereas the Ontario government has provided funds so that southern Ontario patients needing care at the Northwestern Ontario Cancer Centre have all their expenses paid while receiving treatment in the north which creates a double standard for health care delivery in the province; and

“Whereas northern Ontario residents should not receive a different level of health care nor be discriminated against because of their geographical locations;

“Therefore we, the undersigned citizens of Ontario, petition the Ontario Legislature to acknowledge the unfairness and inadequacy of the northern health travel grant program and commit to a review of the program with a goal of providing 100% funding of the travel costs for residents needing care outside their communities until such time as that care is available in our communities.”

The petitions keep coming in. I'm strongly supportive and proud to add my name to this petition.

## CHILD POVERTY

**The Deputy Speaker (Mr Bert Johnson):** My apologies to the member for Hamilton West. I'd already recognized the member, incorrectly, and I apologize for it. I'd like to hear your petition now, please.

**Mr David Christopherson (Hamilton West):** Thank you very much, Speaker, and I very much appreciate the explanation.

I have petitions from the West Hamilton Interfaith Committee on Child Poverty which I am pleased to present here today.

“Whereas the federal government signed the United Nations Convention on the Rights of the Child and passed a resolution to eradicate child poverty by the year 2000; and

“Whereas at the first ministers' meeting in June 1996 the Prime Minister and Premiers made tackling child poverty a collective priority; and

“Whereas Campaign 2000 records the province of Ontario as having the highest increase (116%) in child poverty since Canada's House of Commons vowed unanimously in November 1989 to eliminate child poverty;

“Therefore, we, the undersigned, petition the Parliament of Ontario:

“To take immediate steps to eradicate the hunger of poor children by working vigorously with the federal government to reduce the poverty rate among Ontario’s children; and

“To follow and implement the recommendations of the Early Years Study, commissioned by the Ontario government in the spring of 1998.”

I’m proud to add my name to those of these petitioners.

**The Deputy Speaker (Mr Bert Johnson):** It being 4 o’clock on the afternoon of September 25, 2000, pursuant to standing order 30(b), I’m required to interrupt the proceedings and proceed to orders of the day.

1600

## ORDERS OF THE DAY

### McMICHAEL CANADIAN ART COLLECTION AMENDMENT ACT, 2000

#### LOI DE 2000 MODIFIANT LA LOI SUR LA COLLECTION McMICHAEL D’ART CANADIEN

Mrs Johns moved second reading of the following bill:

Bill 112, An Act to amend the McMichael Canadian Art Collection Act / Projet de loi 112, Loi modifiant la Loi sur la Collection McMichael d’art canadien.

**Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women):** It is my pleasure to present to this assembly for second reading Bill 112, the McMichael Canadian Art Collection Amendment Act, 2000.

I am pleased today to be able to share my time with my friend and colleague, the parliamentary assistant and member from Guelph-Wellington and the members from Halton, Dufferin-Peel-Wellington-Grey, and Waterloo-Wellington.

The purpose of this bill is very clear. It is to restore the McMichael collection to sound financial health and to honour the intent of the gallery’s original mandate. This was to collect and display works by the Group of Seven and other artists who have made contributions to the development of Canadian art.

This bill addresses a specific situation at a specific institution, the very serious financial management and mandate issues at the McMichael. They are inextricably linked. The bill has no broader meaning.

The financial difficulties at the McMichael are in part a direct consequence of the controversy that has surrounded the interpretation of the gallery’s mandate in recent years.

Almost a year ago, the former administration at the McMichael told the board of directors that the gallery was facing a shortfall of \$300,000 in its budget. By January, the administration was telling the board that the deficit was likely to be \$700,000. The next figure we

heard was \$1.2 million. The audit committee of the board found this intolerable, as do I, and it approached the government for a solution. Last April, as a result of their approaching us, we ordered an audit. That independent review found that the actual deficit was \$1.6 million, a shortfall that was the result of poor fiscal management, high fundraising costs, dwindling corporate sponsorship, weak project management, high staff levels and the lack of a formal budget process.

The government has already taken action to address these issues. We have appointed an interim financial manager to begin implementing the audit’s recommendations and to improve managerial and financial control. Recruitment for a permanent financial manager is now underway. The McMichael is establishing more rigorous project management for special exhibitions, including break-even requirements, weekly reports on the status of projects and a constant review of project viability. We are introducing monthly monitoring of financial results by the ministry.

In addition, we have also appointed a new chair of the board of the collection. David Braley of Hamilton is our new chair, and we’re very proud of him. He has both financial expertise and experience serving on other cultural institutions. We believe we were very fortunate to get him involved in the McMichael. His appointment is another positive indication of how seriously the government takes the task of financial revitalization of the McMichael. With the new chair in place, with Bill 112 as a guide, the McMichael will begin the long climb back to financial and fiscal health. The government will be very supportive.

We recognize, for instance, that the collection needs a well-maintained home, one that allows today’s visitors to view it in comfort but one that also preserves the art for future generations. The government has made a commitment to invest \$2 million into the buildings housing the collection. This will be used to complete major repairs to the roof and to the windows. We will also fund upgrades to the mechanical systems that ensure the correct temperatures by weatherproofing the facilities that house these valuable pieces of Canadian history. We’re ensuring a solid and a secure future for the McMichael collection. That’s why we’re here today: to return an ailing, publicly owned institution to financial health.

Thirty-five years ago, Robert and Signe McMichael gave a generous gift to the province and to the people of Ontario. They gave 194 works by artists whose paintings are synonymous with Ontario and with Canada. Their collection contained works by members of the Group of Seven but also by many of their contemporaries, names well known to Canadians, like Emily Carr and Tom Thomson. At the same time, the McMichaels passed their home and the beautiful property on which it sits to the government to create a permanent address for the collection. The McMichael property is truly a sacred site for Canadian art and artists.

Because of their generous gift, millions of Canadians and visitors from all around the world have the chance,

the opportunity, to experience the work of these great artists in a location that honours their very memory. In fact, six members of the Group of Seven are buried in a small cemetery which is on the grounds of the McMichael collection.

For the residents and businesspeople of Kleinburg, the McMichael collection is a treasured local asset. But in recent years, the McMichael has been better known for its controversy than for its art, a controversy that has had a negative impact on attendance and on revenue.

The McMichaels' gift was honourable and it was generous. Unfortunately, over the years the spirit of the collection has been violated. It has drifted away from its original focus. Today, it is time to put the integrity back into the McMichael donation and end the controversy so that we can eliminate much of the uncertainty that has surrounded the collection in the past few years. It is time to ensure that the McMichael gallery returns to the intent of its founders. It's time to honour the agreement Robert and Signe McMichael signed with Premier John Robarts 35 years ago.

That's why I introduced the McMichael Canadian Art Collection Amendment Act, 2000, in June.

The bill has two aspects. First, it will return the McMichael collection to the terms outlined in the 1965 agreement with Premier John Robarts with respect to the nature of the collection. This means the collection would be made up of paintings by Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald, Franklin Carmichael and other artists, including aboriginal artists, who have made a contribution to the development of Canadian art.

The legislation will also create an art advisory committee, and this committee will review all art currently held in the collection and all art being considered for acquisition. The art advisory committee will consist of five members. Robert and Signe McMichael will be permanent members. The board will be responsible to the government, which is responsible to the Legislature and, through it, to the people of Ontario.

The government will have time-limited special powers—I want to reinforce that these are time-limited special powers—to ensure the intent of the legislation is achieved and to approve the board's choice of executive director and bylaws regulating proceedings and establishing committees. These powers would continue for up to three years or until the collection is brought into compliance with this new legislation.

Few doubt that the McMichael collection has lost its direction over the last few years. I believe this legislation restores the purpose for which it was first created. It provides clear direction. It provides stability. It enables the gallery to move forward confidently, leaving yesterday's disputes behind. Now the gallery can turn its attention to the business of attracting visitors and attracting donations. For the taxpayers of Ontario who have invested in the gallery and Canadians who see the gallery

as an expression of national identity, this is truly a win-win situation.

**1610**

I want to make it very clear today that the government is in no way—in no way—setting a precedent. We are in no way dictating artistic taste or freedom. We are dealing with a specific circumstance in a specific gallery. This is a very unique situation. We are solving a financial problem and honouring the intent of a signed agreement, a unique agreement. By honouring this unique agreement, we are assuring that others who make agreements with the government will have them honoured as well.

We are not guardians of art. We are guardians of agreements made by former governments. We are guardians of taxpayers of Ontario. We are guardians of a generous gift and precious resource given to the people of Ontario by the McMichael family. We are restoring the McMichael to its original purpose: to provide a home for the Group of Seven and other artists who have contributed to Canadian art. The time has come to put integrity back into the McMichael family's generous gift to the province and to end the controversy that has created so much uncertainty with respect to this collection.

This bill will continue and enhance the vision the McMichaels had when they gave their collection, home and land to the crown in 1965. I call on the opposition parties in the Legislature to pass the legislation quickly. I believe it is in the best interests of the people of the province. It is in the best interests of the gallery's hard-working board and staff and everyone else who shares a passion for this magnificent collection to see this bill passed expeditiously.

