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**Legislative Assembly
of Ontario**

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**Assemblée législative
de l'Ontario**

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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 21 December 1999

Mardi 21 décembre 1999

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Tuesday 21 December 1999

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Mardi 21 décembre 1999

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

ENVIRONMENTAL EDUCATION

Mr Michael Gravelle (Thunder Bay-Superior North): At a time when everyone must surely agree that a healthy environment may indeed be the key to our future survival on the planet, I was very concerned to learn recently that the Ministry of Education is planning to remove environmental sciences from the secondary school curriculum.

In that we've been told that the final decisions for the grade 11-12 curriculum guidelines will be made by February of next year, I wanted to use this opportunity today to urge the Minister of Education to reverse that decision before it's too late, hopefully because she is able to recognize the dire implications of its removal from the curriculum.

The fight to retain environmental sciences is being led by Dr Tom Puk from the faculty of education at Lakehead University and the outdoor recreation, parks and tourism students at Lakehead. But make no mistake about it: This is a province-wide concern as York University, the University of Toronto and the University of Western Ontario are campaigning equally hard to get the minister's attention.

Minister, you met with Dr Puk last month and indicated that you understood his concerns. You also said that just because draft guidelines had been released, that didn't mean that changes couldn't be made. I hope that you'll be true to your word. At a time when government is decreasing its focus on education about the environment, one can only see the removal of environmental sciences from the high school curriculum as a drastic step backwards.

Without a healthy environment, we have nothing. Without clean air and water and soil, we have nothing. Please listen to those concerns and put environmental sciences back on the high school curriculum. It must be done. You're the one who can do it. Please listen to those concerns and fix the problem.

WINE INDUSTRY

Mr Brian Coburn (Carleton-Gloucester): It's my pleasure to speak to you about a constituent of mine who has received accolades on the world stage. Orazio La Manna, along with four others, make up Canada's Olympic culinary team, which has just arrived home from the World Culinary Salon Championship in Switzerland with three gold medals, placing the team in the top five internationally. Ontario wines were used in this year's winning dessert, a testament to this province's status as a world-class wine producing region.

My colleagues from Erie-Lincoln and Niagara Falls can attest to the overwhelming importance of Ontario's wine producers to our economy. In fact, every \$10 million in wine sales translates into \$14.8 million in economic activity in Ontario. Almost 5,000 people are directly employed in the wine industry, mostly in the Niagara region. As well, approximately 400,000 people visited wineries in Ontario in 1999.

Our province is home to some of the top wine labels in the world, including Inniskillin ice wine, used in the team's winning dessert entry, the first such wine in Canada to receive the prestigious VQA label.

I join with my constituents in Carleton-Gloucester to wish Mr La Manna and his teammates all the best in their upcoming competitions.

I take this opportunity to extend to my colleagues in this place, and all Ontarians, best wishes for a joyous holiday season, where they can enjoy the camaraderie and good fellowship of family and friends.

HIGHWAY 3 BYPASS

Mr Bruce Crozier (Essex): My statement is to the Minister of Transportation. Two weeks ago the Highway 3 bypass was finally opened around Leamington. Within hours of the extension's opening, my constituency office began receiving calls about the dangers of this stretch of highway. The two biggest problems are the stops to County Road 34 and County Road 31. The day after this stretch of highway was opened, the local OPP issued a warning for motorists to take extra precautions at these two intersections.

On December 9, I wrote to your office asking that you address these problems and requesting copies of safety and engineering studies done prior to the opening. To date I've heard nothing. The only action I've seen to

address these problems are large traffic cones which have been placed to close off the right-hand turn lanes at County Road 34. This has caused even more problems. Large trucks, which the bypass was built to accommodate, now have a hard time turning the corners. The traffic problems are now worse than they were before. I wrote to your office again last week to get action on this issue but have still heard nothing.

There's no excuse for these problems. This is a brand new stretch of highway that should not have been opened until it was safe. It has only been due to the caution of the drivers that a major accident has been avoided. Don't wait until that happens before you act.

Minister, you must undertake a review that will lead to the installation of fully functional traffic signals at these dangerous intersections. There's no reason for delay.

NORTHERN ECONOMY

Mr Jerry J. Ouellette (Oshawa): The air is crisp and Santa's sleigh is soon to be lifting off, but you know, in life there's no such thing as a 10. There are not the perfect parents, although we try; there's not the perfect child, and sometimes they are very trying; there's not the perfect spouse or the perfect employer or the perfect employee, but maybe some are just closer to a 10 than others. The reality is that people are just doing the best they can, and the province is getting better.

Canada's jobless rate plunged to an 18-year low in November. The growing Canadian economy created 89,000 full-time jobs last month, dropping the national employment rate down to 6.9%. However, in northeastern Ontario the unemployment rate continues to tumble. The North Bay and area labour market bulletin states that the unemployment rate in the region is 7.1%.

Last year at this time the northeastern unemployment rate was 10.4%. In northern Ontario, employment opportunities have improved with the creation of nearly 14,000 jobs in the first half of 1999. Over 2,200 jobs were created for engineers, scientists, computer programmers and technicians in northern industry.

Remember, there's no such thing as a 10, or in this case a zero, but we all are trying to do the best we can.

In closing, I'd just like to say merry Christmas to all and the best of the new millennium.

1340

HEALTH CARE FUNDING

Mrs Lyn McLeod (Thunder Bay-Atikokan): Two of the most critical health care issues this fall have been the closure of emergency rooms and the shortage of physicians. The Harris government has refused to take absolutely essential action on either issue.

Yesterday's emergency room announcement was a repackaging of what didn't work last spring. The government still refuses to reopen the acute care beds it has closed.

But when it comes to the shortage of physicians, there has been no action at all.

Last summer, with 87 communities designated as underserved for family doctors, the minister promised to act. She appointed a fact-finder, Dr McKendry, who was to report by the end of September. It is now the end of December and still no report, at least no report released. The minister promised that when the report was released she would set up an expert panel to make recommendations to deal with the shortage. No report, no expert panel, no solutions, no action.

We said that the Harris government was stalling for time last summer, but we had no idea they would still be totally silent five months later. In the meantime, there are now 99 communities underserved for family doctors and 25% of the people in this province have no family doctor.

There is real urgency here. There should be an immediate commitment to increase medical school spaces this fall. There should be an immediate expansion of the number of residency spaces for foreign-trained physicians.

It is past time. It is time for this government to release the McKendry report and get on with what so obviously must be done to deal with the shortage of physicians.

MINE RESCUE WORKERS

Ms Shelley Martel (Nickel Belt): For almost 50 years Ontario mine rescue personnel have played a vital role in mine safety in Ontario.

These individuals are on call 24 hours daily to rescue miners who are trapped or injured and to extinguish fires in mining operations both on the surface and underground. Mine rescue personnel are trained in the use of specialized equipment, especially that which allows them to work in confined spaces underground. They receive ongoing training in first aid, fire suppression and other life-saving skills, and they must complete mandatory hours of service annually in order to remain certified. The Ontario mine rescue organization is recognized nationally and internationally for its high standards, its expertise and its success in responding to mine disasters and emergency situations.

It is time to publicly recognize the commitment, courage and dedication of Ontario's mine rescue staff. In that regard, I will be introducing a private member's bill to recognize the long service of these individuals. Specifically, those achieving 20 or more years of service will receive a long-standing service award to acknowledge their enormous contribution in the protection and rescue of miners in Ontario. The award would be presented by the province's senior mine rescue officer at the annual Ontario Mine Rescue Competition, which incidentally will be held in Sudbury in June 2000.

I trust all members will support the establishment of a long-service award for Ontario mine rescue personnel, to acknowledge and commend these individuals for their outstanding public service.

HEALTH CARE FUNDING

Mrs Brenda Elliott (Guelph-Wellington): Last Thursday I had the privilege of attending the tender-signing ceremony at St Joseph's Hospital and Home in my riding of Guelph-Wellington.

This \$21.7-million project is part of a total \$69-million commitment from the Mike Harris government and has been a long time in coming. The former Liberal government promised to address the health care needs of Guelph. They even held a groundbreaking. Caucus infighting ensued and nothing happened. The NDP had five years to build hospitals in my riding and again did nothing. I'm proud to say that after all those empty promises, it's our government that has come through with real dollars for a real hospital.

The St Joseph's 225-bed, long-term-care facility is scheduled for completion by the fall of 2001 and complements the General acute care, which construction is now underway.

We understood in our community that restructuring had to come from within. Thanks go to Sister Margaret Myatt, Rita Soluk, board chair Agnes Gelb and former board chair Simon Liebowitz, who have worked so co-operatively to bring this to fruition. Everyone at St Joe's is very excited about their new facility and about this increased opportunity to provide better health care for our constituents in Guelph-Wellington.

By building this long-awaited long-term-care facility and acute care hospital, our government has once again shown that the Mike Harris government keeps its promises and that we are investing heavily in high-quality health care for Ontario.

CHILDREN'S HOSPITAL
OF WESTERN ONTARIO

Mrs Sandra Pupatello (Windsor West): I'd like to address today an issue that is happening at the children's hospital in London. I'd particularly like the members for London-Fanshawe, London North Centre and London West to take note. I'll be spending some time during our intersession in the London area, and I expect the members from that area to take note and get to work first.

Dr Tim Frewen, the chief of that hospital, was very specific when he said that in March last year the Minister of Health made an announcement about what they were going to do as a government to help these children's services in this hospital, particularly the need for paediatric neurosurgeons, but the resources have not followed the announcement. So just be on notice. Our Liberal Party will be at work in the London area and I expect the local MPPs to take note and get to work first. Call Dr Tim Frewen. His number is 685-8500. Call him today. He has spoken to you through the newspapers, which is most unfortunate, that a local doctor needs to take this kind of means to call the government to account on promises it made well before the last election.

What we have now is a hospital that serves a catchment basin from Owen Sound through to Windsor, so hundreds and hundreds of children are served by this hospital in London which is now dealing with a significant shortage of specialists to deal with very serious problems. As Dr Frewen says, "The time is now to act on behalf of our children."

ONTARIO ECONOMY

Mr Doug Galt (Northumberland): Every Tory in On-Tory-o likes Christmas a lot, but the Grinches who live on the other side of this House do not. The Grinches don't like Christmas. No one quite knows why. It could be that their heads are not screwed on just right or maybe their shoes are too tight. I think the reason the Grinches don't like Christmas is because in On-Tory-o all the stores and shopping malls are full. They're filled with happy people spending their hard-earned money on gifts and spending less on taxes. The Grinches shiver when they see this. They love high taxes. They don't like tax cuts at all. They stare down from their dark, dreary caves with sour Grinchy frowns and think of ways to make lives miserable for all the happy Tories.

The Grinches don't want to see the boys and girls receiving gifts. Why, yes, the Grinches can't stand gift-giving, because they think they could spend our money better. They just take the gifts away from the young girls and boys, and this is such an awful thing to do. Shame on them.

Even though the Grinches have been naughty and selfish, they'll get a tax cut too instead of a piece of coal. But even if that doesn't make them happy, we can rest assured that many people are appreciative of the political stability, financial security and justice that Ontario provides.

INTRODUCTION OF BILLS

PUBLIC TRANSPORTATION
AND HIGHWAY IMPROVEMENT
AMENDMENT ACT
(PARTISAN SIGNS), 1999LOI DE 1999 MODIFIANT LA LOI
SUR L'AMÉNAGEMENT
DES VOIES PUBLIQUESET DES TRANSPORTS EN COMMUN
(PANNEAUX À CARACTÈRE POLITIQUE)

Mr Gravelle moved first reading of the following bill:
Bill 44, An Act to amend the Public Transportation and Highway Improvement Act to prohibit partisan highway signs / Projet de loi 44, Loi modifiant la Loi sur l'aménagement des voies publiques et des transports en commun de façon à interdire les panneaux routiers à caractère politique.

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

The member, for a short explanation.

Mr Michael Gravelle (Thunder Bay-Superior North): We on this side of the House have been concerned for some time about this government's willingness to use public money to buy advertisements that are essentially partisan in nature. My leader, Dalton McGuinty, introduced Bill 17 earlier this session to deal with partisan government advertising on radio, TV or in print. What my bill does is ban the signs that are appearing with more and more frequency on provincial highways, advertising "Your Ontario Tax Dollars at Work," signed Premier Mike Harris.

My bill will prohibit the Minister of Transportation from issuing to the crown a permit to display a sign, notice or advertising device near provincial highways if it contains the name or image of a member of the executive council or a member of the Legislative Assembly or a partisan message.

I'd like to seek unanimous consent to receive second reading on this bill today.

The Speaker: The member has asked for unanimous consent. Is there unanimous consent? I heard a no.

1350

TORONTO WATERFRONT
FAIR HOUSING ACT, 1999
LOI DE 1999 SUR L'ÉQUITÉ
EN MATIÈRE DE LOGEMENT
DANS LE SECTEUR RIVERAIN
DE TORONTO

Mr Hampton moved first reading of the following bill:

Bill 45, An Act to provide for affordable housing on the Toronto waterfront and on the site of the XXIX Summer Olympics / Projet de loi 45, Loi assurant la création de logements à prix abordable dans le secteur riverain de Toronto et sur l'emplacement des XXIX^e Jeux olympiques d'été.

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

The member, for a short explanation.

Mr Howard Hampton (Kenora-Rainy River): The bill requires every Olympic Games residence to be converted to non-profit housing after the games end, if the International Olympic Committee decides to hold the Olympic Games in the city of Toronto.

The bill requires at least 25% of the housing built on the Toronto waterfront after the bill comes into force to be affordable housing.

The bill requires the Minister of Finance to consider funding the construction of non-profit housing near the Toronto waterfront in an amount equal to the price of any crown land on the waterfront sold to a person who is not a public authority. No order of the Minister of Municipal Affairs and Housing made under the Planning Act applies to the Toronto waterfront unless the order is

approved by a bylaw made by the council of the city of Toronto.

FAIRNESS FOR TAXPAYERS BILL,
THE MORE DAYS IN THE HOUSE
FOR THE PREMIER AND FEWER
CHEAP PHOTO OPS ACT

Mr Phillips moved first reading of the following bill:

The fairness for taxpayers bill, the more days in the House for the Premier and fewer cheap photo ops act.

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

Interjections.

The Speaker: I didn't hear a no.

The member, for a short explanation.

Mr Gerry Phillips (Scarborough-Agincourt): Thank you, Speaker.

Mr John O'Toole (Durham): On a point of order, Mr Speaker: I can assure you that I did say—

Interjections.

The Speaker: Order. I listened carefully. I did not hear a no on that one, and I was listening carefully. I did not hear a no, and I'm not trying to play the games. I did not hear a no.

Same point of order?

Ms Marilyn Mushinski (Scarborough Centre): On the same point of order, Mr Speaker: I heard at least three noes from this side.

Interjections.

The Speaker: Order. I did not hear a no.

The member for a short explanation.

Mr Phillips: The act would require the Premier to attend question period more frequently—

Interjection.

The Speaker: I have ruled. I did not hear a no. Is it the same point of order?

Hon Al Palladini (Minister of Economic Development and Trade): On the same point of order, Mr Speaker: This is the first time in this Legislature that I have stood up on a point of order in the four and a half years I have been here, and I would appreciate it if you would hear it.

With all due respect, as usual, the members of the opposition make a lot of noise. I know my distinguished colleague next to me did say no. I will not lie in this Legislature.

The Speaker: I understand, but I did not hear a no, and I'm not kidding around with this. I did not hear a no.

The member, for a short explanation.

Mr Phillips: This bill would require the Premier to attend question period more frequently than has been the case over the past several years. Within 60 days of the act receiving royal assent, the Premier has to improve his question period attendance. The staff of the Premier must also prepare an annual report indicating a substantial reduction in cheap photo ops. Failure to comply would

result in a strongly worded letter from the Lieutenant Governor.

Hon Cameron Jackson (Minister of Tourism): On a point of order, Mr Speaker: It is very clear, from a previous Speaker's ruling, that no bill can within its content raise in question the attendance in this House of any member. The regulations are very clear, and I would ask you to rule that the bill be out of order.

The Speaker: I haven't had a chance to look at the bill and read the bill, so I have no way of knowing. I will look at it at that time.

MINE RESCUE PERSONNEL
LONG SERVICE AWARDS ACT, 1999
LOI DE 1999 SUR LES RÉCOMPENSES
POUR LONGS ÉTATS DE SERVICE
DÉCERNÉES AU PERSONNEL
DE SAUVETAGE DANS LES MINES

Ms Martel moved first reading of the following bill:

Bill 47, An Act to provide for the recognition of the long service of mine rescue personnel / Projet de loi 47, Loi prévoyant la reconnaissance des longs états de service du personnel de sauvetage dans les mines.

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

The member, for a short explanation.

Ms Shelley Martel (Nickel Belt): The members of the Ontario mine rescue staff respond when a miner is trapped or injured or if a fire breaks out in a mine underground or on the surface. These highly trained expert personnel play a vital role in maintaining the safety of Ontario mines and miners. It's important to recognize the many years of service given by the members of the Ontario mine rescue organization. To that end, the bill authorizes a person specified as the awards officer to issue long-service awards to persons involved in the provision of mine service rescue.

SUPPLY ACT, 1999
LOI DE CRÉDITS DE 1999

Mr Sterling, on behalf of Mr Eves, moved first reading of the following bill:

Bill 48, An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending on March 31, 2000 / Projet de loi 48, Loi autorisant le paiement de certaines sommes destinées à la fonction publique pour l'exercice se terminant le 31 mars 2000.

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

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1357 to 1402.

The Speaker: Mr Sterling has moved first reading of An Act to authorize the payment of certain amounts for the Public Service for the fiscal year ending March 31, 2000.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

Ayes

Annett, Ted	Hodgson, Chris	Runciman, Robert W.
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Jackson, Cameron	Skarica, Toni
Beaubien, Marcel	Johns, Helen	Snobelen, John
Chudleigh, Ted	Johnson, Bert	Spina, Joseph
Clark, Brad	Kells, Morley	Sterling, Norman W.
Clement, Tony	Klees, Frank	Stewart, R. Gary
Coburn, Brian	Marland, Margaret	Stockwell, Chris
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
DeFaria, Carl	Maves, Bart	Tilson, David
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	Molinari, Tina R.	Turnbull, David
Elliott, Brenda	Munro, Julia	Wettlaufer, Wayne
Flaherty, Jim	Murdoch, Bill	Wilson, Jim
Galt, Doug	Mushinski, Marilyn	Witmer, Elizabeth
Gill, Raminder	Newman, Dan	Wood, Bob
Guzzo, Garry J.	O'Toole, John	Young, David
Hardeman, Ernie	Ouellette, Jerry J.	
Harris, Michael D.	Palladini, Al	

The Speaker: All those opposed to the motion will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Curling, Alvin	McGuinty, Dalton
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Patten, Richard
Bradley, James J.	Gerretsen, John	Peters, Steve
Brown, Michael A.	Gravelle, Michael	Phillips, Gerry
Caplan, David	Hoy, Pat	Pupatello, Sandra
Cleary, John C.	Kwintar, Monte	Sergio, Mario
Colle, Mike	Lalonde, Jean-Marc	Smitherman, George
Conway, Sean G.	Levac, David	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 55; the nays are 29.

The Speaker: I declare the motion carried.

MOTIONS

HOUSE SITTINGS

Hon Norman W. Sterling (Minister of Inter-governmental Affairs, Government House Leader): I move that pursuant to standing order 9(c)(ii), the House shall meet from 6:45 pm to midnight on Tuesday, December 21, 1999, for the purpose of considering government business.

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

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

FEDERAL TAXATION

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): Mr Speaker, I seek unanimous consent to move a motion calling on the federal government to reverse its decision to increase job-killing payroll taxes planned for January 1, 2000, and to instead reduce EI premiums in order to put money back into the hands of hard-working Ontarians and that the question on the motion be put immediately.

The Speaker (Hon Gary Carr): Is there unanimous consent? I heard some noes.

