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**Journal  
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(Hansard)**

**Wednesday 22 April 2009**

**Mercredi 22 avril 2009**

Speaker  
Honourable Steve Peters

Président  
L'honorable Steve Peters

Clerk  
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Greffière  
Deborah Deller

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ASSEMBLÉE LÉGISLATIVE  
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*The House met at 0900.*

**The Speaker (Hon. Steve Peters):** Good morning. Please remain standing for the Lord's Prayer, followed by the Hindu prayer.

*Prayers.*

ORDERS OF THE DAY

BUDGET MEASURES ACT, 2009

LOI DE 2009 SUR  
LES MESURES BUDGÉTAIRES

Resuming the debate adjourned on April 20, 2009, on the motion for second reading of Bill 162, An Act respecting the budget measures and other matters / *Projet de loi 162, Loi concernant les mesures budgétaires et d'autres questions.*

**The Speaker (Hon. Steve Peters):** I am now required to put the question. Mr. Duncan has moved second reading of Bill 162. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

This vote will be deferred to deferred votes following question period today.

*Second reading vote deferred.*

COUNTERING DISTRACTED DRIVING  
AND PROMOTING GREEN  
TRANSPORTATION ACT, 2009  
LOI DE 2009 VISANT À COMBATTRE  
LA CONDUITE INATTENTIVE  
ET À PROMOUVOIR  
LES TRANSPORTS ÉCOLOGIQUES

Mr. Bradley moved third reading of the following bill:

Bill 118, An Act to amend the Highway Traffic Act to prohibit the use of devices with display screens and hand-held communication and entertainment devices and to amend the Public Vehicles Act with respect to car pool vehicles / *Projet de loi 118, Loi modifiant le Code de la route afin d'interdire l'usage d'appareils à écran et d'appareils portatifs de télécommunications et de divertissement et modifiant la Loi sur les véhicules de transport en commun à l'égard des véhicules de covoiturage.*

**The Speaker (Hon. Steve Peters):** Debate?

**Hon. James J. Bradley:** I will be sharing my time with my parliamentary assistant, the member for Brampton-Springdale.

I rise in the House today to I guess you'd say continue debate, although I'm beginning debate on third reading of legislation that, if passed, would make Ontario's roads safer and potentially save lives. I do so in the context—some who have been here in the House a while will remember when it was a rarity to have third reading of any particular bill. You had first reading, of course, which is the introduction of the bill, an extensive second reading and then committee; and then it came back for third reading, and it was almost on a nod. The practice has evolved—governments would say unfortunately, oppositions would say fortunately—so that there is now debate on third reading.

What I have been pleased to see with this bill is the degree of unanimity on the principle of the bill. During debate there was discussion about various aspects of the bill; some expressed concerns, some were apprehensive about certain parts of the bill, provisions of the bill. Then we went to committee and the public had an opportunity to make presentations to the committee on the legislation and be questioned by members of the Legislative Assembly who sat on the committee. Subsequent to that there was clause-by-clause analysis and consideration of the bill, and amendments could be put forward at that particular point in time. Then the legislation, when departing from the committee, discharged from the committee, now comes to us for third reading. I was extremely pleased with the degree of unanimity on the principle of the bill.

I mentioned, when I was leading off the second reading of the bill in the House, that my colleague Kevin Flynn from Oakville and my colleague John O'Toole from Durham, among other members of the assembly, but those two in particular, had shown an interest in this subject. I wanted to commend both of those individuals for some of the work they did in the early days when, I might add, it wasn't as popular a concept, yet we could see that in other jurisdictions people were moving forward with legislation of this kind.

I think we all recognize that new technologies have created some tremendous conveniences, but they need to be used with caution. I don't think there is a person anywhere who hasn't texted, e-mailed or talked on the phone while driving, even though we know it is dangerous to do so. Our eyes-on-the-road, hands-on-the-wheel legislation aims to stop the use of hand-held wireless communication devices such as cellphones while driving. The goal is not to inconvenience people but to make our roads safer

for them and for everyone else who shares our roads. For safety's sake, drivers should focus on one thing and one thing only: driving.

Research shows that a person who uses a cellphone while driving is four times more likely to be involved in a collision than if that person were simply focused on the task of driving. Who hasn't witnessed a driver who seemed intensely involved in a complex conversation on that person's cellphone, or watched as someone intermittently responded to e-mails or text messages as that person drove? Operating a motor vehicle must never become a secondary task. Driving is always the primary task for anyone who gets behind the wheel; anything less is unacceptable. Drivers focusing on the use of these devices put the lives of pedestrians, other drivers and themselves at serious risk.

Transport Canada estimates that driver distraction is a contributing factor in approximately 20% of collisions on our roads. There should be no doubt that those people who do not focus on the task of driving should in fact not be driving. Those who put others at risk for any reason should not be on the road and should be made to understand the potential consequences of their actions. It is time to take a tough stand and stop this dangerous behaviour on our roads. Our proposed legislation could prevent tragedies before they happen.

#### 0910

With the increasing use of cellphones and other hand-held electronic devices, the time to deal with this issue is now. New technologies do not go away, they proliferate, and the hazards they represent can only increase. This issue will certainly not go away if we just choose to ignore it. We must tackle it head-on, and that's what this legislation is designed to do. If this legislation is passed, it will ban text messaging, e-mailing, dialling and chatting on hand-held wireless communication devices. It will also ban the use of other hand-held electronic entertainment devices while driving.

Let's be clear about one important caveat: Ontario is not proposing an all-out ban on these devices. We are simply asking drivers not to use hand-held wireless communications and electronic entertainment devices while they are driving a vehicle. The use of hands-free wireless communication devices will still be allowed. GPS units mounted on a dashboard will still be permitted as well. I would also like to emphasize that emergency phone calls to 911 using hand-held devices will be allowed. We know that police and emergency service personnel rely on calls from the public reporting collisions or dangerous drivers. It's just common sense. Any activity that divides a driver's attention from the task of driving should be avoided whenever possible.

This bill is about more than safer roads; it's also about cleaner air. You may have noticed that our proposed legislation is entitled the Countering Distracted Driving and Promoting Green Transportation Act. I would like to take a moment to explain to all members the green component of this legislation. But before I do so, I would like to again acknowledge some of the efforts of one of my

colleagues, Gilles Bisson from Timmins-James Bay, who brought forward a private member's bill in this regard, and the expressions that were brought to my attention by others.

Carpools are by definition environmentally friendly transportation solutions. Encouraging more Ontarians to share a ride is part of Ontario's plan to reduce harmful emissions, ease traffic congestion and fight climate change. The current definition of carpooling under the Public Vehicles Act has made it difficult for individuals in certain situations to form carpools to go to and from school, social events and even work. That is why we are proposing an amendment to the Public Vehicles Act that would make it easier for people to carpool. It would remove the barriers and red tape associated with carpooling in Ontario, in the hope that it will further encourage their use and help remove single-occupant vehicles from Ontario's highways.

In the distracted-driving and carpooling provisions of this legislation, our government has the support of many organizations. The Ontario Medical Association, the Insurance Bureau of Canada, the Canadian Automobile Association, the Ontario Provincial Police, the Ontario Association of Chiefs of Police, the Ontario Safety League and many others stood beside us when we first announced our plans last fall. I would also like to point out that our ministry has listened to industry feedback in response to both of these proposed measures. We both appreciate and have carefully considered their proposals. If the legislation is passed, we will continue to work together as we develop the supporting regulations.

Road safety is one of this government's top priorities. We need to do everything we can to eliminate dangers on our roads. Our message? That drivers must keep their eyes on the road and hands on the wheel at all times to prevent collisions. We must continue to ensure that we address new risks and hazards as they arise. As with all of the other safety reforms we have introduced, our purpose is to preserve and strengthen Ontario's outstanding record of safety on our roads. We are committed to maintaining Ontario's reputation for having some of the safest roads in all of North America and, indeed, the world. Bill 118 supports the McGuinty government's commitment to prevent injury and reduce traffic collisions. This proposed legislation will protect families and communities. It will make every Ontarian safer, and I urge all members to support this bill.

As I conclude my remarks on third reading, I would like to again pay tribute to Linda Jeffrey, the parliamentary assistant to the Ministry of Transportation, who has done so much work in regard to guiding this bill both through the Legislature and through committee. I believe she was actually a committee Chair when the legislation started out, but certainly she has carried the ball in committee. Again, I want to emphasize for the public out there more than members of the Legislature, because I think we tend to know that, that the role of a parliamentary assistant is extremely important. Very often, while ministers are those who are quoted or perhaps receive the

accolades—and the brickbats, I might add—it is actually parliamentary assistants who on so many occasions are the ones who are doing the heavy slogging. I can assure you that in the case of this legislation and the previous bill that was passed earlier this week, Linda Jeffrey was, at least as far as the government side is concerned, a person who carried the ball there.

I pay tribute to all members of the Legislature and the legislative committee who made a contribution to this. This is a piece of legislation that I think, Mr. Speaker, engenders the kind of unanimity that perhaps others don't. There are divisive issues in this House and there are those which tend to be based more on consensus. I suggest to you and to members of the House that consensus certainly is significant in this particular case.

So I thank all of those who have been involved. Staff of the Ministry of Transportation have done an outstanding job as well in helping to develop this legislation. In my own personal staff there have been people—I mentioned Michelle Baker previously and Bianca Bruni, both of whom have worked on this, as well as others within my office. I know that the opposition members have had available to them assistance from their research staffs and others in preparing for the legislation.

I thank members of the House for their consideration. I encourage them to pass this legislation and have it in effect at the earliest opportunity. Thank you, and I will now turn it over to Linda Jeffrey.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Brampton–Springdale.

**Mrs. Linda Jeffrey:** Good morning, Mr. Speaker, and thank you.

I rise in the House this morning to continue discussion on Bill 118, legislation that would help make our province's roads safer by reducing the distractions for drivers.

As Minister Bradley said, Ontario's roads have earned a reputation for being amongst the safest in North America. This is a record we have maintained for more than a decade. But as times change, we need to change with those times. New technologies are creating safety hazards and we need to address them.

To keep Ontario in the vanguard of road safety is a constant challenge. We must always be vigilant and ready to adopt new ways of dealing with today's ever-changing driving environment. Our proposed legislation addresses a timely road safety issue. It is also one that many other provinces, states and countries are beginning to recognize and acknowledge as an emerging danger on our roads. As Minister Bradley pointed out, we cannot underestimate the risks of modern technological distractions as they affect a driver's ability to concentrate on the road. Drivers who text, e-mail, dial or chat on their cellphones or other kinds of hand-held wireless communication devices instead of focusing on the road ahead are potentially dangerous drivers. Safety must always be a driver's first priority.

The first law of new technology is that it's useful, it will be used; and no one can deny that hand-held devices are useful and very convenient. Wireless phones are

among the fastest-growing consumer products in history. In fact, today half of all Canadians are mobile phone customers. The need to regulate their use depends how that use in certain contexts will create dangers and risks for the user and for others. The time to act is now. Now is the time to deal with this issue, before it gets out of hand. Bill 118 will help improve driver safety and, we believe, save lives. Now is the time to remind drivers to keep their eyes on the road and their hands on the wheel. The evidence speaks for itself.

#### 0920

Research shows that drivers who use hand-held communication and electronic entertainment devices pose a significant risk to pedestrians, other drivers and themselves. For example, two expert studies have shown that there is a four-fold increase in collision risks when drivers are using cellphones. In addition, a US study found that using a hand-held wireless communication device was the most frequent type of secondary task performed by drivers. Results also show that it is the active engagement in a conversation that causes higher levels of driver distraction and not just the manual manipulation of the phone.

Nor should drivers be allowed to divert their attention to hand-held wireless entertainment devices while driving. The same risk is posed by the use of a hand-held electronic entertainment device such as an iPod or other portable MP3 players and gaming devices. Similarly, this bill addresses the hazards of trying to view display screens on devices unrelated to driving, such as laptop computers or DVD players, while driving. At the same time, it is important to remember that there are a number of valid exceptions. Bill 118 would allow the use of hands-free wireless communications devices such as Bluetooth devices, GPS units that are integrated into the vehicle or mounted on a dashboard, calls to 911, and use by emergency service personnel.

We're not alone in our thinking here. We have the support of many organizations that agree that now is the time to put a stop to distracted drivers who continue to text, e-mail and chat on their hand-held cellphones. We heard from a number of deputations who came to committee, one of those being the Sudbury and District Health Unit. They sent us a very thoughtful letter that I thought I would read into the record this morning. They indicate that, on behalf of the Sudbury and District Health Unit, they are writing to express their support of Bill 118:

"Mobile communications have become a part of everyday life as a means of keeping in touch with family, friends as well as participating in work activities while in transit from one place to another. One of the main reasons people give for purchasing a mobile phone is to be able to use it in emergencies ... yet recent estimates show that 85% of cellphone users use their phone while driving ... and 60% of their cellphone usage occurs while driving... Cellphones are creating driver distraction and increasing the risk of injury and death on our roads.

"Research has shown that drivers are four times more likely to have a motor vehicle collision while using a

cellular telephone than when not using a cellular telephone, a risk similar to driving with a blood alcohol level at the legal limit.... In fact, cellphones may actually exhibit greater impairments than intoxicated drivers, and hands-free cellphones are no different than hand-held cellphones.... Some may think that public education would be sufficient to have people refrain from cellphone use while driving but in a recent poll, 60% of drivers indicated that they would not stop using cell phones when driving even when told their cellphone use makes them four times more likely to be involved in a collision.... Research participants commented that they had observed others driving erratically while using a cellphone but rarely thought cellphone use affected their driving, showing a disparity between self-perception and their actual driving performance.”

The Sudbury and District Health Unit ends by saying:

“We believe that in passing Bill 118, Countering Distracted Driving and Promoting Green Transportation Act, 2008, we are one step closer in improving the safety of our roads and reducing motor-vehicle-related injuries and deaths in Ontario.”

If this legislation is passed, Ontario will join more than 50 worldwide jurisdictions that have laws in place to deal with this type of driver distraction. In Canada, similar restrictions are in place in Nova Scotia, Quebec, and Newfoundland and Labrador. In the United States, California, Connecticut, the District of Columbia, New Jersey, New York and Washington have also taken action. Here at home, the Ontario Medical Association has urged this government to address the dangers of driving while using a cellphone.

Back in October, when we first announced our plans to move forward with this legislation, a number of our road safety partners stood beside us to lend their support. The minister mentioned many of them: the Insurance Bureau of Canada, the Canadian Automobile Association, the Ontario Provincial Police, the Ontario Association of Chiefs of Police, the Ontario Safety League and many, many others.

I'd like to take this opportunity to remind members of some of the supportive words we received from those organizations on the days we heard from deputants. Deputy Commissioner Larry Beechey, speaking on behalf of the Ontario Provincial Police, noted that this legislation will help Ontarians get the message that “driving is not a part-time job; it's a full-time job.... Every one of our faculties is required to operate a motor vehicle.” He sees this legislation as being a great tool for law enforcement officers across this province.

We heard from Dr. Suzanne Strasberg, president-elect of the Ontario Medical Association and a family doctor. She emphasized the importance of this legislation in preventing injuries by changing driver behaviour. “Every day,” said Dr. Strasberg, “we see victims of road collisions, whether it be trauma in the emergency room or the ongoing treatment of injuries in a clinical setting.... Not only will this ban address the dangers caused by drivers distracted by their cellphones, BlackBerryes and

other hand-held devices, but it has begun a dialogue among the people of Ontario.”

It is a fact that Bill 118 is about changing driver behaviour, and changing behaviour is an enormous task that can't be accomplished overnight. There will, of course, always be those who think the rules do not apply to them, which is why Bill 118 carries a fine of between \$60 and \$500 upon conviction. With the help of police, our safety partners and the people of Ontario, we know that this legislation can make our roads safer places for everyone. Together, we must do more to save lives, prevent injuries and keep our communities safe. Our eyes-on-the-road, hands-on-the-wheel approach will actively prevent tragedies before they happen. It's time for our government to make the call to end this type of distracted driving.

As Minister Bradley noted, this bill also contains amendments to the Public Vehicles Act for removing restrictions on carpooling. We are proposing to amend the definition of a carpool vehicle to recognize informal carpools that operate between municipalities for purposes other than just home-to-work and work-to-home trips. These carpooling amendments provide a balance between legitimate carpools and scheduled commercial bus services, for which a licence is required.

Any step we can take that encourages more people to ride in fewer cars will help reduce our carbon footprint by reducing emissions, and that, in the end, benefits everyone.

I support Bill 118, and I urge all members in the House to support the bill.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. John O'Toole:** I would hope there will be further debate on this. Briefly, I have a few things to say on it, but I think we're all in agreement that any action we can take that would improve the safety of our roads is something that, as the minister said this morning, we'd certainly be in agreement with.

I'll be making some comments in a few minutes. They won't last any longer than the government spoke, so it's kind of a fair balance.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Jeff Leal:** I really am pleased to hear the minister's and the parliamentary assistant's comments on Bill 118, to improve highway safety in the province of Ontario. Certainly, this is a bill that had everybody's involvement. I know the member from Durham, who is here this morning, has certainly been a leading advocate on this issue for many, many years—a very consistent position from the member from Durham—and the member from Timmins—James Bay has brought forward private member's legislation in a similar vein to improve highway safety in the province of Ontario.

**0930**

It's interesting: Just yesterday I was on my way here. I left Peterborough very early, and there was a very tragic accident at the intersection of 115/35 and the 401. It was closed for half a day. There's an allegation that alcohol

was involved, that a driver was going the wrong way in exiting off the 115/35 and hit a van with four people in it, very early. Anything we can do to improve highway safety in a whole variety of areas is so very, very important. In this particular accident yesterday, I was listening to it on 680News, and I think by the grace of God it's lucky there wasn't a fatality at that situation there yesterday. Again, it goes a long way to improve road safety, an issue that I think reaches to all corners of this Legislature. We all want to improve road safety.

I certainly commend the minister, the parliamentary assistant, the member from Durham and the member from Timmins–James Bay, who I think deserve equal accolades on their work in bringing this bill to the House.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

Response? Response? The Minister of Transportation.

**Hon. James J. Bradley:** Thank you very much. I was in deep conversation with my good friend Ted Arnott here about matters related to this bill, or peripherally to this bill.

I want to thank all members for their contribution to this debate, not only this morning but previously in committee, on second reading and in their general discussion of it. I think the bill has been strengthened, and the understanding of the bill strengthened, because of the contribution of all members of this House. Although one can never presume what will happen in the House, I'm optimistic from what I've heard from all members on all sides of the House that this bill will be passed. We will see whether my optimism is justified when it finally comes to a vote. I look forward with anticipation as well to my friends in the opposition as they offer their comments on third reading.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate? The member for Durham.

**Mr. John O'Toole:** Thank you so much, Mr. Speaker, for the opportunity to respond, and also the very accommodating remarks by the minister this morning as well as his parliamentary assistant, the member from Brampton–Springdale, who has indeed worked hard on this. In fact, some would argue she could easily be the minister. But that's another story for another day.

I suspect that the other member who was mentioned who could easily be encouraged would be Kevin Flynn. Actually, he would be another person who would like to be minister, I suppose, another time and another day. They've worked hard, and as I can attest, having been parliamentary assistant several times in my 13- or 14-year career, the minister was right: It's a lot of the heavy lifting and the slugging, and none of the glory or the pay. But anyway, I digress.

I want to first of all say, on behalf of the opposition and as the critic at the moment, that it's a privilege to have this brief amount of time, about an hour.

Here's a bit of history. I think it's important to put the history in context. I'm flattered by the minister's remarks this morning, and I'll tell you why. I printed off of the Legislative website here—this particular policy was first

introduced by myself at the suggestion of a constituent, who shall remain nameless, who brought it to my attention. They came into my office in Bowmanville and said to me, "John, I just witnessed somebody going through a red light." I said, "Well, there are provisions under the Highway Traffic Act where they could be given a ticket, or even under Road Watch they could be cautioned by the police. If witnessed by the police, they probably would have got a ticket. It would have been failing to yield and it's probably about four points or two points and a substantial ticket." But she said, "Oh no, no, John. You miss it completely. They were on the cellphone and they didn't even see the light."

That's the first time I actually saw the light. Thanks to my constituent, who didn't want her name mentioned, I looked into other jurisdictions about technology, and in fact it was in place in some jurisdictions. So even to the credit of myself and my constituent, other jurisdictions had actually leaped ahead of us. In fact, at that time I had a daughter living in Australia. She brought to my attention as well that in Australia it was already prohibited. In fact, it's pretty strictly prohibited there.

But anyway, I introduced a bill in 2000 as a result of that. That was in 1999-2000. The bill was Bill 102, and it did make it into the session. I also introduced it again because, of course, there was an election shortly after all that, and it was Bill 49. That was introduced in 2002.

By the way, we were government at the time, and even our government didn't see fit to implement the bill. I introduced it and it got debated, but it didn't get the light of day.

At that time, I'd like to think that former members of the Legislature—I believe Mr. Turnbull was the Minister of Transportation. I spoke to him directly, and I felt confident that he was going to move forward with it. For some reason, he didn't have the courage that Mr. Bradley is showing here today.

*Interjection.*

**Mr. John O'Toole:** Some of what I'm saying is a bit tongue-in-cheek, but it's also important for history, for my grandchildren. They'll be able to read it—probably they won't, but they could if they wanted to, I'm sure.

The next bill was in 2003, right after the election. I was so convinced, because people kept reminding me. I met with the current chief of the Ontario Provincial Police back then, when he was chief of Toronto, and I would say I met with the head of the police association. I met with some of the enforcement people in Durham and I actually attended an inquest—it was called the Schewe inquest—which profoundly changed my intensity on the bill.

The inquest was about an accident that happened in Pickering, which is in Durham. There was an inquest held to see if they could improve the conditions which were, in some part, a cause of the accident. At this inquest, it turned out there was a father and his daughter who were both killed while crossing a railway track. It turned out the father was bringing his little daughter to, I guess, the daycare, and he was going to work. He was

just passing the phone over, I believe, to say goodbye to the mother, and they went across a level crossing and both were killed. It was tragic. So from that point on, I saw that if any of us here could do any one thing that would save even one life, then we would have done something of value.

I kept pressing with the bill again, with Bill 23, which was introduced in December. For some reason, the bill got stalled all the time. Now, I did make improvements; I didn't just reintroduce the same thing. I listened to the stakeholders—the CAA, which was one of them. The young lobbyist was a helpful person in some respects too. In fact, they wanted me to introduce a portion of the bill which my bill was able to provide. It was able to provide for G1 licences to be prohibited from it; that was in my bill. But they wanted me to separate it from the bill and introduce it. I refused because I felt it should be looked at as a whole policy, not just penalizing young people. They gave that bill, actually, to Mr. Flynn, and Mr. Flynn introduced it. So he does have some attachment, but its genesis came from my constituents back in 1999.

I am just the courier here. The minister's the hero, basically. He's doing the right thing—which is really what we're here to do. Often, as he said in his remarks in a compliant way, that doesn't actually happen very often here.

Actually, more recently I had introduced Bill 40, which was introduced in March 2008, a little over a year ago, and now we sit with this Bill 118. That gives you the history and the genesis of this idea, which many other jurisdictions already use.

I did participate in the hearings and felt that—I have a copy of an annotated version of the bill, which means it reflects the changes, amendments and additions. I argued all through it that there's a lot of time spent here—and this is not a criticism; it's more or less to the minister's staff, not the minister. The minister didn't actually write it; he instructed these intelligent, capable people he referred to to get on with drafting the bill. Most of this stuff should have been handled in regulation. The reason I say that is because the technology we see today will be redundant in two years.