In conclusion, this bill will continue and enhance the vision that the McMichaels had when they gave this unique collection and home to the province and it will protect the investment of Ontario taxpayers, who ultimately made the McMichael vision a reality. This legislation is about honouring commitments and keeping promises. This legislation is the right thing to do, because more than 35 years after it was given, I know we will always be thankful to the McMichaels for the generous gift they gave to the province. I'm proud to say that from this day forward we will honour the spirit in which it was given. Thank you very much.

**The Deputy Speaker (Mr Bert Johnson):** Further debate?

**Mrs Brenda Elliott (Guelph-Wellington):** I am pleased to be able to add my support to this bill today.

Eighty years ago, seven Canadian artists came together here in Toronto to mount an exhibit, an exhibition unlike any our young country had ever seen before. The Group of Seven, as they came to be known, had a vision of an art that captured and celebrated the spirit of this great land, art that was distinctly and proudly Canadian. In our mind's eye, I think we can all see parts of those celebrated paintings today, whether we see glimpses of the windswept pines, the great rocks or the powerful skies.

Today, here in this Legislature, we reaffirm that vision with second reading of a bill that recognizes, preserves and protects this unique chapter in our history.

Bill 112 seeks to restore the intent of the original mandate that created the McMichael Canadian Art Collection and to bring the collection back to financial health and prosperity. It seeks to honour a commitment that was made to our province 35 years ago, a commitment that our government has always respected and to which we remain true with this legislation.

Robert and Signe McMichael gave the province their art collection, their home and their property in 1965 for the purpose of creating a permanent and lasting tribute to the work of the Group of Seven and other artists who have contributed to the development of Canadian art. This remarkable gift was intended to ensure that future generations would appreciate and enjoy artwork that helped forge our national identity and that marked an important milestone in Canada's cultural awakening. The agreement made between the McMichaels and the crown was quite explicit about the focus of the collection: it was to be comprised of works by the Group of Seven, three of their contemporaries, and other artists who have made contributions to the development of Canadian art.

By 1972 the collection had grown into a major public institution. To better manage its interests, the government of Premier Bill Davis passed legislation to make the gallery a crown corporation with a nine-member board of trustees. The act carried forward the intent of the 1965 agreement and had the support of the McMichaels.

The legislation was amended in 1982. One of the aims was to protect the integrity of the collection by enshrining in law its focus on the Group of Seven, the indigenous people of Canada, and other artists who have made contributions to the development of Canadian art.

I think it's valuable to look back at what the minister responsible for that legislation, the Honourable Reuben Baetz, said at the time the bill went to second reading in November 1981, and I quote from Hansard:

"This bill will continue and enhance the vision that the McMichaels had when they gave their collection, home and land to the crown in 1965.... Nothing can ensure the integrity of the collection more thoroughly than the law itself."

It's worth noting that even the Liberal opposition of the day supported this measure, calling it a reasoned amendment. I hope they will be as co-operative today and in the days to come.

It was, in fact, under a Liberal government that the McMichael collection began to stray significantly from its original mandate. In 1989 an act was brought forward that expanded the focus of the collection. This legislation opened the floodgates. It watered down the unique mandate of the collection. It washed away the very elements that made the McMichael special and set it apart from other art galleries. From this have flown the years of rancour and dispute that have undermined the reputation and fiscal operation of the McMichael collection.

It's time to stem the tide, to return the McMichael to its original vision and mandate. It's time to act in good faith and keep the promises that were made in 1965. It's time to revitalize the financial viability of this singular institution.

Bill 112 honours the spirit and the commitment of the government's 1965 agreement with the McMichael family. It restores the integrity of the generous gift they made to all of the people of this province. It redefines the nature of the collection to reflect Canada's cultural heritage. The legislation specifies that the collection will be composed of artworks, objects and related documentary material created by or about Tom Thomson, Emily Carr, David Milne, A.Y. Jackson, Lawren Harris, A.J. Casson, Frederick Varley, Arthur Lismer, J.E.H. MacDonald and Franklin Carmichael.

The art movement they founded was based on the belief that the environment had a determining influence on Canadian character. By depicting our rugged landscapes with originality and honesty, using simplified forms and vivid colours, they inspired a new understanding and respect for this land and its people.

Robert and Signe McMichael have been among the strongest champions of this uniquely Canadian school of art, and their enthusiasm has enriched the lives of all Ontarians.

The legislation we are debating here in this House today allows for inclusion in the collection of artists who have made contributions to the development of Canadian art. These artists will be designated by an art advisory committee. Robert and Signe McMichael will be members of this committee. Bill 112 also affirms their lifetime membership on the McMichael board.

This collection has always been a labour of love for the McMichaels. Their passion, expertise and commitment will ensure that the collection they started and so graciously shared with their fellow Canadians will not only survive but thrive for the benefit of future generations.

Our government recognizes that, as the custodian of the McMichael collection, it must respect the artistic vision of its founders. We also have the responsibility to wisely manage the province's considerable investment in this public institution. That is why our plan to get the gallery back on track includes taking steps to improve the operations, finances and governance of the collection. We're also providing \$2 million to fix the roof, windows and mechanical systems of the building that houses the collection.

#### 1620

We are confident that with better fiscal management, improved facilities and, most importantly, a clear sense of direction and mandate, the McMichael collection will once again attract art lovers from around the world and regain its foothold in the lucrative cultural tourism market.

As always, change brings with it some anxiety, and I want to take a moment to reassure Ontarians that this government is taking appropriate action to fulfill its role

as the guardian of an important part of our cultural heritage.

It is not our intention to challenge artistic freedom or the arm's-length relationship that government maintains with its agencies. It is not our job to dictate artistic tastes or make decisions about what is or isn't good art. It is our job to ensure that agreements made by the province are honoured in good faith, and it is our job to protect the interests of Ontario taxpayers. It is the job of this Legislature to help restore the integrity and financial health of a unique art collection that reminds us all of what it means to be Canadian.

We have the power today to set things right. Bill 112 gives legislative force to the original intent of the McMichael Canadian Art Collection: the collecting and displaying of the works by the Group of Seven and other artists who have made contributions to the development of Canadian art.

Restricting the scope of an art collection to a specific school, style or time period isn't a new idea. It certainly isn't the road to ruin some critics would have us believe. If you look around the world, you will see scores of renowned galleries and institutions that have chosen to focus their collections in a particular area.

The Rodin Museum in Philadelphia was founded in 1923 by movie theatre magnate Jules Mastbaum, who wanted to enrich the lives of his fellow citizens. He assembled a complete view of Rodin's work, including sculptures, drawings, prints, letters and books. The museum is today regarded as one of the finest Rodin collections outside of Paris.

Here in Canada, Calgary's Glenbow Art Gallery primarily portrays the history and development of the northwest. The collections of the Musée de l'Amérique française in Quebec City depict the settlement, development and dynamism of French culture in North America. The Tom Thomson Memorial Art Gallery in Owen Sound celebrates the rich artistic legacy of one of Canada's most famous painters.

I ask, who could argue with the success and popularity of these institutions? Focusing their efforts in a particular area has not damaged their credibility, nor driven away audiences, nor stifled artistic freedoms. In fact, it has had exactly the opposite effect. These public institutions are dynamic testaments as to how a clear mandate can serve as the foundation for creative vitality and fiscal prosperity.

Our debate on the McMichael collection must look at future possibilities, not dwell on past mistakes. And it must contend with the very real financial troubles that currently confront the gallery.

I couldn't help but think today, when the Premier was making his statement about the directions for the Legislature and for our government over the next while, of some of the similarities in the debate we're having on the McMichael collection to what we're doing in government generally. I think it was summed up very well in this sentence from the Premier's remarks: "We are keeping our promises, we are honouring our commitments,

we are doing what we said we would do and we will continue to do so."

Through the Premier's remarks, he stated that, for instance, the budget has been balanced, taxes have been cut, just as we promised. We've exceeded our target of 725,000 jobs in less than five years. He refers to teacher testing and the changes that we've promised the citizens of Ontario on the portfolio of education.

He reminded us that we have had extraordinary results in lifting people from the despair of the welfare rolls and that over 500,000 people are on their way to a job as opposed to being caught in welfare.

He reminded us how we've been working so hard to reduce job-killing regulation and that we have introduced a number of bills to reduce red tape across the province in so many areas.

He indicated that we're about to undertake some new changes; for instance, labour legislation that has been requested for so long allowing hard-working union members to know how much of their dues are going to be spent on salaries and benefits. He referred to the Employment Standards Act, and he also referred to the SuperBuild Corp. It was interesting. Before I arrived in the House this morning, we saw in my own riding an example of the kinds of investments that we've been making: \$9 million in the University of Guelph, focused on new jobs in science and technology.

These are not things that specifically refer to the McMichael bill we are debating today, but they speak to the broad intent of what we are trying to do in this bill and in government in general, which is to very clearly lay before the people of the province what needs to be done and to follow through to keep our commitments. To the McMichaels, to the people who understood their vision and their investment and their goal, we are keeping our promises today through this bill. The McMichaels have invested many years in amassing and developing a collection that is unparalleled in its historical and cultural significance. The Ontario taxpayers have invested millions of dollars to manage and operate the collection as a public institution, and we owe it to them to get the gallery back on its feet.