Clark, Brad	Klees, Frank	Sergio, Mario
Cleary, John C.	Kormos, Peter	Skarica, Toni
Clement, Tony	Kwinter, Monte	Smitherman, George
Coburn, Brian	Lalonde, Jean-Marc	Snobelen, John
Colle, Mike	Lankin, Frances	Spina, Joseph
Conway, Sean G.	Levac, David	Sterling, Norman W.
Cunningham, Dianne	Marchese, Rosario	Stewart, R. Gary
Curling, Alvin	Marland, Margaret	Stockwell, Chris
DeFaria, Carl	Martel, Shelley	Tascona, Joseph N.
Di Cocco, Caroline	Martiniuk, Gerry	Tilson, David
Dombrowsky, Leona	Maves, Bart	Tsubouchi, David H.
Duncan, Dwight	Mazzilli, Frank	Turnbull, David
Dunlop, Garfield	McGuinty, Dalton	Wettlaufer, Wayne
Ecker, Janet	McLeod, Lyn	Wilson, Jim
Elliott, Brenda	Molinari, Tina R.	Witmer, Elizabeth
Flaherty, Jim	Munro, Julia	Wood, Bob
Galt, Doug	Murdoch, Bill	Young, David

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Ms Marilyn Churley (Broadview-Greenwood): I would like to ask for unanimous consent to debate my resolution that the Legislature order the general government committee to reconvene to reconsider the appointment of the Environmental Commissioner and that the question on this motion be put now.

The Speaker (Hon Gary Carr): Unanimous consent? I heard a no.

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 93; the nays are 0.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading? Agreed?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

DEFERRED VOTES

UNIVERSITY OF OTTAWA
HEART INSTITUTE ACT, 1999LOI DE 1999 SUR
L'INSTITUT DE CARDIOLOGIE
DE L'UNIVERSITÉ D'OTTAWA

Deferred vote on the motion for second reading of Bill 39, An Act respecting the University of Ottawa Heart Institute / Projet de loi 39, Loi concernant l'Institut de cardiologie de l'Université d'Ottawa.

The Speaker (Hon Gary Carr): Call in the members. This will be a five-minute bell.

The division bells rang from 1409 to 1414.

The Speaker: Mr Newman has moved second reading of Bill 39. All those in favour will please rise one at a time and be recognized by the Clerk.

MEMBER'S PRIVILEGE

Ms Marilyn Churley (Broadview-Greenwood): Mr Speaker, I rise on a point of privilege and, as required under standing order 21(c), have given you the appropriate notice.

Yesterday I rose on a point of order and directed your attention to a letter from the member for Halton North to the three House leaders. Later you agreed with me that this matter is better as a point of privilege, and it is with that advice that I rise today.

For your consideration, I have attached a copy of the letter from the member for Halton North to my notice of this point of privilege.

At the outset I want to point out why this letter is a matter for you to deal with in this House. According to Maingot in Parliamentary Privilege in Canada, "If one member speaking outside the House reflects improperly on the conduct of another member's parliamentary activities and the matter is raised as a matter of privilege in the House, the Speaker certainly has jurisdiction to examine those same words and determine if there is a prima facie case of privilege or contempt of the House."

Mr Speaker, this letter attacks my integrity as a member of this Legislature and it makes allegations concerning my conduct and my character. Allow me to briefly outline why this is the case.

The letter states that the concern surrounding the appointment of the Environmental Commissioner, a friend of the Premier's, has been created from, and I quote from the letter, the "unprecedented and utterly inappropriate disclosure of information (much of it inaccurate) regarding the committee's review process by one of the committee members, Marilyn Churley."

It goes on to outline how I voted, who my preferred candidate was, and even how other members of the committee voted. It states, and I quote again from the

Ayes

Agostino, Dominic	Gerretsen, John	Mushinski, Marilyn
Arnott, Ted	Gill, Raminder	Newman, Dan
Baird, John R.	Gravelle, Michael	O'Toole, John
Barrett, Toby	Guzzo, Garry J.	Ouellette, Jerry J.
Bartolucci, Rick	Hampton, Howard	Palladini, Al
Beaubien, Marcel	Hardeman, Ernie	Parsons, Ernie
Bountrogianni, Marie	Harris, Michael D.	Patten, Richard
Boyer, Claudette	Hodgson, Chris	Peters, Steve
Bradley, James J.	Hoy, Pat	Phillips, Gerry
Brown, Michael A.	Hudak, Tim	Pupatello, Sandra
Caplan, David	Jackson, Cameron	Ramsay, David
Christopherson, David	Johns, Helen	Runciman, Robert W.
Chudleigh, Ted	Johnson, Bert	Ruprecht, Tony
Churley, Marilyn	Kells, Morley	Sampson, Rob

letter, "Mr Miller received very high or the highest rankings...from every MPP, regardless of political stripe (with the exception of Ms Churley), up to the final selection process."

The member from Halton North actually reveals how various members of the committee voted, while attacking my character.

1420

Finally, I would suggest that the tone of the letter is intimidating and threatening. The member for Halton North writes that he hopes that the three House leaders will "extract from Ms Churley the apology that Mr Miller deserves." I find the use of the word "extract" offensive and suggesting intimidation. The Oxford dictionary defines the word "extract" as "remove or take out especially by effort or force."

Again, according to Maingot:

"Members are entitled to go about their parliamentary business undisturbed. The assaulting, menacing or insulting a member on the floor of the House or when he is coming or going to or from the House, or on account of his behaviour during a proceeding in Parliament is a violation of the rights of Parliament. Any form of intimidation of a person for or on account of his behaviour during a proceeding in Parliament would amount to contempt."

Mr Speaker, I could also spend some time here today outlining the inaccuracies with the letter, like the fact that the government House leader had originally offered to have a fair, non-partisan process by having one member per party on the committee, but that was later withdrawn by the government for a government majority. But I will not take the time now to get into that.

In closing, Mr Speaker, I am asking you to rule on this, and in doing so, should you find that I have a question of privilege, I am prepared to move the necessary motion to refer the matter to the standing committee on the Legislative Assembly. Thank you for this opportunity, Mr Speaker.

The Speaker (Hon Gary Carr): I want to thank the member for giving me advance notice.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I find it a bit ironic that the member opposite who is raising this point of privilege was the first member to divulge the committee's business, which was highly confidential. She was the one who brought forward the names of various candidates and made them public before the committee reported to the House. She not only made it public by talking about it, but she held a press conference to break this particular news. We find this absolutely without ground with regard to her raising this point of privilege. Talk about the pot calling the kettle black.

Yesterday also in this House the same member impugned one of the candidates by calling that candidate a lapdog. She also impugned all of the members of the committee of the Legislature who had participated in this process by slandering them with regard to their choice in this whole process.

I don't find this funny, as she does. This is a serious process. This has been a public process, more public than the previous process under the NDP government of 1994, and we are proud of the work the committee did in this regard.

Interjections.

The Speaker: Order. The member come to order, please. Order, everybody. We're coming to the end of the session; there's no need for tempers to get riled. I thank the member for giving me advance notice. I will reserve judgment on that.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Speaker: On another question, later today, in an attempt to get the Premier's friend appointed Environmental Commissioner, the government has indicated to the official opposition that we will be debating government motion number 30 in the afternoon session with respect to that appointment. A number of procedural questions, I believe, are going to require your ruling.

First of all, is it appropriate that this motion could be heard twice in one calendar day? It's the view of the official opposition that this motion is a substantive motion and it ought to be treated the way a bill is and therefore we cannot hear it both in the afternoon and in the evening session.

We don't know yet whether the government will call it in the evening session, but it has been indicated to us by the government House leader's office that in fact that is a possibility. That is the first point of order: Will we be able to debate this motion twice in one calendar day?

The second one is problematic as well and will require your ruling, and we hope that you would be available, if not to rule on it now, then today. The government will have to bring a motion of closure in order to deal with this today if that is the government's direction. It would be the opinion of the official opposition that a motion to force closure today would be premature, and not enough time would have been spent by this Legislature in debating the appointment of the commissioner.

It is also the view of the official opposition that the time spent in committee ought not to be considered as part of that time to consider the appointment.

Sir, you will be called at some point today to make these rulings. I wanted to give you that notification now in order that the Premier's friend not be jammed through as Environmental Commissioner.

The Speaker: I thank the member for letting me know. As you know, depending on what the government calls, I can't rule on something until it does happen, but I assure the members that I will be here for the amount of time it takes, all day and all evening. As long as you're here, I'm here to hear those point of order. I thank you for the advance notice.

Mr James J. Bradley (St Catharines): I would just ask unanimous consent of the House to pass second and third reading of Bill 16, my bill on gasoline prices.

The Speaker: Is there unanimous consent? I heard a no.

ORAL QUESTIONS

NATIONAL UNITY

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. I think I should begin by marking this momentous and extraordinary occasion by welcoming the Premier to the Ontario Legislature. Welcome.

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): The member failed to follow your instructions, Mr Speaker, and I would ask you to advise.

The Speaker (Hon Gary Carr): It was borderline. He was welcoming him, but I asked all members, and you know I've said this before: We cannot talk about when members are here. There have been occasions when some members have been here. I've also watched on occasion when government members have been here, and it could have referred to opposition.

Mrs Sandra Pupatello (Windsor West): It's a good thing there's a nameplate on the desk.

The Speaker: The member for Windsor West come to order, please. I would ask all members not to try and be cute with borderline remarks and not refer to when members are there.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker: I'm sure you would want to know that the former member for Cochrane North, Len Wood, is visiting here today. Would you like to give him a welcome?

The Speaker: Welcome, the former member.

Mr McGuinty: Premier, I have a question for you regarding your absence in the national debate on the Prime Minister's clarity bill. You will know that this bill sets out the rules that Quebec separatists are going to have to follow, should they decide to break away from Canada. In keeping with the Supreme Court of Canada's ruling, the legislation calls for a clear majority on a clear question.

Thoughtful Canadian leaders from coast to coast have offered their opinion or commentary on this bill. All you have offered thus far is a deafening silence. Premier, on behalf of Ontario's 11 million citizens, can you tell us what the position of the government of Ontario is on the Prime Minister's clarity bill?

Hon Michael D. Harris (Premier): I am surprised that, given the flip-flops and lack of interest in job creation in the business of this Legislature, now you also want to use this Legislature to debate federal legislation. I've indicated that it's entirely appropriate for the Prime Minister in the federal Parliament to respond to the court ruling with the piece of legislation. I've indicated that is their domain. As you know, just like the mayor of the city or of the province of Toronto, whichever it is from time to time, we're good friends and we support one another, just as I support the Prime Minister.

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Mr McGuinty: This surely is eminently newsworthy. The Premier has nothing to say about a federal initiative. He has never shown any reluctance, any hesitation whatsoever in the past either to pass judgment or to offer criticism when it comes to the federal government. But suddenly he is absolutely silent. He is terrified of this issue.

Premier, you and your predecessors have been commissioned by history to play a leadership role when it comes to the continuing evolution of our country. You have a responsibility to stand up for Ontario and to stand up for Canada. You cannot shrink from this issue. Leadership is not an option here. Where do you stand when it comes to the new rules being put forward by the Prime Minister of Canada?

Hon Mr Harris: I think I've made it very clear where I stand, and our leadership in national unity is one of making this province and this country so prosperous—

Interjections.

The Speaker: Order. The member for Windsor-St Clair come to order. I cannot hear the Premier's answer. I need to hear the answers of members and I will not put up with shouting across at each other, and that goes for both sides.

Hon Mr Harris: I think the members opposite will know—

Interjection.

The Speaker: Premier, sit down. This is the member's last warning. The member for Windsor-St Clair, his last warning. Two seconds after I sit down, I do not appreciate it when you yell across. The last warning for the member for Windsor-St Clair.

Hon Mr Harris: I think the members opposite from all parties know, and the public of Ontario knows very well, the leadership role Ontario has played under previous premiers. When there have been constitutional challenges, they've been able to do so, I might add—premiers Robarts and Davis, premiers Rae and Peterson—by maintaining a positive dialogue with all premiers in the country and the Prime Minister by sticking within their jurisdiction.

We, though, have taken an additional role, as you know, the leadership role in the Calgary declaration. That, combined with making this country the most dynamic, economically desirable country in the world in which to live, I would suggest is a contributing factor for separatism anywhere in the country being at an all-time low.

Mr McGuinty: Premier, if you think there is some kind of economic lever that you or anybody else might pull that's going to induce Lucien Bouchard into embracing Canada, you've got another think coming.

You are no longer, sir, a school board trustee. You are no longer a backbencher. You are now the Premier of Ontario. That is an important job. One of the important responsibilities that comes with that is to understand Ontario's place in Confederation, to understand Ontario's

place when it comes to lending continuing shape to the country of Canada.

You are missing in action on this issue and you have a responsibility on behalf of all Ontarians to step up to the plate and speak up for Canada. You have failed to do so, so far. The government of Canada has put forward a proposal that's going to affect our relationship with this country and our largest trading partner, the province of Quebec. Where do you stand on this issue?

Hon Mr Harris: I think it's been eminently clear that since our election and our leadership by the members on this side of the House, the unity of Canada has never been in a stronger position. Those seeking to destroy this country, to separate this country, have in fact been very supportive of the agenda put forward by the province of Ontario. They were supportive of the leadership we took in the Calgary declaration. They are supportive of the positions we have taken to make this country the most desirable in the world in which to live.

I might add that our position on the specific motion you mentioned is one that is 100% supported by the Leader of the Opposition in Quebec, the honourable Jean Charest, with whom we consult on a regular basis. Had you taken the opportunity to consult with other leaders across the country, you would know that your positions are generally out to lunch and divisive.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Mr Dalton McGuinty (Leader of the Opposition): I have another question, also for the Premier. Later today your government is going to bring forward a motion to hire a man named Gord Miller to be Ontario's new Environmental Commissioner. I want to read to you from the job description of the Environmental Commissioner. It says: "The Environmental Commissioner of Ontario is an independent officer of the Legislative Assembly. The Environmental Commissioner reports to the Legislative Assembly, not to a political party or to a ministry."

Certainly one of the most important qualifications of any candidate for this job, Premier, has to be their independence from government and from partisan politics. Before the Legislature debates your government's motion this afternoon, can you explain to us how it is that your personal friend, your federal riding president and a two-time Tory candidate can possibly be considered either independent or non-partisan?

Hon Michael D. Harris (Premier): Let me say that I have been in this Legislature now for over 18 years and I have seen very partisan members of this Legislature, some who had campaigned on many occasions, some on three occasions, members of the New Democratic Party and of the Liberal Party, who had been very partisan and campaigned and then sought election to a non-partisan role, that of being Speaker of the Legislature. I have found the people we have elected very capable, should they have the expertise required to do that.

I say to you that the member you have brought forward has been proven to be eminently qualified in the area of the environment. I think that has been paramount to him in his application for this position. I have found nobody in the whole province who does not think he is eminently qualified for this position.

Mr McGuinty: It's always fun watching the Premier defend the indefensible. Premier, this man's credentials are absolutely impeccable when it comes to his blue-blooded Tory lineage. That's where his credentials happen to be impeccable. I know you are deeply embarrassed when it comes to your government's environmental record. You have taken us from first place in North America to the point where we now hold the dubious distinction of occupying the second-worst position in North America.

I know you hate the Environmental Commissioner's report as much as Bob Rae hated the provincial credit rating he received, which by the way you have done no better on. But your embarrassment doesn't give you the right to appoint the equivalent of Sergeant Schulz to the position of Environmental Commissioner. Premier, why don't you understand that Ontarians don't want someone who'll say yes to you; they want someone who'll say yes to the environment?

Hon Mr Harris: I'm sorry, I don't know if that reference means you believe he was a member of the Nazi Party. I'm not quite sure what you're putting forward in the Legislature here. I can tell you this, that your tone, your rhetoric, your allegations are inappropriate, unbecoming of a member of this Legislature, let alone a leader of Her Majesty's loyal opposition.

Mr McGuinty: I, Premier, am going to take lessons from you about arrogance? Give me a break. They're entering you in the Guinness—

Interjections.

The Speaker (Hon Gary Carr): Order. Member take his seat. Come to order. Minister of Education, come to order. Member for Beaches-East York, come to order, please. Thank you. Leader of the official opposition.

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Mr McGuinty: Premier, we feel there are some things, just a few things, that should require all-party support, and one of those things happens to be the appointment of our environmental watchdog, somebody who will be absolutely scrupulous, who will operate at arm's length and who will without hesitation at any time criticize the government for failing to respect environmental laws, for failing to uphold the environment in Ontario. That's what I happen to believe when it comes to the appointment of the Environmental Commissioner.

My question for you, Premier, is why is it that you stand in support of a man who has impeccable blue-blooded Tory lineage when it comes to an important decision on which your government has failed so miserably for so long?

Interjections.

The Speaker: Premier take his seat. Come to order.

Hon Mr Harris: First of all, I want to say that I agree entirely with the member that nobody can teach you anything new about arrogance, and I accept that. I think you have clearly demonstrated that in taking your party to the depths of gutter politics, unlike we've ever seen in this Legislature.

Second, with reference to the member, I am shocked you would think that somebody of blue-blooded Tory lineage would not be absolutely the best person to protect the environment in this province. For you to imply otherwise is to say that if you live in North Bay—of which more than half the people continually vote for Mike Harris and support Mike Harris, happy to shake his hand—then you're not eligible for a job in the province; that if you vote Tory or if you are a Tory, somehow or other you're not eligible—

Interjections.

The Speaker: Order. Member for Windsor West, come to order.

New question, the leader of the third party.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. I want to read for you a quotation from the Environmental Commissioner's background paper, which states: "Independence is a vital feature of the Environmental Commissioner's effectiveness. ... In particular, the position is independent from the party in power."

Gord Miller ran as a Conservative candidate in 1995 on the Common Sense Revolution, which didn't even mention the word "environment." In 1997 he was the Conservative candidate in your own riding, and until four days ago he was the president of the Conservative riding association in your own riding.

Interjections.

The Speaker: Minister of Transportation, come to order. Member for Windsor West.

The leader of the third party.

Mr Hampton: I want to quote for the Premier again: "In particular, the position is independent from the party in power." This gentleman doesn't just hold a Conservative card; until four days ago he was running the Conservative party in your home town. How can that individual be independent from you, the party in power?

Hon Mr Harris: This is the same method that was used to select the first Environmental Commissioner. All applicants applied on the basis of their qualifications. Nobody put forward the individual's name from my office, from my caucus, from the PC Party, and the human resources department deemed him eminently qualified, as did the committee. I would say he will be certainly truly independent, just as David Cooke is at the EIC and Floyd Laughren at the OEB.

Mr Hampton: Premier, the problem you have is that the Environmental Commissioner's job is quite a different job. The Environmental Commissioner's job is to hold you accountable, to hold your government accountable for the environmental mistakes it makes.

Interjections.

The Speaker: Member, take his seat. Come to order. Government benches, please come to order so I can hear the question.

Leader of the third party.

Mr Hampton: I know your members don't like these questions, but I want to quote for you section 7.2 of the Policies and Procedures Manual of the Environmental Commissioner of Ontario:

"The high conflict of interest threshold is more stringent for offices of the provincial Legislature, such as the Environmental Commissioner, which performs an independent review of the provincial government.

"ECO employees must not participate in activities that might identify them as members or supporters of a political party.

"The following are examples of prohibited political activities:" president of riding association.

Premier, if the employees of the commissioner can't have political affiliation, how can the commissioner himself be your good buddy and president of your riding association?

Hon Mr Harris: First of all, the applicant has never been president of my riding association, and obviously if he becomes the commissioner he will not be eligible to be president of any riding association, even yours.

But I might say that there is a party—probably the topmost non-partisan job is secretary of cabinet—which upon taking office took their campaign manager and stuck him in as secretary of cabinet of the civil service of this province. You, sir, are in no position, nor is your party in any position to lecture anybody about partisan appointments.

Mr Hampton: Premier, the problem you have is this: This job of Environmental Commissioner is supposed to be the critic of your government. The head of the public service is supposed to ensure that the public service works for your government. That's the problem you've got.

Until four days ago he was the president of the Conservative federal riding association in your hometown. He didn't appreciate the conflict of interest until my colleague Marilyn Churley pointed it out to him. He didn't resign until it was pointed out to him that it was a conflict. It's impossible for Gord Miller to be seen by the public as independent of you or your government.

Premier, will you urge the committee to go back and find an Environmental Commissioner who isn't the president of your riding association, who hasn't been your federal candidate, who hasn't been a provincial candidate and who wasn't tied to you until four days ago? Will you do that?

Hon Mr Harris: Let me just repeat for the record that Mr Miller has never been president of my riding association and I don't know why the member keeps bringing that up when he knows it's blatantly untrue. He has been president of another riding association of which from time to time I have been a member as well. Nonetheless, we're talking about the future. Certainly the human resources department and all of those involved in the

environment have said that this is a gentleman who is eminently qualified.