#### 0940

Follow me along now. I'll give you an example of what I mean by that. When I started looking at it, cell-phones were like a shoe box, and now they're almost invisible. In fact, there will be no more keys on the communication devices. It will all be voice-activated. In fact, our Hansard here is now using voice-activated software to record the minutes, which is being used. When you don't need to use little keys to text-message and to e-mail and to google and all that stuff—that's coming. But the providers of these devices like to implement them slowly so you can buy one, it becomes redundant, you throw it out and buy the next version. It becomes redundant, you throw it out and you buy the next one. RIM gets richer, the shareholders are all happy and the dumps are all full of technology, basically. It's tragic, really. But that is what will happen, and some of it is through pure innovation that hasn't caught up with the devices yet.

I can tell you, in my riding—as many of the other members will attest—I was just recently on a farm, one of the leading farms in Durham, where they have tractors that are auto-steer; they don't even drive them. You know what I mean? It's almost unimaginable. They have a transmission and receiver station in the centre of the farm—they farm about 5,000 acres—and the tractor is steered by GPS. It's incredible. They currently have to have somebody in the vehicle actually looking at the stock market or reading the paper or whatever they do. But it's called auto-steer; it's incredible. I'm sure the member from Bruce would have those kinds of operations.

I'm saying that if you look at the vehicles and the technology on our roads today, I forecast that in five years there will be some of this intelligent transportation; ITS stuff will be around. I worked in computers for a good part of my life, and I can see that this is just the beginning of technology. I see it in my real life each day. I get excited about innovation because young people, like the pages here, will see this in their lifetime.

My son-in-law is a very talented aeronautical engineer, with a Master's from UCLA, all that stuff, a test pilot. He told me that basically he flies F-18s—and now he flies 747s for Cathay Pacific. I'm very proud of him, but also, they really don't fly them. They land them. It's completely automated. They flip it on autopilot when they're in the air and they do preparation things—flipping switches and tuning in certain things about descent and directions that are given by the tower, and these can be voice-activated as well. They're really there to make sure that the system and their interaction—imagine how that could improve safety on our roadways, with intelligent transportation. You'd have a transponder and a receiver. The receiver would disable the driver, and the driver would only be there to make sure that they get to where they're going. That's the future. That will happen in your lifetime, guaranteed. We're designing stuff today that will be obsolete in five years, guaranteed.

I'm not going to use the whole hour, that's for sure, to give some people some rest here. There's a whole section in the bill that talks about how part VI of the act is amended to add the following, and it says hand-held devices are prohibited.

Section 78 talks about how no person shall drive a vehicle while holding a device. Under "Entertainment devices" it describes all of that.

Then it goes into a whole subsection here, subsection (4), on exemptions, which the minister has talked about.

Then it has a whole section on regulations:

"(7) The Minister may make regulations,

"(a) prescribing devices for the purpose of subsections (1) and (2);

"(b) prescribing persons...."

Ambulance operators, fire, police and other emergency vehicles are excluded from this.

I think the whole thing could have been handled in exemptions. He has gone on to include entertainment devices. Right now, even with BlackBerries, you can ac-



tually surf the Internet, download files, watch a movie and look at pictures. They're a computer. They are larger—I used to program 1401 computers in COBOL, many, many years ago. These are bigger and better devices—and I hate to use “devices” there. That's my only comment.

One little question I had here is—under this exemption section, which says,

“Same

“(6) Subsections (1) and (2) do not apply if all of the following conditions are met:

“(1) The motor vehicle is off the roadway or is lawfully parked on the roadway”—that they aren't subject to the violation.

“(2) The motor vehicle is not in motion.” In other words, you're stopped. That's good.

“(3) The motor vehicle is not impeding traffic.” That could be challenged in court. If I'm on the road and I'm doing this and I'm not impeding traffic, that could be a subjective kind of interpretation.

I'll just leave it at that. The regulations section, as I said, could handle it all.

The other part—and this is going to conclude, I think—on the Public Vehicles Act, this one here, I'm happy with. As the minister said, Mr. Bisson, the member from Timmins–James Bay, actually did work on this—and he brings up the very good idea of carpooling. What this is specific about is that “carpooling” is a bit restrictive. I'd encourage it more. I think the minister may be revisiting this in a future bill—or we will, when we're government next time. Here's what it says. It describes carpooling—more or less, to prohibit certain classes of vehicles. I think it's to protect the TTC and Coach Canada and all those other commercial operators. I guess their ministry's advice is to try to get along with people. They don't want to have any competition out there. That would be bad.

“Carpool vehicles

“(2) Subject to subsection (4), a public vehicle and a taxicab do not include a motor vehicle, as defined in the Highway Traffic Act, with a seating capacity of not more than 10 persons”—it could be a small coach, I guess; it could be a limousine, too—“while it is transporting not more than 10 persons”—so it's a small number—“including the driver on a one-way or round trip where the taking of passengers is incidental to the driver's purpose for the trip.”

That's very good. How does this apply? It could apply, in many cases, to people carpooling to go to work, and I think that's what it's intended to do. Carpooling to work, carpooling to shop—you could get away with that, but it could probably be challenged—if you were going to Buffalo for a shopping weekend and there are 10 or 20 persons from a women's group or a men's group or church or whatever type of group.

This one here gets a bit nitpicky, a bit red tape-ish. It says:

“(4) In order to be excluded from the definitions of public vehicle and taxicab, the use of a motor vehicle as described in subsection (2) must also meet the following conditions:”

This is interesting too:

“(1) No fee is charged or paid to the driver, owner or lessee of the motor vehicle for the passengers' transportation, except an amount to reimburse the expenses of operating the motor vehicle as described in subsection (2).”

There's a lot of red tape there. In other words, you can't get paid any more than your gas money. I guess we'll have to have that defined once you get into the minutia part of it. I think it's unnecessary intrusion, red tape. Somebody's going to take it to court: “I didn't pay more than that.” How about the oil? How about the tires? How about the cost of running the vehicle—whatever. You know what I mean. Right now, it probably costs about 75 cents a kilometre to operate a vehicle, including depreciation—maybe a dollar, really—gas, oil, insurance, depreciation, regular maintenance, the time of my life that I've sold for the hour. So, that, to me, is poorly drafted. I'm not the lawyer—but whoever drafted this probably only makes \$150,000 or \$160,000 a year. Some of it is unnecessary, really. It goes on to great extent in here.

**0950**

I think the intent is very laudable and very commendable, and I would support it, while at the same time cautioning—how about church groups? Some churches in my riding are encouraging young families to attend service—of whatever religion, Christian or otherwise—and they pick them up and drop them off, or they pick them up and maybe they spend the whole day there celebrating different things. Maybe somebody else takes them home. You could argue that this thing legitimizes carpooling maybe to work, but I think carpooling is good for a lot of things, even taking a group of friends to theatre in Toronto or to a ball game—a lot of minutia.

This bill is well intended—both sections of it. We would be supporting it. We add our value to it that it would be much more efficient to have handled this in regulation on the first part—that is, the technology piece, because the technology will change and somebody will say, “That's not as it's described in the bill. This is now 2013, and my device is a GPS, a phone, a video camera, a tape recorder, a computer and a communications device, and it's also racking up my expense report as I travel,” and it doesn't qualify, and it will have to be changed. They will have to redraft the bill and spend a lot of time unnecessarily here, as I am this morning.

I do want to thank all the people who participated in trying to make our roads safer while at the same time not being an in-your-face nanny state running everything. What it does involve is, as I said, the reference to the young family whose lives were tragically changed. Also, the enforcement provisions in the bill—I think this will be the challenge. Newfoundland and Labrador was the first jurisdiction in Canada to implement the bill, and the enforceability had been challenged in court. I found it rather odd because some members here, I'm sure, have been to Newfoundland and Labrador, and there's probably nobody on most of their roads. When you are coming across Newfoundland over to St. John's, you will see

that there is no cell service in most of Newfoundland and Labrador. They have the cellphones basically for St. John's. It was challenged in court, and it did withstand a court challenge on enforceability. I think this will be the big challenge.

If there are two or more people in the car, how do you determine who is on the phone? Do you understand? You could have a device, quite honestly, today—the police have told me this—that you could use to track a vehicle and know they're on the phone. There is a signal going on.

My sense was this: I like this area of technology. That's why I'm spending some time, because there may even be ministry people listening. There are devices today—I worked for General Motors. I worked in the industry for quite a few years and I know that they have a program now called OnStar. Ford and Chrysler all have different programs, which is Bluetooth technology and does a lot of things for you. It can book ball and NHL tickets for you; it can do everything. You just say, "Hello, I want to do this, that"—it will book you a hotel room. It's just incredible what it will do. My point, though, is that they also know that they could have a technical device in the car that would shut down the communications after a length of time.

The scientific evidence by Dr. Redelmeier and others proves that the longer you are on the phone and the more convoluted the argument, the higher the risk probability goes up of the four-to-one that Minister Bradley mentioned. I would expect that the industry, like they did with airbags and seat belts, will innovate devices that will cut conversations off. If you're talking to your stockbroker or your divorce lawyer, that's the wrong time and the wrong place to be using a cellphone while driving. It should be banned. But how do you tell people how to behave? Educate them first, and that's what this debate is theoretically about: to educate. To the minister: That's how I would implement it.

What you're doing with the speed limiters is a good idea. You actually soft-enforce for the first six months. That's a good idea. With this bill here, I'd do it the same as they did with seat belts. I'd implement the bill and proclaim it, and you can do a bit of public relations stuff on it. Then what you do is you give the police intervention tools like they have with seat belts; they do blitzes. It's mostly to educate drivers to conform with the rules, but also to educate them about the risks to themselves and others. That's where the duty of public service really begins: implementation not with a hammer but with a pen. Even for the first offence, I would mandate that they take a driver distraction course. There are courses put on by the CAA and others that say, "See the risk you are presenting to yourself?" Everybody thinks that they're immune to accidents, until it happens to them. Well, there's a very good example of how the CAA and other stakeholders, like the Insurance Bureau of Canada and the rest, could come forward and help to implement the bill as partners in this with the minister. I hope they do, because I really think the success is that it actually, as we said at the beginning, saves lives.

I just know that there's more here than we really realize today, because with more people and more cars on more roads and more trucks and all the rest of it, and in bad weather etc., these are challenging times.

I'm going to digress for a minute and just talk about a couple of little things. There's a couple of things that are changing in regulation. The minister has been very busy these days, not just on Bill 126, which was the graduated driver's licence changes—I think that's already passed—but on Bill 118 as well. Also, the speed limiter law that's been introduced is getting some discussion, and I would say, we would always want to do whatever makes our roads safe and get that right. The minister is working in co-operation with Quebec. I'm following it. It's quite good.

The other part that came down was the long continuous vehicle, the LCV, or truck trains. There's a lot of stuff on the roads and now we've got a confusing signal. This is not a complaint, this is an observation. It's also part of communication. We've really got four speeds on our 400-series highways. One of them is legal: the posted speed, which is 100 kilometres an hour. Now, it's not very popular when governments say, "Well, we're going to make the speed 120." Then there's other people who say that we should have photo radar. There's a whole bunch of issues around this. I'm saying that now we've got four speeds. We've got 100, which is the posted one. We've got the soft enforce on 100, though; it's really enforced at about 115 to 120, where they actually give you the ticket. We've got 90 for the long continuous vehicles, and now we've got 105, which is for the trucks with the speed limiters on them. I think there's a need to spend some time educating the public, but the ideal state would be to have clarity and simplicity, and that, to me, would be to change the speed to 115 or 120, which I understand the 400s are designed to, and at the end of the day, enforce it. Use whatever tools you need—I don't need to tell you what they are; you know them—and enforce it. That's the key. Send the right signal that these are the rules of the road.

I think that the wise thing, again, in compliment to the minister, is the implementation plan, which is most important to watch. He is going to have a pilot on this long continuous vehicle thing, which is good and that's something that needs to happen. But when we make changes, a big part of it is education. When I see inordinately large fines—and in Bill 126, some of the fines were almost scary. I mean, I am certainly going to behave myself, more than I ever did, on the roads because some of the fines are prohibitive—very, very expensive fines. Some of them are \$2,000 and \$3,000 if you make a violation.

With the limited time left, having used precisely the same amount of time as the parliamentary assistant from Brampton-Springdale and the minister, I will also yield the floor.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments.

**Mr. Peter Tabuns:** Mr. O'Toole has ably spoken to this bill, enlarged on it, embellished and given us a lot of detail and anecdote. I want to say that I think it does

make sense to have legislation in place to protect the driving public from drivers who are distracted. And so to the Minister of Transportation, I hope that this bill goes forward well. The question I have is, given the realities, given the evidence, why wasn't this bill brought forward earlier?

One of the things that the minister has talked about is allowing carpooling to go ahead. There is an organization called PickupPal that arranges ride-sharing over the Internet. They would not be prosecuted under this legislation, but they're currently ceasing their operations. I'd ask the minister to look at how things could be arranged so that PickupPal could be allowed to continue operating and we don't lose the opportunity to have a viable Internet-based ride-sharing operation continue on. The problem always is, if something ceases operations, it's very difficult to bring it back into existence.

1000

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mrs. Linda Jeffrey:** I wanted to make some comments on what the member from Durham said. I just want to congratulate him on the hard work that he did to bring this issue forward. I know that he was part of the seed as to why the government brought forward this legislation, and I know firsthand that private members' legislation is a challenging prospect, having tried to bring forward sprinkler legislation. So I congratulate him; it's good to stay on top of an issue, and certainly he has done that. In hearings, we heard some very thoughtful debate and discussion, and we heard some of that this morning from him.

I would agree with him that now is the time to act, and I had firsthand knowledge of this over the weekend. I was picking up my son from residence in late afternoon, and as I turned the corner in a parking lot, someone was pulling out in the darkness, blindsided, holding a cell-phone to their ear. This is a constant. I think everyone in this Legislature and across Ontario has experienced a near miss with somebody holding a cellphone to their ear, distracted, trying to do too many tasks at the same time.

There isn't anything that is more important than keeping both your eyes and your hands on the wheel, and certainly this government understands that. We're taking action, and I feel, having heard the comments from all sides this morning, that we're going to get support for that. There's a knowledge and an acknowledgment within Ontario that there's too much technology in the cars. We need to pay attention. There's nothing more important than our families and our loved ones in behind us while we're driving. We need to make sure that distractions are at a minimum, and certainly other jurisdictions have demonstrated this works. These new laws will protect all users in Ontario and keep us at the forefront as leaders on road safety, so I'm happy to support it.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Ted Arnott:** I want to say that the member for Durham deserves credit for the extraordinary work that he's done on this legislation. I want to thank the Minister

of Transportation for his work as well, but the member for Durham has been working on this issue for, what, six years, John? Seven?

**Mr. John O'Toole:** Forever.

**Mr. Ted Arnott:** Forever. And it's been a source of interest to all of us in this House, the way this member has brought forward an issue, shown persistence, had a good idea and continued to advocate for it in spite of a lot of questions, and initially some opposition, I would say. The member for Durham does an extraordinary job on behalf of his constituents on so many issues. He's actively engaged in all the issues that come within the responsibility of the provincial government, and he also looks after his constituents in a way that I think is second to none. That is largely why he has been rewarded with the support that he has received through the years, having served here now since 1995, and hopefully for many, many years to come.

But this is an issue that I certainly have studied with some interest too. I have to admit that from time to time, while I'm driving to and from Toronto and when I'm going to constituency events in my riding, my cellphone has gone off and I've answered it and chatted to my staff or to constituents who have been able to get my cellphone number, and also my BlackBerry. When this law comes into force, I'm going to have to change my ways. I'm going to have to put my BlackBerry, I think, in the glove box for the first few weeks so I can get out of the habit of using it while I'm driving, and pull over on the side of the road, perhaps.

But the fact is, I believe that the government is correct to be taking action in this regard in response to the concerns that have been presented by the member for Durham. I think it is appropriate that we continue to find ways to improve the safety on our roads, something that all of us believe in and share as a view and a belief.

I know the minister is aware of some of the roadwork that needs to be done in Wellington-Halton Hills. In fact, I had a chance to talk to him about one of the road issues, and I was sorry to distract him when he was getting ready to respond to members after he gave his initial speech. But I want to thank the minister for the work that he has done on this issue as well, and again commend the member from Durham.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments? Response, the member from Durham.

**Mr. John O'Toole:** I want to acknowledge the remarks by the member from Toronto-Danforth, and I agree with what he said, that we agree with this. But he brings up a point on the carpooling issue, and I think it's one that needs a bit more time on task. That is, when you think of students commuting—the beginning of the school year, pooling—a parent takes three or four of them, and then they aren't completing the trip, so they would potentially be in problems. So I think there's something to be said there, and the member makes a good point.

I think the parliamentary assistant from Brampton-Springdale talked about her experiences, as all of us have had, and the idea of multi-tasking today.

I thank all the people for their complimentary remarks. We all come here with the purpose to try and do something. This, in the overall scheme of things, is just one small thing to have had a hand in, but we all do work hard.

The member from Wellington–Halton Hills said of his own experience that all of us need to be educated. The final words that I would say, for me, when I used to be talking about this, and it seems like for eternity I was talking about it—now what will I actually talk about? Maybe it would be pensions. I'm very passionate about pensions as well.

But here's the key: How to summarize this is to keep your eyes on the road, your hands on the wheel and your mind on the job. That's what driver distraction is: multi-tasking, whether it's technology, an intense conversation or a distraction which is coming—electronic billboards are distracters. It really is a task, in today's world of gridlock, with electronic billboards and all the distracters, to keep your mind on the job. Driving is a privilege, not a right. So I commend the minister for doing the right thing, and I would be supporting it.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Peter Tabuns:** This legislation makes sense. We all know drivers, pedestrians and cyclists who've had at least one bad experience with a distracted driver talking on their cellphone. I've been in a car when someone has taken out their BlackBerry and positioned it on the top of the wheel so they could read the BlackBerry as they were driving. I have to say: It was not a comforting experience. We had an interesting discussion. I try not to drive with that person. I tried to move their attention beyond the BlackBerry and beyond the hood. Having legislation in place may make it much easier for others who point out that it's a problem to read your BlackBerry while you're driving.

The question that I raised in my earlier comments is why Ontario is taking this long to move forward with this legislation. Quebec, Newfoundland, Nova Scotia, many US states and 30 countries have restricted the use of cellphones while driving. There's a significant amount of evidence that has been cited by other speakers to support tighter restrictions on cellphone use while driving. An Australian study in 2005, and you may well have referenced this on the government benches, showed that motorists who use cellphones while driving are four times as likely to get into crashes serious enough to injure themselves. This finding was supported by a University of Toronto analysis of accidents in Toronto itself. Another study out of the University of Utah concluded that talking on a cellphone while driving is as dangerous as driving drunk—including reading your BlackBerry. Canadian studies show that 20% of all collisions in Canada have distracted driving as a contributing factor.

The Ministry of Transportation has indicated that fines will be set at between \$50 and \$500, and no demerit points will be taken for violations. In the end, the fine structure will determine whether this legislation works.

We should look at other provinces when we're determining what fines are necessary in preventing the use of cellphones while driving. There's enough evidence in Canada to undertake that analysis. This law is already in place in other jurisdictions. In Quebec, there is a three-month grace period followed by a \$100 fine. Nova Scotia has \$165 as a first-time-offender fine and \$335 for third-time offences.

Along those lines, enforcement is going to be crucial as to whether this act is of consequence or simply something that occasionally gets cited when people are upset by an accident. Police resources, as we know, are strained, and enforcing this law can be resource-intensive. The government, to our knowledge, has not addressed how this additional responsibility will be resourced. I look forward to the Minister of Transportation addressing that, if not this morning, then on another occasion.

We're pleased that this bill was amended during the committee stage. For example, before being amended, this bill did not draw a clear line between the display screen of a device that could receive information and that of an entertainment device. What it meant was this: If you had an iPod plugged into your car stereo, simply because it was hand-held and had a display screen, you could be fined. The bill would have banned an iPod from being used in this way, although that's actually not different from simply using a car stereo. So we're happy that this minor but useful point was amended in the process of going through the bill.

#### 1010

We're pleased that the government took this opportunity to amend the Public Vehicles Act to end the antiquated restrictions on ride-sharing and allow green companies like PickupPal to operate. For those of you who are watching and aren't familiar with it, PickupPal is a company that arranges ride-sharing over the Internet. They don't take a fee for arranging rides; they make money through Internet advertising. This helps people carpool to get to work and to go longer distances. These are good services. They contribute to lowering carbon emissions. They are the direction we should be moving in to ensure that there are fewer cars on the road. But because the bill hasn't passed yet, the Ontario Highway Transport Board went through with issuing a decision against PickupPal, as I assume they're required to do, ordering the company to cease most of its operations. We urge the minister to find a way to allow PickupPal to continue operating, even though an order has been issued against it, because as I said in my earlier remarks, once something is shut down, it can be extraordinarily difficult to get it up and running again.

I know I will surprise you in saying that my remarks have almost come to their end, to the great pleasure of the Minister of Transportation and the despair of other ministers on government benches who wanted more guidance in their future endeavours.

We are happy to support this bill. I think we can all agree that when it comes to distractions when you're driving your car or truck, it's certainly an issue that needs to be taken seriously.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

There being none and the clock moving on, this House will recess—

*Interjection.*

**The Deputy Speaker (Mr. Bruce Crozier):** I'm sorry. I should have asked for further debate.

Further debate?

Mr. Bradley has moved third reading of Bill 118.

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

Be it resolved the bill do now pass and be named as in the motion.

*Third reading agreed to.*

**The Deputy Speaker (Mr. Bruce Crozier):** Orders of the day.

**Hon. James J. Bradley:** I have the orders of the day, and it says, "No further business this morning."

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Now we've arrived at the point I was trying to get at anyway. This House is in recess until 10:30 of the clock.

*The House recessed from 1013 to 1030.*

## INTRODUCTION OF VISITORS

**Hon. Margaret R. Best:** Good morning. This morning, I would like to take this opportunity to welcome a number of coaches to the Legislature as part of Ontario Coaches Week; they are over there. First of all, I would like to welcome Ms. Susan Kitchen, who is the executive director of the Coaches Association of Ontario. I would also like to welcome Jeremy Cross, Jenna Falls, Ann Doggett, Jaime Sparkes and Jessica Taggio—all of them are coaches—and all the other coaches who are here today. Thank you very much for being here.

**Mr. John O'Toole:** I'd like to introduce a student who's here from the University of Akron, in Ohio, from the Bliss Institute. He's working with me as an intern student. His name is Richard Wall, and he's done some extremely good work on the Substitute Decisions Act. I'd like to congratulate him on the great work he's doing and thank him, and I'd like members to recognize Richard Wall.

## ORAL QUESTIONS

### ONTARIO ECONOMY

**Mrs. Christine Elliott:** My question is for the Premier. Ontario used to be the economic engine of Confederation, but under your watch, Premier, we've become its caboose. Last week we received our first equalization payment from the federal government. Other provinces are now supporting us.

Premier, what is your government's plan to return Ontario from have-not to have status?

**Ms. Lisa MacLeod:** Answer the question.

**Hon. Dalton McGuinty:** I will, I will; give me a chance. There's no winning here; there's none whatsoever.

I thank the honourable member for her question. I think she recognizes as well, though, that Ontario remains one of only three provinces that are net contributors to the federation. We're proud to be in that position. The fact that we are receiving equalization is undeniable, but what Ontarians need to understand is that we're paying ourselves with our own money; I think it's important to understand that.