There were several things in the Premier's comments that I thought the McMichaels would find interesting. One in particular is illustrated in this paragraph: "Ontario is blessed with forests and valleys and lakes and rivers, but we must be responsible stewards of this living legacy. That's why we will dramatically increase the number of parks and protected lands through our Living Legacy program." Of course, it's under this government that we have added so many new provincial parks and protected areas, an unprecedented number that I'm sure people who appreciate the kind of Canadian art that we see at the McMichael gallery would understand and recognize. The Premier also mentioned that our attention will be turned to turning around brownfields, revitalizing abandoned areas that can become green spaces and integral parts of our communities.

One of the things that we have spent a great deal of time on during our government since 1995 is renewing Ontario's economic viability. I thought that was so important in the overall goals toward which this government has been working. We've been fixing government, we've been reforming, we've been improving, as the Premier says, but one of the underlying things that has allowed us to do the things we want to do is that we have focused on revitalizing the financial viability of the province as a whole.

The McMichael gallery has required us to turn our attention to fixing its financial viability as well. Bill 112 provides a solid footing. It will, we believe, restore the integrity of the McMichael collection and map out a vision for the gallery that is just as compelling and inspiring as those that guide other museums and other famous galleries which have chosen to focus on a specific vision. And more so, we are excited about this because it is a vision that is uniquely Canadian in both substance and spirit.

We are committing in this bill to returning financial health to the McMichael Canadian Art Collection. We are going to improve the physical structure of this facility. We are going to ensure that Ontario's investment in this facility is well managed and is returned. We believe that in doing this we are honouring our commitments and keeping promises not only to the people of Ontario but to the McMichaels.

I call upon all members of this House to support the legislation and to help us paint a bright future for the McMichael Canadian Art Collection.

**Mr Ted Chudleigh (Halton):** It's a great pleasure to speak to the House on this important topic today.

When the McMichael Canadian Art Collection was established in 1965, it became a leader in showcasing art that went so far as to define the Canadian experience. The collection's reputation grew exponentially as Canadians and visitors from abroad came to view and value the unique artworks that had been entrusted to the province by Robert and Signe McMichael. The collection was a realization of the McMichaels' dream of a lasting tribute to the work of the Group of Seven and their contemporaries.

**1630**

This summer I had a unique experience. As you are aware, Ontario's Living Legacy, as it was announced by the Premier in March 1999, was the largest expansion of parkland in Ontario's history. It created, among other things, nine signature sites across the province. A signature site was a location of parkland in a particularly unique and valuable part of Ontario's parks.

One of those nine signature sites was referred to as the Great Lakes heritage coastline. The Great Lakes heritage coastline travels through that most beautiful part of Ontario which, Mr Speaker, I'm sure you're aware of a good portion of. I heard your name mentioned often as I travelled the coastline this summer. That coastline runs from Port Severn up the east coast of Georgian Bay, across the North Channel, through the St Marys River

and on around the north shore of Lake Superior and encompasses what is truly a unique and very beautiful part of Ontario.

In finding out how we would manage this unique part of Ontario, I had the opportunity to travel that coast this summer. In entering the southern reaches of Georgian Bay, you can understand the drive that would take an artist out of Toronto on the train going north, getting off the train and walking, hiking or canoeing through the wilderness to camp out of doors and to paint what are truly some of the most remarkable viewscapes in the world.

As you travel up Georgian Bay, you notice the unique differences. The southern part has grey rocks and heavy foliage cover with pine trees. As you get further up the coast, you get introduction of cedars and a much pinker shade in the rocks. I think these differences would have driven the Group of Seven to continuously expand their route north as they went and painted what became the entry to the Ontario art world.

As you get to the north end of Georgian Bay, you come into view of the white mountains of Killarney park, which are truly unique. Out of this pinkish rock and the blue water, all of a sudden these majestic white mountains rise up, which is the home of the Killarney provincial wilderness park; again, a truly unique experience. There is a lake in Killarney Provincial Park which is called the OAS lake, Ontario artists' society. It is truly magnificent. Once you see it, you understand how even someone who doesn't have artistic skills, such as myself, takes a photograph of it, but it's not the same as sitting down and painting the majesty that you would see there. It was truly a terrific experience.

As you go beyond Killarney—and the Group of Seven did; they went all the way across to Lake Superior—you run into the Benjamins, which is a group of islands. They are very unique islands in Ontario. As you know, the granite of the Canadian Shield is on the North Shore, and Manitoulin Island is limestone. It is in the Benjamins that the two meet and you have unique landforms and tremendous difference in the types of trees and the types of plants that grow there. You can identify from a long way away what type of rock they're growing on, since it varies by whether they are growing in limestone or whether they're growing on the granite. I believe it was A.Y. Jackson's West Wind that showed the pine tree growing out of a crack in the rock. It would appear almost impossible for a tree to survive in that condition, yet there it is, and they are legion all up that coast.

As you travel across the coast and continue on through the North Channel, again you hit a different type of viewcape, a gorgeous viewcape but a different type that has perhaps a broader view. It isn't the tightness of the islands of eastern Georgian Bay. It is much wider, and I think the artwork of the Group of Seven pointed that out. It caught the spirit of that great land, a land that is represented by our Speaker today.

I was going to mention that the North Channel is also the home of perhaps some of the finest boating anywhere

in the world. As you go through the St Marys River, again you have a different type of viewscape. It's a much tighter channel. It's much closer together and, of course, boating becomes a much more exacting science. When you take your boat into those waters, you do so with great care.

One of the things we noticed as we hit Manitoulin and up into the North Channel and the St Marys River was the multiplicity of bald eagles. Every time we turned around we were seeing bald eagles. This is a bird that was almost extinct at one time, and now they're back with a vengeance. We became very lethargic about spotting another bald eagle: "Oh, there's another one." Over one island we spotted 12 bald eagles: four adults and eight young ones. It was a grand experience to see these majestic birds coming back into our lives.

I've cast my mind back to the Group of Seven's work, and I don't recall them ever including any wildlife in their art. That's a great shame, but in those days that wasn't an acceptable type of artwork to put forward. Certainly we have great Canadian artists—for instance, Robert Bateman—who have done tremendous work creating those kinds of experiences.

As we go across the north shore of Lake Superior, again you see different viewsapes across a very dangerous lake. Its openness requires people to look on shore more than they look to be in the water. On shore, of course, is where the artist is. The mountains that come down to the north shore of Lake Superior give the tremendous viewscape that I'm sure would have driven an artist mad when he had to leave to go back to the city.

I think most of the Group of Seven were lithographers and had to come back to their jobs for five or five and a half days a week. They were restricted in their painting of the northland by the need to earn a living. When they had to leave and come back to the city, I'm sure it must have broken their hearts to leave the beauty you see across the North Channel and across the north shore of Lake Superior.

The IMAX picture North of Superior, which opened when Ontario Place opened back in the early 1970s, is a magnificent picture and creates a love of the province that, once seen, you will always share.

As I said, the collection was a realization that the McMichaels' dream of a lasting tribute to the work of the Group of Seven and their contemporaries would have this permanent home. But in recent years, the dream became a nightmare of broken promises, endless controversy and financial uncertainty. Our government is seeking to right the mistakes that have eroded the gallery's success and stability over the last few years. We recognize this will take leadership, both by government and the people charged with the collection's operation and management.

Our government has moved boldly and resolutely to provide clear direction for the McMichael gallery, keeping in mind, as the previous speaker mentioned, that the McMichaels gave not only their collection but their home and their property to the province of Ontario for safe keeping, so that the people of Ontario can have this

experience of seeing this quality of artwork so close to the majority of the population of Canada. It would be a great shame if this government didn't move along this line.

**1640**

We've introduced legislation to return the collection to its original mandate of collecting and displaying works by the Group of Seven and other artists who have made contributions to the development of Canadian art. We're supporting the collection with resources to ensure these valuable pieces of Canadian history are housed in a safe and secure environment, and we're taking action to address the McMichael's deficit and to restore the collection to financial health.

Putting the McMichael on a firm financial footing will not be an easy task. An independent auditor's report put the gallery's deficit for the 1999-2000 fiscal year at \$1.6 million. The report points to such contributing factors as increased costs, fundraising shortfalls and declining attendance. The report also identifies operational weaknesses and governance issues.

In response to these concerns, the Minister of Citizenship, Culture and Recreation, the Honourable Helen Johns, recently announced the appointment of business leader and philanthropist David Braley as the new chair of the McMichael Canadian Art Collection. This is an absolutely remarkable appointment. We're so fortunate in Ontario to have people like Mr Braley who will give their very valuable time to projects such as this. Mr Braley's impressive business background, his financial expertise and his outstanding record of community service make him an excellent choice for this very important post.

Mr Braley is the owner of the highly successful auto parts manufacturer Orlick Industries. The company is a major Ontario employer and a respected corporate partner in many community initiatives. Under Mr Braley's stewardship, Orlick Industries was recently named a General Motors supplier of the year, which is a highly prestigious achievement.