Listen, we are a party which, even when they are still active members of the party, does encourage dissent. We have many members who don't hesitate to criticize their own government. The members for Wentworth-Burlington and Stoney Creek are good examples of that, something we encourage in our party. Your two parties have whipped this co-operation and forced votes out of your parties. Ours is a party that has never done that. In fact, we encourage this kind of debate.

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EMERGENCY SERVICES

Ms Frances Lankin (Beaches-East York): My question is to the Minister of Health. Yesterday you made an announcement to temporarily ease the emergency room situation in Toronto. After weeks of you and the Premier denying the existence of a crisis, it was a relief to see that you're finally admitting you have botched health restructuring.

In response to your announcement, however, Frank Bagatto, CEO of Hotel Dieu Hospital in Windsor, had this to say: "Once again, if you have a crisis in Toronto, it's resolved. If there's a crisis outside of Toronto, it's not resolved. The gap is widening."

You see, Minister, his hospital can't just put patients on redirect who can't come into the emergency room, because they don't have enough money to treat them there. You closed two of the four ERs before you put the community investment and capital investment in place. You forced that hospital to go \$8 million in debt in order to meet community needs and to deal with the additional emergency patients.

You like to talk about past governments and past headlines. Look at the headlines from the last month around emergency rooms that are about to explode like powder kegs in Niagara, Halton, Oakville, Kingston, Kitchener-Waterloo, Sault Ste Marie, Hamilton.

Minister, you've given a temporary fix to Toronto but you've done nothing in that announcement to address the emergency room problem that is exploding all around the province. What are you going to do for critically ill patients who need emergency services outside of Toronto?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the member knows, we have certainly expressed our concern about the emergency room pressures on an ongoing basis. We've set up the task force and we already have put forward \$225 million to ensure that those pressures can be met across the province. We also released a further \$90 million to help with pressures across the province, and prior to the announcement yesterday we further made available \$97 million to fast-track the construction of approximately 56 emergency rooms across the province.

The member knows that we continue to take steps forward in order to ensure that the pressures throughout Ontario are met. The member also knows that this is an

ongoing problem, not only for Ontario but certainly, as was pointed out to us yesterday by Dr McCutcheon, this is a problem in Ireland, it is a problem in all of North America and—

The Speaker (Hon Gary Carr): Order. I'm afraid the minister's time is up. Final supplementary.

Mr David Christopherson (Hamilton West): Minister, the fact that you've put a bit of a Band-Aid to the Toronto situation shows that you're dealing with PR but not adequately dealing with the ER crisis that exists, certainly in Hamilton. We've been raising with you for months now the implications of allowing, and the necessity of, the \$40-million shortfall in the Hamilton Health Sciences Corp budget. We have told you that our emergency rooms are bursting at the seams.

This morning in the Hamilton Spectator there was a front-page story about Mr Allan Boudreau who's now in a hallway as part of the new policy they've had to implement. He may indeed have liver cancer and yet he is stuck in a hallway, and you respond to our emergency room crisis by throwing a few bucks around in Toronto, recognizing that not even that's enough.

Tell us today what you're going to do to fix the mess that you have created in Hamilton, in Toronto and across the province, and tell us how you're going to stop having patients that possibly have cancer being stuck out in a hallway.

Hon Mrs Witmer: The member from the third party knows that they were the ones who didn't deal with this issue of emergency room pressures. In fact, they were the party that did not construct one single long-term-care bed. We went through 10 years of no long-term-care beds in this province. You were also the party of social contract who reduced hospital funding throughout Ontario. We are the party that has put forward \$90 million in order to deal with the transitional issues related to emergency rooms, and yesterday we put further steps in place. We have identified and are responding to the pressures in all parts of the province.

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I just wanted to say that a testament, I guess, to our whip's ability is sitting in the west gallery of the government's gallery, Mr Ron Johnson, the previous member for Brantford.

The Speaker: I thank the member. Just so they know, so we don't do it during question period, I had it to do after question period so we don't take time.

Hon David Turnbull (Minister of Transportation): On a point of order, Mr Speaker: I think that there's a mistake been made because I was always looking for Mr Johnson and don't know if that's him.

HEALTH CARE

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Premier. I want to relate to you the story about an Ottawa woman. Her name is Lorraine Raymond. She's 63 years of age. She's worked hard all of her life outside the home in addition to raising a

family. What happened to her should not happen to any Ontarian. She was diagnosed in September with breast cancer. They told her that it was very serious and that it was absolutely essential that she have both breasts removed. She went for her surgery, which was scheduled for December 3 at the Ottawa Hospital, and when she got there she was told that there were no beds. The chief of staff for the Ottawa Hospital says, "In order to clear the emergency of patients, we moved them into surgery beds."

This woman was given two choices: Go home without the surgery and allow the cancer to grow inside her, or proceed with the surgery and go home without post-op care. Premier, what kind of choice is that to give a woman struggling with cancer?

Hon Michael D. Harris (Premier): The Minister of Health can respond.

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): As the Leader of the Opposition knows, decisions such as those that you're referring to are clinical decisions. They are decisions that are made by medical professionals, and for any medical procedure it is the performing surgeon who determines whether the procedure should be performed on an outpatient or an inpatient basis. Obviously, we need to make sure that these remain clinical decisions. They are best made by the medical professionals.

Mr McGuinty: I phoned Mrs Raymond this morning and I asked her why she decided to proceed with the surgery on that day, December 3, even though there was no bed available for her post-op. She said to me on the telephone earlier today, "When you have cancer growing inside you, you don't want it to grow any more, so you take what you can get."

Minister, I want you to take your nose out of your book. I want you to consider carefully what we're talking about here. We're talking about a 63-year-old woman, a mother who had worked hard all her life, played by all the rules, and when it came time for her to get some health care, some good quality health care, you weren't there for her. You let her down. Will you stand up, Minister, and apologize to this woman for letting her and her family down?

Hon Mrs Witmer: Again I would say to the Leader of the Opposition that these are clinical decisions and they are best left to the medical professionals who have the expertise and not the opposition parties.

CHILDREN'S SERVICES

Mr Carl DeFaria (Mississauga East): My question is for the minister responsible for children. Minister, it is your responsibility to review programs that may have an impact on Ontario's children. Can you please tell this House what legislation, programs or policies the government has initiated for children over the session of this Parliament?

Interjections.

The Speaker (Hon Gary Carr): Will the member take his seat. Sorry to interrupt. I will not continue as long as members are arguing the last question. There is a new question from a new member. I would appreciate it if all members would give him the courtesy of listening to the question. Now I believe it is the minister's response.

Hon Margaret Marland (Minister without Portfolio [Children]): I'd like to thank the member for Mississauga East for this important question. In fact there are a number of new initiatives that our government has done with new programs for children in this session of Parliament.

First of all, in October I announced five demonstration projects which are the beginning of perhaps what will be one of the most important things that any government has ever done in this province for any children. The future of the children in this province will now be enhanced by the fact that we are the government that is focusing on the early years. These demonstration projects will show us, through the task group that will oversee this program introduction, how to do early child development and parenting centres to the greatest benefit of these children.

We also have a number of enhancements. The Minister of Finance has increased the Ontario child care supplement for working families. That is now \$1,100 per—
1500

The Speaker: Order. I'm afraid the minister's time is up.

Mr DeFaria: I understand that as minister responsible for children, your mandate includes children from birth to 18 years of age. What I want to know is what initiatives our government has undertaken specifically for youth during this legislative session. Minister, tell us what you have done so far for the youth of Ontario.

Hon Mrs Marland: We have also reintroduced Christopher's Law. When Christopher's Law is passed in this House, Ontario will be committed to having Canada's first sex offender registry. This will ensure the safety of all people, including children of all ages.

Last week I announced \$11 million in new funding for children with special needs, \$7 million for respite care, and \$4 million for children's treatment centres. In November my colleagues the Minister of Education and the Minister of Training, Colleges and Universities launched the Passport to Prosperity campaign to encourage employers to hire high school students and provide them with workplace experience.

Finally, another program of the many is LEAP. Through Learning, Earning and Parenting, our government is helping teen parents on welfare to finish high school—

The Speaker: The minister's time is up.

PREMIER'S ATTENDANCE

Mr George Smitherman (Toronto Centre-Rosedale): My question is to the Premier, who was with us just briefly. I'm wondering if he might make his way

back. As a new member of the Legislature—I know that he'll be watching on TV—I am astonished by your disregard for this place. Like it or not, and you don't seem to, the Legislature—

The Speaker (Hon Gary Carr): Could you just wait for a quick moment until the Premier makes his way back.

The member may continue.

Mr Smitherman: Mr Premier, I was saying that I was astonished by your disregard for the Ontario Legislature. Like it or not, and you don't seem to, this Legislature is the only place in the province where the representatives of all Ontarians can debate the most important issues of the day. We in the opposition, by popular vote, represent a majority of Ontarians, and question period is the only opportunity we have had to hold you directly accountable for the decisions you make.

Premier, you have had 30 opportunities to attend question period since the election and, disgracefully, you have been here just eight times, including today.

Interjections.

The Speaker: The member take his seat.

I was listening carefully, and when I'm shouting at the government members, that's when you sometimes miss it. I caught it at the end. The member will know, and I will say it very clearly: I ask him to withdraw that. We are not going to be referring here—if the government members wouldn't yell, I would be able to hear him. I ask the member to refrain from talking about it. I've asked all members very clearly on occasion not to do this, and they continue to do it. This is the last warning to everybody. I will not put up with anybody breaking the standing orders: Last warning to everybody in this House. If they do it again, they will be named.

Mr Smitherman: Mr Speaker, I'll withdraw that and rephrase my question to the Premier. I will ask it with respect to the job performance of Ontarians. I would ask the Premier, if someone shows up for work only once every fourth day, whether they should be able to keep their job.

Hon Michael D. Harris (Premier): No.

Mr Smitherman: Thank you. I've looked through some people who are working in various positions. In 1971 there was a gentleman holding a very important job in Ontario and he came to work 77% of the time. Another one in 1985 came to work over 80% of the time. One in 1990 came to work over 65% of the time.

Do you think, Premier, it would be appropriate for that person in his next job segment to get to work at least half of the time?

Hon Mr Harris: Let me assure you that I am at work 100% of the time, which is why this province has gone from 10th and last—

Interjections.

The Speaker: Order.

Hon Mr Harris: It's why this province, after 10 years of being driven into the ground, after 10 years of Liberal and NDP government where we went from a proud province that held this country together, that led this country

in jobs, in growth, in investments, had fallen down to this dismal 10th and last-place performance, now, because I'm on the job 100% or 200% of the time and because this caucus and this party is on the job 200% of the time, leads the country in job creation, in growth, in numbers of people—

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

On a point of order, chief government whip.

Interjections.

The Speaker: Order. I will say clearly that points of order had better be brief in question period, because I'm going to start to rule.

Hon Frank Klees (Minister without Portfolio): On behalf of my colleagues, I want to thank the member for Toronto Centre-Rosedale for that question.

MINING INDUSTRY

Mrs Brenda Elliott (Guelph-Wellington): My question today is for the Minister of Northern Development and Mines. As you know, the mining industry is a significant contributor to Ontario's wealth. Our colleague from Oshawa, in his member's statement today, indicated that the unemployment rate is dropping in the north. The strength of the mining industry is particularly important to the economic viability of the north, and many northern communities have been built on the prosperity of natural resources industries, particularly in mining.

I'd like to draw to the attention of the members of this House that mining is not restricted to northern Ontario. In my own city of Guelph, we have an active mine. Dolime operates a gypsum mine which is a significant contributor to our own local economy.

Minister, your ministry has announced an initiative called Operation Treasure Hunt in an effort to support the mineral industry. Could you please explain for the Legislature how Operation Treasure Hunt will trigger exploration and facilitate growth in the mineral sector of this province?

Hon Tim Hudak (Minister of Northern Development and Mines): I thank the member for Guelph-Wellington for that question. In fact, she's right: Mining is a very important part of the economy in northern Ontario and throughout the province as a whole, with some 35,000 jobs associated with the mining industry.

Because of the strength of the economy in Mike Harris's Ontario, revenues are up and we can afford to invest in programs like Operation Treasure Hunt, a two-year program, a \$19-million investment into the latest geoscience and geochemical surveys. These data will help us set the targets for prospecting and developing in the future, with new information that will become available to help reduce the risk of exploration and to encourage prospecting and development across Ontario, and importantly in northern Ontario. This investment in the future of Ontario will help to revitalize the mining industry and keep it strong into the future.

Mrs Elliott: This sounds like a significant investment and hopefully will help create those 825,000 jobs that we promised in our Blueprint, building on the 610,000 that we've already accomplished in the province of Ontario.

You've indicated that this is one of the largest and most ambitious geoscience programs in Canada and that it will identify many new exploration targets by mapping out the geology. I'm concerned, Minister: Hasn't the province's geology already been mapped out? How will this differ from other, previous surveying initiatives?

Hon Mr Hudak: In fact, in Charlottetown at the mines ministers' conference a couple of months ago, I was able to boast about this record investment into geoscience and mapping in northern Ontario, which by far outshines any other investment in the past. Yes, there had been some mapping done in the past by previous governments, but nothing close to the \$19-million investment under the Mike Harris government.

Not only is quantity important, but the quality of the information is going to be very important to the prospecting and development community. Not only will this information be available in the traditional maps, as the member said, but most importantly will be put on the Internet for 24-hour access, seven days a week internationally, as well as being available on CD-ROMs.

By using recent advances in technology, our government can help identify these targets for zinc, for platinum element groups, for gold, for copper and for nickel down the road to help create jobs in the province today as well as an investment in job creation in northern Ontario well into the future.

1510

NATIVE YOUTH SUICIDE

Mr Howard Hampton (Kenora-Rainy River): My question is for the minister responsible for community and social services. Two weeks ago in Thunder Bay there was a coroner's inquest into the very serious situation of youth suicides in remote northern First Nations, Nishnawbe-Aski First Nations. The coroner's jury made 41 recommendations. I want to read four that apply specifically to your government and your ministry:

"Develop, adopt and implement a comprehensive aboriginal mental health policy.

"Develop, adopt and implement a comprehensive aboriginal child welfare policy that includes a child welfare model that respects the unique needs of northern aboriginal children."

"The Ontario child welfare risk assessment should be modified to recognize suicide and substance abuse as risk factors ...

"Comsoc should ensure that there is an adequate level of funding to Tikinagan Child and Family Services that would enable" them to protect children in need.

Minister, can you tell me how your ministry intends to respond to these very serious recommendations, and reply to the epidemic of youth suicides in northern First Nations?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Obviously when any child is experiencing these types of difficulties it's a tremendous concern for everyone in Ontario. I have seen the coroner's inquest report, the jury recommendations he spoke of pertaining to our ministry. Obviously they are ones we just received two weeks ago. We'll obviously take the time to reflect on them and look at what opportunities we can have to build on some the successes we've undertaken with respect to child welfare in northwestern Ontario, with our native population and indeed right across the province.

Child welfare and child protection have been tremendous priorities for this government. We've seen, since our election, dramatic increases in funding to help support these areas. We've undertaken a whole host of initiatives to try to back up that new funding to ensure we can provide the best possible services for children right across Ontario.

Mr Hampton: In fact the recommendations I read to you are not new recommendations. They were made two weeks ago, but these same issues were raised by me on behalf of the deputy grand chief of Nishnawbe-Aski Nation last January, where we were debating the Child and Family Services Act. The grand chief put on record, as you are aware, that the First Nation child welfare agencies were not adequately consulted by the government. The aboriginal representatives who attended a four-hour session in Thunder Bay, Ontario, to discuss the legislative initiatives, were told that was the consultation.

While it may be accurate to say that stakeholders in urban settings agree that this is good legislation and provide overwhelming support for the bill, this is not the case for First Nations agencies. First Nation agencies, they point out, need a system that is aboriginal specific; need to recognize the uniqueness of aboriginal communities, the unique challenges, the lack of mental health resources.

These issues were raised a year ago. Your government has done nothing. What are you going to do and when will you recognize that one size does not fit all, that what works in downtown Toronto will not work in remote aboriginal communities that don't have access to mental health services? That's what they're asking you for.

The Speaker (Hon Gary Carr): Order. I'm afraid the member's time is up. Minister.

Hon Mr Baird: Our top priority is the safety and security of every child in this province. I certainly want to agree with the member opposite that we can't take a cookie cutter approach, that there has to be a solution to help contribute to improved child protection, child safety, that reflect traditional aboriginal values, that reflect the geography of this province. Obviously no amount of children at risk is acceptable to this government.

We're committed to continue to work with aboriginal children's aid societies on these issues and how we can best use the new funding, the new tools, the new legislation brought forward by this government, to build on the consultations that I know my predecessor had with

representatives of this community to ensure we can deliver the best possible services.

I think we've made great progress in recent years. We have more work to do and will continue to work on that.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Steve Peters (Elgin-Middlesex-London): My question is for the Minister of Community and Social Services. The Social Benefits Tribunal is the final court of appeal for people you deny social assistance to. Last week your tribunal held hearings in the city of St Thomas, and they were held in the boardroom of a local hotel. Several persons with disabilities were scheduled to attend the ODSP hearings. They included persons with mobility impairments. Mark Chambers attended those hearings. He has chronic hepatitis C. It leaves him unable to work and has badly restricted his mobility. Despite this, Mr Chambers has been denied ODSP coverage. Your ministry says he is not sufficiently disabled.

Minister, there is no elevator, there are no stairs and the boardroom is on the second floor. Last week Mr Chambers had to crawl up a flight of stairs to prove he's disabled enough to collect the ODSP. These hearings were with persons with disabilities. Do you not have a policy on this? Is your ministry that incompetent? Do they not check and see if a hotel room is accessible to hold these ODSP hearings?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I want at the outset to correct the honourable member. This government doesn't deny social assistance or income support to people. We have a very clear set of principles and these are undertaken not at the political level. I think it would be inappropriate if I let that remark stand.

Obviously the adjudication and the appeal process was undertaken by the Social Assistance Review Board and its successor, the tribunal. They make a whole host of these decisions. If the honourable member wants me to stand in my place and defend the disabled not being able to have access to these hearings, I'm not prepared to do so. I will take the issue back to the chair of the tribunal.

Mr Peters: Minister, there is really no excuse for what happened and what your staff did last week. I'd like you to know that Mark Chambers has been home in bed since last week. He's still recovering from the treatment he received. This is a sick man who has been treated like dirt.

I'd like to let you in on a little secret. It wasn't incompetence that led to this tragedy; it was cruelty. It was cold-hearted mean-spiritedness. It was nastiness that would rival Ebenezer Scrooge at his worst.

The staff at this hotel knew the boardroom was not accessible. They were surprised that anyone would want to book a room for persons with disabilities. The minister's staff was told that there were no elevators, that there were only stairs. They were told the site was inaccessible,

but this room was booked anyway. The staff of the ministry purposely made this person crawl up a flight of stairs to beg for his disability pension. Minister Scrooge, can you explain why your staff purposely made this man crawl up a flight of stairs?

The Speaker (Hon Gary Carr): Order. Member, please withdraw that.

Mr Peters: Speaker, I withdraw that. Minister Baird.

Hon Mr Baird: I want to again correct the record. My staff does not undertake these arrangements. They are undertaken by an arm's-length body which operates independently from government.

I think we can all from time to time get carried away with ourselves, but for the member opposite to suggest that this government would purposely have hearings on a second floor so a disabled individual can't get their appeal quite frankly is offensive and it doesn't serve the people of Ontario. It puzzles me why the member opposite would get in his car from St Thomas and come down here and spread that kind of drivel.

GOVERNMENT INFORMATION CENTRES

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): My question is for the Chair of Management Board. Recently a government information centre was established in my riding of Barrie-Simcoe-Bradford. Since this is a new customer service initiative in Ontario, can you tell me how this will help improve customer service and what types of services my constituents can access at the centre today?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I think the member for Barrie-Simcoe-Bradford has a very good question, and I'm pleased to give an answer to that.

It's part of the ongoing commitment of the Mike Harris government to get better value for taxpayers' dollars and at the same time improve the service the public receives. These government information centres are designed to provide one-stop shopping to the people of Ontario to get information they need, when they need it, in a timely fashion.