Our recent budget speaks to the challenges of the day. It is designed specifically to build both a more caring and a more competitive Ontario. So at the same time that, for example, we're increasing the Ontario child benefit and building affordable housing, we are also reducing business taxes and personal taxes, and putting our economy on a stronger footing so that we can regain the strength that we need to support our schools and our health care and supports for our vulnerable.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mrs. Christine Elliott:** Well, that simply isn't good enough. Since January alone, we've lost 117,000 jobs in the province of Ontario. That's 117,000 breadwinners, 117,000 providers and 117,000 moms and dads with families that depend on them.

We can't lead the nation when Ontarians can't find meaningful work. Other provinces are dealing with this and have moved in front of us. Premier, when will you commit to returning Ontario to "have" status?

**Hon. Dalton McGuinty:** Again, my honourable colleague is absolutely right: There have been significant job losses. This does cause devastation to Ontario communities, but, more importantly, to individual families.

I know that my colleague will recognize that this is not something that is solely being experienced here in Ontario; it's being experienced right across the country and, indeed, throughout most of the world. But I am proud of the budget that we have put forward and I would ask my honourable colleague for her support in moving ahead with this budget as quickly as we can. We know that the single most important thing we can do to strengthen this economy is to move forward with our package of comprehensive tax reforms that, among other things, moves us towards a single sales tax, lower taxes for our businesses and lower taxes for Ontarians themselves.

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

**Mrs. Christine Elliott:** The Premier is quickly becoming the next Bob Rae. Faced with tough economic times, he has become an ideologue with old, tired answers to new, complex problems.

Premier, won't you admit that your exhausted government has run out of ideas, and we're now left at the mercy of other provinces for Ontarians' well-being?

**Hon. Dalton McGuinty:** One of the things that we did before we moved ahead with this budget is solicited, in a very meaningful way, the advice of the members of the opposition. It was modest at best. I would argue that

the advice that we received from some was to make cuts; advice that we are building too many hospitals, too many roads, too many bridges and the kind of absolutely essential infrastructure that creates jobs in the short term and enhances our productivity in the long term.

We will be moving ahead. We will continue to find ways to strengthen this economy, to build both a more competitive and a more caring Ontario.

#### TAXATION

**Mrs. Christine Elliott:** My question is again to the Premier. Today is Earth Day. All across Ontario people are looking for ways to improve and protect our environment. We all know that individual actions multiplied by thousands of people can have great economic benefits to our environment. Premier, why are you stifling those actions with massive tax increases?

**Hon. Dalton McGuinty:** I just want to draw my colleague's attention to an announcement we made just yesterday. I had the opportunity to visit St. Paul, I think it was, yesterday here in Toronto, an elementary school. While there, we announced that we're investing \$550 million into retrofitting at least 1,000 Ontario schools. I'll tell you why I think that's such a great idea. Not only will it create 5,500 jobs, not only will it reduce energy bills for our school boards when it comes to heating and cooling their schools, but at the same time I'm not sure there's a better place for us to practise energy conservation than in our schools, where our kids can see first-hand the positive effects of that kind of a collective action.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mrs. Christine Elliott:** We're hearing a lot of talk over here, but let's take a look at an example. The Green Energy Act is a good example of where your actions contradict your rhetoric. On the one hand, you're encouraging people to do home energy audits and retrofits. On the other hand, you're taxing the cost of all these green renovations. At a time when Ontarians are stretched thin, how can you possibly think that they can afford these retrofits that you're talking so much about?

**Hon. Dalton McGuinty:** One of the things that, at its core—and our families have many hopes and many higher aspirations, and they have some fears too. They have some real concerns. But I think the single most important issue they want us to address right now is, "Are there going to be jobs there for me and are there going to be jobs there for my kids?" We are absolutely committed to ensuring that we inspire confidence in the people of Ontario. We are prepared to take whatever actions are necessary to strengthen this economy. That means reducing business taxes. It means reducing personal taxes. It means moving ahead with a single sales tax. And by the way, it means moving ahead with a higher Ontario child benefit. It means investing in affordable housing. Those are the kinds of things that we're doing, because they speak to the needs, the hopes, and they address the concerns of Ontario families.

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

**Mrs. Christine Elliott:** These answers are why this government cannot be taken seriously. Raising taxes in the middle of a recession is exactly the last thing you should be doing. Every time it's been tried, it has failed. Why do you expect us to believe it could possibly be different this time?

**Hon. Dalton McGuinty:** I understand where my colleague is coming from on this score. She's in keeping with the philosophy embraced by this Conservative Party. They believe that in the face of the greatest economic challenge that we have stared into in the last 80 years, we should do nothing, and certainly we should make no difficult decisions. They think that if we hide under these desks for the next two years, somehow the economy is going to restore itself on its own, and we need do nothing. We disagree with that. We think we have to take some responsibility. We think we have to show leadership. That's why we're making important decisions on behalf of Ontario families, who want to strengthen their economy so that we're in a position, in a sustainable way, to support their health care, their schools, their support for their most vulnerable and to ensure we have at all times the capacity to create good jobs for themselves and their kids.

1040

#### PROVINCIAL PURCHASING POLICY

**Ms. Andrea Horwath:** My question is to the Premier. Ontario needs a long-term industrial strategy rooted in green energy projects. But to ensure that green energy jobs are created here, we need a strong buy-Ontario program. New Democrats support a 60% Ontario content requirement for all green energy projects in this province, just as they do in Quebec. When is this government going to finally specify an Ontario content target for all new green energy projects?

**Hon. Dalton McGuinty:** We've had this important conversation many times in this House and I assume we'll have it on an ongoing basis and I'm fine with that. I would ask my colleague, as she pushes hard for us to adopt ever more protectionist policies, to keep in mind that we do a lot of trading with the outside world. Eighty-five per cent of the cars that we make here in Ontario we sell to the Americans. If they decide that they're not going to buy our cars because we make them here, we are in serious trouble. So we want to do as much as we possibly can to encourage Ontarians to take advantage of products and services developed here, produced here, sold here in the province of Ontario. At the same time we want to be mindful of the fact that we rely on trade with the outside world to generate the wealth we need that supports our schools and our health care and our jobs.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** We're looking for green jobs in this province. That's what we're looking for. A 60% local content requirement has already worked in Quebec.

There are thousands and thousands of new, good-paying jobs there, including at the only mass-production wind turbine manufacturer in all of Canada. With 300,000 manufacturing jobs being lost in this province, why is this government still stubbornly refusing to implement a real buy-Ontario program for our green energy products?

**Hon. Dalton McGuinty:** My colleague knows that Minister Smitherman is consulting on what might be the right number for this particular matter. But I would hope that we'd get her support when it comes to our new Green Energy Act. It has been received internationally as being very bold, very progressive and puts us at the front of the line in North America. Our intention is to create 50,000 new jobs. It's to unleash an explosion of economic activity and new investment in energy from renewables.

*Interjections.*

**Hon. Dalton McGuinty:** My colleagues opposite may not be particularly enamoured with this notion of energy from renewable sources, but we think it's a smart way to go and we think that Ontarians want us to do this.

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

**Ms. Andrea Horwath:** The Premier talks a good game when it comes to green jobs and green energy but the government's talk is cheap. Its watered-down approach only requires 25% domestic content for public transit vehicles. New Democrats think that should be 50%. This government has no domestic content policy requirements for green energy projects at all. We say it should be 60%. With so many Ontarians in need of good-paying manufacturing jobs, why won't you commit to a 60% requirement for new energy projects?

**Hon. Dalton McGuinty:** Again, I want to assure my honourable colleague that Minister Smitherman is consulting on the appropriate number. But I do want to bring home to her and members of the House just how important a signal we send to the international investment community when it comes to our new Green Energy Act.

I want to quote briefly a story that appeared in the Toronto Star just last week. It says:

"Asia's largest maker of wind turbines is seriously sizing up the Ontario market as a potential home for new manufacturing, citing what it considers the right combination of policies, infrastructure and local activity.

"Tulsi Tanti, founder and chair of Suzlon Energy Ltd., told the Star ... that the Ontario government's proposed Green Energy Act is a 'very strong' initiative that helps set the province apart from other jurisdictions in North America."

Sometimes we never really know how progressive we've become until it's recognized internationally. I'd like my colleague to look at the international response to this Green Energy Act.

#### ENERGY RATES

**Ms. Andrea Horwath:** Back to the Premier: Ontarians want to do the right thing by the environment, but

times are very tough in this province and that's why we need environmental choices that are affordable. The McGuinty government's approach assumes that Ontarians have the spare cash to fund an energy audit and it assumes that people have thousands upon thousands of dollars to pay for retrofits with money that they simply don't have. Your reimbursement process is complicated and inaccessible to most Ontarians. Why, I want to ask the Premier, does this government make it so difficult for Ontarians to do the right thing by the environment?

**Hon. Dalton McGuinty:** My colleague may have a point. There are so many programs out there right now in combination with the federal government that I think we need to find a way to make it easier for homeowners in particular to find their way through these and come up with a simpler approach to helping them.

But here's the good news. You can earn up to \$10,000 in savings and in refunds, both from the province of Ontario and the federal government, if you choose to pursue an energy audit and renovate your home. I think that's an important financial contribution being made by Canadian taxpayers and Ontario taxpayers to incent Ontario families into pursuing energy conservation policies.

I will agree that we can and should do something to make the process simpler, but I disagree that we're not doing a lot when it comes to helping Ontarians.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Ms. Andrea Horwath:** Most low-income people actually live in apartments. Forty per cent of tenants face unaffordable rents in the province, yet this government's deluded approach to environmental issues is penalizing these cash-strapped tenants. Smart metering is going to cost tenants a lot more, and you know that landlords in fact are going to pass on any increased electricity costs associated with the Green Energy Act.

Before tenants get unfairly whacked or forced out of their houses altogether, why won't the McGuinty government implement a permanent rate assistance program for vulnerable tenants?

**Hon. Dalton McGuinty:** I think we were talking originally about some environmental initiatives and costs which might be borne by tenants. One of the things that we're proud to participate in, together with the federal government, is a program valued at over \$700 million, if my memory serves me correctly, to retrofit existing social housing to help get those costs down. I think that's an important step. There's always more to be done.

We're proud of the record that we also have when it comes to dealing with rents and, in fact, how little they've gone up relative to cost of living in so many other different areas.

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

**Ms. Andrea Horwath:** I was hoping the Premier would commit to helping those vulnerable tenants who are going to be hit hard and can't afford the cost increases.

There's no doubt that we do need to green Ontario's energy supply—I think all of us would agree to that—and

we need to promote conservation in this province absolutely. But we need to make sure that everyone, from individuals to businesses, can afford to participate in a greener society.

Struggling resource industries cannot afford to shoulder an unfair burden. That's why we need an industrial hydro rate in this province. Yet the government's Green Energy Act doesn't even mention that kind of a policy. What will you do to ensure that the Green Energy Act doesn't put Ontario companies further at risk?

**Hon. Dalton McGuinty:** A couple of things on that score: First of all, in our recent budget, we once again extended the electricity rate support for business in the province of Ontario, particularly assistance for those in the forestry sector, for example. As well, the purpose of the Green Energy Act is to help us not only generate new electricity from renewable sources but, at the same time, to aggressively pursue energy conservation opportunities.

We want to work well and hard with Ontario businesses to help them find savings. That's what conservation is all about. We have a number of programs in place to help incent the kinds of investments that will produce those savings which help make those businesses more competitive, so that they have more profit, so that they can hire more Ontarians.

#### ENVIRONMENTAL PROTECTION

**Mr. Mike Colle:** I've got a question to the Minister of the Environment. Minister, as you know, the Green Energy Act is before committee right now. Can you tell us how the Green Energy Act, with all its proposals to have a smaller carbon footprint, is so important given that today is Earth Day, and how this Green Energy Act will promote the important initiatives you have in your own ministry combined with the initiatives of the Green Energy Act?

**Hon. John Gerretsen:** First of all, to everyone in this Legislature, happy Earth Day. Today is Earth Day.

I can tell you that one of the main advantages of the Green Energy Act is to make sure that we have renewable energy in the province of Ontario rather than the fossil-fuel-driven energy that we have right now. As you know, we have a commitment. We have legislated that we will be getting out of the coal-fired-energy plants by 2014. In order to do that, we simply have to create more renewable energy, whether we're talking about wind power or solar power, biogas and biomass. I can tell you that we, within the Ministry of the Environment, are working very closely with the Minister of Energy to make sure that we have the safeguards in place, that when these energy projects get approved, the health standards that we're accustomed to and the environmental standards that are so important to the people—

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

1050

**Mr. Mike Colle:** Today also, on Earth Day, we have the beginning of the pesticide ban in Ontario. For the first

time in this province the sale of these harmful chemicals will be banned and they won't be able to sell all these chemicals that stay in our groundwater, stay in our front yards and our backyards for generations. Can you tell us how this pesticide ban is going to complement the good things that you're doing in your ministry to make sure we have clean water and clean air?

**Hon. John Gerretsen:** I had the opportunity within the last hour to announce at Allan Gardens right here in the city of Toronto that the cosmetic use of pesticides in the province of Ontario is going to be banned on our lawns, gardens, backyards and front yards as of today. The list of banned substances includes about 250 substances and 80 different ingredients. The main ingredient for doing all of this is to make sure that we take unnecessary risks away from our children. Our children are unnecessarily exposed right now by the pesticide materials that are used in their lawns and gardens. I'm very pleased that this is the strongest law that we have in all of North America. It supersedes any municipal bylaw because it not only deals with the use of cosmetic pesticides, but also it bans the sale of cosmetic pesticides. This is a day that Ontarians can be extremely—

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

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Robert W. Runciman:** To the Premier: We hear this morning of more problems at the Ontario Lottery and Gaming office. This time it's botched tickets. It seems there's scarcely a week that goes by without another embarrassing botch-up at that office. You've clearly put high-priced people in charge who can only shoot craps. When will you take charge and clean up this operation so Ontarians can have confidence in it?

**Hon. Dalton McGuinty:** First of all, I want to acknowledge that there was an error. My understanding is that there was a computer error. The good news is that it was acknowledged immediately, it was made public and it was addressed. I'm not sure what more we might ask of OLG in these circumstances. I'm not sure how many tickets they sell on a daily basis. I believe it's in the tens of thousands. I think there were some 80 or 90 tickets that did not have the appropriate date on them. That was noticed, as I said. It was dealt with. I think they dealt with it in an honest and forthright and efficient manner. I think that's all we can ask of the OLG in the circumstances.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Robert W. Runciman:** Why doesn't the Premier just wave a white flag?

Three weeks ago, I called the Premier's attention to the dismaying irony of staff at OLG receiving significant salary increases and bonuses in the wake of misstep after misstep and embarrassment after embarrassment, and in the midst of a recession. Now, with yet another of these never-ending goofs, I ask you again, why are you sitting



idly by letting this error-prone, mismanaged agency hand out bonuses to officials? When will you show us you understand and take action?

**Hon. Dalton McGuinty:** Again, just so we can deal with the facts, because I think they're pretty important, on Monday, between 2 o'clock and 5 o'clock, a computer mistake caused the wrong date to be printed on 92 of the tickets sold on Monday. By the way, on that day, 563,639 tickets were sold, and there was a mistake on 92 of them. That was acknowledged. They have been made null and void. They will be replaced or refunded. Again, I think that's the appropriate thing to do under the circumstances.

There have been significant changes made with respect to the executive at the OLG. I think they're moving in the right direction, and I think it's symbolic of that when they acknowledge this publicly and move efficiently to rectify the situation.

### NUCLEAR ENERGY

**Mr. Peter Tabuns:** To the Premier: Premier, you say you're committed to the environment, to green energy, but you systematically give preference to nuclear energy over green energy.

Look at the Green Energy Act. Under that bill, government won't cover cost overruns for renewable energy, but you remain willing to cover cost overruns for dirty nuclear energy. Under the Green Energy Act, the government won't commit to purchasing set amounts of energy from renewable energy suppliers, but you're willing to buy nuclear power even at times when we don't need the energy and we have to pay consumers to take it.

Why do you give nuclear energy suppliers a sweetheart deal? Why are you willing to give them a sweetheart deal that you refuse to offer to cleaner and safer sources of power?

**Hon. Dalton McGuinty:** I know that my colleague is going to want to acknowledge that Ontario's Green Energy Act is the most progressive and aggressive of its kind in North America. The only other jurisdiction that is in the same league, I would argue, would be Germany.

I think my friend also needs to be honest about his perspective on these matters. He believes that we should get rid of nuclear generation in the province of Ontario. Fifty per cent of our electricity comes from nuclear generation. It's not generating carbon emissions for us, and it has that going for it. There have been some cost issues in the past; there are some downsides associated with nuclear waste. But we have to make some difficult choices. We have chosen to move away from coal-fired generation. We intend to maintain the base that we have of nuclear generation in the province of Ontario.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Peter Tabuns:** I don't generally get to say I appreciate an answer, but I now understand the full depth of this commitment to nuclear and want to make sure that anyone who is interested in green power in this province knows where the money and the commitment are.

Premier, going back, in May 2006 you made it very clear that you wouldn't accept a system in which the people of Ontario, the ratepayers and the taxpayers, got stuck with cost overruns for nuclear power. You made that very clear. Nuclear is not affordable. You know that cost estimates are increasing. In the United States, companies that have been building nuclear power plants have run into big cost overruns; the same in Finland. Will you repeat the commitment you made in May 2006 to not accept cost overruns on new nuclear power plants?

**Hon. Dalton McGuinty:** We're going to do everything that we possibly can to manage the costs on behalf of Ontario ratepayers when it comes to nuclear generation. That's one side of it, and we're doing much there, but there are other sides as well. It's a multifaceted and, I would argue, responsible approach for dealing with electricity needs in the province of Ontario.

We've got a very aggressive plan when it comes to promoting energy conservation. We've got the most aggressive act of its kind in North America when it comes to harnessing energy from renewables. We're the first government to have in place a 20-year plan to meet our electricity needs.

At this point in time, it is very obvious to us that nuclear remains an important part of our base load capacity. We intend to do nothing more than maintain that base load so that we can continue to power our hospitals, our schools and our economy.

### SPORTS FUNDING

**Mr. Charles Sousa:** My question is to the Minister of Health Promotion as we celebrate Ontario Coaches Week. Whether it's Little League soccer or training for the Olympics, coaches do more than teach sport. They harness an individual's raw talent and determination and they develop them into athletes. Coaches also help to develop self-esteem and confidence that our children will use throughout their lives. Any successful athlete will tell you that their coaches have played an important role in their career. The executive director of the Coaches Association of Ontario put it best when she said, "Great coaches are individuals who are passionate about their athletes' development on and off the field."

What is the government doing to help organizations like the Coaches Association of Ontario so that they can continue to support the athletes in our communities?

**1100**

**Hon. Margaret R. Best:** I want to thank the member from Mississauga South for that question. I also want to take this opportunity, again, to welcome all the coaches who are here today.

It is my privilege, on behalf of everyone at the Ministry of Health Promotion, to recognize and commend our coaches for their hard work, dedication and their constant inspiration. Their commitment inspires us continuously throughout the year. From Little League to the Olympics, coaches give of themselves to our athletes, our children, our communities and our future.

Our government continues to support our coaches and athletes through programs such as Sport for More, Own the Podium, Quest for Gold and the national coaching certification program. Since 2003, the McGuinty government has invested over—

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

**Mr. Charles Sousa:** Staying active is important to our health. In my riding of Mississauga South, we are fortunate to have organizations like Walk and Bike for Life who work to promote healthy living. Tonight, in recognition of Earth Day, I thank the minister for coming to join our community in support of this initiative.

Coaches also play a very important role in increasing sport participation and physical activity across Ontario. Coaches are at the heart of every sport and are bound by one common thread: the desire to help individuals be the best they can be. The programs mentioned by the Minister of Health Promotion will benefit coaches, athletes and our communities. However, we must also recognize the importance of providing community sports and recreation infrastructure.

Minister, what is the government doing to ensure that the sport community is receiving appropriate support and what is the government doing to ensure that our coaches and athletes are competitive outside of Ontario?

**Hon. Margaret R. Best:** I look forward to joining the member from Mississauga South this evening as we continue our health promotion initiatives.

We certainly value our partnerships with the Coaches Association of Ontario, provincial sport organizations, sport administrators, officials and volunteers across Ontario. We have invested approximately \$32 million in grants to over 1,000 community organizations to help Ontarians lead healthy, active lives.

Excellent sporting facilities are fundamental for coaches to train and develop athletes. The McGuinty government is committed to helping to keep Ontarians healthy. We have invested a total of \$193 million in 99 sport and recreation infrastructure-related projects.

Bringing the Pan-American/Parapan Games to Ontario would leave a legacy of new and improved sport facilities and recreation facilities across Ontario. I again thank our coaches for all the hard work that—

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

#### PENSION PLANS

**Mr. Norman W. Sterling:** My question is to the Premier. Your budget recognizes the work done by your Expert Commission on Pensions, which produced a comprehensive report in November of last year. It recognizes the problem with the pension benefits guarantee fund and makes several recommendations. On page 124, it states that the fund “should not receive government grants or subsidies in order to meet its obligations.” Why, then, are you seeking in Bill 162, the budget bill which you’ve moved closure on, the power to

grant the fund money in direct contradiction with your commission’s recommendations?

**Hon. Dalton McGuinty:** I’m not an expert on pension matters and I’m not sure there are that many people in Ontario who in fact understand the full picture, but I’ll take a stab at this question.

My understanding is that what we’re doing through the budget bill is making it clear that we have no legal obligation to make contributions to the pension benefits guarantee fund, but we reserve the right to make that kind of a contribution should we feel that’s appropriate in the circumstances and serves the public interest.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Norman W. Sterling:** Under the present legislation, Premier, you already have the power to lend money to the fund, which would be paid back by those who benefit from the insurance of that fund.

Seventy per cent of Ontarians are not lucky enough to have a pension, yet you are asking them to give you the right to write a cheque on their behalf for 70% of that grant to help out those who already have the protection of a pension. If you are going to do that, Premier, for those who have a pension, what are you going to do for the rest of the people who have lost 30% to 50% of their RRSPs and their retirement income? What are you going to do for the people who are going to write that cheque?

**Hon. Dalton McGuinty:** My honourable colleague is on to a very important issue here. First of all, I want to assure him that we are preserving for ourselves and any subsequent government the right to make that investment in that pension benefit guarantee fund, should they deem it to be appropriate and, as I said, it serves the public interest. But I think it’s also important to keep in mind a point that my colleague raises. I think the number is actually 65% of Ontarians who don’t have a pension. They have quietly presided over the depletion to the tune of 30% to 40% of whatever savings they may have put away. I think it speaks to a broader issue and I would encourage the Prime Minister to host a national summit. The Premiers have had the chance to talk about this in a preliminary way, but I think it’s the kind of thing that affects all Canadians. The fact is, the overwhelming majority of Canadians don’t have access to an adequate level of pension retirement funds.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Peter Kormos:** My question is to the Premier. The problem is that the latest bungle at the OLG isn’t an isolated incident. It’s part of a pattern. A \$6-billion-a-year organization and the pattern of bungling is mind boggling: bad winning scratch tickets, giveaways of European cars, faulty slot machines, expensive lawsuits against rightful winners, promotional T-shirts made in Mexico. It’s not enough to say, “Oh, I think they’re doing their best.” The public of Ontario deserves to have confidence in the OLG. Why won’t this Premier take positive steps to ensure that this happens?

