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of Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 16 February 2005**

**Mercredi 16 février 2005**

Speaker  
Honourable Alvin Curling

Président  
L'honorable Alvin Curling

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 16 February 2005

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 16 février 2005

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### HOSPITAL FUNDING

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** I rise in the House today to remind the government about the negative impact that the requirement for hospitals to balance their budgets by 2006 is having on the residents of Grey and Bruce counties. The recent announcement of the Minister of Health and Long-Term Care demanding that hospitals balance their budgets or they would intervene and do it for them has forced our local Owen Sound hospital into a compromising position.

In an attempt to comply with these strong-handed tactics, hospitals are being forced to discuss how care should be delivered in their community. Our local hospital is discussing cuts to key services like oncology. This instability resulted in the resignation of the head of that department, Owen Sound's only oncologist, and is forcing residents of Grey and Bruce counties to travel two-and-a-half to three hours for necessary treatment. As you can imagine, timely treatment of this disease is imperative, and now my constituents are facing delays and exhausting trips to seek life-saving treatment.

Frustrated and outraged, Eleanor Pauling and Erika and Helmut Mayer worked tirelessly to collect more than 9,000 signatures on a petition which asks, where is the better health care promised by Dalton McGuinty? I am reading that petition into the Legislature today and strongly support its request for more stable funding for smaller rural hospitals. We have a health care problem, and creating instability for people providing care and cutting valuable services and financial support will not solve this problem.

#### AGRICULTURE INDUSTRY

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** I rise today to talk about one of the hardest-working and most respected groups in Ontario: our farmers. In addition to our monthly meetings with the Hamilton-Wentworth Federation of Agriculture, I have recently met with dairy farmers, cattlemen, pork, chicken, and grain and corn producers. I can tell you that this is a difficult time in the agricultural sector.

The McGuinty government understands. While our government has made a number of important investments—for example, waiving the land transfer tax for family farms, investing \$410 million of federal-provincial funding for farmers and the industry affected by mad cow, another \$172 million in business risk management programs, and \$20 million under the nutrient management financial assistance program—we must, along with our federal partners, strive to do more.

On Wednesday, March 2, farmers from across Ontario will be visiting Queen's Park. I know Ontario's Minister of Agriculture and Food, the Honourable Steve Peters, looks forward to welcoming them. I will be joining my constituents here on March 2. Why? Because I want to continue to learn from, and our government wants to continue to stand in support of, our farm constituents as they struggle to ensure agricultural sustainability. I hope all members of this House will take time to welcome and talk with our farmers during their March 2 visit.

#### TOBACCO CONTROL

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I once again express my disappointment with this government's lack of respect for farmers, veterans, restaurants, pubs, bars, corner stores, casinos and bingos.

Yesterday, Health Minister Smitherman launched yet another salvo in his war on tobacco through Bill 164. He said, and I quote, "Cigarette displays in stores targeted at kids are an insidious form of advertising." Minister, corner store operators and employees have long done an outstanding job asking for ID and then turning away young people. Now, Liberal taxes force young people to buy cheap smokes out of the trunk of a car. Those guys don't ask for age.

Another quote: "This is a bill that is firm, but it is fair." Fair to whom? Is it fair to my tobacco farmers sitting here today, waiting for the promised compensation? Is it fair to those restaurant and pub owners who have invested in ventilation units? Is it fair to a single mom who is going to lose her waitressing job?

Another quote: "We do not go out of our way to penalize smokers." This is hypocrisy. The Ontario Liberal government has jacked up cigarette taxes three times since being elected—hypocrisy at its best. You are filling your pockets.

George Smitherman quoted Fidel Castro yesterday. I think that is quite fitting. Bill 164 does come from a dictator.

## CHILD CARE

**Ms. Andrea Horwath (Hamilton East):** I'm taking this opportunity to make a statement on something that is very important to families in Ontario, and that is child care.

Parents had high hopes for a deal on child care between Ontario and Ottawa coming out of the ministers' meeting just last Friday, but they were let down. The McGuinty and Martin Liberals returned with empty hands, empty pocketbooks and empty promises. The Ontario Minister of Children and Youth Services came home from that meeting without a federal dollar commitment and without a plan for investing in not-for-profit child care.

Dalton McGuinty promised a provincial investment of \$300 million to create new child care spaces and reduce waiting lists for children right here in Ontario, right now. Studies show that not-for-profit, regulated child care is the best, the most effective and accountable system for child care, yet the McGuinty government is refusing to commit to it. The minister says she will hand off that decision to municipalities. This wishy-washy stand leaves the door open to the private, big-box daycare operators to come to Ontario and make a profit on caring for children.

As the NDP critic for children, I call on the minister to state clearly that government funding will be dedicated solely to not-for-profit child care, which study after study concludes is the best for children.

There is an increasing public frustration over a McGuinty government that promises the moon and the sun but gets nothing done because there's no plan. Anxious parents and child care advocates were promised leadership on the child care file. All they've seen are baby steps, and that's just not good enough. Ontario needs non-profit child care now.

1340

## IMMIGRANTS' SKILLS

**Mr. Shafiq Qaadri (Etobicoke North):** I rise today to address an issue that is of importance to Ontarians broadly, but particularly to those individuals in my own riding of Etobicoke North.

Last May, I introduced a private member's resolution recognizing that foreign-trained professionals and tradespeople possess a significant potential contribution to the economic and cultural benefit of Ontario. I'm pleased to report that that was passed unanimously by this House. This resolution required that the government work to remove barriers that prevent internationally trained individuals from contributing fully to the labour market. I am proud to say that the McGuinty government is delivering on its pledge to embrace the vast wealth of talent and expertise that is manifest in our internationally trained population.

In January, Minister Chambers visited the Community MicroSkills Development Centre in my riding to an-

nounce a \$5.8-million funding initiative for 15 projects which will eventually support the integration of 1,400 internationally trained professionals, particularly those in the health care industry. This recent support rests on the already impressive roster of rich training programs; for example, \$26 million introduced by the same ministry for 200 training positions for internationally trained medical graduates.

The McGuinty government has a vision for Ontario, a vision that embraces and nurtures the skills of all our peoples, in particular those new Canadians who are still looking to integrate into the workforce.

RIDING OF DUFFERIN-PEEL-  
WELLINGTON-GREY

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** As the last session drew to a close, we heard on a daily basis members on the opposite side chortling and challenging our party, asking us when our leader, John Tory, would come into this House. For almost three weeks now, the people of Dufferin-Peel-Wellington-Grey have been without a representative in this Legislature.

The Premier promised electoral reform. He talked about fixed election dates so that no Premier could play games with the electorate. I submit to the Premier that that is exactly what he is doing with the electorate of Dufferin-Peel-Wellington-Grey. He is playing games. John Tory has accepted the challenge that you put forth to us in the last session. I submit to the Premier, accept this challenge today. Call a by-election for that riding so that those people can be properly represented, so that the people of Ontario can have the Leader of the Opposition in his proper seat here representing their interests in this province.

Stop ducking, Dalton. Get to work. I know things have been tough for you. The people aren't very happy with the job you're doing. You're a little upset. Your boss in Ottawa has given you a spanking. But give the people in Dufferin-Peel-Wellington-Grey a member in this House.

## PUBLIC TRANSPORTATION

**Mr. Phil McNeely (Ottawa-Orléans):** I rise today to speak about the McGuinty government's commitment to increasing transit ridership in the province of Ontario. Under the Harris-Eves government, public transit in this province was ignored. As a result, it declined.