Some of the examples of initiatives that have been undertaken by empowering the front-line counter workers to come up with ideas on how to improve customer service involve practices such as the lost-wallet program. In the past if you lost your wallet, you might have to go to three or four different government offices, you might have to phone four or five different numbers. Now it's one-stop shopping. You pick up a package and replace all the things that were lost in your wallet.

1520

Mr Tascona: The services have been very well received in my riding. I'd just like to ask you, now that they've been up and running for about six months, can you tell me if there are any new services that my constituents can look forward to having available at the Barrie-Simcoe-Bradford government information centre?

Hon Mr Hodgson: At the government information centre in Barrie, the front-line staff have been very creative. One of the most commonly asked questions that they've dealt with is around employment and employment opportunities, so they've put together a package for people who are looking for work. They then come in and with one-stop shopping get all the application forms.

I know that every member of this House would be interested in improving customer service. That's why the Liberals are listening so attentively to all these improvements that have taken place under the Mike Harris government in the last four to five years.

When people approach 65 they need numerous forms. Now, for the first time, you can get that in one-stop shopping, in one kit, to do all the things that people want.

These are just some small steps on the road to improving government and making it work for the people.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Mr James J. Bradley (St Catharines): I have a question for the Premier. Both of us have been in this House for somewhere around 20 years, you almost two decades, myself a little over. We've seen many appointments made by government, some of them that you and I would agree are better than others. I think we recognize that a government wants to place in positions where it's implementing its policy people who are in tune with the thinking of that government. But there are certain places, such as the Ombudsman, the Integrity Commissioner, the Provincial Auditor, the Information and Privacy Commissioner and, of course, the Environmental Commissioner, that require a person who has the confidence of all members of the House, who is seen to be completely independent, objective and impartial when being a watchdog for a government.

Premier, would you now, upon reconsideration, withdraw from consideration the name of Gordon Miller for this position? Mr Miller may well be reasonable to appoint to another position where you're implementing government policy, but where you need a watchdog, where you need a person who has to be totally objective, would you now consider withdrawing the nomination of Mr Miller for that position and perhaps consider him for some other position?

Hon Michael D. Harris (Premier): Were I to interfere with this appointment and the process agreed to by all three parties, you or the NDP would be the first to say this is an appointment that is being made under an approved process agreed to by all three parties in the Legislative Assembly and the Premier and the executive office and the cabinet ought to have nothing to do with it.

Now you are asking me to personally intervene and get involved in this appointment. No, I do not plan to overrule an all-party committee of this Legislature that has made this appointment on the basis of ability to do the job. I have every confidence, because I do actually happen to know the individual, that he is an environmen-

talist, he cares about the environment. He'll be just as impartial as Gilles Morin on the Ontario Highway Transport Board or Bernie Grandmaître now on the Assessment Review Board or Frank Miclash on the Social Benefits Tribunal.

Mr David Christopherson (Hamilton West): On a point of order, Mr Speaker: I know you would want to know that's not quite accurate. We were given no choice on the process.

The Speaker (Hon Gary Carr): That is not a point of order.

Mr Bradley: Premier, if you were to have your party or your government or members of the Legislature appoint Mr Miller to any one of the positions you just mentioned, where three other members were appointed, I would say you'd be quite legitimate in that particular appointment.

What we have here is something entirely different. This is going to tarnish the office of the commissioner simply because you have a person who a lot of people will perceive, and I think even some Conservatives are going to perceive, is not going to be entirely objective. You have a chance to change that. You have a chance to appoint Mr Miller to another position. He may well be qualified for a position where you're implementing government policy, but we're talking about a watchdog for the government. If this Legislature is to function as it should, if we're to have that true independence, if we're to have the integrity of that office, it's essential that a person of that nature have the support of everyone, as does, for instance, the Ombudsman, who I believe is going to be appointed by the government. Premier, would you not reconsider, in the interests of the environment and the interests of all members of this Legislature?

Hon Mr Harris: The Ombudsman was appointed under the exact same process, and to ask me now to interfere in that process which has made a number of good appointments, including the Ombudsman—but now what you want is to say that this independent, arm's-length process, away from the Premier, away from the cabinet, "is OK as long as we agree, but we now want the right, after having reviewed, to ask questions like party preference," which none of our members asked, which wasn't on the application, which nobody knew anything about. The guy got there on his own through the human resources branch. Now you want to bring partisanship into it. Shame on you.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Speaker: On the question of the process surrounding this recommendation, first of all, the process was not agreed to by the parties; it was imposed. Number two—

The Speaker: That's not a point of order.

VOLUNTEER SCREENING

Mr Bert Johnson (Perth-Middlesex): My question is to the Minister of Citizenship, Culture and Recreation. The riding of Perth-Middlesex has a strong history of

people working together. Recently, a fire ripped through the downtown of Listowel. Everyone worked together to help put out the fire and now they continue to help each other in rebuilding the downtown core.

Helping people in need is something that I find comes naturally to the people of Perth-Middlesex. I believe this strong spirit—

Interjections.

The Speaker (Hon Gary Carr): Order. I can't hear the member asking the question. I would appreciate it if you would allow the member to put the question. I'm sorry for the interruption.

Mr Johnson: I believe this strong spirit has made my riding the best in Ontario. This spirit has also created a number of volunteer organizations that have helped countless people with their difficulties as well as to improve the area as a whole.

There have been a number of stories in the news recently that have raised concerns about the safety of volunteers and the people they serve. While I know that most volunteers have hearts of gold, a few do abuse our trust. Minister, can you tell us what steps your ministry has taken to help protect our most vulnerable citizens?

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I thank the member for the question, and let me say that I know he's very concerned not only about his community of Listowel but the whole area he is so fortunate to represent.

The premise of the question is that we all share concerns about vulnerable people. We all share concerns about our children, our parents who are seniors, and vulnerable people within our community. We need to ensure that these people get services and are allowed to be in the community without fear of harm and without fear for their safety.

What we have done is we have tried in the ministry to make sure there's a screening process available that's not being recreated in every situation. We at the ministry have entered into a three-year initiative which prioritizes screening initiatives and puts in \$2.1 million to promote the benefits of screening to voluntary organizations. I think this will help every community across the province and ensure that volunteers and the people they take care of are well taken care of.

Mr Johnson: Minister—

The Speaker: No. I'm sorry, member; the time is up.

Ms Marilyn Churley (Broadview-Greenwood): On a point of order, Speaker: In view of the fact that it appears the government is trying to get out of here tonight—we will do everything we can to fight that; and no pressure on you, Speaker, just a question—I'm just wondering when you might be ruling on my point of privilege.

The Speaker: I won't be able to give you a time. I will attempt to do it as fast as I can, as I usually do.

1530

PETITIONS

BRONTE CREEK PROVINCIAL PARK

Mr David Ramsay (Timiskaming-Cochrane): Mr Speaker, I have a petition here that I know will be of particular interest to you as it's signed by over 5,000 people about a project in Oakville, by many of your constituents.

“To the Ontario Legislative Assembly:

“With respect to proposed current and future development of Bronte Creek Provincial Park as outlined in the Bronte Creek management plan dated March 27, 1998, we, the undersigned, petition the Legislative Assembly as follows:

“That the planning and development of the eastern portion of Bronte Creek Provincial Park that calls for establishment and construction of 400 campsites be terminated immediately;

“That any current and future development planned for Bronte Creek Provincial Park be strictly limited to the western portion of the park where an infrastructure already exists;

“That the eastern portion of the park and the Bronte Creek Valley be protected from any and all future development of any kind whatsoever and be maintained in posterity as a wholly natural parcel of land.”

I affix my signature to this.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Ms Marilyn Churley (Broadview-Greenwood): I have a petition which reads:

“To the Legislative Assembly of Ontario:

“Whereas the first Environmental Commissioner appointed under the NDP's Environmental Bill of Rights, Eva Ligeti, courageously documented the Harris government's attack on environmental protection in Ontario; and

“Whereas the Harris government refused to reappoint Ms Ligeti, instead choosing a close political ally of the Premier to fill the position; and

“Whereas Ontario needs the Environmental Commissioner to serve as a tenacious watchdog on the government; and

“Whereas the former Conservative riding association president in the Premier's riding accepted thousands of dollars in political donations when he ran for the Mike Harris Tories from Falconbridge Ltd, Mallette Lumber, Timmins Forest Products, Abitibi-Price, Millson Forestry Service, Columbia Forest Products, Grant Lumber, Eron Waste Management, Timmins Logging Inc, Westland Logging and Gaetan Levesque Logging; and

"Whereas, given the candidate's strong personal ties to the Premier of Ontario, the candidate cannot be trusted to protect Ontario's environment;

"We, the undersigned, call on the Legislative Assembly of Ontario to reject the nomination of Gord Miller as Environmental Commissioner, and to choose instead a highly qualified candidate with no political ties to the current government."

I proudly affix my signature to this petition.

The Acting Speaker (Mr Tony Martin): Further petitions. The member for Durham.

AGRICULTURE INDUSTRY

Mr John O'Toole (Durham): It's my privilege to present a petition on behalf of the agricultural community of my riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas the agriculture industry in the regional municipality of Durham and in the province of Ontario is a major contributor to the economy; and

"Whereas fertile agricultural land is a non-renewable resource that, as it is taken out of production and paved over, is lost as an attribute to society forever;

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

"That in regard to the proposed routing of Highway 407 east of Brock Road to Highways 115/35 the current study area not be closed, that a straight-line approach be considered, that the least impact on fertile agricultural land be considered equally with other properties and that the utilization of exhausted aggregate areas be considered in the routing."

I'm pleased to support this and will bring it directly to the attention of the Minister of Agriculture and the Minister of Transportation.

FOREST ACCESS ROUTES

Mr Rick Bartolucci (Sudbury): This petition is to the Legislative Assembly of Ontario:

"Whereas the forest access road commonly known as MacKelcan Road in the region of Sudbury is slated for closure by the Ministry of Natural Resources; and

"Whereas in the case of a major forest fire, MacKelcan Road currently serves as the only escape route for some 160 cottage owners and permanent residents located southeast of Wahnapiatae Lake; and

"Whereas MNR uses this access road for firefighting in a large area north and east of Wahnapiatae Lake; and

"Whereas MacKelcan Road is also used by tourist travel for the purpose of fishing, hunting, trapping, camping, sightseeing, as well as a canoe route access; and

"Whereas MNR proposes to close this access road as a tradeoff for the construction of a bridge leading to another forest access route; and

"Whereas we are vehemently opposed to the proposed closure of this road because we feel it will negatively impact our way of life as well as our safety;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to ensure that the government does not close MacKelcan Road and that it take immediate action to enter into discussions with the residents involved in order to ensure this road is kept open."

This petition is signed by 1,453 people, and I affix my name to it.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Ms Shelley Martel (Nickel Belt): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the first Environmental Commissioner appointed under the NDP's Environmental Bill of Rights, Eva Ligeti, courageously documented the Harris government's attack on environmental protection in Ontario; and

"Whereas the Harris government refused to reappoint Ms Ligeti, instead choosing a close political ally of the Premier to fill the position; and

"Whereas Ontario needs the Environmental Commissioner to serve as a tenacious watchdog on the government; and

"Whereas the former Conservative riding association president in the Premier's riding accepted thousands of dollars in political donations when he ran for the Mike Harris Tories from Falconbridge Ltd, Mallette Lumber, Timmins Forest Products, Abitibi-Price, Millson Forestry Service, Columbia Forest Products, Grant Lumber, Erocon Waste Management, Timmins Logging Inc, Westland Logging and Gaetan Levesque Logging; and

"Whereas, given the candidate's strong personal ties to the Premier of Ontario, the candidate cannot be trusted to protect Ontario's environment;

"We, the undersigned, call on the Legislative Assembly of Ontario to reject the nomination of Gord Miller as Environmental Commissioner, and to choose instead a highly qualified candidate with no political ties to the current government."

I would agree with the petitioners. I've affixed my signature to this.

KARLA HOMOLKA

Ms Marilyn Mushinski (Scarborough Centre): This is a continuation of the petition that I have been submitting to the Legislative Assembly for the last few weeks, and it deals with Karla Homolka:

"Whereas Karla Homolka and Paul Bernardo were responsible for terrorizing entire communities in southern Ontario; and

"Whereas the Ontario government of the day made a deal with the devil with Karla Homolka resulting in a sentence that does not truly make her pay for her crimes; and

"Whereas our communities have not yet fully recovered from the trauma and sadness caused by Karla Homolka; and"—

Interjection.

Ms Mushinski: It is not a laughing matter.

"Whereas Karla Homolka believes that she should be entitled to pass to leave prison with an escort; and

"Whereas the people of Ontario believe that criminals should be forced to serve sentences that reflect the seriousness of their crimes;

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

"That the government of Ontario will:

"Do everything within its power to ensure that Karla Homolka serves her full sentence;

"Continue to reform parole and make it more difficult for serious offenders to return to our streets;

"Fight the federal government's plan to release up to 1,600 more convicted criminals on to Ontario streets; and

"Ensure that the Ontario government's sex offender registry is functioning as quickly as possible."

I'm pleased to sign my signature to this petition.

MATERS MORTGAGES

Mr James J. Bradley (St Catharines): My petition reads as follows:

"Whereas Maters Mortgages investors have battled for a decade to receive compensation for their losses, which were incurred as a result of overzealous action on the part of an official in the Ministry of Financial Institutions, as was proven recently in a parallel criminal case;

"Whereas Maters Mortgages investors believe that their civil action against the government of Ontario has been unduly and unnecessarily delayed in the courts by legal representatives acting for the government of Ontario;

"Whereas the new investors' committee of Maters Mortgages has requested that legal representatives of the government of Ontario meet with legal representatives of Maters Mortgages investors to discuss the possibility of reaching an out-of-court settlement of the investors' civil case against the Ontario government;

"Whereas many Maters Mortgages investors are senior citizens who placed their life savings in these investments and have suffered from extreme stress and financial hardship and continue to do so;

"We, the undersigned, petition the Legislative Assembly to encourage the government of Ontario to take immediate action to appoint a case manager to expedite the case involving the class civil action of the representatives of Maters Mortgages investors against the government of Ontario.

"Further, we petition the Legislative Assembly to urge the government of Ontario to engage immediately in serious discussions with legal representatives of Maters Mortgages investors with a view to reaching a fair out-of-court settlement with the investors and urge the government to instruct its legal representatives to cease any and

all legal activity designed to prolong the duration of the case."

I affix my signature as I'm in agreement with the petition.

1540

OCCUPATIONAL HEALTH AND SAFETY

Mr David Christopherson (Hamilton West): I have further petitions from the United Auto Workers, sent to me by Cathy Walker, their director of occupational health and safety, signed by hundreds of auto workers from London, St Thomas, Hamilton, Strathroy. The petition reads as follows:

"Whereas this year 130,000 Canadians will contract cancer and there are at minimum 17 funerals every day for Canadian workers who died from cancer caused by workplace exposure to cancer-causing substances (carcinogens); and

"Whereas the World Health Organization estimates that 80% of all cancers have environmental causes and the International Labour Organization estimates that one million workers globally have cancer because of exposure at work to carcinogens; and

"Whereas most cancers can be beaten if government had the political will to make industry replace toxic substances with non-toxic substances; and

"Whereas very few health organizations study the link between occupations and cancer, even though more study of this link is an important step to defeating this dreadful disease;

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

"That it become a legal requirement that occupational history be recorded on a standard form when a patient presents at a physician for diagnosis or treatment of cancer and that the diagnosis and occupational history be forwarded to a central cancer registry for analysis as to the link between cancer and occupation."

My colleagues in the NDP caucus and I continue to support these petitioners.

MARRIAGE

Mr Toby Barrett (Haldimand-Norfolk-Brant): This petition is sponsored by the Canada Family Action Coalition and signed by residents in my riding from Hagersville, Cayuga, Caledonia and Jarvis.

"Whereas the majority of Canadians believe that fundamental matters of social policy should be decided by elected members of Parliament and the legislatures, and not the unelected judiciary; and

"Whereas the Supreme Court of Canada in the M. and H. case has rejected biology, tradition and societal norms to redefine the term 'spouse' to include the non-procreative partnerships of homosexual couples, and has effectively granted these relationships 'equivalent-to-married' status; and

"Whereas the court's decision will devalue the institution of marriage, and it is the duty of the Legislature to ensure that marriage, as it has always been known and understood, be preserved and protected;

"We, the undersigned, petition the Legislature to use all possible legislative and administrative measures, including invoking section 33 of the charter (the 'notwithstanding clause'), to preserve and protect the commonly understood, exclusive definitions of 'spouse,' 'marriage' and 'family' in all areas of provincial law."

I affix my signature to this petition.

MEDICAL LABORATORIES

Mr Monte Kwinter (York Centre): I have a petition to the Parliament of Ontario.

"Whereas the Ontario government has recently imposed a retroactive cap on revenue earned by medical laboratories for services provided under the health insurance plan; and

"Whereas the Ontario government has also required these businesses to refund revenue for services rendered in previous years where the amount of that amount revenue exceeds the retroactively imposed cap for those years; and

"Whereas this legislation amounts to expropriation of economic rights without adequate compensation or due process of law; and

"Whereas the greatest incentive to the provision of efficient and quality services and products by the private sector is competition and the ability to make a profit; and

"Whereas the removal of these incentives by government negatively affects all of society and particularly patients in need; and

"Whereas this type of legislation also unfairly discriminates against one sector of society;

"We, the undersigned, petition the Parliament of Ontario as follows:

"That adequate protection of property rights is needed to ensure that government cannot erode the property rights of certain sectors of society without fair compensation and due process of law."

I have affixed my signature to it.

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Mr David Christopherson (Hamilton West): I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the first Environmental Commissioner appointed under the NDP's Environmental Bill of Rights, Eva Ligeti, courageously documented the Harris government's attack on environmental protection in Ontario; and

"Whereas the Harris government refused to reappoint Ms Ligeti, instead choosing a close political ally of the Premier to fill the position; and

"Whereas Ontario needs the Environmental Commissioner to serve as a tenacious watchdog on the government; and

"Whereas the former Conservative riding association president in the Premier's riding accepted thousands of dollars in political donations when he ran for the Mike Harris Tories from Falconbridge Ltd, Mallette Lumber, Timmins Forest Products, Abitibi-Price, Millson Forestry Service, Columbia Forest Products, Grant Lumber, Erocon Waste Management, Timmins Logging Inc, Westland Logging, and Gaetan Levesque Logging; and

"Whereas given the candidate's strong personal ties to the Premier of Ontario, the candidate cannot be trusted to protect Ontario's environment;

"Therefore we, the undersigned, call on the Legislative Assembly of Ontario to reject the nomination of Gord Miller as Environmental Commissioner, and to choose instead a highly qualified candidate with no political ties to the current government."

I add my name to those petitioners who signed here.

Mr Michael A. Brown (Algoma-Manitoulin): On a point of order, Mr Speaker: I need your advice. On Friday I received 400 millennium books at the Espanola High School. In doing so, the students presented me with a petition that cannot be certified. The reason it can't be certified is that it doesn't list their addresses in Espanola. I was wondering if I could have unanimous consent of the House to read this very short uncertified petition.

The Acting Speaker (Mr Tony Martin): Is there unanimous consent? Sorry, there's no unanimous consent.

ORDERS OF THE DAY

APPOINTMENT OF ENVIRONMENTAL COMMISSIONER

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): I move that an humble address be presented to the Lieutenant Governor in Council as follows:

"To the Lieutenant Governor in Council:

"We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the province of Ontario, now assembled, request the appointment of Gord Miller as the Environmental Commissioner for the province of Ontario as provided in section 49 of the Environmental Bill of Rights Act, to hold office under the terms and conditions of the said act, and that the address be engrossed and presented to the Lieutenant Governor in Council by the Speaker."

I want to share my time with Mr Chudleigh, Mr Dunlop, Mrs Munro and Mr Ouellette.

It's unfortunate that we were not able to get all-party agreement with regard to the appointment of this fine individual, a very talented man who has a great deal of experience to become the Environmental Commissioner

of Ontario. We went through a very public process, as was promised last August, when Ms Ligeti's appointment—which was extended by three months during the election period—came to an end.

The Environmental Commissioner is appointed for a term of five years under the legislation. As we know, the first Environmental Commissioner's term came to an end, and we now have a new commissioner. In fact, when you look at the appointments of various commissioners, there are very few, if any, who have gone longer than the initial appointment. I think this is true of the Ombudsman, of the Information and Privacy Commissioner, and now is true with regard to the Environmental Commissioner. No one can say, as I heard from opposition benches—who have tried to politicize this process from day one—that Ms Ligeti was fired. She was not fired. As was pointed out to her in a radio talk show which I listened to, her term came to an end. It was not the desire of the Legislative Assembly to reappoint her. That was not what the committee decided.