**Hon. Dalton McGuinty:** I think it's important not to lose track of what in fact happened here. There were, on the day in question—Monday—563,639 tickets sold. Ninety-two of those tickets had the wrong date printed on them. Those were declared to be null and void and they're going to be replaced or refunded. The OLG has pinpointed the full list of tickets in cities where the affected tickets were sold. This information is available in affected at retail locations, on the website or by calling the Customer Excellence Centre.

I think they've done what is appropriate in the circumstances. I think they have done what Ontarians expect of them in these circumstances. I think they were honest, they were forthcoming, they acknowledged, they made it public and they've taken the steps to fix it. That is what they are supposed to do.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Peter Kormos:** What happened was yet another stunning screw-up in an organization with some of the highest-priced help in the province of Ontario. Good grief. People have more confidence betting with Tony Soprano and he's not even real.

Three things are certain now in this Premier's Ontario: death, tax grabs and more screw-ups at the OLG. Maybe the minister responsible has a little bit too much on his plate and it's time for a minister who can handle the OLG and its fallouts and ensure that confidence is once again restored in gaming in Ontario.

**Hon. Dalton McGuinty:** There's no doubt about it, there's always some political fun to be had in dealing with the OLG, given their record, which is less than stellar, I would acknowledge to my colleague. But are we going to hang them for 92 misprints on a day when they sold 563,639 tickets? I think not. I mean, that's just the way I see it. They've acknowledged it, they've taken steps to remedy that, and I think they've done the appropriate thing under the circumstances.

We have made some real changes when it comes to the executive there. We have been working really hard together to help bring about the kinds of changes that demonstrate a higher level of respect for Ontario consumers. I think we're making some real progress.

## ORGAN DONATION

**Mr. Bruce Crozier:** My question is for the Minister of Health. Earlier this week, the minister kicked off the national Organ and Tissue Donation Awareness Week. Giving the gift of life is more important now than ever before. In fact, the demand for organ transplantation continues to be a major concern for Ontarians. Currently, there are about 1,700 patients waiting for an organ transplant in this province. Organ donation in Ontario and in Canada has not kept pace with the need for organs. I would ask the Minister of Health, what is he doing to improve organ donation rates in the province of Ontario?

1110

**Hon. David Caplan:** I'm glad that my colleague from Essex asked this question because it gives me a chance to

reaffirm our government's commitment to increasing organ donation in the province of Ontario. We're committed to working with our partners, the Trillium Gift of Life Network, to ensure that we increase life-saving transplants. We want to make sure that the patients who need a transplant can get one as soon as possible.

The other day, I was on hand to announce a program that will help youth better understand and get excited about organ donation. *RecycleMe.org* is an interactive, engaging, compelling campaign that will get youth talking, texting and Twittering about organ donation. This campaign is an important step toward creating greater awareness and increasing donor rates.

I know it will get youth talking about organ donation, because this program was developed by a youth panel at the Trillium Gift of Life Network. I want to acknowledge Mr. Frank Markel and Rabbi Reuven Bulka and the work that they have done—

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

**Mr. Bruce Crozier:** The hard reality is that every three days someone dies in Ontario waiting for an organ transplant. Organ transplantation can be challenging for both the donor and the recipient. For those on the waiting list, there may be a substantial financial burden to bear when relocating closer to a transplant hospital. The costs associated with becoming a living donor can be prohibitive. As well, there could be income loss or travel expenses.

Will the Minister of Health tell this House how this government intends to help recipients and living donors?

**Hon. David Caplan:** I want to tell my honourable colleague about initiatives in place to help organ recipients and donors. Often, patients who need a transplant have to relocate to near a hospital in case an organ becomes available. That's why, beginning May 1, we're launching a new program that will provide some financial help to patients waiting for heart, lung and heart-lung transplantation who must relocate to be near a hospital site. We will administer this program with our partners at Trillium Gift of Life Network.

We will also be supporting living donors by reimbursing them for expenses associated with their organ donation, such as travel, accommodation and loss of income after surgery. So far, TGLN has processed 147 applications between April and December 2008. These are important steps. They will make it easier for living donors and recipients to give—

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

## EDUCATION FUNDING

**Mrs. Joyce Savoline:** My question is to the Minister of Education. We all know that priorities are the things you set when you want to make a cohesive plan that creates real results. I'd be happy to help create those priorities for you, because I find that, time and time again, some of those priorities are lacking, because I don't see a plan.

Let me be clear that 30% of Ontario students have IEPs, individual education plans, that clearly spell out the need for those children to receive specialized attention to succeed. The majority of these students either do not have an educational assistant or receive a fraction of the support they require just to keep up with their classmates.

Minister, can you tell these students and their parents why you've chosen to invest in light bulbs and infrastructure instead of in them?

**Hon. Kathleen O. Wynne:** I would be happy to address this issue. The reality is that we're investing across the spectrum of needs in the publicly funded education system. I think to draw a false dichotomy between investing in special education, which we've done—special education is projected to increase by \$49 million, \$627 million since 2002-03. We've made massive investments in special education. Not only have we done that, we're transforming the way special education is delivered. Parents of children with autism are seeing a better continuum of service and better transitions. But to suggest that because we're doing that, and we need to do more of that, we shouldn't be investing in sustainable buildings and retrofitting for energy savings is completely irresponsible—

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

**Mrs. Joyce Savoline:** I'm hearing from parents who have had to resort to tutors to help their children because they aren't getting the help in the classes.

You have made a lot of announcements and a lot of promises, but the fact is that you haven't met the mark. I find it ironic that you've promised \$550 million to save and protect our rural schools, yet Beeton's Tecumseth North Elementary School in my colleague's riding of Simcoe-Grey will be shutting their doors, as will many other rural schools in Ontario. I wonder if your apathy for rural schools has caused you to divert \$550 million for rural schools into this new light bulb program?

Our rural schools are the cornerstone of our rural communities, and you have abandoned them. Minister, will you reprioritize these resources and reinvest in the children of our rural communities?

**Hon. Kathleen O. Wynne:** I think the member opposite actually knows that in this province we are investing in publicly funded education to an extent that the province hasn't seen, certainly, in a number of decades.

What we know is that there are 90,000 fewer students in our schools today than there were in 2002-03. It is absolutely imperative that school boards have the opportunity to develop capital plans and make decisions that are best for their community.

We have a school foundation grant, we have supportive schools grants—there are millions of dollars that have gone in to support those rural schools against the ravages of declining enrolment.

Having said all of that, the test for us is, are students in our schools getting the standards of education that they need? Are they getting teachers who have the professional development that they need? Are they receiving the resources that they need? That's—

**The Speaker (Hon. Steve Peters):** New question.

## PENSION PLANS

**Mr. Paul Miller:** My question is to the Premier. Premier, New Democrats are outraged that this government is shutting down the debate on its budget by allowing only one day for public hearings on a matter of such critical importance. The Premier is ending debate on a budget bill that contains far-reaching provisions about the security of the retirement incomes of millions of Ontarians. The CAW workers I rallied with in Windsor this week are gravely concerned about their pensions.

Why is this government using the heavy hammer of time allocation to end debate on something as important as pension security?

**Hon. Dalton McGuinty:** We've been working very closely with both the CAW and the auto companies, and there's a strong consensus on this particular point: The single most important thing that we can do to guarantee the health and vitality of those pension funds is to put the auto sector itself on a strong footing. So we're going to continue to find ways. We have come to the table with significant contributions, on behalf of Ontario taxpayers. This industry is too important for us to lose. We're prepared to do all that we can to put this industry on a strong footing. There are always limits, of course. There are competing demands. But we've been there from the outset, and we intend to continue to be there. Again, that is the single most important thing that we can do to protect those pensions.

**The Speaker (Hon. Steve Peters):** Supplementary.

**Mr. Paul Miller:** I'd be afraid if I were the government shredding the pension safety net. That's why they've made sure that there are as few people as possible allowed to speak in a public forum. We're talking about retirement monies, the deferred wages owed to loyal workers, workers who have given a lifetime to their employer.

Why is this government closing debate on this important issue? Is it afraid Ontarians will start asking questions about pension security? Is that the problem?

**Hon. Dalton McGuinty:** There's a broader debate that we're going to have to engage in, I would argue, as a country. I think we see some of the competing views, and there's some validity to both of them. The member for the NDP says we've got to worry about people in the auto sector who have a defined benefit pension plan. A moment ago, my colleague Mr. Sterling said, "Well, what about the 65% of Ontarians who don't have access to any pensions? Are they going to be called upon to invest in those defined benefit pension plans?" That's the kind of thing that speaks to some very broad issues.

Back in 2006, we commissioned a report from Harry Arthurs. It's a very lengthy report. It's out for consultations, and we look forward to finding the best views from Ontarians on that particular score. Then we look forward to working with our colleagues from across the country to see what we might do to better support pen-

sioners and all Canadians who may not have a formal pension as well.

1120

### MUNICIPALITIES

**Mrs. Liz Sandals:** My question is for the Minister of Municipal Affairs and Housing. Ontario's major urban centres are growing rapidly. The issues of urban affairs are generating increasing interest and bringing greater attention to how cities work or how they struggle. There's no denying we're in for difficult times. The news media are full of commentary on these challenging economic times.

We all know that the global downturn is reaching right into our communities. In my community of Guelph, residents are worried about their jobs and providing a stable life for their families. They are asking for innovative government that utilizes resources available to them as best as they can.

In the minister's speech at the OGRA/ROMA conference in February, he touched on some of the innovative approaches Ontario municipalities are taking to address the needs of their communities. For the benefit of the House—

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

**Hon. Jim Watson:** Some of the most innovative and creative ideas to contain costs and increase efficiency in the public sector can be found at the local level. One of the great opportunities I have travelling this wonderful province is to attend various municipal conferences and visit municipalities and see first-hand some of these great innovative cost-containment ideas.

In the member's own community of Guelph they just opened a new city hall that brought together various city departments, reducing their costs. It's a very green facility. The heating and cooling system is using 38% less energy.

In Hamilton, Mayor Eisenberger has championed the Woodward Avenue water and waste water facility. It's expected that the project will generate 16.4 kilowatt hours of renewable electricity.

So as we celebrate Earth Day today, we can look to the municipal sector for some very creative and innovative green ideas to save money.

**The Speaker (Hon. Steve Peters):** Supplementary.

**Mrs. Liz Sandals:** Those are some very interesting municipal initiatives. But as you know, Ontario municipalities can't go it alone. They need our help. They're doing their best in tough times and are asking us to do what we can to ease the burden they carry.

Infrastructure investments tend to improve quality of life and economic growth across Ontario. Investing in infrastructure creates jobs and provides needed repairs to public infrastructure. There is an ever-constant need for both new affordable housing and repairs to our existing stock. I hear regularly from Guelph constituents asking about making improvements to public transit.

One of the ways we can gain greater value from municipal governments is to provide them with a greater ability to respond. How is your ministry helping communities like Guelph respond to the needs of their communities?

**Hon. Jim Watson:** We've taken a more co-operative and consultative approach when it comes to dealing with municipalities. That really was highlighted when AMO, the city of Toronto and the province of Ontario signed the fiscal and service delivery review, which began the process of uploading costs back to the provincial level, things like Ontario Works, court security, the Ontario disability support program and the Ontario drug plan. We've also invested a record amount of money in infrastructure. The city of Guelph the honourable member represents so well received \$10.9 million in Investing in Ontario money. Guelph has also received \$2.5 million in gas tax money alone this year.

We've reversed the trend of downloading and we're back on the road to uploading to give the municipalities the resources and the tools they need to ensure that their property taxpayers are well served. I look forward to working with AMO, Guelph and other municipalities to continue this trend in the future.

### ABORIGINAL LAND DISPUTE

**Mr. Toby Barrett:** A question to the Premier: Premier, your government is transferring title for the 378 acres of Ontario Realty Corp. land at the former Burtch Correctional Centre. The title is being transferred to the Haudenosaunee Six Nations. In May 2007, your government negotiators offered up Burtch as part of a \$125-million proposal to settle four outstanding Six Nations land disputes. My question: What did your government negotiate in return for handing over the 378 acres at Burtch?

**Hon. Dalton McGuinty:** I must say I'm not familiar with the details of this. I've just been handed a note; it's a rather extensive note. I could read from that, but I think as a courtesy to my colleague, what I can do is undertake to look into this appropriately and get back to him.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Toby Barrett:** Further to my question, the neighbours are concerned about the precedent that the transfer of this ORC land would set. For example, there are other Ontario Realty Corp. properties adjacent to Six Nations in the area. They've been brought up in the negotiations. Some of the properties were put under a development freeze for several years. For example: Sprucedale Correctional Centre; a former OPP office; a horticultural research farm—all near Simcoe—the Jarvis and Canfield MTO yards; the Cayuga courthouse; Rock Point Provincial Park; and Selkirk Provincial Park. There are 4,700 acres in South Cayuga and 1,400 acres in Townsend, all ORC property—not to mention Douglas Creek Estates, which you purchased, ORC land next to Caledonia that hosts a smoke shack.

The concern is, does the Burtch transfer set a precedent? Are these other Ontario Realty Corp. properties—

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

**Hon. Dalton McGuinty:** I say to my colleague, I thank him for the question. I think he's laid it out in a fulsome way. I undertake to get him a fulsome answer as well.

#### EDUCATION FUNDING

**Mr. Rosario Marchese:** A question to the Minister of Education: Your inadequate funding has created a funding lottery for school boards. If your school is the correct distance from a corporate donor and you're willing to paint your rooms in corporate colours, your school might win a \$50,000 corporate lab from Future Shop. Minister, what are you going to do for the schools who don't get any corporate lottery money?

**Hon. Kathleen O. Wynne:** The principle of what we've been doing for the last six years is that we have been putting money into the publicly funded education system so that schools across the province would have equitable access to resources. I think the reference the member opposite is making is to a deal that the Toronto District School Board has put in place. They're working with a corporation. They have their own policy about how that should be done.

Obviously, I'm very concerned that there be equitable access to resources. I'm also very concerned that publicly funded education remain publicly funded, which is why we've put more than \$5 billion into publicly funded education for exactly the kinds of resources that are the basics, that are needed by the kids in our schools.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Rosario Marchese:** No corporation gives anything without strings attached, and that's attached to our children.

As a former school trustee and activist, do you not feel a twinge of embarrassment that your education system needs to be bailed out with corporate handouts? And since our schools are being sold to the highest bidder and can no longer count on equal resources, will the minister publish the size of the corporate bailout that each school has been able to secure on the school information-finder website so that parents will know what their school is getting and what price had to be paid by their children?

**Hon. Kathleen O. Wynne:** I reject the premise that our schools need to be bailed out. That's absolutely not the case. In fact, I've increased our monitoring of the fundraising. I'm very interested that we not have a two-tiered education system in this province and I'm paying very close attention to these kinds of arrangements.

Having said that, the member opposite, who is also a former trustee, knows perfectly well that there have been fundraising activities that have gone on in communities forever. That is part of what community building is. The fact is, the Toronto District School Board is making decisions about its assets, and we are monitoring that.

But I'm not going to, and I don't think it's reasonable to, expect that a government's going to intervene in every single fundraising activity that a school board does across this province. As I said, we're watching closely. We're monitoring the fundraising activities, particularly when they have to do with capital dollars. I absolutely understand—

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

#### UNIVERSITY AND COLLEGE FUNDING

**Mr. Jim Brownell:** My question is to the Minister of Training, Colleges and Universities. Minister, there is no doubt that more and more students are seeking a post-secondary education and are choosing Ontario schools to obtain it. In my community of Stormont-Dundas-South Glengarry, enrolment at St. Lawrence College has seen the number of applicants surge over the past four years. In fact, I understand that post-secondary enrolment is up by 25% in Ontario since 2004, with 100,000 more students attending colleges and universities.

Although this is good news, there is no doubt that increased enrolment is putting additional pressures on our colleges and universities. We know that in these tough economic times, more people are returning to post-secondary education and choosing to remain in school longer. Minister, I would like to know what you are doing to ensure that colleges and universities have the means necessary to support this growth.

**Hon. John Milloy:** I'd like to assure the member that we're working very closely with our institutions to make sure they have both the capital and the operating support needed to welcome the new students into their midst. Through the infrastructure investments, for example, rolled out since 2007, institutions have expanded and built new buildings, classrooms and labs in order to support more students on their campuses. The honourable member mentioned St. Lawrence College, and I'm pleased to report that over the past 18 months they have received over \$1.2 million to help the college expand facilities in order to accommodate more learners.

I was also pleased that our most recent budget included an additional \$780 million in infrastructure for colleges and universities that will both update the institutions and create jobs in the short term.

**The Speaker (Hon. Steve Peters):** Supplementary?

**Mr. Jim Brownell:** Minister, that's certainly good news, and it's good to know that the supports are there for the college. But with more students seeking a post-secondary education, demands on our universities and colleges are increasing. To me, it makes good sense that investments are made to the infrastructure of our schools in order to provide accessible and first-class education, but when I meet the school administrators and student groups, they tell me that more than just investments in infrastructure is needed to accommodate the growing number of students in their classrooms. They worry that operating funding will not keep pace with the increased enrolment.

Could the minister tell us what is being done to address the pressures caused by enrolment growth at St. Lawrence College and all other post-secondary institutions in the province?

**Hon. John Milloy:** The member is correct: This is about more than just bricks and mortar, and I'm very pleased that under the leadership of our Premier, the Ontario government has increased operating funding for colleges and universities by 63% since 2003—that's \$1.7 billion—while at the same time significantly increasing per-student funding. I'm also pleased to report that the most recent budget contained increased funding to our colleges and universities by over \$350 million for the upcoming academic year.

We're going to continue to make post-secondary education a priority in this province, and we're going to continue to work with our institutions to make sure that they have the resources they need to maintain their quality as some of the finest colleges and universities in the country, if not the world.

**Mr. Mike Colle:** On a point of order, Mr. Speaker: The mother of page Nicola Craig is here. I'd like to welcome Nicola's mother, Susan Craig, and I think one of the other family members, Helen Craig, is also here. Welcome to Queen's Park.

## DEFERRED VOTES

### BUDGET MEASURES ACT, 2009

#### LOI DE 2009 SUR LES MESURES BUDGÉTAIRES

Deferred vote on the motion for second reading of Bill 162, An Act respecting the budget measures and other matters / Projet de loi 162, Loi concernant les mesures budgétaires et d'autres questions.

**The Speaker (Hon. Steve Peters):** Call in the members. Pursuant to the order of the House yesterday, this is a 10-minute bell.

*The division bells rang from 1134 to 1144.*

**The Speaker (Hon. Steve Peters):** All those in favour will please rise one at a time and be recorded by the Clerk.

#### Ayes

Aggelonitis, Sophia	Dickson, Joe	Meilleur, Madeleine
Albanese, Laura	Dombrowsky, Leona	Milloy, John
Arthurs, Wayne	Duguid, Brad	Naqvi, Yasir
Balkissoon, Bas	Fonseca, Peter	Oraziotti, David
Bartolucci, Rick	Gerretsen, John	Pendergast, Leeanna
Bentley, Christopher	Gravelle, Michael	Phillips, Gerry
Berardinetti, Lorenzo	Hoy, Pat	Pupatello, Sandra
Best, Margaret	Jaczek, Helena	Ramal, Khalil
Bradley, James J.	Jeffrey, Linda	Ramsay, David
Brown, Michael A.	Johnson, Rick	Sandals, Liz
Brownell, Jim	Kwinter, Monte	Sergio, Mario
Bryant, Michael	Lalonde, Jean-Marc	Smith, Monique
Cansfield, Donna H.	Leal, Jeff	Sousa, Charles
Caplan, David	Mangat, Amrit	Takhar, Harinder S.
Carroll, Aileen	Matthews, Deborah	Van Bommel, Maria
Colle, Mike	McGuinty, Dalton	Watson, Jim

Crozier, Bruce  
Delaney, Bob

McMeekin, Ted  
McNeely, Phil

Wilkinson, John  
Wynne, Kathleen O.

**The Speaker (Hon. Steve Peters):** All those opposed?

#### Nays

Bailey, Robert  
Barrett, Toby  
Chudleigh, Ted  
DiNovo, Cheri  
Elliott, Christine  
Gélinas, France  
Hardeman, Ernie  
Horwath, Andrea  
Jones, Sylvia

Kormos, Peter  
MacLeod, Lisa  
Marchese, Rosario  
Martiniuk, Gerry  
Miller, Norm  
Miller, Paul  
Munro, Julia  
Murdoch, Bill  
O'Toole, John

Ouellette, Jerry J.  
Prue, Michael  
Runciman, Robert W.  
Savoline, Joyce  
Sterling, Norman W.  
Tabuns, Peter  
Wilson, Jim  
Witmer, Elizabeth  
Yakabuski, John

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 54; the nays are 27.

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

*Second reading agreed to.*

**The Speaker (Hon. Steve Peters):** Pursuant to the order of the House of yesterday, the bill is ordered referred to the Standing Committee on Finance and Economic Affairs.

This House stands recessed until 3 p.m.

*The House recessed from 1147 to 1500.*

## INTRODUCTION OF VISITORS

**M<sup>me</sup> France Gélinas:** Ça me fait extrêmement plaisir aujourd'hui de présenter un certain candidat pour l'Ordre de la Pléiade. Je vais commencer par Paul-André Gauthier, qui est un bon ami à moi, de Nickel Belt, qui va recevoir l'Ordre cet après-midi. Il est accompagné dans la galerie est de certains invités très spéciaux. Je commence avec son conjoint, Paul, et les personnes qui l'ont nommé, Edmonde et Jacques Brière. Bienvenue à Queen's Park.

**Mr. Reza Moridi:** I'm pleased to introduce Mrs. Shamim Rajan and Mr. Aman Rajan, please.

**The Speaker (Hon. Steve Peters):** Welcome, and welcome to your son, Bilaal, who's watching the proceedings downstairs right now.

I'd like to take this opportunity to welcome three guests of mine in the Speaker's gallery, from the fine riding of Elgin–Middlesex–London: Mike Streib, John Regan and Susan Gardner. Welcome to Queen's Park today. If any of you are ever in need of pheasant, Mike Streib's the man to talk to.

We have with us in the Speaker's gallery today Ontario's recipients of the internationally recognized medal of la francophonie, l'Ordre de la Pléiade, for their outstanding contributions to French-speaking communities in the province: M<sup>me</sup> Lillian Anne Gagné, M. Paul-André Gauthier, M. Jacques Janson, M. André Marcil, M<sup>me</sup> Tonia Mori and M. Gilles Patry. Please join me in welcoming our honoured guests today, who will be recognized by His Honour the Lieutenant Governor.

## MEMBERS' STATEMENTS

### GROVES MEMORIAL COMMUNITY HOSPITAL

**Mr. Ted Arnott:** "Let's get moving on our new hospital." That is what Wellington-Halton Hills residents are telling the Minister of Health.

On many occasions over the past six years, I have repeatedly expressed my community's reasonable expectation that the minister approve and fund a new Groves Memorial Community Hospital. There may be some reason for hope buried in the most recent provincial budget.

Page 99 of this year's budget papers document shows that infrastructure spending on hospitals is planned to go from \$1.7 billion last year to \$3.4 billion in two years. This means the government plans to double spending on hospital infrastructure leading up to the provincial election in 2011. With all that new money they're planning for hospital construction, surely our community deserves its fair share. Surely we have the right to expect a brand new hospital serving patients very soon.

Last summer, the Ministry of Health instructed the Groves Memorial staff to commence discussions with the Waterloo Wellington Local Health Integration Network. This latest roadblock prevents us from moving forward to the next stage of planning. I've asked the LHIN for a progress report on these discussions, which have been ongoing now for some eight months. I'm looking forward to receiving it.