In business circles, Mr Braley has a reputation for being innovative as well as pragmatic, a rare combination. His financial and managerial acumen will certainly be a great asset to the McMichael as it strives to improve its day-to-day operations. Local residents and businesses in the Kleinburg area will welcome the value Mr Braley places on community involvement.

In his home town of Hamilton, Mr Braley has been inducted into the Hamilton Gallery of Distinction in recognition of his significant contributions to the betterment of that city. Mr Braley has served as chair of the superboard for the Hamilton Convention Centre, Hamilton Place and Copps Coliseum. He is a governor of the Art Gallery of Hamilton, which is the third-largest public gallery in Ontario. As a patron of the Hamilton gallery, Mr Braley was instrumental in an experiment of offering free admission, which the gallery undertook in 1999. As it turned out, donations received by the Art Gallery of Hamilton actually exceeded receipts that would have been expected from admission charges. That sounds a lot

like tax cuts to me. When you cut taxes, you get more revenue because there's more business being done. In this example, he gave free admission to people and asked them to make a donation. Because of the number of people who went through the turnstiles, you made more money than you would have if you had been charging admission. At the same time, in 1999, the attendance increased by 60% because of this experiment, and there has been a further 40% increase in admissions so far this year. These are impressive figures, the kind the McMichael collection will need to emulate to turn its fortunes around.

Together with his wife, Nancy Gordon, Mr Braley has provided \$1 million towards the establishment of a chair in family medicine at McMaster University. He and his company have also endowed the department of mechanical and manufacturing engineering at McMaster with a further \$1 million to establish a chair in advanced manufacturing. Mr Braley's first-hand experience as a donor and corporate benefactor will serve the McMichael collection well as the gallery works to strengthen its fundraising capacity and attract new sponsors.

Mr Braley is perhaps best known to Canadians as a former owner of the Hamilton Tiger Cats football team and current owner of the BC Lions. I'm not sure how we let him get away to BC, but there you go. The McMichael stands to gain from the many insights this has given him about the value and importance of teamwork and good team relations.

Mr Braley's team at the McMichael collection will be the gallery's board of trustees. Bill 112 gives the Lieutenant Governor in Council the authority to appoint up to 19 trustees, with four more appointed by the board itself.

Mr Braley will have the distinct privilege of working with the McMichaels, who are lifetime members of the board. It was thanks to their generous gift in 1965 that the collection became a part of Ontario's cultural legacy. Bill 112 validates the trust they put in the province to preserve, protect and develop the collection for the benefit of all Canadians.

The McMichael board of trustees is facing some tremendous challenges as efforts get underway to restore the integrity of the collection and return it to financial health. The energy, creativity and commitment of board members will be absolutely essential in addressing some of the financial and operational pressures that have plagued the gallery in recent years.

Our government is confident that with the clear mandate provided by Bill 112, funding for capital improvements and other measures to stabilize the McMichael financial situation, the board will have the tools it needs to bring the collection into the forefront of the international art world, where the Group of Seven has long belonged.

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr Mario Sergio (York West):** I'm delighted to add to the comments by the two members from the govern-

ment. Let me say that the real issue is not only giving a wonderful account of the wonderful country that we have in Ontario here—the lakes, the rivers, the rocks and what have you—and indeed, it is a great country. As a matter of fact, I'm delighted to support our heritage by displaying two prints of one of the Group of Seven in my office. I do agree with the members that it is a wonderful place. We are very thankful that indeed we have this history here that can be kept and conserved for many future generations.

The issue, however, is with the government and the board of the McMichael collection. I know the collection very well. I know the location, Kleinburg, very well, and some of the board members as well. But I think the issue has to be for the government to say, "Here it is. Manage it, and give us an account at the end of the year."

The government cannot say, "Give us an account at the end of the year," and then interfere with the day-to-day operation of the McMichael collection. It is important that they operate aside from the interference of the government. It is important because it's a major attraction, not only touristic but it's also a wonderful place where many of our schools take our kids and learn from it. So I think it's important that the government reduce their particular situation, their particular stance. Even though they are funding part of the McMichael collection budget, it is important that they let that board function exclusively and solely on their own.

**The Acting Speaker:** The member for Toronto-Danforth.

**Ms Marilyn Churley (Toronto-Danforth):** Very good, Mr Speaker: You got it on your first try, the new name of my riding.

I'm not supporting this bill. What's this? Mike Harris is going to become an art critic now, on top of everything else? It's going to be him and not artists and curators making the decision about who tells the McMichael gallery what kind of art they should show? This is ridiculous.

The NDP caucus appreciates the contribution of the McMichaels, but the gallery is now a public gallery and it has moved for some time to collect contemporary art as well as the Group of Seven. That is the sign of a living culture. But Mike Harris once again wants to turn back the clock here. We are really concerned that this move could lead to more starving artists in Ontario. Mike Harris's meddling in the arts could mean the sell-off—there's going to be a glut in the market to sell off thousands of pieces of work by contemporary Canadian artists. That is not the right direction to go.

I noticed the member from Guelph somehow comparing this bill before us today to the Premier's state-of-the-world speech he gave earlier in the House today about keeping promises and moving forward. It reminds me more of what the government is doing with their labour legislation. Talk about turning back the clock. They want to start making people in Ontario now work 60 hours a week. That's an example of this government not being with it at all, but turning back the clock.

This is a really bad idea. We support the government's decision to help with the financial issues within the art gallery, but this is not a good idea. The government of Ontario should not be deciding what kind of art is in public art galleries today.

1650

**Mr David Tilson (Dufferin-Peel-Wellington-Grey):** I'd like to comment on the remarks made by the three government members: the minister, the member from Guelph-Wellington and the member from Halton.

I think most Canadian schoolchildren today, and, indeed, Canadians, when they think of prime Canadian art, think of the Group of Seven and the wonderful work that's been done over the years by that group of artists. Bob McMichael and Signe McMichael, who happen to live in my riding—they live specifically in Caledon—have spoken to me many times about how they have been afraid as to the direction this gallery was going. They have spoken to me, even during the time when the New Democratic Party was in office. They go back to a turn in the change of the mandate, which happened in the late 1980s. In fact, their fears became realistic, the fear of, first of all, a \$100,000-, \$400,000-, \$700,000- and finally, after a provincial audit, a \$1.6-million deficit to this particular gallery. Revenues were down, attendance was down, people were not interested in the direction in which this gallery was going. It's an Ontario gallery, an Ontario government gallery. It preserves the greatest art that we have in this country, and yet it was on the brink of bankruptcy.

Mr and Mrs McMichael pointed out that the direction that was taken by this gallery in subsequent years, particularly from the late 1980s to the present, was not being followed, and that was the reason this gallery was going down the toilet. This bill is going to correct that.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I listened carefully to the comments made by the three government speakers, including the minister, and I must say that I was here 20 years ago when we dealt with Bill 175, the bill to which Minister Johns made reference. I remember it very well. I don't doubt that there are some problems at the gallery, but I have to say that this Bill 112 troubles me a great deal. I paid little attention to it until a few days ago. I read it and I say sincerely to my colleagues across the way and elsewhere: how did this ever get through a cabinet?

One thing we should do, all of us, is read this bill. The bill is extraordinary, quite apart from its intent to deal with the McMichael gallery. Look at this bill. Read the bill. This bill proposes a sweeping retroactivity which any self-respecting Legislature would be loath to endorse. I remember 18 years ago, standing in this place day after day, trying to responsibly defend what I felt to be the beleaguered interests of Bob and Signe McMichael. But in the worst of that 1981-82-83 period, I don't ever remember Bob and Signe or their distinguished lawyer, J.J. Robinette, asking for what is contained in Bill 112.

I can tell you that a Davis government, a Peterson government, a Rae government, for all their sins, I can't

imagine would have granted it. The Harris government just a couple of years ago went to the Court of Appeal to have certain matters clarified. The senior judges made plain for Minister Bassett who was in control of what.

I say to my friend the minister this is a very troubling bill. This is a bill that ought to get all of the difficulty that I and others intend to give it, because if there are problems of the kind she has described, this remedy is entirely inappropriate to those problems as she has described them.

**The Acting Speaker:** Minister.

**Hon Mrs Johns:** I just want to review a couple of the comments that my colleagues opposite have made. Let me be very clear: when you have a chance to review Bill 112, you will not find the government meddling in the art community. What you will find is that an art advisory committee of five people is allowed to work together to look at the art that's accumulated, to look at new art that may well be purchased by the gallery and to make decisions that are far-reaching about who this gallery will be a patron for.

Let me just say that you will see no reference in this to the government, the Harris government or any other government, meddling in what is art at the McMichael art gallery. I challenge anyone to show me the section in the bill, because it's just not there. Let me also say that there's no question that this board, albeit a great board, was not functioning well. It was not functioning well because they have problems with controversy, they have problems with the financial situation—those two issues are linked. Every time they tried to raise money, there was controversy about the previous bill and about the McMichael gallery.

We need to be there to help the McMichael to be there for future generations. When a board comes to me and says, "We think the debt is \$300,000," and it goes up to \$1.6 million when an audit is called, I think each of you in this House should be outraged, and you too, like myself, should move to fix the issues. That's what I did in this bill, along with the cabinet. That's why we've brought the bill forward. We want to fix the issues so that the McMichael can leave a legacy for our children and our grandchildren. They deserve it.