We committed ourselves to an open process, a process which included an advertisement in many of the major dailies asking for nominations, for people from across this province to put forward their names. We had a motion in this Legislature to refer this matter to the general government committee of this Legislature. That general government committee considered the various candidates and came back to us with the name of Mr Miller.

I have had the opportunity since that time to review Mr Miller's curriculum vitae. I want to point out to you that one of the great and thrilling parts of Mr Miller's candidacy as the Environmental Commissioner is the fact that he is not a lawyer. I, as you perhaps know, have both a scientific and a legal background. It has always been my feeling that the Environmental Commissioner need not be a lawyer, need not be involved in or thinking only about process and whether there are enough hearings there or whether there is enough process here or whatever.

1550

I think we are going to be very pleased with Mr Miller, because he is a scientist and took a degree I believe in ecology, and therefore is going to have very valuable advice for the Minister of the Environment as to what his and the government's priorities should be with regard to actions taken by the Ministry of the Environment.

It's very easy to say to the Minister of the Environment, for instance, "Do all of these things: Fix this, fix that, fix this, fix that." Of course, fixing everything would take up all of the budget of the government of Ontario, not just a small part of it. We have other priorities as well. We have tried in the government to prioritize our expenditures so that you get the greatest impact. The part that I am most encouraged with in regard to appointing a person of science is that he will be able to direct his staff in what are the first priorities or what should be the first priorities for the government of Ontario: Should they be dealing with toxins and furans in

the air? Should they be dealing with acid rain? Should they be dealing with returned deposit bottles? Should they be dealing with recycling, composting or whatever? What we really need is an Environmental Commissioner—I hope that Mr Miller, because of his scientific background, will be able to try to provide some guidance and help in terms of the Minister of the Environment in formulating the strategy as to where the resources, both money and people, should go.

I'm sure that those who participated in the general government committee, which chose this individual, will go deeper into the process. I want to make it clear that our party intends to talk about the process. We will not talk about individuals who were not chosen by the committee, but we will talk about the process that we went through. We believe that it was a very fair process, that everyone who submitted a resumé to the human resources department of this Legislature was given an equal opportunity and that the committee acted in concert, in a rational and logical way, to choose those who they thought were qualified to have interviews, and that those interviews were undertaken in an even-handed manner with all the candidates.

I am disappointed that the opposition parties have made this a political issue. They have made this a political issue. Mr Miller freely admitted, when asked a question on his very first interview, whether he had party affiliation, and he said, "Yes, I do." He told the committee what that party affiliation was about and was most forthright in putting that forward. Notwithstanding that, the committee decided to call him back for a second interview and the committee has decided that he stood above all of the rest in terms of his qualifications to do this job.

It is difficult because we would like, in terms of this legislative chamber, to have unanimity when it comes to appointments. I remember when the former Environmental Commissioner was appointed. Quite frankly, our party had some uneasiness with that appointment at the time, but notwithstanding that uneasiness, we said: "It is better for us to give Ms Ligeti the opportunity to become the Environmental Commissioner. We believe her word, that she will act according to the act and in the best interests of the people of Ontario."

Unfortunately, in this legislative chamber recently we have seen extreme partisanship. Yesterday in this House we had a bill for the University of Ottawa Heart Institute in front of this Legislature, all parties agreeing to it, but when it came to voting in this Legislature on that bill, the opposition divided and wanted to vote on that particular bill, a tactic which, quite frankly, escapes me. I don't understand why they would bring forward a tactic like that with a bill of the Ottawa Heart Institute, led by the Liberal Party, when Mr Conway, the member for Renfrew-Nipissing-Pembroke, spoke in very glowing terms in favour of that bill.

I draw that to your attention, Mr Speaker, because of the extreme partisanship of the opposition. The opposition would not be pleased with the appointment of any

Environmental Commissioner save and except if they picked one of their own, if they picked somebody who was a member of the NDP or the Liberal Party. That's what in fact they want. They didn't want to go—

Mr John Gerretsen (Kingston and the Islands): On a point of order, Mr Speaker: I think it's highly inappropriate for the government House leader to accuse the opposition of the tactics that they themselves are employing in getting the Environmental Commissioner—

The Acting Speaker (Mr Tony Martin): That's not a point of order. The government House leader.

Hon Mr Sterling: Thank you very much, Mr Speaker. You know, they really hurt when they're caught in a situation where they want to pretend that they're in favour of certain things like a larger city of Ottawa and they get a choice in a bill and the bill includes a number of things, and they say: "I can't vote for this bill because I don't like one out of 20 things in the bill. Therefore I'm voting no." That is what we have seen in this Legislature, and we have seen the partisanship on the part of both of the opposition parties to extremes. I want to say, as I did sit in opposition prior to 1995, during the period from 1985 to 1990, one of the great things about the leadership of Mike Harris and the Conservative caucus during that period of time was that we saw the forest and weren't blinded by the trees. Unfortunately, the opposition parties have not seen that, because they would have a great deal more credibility in this debate on the Environmental Commission if they had in fact supported the government on some of its legislative endeavours.

I'll tell you another thing. For instance, the police pursuits bill, which was passed last night in this Legislative, when it came to second reading—everybody in this Legislature, I believe, was in favour of the police pursuits bill. But what did they do when it came to second reading? The third party, the NDP, sent it out to a committee. Mr Speaker, I think you were involved in that particular committee. But when it got to the committee it lasted for five minutes, or 20 minutes or whatever it was, because nobody knew what to do in committee.

Interjections.

Hon Mr Sterling: The government didn't see any need to go to the committee. There were no amendments put forward in the committee. What happened when we got back in the Legislature and listened to the debate last night and yesterday afternoon is that we heard from the NDP that they did in fact have amendments but they didn't bring them to committee. Then they complain when they get back here that we didn't accept some kind of amendments to the police pursuits bill.

What I'm trying to point out by this is that I have seen over the last week, week and a half, and perhaps it goes back even earlier, the extreme partisanship on behalf of both of the opposition parties. I think it's a reflection on the opposition parties that they have not even tried to support this particular appointment.

When the Leader of the Opposition, Mr McGuinty, stands up in this Legislature and effectively says that Mr Miller, who has an excellent resumé, has an excellent

background in the environment, is nothing more than a lapdog, I think that's scandalous. It's scandalous that he would—

Interjection.

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Hon Mr Sterling: I hear Ms Martel saying the same thing, and I guess that reflects the attitude which the opposition bring to this very, very important place, the Legislature of Ontario.

We would like to see Mr Miller have an opportunity to really make the Environmental Commissioner and its position—

Mr Peter Kormos (Niagara Centre): Norm, you don't know what you're talking about. Two amendments were moved in that committee. Your government defeated both of them. Get your facts straight.

The Acting Speaker: The member for Niagara Centre knows that that's out of order, that you're only allowed to heckle from your seat.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I really would implore you to take much more serious action with the member who approached the speaker, the member who was in the middle of his speech. That kind of behaviour in this place should not be tolerated. I think simply to ask him to go back to his seat in no way is appropriate. I really implore you, on behalf of all of the members of this House, to take the appropriate action.

Mr Brad Clark (Stoney Creek): On the same point of order, Mr Speaker: The member should withdraw the comment. He shouted out right across the floor that it was a lie. Moreover, he approached the dais. It was an egregious error, and you shouldn't tolerate it. Mr Speaker, I urge you to take control of the House and sanction the member.

The Acting Speaker: I would ask the member, please, not to do that again and to stand corrected on having done that—it is not appropriate behaviour—and to withdraw the statement you made about the government lying. Would you do that? Will you withdraw the statement about the government?

Mr Kormos: Withdraw.

The Acting Speaker: Withdrawn.

Mr Kormos: On a point of order, Mr Speaker: The government House leader misstates the facts in a most obvious way when he suggests that no amendments were moved. He misstates the facts when he suggests that the committee meeting lasted only five minutes. He knows full well why a committee meeting was called for. His Solicitor General co-operated with it. He ought to get his facts straight before—

The Acting Speaker: The member knows that accusing a member of the House of misstating the facts is the same as saying that he lied. I would ask you to withdraw that, please.

Mr Kormos: Withdraw.

The Acting Speaker: Withdrawn.

Hon Mr Sterling: Thank you very much, Mr Speaker. I do want to say to the member opposite, notwithstanding

his outrageous behaviour here this afternoon in the legislative chamber, coming across the chamber, which you know, Mr Speaker, does not lead to the best of relationships in here, that the fact of the matter is that I did confuse the police pursuits bill and the red tape bill, and I apologize to the member and the members of the Legislature. That was not the case with regard to the police pursuits bill. There were amendments, and I was wrong in that regard.

I will say, with regard to the red tape bill, which again was a bill—

Interjections.

Hon Mr Sterling: I will say that the example still stands with regard to the partisanship of the third party.

With regard to the red tape bill, the third party insisted that we send it out to committee. When it got to committee, the third party had no amendments, they had no witnesses—

Mr Gerretsen: Mr Speaker, on a point of order: I wonder if the government House leader can relate this to the nomination of the Environmental Commissioner, which is extremely important to the province of Ontario. Everything he has been talking about has nothing to do with this most important—

The Acting Speaker: That's not a point of order.
Government House leader.

Hon Mr Sterling: There was an opportunity for debate on the red tape bill in committee, but there was no opportunity taken.

Interjection.

The Acting Speaker: Member for Nickel Belt.

Interjection.

The Acting Speaker: Does the member from Nickel Belt have a point of order to place?

Ms Shelley Martel (Nickel Belt): Mr Speaker, if I might, the point of order is this: The minister has made an allegation that no amendments were put, and if he would care to look at the time allocation motion that he placed on behalf of his government, he will see that it was made very clear that at the moment the committee sat, all the questions were put; there was no debate and that was the end of it. The committee sat for five minutes because your time allocation motion did not allow for any amendments to be put. If you had the decency to stand in your place and tell that—that's exactly what happened.

The Acting Speaker: That's not a point of order.
Government House leader.

Hon Mr Sterling: I'm sorry the member opposite doesn't have it exactly correct. Notwithstanding that, considering the reaction with regard to these comments, it shows you, with regard to that matter, that the members had the right to vote on every amendment through all of the bill in that committee—they chose not to—and to put their position forward with regard to each of the amendments—

Ms Marilyn Churley (Broadview-Greenwood): They were all put at once.

Hon Mr Sterling: That was not necessary. You had the opportunity to do that.

Mr Kormos: Tell the truth, Norm.

The Acting Speaker: The member for Niagara Centre knows that's out of order. Would you withdraw, please.

Mr Kormos: Certainly. I withdraw my call to the House leader to tell the truth.

Hon Mr Sterling: Mr Speaker, I don't know how many times you call a person to order before you deal with it, but we'd appreciate the opportunity to speak.

As you can see, of course, the House has become very polarized with regard to this issue. We believe the process we've gone through with regard to the appointment of the Environmental Commissioner has been more public and more open than any of the processes before. For instance, when the first Information and Privacy Commissioner was chosen, it was the Attorney General who phoned up Sid Linden, who knew Mr Scott, and he was appointed by order in council of the government of Ontario at that point in time. There was no public process at that time.

We have attempted in the cases of both the Ombudsman and the Environmental Commissioner to have an opportunity for anyone in this province to apply. The committee heard all the qualifications, and I believe the committee has done its work. It is our duty, in my view, for all of the Legislature to support what the committee has done, because the committee has had the time, has taken the effort to examine each and every candidate, and they have come forward with, I believe, an excellent candidate, Gord Miller. I will be supporting his appointment as the Environmental Commissioner of Ontario. I know Mr Miller will do a good job regardless of the support of the opposition here today, but I do hope they will listen to the debate and change their minds as the vote comes close.

1610

Mr Ted Chudleigh (Halton): It's a dubious honour to stand here in the House today. There certainly seems to be a lack of Christmas spirit permeating the room at this time, but maybe that'll change.

I believe the appointment of the Environmental Commissioner has been a very fair process and one which has culminated in the selection of an outstanding individual for the job.

The search for the Environmental Commissioner brought in 71 applications from across this province and in fact one from outside this province. The applicants, under the regulations and rules of the place, could come from four different areas. They could come from any of the three parties—the government, Her Majesty's official Opposition or the third party—to arrive on the desk of human resource services. The fourth way is that they could have arrived independently by being submitted directly to the human resource services of the Legislative Assembly. In fact, all 71 of the applications that were received for the Environmental Commissioner came through that fourth method; that is, no political party in

this House put forward any name for the position. They all came through that independent source.

I would like to thank Marilyn Abraham of human resource services for her excellent work and the professionalism she used in sorting and handling those resumé's. She was accurate, she was dedicated and she was extremely thorough. I want to note that for the record and thank her for her dedication through this process.

Human resource services independently reviewed all the applications and rated them according to the advertised requirements of the position. The ad, which was circulated throughout Ontario in daily newspapers, invited residents of Ontario to apply for the position of Environmental Commissioner and pointed out: As an officer of the assembly, the commissioner will review the implementation of the Environmental Bill of Rights and compliance in ministries; at the request of ministries, it will provide guidance to ministries on how to comply with the requirements of the act; it will assist ministries in providing educational programs about the act; it will review the receipt, the handling and the disposition of applications for review by Ontario residents of environmental policies and regulations made by various ministries; and it will report annually to the Legislative Assembly on the commission's activities.

The applications that came in were then forwarded to the standing committee on general government, where they were reviewed. They were reviewed in camera, and I think we should examine why that took place in camera. Was it done in camera in order to cloak our operations? No, I don't believe it was. Was it done in camera to get the process hidden, to keep it out of the public eye? No, I don't believe it was. I believe we met in camera solely to protect the names, the privacy and the reputation of the applicants for this position. I believe it was eminently reasonable.

Some might say that the opposition used this vacuum of information to change what was happening, to flip-flop on some of the decisions that were made within the party. Some members were pleased with the progress of the process—I wasn't referring to the member for Broadview-Greenwood in that particular comment—while some members weren't too pleased with the process, but we all agreed to the process up until the final day.

We reviewed all the applicants, and I think it's important to note that in the independent process conducted by human resource services the successful candidate finished in the top four from among the 71 applicants. That process was a non-partisan process, completely non-partisan. Human resource services reviewed all the resumé's without input from the committee. The top positions were invited back for a second interview. After that first interview, our candidate, Mr Miller, had broad support from the committee.

Why did our successful candidate receive these top marks from human resource services? In the education process, Mr Miller has a master's of plant biology from the University of Guelph, which this fall was rated the number one university in Canada by the Maclean's poll,

not just in all of Ontario but the number one university in all of Canada, truly a great university. Mr Miller graduated from that university some many years ago. Along with his university degree and master's degree, he also has over 20 years of extensive experience in environmental awareness and action. He is a scientist with a master's in ecology and has extensive experience in both academia and in an environmental management capacity in the private and public sectors. It is a very broad range of experiences that this individual has.

Mr Miller has proven himself to be an advocate for environmental protection and has lectured extensively on many environmental issues at conferences and post-secondary institutions. He is a member of numerous conservation associations and naturalist clubs. Mr Miller's strong views on environmental issues will provide Ontario with an Environmental Commissioner who will stand up for the environment regardless of the party in power.

Perhaps we should review just briefly what the job of the Environmental Commissioner is. The commissioner is required to review the implementation of the Environmental Assessment Act and the Environmental Bill of Rights to see that the ministries of the government are in compliance with that act. He is to provide guidance to these ministries on how to comply with this act. In other words, he's to take on an educational aspect to ensure that the ministries understand what their responsibilities under the Environmental Bill of Rights are. He is to review the application of the act by the ministries whenever they take action in an environmental sense. The Environmental Commissioner is to review that action to ensure that the action is sustainable under the Environmental Bill of Rights. He also has responsibilities to educate the public on the use of the environmental registry and also to educate the public on their rights under the Environmental Bill of Rights.

In review, people interested in applying for the post were asked to respond to a newspaper ad that was placed throughout the province. There were no applications put forward by any party; each caucus, which had the opportunity to put forward a name, did not do so. The three House leaders then referred this appointment process to the standing committee on general government. This is the same process that was followed with the appointment of the previous Environmental Commissioner in 1994. The selection of the Environmental Commissioner was then sent to the committee, and at the same time the selection of the Ombudsman was referred to the Legislative Assembly committee. Both these committees followed the same fair process to select the best candidate for each of these two very important jobs.

Surely the Legislature doesn't believe that public involvement in politics should disqualify people from applying for jobs that they are more than qualified to perform.

Interjection: It didn't in the past.

Mr Chudleigh: No, it certainly didn't in the past. In fact, there is a record of a number of people who have

served in this House or served in a political area and then gone on to further public service through appointment. One of them that comes to mind is Andy Brandt, the chairman of the LCBO. He was a rather interesting appointment in that he was the former leader of this party, the Progressive Conservative Party of Ontario; he was appointed by Premier Bob Rae in 1990, shortly after their election on September 5, 1990, and he was appointed through the recommendation of the Liberal Party. Obviously, there's a political individual who was appointed to an important and sensitive position, and all three parties were involved in that appointment.

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The candidate selected did extremely well during both the interview processes. His qualifications were phenomenal and his experience in the environmental field extensive.

It is possible to have a commissioner with a political past under the Environmental Bill of Rights legislation. All environmental commissioners must take an oath to faithfully and impartially exercise the functions of his or her duties. I'm sure that Gordon Miller will fulfill his duties to this Legislature and to the people of Ontario in an admirable way and that we will be proud of this appointment in the future.

Mr Garfield Dunlop (Simcoe North): I rise today to take part in the debate on the selection of the Environmental Commissioner for the province. A few weeks ago I had the privilege of being appointed to the standing committee on general government under the chairmanship of Mrs Mushinski, the member for Scarborough Centre. I'd like to spend my time this afternoon discussing my past experience in selecting candidates and to explain the process we followed over the last few weeks.

As a new member of the Legislature and to any committee here, I was honoured to be able to take part in the selection process to determine who would be the new Environmental Commissioner for our province. I was particularly pleased to be included in this process because in my years in municipal politics I had been on the selection committee for a number of positions over the years, and I can say that in almost all the cases I had a really good feeling, as I do in this case, about our choices. They all turned out to be excellent employees for the municipalities that I've been involved with over the last 18 years.

My first selection—and I go back a little bit—in 1984 was the position of clerk of the small village of Coldwater. I picked a young guy at that time who was looking for an opportunity and he turned out to do very well. I had a gut feeling when we were making that decision and in the end he proved to be a very wise choice. He worked for the municipality for a number of years and today is a valuable contract employee with the Ministry of Natural Resources.

I later had the opportunity of selecting a treasurer for the village. This one didn't work out as well. He met the lady minister in the village of Coldwater and they moved

to another parish, but he was a valuable employee while he was there.

Also during the period between 1984 and 1986, I had the privilege of sitting on the selection committee for the county of Simcoe district health unit. We had a lot of choices there for a medical officer of health as well as a director of administrative responsibilities. Both of these employees also turned out to be valuable members of the health unit for many years and in fact are still there today.

In the mid-1990s I sat as a member of the Simcoe county council, and in a transition period for the county I was able to help choose a chief administrative officer, a treasurer and a director of social services and childcare for the county. These people are responsible for a staff of over 900 people and they have a budget in excess of \$225 million. They are still valuable employees today of the county of Simcoe, and under their leadership the county has been able to very smoothly assume the new responsibilities required under the local services realignment we've been dealing with the province on.

Particularly, as a member of the committee, I remember trying to choose a treasurer. It just shows you the kind of trouble you can have in selecting candidates. After reviewing dozens of resumés and interviewing 10 or 15 people, we decided we were not pleased at all with any of the applicants, and that time we went back and had a second round of advertisements and finally came up with the successful treasurer who is there today. Mr Henry Sander of the county of Simcoe is considered one of the top treasurers in the province, and under his leadership he has helped more than 16 municipalities in the largest county in Ontario accept the responsibilities of budgeting and assessment that they're responsible for today.

Throughout my years in government I have been very satisfied that I have been able to select employees—I mentioned that a couple of times in the general government committee—who have become key people in their organizations. I can safely say that I have never been unhappy with any selection of a candidate in my years on selection committees.