Surely the time has come not only to place Groves on the ministry's five-year plan, but also for a firm timeline on construction. We need to know when the shovels will be in the ground and we need to know when our new hospital will be serving our community.

### RICHARD PATTEN

**Mr. Yasir Naqvi:** It's my pleasure today to bring an update about a former member of this Legislature, Richard Patten, my predecessor and former MPP from Ottawa Centre.

Richard continues to do good community work in the city of Ottawa. A few weeks ago, Mr. Patten launched the Richard Patten Aboriginal Bursary at Algonquin College, where he presented the college with a cheque for \$76,400.

Last year, after Richard's retirement from public office, a tribute was held to celebrate his service to the province and the city of Ottawa. The tribute raised \$38,000, which is matched by the province for scholarships and bursaries. Beginning in the 2009-10 academic year, the bursary will be distributed to eligible aboriginal students studying in full-time programs at Algonquin College.

As many of you know, before entering into public life Richard served as the president for the Canadian Council

for International Co-operation. He was first elected to the Legislative Assembly in 1987, where he served as Minister of Government Services and later as Minister of Correctional Services in the Peterson government. Though defeated in 1990, he was re-elected in the 1995 election and remained the MPP for Ottawa Centre until his retirement in 2007.

The bursary will provide much-needed help to aboriginal students. Richard plans to raise funds every two years to assist even more aboriginal students.

Thank you, Richard, for your continued community service in the city of Ottawa.

## VOLUNTEERS

**Ms. Sylvia Jones:** Volunteering is a fundamental act of citizenship in our province. As more and more people become involved in volunteering, our communities continue to grow and prosper. By caring and contributing to change, volunteers are changing lives while enhancing their own. Every day, thousands of volunteers donate their time and energy without any expectation of a monetary reward. Thousands of Ontarians benefit from the selfless acts of volunteers. This week, during National Volunteer Week, we celebrate all of the hard work put forth by Ontario's volunteers.

Today, I will be introducing into the House my private member's bill, the Criminal Record Checks for Volunteers Act, 2009. Many volunteer organizations, particularly those dealing with children, require their volunteers to submit a criminal record check. In many cases, volunteers have to pay out of their own pocket for a criminal record check or the organization has to fundraise to underwrite the cost of the criminal record check. The goal of my bill would allow volunteers to pay for their criminal record check once per year, yet still access the record to distribute to multiple volunteer organizations at no additional cost to the volunteer or the organization. This cost-saving initiative will encourage more volunteers to donate their time to multiple causes.

Volunteerism is an important sector, and without them in our schools, hospitals and community groups, our communities would suffer.

## TAXATION

**Mr. Michael Prue:** Within a few hours after the budget was released in this House, the phone started to ring in my constituency office, and it was not the usual people who call me. For the first time, people from real estate agents and brokerage houses were calling and were very concerned. We agreed to meet with them, and I was quite surprised to have a dialogue. I was quite surprised, in hosting an afternoon meeting last Friday, that 24 real estate agents and brokers showed up from the Beaches-East York area to talk about the new tax. What they had to say needs to be heard by this government.

They said that the key message that they had was that the harmonized sales tax is going to hurt both real estate



agents and brokerage houses across the province. The effect on new home buyers is not just on those who are going to be buying homes above \$500,000, but that the majority of such homes are in the GTA, and the majority of homes between \$400,000 and \$500,000 are also in the GTA. They honestly believe that less and less people are going to be buying those homes. They also reiterated that commercial property will now be taxable for the first time, a product that they sell, and that legal fees, appraisals, commissions, home inspections and moving costs are all going to weigh on new homes and reduce the number of homes that are sold in the Toronto area.

They asked that I raise this issue in the House and I promised to do so, but they also implore the government to please listen to what they have to say. When they come forward for the one day of hearings, please make sure they're included.

#### ST. PETER PLAYERS

**Mr. Phil McNeely:** I rise in the Legislature today to recognize the St. Peter Players from the St. Peter's Catholic High School in my riding of Ottawa-Orléans. The St. Peter Players is an extracurricular theatre company and gives senior students at the high school the opportunity to participate in the educative experience of professional theatre performance. Some of their past productions include *Romeo and Juliet*, *West Side Story*, *Les Misérables*, *The Pirates of Penzance* and *Grease*.

This past March, the company performed an outstanding rendition of *Beauty and the Beast* that was well-regarded across the Orléans community. My high acclaim goes out to the cast members: Lydia Barrett, who played Belle; Charles Douglas, who played the Beast; Austrian exchange student Robin Jentys as Lumière; Michael Heney as Cogsworth; Amber Forgie as Babette; Kyle Aubrecht-Kerr as Gaston; Sarah MacDonald as the Wardrobe, Sarah Algozino, Eric Kavcic, Ryan Binsell, Alanna Bale, Sean Payton-Stewart, Jessyca Lalumiere, Denise St. Pierre and Siobhan Kelly.

My congratulations to St. Peter Players director Bernie Léger and to high school principal Sue Arbour for another fantastic production.

1510

#### EDUCATION

**Mrs. Joyce Savoline:** I rise in the House today to ask the Minister of Education to correct the record from Monday's question period about school ratings. She stated: "What we wanted to do with the school information finder was to contextualize that information, to give families and the community more information so that they can assess what's happening."

Well, I don't know how the minister expects families to contextualize that information when the wonderful website is not giving them the full picture. If I were a family from Sturgeon Falls, I would think, based on the

inaccuracy of the website, that there were no schools available for my children to attend—no schools.

The good people of Sturgeon Falls must be very upset with the minister, as there are several schools in the area. There is *École Écho-Jeunesse*, *École séparée La Résurrection*, and *École séparée Saint-Joseph*, and they are not on the website. This error just reinforces the fact that this website has not been through the paces before going live across Ontario.

The minister should convene the education stakeholders to determine what really should be done on the website, where the errors are—and fix them.

There are factual errors, and before taking potshots at the accuracy of the Fraser Institute's report, may I suggest that you patch the crack in the glass house first.

#### NORTHERN ONTARIO HERITAGE FUND

**Mr. David Oraziotti:** I rise in the House today to recognize an important investment our government is making in my riding of Sault Ste. Marie. Our government is investing \$109,000 to support five young entrepreneurs. The Northern Ontario Heritage Fund Corporation's young entrepreneur program provides up to \$25,000 to northern residents aged 18 to 29 to start their own for-profit business in the north. Since 2005, NOHFC has invested nearly \$5.2 million to help launch the businesses of more than 230 young entrepreneurs in the north.

While we have made considerable progress supporting our community's youth over the past few years, it is investments like these that not only benefit our community now, but for years to come. We are helping young and talented future leaders of our community develop business skills that will see them into the future while contributing innovative ideas to the business community.

NOHFC's young entrepreneur program is helping to launch new businesses such as X-Fi Design, a web design business; Graystone Environmental; the Algoma Natural Healing Clinic; Perrity Technical Services, a computer and network business; and Laliberté Programming Consultant, a computer programming service.

Small businesses play a vital role in our economy, and we understand the importance of investing in our youth so that they can contribute to strengthening Ontario.

I see many talented youth in my riding, and I am proud of the investments we are making to ensure that they have the tools they need to get started, build their skills and reach their goals.

#### BILAAL RAJAN

**Mr. Reza Moridi:** I rise here today to speak about a remarkable young man from my riding of Richmond Hill, Bilaal Rajan, who has recently established a very special event to celebrate National Volunteer Week, taking place April 19 to 25.

Bilaal is an author, fundraiser, children's rights activist, UNICEF Canada ambassador, and was a page for this Legislature last year, who has been leading an in-

initiative in which he is living life without shoes for this entire week. Bilaal has engaged in this initiative to raise awareness of underprivileged children worldwide, many of whom cannot afford shoes. He is calling on all others, of all ages, to do the same for at least a few hours this week.

Bilaal's barefoot challenge is expected to be one of the largest celebrations of volunteerism in North America. The idea is growing fast and has encouraged people to participate in other countries as well.

In Bilaal's own words, "This ... initiative is a call to action. And when people ask me why I don't have shoes, I'll tell them because millions of children throughout the world don't either."

I would like to take this opportunity to congratulate Bilaal Rajan on his remarkable effort.

#### GOVERNMENT INVESTMENTS

**Mr. Monte Kwinter:** Ontarians read every day about the impacts of the global financial crisis. We in the McGuinty government have responded with both immediate and long-term initiatives to rebuild our economy and improve the lives of all Ontarians. The bold investments in Ontario's infrastructure and its citizens will create and sustain the jobs of today and allow Ontarians to compete for the jobs of the future. We know that these investments will build stronger people, families and communities.

This strength will be restored through investing \$32.5 billion over the next two years in infrastructure projects. These investments will support 300,000 jobs and improve our province's schools, hospitals, public institutions and roads. We are providing more than \$750 million for job creation and skills training. This will enhance the apprenticeship training tax credit, making it the most generous in Canada. And we are doubling the Ontario child benefit from \$600 to \$1,100 on July 1, 2009, nearly two years ahead of schedule. This increase will make families stronger and give every child an opportunity to succeed.

These investments underscore our government's commitment to Ontario families, and together we'll continue to work hard to help them through this uncertainty and to build a strong economy and strong communities for all Ontarians.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr. Michael Prue:** I beg leave to present a report from the Standing Committee on Regulations and Private Bills and move its adoption.

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

Bill Pr21, An Act to revive 1173931 Ontario Limited.  
Bill Pr23, An Act to revive Welechenko Transport Ltd.

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

*Report adopted.*

#### INTRODUCTION OF BILLS

##### CRIMINAL RECORD CHECKS FOR VOLUNTEERS ACT, 2009

##### LOI DE 2009 SUR LES VÉRIFICATIONS DU CASIER JUDICIAIRE DES BÉNÉVOLES

Ms. Jones moved first reading of the following bill:

Bill 170, An Act respecting criminal record checks for volunteers / Projet de loi 170, Loi concernant les vérifications du casier judiciaire des bénévoles.

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

*First reading agreed to.*

**The Speaker (Hon. Steve Peters):** Member for a short statement.

**Ms. Sylvia Jones:** Most volunteer organizations, particularly those dealing with children, require their volunteers to submit a criminal record check. In many cases, volunteers have to pay out of their own pocket for a criminal record check or the organization fundraises to underwrite the cost of the cheque.

The goal of this bill would be to create a system whereby volunteers pay for their criminal record check once per year, yet can access this record to distribute to multiple volunteer organizations at no additional cost to the volunteer. This cost-saving initiative would encourage more volunteers to donate their time to multiple causes.

Volunteerism is an important sector, and without volunteers in our schools, hospitals and community groups, our communities would suffer.

**Mr. John O'Toole:** On a point of order, Mr. Speaker: I seek unanimous consent to introduce a motion without notice.

**The Speaker (Hon. Steve Peters):** Agreed? Agreed.

#### MOTIONS

##### PRIVATE MEMBERS' PUBLIC BUSINESS

**Mr. John O'Toole:** I move that, notwithstanding standing order 98(g), the requirement for notice be waived with respect to ballot item number 14. So moved.

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

*Motion agreed to.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

**The Speaker (Hon. Steve Peters):** I beg to inform the House that, pursuant to standing order 98(c), a change has been made to the order of precedence on the ballot list for private members' public business, such that Mr. Shurman assumes ballot item number 16 and Mr. Hillier assumes ballot item number 59.

1520

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## ABORIGINAL CHILDREN'S SERVICES

**Hon. Brad Duguid:** I rise today to speak about Jordan's Principle, but before I begin I want to take a moment to acknowledge some very important guests that are here with us today, people who have worked very hard to ensure that this day was possible and people who have lent their support to this very important initiative. I hope I have them all because there are a number of guests here.

We have with us Grand Chief Stan Beardy from NAN; Grand Chief Timothy Thompson, Mohawks of Akwesasne; Chief Donald Maracle from Mohawks of the Bay of Quinte; and Chief Arthur Moore, Constance Lake First Nation. We have a number of representatives from Chiefs of Ontario; I thank them for coming. There are representatives from the Association of Native Child and Family Services Agencies. We have Sylvia Maracle, somebody who is known to all of us, executive director, and Sheila McMahon, president of the Ontario Federation of Indian Friendship Centres. We have, from the Ontario Native Women's Association, Dawn Harvard, and her beautiful daughter Briana is here with us. Marianne Borg, I believe, is here as well. And we have some representatives from the government of Canada. I thank them all for joining us here today and I thank them for their hard work in this area.

I would like also to acknowledge that I'm speaking on behalf of the government of Ontario here today and many of my respected colleagues. I would like to thank the Honourable Deb Matthews, Minister of Children and Youth Services; the Honourable Madeleine Meilleur, Minister of Community and Social Services; and the Honourable David Caplan, Minister of Health and Long-Term Care, for their support and assistance with this important initiative; and my parliamentary assistant, Jeff Leal, as well for his help.

Jordan Anderson, for whom this principle is named, was born on a northern Manitoba reserve in 1999 with a complex disorder requiring special care. When Jordan died at age four, he'd spent his entire life in a hospital far from his family's community because the province of Manitoba and the government of Canada argued over who should pay for his care. In a nation as wealthy as Canada, no child should experience what young Jordan Anderson did, nor should any family in Canada be

presented with such heart-wrenching choices as the Andersons were.

The McGuinty government believes that today's children are tomorrow's leaders, which is why this government invests heavily in the health, safety and well-being of all Ontario children. We are a leader in providing seamless services for children. In Ontario we take an inclusive approach, putting patient care ahead of jurisdictional issues, and apply this principle when children like Jordan need help. This government believes that children's health, safety and well-being must always take precedence over matters of jurisdiction. That's important. It's time that we specifically acknowledge that a child-first policy is the only appropriate way to manage complex care cases in Canada.

Jordan's principle puts the needs of children first and supports the notion that needed health care should not be delayed or disrupted because of jurisdictional disputes. Ontario fully supports Jordan's Principle and pledges to work with First Nations and the federal government to ensure Jordan's Principle is honoured and applied in the province of Ontario. Providing aboriginal children with the opportunity to reach their full potential is one of the reasons that the McGuinty government created the Ministry of Aboriginal Affairs and Ontario's Office of the Provincial Advocate for Children and Youth.

Ontario, in partnership with First Nations, Metis and Inuit, is working hard to improve the quality of life for aboriginal peoples. We invest about \$600 million annually on programs and services for aboriginal people; about \$300 million of this essential funding goes to aboriginal child and social services. We invest in the Aboriginal Healthy Babies, Healthy Children program, which is designed to help all aboriginal children in Ontario get the best start in life. We also contribute funding to the aboriginal health access centres, through the aboriginal healing and wellness strategy, known as AHWS, which funds more than 460 health, healing and anti-violence programs in aboriginal communities both on and off reserve, improving the lives and health of people and communities.

Today I am affirming this government's commitment to Jordan's Principle, a commitment by the government of Ontario to ensure it is honoured and applied in this province. This government promises to work with First Nation families, communities and the federal government to make certain that jurisdictional disputes do not prevent the timely provision of health and social services for First Nation children in Ontario.

While Jordan's Principle is about equal treatment by governments, the spirit of this principle should be understood and considered by all public servants in all ministries in every government in this country.

I'm committed to working with my colleagues in other ministries to ensure equal treatment and access across all the programs and services we provide, with the full participation and involvement of our First Nation, Metis and Inuit partners. Aboriginal children and youth should have access to the same quality of services that all

Ontarians receive. They should have access to the same opportunities and choices available to each and every one of us.

Before I close, I'd like to acknowledge and thank many of the people who supported and stood behind Jordan and his family. Because of their efforts, much will be accomplished. Jordan Anderson will be forever remembered and honoured. Future complex care cases of First Nation children will be treated with the compassion and dignity they deserve, and Ontario will ensure that aboriginal children will not have needed care delayed as a result of jurisdictional disputes.

### EARTH DAY

**Hon. John Gerretsen:** I think it's very appropriate to have with us today the aboriginal leadership, when we talk about Earth Day, because quite frankly, the aboriginal community can teach all of us an awful lot about their notion and concept of stewardship of our environment.

Today marks the 39th anniversary of Earth Day. Ever since 1970, this day has inspired people all around the world to pay attention to our environment and to celebrate our planet earth. Earth Day's significance grows with each passing year. Whether we look for ways to reduce our carbon footprint at home or at work, plant a tree or pitch in on a neighbourhood cleanup, it makes us more aware of why we need to cherish our earth, not just on April 22, but every day.

Interest in and rising concern about the environmental challenges facing our planet are stirring action and a demand for change on many different levels. Taking care of our earth is a serious responsibility, one we can all share. Our government has made protecting the environment a key priority. We have been taking action on climate change with ambitious yet realistic targets to reduce our greenhouse gas emissions. We've been backing those targets with unprecedented investments in transit and with strong actions to support renewable energy and conservation through our proposed Green Energy and Green Economy Act.

We have introduced a number of new waste diversion programs to deal with municipal, hazardous and special waste; electronic and electrical equipment waste; and just recently, a program with respect to used tires. Together in this House, we passed the Lake Simcoe Protection Act to create a gold standard for sustainability in protecting the lake and its watershed, and are currently working on the plan that the enabling legislation calls and allows for, and we recently introduced legislation to reduce toxic substances in our environment.

As you know, our pesticides ban comes into effect today, on Earth Day. Ontario now has one of the toughest cosmetic pesticide bans in the world, and I want to thank the many people and health organizations who have supported the ban. Among them are the Registered Nurses' Association of Ontario, the Ontario College of Family Physicians, Cancer Care Ontario and Pesticide Free

Ontario, to name just a few. They know that by reducing the use of pesticides around our homes and yards and in our parks and playgrounds, we can reduce unnecessary risk to our health and to the environment, and protect the most vulnerable of our citizens, our children.

Earlier today, I had the great pleasure of joining a number of our partners from Communities in Bloom at Toronto's Allan Gardens. Communities in Bloom, with the help of master gardeners and horticulturalists, is helping to teach Ontarians how to go pesticide free and still enjoy healthy and green lawns and gardens.

We know that people need not only information, but are also looking for green alternatives. They are looking for new green products and services so that they can help to do their part for our environment and for themselves, so we're also investing in research and innovation. Our investment of \$480,000, which was announced today, will help establish the cosmetic use pesticides research and innovation program, a partnership with the Agricultural Adaptation Council which will fund projects that encourage the development of biopesticides and support the growth of green industries and green landscape gardening.

### 1530

Everything we do and all the choices we make—how we live, how we eat, how we get to work, and what we buy—will make a real difference to the kind of future our children and their grandchildren will enjoy. Clean air, healthy land and safe water are a true and valuable legacy that we can pass on to the next generation and the generations to come.

On Earth Day, and every day, let's all do what we can to support Ontarians in taking those important steps to protect our environment and make our great province stronger, cleaner and better for everyone.

**The Speaker (Hon. Steve Peters):** Statements by the ministries? Responses?

### ABORIGINAL CHILDREN'S SERVICES

**Mr. Norm Miller:** Let me, first of all, start out by welcoming our visitors here today. I had a chance to go over and introduce myself to most of them. I've met Grand Chief Stan Beardy on many occasions. I understand he is to become an honorary Mohawk for today.

Let me just say that the statement by the minister today on Jordan's Principle, which basically says the best interests of the child shall be the primary consideration, is certainly something that the opposition would support.

Jordan's Principle came about from the situation where Jordan Anderson, who was from Norway House Cree Nation, a northern First Nation, ended up spending his whole life in hospital while the Manitoba government and the federal government fought over who had to pay for what. I would just like to say that's certainly not the way it should be, and I would say that's the case for many of the situations to do with First Nations.

I had the pleasure of going up north with Grand Chief Stan Beardy and our past leader, John Tory, in late

August of last year. We flew up to the most northerly First Nation in Ontario, up to Fort Severn, and we met Chief David Matthews and the council and got a feeling for all the challenges they face. We also visited Webequie First Nation and met the former chief, Scott Jacob. At Fort Severn, the primary school has been closed for five years, and they have some portables set up that they're using for education. I would argue that the principle we're talking about, who's responsible, gets in the way of lots of the needs of First Nations. The provinces are the experts on education. If you really want to make a difference in the future of First Nations, then education, I believe, is key—giving an opportunity for all the First Nations aboriginal people to get the fullest education they can—and yet here we have a situation where the school has not been used in five years. The same is true, I think, in Attawapiskat, where the contamination in the school has not been fixed up. You could go through many other services and compare them to—I see I've used up my time, so I will just say that we support this principle.

I'll allow the other critic to finish.

#### EARTH DAY

**Mr. Toby Barrett:** It was 39 years ago that I recognized the first Earth Day. I was teaching environmental science at the time, in 1970, at Simcoe High School, and I can tell you that my students were up to the challenge. Each day, cafeteria and food waste would come down and we would compost it, and then in the spring, people in the community would bring bushel baskets and take home a bushel basket of compost and also some flowers from our greenhouse. Again, that was 1970. I question to what extent our schools are doing that kind of composting today.

Looking back on some of the visionary days of the early 1970s, I often question how far we've progressed. I think one of the most pressing concerns of the Earth Day founder, Senator Gaylord Nelson of Wisconsin, was environmental sustainability with respect to an ever-growing human population. I feel that Senator Nelson was somewhat ahead of his time in identifying overpopulation and human impact on the environment as a key issue. He fought to bring the environment into the political limelight.

In 1963 he took then-President John F. Kennedy on a conservation tour across the United States.

Following the tour, Nelson took a page from the tactics of Vietnam war protestors and held a teach-in with respect to environmental awareness in April 1970, and that became the first Earth Day. About 20 million people participated at that time.

The name and the symbol of Earth Day are well publicized and well known, but perhaps something has been lost, and specifically I have concern. There seems to be a bit of a gag order in our society with respect to any discussion of the basic issue of more people, more environmental impact, or, as Senator Nelson put it, "The

bigger the population gets, the more serious the problems become ... we have to address the population issue."

#### ABORIGINAL CHILDREN'S SERVICES

**Ms. Andrea Horwath:** In response to the Minister of Aboriginal Affairs, it's a tragedy that so much work had to be done by so many people for so long. So many organizations had to work so hard before this moment today could occur. Jordan's Principle should not have to exist. What Jordan's Principle calls for should have arisen before one child had to lose their life in this country.

Jordan's Principle states, "It is imperative that governments meet the needs of the child as a first priority. The obligation to meet the needs of the child first always supersedes government interests to establish jurisdictional dispute processes or policy implementation policies."

How can anyone possibly argue against this very basic principle? In a caring society, the needs of our most vulnerable citizens must always come first, and we would demand nothing less. It is a great tragedy that not one single provincial or territorial government at this point in time has fully implemented Jordan's Principle.

I hope that today what the minister was signalling and indicating is that the government of Ontario is committing fully to enact Jordan's Principle in this province through clear implementation plans, comprehensive changes to relevant policies and comprehensive changes to programs. That's what we need to see: not just the talk; we want to see the walk. The well-being and care that children require has to be paramount above all else. The fact that there's jurisdictional wrangling government to government when it comes to the needs and care of children is absolutely unacceptable and it's absolutely horrific. I'm hoping very much that what the minister is telling us is that Jordan's Principle will be not a principle but an actual fact here in the province of Ontario.

I have to say that we know that Ontario's aboriginal children are living in dire conditions. We know there is a larger proportion of children from First Nations communities who are living in poverty than in the general population. That is unacceptable. We know that the housing and the schools that many of these children have to deal with are something that would not be tolerated or accepted anywhere else. We need to deal with that responsibly.