This government came into office with an eye to revitalizing transit. I'm proud to say that we're well on our way to accomplishing that goal. So far, we have given \$78 million to communities in Ontario for transit by way of the gas tax. In the words of the Premier, this money is unprecedented, it's permanent and it's growing.

What's more, the funds from the gas tax encourage municipalities to grow their transit ridership, since funding allocations are partially based on ridership. Let me give you an example from the city of Ottawa, part of

which I represent. Ottawa will receive a total of \$18.8 million from the gas tax between October 2004 and 2005. Over three years, the city will receive \$85 million for public transit. The city plans to use the money to expand the O-Train light rail system, buy new buses, expand routes and increase service, including in my area of Orléans.

We're investing this money because we understand that better public transit means fewer cars on the road, leading to cleaner air and less traffic in Ottawa and across the province. It means we are doing our part in reducing greenhouse gas emissions and being a team player to achieve Canada's Kyoto objectives.

### ELECTRICITY SUPPLY

**Ms. Monique M. Smith (Nipissing):** I am pleased to rise today to talk about the McGuinty government and what we are doing to increase Ontario's clean renewable energy capacity. Last month this government approved applications from private companies to assess wind power potential on 21 crown land sites. In my riding of Nipissing, there are three crown land sites that could potentially be homes to wind farms.

The previous government was unable to effectively manage the energy sector. Nothing illustrates that better than the 2003 blackout. Clearly, Ontario needs new, clean forms of alternative energy supply and capacity. Releasing these crown land sites is an important first step to increasing clean, renewable energy for Ontario's future.

The Ministry of Natural Resources estimates that about 3,000 megawatts of wind power capacity could be developed on private and crown lands in Ontario. Wind power is the fastest-growing energy supply sector in the world. The driving force behind this industry is the need to reduce harmful emissions and toxic waste. Eventually, wind farms could generate enough energy to help reduce our dependence on coal-fired electricity plants. This initiative will also help the McGuinty government achieve its target of generating 5% of the province's total energy capacity from renewable sources by 2007.

I am pleased that Nipissing is included in this initiative and that we are playing an important part in helping the province reach its targets for generating renewable sources of energy.

### VISITORS

**Mr. Mario G. Racco (Thornhill):** I want to say thank you to my honourable colleague for allowing me to introduce three honourable guests from Italy, specifically from Calabria and Sicily. They are Demetrio Scuncia, Alessia Gioffrè and Maurizio Scardaci Zappalà. Welcome. These three artists have come from Calabria and Sicily to entertain Calabrians, Sicilians, Italians in Ontario. In fact, they are on a tour of Cuba, the USA and Canada. In Ontario, they have entertained or will be

entertaining people in Ottawa, Thorold, the greater Toronto area, Sudbury, Thunder Bay and Oshawa.

We are very pleased to have them here in Ontario so that our originals—the people who came here many years ago—will be able to be entertained in Italian, but also in their own dialect. It's a pleasure to have them in Ontario. I wish them the best. Please come back as often as you can, because in Ontario we have a significant population from Calabria. In fact, there are about 15 people in this House from the three parties with roots in Italy and, I may add, mostly from Calabria.

It's always a pleasure to have people who come here to remind us of the good culture that we were born with and that we want to continue to enjoy. I know my friend Mr. Marchese, being a Calabrian, appreciates that too.

### LEGISLATIVE PAGES

**The Speaker (Hon. Alvin Curling):** I would ask all members to join me in welcoming this group of legislative pages serving in the first session of the 38th Parliament: Victoria Bragues from Ancaster–Dundas–Flamborough–Aldershot; Christine Eamer from Leeds–Grenville; Clemence Emmanuel from Scarborough–Rouge River; Michael Gallea from Stoney Creek; Fraser Genge from Chatham–Kent–Essex; Jason Gwartz from St. Catharines; John Paul Malette from Windsor West; Gino Marocco from Vaughan–King–Aurora; Sarah-Jane McCullough from Guelph–Wellington; Jessica Mealia from Willowdale; Annieza Mohamed from Etobicoke North; Sarah Morrison from Barrie–Simcoe–Bradford; Abdulkarim Muhaseen from Toronto Centre–Rosedale; Alyssa Novoselac from Mississauga East; Matthew O'Mara from Don Valley East; Wesley Parker from Don Valley West; Katelyn Reszityk from Burlington; Kristine Smith from Niagara Falls; Ian Stones from Etobicoke–Lakeshore; and Emma Tennier-Stuart from Beaches–East York.

Will you all join me in welcoming this new set of pages today.

1350

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Alvin Curling):** I beg to inform the House that today the Clerk received the report on intended appointments dated February 16, 2005, from the standing committee on government agencies.

Pursuant to standing order 106(e)9, the report is deemed to be adopted by the House.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### KYOTO PROTOCOL

**Hon. Leona Dombrowsky (Minister of the Environment):** I would like to take this opportunity to discuss the Kyoto Protocol on climate change, which came into effect today. On behalf of the government of Ontario, I would like to extend our congratulations to the government of Canada for its commitment to the principles, goals and objectives of the Kyoto Protocol.

The Ontario government intends to continue our effective partnership with the federal government and to continue working to meet our responsibilities under the accord. Our government will work with businesses, homeowners and municipalities to ensure that Ontario is doing its fair share to reduce greenhouse gas emissions in a way that allows our province to prosper and remain competitive. Our government has already taken strong action on air quality to reduce greenhouse gas emissions, combat smog and ensure that people and communities across the province have access to clean air. I would like to take this opportunity to review some of the highlights of our recent actions.

Last year, the governments of Canada and Ontario signed a memorandum of understanding for co-operation on addressing climate change. This agreement provides a framework for our two governments to help coordinate our actions on climate change, smog and related air quality problems. Together, our governments have also signed an agreement with the steel industry that sets out a strategy for reducing emissions from that important sector. We are working to reduce smog-causing and greenhouse gas emissions simultaneously, for the simple reason that both problems are a priority and also because it is the most cost-effective way to do so.

Reducing emissions from the energy sector is one of the key areas we are working on. We remain committed to replacing Ontario's five coal-fired electricity stations. Replacing these facilities with cleaner sources of generation will provide dual benefits for our people and communities, since the coal plants contribute in a major way to both smog and climate change. These five plants currently emit 34 million tonnes of carbon dioxide a year. By replacing them, we can achieve major reductions in the pollutants that contribute to climate change and smog. Our government is requiring the Lakeview Generating Station in Mississauga to stop burning coal by the end of April 2005. The other plants will be phased out over the next few years.

We have begun the process of securing replacements for coal-fired power. The government has completed a renewable energy request for proposals that will add 395 megawatts of small, clean, renewable energy to our system by 2007. Over 90% of this has no greenhouse gas or smog-causing emissions.

Ontario also recently signed an agreement with the province of Manitoba and the federal government to study the feasibility of transmitting some of its hydroelectric power to Ontario. We are boosting Ontario's hydroelectric capacity with a major expansion of the existing facilities at Niagara Falls. Our government has launched a request for proposals for 2,500 more megawatts of clean generation, and we are currently reviewing proposals for more than 8,000 megawatts for capacity that was submitted through this process.

We will encourage more businesses to adopt co-generation and remove barriers to this technology. We are committed to helping Ontario homeowners and businesses reduce their costs and electricity consumption by at least 5% by 2007. We will reduce the government's electricity use by at least 10% over the next two years.

Another important air quality initiative was announced last June at a smog summit in Toronto. Our government's five-point action plan will reduce industrial emissions of toxic and smog-causing air pollutants and thus improve the quality of the air we breathe. Under the five-point plan, emissions of the two most significant smog-causing pollutants—nitrogen oxide and sulphur dioxide—from 30 of our largest facilities will be capped. The cap will be reduced in steps in 2010 and 2015.