When we started the process to select an Environmental Commissioner, certain moves had already been completed. For example, the human resources people had used existing criteria and had already advertised for the job. I got a copy of the advertisement that ran in the Globe and Mail for several days in September of this year, which stipulated that individuals submit their resumés by October 6 of this year. I must also assume that they were placed the same way as the Ombudsman position which was handled by the Legislative Assembly committee. I give credit to human resources. At all times, as Mr Chudleigh mentioned, they had a person attend the closed session committee meetings. They were very valuable to the process.

At the first meeting the human resources person informed the committee that they had received 71 applications or resumés for that position. I should point out to

you, just so everyone knows and is familiar, that the committee is made up of four Conservative government members, two Liberals and one NDP, as well as the Chairman, from Scarborough.

I believe that in all the meetings to select an Environmental Commissioner, only at one meeting did the Liberals have both of their members present. I could be wrong on that but I believe there was only one meeting where they had both members present.

Interjection.

Mr Dunlop: Am I wrong? They were present for two meetings.

The human resources people had used a scoring system based on the resumés and had graded all the applicants on a scale of 1 to 71. At this point we had not seen any of the resumés or how anyone had been graded. We started the process by asking human resources to supply us with what they considered to be the top 25 resumés and their scaling of the top 25. Again I give credit to human resources for their speedy supply of information to the members of this committee. They photocopied literally thousands of pages of information for us. I can tell you at this time that the name of Gordon Miller was in the top five as they were graded by human resources on the first round.

The committee reviewed the top 25. However, members of the committee felt we should also consider the remaining resumés. We asked human resources to consider some additional information, such as communication style, and again human resources supplied the committee with all the resumés and regraded all the applicants on a scale of 1 to 71 again. I can tell you that human resources still had graded Mr Gordon Miller in the top five.

The committee then had to consider how many people we would interview and if we would or would not have a second interview. After a lot of deliberation, the committee decided unanimously to interview the top 12 candidates and that, yes, we would hold a second interview. However, we did not determine how many people we would have for the second interview at this time. I can tell you that the resumés we received from the top 12 candidates were very impressive.

Our next step was to list the questions we would ask in rotating order. I believe we set up an order for each interview. Basically it was three or four minutes for the introduction by the candidate to the committee. We had done five questions in rotating order by committee members. Third, the candidate would summarize his time and make his final response. The total time would be approximately 30 minutes for each candidate to spend with the committee.

1630

The committee then set up the schedule for the interviews through the human resources department. Two of the people we had planned on interviewing could not attend. They were either away or had found employment in other areas. At this point, as a committee, I believe we were unanimous in the process. We then proceeded to the actual first interview and we interviewed 10 very capable

people, and I really believe everyone had good points that we discussed. Six people of the committee took part in the interview, and one of the Liberal members was absent at that point. When we were completing the first interview we graded the applicants on how they performed. At this point the name of Gordon Miller was in first place. It was not unanimous but very close to it.

It was very obvious from my point of view that Gordon Miller was a very top contender for this position. That said, we agreed as a group to unanimously support the need for a second interview.

It was agreed that we would interview four applicants on the second interview. We proceeded to the second interview. This time we submitted some additional questions. We all agreed on the questions that had to be asked. Again we did the questions on a rotating basis. Some of the questions we asked dealt with situation cases where we expected to hear some feedback on how the applicants would actually deal with certain situations.

The second interviews went very well. I might point out that we were short the Liberal member who had been present for the first round, and after the second interview I felt that the person who would best fill the position of Environmental Commissioner of Ontario was Gordon Miller. I still feel that way today. I have a gut feeling that this guy is really good for the job.

I understand Mr Miller ran for political office. Surely the Legislature doesn't believe that public involvement in politics should disqualify people from applying for jobs that they're more than qualified to perform.

We followed the same process this House followed in 1994. I thank human resources for their efforts. I thank the Chairman for her work. I thank all those who applied from right across this province, and in fact out of province as well. I thank the committee members and I really hope today that this assembly will support the appointment of Gordon Miller as Environmental Commissioner of Ontario.

Mrs Julia Munro (York North): It's certainly a pleasure for me to rise and talk about something that has been going on in committee throughout the past few weeks. It was very clear in the last government, that is, in 1994, that there was the need for an Environmental Commissioner and I think it's important for us to recognize that the first Environmental Commissioner was brought in in May 1994.

I think it's important for everyone to understand the importance of the Environmental Commissioner. This came through the piece of legislation, the Environment Bill of Rights. Here there are a couple of key ideas that I think have importance when we look at the current issue we are debating.

This individual was to be accountable to the assembly. There are a number of things the commissioner is responsible for, and in section 57 of the act it refers to the fact that they must "review the implementation of this act and compliance in ministries with the requirements of this act."

They're also able to "at the request of the minister provide guidance to the ministry on how to comply with the requirements of this act, including guidance on ... how to develop a ministry statement of environmental values," and also "how to ensure that the ministry statement of environmental values is considered whenever decisions that might significantly affect the environment are made in the ministry."

Clause (d) provides a role in the area of public education, "programs about this act to the public," and it also is to "provide advice and assistance to members of the public who wish to participate in decision-making about a proposal as provided in this act."

These few points highlight the kind of requirements the act provides. It was the responsibility then of the general government committee, through the work done previously by human resources, to look at the people who had come forward. It became clear that there was an important process to be followed, and in September of this year the Ontario government did advertise throughout the province looking for applicants for this most important role. The committee began to meet in November to establish what would be the advice, the recommendation of the committee in naming an individual to take this responsibility. The committee has met for about 20 hours, and I think it's important to underline this process, because it was certainly clear from the outset that this was going to be a process that would provide us with the best candidate.

In all, 71 people from across the country applied for this position. When we first met as a committee, human resources had been able to look at each of these resumés and, according to the criteria that had been established in the advertisement, they had ranked every applicant from 1 to 71. I think that it's important to recognize the impartiality and the expertise that was there in that opening work that was done by human resources in providing us with that kind of information. As a committee, we were then given the criteria that had been used by human resources to establish the appropriateness of that ranking. I want to give everyone a sense of the kind of analysis that was being done, because I think it served to support the recommendation that we have today.

The first one was a demonstration of a broad knowledge of environmental issues. Clearly, anyone who is going to be considered as the Environmental Commissioner must demonstrate a long-time and broad expertise in that area.

Second, I mentioned the kinds of responsibility—and it's very clear—in the legislation. It was clear that that too would be a criterion we had to consider, the knowledge of the related legislation and labour protection. Again, human resources had provided us with a guide to the expertise that each one of those 71 had.

The third area was experience in providing advice and guidance regarding compliance with legislation. From the examples I've given you from the statute, it's clear that that ability to bring about compliance would be required.

The next was experience in developing and implementing educational programs. Again, that links directly with the legislation and the specific requirements for the commissioner.

The next area that human resources looked at was demonstrated experience in developing, reviewing and implementing government policies and regulations, and the knowledge and/or experience with legal principles and practices related to evidence, witness examinations and disclosure. Because very clearly in the legislation there is that issue.

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When you look at the very detailed way that human resources had examined those 71 resumés, it's important for people to understand that when we walked in as a committee the recommended individual, Gordon Miller, had scored by this very precise and detailed manner, as others have mentioned, in the top five. As a committee, we looked at this and felt that while we recognized that it was very prescriptive in that it matched the needs of the legislation, perhaps there were other qualities that needed to be examined as well, and so we asked human resources, in our discussions, to come up with—we came up with a second set of criteria. We worked on those as an all-party committee, we agreed on those new criteria and within a very short turnaround time the human resources people were able to provide us with a new ranking based on the criteria that we had established. I want to assure everyone that again, under this second set of criteria, Mr Miller's name was near the top.

When we came back and looked at now the two sets of criteria that human resources had established and had examined these resumés, we made a decision, again an all-party decision, that within the top number of applicants there were probably some real strengths. We wanted to ensure that we did not miss someone. Having applied two sets of criteria—and there were many names that showed up in both of those—we felt that we had got enough information and enough assessment of these resumés that at this point we should now be looking at individuals. So we made a decision that we would accept the top 12 names that by this combined process had been established by human resources and we would ask human resources then to organize the appearance of these top 12.

We agreed, again as an all-party committee, on the questions that we felt were important to ask the members. I think it's important to remind everybody that at this stage, and all the way through this process, there was discussion among us, there was the opportunity to have human resources respond to any concerns that we had. So we were confident throughout this process that we were following a well-defined and defensible process.

At the end of 12 interviews, it became clear to us that it would be appropriate at that point to have a short list, a second round. On the basis, then, of creating an opportunity for each member of the committee to rank those people, we asked them to rank their top choices. With that process, we then reduced our list to four. We again went back and worked as a committee to find the appro-

priate questions that would be the ones that we would want to ask those top four candidates. I think again the important thing here is that this was done together; it was done in this manner.

Much of the argument that has been suggested from the opposition concerns the issue of impartiality. I just want to comment in the couple of minutes that remain that from the comments I have made at this point, it should be clear that we were looking at the legislation, we were looking at the way in which the original advertisement advertised the position and we were also then taking the advice from human resources in terms of ranking the individuals who had applied.

I think that one of the areas that much of the discussion regarding impartiality has come from is the question of having appointments made where someone has a political background. I find that this is in contradiction to the historical position that on both sides of this House we have many, many examples of appointments made by all three parties, from members of all three parties. It is a clear demonstration by these earlier appointments that both sides of the House recognize the ability of someone to act in the best interest of the community on behalf of the people of Ontario. I think that the previous appointments that we have seen are a clear example of the recognition that someone can be appointed and be impartial.

I'd finally like to suggest to you that regardless of the methods used by this committee, Mr Miller appeared consistently at the top of the list. This was not something that didn't follow a process, that didn't follow some consistency.

I'd also add that anyone who puts his name forward for a public office understands that the issue of impartiality, of being objective, is part of the integrity of the individual. Anyone recognizing that they are putting their name forward for such a position understands that and clearly everyone on both sides of this House recognizes it from the previous appointments that have been made by all concerned.

So I think that when we are looking at this appointment, we have to keep in mind the process.

The Acting Speaker (Mr Michael A. Brown): Further debate?

Mr James J. Bradley (St Catharines): In my view, this is far from the government's finest hour. There are a lot of appointments that are made by a government that the opposition objects to and some people in the public object to. This is a real problem for the government. The government had a chance to really think about this and not proceed with the particular appointment.

This is a process that calls for consensus. This is an officer of the assembly. That's a big difference. Governments appoint people to various agencies, boards and commissions, and they usually appoint people who are in the same thinking pattern as the government. The opposition doesn't like it. We will make noise about that from time to time. Nevertheless, it's understood that, for instance, if the government has a certain philosophy on policing, it's going to appoint to the various police

commissions around the province people who think the way the government does or who agree with government policy and are going to implement it. I would prefer that objective people be implemented but that's a pattern which is carried out, I think, through various governments. This is different. This is an officer of the Legislature. This is somebody who exists, or should exist, only with the consensus of members of this House.

The government makes appointments, as I say, to agencies, boards and commissions. An example was TVO, the educational television network of Ontario. That came before a committee of the Legislature. Some members of the committee objected and voted against the person who was appointed. Nevertheless, the government believed that with the philosophy it wanted to implement in the educational television network, it had chosen an applicant who was going to implement that and who would have thinking which would be similar to that of the government. Again, the opposition may not have been happy with that appointment; nevertheless, that's an agency outside of the direct purview of members of the Legislative Assembly.

I want to say from the beginning as well that I think it's important that every member in this House who wishes to speak on this motion has an opportunity to do so and that we not have the guillotine ordered by the Premier of this province where a government member gets up at a time the government member considers it to be opportune to shut the debate down, because this is one of the most important debates this Legislature has had in some period of time.

I look at officers of the assembly. I made a little list of them, just five that I could think of who were officers of this assembly, who must be totally independent, who must be totally objective. The Provincial Auditor is one. We would not want a person in the position of Provincial Auditor who had run twice for a political party and had been the president of a political association. It wouldn't make sense.

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The Integrity Commissioner, the freedom of information commissioner, the Ombudsman and of course the Environmental Commissioner: What we look for are people who are without any doubt totally objective, people who are vigilant in their particular duties, people who look at problems, who look at situations with governments and are able to view them objectively and give an assessment which is objective. I don't think it's the case with the applicant who has been chosen by this government.

It was suggested from the beginning by our House leader, I believe—he will correct me if I'm wrong—and there seemed to be an agreement that one representative from each of the parties would sit on the committee to help choose the person who would be the Environmental Commissioner. What is the advantage of that? It means that every party has one person, and there would be a suggestion flowing from that. It wouldn't be a vote of two to one. It would be a consensus that was developed.

As soon as it went to a legislative committee, I must say I smelled a rat immediately. That meant we knew there were going to be four government members to three opposition members, no matter what, in terms of the vote and that the fix in effect would be in. That's most unfortunate.

Let me give you an example of where the government has made a good appointment, because I think it's important that we say that when it happens. The Ombudsman of this province was chosen. Clare Lewis has been chosen as the Ombudsman. He was the unanimous choice of the members of the committee that dealt with that issue. He has credibility with all three political parties. He has served under three different governments. He is a person whom all members of this assembly would have confidence in as a competent person—yes, it's important that they be competent—but also as an independent-minded, objective person without bias. That is what we look for in an officer of the assembly.

It would have been preferable to have one member from each caucus chosen to do the interviewing, to do the assessing and to come forward with the recommendation. I think that should have been a unanimous recommendation, not the two opposition parties, because they had a majority being able to foist on the government a person the government didn't want. You need a consensus in positions like that.

The consensus is not going to happen when you're in the government agencies committee, where people will make whatever choice they wish. I'm the Chair, I'm objective, so I cannot offer opinions from that committee. But we have a certain expectation, when governments make an appointment to various agencies, boards and commissions, that it's very likely that members on the government side, wherever they happen to sit, are going to be probably supportive of that particular appointment and will express an objection behind closed doors, at a caucus meeting or at a cabinet meeting. That is how it will work.

The person for this position must be seen to be completely independent, totally objective and entirely impartial. The person must have the confidence of all parties in the Legislature, not necessarily all individual members. That's difficult sometimes to have, but all parties must agree to that person, I think, for that person to be credible, for that person to be able to do his or her job in an appropriate fashion.

Remember, it is not a position to implement government policy. If it's a position to implement government policy, for instance, in the field of the environment, then one can look at a particular individual. But this is a watchdog. This is different. This is a person who is there to keep an eye on the government. Governments have great power, no matter where the jurisdiction is, federal or provincial governments, even some local governments. They require someone totally independent to be a watchdog, to be a guide for the public, to assist the public in ensuring that the government is accountable.

I cannot believe that a person who has run twice as a Progressive Conservative candidate—as a Mike Harris candidate in Cochrane South in 1995, as part of the Harris team on that occasion, as a Progressive Conservative Party candidate in the Premier's own riding of Nipissing federally in 1997—and as president of the federal Nipissing Progressive Conservative association again in the Premier's own riding, can be seen to be objective when it comes to being the watchdog for the environment.

Mr Miller may be qualified for another position. It may be that the government wishes to appoint him to another position and that the opposition, while they may again register an objection, would recognize it was simply the government appointing somebody to implement their policies. In this case it's different; it's a watchdog.

In my question to the Premier I tried not to be bombastic this afternoon or anything of that nature. I drew upon the experience that the Premier and I have had. He has been in the House 18 years and I've been in the House 22 years. We've seen some good appointments and we've seen some bad appointments. But by and large, the officers of this assembly have been seen to be—not only have been but have been seen to be—objective people.

Yes, decisions that they make from time to time are going to be ones which annoy the government, and that's to be expected when they are watchdogs. There are days when people are angry with the Provincial Auditor. There are days when they don't like what the Ombudsman has to say, or the Environmental Commissioner or the Integrity Commissioner or the commissioner for the freedom of information. There are times when we're going to find ourselves in disagreement, but the person must be a person who is seen to be totally objective. I do not believe the applicant brought forward can be totally objective.

There was a scientific background brought forward. They said that the applicant who was chosen by the government members on the committee had excellent qualifications scientifically. I can assure you that the polluters hire people with excellent qualifications scientifically. Various polluting companies or operations—they don't necessarily have to be companies—hire some very good scientific people to try to make their case before agencies, boards and commissions of the Legislature.

The Acting Speaker: I'm sorry to interrupt, member for St Catharines, but I must do this before 5 o'clock.

Pursuant to standing order 37(a), the member for Toronto Centre-Rosedale has given notice of his dissatisfaction with the answer to his question given by the Premier concerning job performance for individuals holding positions of responsibility.

The member for St Catharines.

Mr Bradley: Thank you, Mr Speaker, and I understand the requirement to do so before 5 o'clock.

I want to look at that scientific background. In the United States more than Canada, the polluting community out there, the anti-environment community, always

throws in the face of those who are environmentalists: "You don't have the science on this. You can't prove it scientifically." Over the years we've seen people whose health has been adversely impacted and the natural environment has been adversely impacted while people argued about the science, the particular precise science of whether or not there was an environmental degradation taking place.

I can tell you as well that people who have a great scientific background from the Ministry of the Environment often take jobs in the private sector and go to work for companies that they used to regulate at one time, people they used to call polluters at one time, and that's their prerogative. They are certainly, in a free and open society, able to do so.

I look at the fact that I consider Eva Ligeti to have been fired by the government. I went to the last press conference. I won't go to a press conference if this new person is appointed because I cannot in all good conscience do that if they appoint a two-time Progressive Conservative candidate, the president of the Conservative association federally in the Premier's own riding. I can't have that confidence. I wish I could. I can't have that confidence.

It doesn't mean that a person with a Conservative background of some kind—I think of Stewart Elgie, for instance. I don't want to embarrass Stewart Elgie, but he is involved with I think the Sierra defence fund. His father was Dr Robert Elgie, an esteemed member of this Ontario Legislature, a Conservative cabinet minister. If you had somebody from the environmental community of that nature, who comes from a Conservative family as such—I don't know what Mr Elgie's politics are—that would be a person who would inspire confidence in the public at large and certainly in those of us in the opposition. We cannot have that same confidence in the applicant who has been chosen by this government.

I went to the last press conference and report of Eva Ligeti. I knew at that press conference that her days were numbered. I was surprised that nobody in the press corps who were there asking questions asked the question: Do you think this is going to be your last report? I could tell it was going to be. Why? Because she was critical of the government. This government does not sustain criticism easily. The Premier is not a person who likes criticism. None of us does—I don't want to put the Premier in a special category—but I think it's well known that he does not look favourably upon those who are critical of him.

What we see is that those who are opponents of this government get shut down, no matter where they are. Anybody who dares to be critical of the government is a person who finds himself or herself in trouble. So much of the population who have something to say is intimidated by the bullying tactics of this government. I've seen it time and again. I even watch with dismay at many local levels where people say, "We'd better amputate ourselves at the knee, because if we don't, Mike Harris is going to amputate us at the hip." Often they need no amputation at all, but there's this anticipation that if you

do not play ball with this government, if you're critical of this government, then you're going out the door. That's what happened, unfortunately, to Eva Ligeti.

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That having happened, if the government was not happy with that person, at least her replacement should have been someone, again, who would inspire the confidence of all members of this House in terms of objectivity and total independence. But a person who has been a Conservative candidate in 1995 for the Harris team, in 1997 for the Conservatives federally, and president of the Conservative association federally in the Premier's riding is a person who is going to be looked upon with suspicion for this particular job. I emphasize that very much. As I said to the Premier, I understand patronage appointments. I understand that when you're implementing policy. But this is different. It's a watchdog; it's an officer of this assembly. It's very important that the Premier understand that.

I can only come to the conclusion that it's the Premier's own pride and—I hope the whip doesn't become angry with me or object—bullheadedness that has taken place. Because all of us can be bullheaded once in a while. I understand that. I can be that way once in a while; I know that. But that's what it appears to be. Instead of making a good decision, instead of saying, "I think the opposition has a point; I think the environmental community has a point," the Premier is going to show everybody that he is boss and that he can shove this resolution through this House eventually. I hope there is a long and considered debate, but he will eventually be able to push this through this House, and that would be most unfortunate.

That's why we're doing it. It's this personal pride of the Premier, that he doesn't want to be seen to back down. Listen, there are times when governments respond to criticism by making a change. That shows how big a government is. A government isn't powerful only when it exercises its power. It is also powerful when it doesn't exercise the power that it has, when it is benevolent, when it does recognize that there are other legitimate points of view to be put forward. This is a case for that, and that has not happened.