**The Acting Speaker:** Further debate?

**Ms Caroline Di Cocco (Sarnia-Lambton):** I am pleased to inform the House that I will be sharing my time with the member from Kingston and the Islands and the member from Renfrew-Nipissing-Pembroke.

I'd like to state that, first of all, this bill is a disgrace. I say that because it has nothing to do with financial health. As a matter of fact, this bill will do exactly the opposite. If you wanted to deal with financial accountability, you did not need this legislation. You already had it within your powers to deal with financial accountability. As well, in my estimation, this bill is about Mr Harris helping his friends; that's what this bill is about. With all the pressing issues in this province, the first bill to be debated in this House is An Act to amend the McMichael Canadian Art Collection Act. Now, I ask the

question, is the government's cupboard bare? You obviously have run out of what you're going to downsize, what you're going to download, what you're going to cut, and you may also have run out of what you've rendered dysfunctional, and now you're going to look at the art community.

Minister, I ask you to do the honourable thing and withdraw this ludicrous bill. This bill is a disgraceful abuse of power and this Legislature.

This bill sets out to recognize the gift of the McMichael Canadian collection in 1965, and the original vision of Robert and Signe McMichael for the collection; in fact, this bill constitutes a breach of trust with the people of Ontario. First of all, I'd like to point out to Minister Johns and to Mike Harris that the gift of the McMichaels was bought and paid for by the taxpayers of this province. The McMichaels signed an agreement with the province of Ontario and gave as an outright gift to the crown 14 acres of land and a house, as well as 150 pieces of art and 34 prints. Since then, the 14 acres have grown to 100 acres and the 150 pieces of art have grown to 6,000.

I would like to put into the record the compensation that was accorded to the McMichaels for their gift. The original gift totalled \$835,425. They received a tax receipt of \$815,515 for that gift. The McMichaels were given the right to live in that house for free until 1982, plus a car and a housekeeper paid for by the province. Robert McMichael was given a salary totalling \$400,000 for the four years after he stepped down as director in 1982. That same year, the government of Ontario purchased a \$300,000 house for the McMichaels.

1700

I would like to state to the minister that the McMichaels have been recognized, and they've been recognized above and beyond many of the other donors who have contributed substantially to the collection. I would like the minister to keep in mind that this art gallery is an independently governed crown agency of the province of Ontario.

If this bill is to recognize the gift of the McMichaels, what about the 327 individual donors who have given over the years and 15 other donors, the organizational donors to the McMichael gallery with donations totalling \$13.5 million? One individual alone on this donor list has contributed \$1.6 million, which is well above the actual dollar value that the McMichaels gave. What is the minister going to do? Are we also going to have more legislation that's going to recognize all of these gifts? What about the millions of taxpayer dollars that have been spent to expand the building and to increase the property? Are you going to sell it all off and render it back to the original 1965 size as well? What are you going to do with all the works of art that have been amassed in that gallery?

This bill states that, "It is appropriate to return the collection to, and then maintain it in, the spirit of its original focus." That focus, as stated in the first sentence of the explanatory note, is the "vision of Robert and

Signe McMichael." I'd state as well that it says, "Robert and Signe McMichael should continue to have significant roles in matters related to the collection." Are you going to give significant roles to all of the other donors in controlling the collection as well?

What is so bizarre about this bill and its purpose is that in 1997 this same government, under Minister Isabel Bassett, spent thousands of taxpayer dollars to fight Robert and Signe McMichael in court. The McMichaels took the province and the gallery to court so that they could regain control by arguing exactly what this bill is doing, by arguing a return of the collection to their interpretation of the 1965 agreement. They lost; you won. Now you're bringing legislation to circumvent that legal decision that went in your favour. This has got to be the mother of all flip-flops.

Minister Johns, have you seen the Ontario—

*Interjections.*

**Ms Di Cocco:** Have the members on the other side of the House seen the Ontario Court of Appeal decision of 1997? Have you seen this? It's McMichael v Ontario. I would like to read from the court decision:

"The dispute continued between the McMichaels and the board. Robert McMichael clearly resented the diminution of his powers as the board increased the number of members in the acquisition committee to the point where Mr McMichael says that he was often one vote against seven." That's called democracy, by the way. Again, I'm continuing to quote from the actual court case here: "The board saw the collection as a large public institution requiring public accountability and was opposed to what they saw as Mr McMichael's instinctive drive to nurture the collection as his private fiefdom." That is what this bill is in fact doing. This bill is in fact going against the ruling of the Ontario Court of Appeal. I would suggest that the minister and the members of the government take a good look at that court case, McMichael v Ontario, 1997.

Judge Carthy stated in paragraph 97:

"The only way that I can sensibly read this agreement is that the board of trustees has ultimate control of acquisitions, the new director has the responsibility for implementing the policies and directives of the board with respect to acquisitions and that Mr McMichael's role is to provide counsel and advice on acquisitions. This is totally inconsistent with an advisory committee that was, as Mr McMichael saw it at the time of its operations, under his influence and control."

Again, that's a quote from the court decision and that's exactly what we're returning to. This legislation will return to an advisory committee of five people who will have curatorial control of curatorial direction.

I want to submit for the record a number of letters that I have received over the summer. One of them comes to me—he used to be a vice-chair and a chair and he served on the board for a total of 14 years through Liberal and NDP appointments. He is still a councillor on that board. He created the foundation which is the fundraising arm of the McMichael; under him the gallery made approxi-

mately \$12 million in donations. It has reduced the province's annual contributions by 50%. He said that it's hard; he works on fundraising, but it is difficult to do because two individuals want control. That was his opinion. People just stopped giving their money. So this has nothing to do with fixing the accountability factor; this is about returning control. This gentleman also stated to me that he knows Mr Harris is a friend of Mr McMichael and that this is about giving a friend what he requested.

The Canadian Museums Association has written—they have grave concerns about the governance of this bill. The Canadian Museums Association is the principal voice of the national museum community, including major art museums and galleries from coast to coast, and they have grave concerns about this bill.

The Ontario Association of Art Galleries says, “Our board and membership have concerns about the content of this proposed amendment to the original McMichael Act. Our concerns focus on the relevant areas or issues that are essential to the professional operation of any of our member galleries, that staff and boards adhere to our policies”—to the Ontario Association of Art Galleries's policies—“and recommendations on acquisition and de-accessioning procedures, proper governance, donor roles and relations and the importance of paid professional staff, that they play a strong role in all of those functional areas.” They have concerns about the potential disposal and the de-accessioning of works of art gifted to the McMichael Canadian Art Collection by various donors over the years, who expected to see their works remain at the McMichael in public trust. They're concerned about the governance issue of the advisory committee working with the McMichael Canadian Art Collection's board on issues of assessing which Canadian artists have made a contribution to the development of Canadian art.

I have another letter stating—and this comes from Ottawa—“What is going on with the gallery? I worked in the gallery as a volunteer for 15 years before moving to Ottawa.... I still maintain my membership at the McMichael because I ... enjoy what is presented there....

“As a long-time friend of the McMichael, I deplore what is happening with Bill 112. The government should not be interfering and acting hastily without thought for the future.

“What Bob McMichael gave in 1965 was given and received in good faith. It should not be returned to him or to any one person, but should remain in the hands of the people of Ontario.”

**1710**

There is another letter that came from Whitby, Ontario. “I am concerned that amending Bill 112 will set a dangerous precedent for public art galleries in Ontario and greatly restrict the mandate of the McMichael Canadian Art Collection....

“The province of Ontario is now attempting to turn back the clock and honour this original mandate. The province should allow the McMichael Canadian Art Collection to expand and grow along the lines set out by

arts professionals. Why should taxpayers allow Mr McMichael to dictate policy? Why does he continue to wield such power over the direction the collection is taking?...

“As a taxpayer, and a citizen of Ontario, I would appreciate it if the government of Ontario would allow the gallery to be run by arts professionals.”

I can go on and on. We have other letters. There is another letter from a gallery owner, and he says, “I feel Bill 112 is dangerous and a serious breach of the arm's-length separation of government and public arts institutions. It will result in a significantly reduced collection, a restricted list of artists whose works may be shown, and an alarming limitation on the types of programs that may be offered....

“Fiscal responsibility is one of the primary concerns in the operation of a public institution. I have no argument as to the commitment of the board, administration, and the government in directing this obligation. There is also an obligation to the place the McMichael has taken within our cultural fabric. We cannot turn back the clock and ignore the contributions of so many....

“As a visual arts professional and the director of a public gallery in Ontario, I feel there is one portion of Bill 112 that is fundamentally dangerous to all cultural organizations. This bill will seriously diminish the public gallery's ability to attract supporters and to develop meaningful collections.”

So in actual fact, according to these professionals, this does exactly the opposite of maintaining fiscal health.

There are more letters. I'm only picking out a few of them. All these people are concerned about this governance issue. This bill is a disgrace.

“I have been a volunteer at the gallery since” its inception.... I was chairman of that committee for three years...I have first-hand knowledge of what the public wants....

“Bill 112 will result in a significantly reduced collection, a restricted list of artists and a limited type of program....