We pledge to continue our work with the federal government to reduce the emissions that are so harmful to our air, our people, our environment and our quality of life. There is no future in a dirty economy. Taking action to reduce greenhouse gases is a sign of a cleaner, more efficient, more productive economy and a higher quality of life in our communities.

### PUBLIC TRANSPORTATION

**Hon. Harinder S. Takhar (Minister of Transportation):** I am pleased to rise in the House today. I am happy to announce that our government has made good on its gas tax commitment. We have already invested \$78 million in public transit systems across the province.

I can tell you that the program is already a major success. Provincial gas tax funding is getting more people on public transit.

In the first year of the program, the ridership is expected to increase by six million people. By the end of 2007, we expect to see the kind of service improvements that attract as many as 33 million new transit riders. You heard it right: 33 million riders by 2007.

Our government is investing more than \$1 billion over the next five years in public transit across Ontario. Some 78 transit systems across 105 communities will benefit over the next three years. I understand that five more communities are interested in signing on.

Provincial gas tax funding gives municipalities stable, long-term funding. Now they can better plan and improve their transit systems so that more people will choose transit. We know that one bus can take 50 cars off the road. More people using transit means less congestion. It

means cleaner air everywhere for everyone. We all benefit from this.

Here are some examples of what the gas tax is doing.

It's helping communities expand transit services. In fact, gas tax funding is helping transit systems across Ontario buy more buses. It's helping them buy more than 1,800 new buses over the next three years.

In Sudbury, gas tax has allowed the city to expand services for the disabled. It will run not just on weekdays but throughout the weekend as well. In communities around the province there are new buses on new routes for longer hours, and that is all due to the gas tax.

These are the kinds of transit improvements that really count for our commuters. But don't take just my word for it. Let me quote the mayor of London, who says provincial gas tax funding is "the kind of sustainable funding we've been waiting for. Now we can start planning for the future."

Ken Ogilvie, the executive director of Pollution Probe, said, "We have been waiting for political leadership on this issue, and now we are getting it in Ontario."

This government is committed to increasing transit ridership. We know that getting more people out of their cars means less congestion, less stress and a better quality of life.

Traffic delays cost Ontario billions of dollars every year. Through provincial gas tax funding, we are investing in public transit. We are investing in a stronger economy. It is an investment in our communities and in our future.

1400

## ENERGY CONSERVATION

**Hon. Dwight Duncan (Minister of Energy, Government House Leader):** I am very pleased to announce that the government is introducing draft regulations to require that air conditioners made or sold in Ontario be 30% more energy-efficient than they are today.

On an average summer day, up to 2,500 megawatts of electricity can be attributed to household air conditioning use across the province, equal to half the power used by all the city of Toronto at peak demand. This new regulation would lead to greater energy conservation, and yes, smaller electricity bills.

While the new standards would not affect equipment in current use or on retailers' shelves, they would eliminate production on many of the least efficient units, sparking the manufacture of new, more energy-efficient air conditioners for homes and other buildings across Ontario.

The draft regulation, which is now posted on Ontario's Environmental Registry for public comment, was drafted collaboratively with manufacturers, utilities, retailers and consumer groups.

In addition to more exacting standards for air conditioners, it proposes new efficiency requirements for large residential gas-fired furnaces, street and industrial lighting ballasts and refrigerated display cabinets.

It would also set tougher standards for a number of products already covered by the act, such as household clothes washers and household water heaters.

This regulation continues a legacy of support for energy efficiency started by the Peterson government, which introduced the Energy Efficiency Act in this House in 1988. The first of its kind in Canada, this legislation remains a testament to the commitment of Liberal governments, past and present, to conservation and energy efficiency.

Taken together, regulations under this act have resulted in estimated savings equivalent to more than a year's worth of power for the cities of London and Windsor combined and have saved consumers over \$250 million in energy costs. We look forward to introducing even more standards to help Ontarians become more energy-efficient.

Our government has taken many substantive steps to encourage conservation of our energy resources. We quickly put in place an electricity pricing plan that rewards consumers who conserve and, over the next few weeks, the next steps in that plan will be announced.

The Ontario Energy Board has advanced proposals on the structure of the pricing plan for small consumers and on the implementation of smart meters. It will soon be announcing its final regulated price plan, which will continue to encourage the wise use of energy.

We are working with organizations around the province, from power utilities to environmental organizations to consumer groups, to develop specific, meaningful conservation initiatives. For example, my ministry has entered into partnerships to improve energy efficiency in schools, to help students learn about conservation, to develop plans for helping low-income Ontarians conserve energy and to develop energy conservation initiatives for small businesses, hospitals, farmers and lower-income consumers.

Our government has also removed financial disincentives that local utilities have faced in helping customers conserve. In fact, Ontario's electricity distribution companies are developing and implementing community-based conservation initiatives valued up to a quarter of a billion dollars.

Legislation passed by this House has also set in motion the creation of the Ontario Power Authority, and with it, Ontario's first chief energy conservation officer and energy conservation bureau. The Conservatives and the New Democrats voted against that, and the voters ought not let them forget that.

I'd like to acknowledge the continued good work of the conservation action team, made up of nine parliamentary assistants and chaired by my own parliamentary assistant, the member for Etobicoke Centre, Donna Cansfield. That group has done an outstanding job. It is in no small part through their efforts that this government continues to advance conservation in this province.

In light of our government's priorities, I'm especially pleased to share the good news of this proposed regulation on the same day that the Kyoto accord comes into

force. The accord requires Canada to reduce its emissions of carbon dioxide. In addition to our government's commitment to reduce greenhouse gases by replacing coal with cleaner sources of energy, electricity conservation will play an important role in helping Ontario and Canada meet their Kyoto commitments.

We are positioning Ontario to be a world leader in energy conservation. This will mean more jobs in an innovative economy, it will mean stronger communities and it will mean cleaner air for all of us to breathe.

The Conservative Party opposes cleaning up our environment. They oppose cleaning up our air. They oppose reducing CO<sub>2</sub> emissions into the environment. Dalton McGuinty and this party are moving forward starting the first week of April to get rid of the dirtiest coal-fired plants in the province, to help implement the Kyoto accord and assure that we cut down, or at least reduce, the probability of increasing the risk of lung disease in this province. That government's record, and John Tory's record, which has been all over the board—is John Tory in favour of Kyoto or opposed to Kyoto? We don't know. Does he have a plan for implementing Kyoto? We don't know.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** The member from Simcoe North, come to order. I'm trying to hear the statement by the minister.

**Hon. Mr. Duncan:** This government is moving forward to implement the Kyoto accord. I'm proud to stand in this House today and strengthen energy efficiency regulations in Ontario which will benefit all the citizens in this province.

#### KYOTO PROTOCOL

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I wish to remind the members opposite and the Minister of the Environment that our party supports concrete action on climate change and the reduction of greenhouse gas emissions. However, we are very disappointed that the Prime Minister proceeded with ratification without providing a detailed analysis of the Kyoto impacts on our economy, especially vis-à-vis our competitors: the United States, India and China. They did not sign on.

Minister of the Environment, don't you think it's time that you and the federal Liberals provided Ontarians with details of a plan for meeting these obligations? How much is it going to cost Ontario taxpayers? You should not be putting jobs at risk just to meet an artificial and, I would suggest, unattainable deadline. Your leader needs to stand up for Ontarians and get a commitment from your federal cousins to assure that Ontario does not shoulder an unfair burden. You need to be announcing new tax incentives for consumers and industry to reduce greenhouse gas emissions, not announcing new regulatory burdens without incentives. I remind the House that since signing Kyoto, emissions of carbon dioxide continue to rise, and that is after federal spending plans of \$3.7 billion.