I have to say, the government has an opportunity. There is a new child advocate in this province. A child advocate can have some responsibility for making sure that the needs of aboriginal children are being met. A big piece of that responsibility can be fulfilled if the child advocate's office is resourced to the state that it should be in order to provide the services, particularly in northern Ontario.

There is opportunity. Let's hope that the government is doing the right thing here. Certainly New Democrats support Jordan's Principle, and we want to see it implemented fully here in Ontario.

I have to leave some time for the important issue of Earth Day. I want to thank the Speaker for the opportunity and say, "Meegwetch."

#### EARTH DAY

**Mr. Peter Tabuns:** Once again it's Earth Day, and once again the Minister of the Environment is full of self-praise.

When this government talks about increasing renewable energy through the Green Energy Act, it fails to admit that even with the new act, it is only pursuing half the conservation and one third the new renewable energy possibilities that are open to us over the next 15 years.

But in terms of rhetoric, the most misleading is this tendency to refer—

*Interjection.*

**Mr. Peter Tabuns:** Really?

**The Speaker (Hon. Steve Peters):** "Misleading," yes.

**Mr. Peter Tabuns:** I withdraw.

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

**Mr. Peter Tabuns:** The rhetoric that is least worthy of praise is that rhetoric that tends to refer to nuclear energy as emission-free. Minister Smitherman used the term in this House on November 5 and again on March 9. In late March, the Canadian Environmental Law Association wrote to the Minister of Energy strenuously objecting to the government's description of nuclear energy as emission-free. The respected environmental group wrote that nuclear energy is the "most toxic and risky form of energy generation ever invented by humankind."

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I have to say that on other Earth Days in the 1980s I was part of marches against the Darlington nuclear power plant. To have a government here that doesn't heed the voices of those who spoke out against Darlington and continues to forge on with its desire to build a huge nuclear establishment in this province, I have to say to you, very simply says that Earth Day is not of consequence to this government, not on the big things, not on the things that determine the course of a civilization, that determine the course of a society—don't care about what happens to our children, grandchildren and their descendants.

For thousands of years we're going to have to deal with the toxic waste that is left behind, the nuclear legacy. This is not a happy thing to celebrate.

#### PETITIONS

##### HOSPITAL FUNDING

**Mr. Gerry Martiniuk:** I have a petition signed by good citizens of Cambridge which reads:

"Whereas Cambridge Memorial Hospital and other hospitals in the Waterloo region are experiencing

substantial increased demands due to population growth; and

"Whereas the McGuinty government's freeze on new long-term-care facilities has resulted in additional long-term-care patients in our hospitals; and

"Whereas the McGuinty government's cuts to hospital funding have resulted in a dangerous environment for patients and staff in Cambridge and across Ontario; and

"Whereas the approved new expansion of the hospital has been delayed by the McGuinty government and this has contributed to the funding shortfall;

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

"(1) That the McGuinty government meet its obligations to introduce a population-needs-based funding formula for hospitals as has been done in other Canadian provinces;

"(2) That the McGuinty government proceed immediately with the approved new expansion of Cambridge Memorial Hospital."

As I support this petition, I affix my name thereto.

##### CHILD CUSTODY

**Mr. Kim Craiton:** I'm pleased to read in the following petition to the assembly:

"To the Legislative Assembly of Ontario:

"We, the people of Ontario, deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents, as requested in Bill 33;

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparent as is consistent with the best interests of the child; and

"Whereas subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

I'm pleased to sign my signature in support of this petition.

## PENSION PLANS

**Mr. John O'Toole:** I present a petition which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas General Motors has contributed significantly to the Ontario local economies and was a significant contributor to the pension benefits guarantee fund (PBGf); and

"Whereas the General Motors of Canada salary pension plan fund (plan 0340950) is severely underfunded due to the government's lack of responsibility in allowing policies (regulation 5.1, 'too big to fail' legislation) which permitted GM to underfund the pension benefit guarantee fund; and

"Whereas GM is experiencing severe financial problems and there is a potential for bankruptcy; and

"Whereas, unlike stakeholders such as vendors and suppliers that accept the risks associated with business, GM retirees and surviving spouses entered into their GM pension plans in good faith, based on the understanding that the funds set aside on their behalf would be secure; and

"Whereas GM salaried retirees contributed a percentage of their annual income to pension plan 0340950 and were permitted only limited contributions to their RRSP due to the federal government's CRA, discriminatory RRSP restrictions for defined benefit plan member numbers;

"Therefore we, the undersigned, support the GenMo salaried pension organization in petitioning the Legislative Assembly of Ontario to honour its commitment to totally fund the pension benefit guarantee fund; and

"That, in any approved restructuring plan of General Motors of Canada, provision be made that General Motors fully fund pension plan 0340950, and that General Motors continue to provide lifetime benefits to retirees and surviving spouses in accordance with employment entitlements and the retirement agreement; and

"That the Legislative Assembly of Ontario take immediate action to protect GM pensioners."

I'm pleased to sign and endorse this petition on behalf of my constituents in the riding of Durham.

## AIR QUALITY

**Mr. Charles Sousa:** I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Ministry of the Environment (MOE) conducted 22 months of ambient air monitoring and determined that the Clarkson, Mississauga, airshed study area was taxed for ... particulate matter (PM2.5); and ...

"Whereas the study found that emissions of acrolein and acrylonitrile exceeded provincial limits; and ...

"Whereas the MOE stated that industrial emissions may contribute as much as 25% of the PM2.5 concentrations in the Clarkson airshed ... area; and

"Whereas the MOE stated that it would focus on achieving reductions of the target pollutants from the 57 identified emitters that currently operate in the area; and

"Whereas the Ontario Power Authority is accepting proposals from companies for the operation of a gas-fired power plant in the Clarkson airshed study area that would see a new, very significant source of additional pollution into an airshed already determined as stressed by the MOE;

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

"That no contract be awarded by the Ontario Power Authority for the operation of any gas-fired power plant that would impact the Clarkson airshed study area."

I will sign the petition and give it to Adelina.

## SCHOOL FUNDING

**Mr. Phil McNeely:** I have a petition.

"To the Legislative Assembly of Ontario:

"Whereas St. Matthew Catholic High School is currently operating at 137% capacity and has been overcrowded for many years; and

"Whereas the Ottawa Catholic School Board's capital plan identifies building an addition to St. Matthew Catholic High School as necessary, contingent on provincial grants, and planned for 2008; and

"Whereas the province of Ontario does not currently have a model to fund capital additions for school boards which are not in debt, where these schools are in established communities and not part of the board's education development charges bylaw;

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

"To immediately transfer to the Ottawa Catholic School Board the necessary funds to design and build the planned addition to St. Matthew Catholic High School in Orléans."

I support this petition and put my name here.

## PROTECTION OF MINORS

**Mr. Gerry Martiniuk:** I have a petition signed by good citizens of Cambridge, which reads:

"Whereas there is no law in Ontario prohibiting pornography and other sexually explicit material from being viewed on computers in public schools and libraries; and

"Whereas there are public schools and ... libraries that do not use Internet filtering software on computers that blocks such inappropriate material; and

"Whereas parents in the province of Ontario have the right to ensure their children are protected from pornography and other inappropriate material available on the Internet in their public schools and libraries;

"We, the undersigned, hereby petition the Legislative Assembly of Ontario as follows: That all public schools and libraries in Ontario be required to install Internet

filtering software on computers to avoid screening of sites with inappropriate, explicit sexual content.”

As I agree and support this petition, I affix my name thereto.

1550

#### CEMETERIES

**Mr. Jeff Leal:** I have a petition today from many citizens who live on the Heritage Line, which is located in the municipality of Otonabee-South Monaghan.

“To the Legislative Assembly of Ontario:

“Whereas protecting and preserving the remains of our ancestors undisturbed in their final resting places is a sacred trust and a foundation stone of civilized society; and

“Whereas failure to safeguard one of our last remaining authentic original heritage resources, Ontario’s inactive cemeteries, would be disastrous for the continuity of the historical record and our collective culture in this” great “province;

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

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario.”

I will affix my signature to this petition and give it to page Eric.

#### HOSPITAL FUNDING

**Mr. Gerry Martiniuk:** I have a petition signed by good citizens of Cambridge which reads:

“Whereas Cambridge Memorial Hospital and other hospitals in the Waterloo region are experiencing substantial increased demands due to population growth; and

“Whereas the McGuinty government’s freeze on new long-term-care facilities has resulted in additional long-term-care patients in our hospitals; and

“Whereas the McGuinty government’s cuts to hospital funding have resulted in a dangerous environment for patients and staff in Cambridge and across Ontario; and

“Whereas the approved new expansion of the hospital has been delayed by the McGuinty government and this has contributed to the funding shortfall;

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

“(1) That the McGuinty government meet its obligations to introduce a population-needs-based funding formula for hospitals, as has been done in other Canadian provinces; and

“(2) That the McGuinty government proceed immediately with the approved new expansion of Cambridge Memorial Hospital.”

As I agree and support this petition, I affix my name thereto and provide it to Kenzie.

#### CEMETERIES

**Mr. Jim Brownell:** I have a petition from a number of constituents from Dundas county. It reads:

“To the Legislative Assembly of Ontario:

“Whereas Ontario’s cemeteries are an important part of our cultural heritage and Ontario’s inactive cemeteries are constantly at risk of closure and removal; and

“Ontario’s cemeteries are an irreplaceable part of the province’s cultural heritage;

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

“The government must pass Bill 149, the Inactive Cemeteries Protection Act, 2009, to prohibit the relocation of inactive cemeteries in the province of Ontario.”

As I agree with this petition, I shall sign it and send it to the clerks’ table.

#### HOSPITAL FUNDING

**Mr. Gerry Martiniuk:** I have a petition signed by good citizens of Cambridge, which reads:

“Whereas Cambridge Memorial Hospital and other hospitals in the Waterloo region are experiencing substantial increased demands due to population growth; and

“Whereas the McGuinty government’s freeze on new long-term-care facilities has resulted in additional long-term-care patients in our hospitals; and

“Whereas the McGuinty government’s cuts to hospital funding have resulted in a dangerous environment for patients and staff in Cambridge and across Ontario; and

“Whereas the approved new expansion of the hospital has been delayed by the McGuinty government and this has contributed to the funding shortfall;

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

“(1) That the McGuinty government meet its obligations to introduce a population-needs-based funding formula for hospitals, as has been done in other Canadian provinces; and

“(2) That the McGuinty government proceed immediately with the approved new expansion of Cambridge Memorial Hospital.”

As I agree with this petition, I affix my name thereto and provide it to Nicola.

#### LUPUS

**Mr. Bob Delaney:** I’m pleased to bring this petition that’s addressed to the Legislative Assembly of Ontario on behalf of my seatmate, the hard-working member for Niagara Falls. It reads as follows:

“Whereas systemic lupus erythematosus is under-recognized as a global health problem by the public, health professionals and governments, driving the need for greater awareness; and

“Whereas medical research on lupus and efforts to develop safer and more effective therapies for the disease are underfunded in comparison with diseases of comparable magnitude and severity; and



“Whereas no new safe and effective drugs for lupus have been introduced in more than 40 years. Current drugs for lupus are very toxic and can cause other life-threatening health problems that can be worse than the primary disease;

“We, the undersigned, hereby petition the Legislative Assembly of Ontario to assist financially with media campaigns to bring about knowledge of systemic lupus erythematosus and the signs and symptoms of this disease to all citizens of Ontario.

“We further petition the Legislative Assembly of Ontario to provide funding for research currently being undertaken in lupus clinics throughout Ontario.”

This was submitted by the Lupus Foundation of Ontario. I'm pleased to sign it and to ask page Cameron to carry for it me.

### TAXATION

**Mr. John O'Toole:** I'm privileged to present another petition, which reads as follows:

“To the Legislative Assembly of Ontario:

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

“Whereas by 2010, Dalton McGuinty's new tax will increase the cost of goods and services that families and businesses buy every day. A few examples include: coffee, newspapers and magazines; gas for the car, home heating oil and electricity; haircuts, dry cleaning and personal grooming; home renovations and home services; veterinary care and pet care; legal services, the sale of resale homes, and funeral arrangements;

Whereas Dalton McGuinty promised he wouldn't raise taxes in the 2003 election. However, in 2004, he brought in the health tax, which costs upwards of \$600 to \$900 per individual. And now he is raising our taxes again;

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

“That the Dalton McGuinty government wake up to Ontario's current economic reality and stop raising taxes on Ontario's hard-working families and businesses.”

I'm pleased to sign and endorse this petition on behalf of the constituents in Durham and Ontario.

### ORDERS OF THE DAY

#### TOBACCO DAMAGES AND HEALTH CARE COSTS RECOVERY ACT, 2009

#### LOI DE 2009 SUR LE RECOUVREMENT DU MONTANT DES DOMMAGES ET DU COÛT DES SOINS DE SANTÉ IMPUTABLES AU TABAC

Resuming the debate adjourned on March 26, 2009, on the motion for second reading of Bill 155, An Act to permit the Province to recover damages and health care

costs incurred because of tobacco related diseases and to make a complementary amendment to the Limitations Act, 2002 / Projet de loi 155, Loi autorisant la province à recouvrer le montant des dommages et du coût des soins de santé engagés en raison des maladies liées au tabac et à apporter une modification complémentaire à la Loi de 2002 sur la prescription des actions.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Rosario Marchese:** It is a my pleasure to speak—

**Mr. Mike Colle:** I hope you make this interesting today.

**Mr. Rosario Marchese:** I'm going to do my best, because it's about pleasing the MPPs on the opposite side; it's not about anything else. It's about me entertaining the Liberal rump to my left and those Liberals in front of me. That's what this is about, in general, but I also want to say that we are on live. It's almost 4 o'clock, and I want to welcome the citizens to this political forum. I hope they enjoy the debate—those who are able to watch it on cable—because it can be fun from time to time. It can be; not always, I understand. That's why I make it my goal to please as best I can.

This is Bill 155, the tobacco health care cost recovery bill, which is legislation to allow lawsuits against tobacco companies to recover the cost of health care benefits caused by any tobacco wrongs, and it is a wrong. Tobacco kills. We've known that for quite some time. Although many have denied it, tobacco does kill. I'm happy to report that I hate cigarettes. I tried them a couple of times, I have to admit, but they're not fun, and I don't enjoy them.

*Interjection.*

**Mr. Rosario Marchese:** You know the story. That's why you ask about cigars, right? I have to admit that in spite of the fact that I hate cigarettes, I have smoked cigars from time to time—

*Interruption.*

**The Deputy Speaker (Mr. Bruce Crozier):** I think someone has one of those little black things on a desk somewhere.

*Interjection.*

**The Deputy Speaker (Mr. Bruce Crozier):** It's off? Okay. Continue.

**Mr. Rosario Marchese:** Imagine that it might have been me and I didn't even hear it. It's not possible, because I rarely bring it into this chamber.

Cigarettes: out of the question. I've never smoked them, except that I have tried them, and I'm happy to be one who is free of that; I really am. I can't imagine those who smoke and are addicted to the nicotine. They just do all sorts of things to try to stop the habit, right? It's like a middle-class illness, almost, where they smoke, they don't know what to do, they go to doctors, they get patches. They just can't stop. It's kind of nuts, and eventually it's going to kill them, unless you're George Burns and you die at age 100. I think that's when he died, at age 100. He was a serious cigar smoker. God bless, it would

be so nice to be able to smoke all you want and die at 100. It's not bad.

**1600**

**Ms. Cheri DiNovo:** He might have lived to 120.

**Mr. Rosario Marchese:** He could have lived longer, but do you want to live longer than 100? I just don't know. If you are on crutches or somebody has to carry you, somebody has to clean you up—you understand what I'm saying. It's not a pretty sight. If I reach 100, I'm ready. I am. But all these smokers, these cigarette types who just don't know what to do to quit—and I often tell the story of my father, working class guy. I'll tell it again. Why not? He came here in 1956 from Italy. During those years, 1956 to 1960, it was pretty hard times economically. It was a serious recession, if not close to a depression. He travelled across all of Ontario looking for work, because that's what immigrants do. They'll do any sort of work to be able to save some money aside and call the rest of us five years later. I've got to tell you that he hated Diefenbaker. He really did. It's like every time he heard "Conservatives" the only word that came to his head was "Diefenbaker." He hated the Conservatives forever and, I've got to admit, supported the Liberals much of the time until Rosie Marchese got involved. Mercifully, I was able to convert him, right? But it took work. But that's not the nature of the story.

The story has to do with him travelling in northern Ontario. He was travelling and working with a bunch of people, and it was in this co-op type of place where he was sleeping with a whole lot of other people. He used to be a heavy smoker. I didn't know that, but evidently he was. He also drank a little bit, but only with a meal. Red wine, some white, but mostly with a meal. But he was also a heavy smoker. They caught him smoking, and they said to him, "If we catch you again, we're going to send you back to Toronto," and that was the end of it. He stopped smoking, cold turkey.

One has to ask: How do you do that? Where do you find the power to be able to say "no more" and immediately stop, versus all the middle-class smokers who just don't know what to do and they try and they get back to it after six months or a year, and they go to doctors for treatment, psychoanalysis, whatever it takes. How many people do you know who keep trying and they can't stop? Versus a working man who is told, "If we catch you again, we're going to send you back to Toronto, and you won't have any job."

Look at the economic imperative of a working man who says, "I need the money" and stops immediately. I love that story. I like telling it because I think it's instructive and helpful to people. I've got to say, when young people start smoking, they don't know how to stop. What have we done to be able to prevent young people from smoking? In fact, we are noticing, discovering and being told that in spite of the Liberal claim that people are smoking less, more and more young people are smoking; not fewer, but more. That is tragic because we know cigarette smoking kills you, with the rare

exception. For some people, it doesn't matter what they do; they seem to be inured to the crap that they put into their system and they live to be whatever age. But the majority of us, if we're smokers, we die.

I do admit I have picked up a cigar smoking habit, but I've got to tell you I'm not addicted. I do this every now and then.

**Hon. James J. Bradley:** I thought only Conservatives smoked cigars.

**Mr. Rosario Marchese:** Oh, no. There's a whole range of people, a whole range of socio-economic—

**Mr. Mike Colle:** If they come from Cuba, the NDP can smoke them.

**Mr. Rosario Marchese:** I'm a proud supporter of the Cubans and what they've managed to do in the last 50 years. I am. But I do like Cuban cigars. I have to admit that as well.

But you won't find me smoking cigars too often. It's only every now and then with a little porto, which I love. It's just a nice thing to do in the summer when I'm feeling good after a hard day's work and it's still sunny when I get back home, and I do that. I'm not promoting it. Those of you citizens watching this program, I'm not promoting cigars, Cuban or otherwise. It's not a healthy thing. Hopefully, if you can and you are a smoker, you've got to learn to cut down; you have to learn to cut down. There's not much more I can tell to you help you.

I've got to tell you, we've got to go after these tobacco companies. These people have been merchants of death for a long, long time. That's why the bill is a good initiative. Ontario has come along a little late on the scene, but better late than never. It's true that the Liberals are not leading on this issue, because other provinces have already started, especially and including British Columbia, but welcome to the club, Ontario Liberals. They're part of the joining of the provinces in saying, "Tobacco smoke kills us. It puts a heavy toll on our health care system, and we're going to go after them," and I think that's good.

For how long have we known that tobacco companies have done their very best to defend themselves by saying that there is no evidence that cigarette smoking kills people? For how long have we heard that? For the last 50 or 60 years they've been saying that. We have known that these chemicals kill, and people like Devra Davis—whom I invited a couple of years ago, because we were talking about the right to know what chemicals are produced in our area and for the public to know which companies are producing what and spilling into our water system and spilling into our air. We have a right to know. That's why we invited Devra Davis, who writes in her book entitled *The Secret History of the War on Cancer* that it's taken governments decades to control chemicals such as asbestos, benzene and vinyl chloride while workers and so many other people die on a daily basis. It's taken us so long, and there are so many hundreds of chemicals that are being produced that are harming and changing our physiology, altering it in a way that hurts and destroys human life, and we simply are letting them

produce more and more chemicals by the day. All the while, these corporations deny that there is any connection to physical health.

Devra Davis talks in her book about how in the 1930s Germany and others knew that there was a link between smoking and lung cancer. They knew that in the 1930s. The tobacco companies themselves knew well of the health risks as early as the 1950s and suppressed the evidence. We also know that the Royal College of Physicians delayed its 1962 landmark report on smoking and ill health for years due to the tobacco industry influence. We know that millions of dollars of taxpayer money in the US and UK were spent in the 1970s and 1980s to try to develop a safe cigarette.

**Mr. Mike Colle:** No such thing.

**Mr. Rosario Marchese:** No, there is no such thing. Imagine. You just call it a safe cigarette, make it appear and give the illusion that somehow they've created something that takes away the ill effect of that smoking, whatever is contained in that cigarette, magically. Tobacco companies continue to profit to the tune of billions of dollars a year while people continue to get sick and die.

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British Columbia has led the way in this regard, implementing legislation in 1998 and 2000 that was called the BC Tobacco Damages and Health Care Costs Recovery Act, on which our own bill is modelled and hopefully will be pursued—and I know it's going to take years. It's not going to be done simultaneously; it's not going to end in one year; it's going to take a whole long time, and I know that a whole lot of lawyers are going to enjoy this because a whole lot of these people are going to make a whole lot of money. I understand. Lawyers will make money on this because it's going to be dragged out and it will be 10 long years and a lot of lawyers are going to become rich out of it. But what are you going to do?

**Mr. John O'Toole:** Become a lawyer.

**Mr. Rosario Marchese:** Becoming a lawyer at 56 is a bit too late. It's too late for me. But there are a whole lot of lawyers who are just going to enjoy this, I've got to tell you.

You know what? As good and as helpful as this bill can be, I just wonder about the commitment the government has to deal with one issue that I talked about the other day, and that is the illegal manufacturing of cigarettes in this province, in this country, the manufacturing of illegal cigarettes outside of this country in the US, the import of those illegal cigarettes across our border here in Ontario, and the little effort the Ontario government has made to end the illegal production of cigarettes in this province and to end the illegal transportation of cigarettes into this province. Not once have I heard the minister or the government say, "We're tackling this problem. It's huge, and we're going to end it." Speaker, have you ever heard any one of your colleagues talk about that? Because I haven't; I haven't heard the Attorney General once speak to this matter. You would have thought that the minister would have introduced, in his bill and his

debate here in this House—and that other members of the Liberal caucus would speak to this issue. Not once.

Do you know how many cigarette butts are found outside of schools on a regular, daily basis that young people consume, illegal cigarettes smoked by young people in our system on a daily basis? Tonnes and tonnes of them. They find these cigarette butts outside of the schools and they're able to say, "Hmm. This is not legal; it's illegal."

How do we control it? Why aren't we controlling it? Why are we not working with the federal government with a plan to make sure we stop the production and the illegal transportation of these cigarettes in our province, whether the product is here or outside of Ontario? How come we don't hear anyone speak to that issue?

The Auditor General says that we're losing half a billion dollars' worth of tax dollars because of these illegal cigarettes that are produced here and abroad—half a billion bucks. It would be nice, I think, if the government were able to get some of that money and use it in a way that could prevent young people from smoking versus not getting that half-billion dollars and having young people smoke, and smoking illegal cigarettes to boot.

**Mr. Khalil Ramal:** It makes for a lot of crap.

**Mr. Rosario Marchese:** It's the same crap; whether it's illegal or legal, it's the same crap. But it's a half-billion dollars that you're forgoing as a government, and you're doing very little. I just don't get it. I don't understand why we're not saying, "We, the Ontario government, and the federal government have met on many occasions. We understand the problemo, and here's what we propose to deal with it"—not once. So I am at a loss to understand why the government doesn't make any serious effort to deal with that.