“Already some sponsorships and contributions from patrons have been withdrawn.”

Again, one of the letters goes on to say, “To be quite frank, I'm horrified that this is transpiring in our country. Not only is the provincial government censoring an existing collections policy, but their actions will result in the sale of public property. I find it sickening that artworks that are today the property of all Canadians, available to be enjoyed by all, will likely be put on the auction block and end up in the hands of private collectors.”

I would say to the minister, since they did not consult with the boards, they did not consult with the art community to draft this bill, that this bill is extremely, extremely dangerous.

With 6,000 pieces of art in its vast collection, including the most significant public collection of works by aboriginal artists in Canada, the McMichael Canadian Art Collection has evolved and grown over its 35-year

history as an independently governed crown agency of the government of Ontario. It is a prestigious gallery that is said to hold the largest collection of Canadian art in Canada.

The McMichael collection began as a modest but significant collection. It now has over 6,000 works of art built up by the collective passions and contributions of past and current curators, professional staff, trusting donors, boards of trustees and volunteers.

I'll say it again: Robert and Signe McMichael have been duly recognized and truly acknowledged for their generous gift. There has never been any suggestion that their role in the founding of the McMichael Canadian Collection ever has been ignored or downplayed. "What Bob McMichael gave in 1965 was given and received in good faith." Control "shouldn't be" restored, "returned to him or to any one person."

That's what that bill in fact does. It "should remain in the hands of the people of Ontario." The Ontario Court of Appeal rendered judgment against Mr McMichael when he tried to gain control through the courts. Now you, the Harris government, and Minister Johns are circumventing that legal judgment on behalf of his friends.

The court decision upheld the direction the board had set and didn't support the McMichaels's narrow view. I ask again, what's going to happen to the thousands of pieces of work that have been entrusted to the province by the hundreds of donors who've contributed to that collection?

When we talk about the composition of the board of trustees and the way the government is going right in there, taking charge—and again, it has nothing to do with accountability, because accountability is at the government's fingertips now. They don't need to bring in this legislation. But you are breaching the arm's-length relationship between crown corporations and the government. The McMichael gallery is a member of the Ontario Association of Art Galleries and, as such, adheres to those policies and recommendations. This bill is breaching the relationship.

You also talk about this advisory committee. This section, section 4, compromises the board's fiduciary responsibility to all the people of Ontario and it implies that they will be under the control of the minister, who is customizing this bill for the interpretation of private individuals.

The good governance and professional integrity of the McMichael gallery in particular, and all art galleries by inference, are being questioned and jeopardized. The minister is redefining the nature of the collection to reflect the original intention of Robert McMichael. It again undermines its fiduciary responsibility. You cannot turn back the clock.

The McMichael gallery and its Group of Seven collection is of great importance to the province of Ontario and to Canada. The Group of Seven became united under a vision of redefining Canadian art. They were innovators who took the artistic techniques and

styles of their time to new frontiers. I do not believe they would have wanted the creative expression and showcasing of Canadian artists to remain stagnant. I believe the group would have wanted Canadian artists to continue to redefine artistic expression just as Canadian society continues to redefine Canadian culture.

**1720**

The fundamental principle of arm's-length relationship is being undermined through this draconian piece of legislation. The people of Ontario are the rightful owners of the McMichael Canadian Art Collection. This gallery should not be robbed of its rightful place in our thriving national cultural development. The McMichael Canadian collection belongs—again, I'll say it—to the people of Ontario and to Canada.

Mike Harris and the Ontario Conservatives should not be in the business of being artistic judges or setting curatorial direction, because that's exactly what you're doing with this bill. Legislating curatorial and artistic judgment for private individuals is inappropriate and it's dangerous.

This legislation is yet another symptom of the Harris government's need to centralize control in order to help out his friends. It shows an arrogance of unprecedented proportion in the province towards the artistic and cultural integrity of Ontarians.

I'll say it again. This Bill 112 constitutes a breach of trust with hundreds of donors. It constitutes a breach of trust with the arm's-length relationship of the government and public arts institutions. It diminishes the authority and responsibility of the board of directors. And now Mike Harris and the minister will have the role of artistic judge. It vests way too much power in the hands of the founders, who have been compensated for their generosity.

This bill changes the rules to override a previous court decision that was unfavourable to the founders' request for control. It is a way to help Harris's personal friends who did not get their way in court. That's what it seems to me.

Is your cupboard bare when it comes to legislation? Do you have no plans for this province? Because this bill, which I believe is a disgrace, is the first piece of legislation that you introduce after you've been away for four months.

This bill, as far as I am concerned, is a dangerous precedent, and I'm hoping that the government will rethink and withdraw this bill before it is passed.

**Mr Conway:** I am not pleased to participate in this debate because, quite frankly, I am incredulous that we've got this bill. I listened very carefully to the minister, and I want to say, with all due respect, I don't doubt there are problems at the gallery. I want to say to Minister Johns that one of the reasons I got interested in this 18 years ago was that the then government of Ontario seemed to have said to the gallery—there was a need for money because the place was in bad shape—

**Mr Wayne Wettlaufer (Kitchener Centre):** It still is.

**Mr Conway:** Well, that may be, but I'm just going to tell you what happened 18 years ago as a context.

I remember the day that the word was out that the gallery said it needed \$10 million for a whole bunch of upgrades. The Davis cabinet, in its wisdom, said, "You're going to get half of that," and the gallery went and spent the \$10 million, the Legislature and the cabinet be damned. That's how I got interested.

I was just over the weekend going through the papers from 1981, 1982 and 1983. One of the most distinguished members I've ever served with, the late Jim Renwick—Ms Churley's predecessor from Riverdale, a very distinguished lawyer known to some of you members of the current bar—was among a few members—Stuart Smith, the then Leader of the Opposition was involved and so were a lot of other people as to what was going on at the gallery. I'm not going to recite all of what happened in 1981-82, but I can tell you that there was a sense in the Legislature that the McMichaels were put upon. It was never clear by whom, although it certainly seemed to some that it was the bureaucratic establishment within the old Ministry of Culture and Recreation.

As I said a few moments ago, I remember establishing in those months quite an interesting parliamentary and social relationship with Bob and Signe McMichael. Through them, I had one of the most delightful and memorable encounters of my public life. I got to spend two afternoons—and I'll tell the story briefly—because their lawyer, J.J. Robinette came to me and said, "The McMichaels have a friend who can't come to the committee but would like someone to go and hear his story." I said, "Who is it and where is it?" "Oh, it's in Toronto," said Mr Robinette, "it's up in Lawrence Park." I said, "Who is it?" The person was A.J. Casson.

I can't tell you what a delightful couple of November afternoons I had with A.J. Casson, not so much talking about the gallery, although he talked about that a bit, but about the Group of Seven and the art experience that many of you know a lot better than I.

I want to say to the minister, at that time Minister Baetz and Minister McCaffrey came to the Legislature and said, "There are problems. There are problems with the financial operations of the place. There are problems with health and safety." The record is replete with that evidence, and I thought the government had a much stronger case than the Legislature seemed to feel it had about accountability for public monies spent.

I say to the minister, I listened very carefully to her argument this afternoon. She's much closer to this than I. I don't doubt—I have to accept her word—that there are problems. There are problems financially, apparently. There are other problems. Those problems we've had before. I have looked. I went to the library this morning and I said, "Give me the annual reports for the McMichael Canadian collection for the last 20 years," and I have them, except we don't have any published reports beyond 1996-97. I'm told by the library that in fact there are a couple of reports outstanding, not yet tabled. The last one I could get was the one for 1996-97.

I say to the minister, if there are problems with the administration of the gallery, then surely a good question is, what's the minister done with respect to the board and to the administration?

**Hon Mrs Johns:** I told you.

**Mr Conway:** You did tell us and that, it seems to me, is the kind of remediation that I would expect a government to take if that is the problem. I'm not denying that you've got some of those issues. The difficulty I have and the difficulty that the House ought to have with this bill is that what the bill contains is a very different—I would appreciate it if the minister of police would either engage in the debate or—Dave?

*Interjections.*

**Mr Conway:** Well, it's difficult, I say to my friend. I don't mean to be difficult, but I am troubled by this bill and I want to know, quite frankly, how this bill got through cabinet because it's a very troubling bill, I say to the Solicitor General. I'm prepared to accept that there are the problems that the minister referred to, but Bill 112 contains very sweeping remedies that I do not think are justified.

*Interjection.*

**Mr Conway:** Well, I just know what I have in front of me and I have a bill—

*Interjection.*

**Mr Conway:** Really, no, it's not a question of reading it. All I know is that, for example, between 1986 and 1996 the people of Ontario, according to these annual reports, through this Legislature have voted \$35.5 million to support that public institution. The government of Canada has spent hundreds of thousands, and I think millions if you add them up, also in support, to say nothing of all of the individuals, donors and otherwise, who have supported the McMichael Canadian collection. But what have we got in Bill 112? We've got a number of things that should trouble this Legislature, should have troubled the cabinet.