#### PUBLIC TRANSPORTATION

**Mr. Jim Wilson (Simcoe–Grey):** First of all, I want to thank the minister for coming to my riding last week. Secondly, I want to respond to his gas tax announcement today, which is one of the greatest frauds put on the people of Ontario. It turns out that in the last election all municipalities were under the impression that they could share in the gas tax. Today, only 105 of 437 municipalities get any share at all in this gas tax.

I dare the minister to make this statement next week at the ROMA and Good Roads conferences, where mostly rural municipalities are represented. They're going to laugh you off the stage.

Secondly, even cities like Toronto, that get 52% of the gas tax, are now figuring out that they were better off under the Tories.

*Interjections.*

1410

**The Speaker (Hon. Alvin Curling):** Order. When the government was making their statements by the ministry—

*Interjections.*

**The Speaker:** Hold the clock. I'm just waiting for the Minister of Finance to vent all his emotions. I think he's over them by now.

I hope you can pick up from where you were, member for Simcoe–Grey. Would you continue your response.

**Mr. Wilson:** Even in the city of Toronto, Mayor Miller has figured out that he got more money for transit under the Tories' old system than he gets now under the gas tax system. You've absolutely not told the truth with respect to gas tax and transit in this province. You're ripping off rural municipalities, and Mayor Miller and the big cities are starting to figure out they've got less money to spend on transit this year under your gas tax scheme than they did when we were in government. Shame on you.

#### ENERGY CONSERVATION

**Mr. John O'Toole (Durham):** The three announcements today by the ministers is clear evidence of mismanagement and no vision. Quite honestly, if you—

*Interjection.*

**Mr. O'Toole:** Pay attention here. This caucus stands for conservation. That is the legacy of our government: conservation. You cancelled the Energy Star program, a program which encouraged conservation by using energy-efficient appliances. What this government is going to do now is penalize people by charging them to buy—they will have no option but to buy—more energy-efficient appliances, without a tax credit or reward mechanism in place.

It's clear if you read Linda Leatherdale's article today in the Sun that higher electricity prices are on the way. It's all codified language by the Minister of Energy today, who has no plan except to raise the price to encourage conservation.



They've broken every election promise you could bring to mind. The election promise to maintain the cap: They broke that and raised the price by as much as 20%. They promised to close the coal plants: Hansard will reveal to you they have no intention of closing the coal plants as promised. They promised smart meters, and the consumer is going to have to pay. The message here today is that they're trying to find any mechanism to shift the responsibility of shortage of supply because of their coal decision on to the consumer side.

Minister, you know you're presenting a threat to the economy and I dare say to the safety of the people of Ontario. Your policy is reckless, ill conceived, ill managed and is doomed to failure.

#### KYOTO PROTOCOL

**Mr. Howard Hampton (Kenora–Rainy River):** I want to respond on the government's lack of a plan to meet its Kyoto commitments. In fact, I heard the minister refer to the Liberal government in Ottawa. Everyone knows the Liberal government in Ottawa is behind and has no plan. It is now trying to scribble one on the back of an envelope, just as you are trying to do here today.

#### ENERGY CONSERVATION

**Mr. Howard Hampton (Kenora–Rainy River):** You didn't have a plan for the replacement of the coal-fired generation stations. You still don't have a plan. That is why media are reporting that Minister Duncan is warming to coal, or should I say Minister Duncan likes coal.

I want to refer to the draft regulation, because this is what the government's so-called plan amounts to: a draft regulation on air conditioning. That's it. That's the sum total of it.

What's interesting is, if you refer to some of the people who are actually studying energy efficiency, this is what they say:

"The government of Ontario should adopt minimum energy efficiency standards under the Energy Efficiency Act equivalent to the energy efficiency levels required for Energy Star labelling for all major electricity-using devices." Are they doing that? No.

"The provincial building code should be amended to require R2000, Canadian building improvement program, or equivalent energy efficiency performance for all new buildings and building renovations." Are they doing that? No.

"The Planning Act should be amended to permit municipalities to make energy efficiency design requirements a condition of planning and site approvals for new developments." Are they doing that? No.

"The most energy-efficient technologies in all sectors and end-uses should be labelled through the Energy Star program or, if not included in Energy Star, through a provincial labelling system." Are they doing that? No.

"The government of Ontario should establish a partnership with utilities, financial institutions, energy ser-

vice companies, municipalities, and other stakeholders to offer a series of financing mechanisms to assist electricity consumers in all sectors to finance the adoption of energy-efficient products and technologies and measures out of the savings they will achieve through these investments." Is the McGuinty government doing that? No.

"The government of Ontario should enter into an agreement with the federal government under the auspices of the federal government's Kyoto protocol implementation plan to share the costs of providing the following financial incentives for the adoption of energy-efficient technologies:

"—Grants for high-efficiency home energy retrofits and new R2000 homes." Are they doing that? No.

"—Grants toward the additional costs of new high-efficiency commercial buildings, and commercial building retrofits." Is the McGuinty government doing that? No.

"—Sales tax rebates for all Energy Star products in all sectors and small-scale renewable energy power sources." Are they doing that? No.

This government doesn't have a plan. They announced a draft regulation for air conditioners—not even a regulation; a draft regulation—that probably won't go into effect for a year or so. There's no plan here, no plan whatsoever.

#### PUBLIC TRANSPORTATION

**Mr. Michael Prue (Beaches–East York):** I listened to the Minister of Transportation, expecting to hear something new and unique and novel today. But all this is is a reannouncement of an announcement of an announcement, with nothing changing.

There is a huge problem in the city of Toronto. We read about it every day, those of us who live in this city, about the city trying to find \$92 million because of the downloading of the province upon the taxpayers of the city. Is this going to solve any of those problems? Absolutely not. It's not going to solve them because in actual fact they are getting less money in the city of Toronto from this government than they got from the previous one. You should know that and you should not be proud of what you're doing. You should be ashamed of it.

The money is not even going to transit. I quote Minister Bentley in the London Free Press when he said exactly what was going to happen. "The infusion of millions into London from the gas tax—money handed over less than two months ago—meant the city could trim \$455,000 from its transit budget, Bentley said, about the same amount needed for the daycare program."

You're not building new things; you're taking it out of what already exists to build something else. If you are going to do that, at least have the guts to stand up and say that. This is not money for transit; this is money for other programs. You have neglected 350 municipalities in this province, which are literally going to get nothing out of this deal.

**Ms. Marilyn Churley (Toronto–Danforth):** On a point of order, Mr. Speaker: I'm asking for unanimous consent to vote on my ballot item 39, which would have Ontario establish regulations aimed at capping greenhouse gas emissions.

**The Speaker (Hon. Alvin Curling):** The member for Toronto–Danforth has asked for unanimous consent. Do we have that? I didn't hear unanimous consent here.

**Mr. John R. Baird (Nepean–Carleton):** On a point of order, Mr. Speaker: I would like to ask for unanimous consent to revert to introduction of bills so that Mr. Hardeman might introduce his private member's bill that will be debated next week.

**The Speaker:** The member for Nepean–Carleton has asked for unanimous consent. Agreed? Agreed.

1420

## INTRODUCTION OF BILLS

### FARM IMPLEMENTS AMENDMENT ACT, 2005

#### LOI DE 2005 MODIFIANT LA LOI SUR LES APPAREILS AGRICOLES

Mr. Hardeman moved first reading of the following bill:

Bill 168, An Act to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector / Projet de loi 168, Loi visant à assurer l'équité, à favoriser la concurrence et le choix chez le consommateur et à encourager l'innovation dans le secteur des appareils agricoles.