I understand in the process—and I'm not going to get deeply involved in the process—there was even an attempt to get another former Conservative candidate lifted from about 67th on the list into the top 10 on the list. So when I hear members of the government who sat on the committee say, "We didn't know about his background," come on. He was a candidate in 1995. I know candidates get together. They have a rally in Toronto or wherever with the Premier. There are provincial councils or whatever the Conservative Party calls it when people get together. There are conventions. Everybody knows that Gordon Miller is a strong and loyal member of the Progressive Conservative Party, and there's nothing wrong with being a strong and loyal member of a political party. It's just that that person doesn't fit in this position. It's the wrong position. It's not that the person

should be discredited because of his political background; I encourage people to become involved in the political process. This just is not the position, an environmental watchdog, where you want this particular individual. So for the Conservatives on the committee to say they didn't know he was a Conservative, well, I simply find that hard to believe. I guess that's the nicest way of putting it.

Mr Miller did not indicate at an early stage that he had served as a candidate on two occasions and was president of the association. That was left off the resumé and that was not mentioned. When a person is upfront about that, there's a little different viewpoint than when a person attempts to conceal that until asked, until prodded to get that information out.

This position, then, is not a repository for defeated Conservative candidates. There are other places where they may serve, and members of all political parties have been appointed to various positions. But this is not one place where you'd want that.

I worry as well when I see who contributed to the election campaign of the person who might be the Environmental Commissioner. I'm not talking about a member of this House. I understand that; a person in the cabinet will have contributions made. But this is an independent officer of this House. Here are some of the companies that have contributed to the 1995 election campaign: Falconbridge, Mallette Lumber, Abitibi-Price, Timmins Forest Products, Millson Forestry Service, Timmins Logging Inc, Westland Logging, Gaetan Levesque Logging, Mallette Inc, Grant Lumber, Columbia Forest, Erocon Waste Management and Columbia Forest Products, among other organizations dealing with waste management. This was brought to our attention by the leader of the third party in the House.

Members' campaigns do receive those contributions. I go back to the fact, however, that we must look at this as being a totally independent and objective organization, and it cannot be that as long as a person is supported by those whose interests are often not coincidental with the best interests of the environment, to put it kindly.

As I mentioned previously, I think it is important that we not have this debate closed down. That is the style of this government: to get the debate in a position where they can shut it down and get out of here before Christmas. Also the fact that we're involved in this process at this time is interesting because they believe that a lot of people aren't watching what's happening in this assembly, that they're busy with other things, with the holiday season upon us, with Christmas and New Year's coming very soon.

Very often you judge a government on what they do when they think nobody is looking, and that is certainly the case today. I heard an interjection from a government member who said, "Well, who cares out there anyway?" I'll tell you, there are people who are going to care, because this is something pretty sacred to us. This is our environment. This is not something else that you would appoint somebody to. This is not the agent-general in

New York, or London, as they used to have, or other positions of that kind; it's an officer of the Legislature, a person we want to be totally objective and independent, a person who must inspire the confidence of all members of the House. The government, with Mike Harris as Premier, has made a drastic error in appointing this individual if this appointment goes through.

I recommend this to the government and I will commend the government publicly in this place and other places if they accept the recommendation that they withdraw this individual from this particular position. If he's appointed to another position, so be it. One may object or not in that particular case. But I recommend that the government withdraw this person: the Conservative candidate in Cochrane South in 1995 for Mike Harris, the federal Progressive Conservative candidate in 1997 in Nipissing, the president of the federal Nipissing Progressive Conservative association. An individual with that background, with that on a resumé, simply cannot inspire the confidence of this House, because we will never believe there is total objectivity and total independence of that individual.

I hope the government will take that step. I hope the government will listen to others within the caucus who must be uneasy about this, because I can't believe that there aren't, sitting among the 59 members of the Conservative Party, people who are not uneasy about appointing this individual to this specific and particular position.

Mr Bert Johnson (Perth-Middlesex): Not at all.

Mr Bradley: Those who would say "not at all" simply cannot understand that a person who is an officer of this House must be totally and completely independent.

I urge those who do understand that, I urge those who can cast aside the partisan considerations, who look at what is good for the province and good for the environment, to urge the Premier to make the right choice, that is, to withdraw the nomination of Gordon Miller as Environmental Commissioner in Ontario.

1710

Mr Dwight Duncan (Windsor-St Clair): I'm pleased to have the opportunity to follow my colleague from St Catharines, who served a very distinguished tenure as the Minister of the Environment and who always speaks in this House on matters of this nature with great insight and great experience and knowledge. His words are to be respected.

I listened attentively earlier today as the government House leader spoke of processes that went on earlier this year not only surrounding this particular item but around a number of items. I'd like to share with the House and the people of Ontario my recollections of those processes so as to put them into their proper context. I noted earlier today that the Premier had indicated in response to a question that somehow the opposition had agreed to this process. Frankly, that is not how I recollect events. In fact, that is distinctly not what happened, and I think the record ought to reflect that.

In August of this year we began to meet as House leaders, at that time, the three parties that had members in the House, to discuss a variety of issues. The one that was at the forefront of the public debate at the time, of course, was the recognition of the third party and a range of other issues. At that first meeting in August, the government House leader proposed to us that we establish a committee of three members, one representing each party, and that those three members would meet to pick not only the Environmental Commissioner but also the Ombudsman for the province of Ontario.

The government had decided not to renew Ms Ligeti's appointment as Environmental Commissioner. We saw that clearly as the government's desire, as my colleague from St Catharines indicated, to get rid of Ms Ligeti, who had over the course of time been very forceful in her protection of the environment and pointing out flaws and failures of the government in terms of dealing with environmental issues. From the view of the official opposition, in any event, we felt that she had more than fulfilled her obligations as contemplated by the act.

I must say, we discussed it within our group and there was concern about the process, "Is the fix going to be in?" and what have you. But having reviewed it at some length, we indicated to the government that indeed we would accept that process. We made it very clear at the time that we expected it to be a process that would yield a candidate who had unanimous support of all three political parties. Indeed, it was the same proposed process for the Ombudsman initially, and we had agreed at that time, after some careful consideration, as to the merits of that particular process.

Then advertisements were drafted by the Clerk of the Legislature, I believe, or by human resources. We were given the opportunity to read them. They were posted in all the major dailies, or at least the major dailies serving major markets, I guess, in Ontario, and applications were received.

Then, towards the middle or end of September, all of a sudden the government came in and said, "We want to go to a committee of the Legislature," right out of the clear blue. Again, we were kind of taken aback, because it was the government that had first wanted to deal with this by the same process that it had dealt with under other House officers. They came back with that proposal. We were kind of surprised because it was the government in the first instance that had recommended the three-person panel—one person representing each of the parties. I must say, at that time we were leery because of the change. They were referencing specifically the Environmental Commissioner, and we couldn't figure out why.

At the end of the day, it was part of a larger package of changes to the standing orders, party funding questions. By my recollection, we reluctantly put that into the package but made it clear at the time, as did my colleagues in the third party, that as soon as there was a sense that the fix was in, we were out, we weren't going to play ball under those circumstances.

So it wasn't a question of agreeing wholeheartedly with a process that was somehow agreed to with open arms; it was a question of being nervous about a process that the government had changed in midstream. In fact, it changed over the course of less than a month.

We talked at that time about the concerns with a government that historically has used its majority to ram things through, that they would fix on their candidate and that would be the end of it. The committee has a majority of government members. For those in the public to understand, there are four government members of the committee and three opposition members of the committee, two being from the official opposition Liberals and one being from the NDP.

The process unfolded. Applications were received. I'm given to understand that yet another Conservative partisan had been sighted early and was pushed off the short list due to the efforts of my colleagues in the third party, and with the agreement of the government. That was appropriate. So I say to the Premier and I say to the government House leader, this was not a process that had been agreed to by the official opposition. It was not a process that we were at all comfortable with. But when you've got a gun to your head, you try to make the best of it; and we did make the best of it. We participated openly, as did my colleagues in the third party, with an open mind, looking at what we thought were a range of potentially good candidates, some of whom of course we didn't think were as good as others, based on the qualifications that were required by the advertisements and by what had been agreed to by the three parties.

As I understand it, lo and behold, it turned out that a close friend of the Premier's got the support of four members of the government in what was clearly a whipped vote, what was clearly a fixed decision. So in response to the Premier's words earlier today and to the government's House leader, the fix was in, there's no question about it. If the fix wasn't in, we wouldn't be here right now discussing it in this way. We're quite prepared and will accept the appointment of Clare Lewis as the Ombudsman. That was the same process that was invoked, without using the government's majority on the committee. It was done, we felt, in an open and fair manner. This wasn't—right from the beginning.

If the government members of that committee think that this wasn't thought through back last summer before they'd had anything to do with it, you're wrong. It was clear in our discussions this summer that they were fixing it up. So if you're going to sit there and just do what you're told on this instead of doing what your obligation as a member of the Legislative Assembly is, we're going to wind up with a very bad appointment.

We are at the point today of having a couple of substantive questions raised shortly in this House around process and around the rules because the government wants to jam this through tonight with very little debate. The government does not want us as members—all members—to have the opportunity to discuss this issue. We expect, first of all, that the government tonight will

try to bring it to closure before there's a second opportunity to discuss it. If they don't, at the very least they're going to try and debate it again tonight; that is, debating a substantive motion twice in one calendar day. We will be asking the Speaker for his ruling on that, whether or not that's appropriate. In his last ruling on dealing with a bill, I thought he was very eloquent when he pointed out what current members of the government, including the Minister of Community and Social Services and the Minister of Correctional Services, said in the debate when the current rules were put in.

We had a look at those questions of time allocation in the standing order changes in 1997 and found some other interesting comments about the question of what the government intended last year. The former government House leader, the Honourable David Johnson, who was not returned to the Legislature in the last election, pointed out that one of the reasons they brought forward the changes that they did with the standing orders was to afford more members the opportunity to debate on a given issue. That was the whole purpose of it, to give us all an opportunity to participate fully in these debates.

So if in fact the government intends to move closure either this afternoon or this evening, we will again ask the Speaker for a ruling as to whether or not that would be appropriate in light of the fact that we have a substantive motion here, a motion that ought to be subject to the same rules of debate as a bill, because this is a very important matter. That would be three days, three sessional days over three calendar days of debate, which would take us to the minimum of Thursday. That is what we are going to argue for and that is what we want.

1720

Indeed the government will have to bring in closure then as well, because that's not going to be enough time to allow all of our members—I should point out too, by the way, that the government House leader this morning said that eight members of our caucus had already left on holidays. What nonsense. We had 33 of them in the House today, so two of them had left. Make no mistake: We'll be here till the cows come home to try and prevent this particular appointment.

All the spin in the world is not going to deflect attention from the fact that this government is trying to jam down the throats of the people of Ontario an Environmental Commissioner whose first interest isn't the environment, but is to protect the Premier's duff on important questions of environmental policy and will have nothing at all to do with making a solid appointment to that particular position.

We also look back at what other members of the current government have said about closure. I'll be bringing these points up later on, on proper points. The finance minister at one point in one debate in June 1994 chastised the then NDP government for its use of time allocation and closure. I'll just give you a little bit of the flavour of what the point of order is going to be when you try to jam this through tonight. He said: "It was a closure motion described as a time allocation motion and I think, quite

honestly, a very sad day for legislative debate in Ontario. Now, any time a government, when it wants to move a stage of a bill other than second reading, can simply, under the guise of a time allocation motion, say, "We're cutting off debate effective now; no further debate." He goes on to say—we'll be talking more about this at the appropriate time—how wrong it is for a government to use closure.

If this government with less than three hours of discussion in this House attempts closure, or with less than three sessional days over three calendar days attempts closure, they're going to get a loud, resounding no from the official opposition and I know from my colleagues in the third party, because we're not going to let you jam this through; we simply will not.

We challenge you tonight, instead of trying to bring this up, let's deal with Christopher's Law. Let's get that done at long last and leave this till tomorrow. We know you're going to want to do that and we'll be more than happy to participate in that discussion this evening.

You are the ones who are trying to use the rules to jam through the Premier's buddy as the Environmental Commissioner. So the member from Brampton, who's the Premier's lapdog just like the new Environmental Commissioner, will get up and say all the time, "Oh, it's the opposition." We'll give you Christopher's Law. Just don't stuff this one down the throats of anybody.

I'll tell you something else. This Legislature has met less than virtually every other one in the country this year. Why? You didn't want it back. You didn't bring the House back till the end of October. You didn't want to face the House, and when we get back here, the Premier deigns not to come to question period unless it suits him. You can talk all you want about process, but let me tell you, the facts speak for themselves on that, and all your spin and all your honey is not going to change it.

I was fascinated today. The government tried to introduce a motion on unemployment insurance. It wanted to deflect attention away from the issue of the day, which is the Environmental Commissioner. Let me read you some quotes from a prominent Ontarian about provincial governments that fed-bash. Let me read you some of this.

"Instead, the government now of Ontario is reduced to whining and squabbling with other levels of government. This wasn't the way it was for 190 years in Confederation in Ontario." He goes on to say, "We have always been the leaders in Confederation and we've now become the whiners in Confederation."

"So we can continue to complain that other levels of government are not pulling their weight. We can blame local levels of government or we can blame the federal government, or we can turn our energies towards making Ontario" better.

He went on to say, "We suggest that the Premier and this Legislature should turn their energies to fix that which is broken here...."

"So it actually is a disgrace when the Premier of the province of Ontario spends his time whining, pointing fingers, blaming others. That is not the legacy, that is not

the history, of this province that I grew up in and that will not be the legacy and the history of this province when we bring common sense back to it." That was Mike Harris. Mike Harris said that.

So instead of wanting to debate the Environmental Commissioner today, instead of wanting to talk about one of the most important officers of the Legislative Assembly, he wanted to whine about the federal government, just like they've whined every day this session in a shameless, shameless display of avoiding their own problems. To the backbenchers and the lapdogs in the opposition—

Mr Bill Murdoch (Bruce-Grey): What are you talking about, whining over there?

Mr Duncan: —you have a chance tonight to say to your government, "We're not going to let you force closure on this because we, as members of the Legislative Assembly, believe that we need a candidate who will protect the environment and not protect the Premier."

Mr Murdoch: Some whiners over there don't know what they are talking about.

Mr Duncan: The member for Grey heckles endlessly. This is the member who changes his mind to suit his purpose. This is the member who in one vote doesn't vote on municipal restructuring, sits in his place, and the next time around he's against it. When it suits his purpose, he criticizes government. When it doesn't suit his purpose, he's with the government all the way.

So I say as I yield the floor to my colleague from Thunder Bay, it's evident that this process has been stacked from the beginning. The opposition began to participate in it in good faith with the understanding that it would be fair, that it would yield a candidate that there would be unanimous consent or unanimous agreement among the parties on. What it turned into was a charade to appoint the friend of the Premier to an important position that is designed to protect our environment, to a position that really demands the unanimous consent of all three parties. It's a sad day, and it will be even sadder if the Speaker, later today, allows the government to close debate.

At 6 o'clock tonight, let's agree to resume this debate tomorrow, and tonight let's deal with Christopher's Law. Let's deal with Christopher's Law, and we'll deal tomorrow and we'll deal Thursday with this again. Then you can try your closure motion; then you can try to force closure. But tonight let's deal with Christopher's Law, and let's begin debate tomorrow afternoon on this particular bill. This province will be better if we do it that way. This Legislature will be better. If we get the full opportunity to debate it, at least then the government can't be accused of further undermining democratic process and privilege in this House.

Mrs Lyn McLeod (Thunder Bay-Atikokan): My colleagues the member for Windsor-St Clair and the member for St Catharines have already eloquently expressed our concerns about the government ramming through yet another motion in this case, just as they've rammed through legislation throughout this session.

They've spoken eloquently about our concerns regarding this specific appointment of an individual who cannot be seen to be politically independent to the position of Environmental Commissioner of Ontario, a position perhaps above all others, but certainly along with positions like the Ombudsman and the Provincial Auditor, that must clearly be seen to be politically independent.

My colleagues have stressed the fact that somebody whose credentials include having been a former Tory candidate and no less than having been the Progressive Conservative president in the Premier's own riding, however his qualifications may or may not fit the requirements for an Environmental Commissioner, cannot be seen to be politically independent.

Mr Speaker, what I want to spend my time on, what is now 10 minutes left to me as one of the members who would like to address this very important issue, are some of the reasons why this government indeed would want to make this a politically controlled appointment rather than respecting the independence that this role should hold.

I want to come back to the reason why we are appointing an Environmental Commissioner. It's because we have an Environmental Bill of Rights in this province, and the Environmental Bill of Rights has two basic premises: One is that the government has primary responsibility for protection, conservation and restoration of the natural environment. The second premise of the Environmental Bill of Rights is that the people should have means to ensure that it is achieved in an effective, timely, open and fair manner.

1730

The appointment of an Environmental Commissioner is to ensure that that commissioner monitors the government's enforcement of the Environmental Bill of Rights. No wonder this government, with its record on the environment, is concerned about having an Environmental Commissioner who is politically independent and not subject to being controlled, co-opted or influenced by the present government.

I suggest as well that it's no wonder this government is concerned about the very nature of having an Environmental Commissioner whose responsibility is to ensure that the people of this province have some assurance that the government is acting to protect the environment. One of the responsibilities of the Environmental Commissioner is to ensure that the Ministry of the Environment is compliant with its own statement of environmental values.

The commissioner also has the responsibility of reviewing whether ministries responsible for the environment, whether it's the Ministry of the Environment, the Ministry of Natural Resources or the Ministry of Health, meet the Environmental Bill of Rights requirements that they consider comments from the public. The Environmental Commissioner further has a responsibility to review how ministries handle applications the public can make under the Environmental Bill of Rights to review existing policies, acts and regulations.

The Environmental Commissioner's role is all about monitoring the government and, beyond that, ensuring that the public has the ability to question the government. If there's one thing the Mike Harris government has steadfastly avoided in every possible way for the entire four and a half years of its mandate, it is any kind of public scrutiny, public input or public criticism of its policies, acts or regulations. No wonder they want to make sure that this particular appointment is tightly controlled.

The government House leader said earlier this week or last week that this was after all not a government appointment; it was a Legislative Assembly appointment. The government members have made much about the fact that this is a process done by a committee where all parties have representatives. They of course refuse to acknowledge what our House leader has acknowledged today, and that's that there is a majority of government members who just happened to vote all the same way on this particular appointment, much more characteristic of the way in which government members vote the same way on virtually every amendment that comes before a committee these days.

We should also acknowledge that the government House leader not so very long ago, just in September, actually, of this year—after the government had come under considerable pressure for its failure to renew the contract of the previous Environmental Commissioner, who was a very stern critic of this government on its environmental record. The government chose not to renew it.

Now the government may say: "This is a Legislative Assembly appointment. It's not a government appointment." But it was not the Legislative Assembly that decided not to renew the contract of Eva Ligeti. There was no motion that came here before the House for any kind of debate as to whether or not Ms Ligeti should have been reappointed. That decision was made when this House was not even sitting. That was a decision that was made by the government. I submit it was a decision that was made very directly by the office of Mike Harris, the Premier of Ontario, who did not want Ms Ligeti continuing to bring forward reports as critical of this government's environmental record as Ms Ligeti brought forward last April.

There was considerable pressure on the government for having unilaterally revoked, without cause, the contract of Ms Ligeti and appointing an acting commissioner. In fact, there were some questions as to whether it was even legal for the government to appoint an acting Environmental Commissioner. But in response to that criticism, the government House leader, just last September, actually started to do some things that might have created a truly independent commissioner. We might have been looking at a very different resolution today if his ideas had been carried forward.

I'm looking at an editorial in the Windsor Star of September 27, 1999, by Peter Worthington, in which he offers his praise to the government for having taken "the

unusual ... step of publishing ads seeking candidates for the positions of Ombudsman and Environmental Commissioner." So far, so good.

"While the government" at that point, Mr Worthington says, "hasn't settled on the exact procedure that will be followed" to consider the candidates who might apply, "government House leader Norm Sterling has proposed setting up a special committee to oversee the appointments." I think it's important to note what the government House leader suggested was an appropriate process back in September of this year. He said that committee would be made up of a member from each party and be chaired by the Speaker. That would have been a truly independent process. That process would have brought forward a recommendation today, a motion today, which truly would have represented a consensus on the part of all three parties as to who would be a politically independent Environmental Commissioner for the province of Ontario.