I want to say to the minister, just as Reuben Baetz did not get away with his original plan, you are not going to get away with Bill 112. No self-respecting Legislature can let you do that. I don't offer that as a partisan observation. Read this bill. This bill basically says the following: to respond to the financial problems at the gallery, the current government is now going to do the following thing. It is going to create a condition whereby 35 years after the gift was made by Bob and Signe McMichael in 1965, and after various governments and various courts have clearly adjudicated the responsibility of the Legislature and the government to set the terms and conditions for what is now a public institution, this government with this Bill 112 seeks to return to Mr Bob McMichael and his wife Signe—good people—very substantial control consistent with their intentions in 1965, notwithstanding the legislation, the funding, the bequests and the court judgments of the intervening 30 years.

1730

My colleague from Sarnia is right when she asks this question: what of the hundreds and thousands of donors who have given artwork to the McMichael? What of the ministers of revenue who have issued tax receipts in the name of the public to those donors? When are they going to have their interests represented? That gallery contains work by people like Morrisseau and Riopelle. If you read this act, Bill 112 very clearly sets out, in section 8 of the bill, "The Board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of art works and objects and related documentary material created by or about" Thomson, Carr, Milne, Jackson, Harris, Casson, Varley, Lismer, MacDonald and Carmichael.

**Hon Mrs Johns:** And other artists.

**Mr Conway:** And other artists, absolutely—to be decided by this new art advisory committee essentially controlled by the McMichaels and the Premier of Ontario.

**Hon Mrs Johns:** Plus five.

**Mr Conway:** Oh, no. Bob and Signe and the chair and the vice-chair: Who appoints those people?

*Interjection.*

**Mr Conway:** I am just telling you that under this bill, you've got a powerful new committee that is controlled by Bob and Signe McMichael and the Premier of Ontario. I just ask you to think back to people who have contributed art to that gallery between 1970 and the year 2000. It is reported in the *Globe and Mail* by a distinguished arts journalist, Ray Conlogue, that there is talk of the gallery shedding up to 3,000 of its collection.

Bill 112 contains sweeping retroactivity. Forget for a moment that it's about an art gallery. Look at what we propose to do here. We propose, all of us, to stand up and assent to legislation that says, "We are going to reach back over 30 years and retool in some way"—I don't know how you're going to do it—"gifts made and tax credits issued." That's preposterous.

**Interjection:** Is it legal?

**Mr Conway:** I don't know that it is legal. I'm sure that at some point it's going to be tested.

The minister was at great pains to say, "Oh, it's site-specific." Baloney, it's site-specific. I know, and I'm sure government members know, I'm sure ministers know—I tried today to track down Isabel Bassett. I can imagine people like Ms Bassett and others out there, trying to encourage people to donate to crown institutions. Can you imagine? I've talked to a few people. Are you kidding? The minister knows there are people out there ballistic over this. And they're not ballistic about the fact that there may be problems that should be dealt with at the administrative level; there are a lot of donors who are furious—furious at two levels. This bill seeks now to reach back retroactively and presumably change gifts honourably made, honourably tax-credited. It seeks to give to Bob and Signe McMichael a control, quite frankly, that they themselves recognized in 1982 had, in large measure, devolved to the province of Ontario.

The interesting experience I had with Bob McMichael in 1982 is, at the end of the day, there was a peace treaty between Minister McCaffrey, presumably Premier Davis, and the government, and as somebody said earlier, they were right. There was, to some real degree, some relief, and some all-party consensus to support that.

I repeat: not in the worst moments of the 1981-82 debacle did anybody ask for what Bill 112 offers. I can assure you that the Davis government, to its credit, was not about to offer it. Jim Renwick and I, who were there together with people like Stuart Smith, Bill Hodgson and others—Bill late of York North, a good Conservative from up in the Kettleby area. The McMichaels had a lot of friends here; they still do. I'm not standing here today—quite frankly I'm less interested than maybe my colleague from Sarnia is about who is a friend of whom.

I like Bob and Signe McMichael. I think what they did in 1965 was a very powerful and positive benefaction to the enduring benefit of all Ontarians. That's not the point. A deal's a deal. They were compensated. There was some confusion about who was ultimately going to control the gallery. The absolutely surreal part of this, as my friend from Sarnia observed, is that just two or three years ago this government went to the Court of Appeal to get some clarification about who controlled the gallery and the Court of Appeal rendered a judgment. It's as though Bill 112 didn't understand that that issue had been litigated at that level.

I repeat, for 30 years successive legislatures have been pouring money into this gallery. Typically—and I went through the list. In 1996-97, we as a province offered up \$2.7 million on operating and about \$440,000 for capital and special projects, for a total of \$3.1 million. In 1995-96, it was a total of \$3.37 million. It got very generous. Earlier on there are places back here, 1991-92, where the province of Ontario in tough times offered \$2.8 million in operating expenses and about \$3.3 million in capital and related special expenses. That's a lot of money. That's public money that this Legislature voted, all the while to support a public institution that was legislatively and judicially clearly understood to be in the control of the board, and the government at an arm's-length relationship, as Ms Di Cocco rightly observed.

So now this. Again, I sit here and say, "This is the solution for what problem?" The problem, the minister said, and I won't repeat myself, was financial and administrative. All right, I don't doubt that those problems exist. They existed in spades. I won't bore you with the 1984-85 report; I had forgotten just how zany some of this stuff got. I've got some appreciation for the minister's situation. I was mad as hell, personally, at the way I felt the Legislature was treated by some of the arts community. "Well, it was all for a good purpose. Yes, I know that cabinet only said five of the 10, but we really needed 10." That's not the point. One of the most fundamental functions any Parliament has is to exact some responsibility and accountability from government for money spent in the public name. You may not like the decisions, but if the cabinet says it's five million bucks

and not 10, I get ticked off when somebody gives me a bill for 10 and says, "Tough luck." That's what happened.

I look back to the 1984-85 report. I see we spent almost \$11 million, interestingly, for a lot of the same things that I guess need to be upgraded 15 years later. But when I look at this bill—and I ask members to read the bill—it basically says this: The purpose of this act is to return the McMichael collection to the narrow mandate that Bob and Signe McMichael imagined for it in 1965, notwithstanding the 1972 legislation, notwithstanding years of public and private donations to support a broadened mandate, notwithstanding the McMichaels' agreement to that in 1982, notwithstanding the 1997 Court of Appeal judgment. This bill says, in section 1, that notwithstanding all that, we are going to return this public gallery to a narrow mandate imagined for it in 1965.

1740

I think that is wrong and indefensible in light of both the parliamentary and the judicial actions that have intervened. It is immoral in light of the fact that hundreds of people in Ontario and Canada have donated millions of dollars worth of art that in many cases is beyond that narrow scope.

One of the interesting things about the material, looking at the press reports, is that there is a great set of exchanges between Allyn Taylor, formerly of Canada Trust, then chairman of the McMichael board in 1982, and Pierre Berton. There was a—the word that I want to use is unparliamentary. There was quite a slanging match between Mr Taylor and Mr Berton over who did what to whom. One of the things that Taylor makes plain—listen to this. This is from the chairman in 1982. "Each gift is accompanied by a gift agreement in which the conditions accompanying the gift are specified."

I'm not surprised to hear that. Now, 20 and 30 years after a number of these gifts—gifts of Morrisseau, gifts of Riopelle, to name but two—have been granted by citizens, we have legislation that creates a new arts advisory committee that is clearly going to be empowered to divest this collection of much of its non-conforming artwork.

Again my question to the minister is, even if you wanted to do that, how are you going to do that? I want to know, as a member of this Legislature; I want to know it as a citizen. Gifts were accepted. Tax credits were issued on behalf of the people of Ontario. As Mr Taylor said 18 years ago, each gift had its own agreement. Let me tell you, this Legislature and Her Majesty's provincial treasury are major accessories to each one of those agreements.

We have, it seems to me, in this Legislature a fiduciary responsibility to all of those people over the decades who made those donations, accepting that the gallery was going to be as it was legislated to have been.

I repeat that in 1982 Bob and Signe McMichael signed off on the deal. Actually, I remember the day quite well because it caught me a bit by surprise. They had a very,

very fine lawyer in J.J. Robinette. When I look at this—I read it the other day and I thought, "I must be dreaming. Where did this come from?" I really am interested to know. I see today the Minister of Education, the minister responsible for the police. How did this bill get through cabinet? That's what I want to know. How did this bill get through cabinet, because let me tell you—

**Hon Janet Ecker (Minister of Education):** Very carefully.

**Mr Conway:** The Minister of Education says, "Very carefully." Well, it's not going to get through this Legislature very easily. I vowed the last time I was into this that I'd had my day with the McMichael gallery because in some ways it seems to be ill-starred. I think that's sad because the member for Halton, Mr Chudleigh, made a very good point about how many people have in fact benefited from that experience.

But I say again that this bill is revolutionary; it is reactionary. It reaches back 35 years to do what I can tell you many of us who have been around this debate for years never imagined as either possible or certainly desirable. I understand clearly that Bob McMichael particularly felt that whatever it was that he and John Robarts agreed to that day was never fully honoured, and I regret that. I think Bob McMichael will probably go to his grave feeling that the politicians of whatever stripe—Tory, Liberal, NDP—never really understood what was done.