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

**Mr. Ernie Hardeman (Oxford):** Thank you very much, Speaker, and thank you to the House for allowing me to introduce it after the time for introduction of bills.

As the title of the bill says, it is a bill to ensure fairness, to foster competition and consumer choice and to encourage innovation in the farm implement sector. This bill will give farmers, farm implement dealers and manufacturers greater choice in how they operate their business, and I would ask for support when it comes forward for second reading.

**Mr. John R. Baird (Nepean–Carleton):** On a point of order, Mr. Speaker: If I could just present an issue. I have received a notice of resolution from the government on a very important issue with respect to the fiscal relationship between the government of Ontario and the federal government. The federal budget will be printed and going to press in just a few short days, so I appreciate this is a matter that I know the Premier feels is very important. We in the official opposition want to be helpful, as we always are, to allow this resolution to be debated expeditiously and to allow all the voices of Ontario's MPPs to be heard on this issue.

Having said that, I would like to ask for unanimous consent to move the following motion without debate or

amendment and that the question be put forthwith: That the House debate the government resolution, tabled today, this afternoon after question period—

**The Speaker:** Order. You're just asking for unanimous consent to move your motion.

**Mr. Baird:** I'd like to speak to the motion.

*Interjections.*

**The Speaker:** Order. The member is asking for unanimous consent to move the motion. I got a no.

*Interjections.*

**The Speaker:** Order. The matter has been dealt with.

## ORAL QUESTIONS

### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. Robert W. Runciman (Leader of the Opposition):** My question is for the Premier. Premier, earlier this afternoon, John Tory sent you a letter about federal-provincial finances, and I want to quote from that letter.

"Premier, if your recent comments toward the federal government are genuine and not just politics of diversion, I urge you to start working with the first ministers in order to reform and review federal-provincial finances.

"Continuing with your current policy of demanding one-time grants from an existing federal surplus will not achieve this end. It is not the result of any plan or thoughtful reform to federal-provincial-municipal finances."

Premier, you promised a constructive approach to dealing with the federal government in the last campaign. After a year and a half, that's suddenly changed. You drank the Kool-Aid, and fed-bashing is in vogue. Will you answer John Tory's letter and immediately call a meeting of the Council of the Federation to develop a real, long-term, sustainable fiscal framework instead of your pick-a-number-from-the-hat approach?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** It is delightful to learn that the official opposition is taking an interest in something which I think is going to be of growing interest to every single Ontarian.

I'm pleased to report that, as chair of the Council of the Federation, the council has, in fact, a proposal which we will be making public very shortly in terms of its end game. It's a proposal to put in place a panel to consider the very issues that the Leader of the Opposition is raising; more specifically, to look at the entire question of the fiscal imbalance. Each of the regions has appointed a representative to this point in time, save and except for Quebec. Once Quebec has its representative on that panel, we will then launch it and make it public.

**Mr. Runciman:** For the record, our party, the Progressive Conservative Party of Ontario, and our leader, John Tory, have taken an interest in this issue for a number of years, much to the chagrin and criticism of the current Premier of the province.

Premier, your problem is that you've made it too easy for Paul Martin to say no. Your call for \$5 billion is based on the same back-of-a-napkin approach that you used in dealing with health care. There's no plan, no sense that you have any clear idea of where you want to go. For example, just yesterday you said your priority is to spend \$400 million on a swanky new hotel-casino in Windsor. You're telling hospitals at the same time to cut \$170 million from their budget. You're telling nurses that you're hiring 8,000, but in reality you're firing close to 1,000. Paul Martin is right to question your sincerity.

We do need a new fiscal arrangement in this country, but we need a Premier who can build a case, demonstrate need and follow through. Premier, are you telling us today that you do not require a meeting of the federal organization, or is the meeting going to be called? Are you going to call one as the chair of that group?

**Hon. Mr. McGuinty:** To be very clear, the meeting has been convened. It was convened several months ago now. We've had a number of telephone conferences since then. The die is cast. It's just a matter now of making this panel public.

Let me speak to the issue more broadly, because this gives me a good opportunity to speak to it. I'd be interested to learn a little bit more about where the official opposition stands on this. We believe there is a real and pressing issue of a financial nature before the people of Ontario: That is this whole notion of a \$23-billion gap. That's the difference between how much money the federal government removes from us by way of taxes and other things and returns to us. We believe it is absolutely essential that we retain some of that money. I said that this \$5 billion was a good starting point as a basis for discussion. What we are talking about here is being able to ensure that we have sufficient funds to make absolutely essential investments in things like post-secondary education and infrastructure, which will in turn strengthen this economy, something that will stand to the benefit not only of Ontario but all of Canada.

**Mr. Runciman:** Premier, it's increasingly clear that your conversion on the road to Damascus is likely more smoke and mirrors. We have pit bulls, censor boards, provincial logos, anything but the real challenges facing the province, and that is truly regrettable. This debate is not about an arbitrary, one-time share of the federal surplus. It's about a fundamental reworking of the nation's fiscal imbalance, something our party has been calling for for years, and we'll forgive you a few stumbles as you get up to speed.

You say you want \$5 billion because you have a \$6-billion deficit. Just last week, your deficit was \$2.2 billion.

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order.

**Mr. Runciman:** You are over budget in your spending this year by a staggering \$820 million, yet hospitals are still cutting—

*Interjections.*

**The Speaker:** Could the members for the government side, especially the ministers on this side—so I can hear

the Leader of the Opposition put his question forward. I'm getting constant interruption from this side. I'd appreciate your co-operation.

**Mr. Runciman:** As I was saying, the government, under the Premier, is over budget in their spending by a staggering \$820 million this year. Hospitals are still cutting beds and programs, nurses are being laid off, teachers are voting to strike and negotiations with doctors are stalled. We need a new permanent fiscal arrangement, not a one-time bailout. We've suggested that the Premier has no plan in a whole range of areas. Can he indicate to us today, to the people of Ontario, how he arrived at this \$5-billion figure? He's saying it's a starting point. There must be some calculation behind this, or is this once again seat-of-the-pants, write-it-out-on-a-napkin, go to the public and distract the public's attention away from the real challenges facing this province?

**Hon. Mr. McGuinty:** If the leader of the official opposition is suggesting that this \$23-billion gap is a distraction and of no real concern to the people of Ontario, then he doesn't understand the nature of this issue. We're talking about ensuring that the people of Ontario can retain more of their money so that they can invest in the kinds of things that will generate still more wealth. That's something that will stand to the benefit not only of the people of Ontario, but indeed all the people of Canada.

For example, recently, Bob Rae threw down the gauntlet.

*Interjections.*

**The Speaker:** Just a moment, please. It's the same courtesy I ask of the opposition when the Premier is responding. I'm getting constant interruption on this side.

**Hon. Mr. McGuinty:** Recently, former Premier Bob Rae issued a report, a very solid report, which makes strong recommendations to the effect that it is time for us as a province to make greater investment in our post-secondary education system. He tells us that if we don't begin to do that we will lag further behind. We want to lead in this province. We want to resolve this \$23-billion-gap issue so that we can stand up and be a genuine leader, both in terms of providing good-quality public services to the people of Ontario and ensuring we're providing sufficient wealth to the people of Canada for quality public services from coast to coast to coast.

1430

#### HEALTH CARE FUNDING

**Mr. John R. Baird (Nepean–Carleton):** My question is to the Premier. I want to return to your mismanagement of the health care system here in Ontario. The sad reality is that it has become clear to everyone who's watching that you have no plan for health care in Ontario.