I regret that the government House leader was clearly overruled by the Premier's office. I understand why this kind of independent process wouldn't work if the Premier had in the wings to be Environmental Commissioner somebody who had perhaps been promised the position of Environmental Commissioner, somebody to whom obviously the Premier had some political debts owing because he had been the president of the Premier's riding, after all. So I assume the Premier had made some commitments, but even if he hadn't, the Premier knew this was somebody who could be counted on to be less critical than Ms Ligeti had been.

The idea of a process that would be truly politically independent and that would have brought forward a resolution today that we could all support as an open and transparent process of appointing a politically independent Environmental Commissioner didn't fly by the Premier's office, and so today we're debating a motion that puts forward the name of an individual, and I don't, quite frankly, believe that the man's qualifications for this position are even relevant to the discussion. The concern here is that the process was not one that was open and transparent, as Mr Worthington suggests the process should be; not carried out in private, as the member for Halton has indicated it was. It should be a process that is open and transparent, that is independent, with equal weight being given to all members of each party in the House, with the deciding vote being in the hands of the Speaker so that this appointment would truly be an appointment by the Legislative Assembly and would be politically independent. Then perhaps the premise of the Environmental Bill of Rights, that the Environmental Commissioner would ensure the public has the opportunity to scrutinize and guarantee that the government is enforcing its own Environmental Bill of Rights, could be fully carried out.

Mr David Ramsay (Timiskaming-Cochrane): I'm very pleased to take part in this debate, although I acknowledge it's very sad that we have to have this debate at all. We are now turning back the clock and

looking at appointing a servant of the people, technically called a servant of the Legislature—they are to serve all of the people of this province—as if it was a political appointment of this government. That difference really needs to be spelled out, and I think my colleague from St Catharines this afternoon on two occasions expressed it very well. There's a difference between a political appointment of a person on a government agency that is charged to expedite government policy versus appointing a person who is a servant of the Legislature, there to serve all of the people of Ontario and to act, as that servant of the Legislature, as a watchdog on the current and future governments down the road.

There's a main difference here, and that's what we're dealing with. I thought we had moved away from some of the precedents of the past where governments decided to make political appointments of some of these very sensitive and important decisions in this province, and we've slipped back.

In fact, I can recall a couple of years ago when I thought we had embarked upon a process that was independent, that was shared by all three parties of this House. In that case it was the appointment of the privacy commissioner. I see the Tory member has come in who was part of that, Mr Tilson. We had worked very well together. Mr Tilson and myself and Marion Boyd from the NDP had been chosen from our various parties to work together and to interview the best candidates from across this country who had applied to the Ontario Legislature to be the privacy commissioner of Ontario. That was a process that worked very well, and in the end there was total consensus by all three of us as to who the best candidate was. There was no question about it. We reached that decision very quickly. It was not a partisan process. It was not based on a vote. It was not influenced, therefore, by the number of members in one party versus another. It was a representative from each party, regardless of the representation that party had in the Legislature. We worked together to find the best candidate. We did that, and we did choose the best candidate. The process does start with human resources of the Legislature sorting through all the various applications and creating a short list for us.

1740

What is very interesting when you have experts creating a short list from CVs is that once you interview people sometimes your mind will change as to the order of those applicants, because nothing tells you better about the person's ability than that face-to-face interview with the potential candidate. When we did that, it became immediately apparent to us who was the superior candidate, and there was all-party agreement. There was no weight being used by one party over another. We all had the same say there and it was unanimous.

I remember talking to the Clerk at that time and complimenting the officers of the Legislature and the government for allowing the Legislative Assembly officers to embark on a neutral process like that. I complimented the Clerk—I thought it worked—and I complimented the

House leader of the government. I thought that was the future of the way these positions should be decided.

We've slipped back. It's too bad and it would appear, because of the relationship of the candidate, that the fix was in and that's why the process was changed. That is really sad. Maybe we were partly at fault, being gullible and accepting the process when the government did say, "Why don't we do it with the legislative committee?" We probably shouldn't have done that. That was probably the signal that things weren't going to be as they were. But, as the House leader said, it was part of a package and the commitment was there that there wouldn't be a partisan approach to this and let the committee do its work. But, unfortunately, the way that committees are struck here, and rightfully so, the governing party has the majority of members and in the end can have their sway. That's what happened, and I'm afraid it was the direction that the Premier wanted.

What's upsetting about that, and I think people have to understand, getting back to this difference, is that the Environmental Commissioner is a watchdog for the province on behalf of all of the people to make sure the government of the day, regardless of the political stripe, is protecting the environment for all of its citizens. That person is not there to make sure that government policy is put forward and proceeded with, which is the legitimate *raison d'être* of many of the different boards and agencies of the government of the day, and it is obvious and apparent and a good rationale why the government would want to make sure that it appoints people who support that direction. But this is a very different job and all members of the Legislature representing all regions of the province, all parties, all political, ideological thinking, should have confidence in this person.

What we have here today, and possibly into this evening as this debate continues, is the government using its might to shove down the throat of Ontarians their particular pick, who happens to be a very close friend of the Premier's, happens to be a card-carrying Progressive Conservative, happens to have been a past candidate, both federally and provincially. I don't think the people of Ontario and certainly the opposition have confidence that this person is going to be able to take that arm's-length look at the actions of this government, at the actions of a ministry that he once served just a few years ago over a career; he's part of the culture of the Ministry of the Environment of Ontario. He's a friend of the Premier's. He's really too close to the action on any front that you look at. It's wrong, and the government should reconsider what they're doing here today. It's absolutely wrong.

This is not the first time the government has fiddled with the environment. It's interesting to note the various connections and the weaving in and out that the government has done with its friends with regard to the environment. When Toronto's garbage was first proposed to come to Kirkland Lake, the proponent hired an environmental lawyer, Mr Robert Power. Mr Robert Power worked on behalf of the proponent, Notre Development.

Mr Robert Power also acted as an adviser to this government on the Environmental Assessment Act, changes to the Environmental Assessment Act that ironically made it easier for the scheme to send Toronto garbage to Kirkland Lake, to a large open mine pit, easier to pass an EA, and it did. It was able to be passed because the law was changed so that now the government, when ordering a hearing, could scope it down to one or two items rather than have the totality of the project be examined by the public in a hearing. The story goes on that Mr Power later on was rewarded for all of this as he was appointed the chair of the Trillium Foundation. There were stories last year about the goings-on there and the firings that happened after his arrival.

This government has been very consistent with the appointment of friends and trying to influence the environmental workings of this province—and it's wrong. We should have the faith that we have independent people who are acting as a watchdog on this government and any other future government, on behalf of the people, on behalf of one of the most important assets that we have, our environment, the environment that we all depend on for our lives and our safety and our health. We have to make sure that we are doing a better and better job, and I think the people have to have faith that that mandate is beyond partisan politics. That is why we created this position of Environmental Commissioner, a person who reports to the people of Ontario through this Legislature.

I believe this position now has been corrupted by this government. It has been corrupted because they have now applied the political process to the appointment of that person. Unfortunately now that diminishes the office that has been appointed and it diminishes the responsibility of that commission in doing its job, and for that the people of Ontario I think will be forever saddened.

The Acting Speaker: The member for Broadview-Greenwood.

Applause.

Ms Churley: Thank you. You're eating into my time.

It's actually a very painful moment for me to get up and speak to what I would consider a very sordid situation that we've got ourselves in here tonight—sordid, unseemly and totally inappropriate—and that should not even be before us tonight. I have about an hour to speak, but as you know, I just have a few minutes now before we break. I'll be coming back later to continue.

I want to start to talk, though, about what an important debate this is tonight and how very important it is that every member from any party, particularly the opposition, have an opportunity to speak to this bill. I certainly hope the government will listen carefully to what my colleagues and I have been saying and will be saying, and will change their minds and withdraw the nomination. We could send this matter back to committee. There is a resolution that I put forward, a motion that asks the committee to go back and reconsider this appointment. On that matter I asked for unanimous consent today to debate that, but the government said no, not to my surprise.

The government has given every indication that they will not listen, and in that case I think it's fair to say that we are just getting started on what should be a long and very thorough debate. I know several of my colleagues want to speak and they should be given the opportunity. There are various aspects and elements of this motion that we're debating tonight that need to be discussed and brought to the public's attention. This is central to the environmental future of our province.

Further on in this debate we also have several amendments to the motion that we want to propose. Even if those amendments are adopted, this would not make the motion acceptable. It would improve it perhaps a little bit, but not enough to make it acceptable. Ultimately our party is going to be voting against this motion. But I certainly want to give us time to put our thoughts and our concerns on the record and an opportunity to present our amendments and have those debated. So I'm looking forward to a thorough debate.

1750

At some point the government no doubt will try to bring closure. But, Mr Speaker, I have looked at recent precedents and they suggest that the government should not be too hasty tonight in moving closure. I'm going to give you a couple of examples. On November 5, 1996, after more than nine hours of third reading on Bill 75 over four days, Speaker Stockwell ruled that debate should continue. This was on a bill relating to video lottery terminals, which previously had extensive debate in committee and on second reading. Later, on November 13, 1996, during the seventh day of third reading debate, when the government again attempted to end debate, Speaker Stockwell agreed to put the question. I believe it is an appropriate precedent for us to keep in mind here today and in the days to come as we continue this debate on this motion.

The debate we're starting today on this appointment could be a turning point for the future of environmental protection in this province. We believe that if this appointment is allowed to go through, the landmark Environmental Bill of Rights, with an independent watchdog, is at extreme risk. That is why we're making such a fuss about this motion before us. We're not just talking about one appointment now, but we're talking about the future of the independence of the Environmental Bill of Rights and the Environmental Commissioner. This is the beginning of what could be and should be an extremely lengthy debate, so I appreciate now the opportunity to begin my further comments.

I want to start by talking briefly, and I believe correcting the record, about how we got to this point. I have a bit of disagreement with what the Liberals said about how we got here. It's my understanding that the government House leader had offered us—in fact, I know this to be true, because I was very pleased when I heard—a truly independent, non-partisan committee to be set up to choose the Environmental Commissioner, with a representative from each party. Of course, as the environment critic for the NDP, I have been a part of the environ-

mental movement for a very long time and I would have been the representative on that committee.

Then to our surprise, out of the blue—I expect it came from the Premier's office—suddenly the government House leader withdrew that offer. This is where I have a little difference. It's my understanding from talking to my House leader that the discussions around whether or not it would go to a three-party committee or a government standing committee with a government majority—that was not part of negotiations. It may have been discussed in negotiations, but certainly this was not on the table as debatable in terms of, "You take this and we'll give you that." We had a gun to our heads—no choice. The government House leader came back and said: "This is the way it's going to be. I'm sorry, I can no longer give you the truly non-partisan committee. You have to accept the standing committee with a majority of Tory members." When I heard that, I felt nothing but dismay, because I've been around this government for some time now and I knew when I heard that that the fix was in.

I was chosen as the representative from the NDP. Like all the members of the committee, I spent many hours, not only in the committee—I believe there were 20 hours altogether in the committee—but poring over resumés, doing my best to maintain the integrity of this committee and doing my best to play by the rules. But I can tell you again that the opposition in this committee did not make up the rules; the government majority did.

I'm going to go through the process of what happened in that committee a little later when I come back, because my version—and I was there. I believe I'm the only member of the opposition, of both the Liberals and the NDP, who was actually there at the committee to speak to this bill tonight. I'm going to outline, for the Legislature and anybody who might be watching, what happened in that committee and why we are here now.

Right now, in the next couple of minutes, I want to talk about how important it is that the government go back to the drawing board on this very important appointment. I feel nothing but dismay and disappointment, having been a long-time environmental activist—

Mr David Christopherson (Hamilton West): Outrage and disgust.

Ms Churley: Outrage and disgust will come later, believe me—watching a government and the government members, from the Premier on down, failing to understand, or at least pretending not to understand the difference and appointing a very partisan person to a role like this, as opposed to appointing—somebody, I believe it was the Minister of Labour, the other day pointed out, "What about David Agnew?" whom our government appointed as the secretary of cabinet. "What about David Lindsay?" who this government appointed as the head of their job board, or whatever.

We might not have liked it; we don't like some of your appointments as deputy ministers and to all kinds of positions. But you have the right to do that. They're not Legislative Assembly positions. They're not the auditor. They are not supposed to be at arm's length from the

government of the day. They need to be able to feel, and the public needs to know absolutely, without question, that the person in that role is totally removed from the government of the day, is not beholden to that government in any way.

Ms Martel: And is not a party member.

Ms Churley: We'll get to that later as well. You can see that my colleagues really want to speak to this bill, because we were all outraged by it. It's really critical that the government members understand, when we speak to this bill, that we have a clear understanding in this party—after all, we have been in government. We understand who and what kinds of people it is appropriate, whether the opposition like it or not, to position, and where it's inappropriate.

I can assure you, when the first Environmental Commissioner, Eva Ligeti, was appointed, there was a process put in place where at the end of the day all parties agreed to that appointment. I wasn't part of the process; I don't know if a compromise was reached to get there or not, but the reality was that Ms Ligeti was here and was proudly presented to the Legislature, and all three parties applauded her appointment.

In fact, I have Hansard from that time. I have to tell you that she didn't hide anything from the committee. She was upfront about her past, and everybody knew exactly what they were getting. It was very clear that every member of this Legislature and the public felt very comfortable knowing that the person in that position could be trusted, yes, to take our government, the NDP, who put the Environmental Commissioner and the bill of rights in place, to task, that she wouldn't be beholden to us either. That was absolutely critical.

No government likes to have a watchdog breathing down their neck and telling them and the public what they're doing wrong, but that is the role of this person. The role is to watch government, to keep an eye on environmental protection in this province and to tell government what they're doing wrong and what they're doing right, to give the public an opportunity to participate in decision-making, to give the public an opportunity through the registry to see what kinds of decisions are being made and to have input. That's what the role is.

Can you not see, members of the government, the difference between this appointment and that of Andy Brandt, the chair of the liquor board, who was brought up earlier by one of your members? I nearly collapsed in laughter that any member could not see the difference between appointing Andy Brandt to the liquor board and appointing a watchdog, an auditor of sorts to protect the environment in this province.

This is just the outline of the comments I want to make later but I wanted to start by making sure that the government tried to begin to understand the difference, making them understand that this is going to cause them real trouble down the road. You may get this passed tonight. I'm going to do everything I can to prevent you. You've tightened up the rules in such a way that it's going to be very difficult, I know that but, by God, I'm

going to try. Even with your tight rules, I'm going to try. But if you get this passed tonight, mark my words, you'll regret it.

1800

ADJOURNMENT DEBATE

The Acting Speaker (Mr Michael A. Brown): It being 6 o'clock, the motion for adjournment is deemed to have been made. We now move on. Pursuant to standing order 37(a), the member for Toronto Centre-Rosedale has given notice of his dissatisfaction with an answer given by the Premier. The member has five minutes for his presentation.

PREMIER'S ATTENDANCE

Mr George Smitherman (Toronto Centre-Rosedale): It's with regret that I have forced some colleagues to stay and listen for five minutes of my speech, and delighted by the interventions already from the sometimes Speaker.

This afternoon I asked the Premier a question. Rather, I should say that this afternoon I tried to ask the Premier a question, and instead of answering my question, the Premier recited warmed-over bromides from his latest Tory fundraising speech. The members opposite loved it. They rose on their tails, they put their flippers together and barked on cue. All of this surprised me because it couldn't have been anything new to them, because if there's one thing we know for sure, it's that the Premier and the Tory caucus sure do attend a lot of fundraisers.

I'm not going to re-hash here what it was they were barking for. That's the PA's job and we're very interested to see his five minutes.

Instead, I want to focus on my question, the question that went unanswered. At the heart of my question was the issue of accountability. We all know that accountability is not a problem at Tory fundraisers. There the Premier is more concerned with accounting and counting—counting the take of the proceeds of the night, as it were.

Accountability is much more important to the vast majority of Ontarians who are not wealthy enough to influence Tory government policy, who cannot by a phone call get government ministers to write letters to quasi-judicial bodies.

Specifically I wanted to ask the Premier whether someone can be held accountable when that someone is seldom present to be accounted for. Am I the only one here who wonders whether it's all worth it, whether with this government and the way they go on, with their closure and time allocations, the role of this place is being diminished to such a great extent that backbenchers and opposition members must really ask themselves what their role is?

I remember a different day, and I'm a reasonably young man, when I worked for a different Premier, one who used public hearings and committee meetings,

where travel meant something, where members travelled, where they went around the province and sought input, where amendments were brought forward.

Interjections.

Mr Smitherman: It's interesting that the member for Bruce-Grey would heckle me, because we've had to see in the last few days an exercise of Tory insider backroom dealing to get him onside with a piece of legislation, because the government refused to admit that there were inadequacies in its own legislation. Even when a sensible member like that one—I can't believe I said that for the record. Even when a member like that one brought forward a recommendation that clearly would have resulted in an improvement to the bill, instead he did a backroom deal. He got a letter from a minister. No amendments. In summary, no input from anybody.

So what do we see increasingly in this place? Watered-down role for opposition and backbench MPPs; omnibus legislation which lumps all kinds of things together; King Henry VIII clause that says, "Mother knows best," or in this case this paternalistic approach from this government that seeks to control all power.

In conclusion, government bills are perfect bills and we see the evidence of that in this place time and time again, because the opposition is given no chance, nor is the public, to comment on legislation. The government has created the world's most expensive soap opera, acted out here daily under these television lights; backbenchers like the member for Huron-Bruce made so irrelevant that their name doesn't even roll in the credits.

In my riding of Toronto Centre-Rosedale the film and television industry is exceedingly important—thousand and thousands of people are employed by it—but I didn't run for office to become part of it. But I fear that our ratings will never quite match those of wrestling, which I highly recommend to the member for Huron-Bruce, and that is because—this is the punch line—73% of the time the leading actor in this place won't even bother to be held accountable. He won't even come out of his trailer.

The Acting Speaker (Mr Michael A. Brown): The parliamentary assistant has up to five minutes to reply.

Mr Morley Kells (Etobicoke-Lakeshore): On behalf of the Premier I'd like to indicate that I appreciate the question from the member opposite. Let me first say that I know the Premier respects this Legislature and the important work it does. He respects the role each of us has in this House, and that includes the role of the opposition to criticize the government.

Question period is an important part of our responsibilities as duly elected members of provincial Parliament. The Premier firmly believes in the importance of governments being held accountable through the opposition questioning of ministers and the Premier in the House.

I would also indicate to the member opposite that premiers of this province bear additional responsibilities beyond simply attending question period. In fact during the Mike Harris opposition days, he was firmly on record in recognition of these responsibilities.

On May 25, 1992, for instance, a day Premier Rae happened to be out of the House, Hansard shows that Mike Harris said the following:

“I won’t take time talking about the Premier’s attendance in the House. I understand, as the leader of a political party, that there are other important functions that must be fulfilled”

What, you may ask, would be a reason that would require the Premier to miss a question period or two? Upon our government’s election in 1995, for instance, we faced an \$11.3-billion deficit. We had record levels of people on welfare. We had lost over 10,000 net jobs during the term of the NDP. Our Premier’s primary responsibility was to cut taxes to create jobs, to create hope and opportunity by giving people on welfare a hand up to mandatory work for welfare.

It was because we faced such huge challenges that, as a government and as a Legislature, we set new records for legislative and committee work in our first term. In fact during the last Parliament—

Interjections.

Mr Kells: Let me try again. In fact during the last Parliament our government sat more sessional days—12%

more than the NDP and 45% more than the Liberals—and spent more time in committee—23% more than the NDP and 128% more than the Liberals—than either of the previous two governments.

It took us that long to undo the damage done to this province during 10 long years of other government rule. It took us that long to take Ontario from last in the country to first in the country on job growth, with over 600,000 new jobs created. It took us that long to take Ontario from record numbers of people on welfare to 462,000 people off welfare.

I want to thank the member opposite for giving me this opportunity to thank our Premier and my fellow members of caucus for the tremendous work they’ve done to date and for a commitment to continue to do all we can to create even more jobs, more growth and more opportunity in this province.

The Acting Speaker: It being past 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1810.

Evening meeting reported in volume B.

ERRATUM

No.	Page	Column	Line(s)	Should read:
31A	1633	1	46	This is only part of the job. This bill brings some

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