I don't want to be too hard, but the fact of the matter is all of us who have ever given anything know that if you grant a bequest, you make a donation, you have to expect that you are going to lose a very high degree of control. This Legislature has been through it before. We haven't had one lately, but the Firestone collection up in Ottawa was certainly one that was simmering about the same time as the McMichael back in the early 1980s.

But I say again to the House, look at this bill, look at what we do. I ask people to take up the invitation of my friend from Sarnia. Look at that court case. That's just two years ago, and it was your colleague, Ms Bassett, a cultural icon if ever this Legislature has known one, and I say that admiringly—

**Hon Mrs Ecker:** I'll tell her you said that.

**Mr Conway:** Listen, I have a lot of regard for Isabel. She knows this business a lot better than I. I can't imagine that she pursued that court case without good intent, and she got a result. She got a very clear result from the Court of Appeal. This bill is so distasteful because it so clearly ignores what the highest court in Ontario told us two years ago.

I ask myself again, why? What is the rationale? If it's about poor administration, replace the board, change the administration. I don't know Mr Braley. Does he still own the Ti-Cats? I think he owned them for a while. I'm sure he's a fine fellow. Change that leadership. But we should not have this bill. Those of you who are lawyers—I can imagine being a Conservative. I'm quite conservative—

**Mr John Gerretsen (Kingston and the Islands):** I can't imagine that.

**Mr Conway:** I can. It's no joking matter. What you are doing here is retroactively changing the terms and conditions of gifts honourably granted. No Legislature should ever be in the business of retroactively making those kinds of changes. I just have the very unhappy sense that the treasury is really going to get whacked here.

**Mr Gilles Bisson (Timmins-James Bay):** Whacked?

**Mr Conway:** Whacked. My friend from Timmins may have a valuable collection that he wants to donate. One of the reasons people do donate often is they get a tax credit.

My colleague from Kingston wants to join this debate. I want to say—and the minister is not here—

**Mrs Elliott:** She is here.

**Mr Conway:** I thank the redoubtable member from centre Wellington.

*Interjection.*

**Mr Conway:** And my favourite ministerial wannabe from Northumberland.

I ask the members to read this bill. I have to say to the House, read this bill. It is much more than the circumstances require.

*Interjection.*

**Mr Conway:** The member for Northumberland seems to be inspired to make—

**Mr Doug Galt (Northumberland):** Why don't you make your comments to the minister?

**The Acting Speaker:** Order.

**Mr Conway:** I look across the way and I don't see the minister.

I simply want to say this is a very, very worrisome bill. It should not have gotten through cabinet. If I have anything to do with it, it will not pass this Legislature. I strongly recommend that the minister do what was done in 1981. I'm not recommending that this happen, but in that case Reuben Baetz was ushered out of his job and Bruce McCaffrey finished it.

In fact, you know, if we have hearings on this bill, if this bill proceeds, one of the witnesses I want is Bruce McCaffrey. I want Bruce brought here from London to give an accounting of his experience in 1982. This is far more draconian, far more sweeping than it needs to be. This Legislature has an obligation in the public interest. If it's about financial accountability, you've got other instruments. Use them. This kind of retroactivity is absolutely repugnant, and this bill should fail on that account, among others.

**Mr Gerretsen:** First of all, let me say it's good to be back here again after three months. I'm sure the people of Ontario must be wondering right now, "With everything that has been going on in this province for the last three months, why are they even talking about this kind of a bill?" Wouldn't it make a heck of a lot more sense to talk about some of the problems that everybody faces out there—problems relating to health care, where we hear that people now have to wait for seven months in order to get cancer treatment; or the problems relating to the

water situation, not only in Walkerton but elsewhere; or the problems relating to education, where I've got in my office about a thousand letters from students at Regiopolis/Notre-Dame in Kingston asking the Minister of Education to take responsibility for what's happening in the educational system right now and to bring the government and the teachers and the students and the parents back together so that they can go on with educating our children in this province—rather than the kind of Mexican standoff that we currently have?

**1750**

In the six minutes that I've got left, and since we are dealing with this bill, which according to the government is the most important problem this province is facing right now, let's just deal specifically with some of the items that my colleagues mentioned earlier.

In section 1 of the bill, it states that the art collection shall focus "on those artists known as the Group of Seven and their contemporaries." That's the purpose of the bill. It further goes on to say in paragraph 5 that, "It is appropriate to return the collection to, and then maintain it in, the spirit of its original focus." There's no doubt about it.

Let's look at the advisory committee that will be set up, which is contained in section 8. It states that, "The board shall ensure that the collection reflects the cultural heritage of Canada and is comprised of art works and objects and related documentary material created by or about," and then it lists the Group of Seven. It does go on to say, "other artists who have been designated by the art advisory committee ... to the development of Canadian art," but its main focus is the Group of Seven.

Then when we look at this advisory committee, where do these five individuals come from? There are the two McMichaels, and I'm sure they are great people. I've never met them. They made a great contribution to this province. But two out of those five people are going to be the McMichaels, plus the chair and the vice-chair, who are appointed by the Premier of this province. So we know who controls this advisory committee. We know who's going to make all the artistic decisions with respect to the collection that's currently there.

We know the purpose of the bill is to basically place emphasis again on the Group of Seven. So I ask myself on behalf of Ontarians and on behalf of the other 327 individual donors and 15 organizational donors who have contributed upwards of \$13.5 million worth of art to this collection, what's going to happen to that part of the collection? What are you going to do with it? These people have donated these works of art that do not fit into the categories that I have described, that the bill specifically deals with, or that this art collection is now specifically going to deal with. What are you, Minister, going to do with the donations of these other 327 individual donors? You don't know.

**Hon Mrs Johns:** Yes, I do.

**Mr Gerretsen:** Then tell us what you're going to do. Are they going to have the authority to sell off this art, which would be directly contrary and counter—

**Hon Mrs Johns:** That is wrong.

**Mr Gerretsen:** If that is wrong, Minister, why have you brought before this Legislature—the minister, together with the Minister of Education, states that I am totally wrong. If I am totally wrong, then I would like to know why you have limited the powers under this act of the McMichael collection and the advisory committee as much as you have. Give me one good reason why you have given the two McMichaels such extraordinary powers, why you've given the Premier, through cabinet, such extraordinary power to in effect name the chair and the vice-chair of this particular organization. There is absolutely no reason.

You could have, under the best of circumstances, allowed 23 trustees to in effect be nominated and let them choose their own chair and vice-chair. But you want to be in complete control as to what happens to the collection and as to what happens at the gallery. Otherwise, there's absolutely no reason for you to come forward with a bill that is as limiting as this particular bill is.

The minister can say all she wants; she can say that the gallery is running at a deficit. If it is running at a deficit—and we all know it's very difficult to run anything along a cultural aspect in this province at a profit, first of all. We all know that. Any artistic organization, whether it's in this form of art or any other form, knows that it's difficult to run a gallery at a profit. If there is purely a financial problem, then do something about it from an administrative viewpoint. That's the way to handle it, but not in effect to give control back to individuals who were

thanked by the province for the gift they made some 30 years ago. I won't even get into all the minutiae of what they were paid and other considerations by way of a house and everything else that was provided for them during the last 30 years.

The point quite simply is this: there is absolutely no reason for the government to bring in a bill that is as limiting in scope as this without considering the other donations that have been made to this gallery. Those people made the donations on the understanding that their artistic material would be displayed and would be dealt with by the gallery as an integral part of that gallery. That will have been totally lost once this bill comes into being.

Rather than having the minister shout across the aisle that what we're saying about this bill is not correct, let her get up and let her tell this House and tell the people of Ontario how the other donations that have been made to this gallery over the last 30 years are going to be dealt with. Those individuals' trust in the province of Ontario in making the artistic donations they have made has been totally violated by this government and by this minister in bringing in this kind of bill. It's not too late yet. Tell us how the other 327 individual donors and their donations are going to be dealt with. That, Minister, you haven't done to date.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1757.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
70A	3635	2	25	Casucci-Byrne.

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**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Clerk Assistant / Greffière adjointe: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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<b>Baird, Hon / L'hon John R.</b> (PC)	Nepean-Carleton	Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones
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Bountrogianni, Marie (L)	Hamilton Mountain	
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Dombrowsky, Leona (L)	Hastings-Frontenac-Lennox and Addington	
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<b>Eves, Hon / L'hon Ernie L. (PC)</b>	Parry Sound-Muskoka	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
<b>Flaherty, Hon / L'hon Jim (PC)</b>	Whitby-Ajax	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Galt, Doug (PC)	Northumberland	Parliamentary assistant to the Minister of Agriculture, Food and Rural Affairs / adjoint parlementaire au ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
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O'Toole, John R. (PC)	Durham	Parliamentary assistant to the Minister of Consumer and Commercial Relations / adjoint parlementaire au ministre de la Consommation et du Commerce
Ouellette, Jerry J. (PC)	Oshawa	Parliamentary assistant to the Minister of Northern Development and Mines / adjoint parlementaire au ministre du Développement du Nord et des Mines

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Garfield Dunlop, Raminder Gill, Pat Hoy,  
Frances Lankin, Bill Murdoch  
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