I want to bring your attention to the growing crisis at the Kingston General Hospital in eastern Ontario. Yesterday and today, surgeries are being cancelled, forcing patients to travel hundreds of miles out of their home communities for care. Dr. Peter Munt at KGH said, in a

shocking statement, "It's generally getting worse each day. There isn't an end in sight."

Premier, patients in Kingston and the opposition at Queen's Park want to know what your personal plan is to alleviate this crisis that you have created in Kingston.

**Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs):** I'm pleased to report that, as a result of the outstanding efforts of the MPP for that community, Kingston, we have invested an additional \$41 million in that hospital.

Let me say as well, so that the member opposite understands, we are doing something that has never been done before. We are taking the bull by the horns when it comes to our health care system. We are working with our hospitals on a day-to-day basis. We are not only providing them with more funding than ever before, we are also working to find efficiencies in a way that does not compromise health care. At the same time, we've made hundreds of millions of dollars worth of investment outside our hospitals in community-based care to relieve the pressure that is on our hospitals. That is, broadly speaking, the nature of our plan.

I'm pleased to report that some—how many hospitals have balanced their budgets?

**Interjection:** Over half.

**Hon. Mr. McGuinty:** Over half have already balanced their budgets. They've done so in a way that does not compromise care, and we look forward to working with the balance so that we can move forward on this.

**Mr. Baird:** I'm sure patients in eastern Ontario are happy to have Bob Runciman being that MPP in the local region who is working hard for patient care, because he is seeing nothing from members across the aisle.

The sad reality, Premier, is that Dr. Peter Munt is saying, despite the rhetoric of the member opposite, "It's generally getting worse.... there is no end in sight." The sad reality that you have no plan is made worse. While 50 patients in Kingston wait for a long-term-care bed, just down the road, 10 minutes' drive down the 401, there are 10 vacant beds at the Carveth long-term-care facility—10 vacant beds which could be used to provide better patient care to people in eastern Ontario.

Premier, I want to specifically ask you, and patients in eastern Ontario want to specifically ask you: What is your plan to make this situation better? What is your plan to fix this mess?

**Hon. Mr. McGuinty:** We have invested over \$2 billion more into health care since we assumed the responsibility of serving Ontarians as their government. We are working hard with our hospitals, our doctors and our nurses to improve the quality of care that we can deliver.

The member opposite knows that, for example, we have some very specific results that we want to achieve when it comes to more cancer care, more cardiac care, more cataract care, more MRIs and more CTs. In fact, we've improved the number of our scans by 20% since we got the job. We are proud of that particular result, and the Minister of Health tells me again and again that one of the things we are about to do is expand our family

health teams. We have had over 200 applications now for only 45 family health teams to be made available at this point in time. There is a very broad embrace of our reforms. There is a critical mass of people who want us to continue to improve the quality of their health care.

**Mr. Baird:** The sad reality, Premier, is that the hundreds and thousands of Ontarians who are watching on television see no plan from this Premier and this government to alleviate the situation, not just in greater Kingston, not just in eastern Ontario, but right across the province. You see, Premier, these 10 beds are empty because these patients would not be able to get a doctor in that community, and you have no plan to eliminate the doctor shortage in Ontario.

Let's look at what Ontario nurses are saying about the layoffs that your government is undertaking. The Minister of Health bragged in a recent press conference that it's only 757 nurses being laid off. Let's see what the Ontario Nurses' Association says about that. Linda Haslam-Stroud, said, "Layoffs will deeply affect patient care."

Premier, I want to come back to you and I want to come back to the absence of a plan. Stand in your place and tell me, stand in your place and tell patients right across Ontario, and stand in your place and explain to nurses how firing 757 nurses will make health care better in Ontario. Would you do that?

**Hon. Mr. McGuinty:** As I indicated yesterday, we have funded 3,052 full-time, new nursing positions and we're proud to make that investment.

The member opposite made reference to the doctor shortage. There's no doubt about it, we inherited a situation where we are short of doctors. Let me tell you about some of the things we're doing in that regard. In addition to investing in these 150 family health teams, as I just mentioned, although there are only 45 opportunities available at this time, we have received over 200 applications. Last week, over 550 international medical graduates sat for a clinical assessment. We have doubled the number of spots for international medical graduates, from 90 to 200. I can tell you as well that the College of Physicians and Surgeons of Ontario issued 2,638 licences just last year. For the first time ever, more of those licences were issued to international medical graduates than to Ontario grads.

So we are working with the medical community. We are investing in more medical school spaces, we are building a brand new medical school, and we're opening the doors to our international medical graduates.

#### FEDERAL-PROVINCIAL FISCAL POLICIES

**Mr. Howard Hampton (Kenora-Rainy River):** I have a question for the Premier. Conservatives, hospitals, doctors, nurses, Newfoundlanders, Nova Scotians, and now Paul Martin: What do all these people and things have in common? Well, according to Dalton McGuinty, they're all to blame for the problem you now find

yourself with. Here is the reality. You promised to reinvest in hospitals, in health care, in schools and in municipalities, but then you promised Louisiana-style taxes; a complete contradiction. Now that you're being called to account, you are turning around and pointing the finger at everyone else.

Premier, when are you going to stop blaming everyone else for your predicament, the predicament that you created? When are you going to take responsibility for your own government?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I would have thought that the leader of the NDP would have seized the opportunity to say, "I'm onside when it comes to standing up for the people of Ontario." You would think he would have seized that opportunity. Apparently he thinks that the \$23-billion gap is an issue that is not worth addressing. For some reason, he thinks that if an immigrant lands in Montreal and the Quebec government gets \$3,800 and an immigrant lands in Toronto and the Ontario government gets \$800, that is not an issue that should be put under the spotlight and examined very closely. We happen to believe that is an issue that demands examination. It's an issue that demands fairness. It's an issue that is symptomatic of an unfairness that has been obtaining for quite some time now. What we're saying is, it's time to bring this issue forward. It's time for Ontarians to come together and say to the federal government, "We want nothing more and nothing less than fairness."

**Mr. Hampton:** Premier, it may be news to you that there is a fiscal imbalance, but there has been a fiscal imbalance for some time. You only discover it when you don't have a health care plan, you don't have an education plan, you don't have a plan for municipalities, and suddenly, you look out for someone to blame.

You promised Louisiana-style taxes. Do you remember that? You looked into the camera and said, "I won't raise your taxes, but there will be billions for health care and education and universities and the environment." You created this problem, Premier. You created it; no one else. So I ask you, when are you going to take responsibility for your own government, instead of trying to blame hospitals, doctors, Nova Scotians, Newfoundlanders, and now Paul Martin?

1440

**Hon. Mr. McGuinty:** We've invested some \$2.8 billion in health care and \$1.1 billion in education. What we're saying at this point in time is that the federal government has some modicum of responsibility to ensure that the people of Ontario can retain more of their own money so they can invest in better quality public services, so they might better invest in infrastructure, so we can develop a stronger economy here in Ontario, something that will serve not only our province but our country.

You would think, given the logic of that particular argument, that the leader of the NDP would want to join us. You would think that he would want to say that he wants to stand with the people of Ontario. We want to

demand fairness from the federal government. You would have thought, given the nature of the challenges before us and given the obvious unfairness, that he would want to stand with the people of Ontario.

**Mr. Hampton:** No, I'm here to hold Premier McGuinty to account. I want to mention a famous quote from just a few years ago: "Mike Harris is so obsessed with fed-bashing, he's ignoring the crisis in health care in his own backyard—one largely of his own making." Who said that? Dalton McGuinty said that. Now who has created a health care problem and who's engaging in fed-bashing? Dalton McGuinty.