I'm also at a loss to understand why it is that members of this Legislature supported the bill introduced by my colleague from Nickel Belt. It was a bill that bans the sale of single-packaged and flavoured cigarillos. It's been supported by this House, supported by this government, has received royal assent, but hasn't yet been proclaimed. Why not? I don't get it. Why not? If there is support from the Liberals—because you're in charge—and it's received royal assent, why hasn't it been proclaimed? Where's the problemo here? Who's stopping that proclamation, and where is the Premier on it? Where's the minister, where are the Liberal members on this? If we're all on the same team, you would think that we would be pushing the same elephant, and it doesn't appear like we are. If this is a good bill and we want to be able to ban the sale of single-packaged flavoured cigarillos, then let's do it; let's find out where the blocks are, understand who's preventing it and make it happen.

So while this bill is a very useful bill that we support as New Democrats, we want to know from the government where you stand on the illegal production of cigarettes and where you stand on your role as an enforcer to prevent illegal cigarettes from coming into this province; where you stand vis-à-vis the federal government on a

position to be able to deal with that; and where you stand on the whole issue of the private member's bill that was introduced by my colleague from Nickel Belt, which has received royal assent and has not yet been proclaimed.

Those of you Liberals who are going to do two minutes, help me out a little bit. Make me understand and help me to solve some of the questions that I raise today.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Rick Johnson:** I would like to thank the member for Trinity–Spadina for so eloquently going on about the hazards of smoking. I would just like to say that I was one of the people who quit cold turkey. I went and visited an ear, nose and throat specialist in 1983 and he said, “You’re allergic to smoke,” so I went home and stopped smoking immediately. I saw him again about 20 years later and reminded him that he was the person who had saved me thousands and thousands of dollars, and he said, “How was that?” I said, “It was because you told me I was allergic to smoke.” He said, “Well, of course, you’re allergic to smoke. Everybody’s allergic to smoke and it’s an extreme allergic reaction that causes people to die from it in fires.” So smoking can be overcome.

I believe that you referred to smoking cigars as well. Smoke is smoke. It’s damaging to people. I think another aspect of this is the fact that, too often, we see people smoking on TV shows and in movies and it glorifies it for our young people. I believe that that’s something else the media should take responsibility for and really do something to limit. If a product is dangerous and the manufacturer is selling it, then the manufacturer should be responsible for that.

A key part of lowering our health care costs down the road will be encouraging and educating our population against the hazards of things like smoking, overeating, things like this. We’ve seen a huge expansion in our health care costs over the last few years and I really do believe that, through educating our communities to the dangers of these things, we can eliminate and reduce dramatically our health care costs through having a healthier society. These are all things that are extremely important, and I appreciate the comments made by the member from Trinity–Spadina in trying to eradicate this.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. John O’Toole:** The member from Trinity–Spadina is always informative and always entertaining, and I think he’s made, substantively, most of the arguments in terms of the illegal cigarette issue, but I have a question I want to put on the record here. This past weekend, in touring around during constituency week, a small business operator had been visited by the so-called smoke police. He had been given, as a promotional item, cigarette lighters with the brand of the cigarette on them, and they were on the counter. Now, the cigarettes are behind the locked doors, as they should be, or under the counter, out of sight—the power wall issue—but the question was: Isn’t it illegal to advertise or have display areas for cigarettes in these convenience stores? I think

that’s a very good question. I said I would inquire, and that’s what I’m doing right now. I hope the parliamentary assistant to the Minister of Health, or someone who is listening, will see whether or not it’s legal to have these lighters with the cigarette brand on the counter. Isn’t that, in fact, enticing young people to identify? I think that’s an appropriate question.

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More importantly, it has been understood and accepted, including by me—and our side for sure would say—that smoking is bad for you. This is the method of recovering those health care costs, following the template developed by British Columbia under the Tobacco Damages and Health Care Costs Recovery Act, which has been upheld in the Supreme Court. We’re not in any way opposed, but I think we want to get it right this time. Illegal, contraband cigarettes: Even the Attorney General commented in 2008 that there could be a \$500-million or more loss of revenue. You know, it’s fine to do the symbolic things that we agree with, but let’s get down to doing some real work that defends and protects the people of Ontario.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Ms. Cheri DiNovo:** As was stated already, the member from Trinity–Spadina is one of most entertaining orators in this place; let’s give him that. Now that I’m Deputy Speaker and run the risk of perhaps nodding off a time or two, as we in the Chair all do, sitting for long hours, it’s members like the member from Trinity–Spadina who keep one awake; let’s give him that.

But he did ask two questions, and I haven’t heard answers to those questions. There’s a government member left, in terms of questions and comments, and I would challenge whoever stands up next to give us the answers. One question was about why this government doesn’t do more to crack down on the sale of illegal cigarettes in this province. Number two was, why does the government not proclaim Ms. Gelinias’s bill about those single-sale, often flavoured, designed-for-children cigarettes, which has been given royal assent and not been proclaimed? Two very clear questions that would definitely help the state of our health in Ontario have not been answered. I would challenge the next government member who stands up to give an answer to the member from Trinity–Spadina and to all of Ontario about why there has been no action in these two egregious areas.

These affect the health of our children. We know that our children are buying those contraband cigarettes; we know they are. They’re much, much cheaper, and for young people who don’t have discretionary income, as older people do, that’s where they go. As the member from Trinity–Spadina said, they’re finding the butts outside the schoolyards. So if the government really cares, please answer the two questions posed by the member from Trinity–Spadina—a simple request.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Mike Colle:** The member for Trinity–Spadina brought to mind a number of different issues that I think

are worth examining. I just want to say that this bill, which talks about following through on comprehensive legal action on cost recovery from major tobacco companies, is an undertaking that is really national in scope, and this bill asks us to join with other provinces that are doing it. I think it's something we have to do, because we know the incredible multi-billion dollar costs to our health care system as a result of this cancerous weed that people have been smoking and still do smoke.

It is also troubling—he has asked very seriously about this before; I have listened to him—that this contraband plague still inflicts Ontario with all these cigarettes that are being manufactured illegally. I know the Solicitor General has talked about working together with the Ontario Provincial Police and the RCMP. I do agree with him that more needs to be done. It is an incredibly serious problem that especially affects young people, somewhat similar to the other scourge that affects young people; that is, drug use. It is not given that much play, but there are serious problems with crack cocaine, marijuana, that are part of the huge underground economy and that are also very dangerous to the health of our young people. In fact, just last weekend there were three young girls who were taken by the police because they had overdosed on amphetamines not too far from where I live. So that's something that I think our government provincially has to grapple with and it's something that I think all governments, but all society, have to—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. The member for Trinity–Spadina, you have two minutes to respond.

**Mr. Rosario Marchese:** The whole thing is tragic: 13,000 people die in Ontario because of smoking-related illness. That's a big number. I know that we are all worried about it, and I think that cuts across all political boundaries. There's no doubt about it.

One of the items I didn't raise was the tobacco industry, which is another issue that we need to deal with, because 95% of the tobacco growers are in Ontario. It's a huge number of farmers who are involved in the production of tobacco, and we've got to worry about this particular group in terms of understanding the impact that this bill will have on tobacco farmers and to work with these farmers to cement a future livelihood as tobacco sales inevitably decline. When we do these things, which we support, it has intended or unintended consequences on tobacco farmers. As I pointed out, 95% of them are here in Ontario, and we've got to worry about how we help those farmers make the transition to some other type of farming, because their livelihood is affected by this. So while I didn't have a chance to talk much about that, we need to reflect on what needs to be done.

I was very conscious of the fact that the member from Haliburton–Kawartha Lakes–Brock did something that was remarkable. I know it affects his health, and he took measures to deal with it. God bless.

In terms of the member from Eglinton–Lawrence, he recognizes that we've got to deal with the illegal production of cigarettes, and we need the government to be

able to deal with it, in order to solve that particular problem.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate? The member for Parkdale–High Park.

**Ms. Cheri DiNovo:** I didn't realize I was going to be up so quickly, but that's fine. It's a pleasure and a privilege to deal with this issue. Certainly I was a kid of the 1950s, and if anybody has seen that incredible television series *Mad Men*, what's absolutely striking about that particular series, other than the fact that it's well done and well enacted, is the fact that in every scene, every character, just about, is smoking. There has been a significant difference from the 1950s and 1960s until today. But the sad reality is we still have five million people a year dying, and it's still projected to be about 10 million people a year dying in the year 2025. Smoking rates around the world are going up, and smoking rates among young people in Ontario are also increasing. That is sad news indeed.

I should say right off the top that I absolutely plan on supporting this bill; there's no question there. We in the New Democratic Party caucus will be supporting it, recognizing with a caveat, of course, that this will make a lot of lawyers very, very wealthy over the next 10 years and that many of these lawsuits will take about 10 years to even be resolved. But be that as it may, we hope the government steps up and does the kind of action against the tobacco companies that has been done in other jurisdictions, notably the United States, where \$250 billion is going to be collected from American tobacco companies because of the actions, in conjunction with each other, of 50 different states. So that's a significant amount of money, and that can go into funding what we need funded in the way of health care.

Again, when we're looking at health care, we're looking at a situation where not only 85% of the lung cancer cases are caused by smoking, but 30% of all cancer cases are caused by smoking. That's an astounding statistic. We forget that there are other cancers that are also linked to tobacco smoking. This is a huge impact on our health budget. It's a huge impact on our health.

If we were looking at those kinds of death rates in any other regard, we'd call it a genocide. Five million, 10 million: These are the kinds of figures that you hear in Legislatures like this one in reference to genocide, in reference to tragedies of mass proportion.

You heard the member from Trinity–Spadina speak about how for years—for decades, in fact—since the 1930s, when it was first discovered that, guess what, smoking causes lung cancer, tobacco companies managed to quash that information from getting out, and they did that by using lobbying techniques, by using their money, by using advertising. So it has been a long, long struggle to try to claw back some reality, even in the scientific community. That's a very depressing statistic, when we know that the Royal College of Physicians and Surgeons didn't release a report for several years because of lobbying by the tobacco companies. This is sad news indeed.

And it's personal news, because that there's probably not a person in this chamber who has not had some smoking-affected illness in their family. That's what these statistics really mean. In my case, it was my immediate family. My mother died from smoking-related illness, my father died directly of lung disease and my brother died much too early of lung cancer itself. In my family, when we look at our family photos of car trips, which we often did—most families do—and family trips and early Super 8 videos, if you remember those things, you see people climbing out of the car and these wafts of smoke, because it was the done thing in those days to smoke in the car with the windows up, with the children in the back seat.

It's amazing, really, for the boomer generation that any of us are free from the horrors of lung cancer, because of the patterns of consumption of our parents, not to mention the fact that most of our mothers smoked while pregnant. It's astounding, when you look at it, that we're as healthy as we are.

There has been a consciousness shift, but not without phenomenal tragedy. My brother, Donald DiNovo, was not only a radio broadcaster but he was a member of the rock band Lighthouse, if anybody remembers them; they won many awards. This was a man who was cut down at the age of 51 by lung cancer.

The question is, then, if we know all of this, and we're doing all of this, why are our children starting to smoke, even with this information in their hands?

There was a very good point made by the member from Haliburton-Kawartha Lakes-Brock, and that was that they are still being sold on the concept of smoking cigarettes by the entertainment industry. There's no question. We've all heard of product placement. Well, let me tell you that the movie *Pulp Fiction* alone probably started a whole generation smoking that wouldn't have considered smoking before, because it was seen as cool. Kids start smoking because they think it's cool and it makes them look cool.

An even more deadly reason to start for young girls, who are leading the way in terms of starting to smoke, is weight loss. I mean, weight loss—please.

Clearly, the educational programs that governments have run aren't working. If you keep doing the same thing over and over again and expecting different results, that's called crazy. Government programs that keep doing the same things, expecting different results, are simply crazy. They're not working.

Our girl children and our boy children are starting to smoke. "Why?" is the question. Product placement is part of the answer. We have to hold our media to account. There's absolutely no good reason, unless it's a period piece like *Mad Men*—and trust me, I bet anything that *Mad Men* is in part a product of those self-same tobacco companies. They can do product placement in just about every scene.

There's no reason for the characters, the movie stars, those stars of stage and screen and also, of course, those music stars to smoke publicly in their promotional

material or in the movies that they make. There's no reason for it. In what character development does holding a cigarette in your hand really play a part? I don't get it. But this is what kids are watching. This is what they're taking in and this is why they still think it's cool to smoke. James Dean isn't really dead. It's seen as cool to smoke. We've got to attack that in some way, shape or form. It seems to me that that's a question of having a serious conversation about product placement and sponsorship of television shows, movies, CDs—anything that our children watch and that our children take to heart.

Again, what wasn't raised perhaps by the member from Trinity-Spadina and what I haven't heard about yet, and presumably I will, I hope, as the critic for small business, is the impact on our corner stores of the contraband tobacco trade. The contraband tobacco trade is taking its toll not only on our youth and not only on our tax revenue, but it is also taking its toll on our small business owners. Many of these small business owners are first-generation immigrants. These are the people who come over here and work 18 hours a day opening up a corner store. Then they're told by the government that they've got to hide the cigarettes they sell—fair enough. It cost them money. They sucked it up; they did it. But now they're watching their customers buying contraband cigarettes at sometimes less than half the cost, and that's hurting them too. They're looking at this government and saying, "Why aren't you doing something? This is a dangerous, illegal activity." These cigarettes are being manufactured—they're being imported; often, many of them from China. And we know that the Chinese government has far laxer manufacturing, environmental and health laws than we do.

These cigarettes are coming in and they're ending up in the school yards, and small business owners are quite right to ask, "We've done everything you've asked us to do at considerable cost. We've hidden that which makes us the most profit." Quite frankly, it does. Lotteries and cigarettes make corner stores the most profit. "And yet, we don't see the government doing anything about the contraband sellers and manufacturers around the corner who are taking our business and killing people." Let's be frank, they are. It's a death industry. They are merchants of death. There's nothing redeemable, one can say, about those who sell illegal, contraband cigarettes, and this is going on. Small business owners are wondering, why did we take the brunt of this when they're not?

So again, this is the same challenge that the member from Trinity-Spadina threw at this government. We just want an answer here, a very simple answer. We are not doing enough to stop that, and that's affecting our children and it's causing death among our children.

Certainly France Gélinas, the member from Nickel Belt—her bill needs to be passed. There's no question about that. This is a bill that, unlike many and most private members' bills, has actually gone through to the point where it's received royal assent. It's hard to imagine anybody objecting to a bill that's going to outlaw

the new merchandising that the large tobacco companies are engaged in now which is directly to children, which is single-sale cigarillos that are candy-flavoured, if you can believe it. It's diabolical: to our children. Here's a bill that went through first reading and went through second reading, which is always a minor miracle in this place. It went from second reading to committee—a major miracle. It went to royal assent. My goodness. Who ever knew? And now, it's not proclaimed. Why? Simply because it was introduced by a member in the opposition? This is sad, and this is affecting the health of our children. They can buy these as we speak, while we're here debating this bill.

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The other aspect of this is, we're hoping that this will not lead to the kind of backroom deal with tobacco companies that happened, for example, with the federal government settlement in July with tobacco companies for their smuggling in the early 1990s. For those watching at home who perhaps didn't know this, the companies are only required to pay \$1.2 billion over a number of years, and that amounts to about 25% of the profit that Imperial Tobacco made by smuggling. So we hope that this bill will not precede some backdoor dealing with the tobacco companies that will result in that kind of settlement, because we know that that kind of settlement is simply not good enough. It's not good enough.

We also hope that what does proceed from here is a whole new look at tobacco and the tobacco industry—"merchants of death" is not too strong a term to call that particular industry—a whole new look at the ways in which they get around the law, whatever law it might be, and the ways in which they're still promoting and advertising, yes, their products in really quite underhanded ways—again, the kind of product placement that we see in videos and movies, and again this kind of marketing to our children that is happening under our noses with flavoured cigarillos sold as candy, literally almost, to our children. So we hope they do something there.

We hope they don't continue down the same paths that haven't worked in the past, which is a kind of open education. The smoking rate increasing among our children is something we should all take to heart. It's not enough just to go after the tobacco companies for the death they've already caused, for the health care costs they're already causing. What we have to do for the next generation is look at ways of preventing children from picking up that first cigarette. We have to look at ways that will make smoking uncool. We have to speak, of course, to the kind of definition of what a real woman is that goes into young girls picking up smoking because it makes them thinner. That's another discussion for another day, but certainly for any parent in this House who sees a young girl start smoking, you can bet that that's a component in why she's lit up for the very first time.

Again, I would just reiterate the two questions that we still have not received answers to from this government. One is, why are contraband cigarettes still being produced and marketed to our children in schools? It's

estimated now that about 46% of cigarette sales in this province are contraband. You've heard about the lost tax revenue. I'm more concerned about the health revenue. I'm more concerned about the reality that this is killing people and that these cigarettes—there's no such thing as a healthy cigarette, but they are even worse. They're even less regulated than those cigarettes that are made by the large tobacco companies. So why not do something about it? It's pretty clear-cut. We know how to crack down on it; why don't we do it?

Number two: Please, there's a bill from the member from Nickel Belt that has everyone in agreement, a bill that's definitely designed to keep cigarettes out of the hands of young people, cigarettes that are not being marketed as cigarettes but as candy, really, as flavoured cigarillos. Some of them are even perfumed; they smell. It's outrageous. Why can't we get that into law? It only requires proclamation. It would be a very nice time—in fact, I see the Minister of Health sitting over there—to proclaim it now. Why not? Let's do it. Let's protect our children.

Finally, and this requires all parties—of course, it is absolutely unpartisan: We've got to put our heads together and figure out what is motivating our children to smoke and do something about that. I think that really means looking at media, looking at where they are getting this idea that it's cool, and attacking it at source. That means product placement. It means looking at the large entertainment firms. We know that Toronto has been called Hollywood North. Let's take advantage of that. We have an opportunity here. We can talk about the films that are being made in Toronto. We can make sure that they're not also promoting tobacco consumption. We can look at all of that. We can do that in Ontario; we can do it. I would very much encourage all parties to look at that, and I suspect that there are probably a number of private members' bills that could come forward and would talk about product placement.

I know it's very difficult, when you're passing a bill that's going to increase lawyers' business—if we're going to go after the tobacco companies, make it about the settlement, not about the backroom deal. Let's really hold them to account with this bill, since that's what it purports to do, and let's really use those funds—and there will be considerable funds that come out of those lawsuits, the government being a party to many of them, I hope—to make sure that the next generation doesn't do what generations have done before.

Finally, to all of those out there who are listening and who have lost someone to lung cancer before their time, to lung disease or to cancer of any sort—now that we know that 85% of lung cancer is caused by smoking and 30% of cancers that are not lung cancer are caused by smoking, not to mention high blood pressure, heart disease and others: Do something. Write to your MPP. Make sure that at your school and in your community you really, in a sense, take this issue into your own hands. Get the word out that we need to do more than we've been doing. We need to do more because what

we've been doing isn't working. Smoking rates are increasing, children are dying, adults are dying, to the tune of 10 million projected by the year 2025. We have something to do for that future generation: to pass the word along.

Just in conclusion, of course we in the New Democratic Party are going to support this bill. It's a small step in the right direction. As per my colleague from Trinity-Spadina, I would love to hear answers to the two critical questions: Why aren't we doing more about contraband cigarettes and why, oh why are we not proclaiming the member from Nickel Belt's bill, which would in fact prevent our children from smoking today?

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Michael A. Brown:** I quite enjoyed the intervention by my friend from Parkdale-High Park.

I was reminiscing a bit about the history of smoking laws in Ontario in general. I remember that when I came to this Legislature back in 1987, it was common practice to have ashtrays in the lobbies. We could smoke in committee rooms. It was a place that we would now, in 2009, scarcely recognize. The opposition lobby over on the other side: You could hardly see in it for the smoke—

**Mr. John O'Toole:** It may still be the same.

**Mr. Michael A. Brown:** The member for Durham suggests that it may still be the same today.

But we have made huge progress on this file. We haven't completely stopped smoking in the province of Ontario, but we have changed, I think, a mindset in the vast majority of Ontarians—that pregnant women shouldn't smoke. We have stopped smoking in places I don't think we even considered: smoking in cars with children in them. We have stopped those kinds of things.

I think we are making great progress, but this bill itself is not about that directly. What this bill is about is suing the people who have made the profit from endangering the lives of literally millions of people and causing the deaths of—there's probably not a person in this room who hasn't had a relative or a friend who succumbed to something, cancer or heart disease or another serious disease, that has been caused by smoking. This is about taking these tobacco companies and holding them to account.

1650

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. John O'Toole:** Again, the member from Parkdale-High Park was quick to get up and take the time to make her points with respect to Bill 155.

I think we've all really agreed that "too little, too late" would be the best way to describe this bill. BC, as we know, has done it. They've taken it through, it has been challenged, and it has stood up in court. We look at leadership around the world, whether it's the World Health Organization and their attempts to develop a more consolidated strategy—it's the first treaty negotiated under the auspices of the World Health Organization. It was adopted by the World Health Assembly in 2003 and

came into force in February 2005. So there's evidence around the world of the health effects, the side effects, and we've all attested to those.

I think the member from Parkdale-High Park made some very good and very sound arguments as to why we should move on with this bill, at the same time admitting there are some things in here, under the Attorney General—that's Mr. Bentley's role. Retroactivity provisions would be the most, if you will—it's been touched on in some of the statements here today, and the last speaker from Algoma said, that a lot of people, because of lack of information and knowledge, smoked in their cars when driving around with children. I certainly was a product of that. I'm not sure they did it deliberately or intentionally. So it comes down into law—why there would be a lot of lawyers' money spent on this—is the intent. Often, when you go into the retroactivity liability issues, they're going to spend a lot of time arguing about who knew what when and that they denied the information. People didn't have the information. I used to smoke. I don't smoke now. My children probably were in the car when I smoked. Am I guilty? That's what parents are concerned about—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

**Mr. Reza Moridi:** I'm pleased to join the discussion on Bill 155, the tobacco costs recovery bill.

The scientific evidence is clear, and it has been very clear for many, many years, that smoking causes lung cancer. Smoking is responsible for almost 85% of lung cancer deaths. When we are talking about 85% of lung cancer deaths, the fact is, scientifically, the cause is not deterministic, which means that if 100 persons smoke cigarettes their whole lives, 85 of them are going to die of lung cancer anyway. We can't identify who is going to die of lung cancer, but for sure we can say that 85 of them are going to die of lung cancer. That's why the effect is not deterministic.

Sometimes people say, "My father smoked his whole life, and he died at the age of 95 from a heart attack." To them I will say that, yes, my sister-in-law smoked cigarettes and died of lung cancer at the age of 85. Every one of us has an example of relatives or friends who passed away from lung cancer due to smoking.

It is very clear, and it is well established in scientific studies, that lung cancer is caused by smoking. Smoking is the major cause of lung cancer and is responsible for 85% of lung cancer deaths. So it is logical that, as a government, we have to hold the root cause of lung cancer, which is basically the companies who are promoting the sale of cigarettes, the sale of tobacco—they should really be paying for the costs of damage caused by selling tobacco and caused by lung cancer. This is what this bill is all about.

I am pleased to support this bill. I hope my colleagues in this House will support this bill and we will hold the companies who are selling tobacco—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?



The member for Parkdale–High Park, you have two minutes to respond.