If I were Paul Martin, I'd be a bit puzzled. He has delivered \$2 billion in new health care funding, he has delivered new federal funding for child care, and his good friend Dalton McGuinty is bashing him. If I were Paul Martin, I'd be puzzled. You made the promises, Premier. You promised Louisiana-style tax cuts. When are you going to stop blaming your good friend Paul Martin and take responsibility for your own actions?

**Hon. Mr. McGuinty:** I'm sure that the member is going to get a call from Jack Layton shortly, because I know Jack Layton wants to stand up for the province of Ontario.

There is a little bit of difference between the discussion I'm having with the federal government and that which Mike Harris had with the federal government. He was looking for money to put into tax cuts. I'm talking about retaining some of our money so we can invest in better-quality public services. You would think the leader of the NDP would—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order. I think the members wish to hear the answer.

New question?

**Mr. Hampton:** Maybe you can explain this: You want to maintain Mike Harris's tax cuts. I don't see much of a difference there.

Premier, you have an obligation to pay to Ontario municipalities a percentage of the social assistance costs that those municipalities incur on your behalf. For example, you owe the city of Toronto approximately \$92 million, Hamilton about \$19 million, London about \$15 million and Windsor about \$12 million. Your minister says that you owe the municipalities in excess of \$150 million a year. But you have refused to pay. Meanwhile, you cry wolf when the federal government doesn't come up with all of the money that you want. Premier, how can you talk out of both sides of your mouth at the same time?

**Hon. Mr. McGuinty:** It's so obvious that the member doesn't get it. If we had the ability to hang on to more of our money—and we've put down as a basis for discussion \$5 billion, which would mean \$18 billion net would still flow to the federation, and we're proud to send that \$18 billion. But if we could have that \$5 billion or so, then we could provide greater assistance to our municipalities, we could provide more help to Ontario's farmers, we could make essential investments in post-

secondary education, we could make essential investments in infrastructure, like get that bridge moving at the Windsor border. Those are the kinds of investments that we could make if we could just hang on to a bit more of our own money. You would think that that logic would be very clear and inescapable.

**Mr. Hampton:** Premier, this is the contradiction for you: You owe this money to the municipalities. Many of those municipalities are between a rock and a hard place, and you say, "I'm not paying this money," yet you go to the federal government. You were quite happy to shake Paul Martin's hand a couple of months ago at the health conference and say, "This is a record-breaking deal." You were quite happy a few months ago to say that Paul Martin was doing exactly what needed to happen in the country. But now when you find yourself in a financial jam that you made because you promised Louisiana-style taxes, suddenly you want to say to the municipalities, "We are not paying up." But you want to say to the federal government that they have to bail you out. I ask you again, Premier, how can you talk out of both sides of your mouth at the same time?

**Hon. Mr. McGuinty:** I'm sure that many, many Ontarians are growing still more disappointed with the NDP Party when they learn that their leader is not prepared to stand up with the people of Ontario and demand a fair deal for the province of Ontario.

We have a good, strong working relationship with Ontario's municipalities, and I'm very proud of the work that Minister Gerretsen has done to establish that good, solid working relationship.

I say to the leader of the NDP, as I say to Ontario municipalities, to Ontario farmers, to Ontario business and to 12.4 million Ontarians, it is important that we stand together on this issue and demand a modicum of fairness from the federal government to ensure that we can retain more of our money so that we can invest in better-quality public services and generate more wealth for Ontario and all of Canada.

**Mr. Hampton:** Premier, the city of Toronto calculates that your government takes out of Toronto about \$4.5 billion to \$5 billion more than you put back in. So employing your logic, when are you going to write the \$5-billion cheque to Toronto? Because that seems to be the extent of your logic.

Only a few short months ago, Paul Martin was your best friend and Paul Martin was, according to you, setting health care and all these things on the right course for the next generation. But suddenly, when you find yourself in a financial jam of your own making because you promised to maintain Louisiana-style tax cuts, you cry foul. If you can suddenly fed bash—

*Interjections.*

**The Speaker:** I'm going to ask the member from Eglinton–Lawrence to come to order and stop interrupting the leader of the third party when he is asking his question.

Premier?

**Hon. Mr. McGuinty:** As I said, we are working with our municipalities. We have set out on that path since the

day we assumed our responsibilities. I'm pleased that we've done something that none of the other governments even hinted at before. We have put in place new funding; we've given up two cents of our provincial gas tax and turned that over to our cities, on the condition that they invest in public transit. They had the job before, and they could do nothing for Ontario municipalities.

Now there is another issue before us. Obviously, it would be wonderful if we could have inherited a stronger financial position, but we did not and we are working our way out of that. Do you know what? Now there is another important issue before us. Ontarians want to know, where do the leaders of the opposition parties stand when it comes to this \$23-billion gap? Who is prepared to stand with the people of Ontario and demand fairness for the province of Ontario so that we can retain more of our own money, so that we can make investments in our public services, so that we can generate more wealth that benefits Ontario and Canada?

**The Speaker:** The rules are that you have a minute to put your question and a minute to answer it. I'd like us to obey accordingly.

1450

#### ACCESS TO HEALTH CARE

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Premier. With each passing day, it's becoming more apparent to Ontarians that you have no health care plan. Despite the fact that your Minister of Health has made a written commitment to provide drug coverage for Fabry patients, there are now patients who are being denied drug treatment because your minister has refused to live up to his commitment. Bill Taylor and Carolyn Auger in Ottawa have been denied treatment for the past three weeks. If you take a look at the Sarnia Observer on February 15, 27-year-old Darren Nesbit is quoted as saying that he will chain himself to the steps of Queen's Park as he dies so that the government can see the effect of denying him and others the life-saving treatment they so desperately need. Premier, I ask you to show compassion. I ask you to tell your minister to keep his written promise and assure treatment for these desperate patients.

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** The Minister of Health.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** It would seem more appropriate for the honourable member, in addition to, of course, advocating on behalf of patients, to work with us in two fashions, and firstly, to pay heed to a process, the Common Drug Review, that she herself played a role in helping to establish as Minister of Health at the time. The company has astonishingly decided to play politics with this issue in offering a treatment to people in British Columbia, then suggesting they would treat all Canadians fairly, and subsequently deciding to revoke that privilege for Ontarians.

The reality continues to be that in an environment where there are new products that have tremendous costs made available every day, we have to use a process like the Common Drug Review established by that Minister of Health in order to make sure that any product we pay for has appropriate clinical efficacy. The company themselves asked to be sent back to the Common Drug Review to review new data. That is exactly what is going on, and I urge the honourable member to stand alongside others and ask this company to fulfill—

**The Speaker (Hon. Alvin Curling):** Thank you.

**Mrs. Witmer:** That response is disgraceful. There is only one person playing a blame game and playing politics, and that's this minister, who refuses to provide the assurance to these people and passes the buck. He knows what the committee is all about. He also knows that he is the only one who has not agreed to provide treatment to these patients while the deliberations are continuing. If you go to Alberta or you go to Quebec, they're still receiving treatment with provincial approval. Furthermore, 40 other countries in this world have approved this drug for coverage. Will this minister at least now give these patients the assurance that their drug coverage will not be interrupted? Will you commit to do what 40 other countries have done: provide permanent funding and end this torturous delay for these desperate people?