**Ms. Cheri DiNovo:** Thank you to the members from Richmond Hill, Algoma–Manitoulin and Durham.

The member from Durham is right. It was almost a decade ago that BC passed similar legislation, so in a sense it is too little, too late. One can only imagine how many people have died from lung-related diseases due to smoking in that 10-year period when we could have had a bill.

Certainly, the member from Richmond Hill is right in pointing out to anybody who's watching that it's not good enough to say that you have a relative who lived to 85 and smoked, because for every story like that, there's another story about someone who died in their twenties or thirties or forties or fifties who smoked as well. The real question is that smoking kills—I mean, that's the answer, I should say. Smoking does kill. It kills five million a year and a projected—this is what's truly scary—10 million in the year 2025. That's what's really terrifying.

Again, there's no question about this bill. We all support it. We all want to see it move ahead, into committee at least and out. The only two questions I have that still remain and still have not been answered were the questions of the member from Trinity–Spadina: Why don't we pass Ms. Gélinas's bill? Why don't we make it illegal to buy these flavoured one-off cigarillos sold and marketed to children? Why don't we stop the production of illegal cigarettes, that contraband? Why does this government, this Attorney General, not make it his *raison d'être* to get rid of that? This is what's killing our children.

I just want to, again, thank all of those who have written to me about this issue and those relatives out there who have suffered because of this.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mrs. Julia Munro:** I'm pleased to be able to stand today and offer some comments on Bill 155, the Tobacco Damages and Health Care Costs Recovery Act.

I want to begin my remarks by actually taking comments from the member from Algoma–Manitoulin, who talked a few moments ago about the attitudes that people have had over the past few decades towards tobacco smoke. I would have to join him in remembering—although I wasn't here to know—how blue the air was behind me in the lobby with cigarettes. Even doctors showed up with cigarettes, smoking cigarettes, to talk to their patients.

I remember being a bit in the vanguard when I stuck a sign on my front door that said, "No smoking." I also remember, as a bride, how many ashtrays you got as gifts, because of course if you were setting up a household, you would have to be able to provide for your guests in that particular aspect, just as you would by having teacups. But I had the sign at the front door and I remember—and this would be 30 years ago, when certainly it wasn't in vogue to make those kinds of state-

ments—I had people come to visit me and I offered them a cup of coffee. The husband said, "Oh, I can only have coffee if I have a cigarette." I didn't make any comment, but I got out only three cups. When he saw that therefore I wasn't serving him coffee, he discovered, in fact, that he could have a cup of coffee without a cigarette. I always remember that because it just seemed to me to demonstrate the importance of being able to make a decision and stand by it. Obviously, he assumed that if he told me he couldn't have coffee without a cigarette, I would relent and allow that. But as someone who was very allergic to tobacco smoke, it was certainly not going to be something I was going to allow in my own house.

I have to say that when the anti-smoking movement was in its infancy, I was somewhat doubtful of the ability to change public opinion to the extent that we have seen over the last few years. Even watching how the restaurants dealt with it: They had a very small corner by the kitchen which was the non-smoking area and the rest of the restaurant was the smoking area, and then gradually you saw how the non-smoking area grew to a point that, when it became illegal to have smoking in restaurants, it had almost become no longer an issue, because of the number of people who were really very happy to be in a non-smoking area.

**1700**

So as a society, we have certainly recognized the importance of limiting smoking, discouraging smoking, and yes, there are some guideposts that anyone can look at in terms of advertising, in terms of the need for age identification. There are certain guideposts here that would suggest that there has been success.

But then, as part of that whole effort, came the issue of taking legal action. About 10 years ago, in the 1990s, the Americans, in fact, had a landmark case where they were successful in being able to sue the companies for having provided people with a product that over and over and over again was seen to be something that was very damaging to human health.

So, in the same way, British Columbia then introduced its Tobacco Damages and Health Care Costs Recovery Act, and it stood the test of the Supreme Court. We find ourselves in a similar kind of situation, looking at the bill that we have today.

In looking at that bill, we have to look at the fact that we're now in the company of a number of Canadian provinces that are seeking to do the same thing, and this comes largely as a result of the recognition of some very stark statistics.

The government's commitment was to reduced tobacco consumption by 20% before the end of 2007. According to their statistics, that was achieved ahead of schedule. Between 2003 and 2006, there was a 31.8% decline in tobacco consumption, indicating that approximately 4.6 billion fewer cigarettes were sold. But tobacco-related diseases cost the Ontario economy \$1.6 billion for health care annually, resulting in a \$4.4-billion loss—in illness and, therefore, loss in productivity—and accounting for 500,000 hospital days each year. When

you look at this as something that success at prevention would make preventable, it gives you an idea of how much drag there is, not only in terms of individuals and their families and the suffering of those people, but also as a problem in terms of the province itself.

According to Health Canada, more than 37,000 people will die prematurely this year in Canada due to tobacco use. The average smoker will die about eight years earlier than a similar non-smoker, and there is strong scientific evidence that smoking is related to more than two dozen diseases and conditions. The only good news in this is that many of these conditions do start to reverse when people cease to smoke.

The Auditor General in his 2008 report gave us a different aspect to this whole issue of tobacco and tobacco use and tobacco taxes, which is another aspect of this that needs our attention. The objective of the audit by the Auditor General was to “assess whether the Ministry had adequate and cost-effective policies and procedures in place to ensure that the correct amount of tobacco, gasoline, and diesel-fuel tax is collected and paid to the province in accordance with the law.”

He goes on to say, “It remains our view that the ministry’s current policies, procedures, and information technology systems are still inadequate.” In fact, Health Canada estimates that overall tobacco consumption in Ontario decreased by approximately 27% between 1999 and 2007. Even assuming a 27% decrease in consumption since 1999, the significant tax increases on tobacco during that same period should have produced a more than tripling of annual tobacco tax revenue, from about \$500 million in 1999 to as much as \$1.7 billion in 2007. So the potential tax gap for 2007 alone could be in the half-a-billion-dollar range.

The tax rates on cigarettes and cut tobacco have particularly increased since 1999. At the conclusion of the audit in early 2008, cigarettes and cut tobacco were taxed at 12.35 cents per gram of cut tobacco while cigars were taxed at 56.6% of a predetermined taxable cost; in 1999, cigarettes were taxed at 2.65 cents. It’s really important to understand that increasing the tax rate from 2.65 cents to 12.35 cents has simply meant that there has been a huge increase in the issue of illegal tobacco. “The increased incentive for tobacco smuggling notwithstanding, we found that the ministry’s systems and procedures for collecting tobacco taxes have not significantly changed or improved since the time of our last audit in 2001,” the auditor concludes.

I think it’s terribly important to look at this because we had exactly the same thing happen in a previous cycle of increasing the tax on tobacco. People are willing to pay a certain level of tax, and after that, they seek illegal means. So what we are looking at today, then, is this enormous business in illegal cigarettes. The question, then, of these illegal cigarettes has in itself not only the fact that you don’t have the appropriate revenue coming into the government, but it also creates many other issues. I want to look at two in particular, and one of them comes from my colleague the member from

Haldimand–Norfolk. His remarks I think are worth repeating here because of the fact that this is such a huge issue in his riding, as well as mine.

“Because of high taxes on tobacco and virtually no enforcement”—as we know from the Auditor General’s comments—“as much as 40% of the tobacco now smoked in Ontario is illicit.

“Cigarettes are being sold for pocket money out of the trunks of cars, and at smoke shacks....

“Why would a smoker pay \$50 to \$70 for a legal carton of cigarettes when they can easily purchase the same number ... for between \$6 and \$20?

“Ironic isn’t it, that government’s own high-tax public health policies have spawned the illegal trade.

“A 2006 study commissioned by the industry shows an annual decline in tobacco of about 2%.

“And while the McGuinty government may tout their tobacco policies as curbing smoking habits, surveys show 75% of this decline is simply a transfer to the illegal trade.

#### 1710

“The illegal trade has disastrous social and economic consequences.

“It not only brings to communities cheap smokes but also drugs, firearms, alcohol and a growing disrespect for the law.

“Many view the illegal trade as inconsequential—an activity that only hurts ‘Big Tobacco’ and ‘Big government.’

“While it is true that legal manufacturers and retailers are losing big money, Canadian taxpayers are also being defrauded to the tune of billions each year....

“Federally, we have seen the announcement of a multi-department task force to combat illegal tobacco across the country....

“There is no easy solution to this problem; however, in the 1990s, cutting tobacco taxes shut down hundreds of illegal smoke operations overnight.

“This May, Benjamin Kemball, of the Canadian Tobacco Manufacturers’ Council, testified before the federal government’s Standing Committee on Public Safety.

“Mr. Kemball presented very reasonable measures that could help prevent the illegal industry from spiralling.

“Aside from enforcement, Mr. Kemball suggested that the supply of specific machinery and materials associated with the manufacturing of tobacco products be closely monitored and controlled.

“He said that the federal government has allegedly issued more than 20 tobacco manufacturing licences—but do not follow up with routine inspections.

“Tobacco companies, he said, can also play a pivotal role by working with suppliers to the industry to ensure policies like ‘know your customer’ apply.”

But I want to also talk about how important it is to people in my riding. I’m going to read excerpts from a letter that I received from one of my constituents.

“I am an owner of a family business in Ontario. Like all other sectors of the economy, our business is not as good as it once was.... the problem of illegal tobacco is

out of control and growing in Ontario. It now accounts for 48.6% of the tobacco purchased in the province. This problem is not only a tobacco issue; it is now a societal issue that we should all be deeply concerned about. Convenience stores like mine are losing \$50,000 to \$100,000 in sales because of illegal tobacco. We are also losing sales of items that smokers used to buy when they came in for cigarettes.

“The Ontario government alone is losing \$1 billion from these untaxed and unregulated products and all of your government’s anti-smoking measures are being undermined. Further, according to the Royal Canadian Mounted Police, over 100 criminal organizations are involved in the trade of illegal tobacco, using the proceeds to fund other criminal activity such as drugs and illegal guns. Kids can buy these cigarettes because the average price of a carton of illegal cigarettes is \$10 ... and criminals do not ask for identification like we do in my store.”

He goes on to talk about how difficult it is to make a living, saying that the lack of action on the part of this government on the illegal tobacco file is rewarding criminal activity and punishing him as a law-abiding business person. I think that when we are discussing this bill, we have to be discussing it in the context of these individuals. We have to look at the fact that lawsuits drag on for years. What we have today are on-the-ground problems that require the appropriate political will. These on-the-ground problems are things like—the Auditor General has provided us with information on how to deal with them. So I think that while, as others have mentioned, we support the initiative of this bill, this is a long-term thing—lots of lawyers, years before there is a decision made. We have an urgent problem with the use of illegal tobacco. As my constituent says, it will simply undo the work of the legislation. It won’t matter that there is a law about smoking in your car with your children. It won’t matter that the legal operators ask for age ID. None of those things will matter as long as you allow this cancer to continue in our society.

What is really required is the political will to look at these on-the-ground issues and take action now and not wait for years to come, with the possibility of the lawsuit concluding in an appropriate way.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Ms. Cheri DiNovo:** I listened with interest to the member for York–Simcoe. Certainly, I remember the day when I had to clean out ashtrays at my parents’ place. I think that’s why I never took up smoking. And I certainly remember the day when smoking was de rigueur in public places. In fact, you were considered kind of a fuddy-duddy if you told guests who came to your own home, “Sorry, we don’t allow smoking here.” I do remember it well.

She’s absolutely right about small business and the corner store and their complaints about the seeming double standard of this government to hold them to all sorts of stringent rules and regulations, many of which cost them money, and then turn a blind eye to illegal and

counterfeit manufacturing of cigarettes, particularly when that’s a huge market, when it’s taking almost half of the market for the sale of cigarettes. One could only imagine what this would be like if we used alcohol, if bootleggers were allowed to run rampant despite the existence of the LCBO. One has to wonder why the government has not cracked down and done something. Really, that’s a matter for the Attorney General.

And she’s quite right. None of anything we do in this House matters unless it’s enforced. Here we have a blatant case where there is a law that is not being enforced and that puts the lie to any possible legislation.

I listened intently and with interest. It’s always refreshing to hear someone stand and read letters from their constituents, because, after all, those are the people we serve. Certainly, small business needs all the help it can get right now. So thank you.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. John O’Toole:** I just wanted to pay respect to the member for York–Simcoe. I know how badly she wanted to speak on the bill, and she certainly has done that.

Two points she made are really worth repeating, and to reinforce that I was indeed listening. The Ontario Korean Businessmen’s Association has really been put through the wringer on this. I’m not trying to be harsh here in the dying moments of the debate, but the fact is, during this whole debate earlier on, they were made to have the power walls and spent thousands of dollars.

These people work 24 hours a day, seven days a week. I think of Paul next door to my constituency office; I think it’s a Kwik-E-Mart or something like that. His wife and his son work all the time. I don’t see anybody else working there. They’ve done all this stuff. Then I think of Joseph and Mary Park at the store in Janetville. These are hard-working, industrious and committed people and they had the rules changed on them. Yet, at the same time, down the road, if you will, there is somebody selling contraband cigarettes out of the trunk of a car. They’re not even being—for political correctness, the police are kind of circumventing, not enforcing these things.

So this is what is discouraging about wanting to do the right thing but not doing the right thing right. Really, it comes down to that.

The other provision, of course, is the Limitations Act, which kind of exempts the government in its pursuit of justice. It permits an action for damages—the cost of health care benefits, alleged to have been caused or contributed to by wrongdoing in the time before sanctions. In fact, they did not knowingly—I think at some point in time you could say—do this, because most of the people were of free choice in doing it. Now I guess it’s an addictive substance.

I think we support it. Too little, too late—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you. Questions and comments?

The member for York–Simcoe, you have two minutes to respond.

**Mrs. Julia Munro:** I appreciate the comments made by the members from Parkdale–High Park and Durham.

There are two things that I'd particularly like to comment on.

When the member from Parkdale–High Park talked about the double standard, I think that's a very important recognition. On the one hand, there's a sort of high level of "Here's all this wonderful legislation that has been put forward"; and at the same time, we have a blind eye to a very, very active illegal activity that is worth billions of dollars, and we're not dealing with that. And then, equally, there are the victims of our not dealing with it. On the one side are those who are in legitimate business, dealing with more and more of a regulatory burden, not only as a burden but as an investment, as a cost to do business; and then we have our young people, who are supposedly our prime targets for changing and not getting them hooked on cigarettes, who are the perfect target for the illegal activity of selling.

So I just think that it's really important to see, as I say, that at the government level, there are two standards, and then there are two sets of victims because of those double standards. At the same time, we're all supposed to sit

around and wait for a lawsuit that could be years and years away. I think it's urgent right now to change this double standard and help the victims, both the legal shop owners and the kids who are buying cheap cigarettes.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate? Does any other member wish to speak?

Mr. Bentley has moved second reading of Bill 155. Is it the pleasure of the House that the motion carry? Carried.

*Second reading agreed to.*

**The Deputy Speaker (Mr. Bruce Crozier):** Shall the bill be ordered for third reading?

**Hon. James J. Bradley:** I would ask that the bill be referred to the Standing Committee on Justice Policy.

**The Deputy Speaker (Mr. Bruce Crozier):** So ordered. Orders of the day?

**Hon. James J. Bradley:** I move adjournment of the House.

**The Deputy Speaker (Mr. Bruce Crozier):** Is it the pleasure of the House that the motion carry? Carried.

This House is adjourned until 9 of the clock, Thursday, April 23.

*The House adjourned at 1723.*

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Mauro, Bill (LIB)	Thunder Bay–Atikokan	
<b>McGuinty, Hon. / L'hon. Dalton (LIB)</b>	Ottawa South / Ottawa-Sud	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre Leader, Liberal Party of Ontario / Chef du Parti libéral de l'Ontario
<b>McMeekin, Hon. / L'hon. Ted (LIB)</b>	Ancaster–Dundas–Flamborough– Westdale	Minister of Government Services / Ministre des Services gouvernementaux
McNeely, Phil (LIB)	Ottawa–Orléans	
<b>Meilleur, Hon. / L'hon. Madeleine (LIB)</b>	Ottawa–Vanier	Minister of Community and Social Services / Ministre des Services sociaux et communautaires Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Miller, Norm (PC)	Parry Sound–Muskoka	
Miller, Paul (NDP)	Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek	
<b>Milloy, Hon. / L'hon. John (LIB)</b>	Kitchener Centre / Kitchener-Centre	Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Mitchell, Carol (LIB)	Huron–Bruce	
Moridi, Reza (LIB)	Richmond Hill	
Munro, Julia (PC)	York–Simcoe	
Murdoch, Bill (IND)	Bruce–Grey–Owen Sound	
Naqvi, Yasir (LIB)	Ottawa Centre / Ottawa-Centre	
O'Toole, John (PC)	Durham	

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Oraziotti, David (LIB)	Sault Ste. Marie	
Ouellette, Jerry J. (PC)	Oshawa	
Pendergast, Leeanna (LIB)	Kitchener–Conestoga	
<b>Peters, Hon. / L'hon. Steve (LIB)</b>	Elgin–Middlesex–London	Speaker / Président de l'Assemblée législative
<b>Phillips, Hon. / L'hon. Gerry (LIB)</b>	Scarborough–Agincourt	Chair of Cabinet / Président du Conseil des ministres Minister Without Portfolio / Ministre sans portefeuille
Prue, Michael (NDP)	Beaches–East York	
<b>Pupatello, Hon. / L'hon. Sandra (LIB)</b>	Windsor West / Windsor-Ouest	Minister of International Trade and Investment / Ministre du Commerce international et de l'Investissement
Qaadri, Shafiq (LIB)	Etobicoke North / Etobicoke-Nord	
Ramal, Khalil (LIB)	London–Fanshawe	
Ramsay, David (LIB)	Timiskaming–Cochrane	
Rinaldi, Lou (LIB)	Northumberland–Quinte West	
Runciman, Robert W. (PC)	Leeds–Grenville	Leader, Official Opposition / Chef de l'opposition officielle
Ruprecht, Tony (LIB)	Davenport	
Sandals, Liz (LIB)	Guelph	
Savoline, Joyce (PC)	Burlington	
Sergio, Mario (LIB)	York West / York-Ouest	
Shurman, Peter (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Monique M. (LIB)</b>	Nipissing	Minister of Tourism / Ministre du Tourisme Government House Leader / Leader parlementaire du gouvernement
<b>Smitherman, Hon. / L'hon. George (LIB)</b>	Toronto Centre / Toronto-Centre	Deputy Premier / Vice-premier ministre Minister of Energy and Infrastructure / Ministre de l'Énergie et de l'Infrastructure
Sorbara, Greg (LIB)	Vaughan	
Sousa, Charles (LIB)	Mississauga South / Mississauga-Sud	
Sterling, Norman W. (PC)	Carleton–Mississippi Mills	
Tabuns, Peter (NDP)	Toronto–Danforth	Deputy Third Party House Leader / Leader parlementaire adjoint de parti reconnu
<b>Takhar, Hon. / L'hon. Harinder S. (LIB)</b>	Mississauga–Erindale	Minister of Small Business and Consumer Services / Ministre des Petites Entreprises et des Services aux consommateurs
Van Bommel, Maria (LIB)	Lambton–Kent–Middlesex	
<b>Watson, Hon. / L'hon. Jim (LIB)</b>	Ottawa West–Nepean / Ottawa-Ouest–Nepean	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
<b>Wilkinson, Hon. / L'hon. John (LIB)</b>	Perth–Wellington	Minister of Research and Innovation / Ministre de la Recherche et de l'Innovation
<b>Wilson, Jim (PC)</b>	Simcoe–Grey	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du Comité plénier de l'Assemblée législative
Witmer, Elizabeth (PC)	Kitchener–Waterloo	Opposition House Leader / Leader parlementaire de l'opposition officielle Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
<b>Wynne, Hon. / L'hon. Kathleen O. (LIB)</b>	Don Valley West / Don Valley-Ouest	Minister of Education / Ministre de l'Éducation
Yakabuski, John (PC)	Renfrew–Nipissing–Pembroke	
Zimmer, David (LIB)	Willowdale	

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
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Vice-Chair / Vice-président: Garfield Dunlop  
Gilles Bisson, Bob Delaney  
Garfield Dunlop, Kevin Daniel Flynn  
Tim Hudak, Amrit Mangat  
Phil McNeely, Yasir Naqvi  
John O'Toole  
Committee Clerk / Greffière: Sylwia Przewdziecki

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Comité permanent des finances et des affaires économiques**

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Vice-Chair / Vice-président: Jean-Marc Lalonde  
Sophia Aggelonitis, Ted Arnott  
Wayne Arthurs, Toby Barrett  
Pat Hoy, Jean-Marc Lalonde  
Leeanna Pendergast, Michael Prue  
Charles Sousa  
Committee Clerk / Greffier: William Short

**Standing Committee on General Government / Comité  
permanent des affaires gouvernementales**

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Vice-Chair / Vice-président: Jim Brownell  
Robert Bailey, Jim Brownell  
Linda Jeffrey, Kuldip Kular  
Rosario Marchese, Bill Mauro  
Carol Mitchell, David Oraziotti  
Joyce Savoline  
Committee Clerk / Greffier: Trevor Day

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Vice-Chair / Vice-présidente: Lisa MacLeod  
Michael A. Brown, Howard Hampton  
Rick Johnson, Lisa MacLeod  
Gerry Martiniuk, Julia Munro  
David Ramsay, Lou Rinaldi  
Liz Sandals  
Committee Clerk / Greffier: Douglas Arnott

**Standing Committee on Justice Policy / Comité permanent de  
la justice**

Chair / Président: Lorenzo Berardinetti  
Vice-Chair / Vice-président: Jeff Leal  
Lorenzo Berardinetti, Christine Elliott  
Peter Kormos, Jeff Leal  
Dave Levac, Reza Moridi  
Lou Rinaldi, John Yakabuski  
David Zimmer  
Committee Clerk / Greffière: Susan Sourial

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permanent de l'Assemblée législative**

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Vice-Chair / Vice-président: Kevin Daniel Flynn  
Laura Albanese, Bas Balkissoon  
Bob Delaney, Joe Dickson  
Kevin Daniel Flynn, Sylvia Jones  
Norm Miller, Mario Sergio  
Peter Tabuns  
Committee Clerk / Greffière: Tonia Grannum

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

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Vice-Chair / Vice-président: Jerry J. Ouellette  
Laura Albanese, France Gélinas  
Ernie Hardeman, Phil McNeely  
Jerry J. Ouellette, Liz Sandals  
Norman W. Sterling, Maria Van Bommel  
David Zimmer  
Committee Clerk / Greffier: Katch Koch

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

Chair / Président: Michael Prue  
Vice-Chair / Vice-président: Paul Miller  
Bas Balkissoon, Mike Colle  
Rick Johnson, Gerry Martiniuk  
Paul Miller, Bill Murdoch  
Yasir Naqvi, Michael Prue  
Tony Ruprecht, Mario Sergio  
Committee Clerk / Greffière: Sylwia Przewdziecki

**Standing Committee on Social Policy / Comité permanent de  
la politique sociale**

Chair / Président: Shafiq Qaadri  
Vice-Chair / Vice-président: Vic Dhillon  
Laurel C. Broten, Kim Craitor  
Vic Dhillon, Cheri DiNovo  
Helena Jaczek, Shafiq Qaadri  
Khalil Ramal, Peter Shurman  
Elizabeth Witmer  
Committee Clerk / Greffier: Katch Koch

**Select Committee on Elections / Comité spécial des élections**

Chair / Président: Greg Sorbara  
Howard Hampton, Greg Sorbara  
Norman W. Sterling, David Zimmer  
Committee Clerk / Greffier: Trevor Day

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

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





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