**Hon. Mr. Smitherman:** It must take considerable gall on the part of that honourable member to stand up in this Legislature after she herself, in the role I now have the honour of operating in, said that it is critically important that we rely on the clinical evidence in making these very difficult determinations around what products should be supported, and then she suggests now, because it suits her purpose today, that we simply offer permanent funding when this product is before the Common Drug Review, the very process she helped to establish as Minister of Health. This company asked us to go back to the Common Drug Review to—

*Interjections.*

**The Speaker:** Order. The member from Nepean-Carleton and the member from Durham, I ask you to come to order.

**Hon. Mr. Smitherman:** We hope the Common Drug Review process can establish that this product is clinically efficacious, but it is not my job alone to be able to do that, and the honourable member knows it. If the company believes so strongly in the product they are offering, then they should fulfill—

**The Speaker:** Thank you.

#### KYOTO PROTOCOL

**Ms. Marilyn Churley (Toronto-Danforth):** A question to the Premier: Today the Kyoto accord came into effect. Ontario is the second-largest producer of greenhouse gases in Canada. Since the negotiation of Kyoto in 1997, Ontario's emissions have gone up, not down, but you don't have a plan for Ontario to reduce its emissions,

nor by how much. The memorandum of understanding you signed last year with the feds is not a real plan. It's just a proposal to make a plan. So today, incredibly, you make an announcement about air conditioners, instead of revealing a comprehensive strategy that has measures like capping greenhouse gas emissions.

Premier, when are you going to reveal a comprehensive plan to reduce greenhouse gas emissions in this province?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** Ontario has the most aggressive plan to address global warming in the entire country. As we shut down our coal-fired generation in our province, that will be the single greatest contribution that any province makes toward meeting our national goal.

Beyond that, let me tell you something else. We have issued requests for proposals for 2,500 megawatts of clean energy—we are changing our energy package—and 400 megawatts of renewable energy. We are working with the federal government in this particular matter to reduce our contribution to global warming, something that will stand to benefit all Ontarians and something that I hope will be reflected in the upcoming federal budget.

**Ms. Churley:** Premier, your federal cousins don't have a plan either. Maybe you should take the lead on this one.

There are many measures which my leader Howard Hampton pointed out earlier that you did not announce today. Your energy minister, of all people, said no to my motion which would have Ontario establish regulations aimed at capping greenhouse gas emissions. Your energy minister said no, so I'm going to give you another suggestion: Live up to your election promise to curb sprawl that puts more vehicles on the road, because today you released a growth plan that will actually increase, not decrease, urban sprawl and traffic congestion in this province.

Premier, will you close that loophole so that you actually decrease traffic on the road and urban sprawl in this province, not increase it?

**Hon. Mr. McGuinty:** When it comes to reducing global warming, again, I'm very proud of the efforts that we're making. Let me just list a few of those. First of all, the greenbelt: The greenbelt is a piece of green space that is larger than Prince Edward Island itself; our very aggressive plan that we'll be moving forward on with respect to making ethanol a mandatory component of our gasoline; thirdly, what we are doing with respect to coal-fired generation—we are eliminating it in the province of Ontario; and finally, we are investing two cents of the provincial gas tax into public transit around the province. That is a very proud record that benefits our environment and the people of Ontario.

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#### IMMIGRANT SERVICES

**Mr. Tony C. Wong (Markham):** My question is for the Minister of Immigration and Citizenship. Minister,

the province of Ontario is proud to be the leader in welcoming immigrants to Canada. We receive more than half of the country's immigrants each year. Immigration contributes greatly to Ontario's social and economic growth. I know this government is committed to helping newcomers contribute fully to life in Ontario. I am fortunate to have a high percentage of immigrants who make their home in my riding, and I know that Ontario provides a wide range of supports and services to newcomers in helping them integrate in society.

Since the responsibility for providing funding to assist immigrants largely rests in the hands of the federal government, however, could you please explain, Minister, what the government of Ontario is doing to help new immigrants establish themselves successfully?

**Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration):** I'm very proud to say that the Ontario government is committed to helping newcomers contribute fully to the social and economic life of this province. Each year, on average, approximately 130,000 immigrants, more than half of all the immigrants to Canada, choose to make Ontario their home.

My ministry's newcomer settlement program funds 79 community agencies to provide settlement services for newcomers. The Ministry of Training, Colleges and Universities invests in bridge training programs for internationally trained individuals. The Ministry of Education invests in English-as-a-second-language programming, and the Ministry of Health and Long-Term Care has implemented initiatives to make it easier for foreign-trained doctors to practise medicine in Ontario. In fact, my colleague has doubled the number of residencies for foreign-trained physicians.

On top of that, we are aggressively negotiating a fair deal for Ontario with the federal government. We are the only province that doesn't have an immigration agreement. We have \$800 per immigrant from Ottawa while Quebec has \$3,800 from Ottawa. It's not fair. The time to act is now, and we're aggressively pursuing a fair deal with Ottawa.

**The Speaker (Hon. Alvin Curling):** Supplementary?

**Mrs. Linda Jeffrey (Brampton Centre):** I'm not surprised to hear how much this government values immigrants in the province, but I am surprised and concerned to hear about the federal government's inadequate contribution. It doesn't seem fair. This question is important to my riding of Brampton Centre. According to the 2001 census, Brampton had more than 129,000 immigrants. In fact, Peel's share of new immigrants has rapidly increased from 11% to almost 21% since 1996.

Minister, I know you've been working with the federal government to get a new immigration deal for Ontario. Ontario is the only province in the country without an immigration agreement. Since this could greatly improve the outcome for newcomers to this province, it's very important for our continued success. What's the status of the negotiations and why isn't the federal government moving more quickly?

**Hon. Mrs. Bountrogianni:** I pride myself on my patience with working with colleagues from all political parties, but I have to say my patience has been tested in this case. It's simply not fair—\$800 per immigrant in Ontario and \$3,800 for Quebec—considering the secondary migration of Quebecers coming to Ontario, and we get nothing for those immigrants. Ottawa spends \$1,055 more on each Quebecer than per Ontarian, Ottawa spends \$456 more on each western Canadian than per Ontarian and Ottawa spends over \$4,000 more on each Atlantic Canadian than per Ontarian.

This may be federal money in the federal agreement that we're going after, but it's Ontario taxpayers' money that we're going after. Ontario is the economic engine of the country. We have a letter of intent that a deal will be signed within this year and we are aggressively pursuing our fair share for the citizens of Ontario.

#### ACCESS TO HEALTH CARE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is to the Premier. I ask you again to encourage your Minister of Health to fulfill his commitment to the patients who suffer from Fabry disease. This is the stall tactic that he has undertaken. It has been sent back to the same committee that recommended against coverage.

The facts are that the department of human genetics at the Mount Sinai Hospital school of medicine in New York recently reported that a panel of physicians, experts in Fabry disease, recommended that enzyme replacement therapy be started as soon as possible when a diagnosis was made. The drug has been extensively reviewed by the other 40 countries that are providing coverage. I ask you today, will you stop the politics, quit the delay and fulfill your promise to provide this life-saving medication to the patients?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** To the minister, Speaker.

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I'm happy to have the opportunity to repeat what I said to honourable member earlier. The Common Drug Review was established on her watch. That is what Canadian jurisdictions, all provinces and territories, determined was appropriate, not depending upon what every other country did. Why did it go back to the Common Drug Review? Because the company was dissatisfied that the earlier review by the Common Drug Review in fact looked at the appropriate information and data. So it was at their very instigation that provinces and territories agreed it would be appropriate to take another look at it, and that is exactly the status of the situation.

I repeat that if the company believes so strongly in the quality of the product and the benefit it offers to the patients of Ontario, then they should fulfill the word they gave, which is that all patients in Canada will be treated equally.

**Mrs. Witmer:** The minister knows full well that the committee where the drug has gone for review is not the appropriate committee for review of this orphan drug. He also knows that the Minister of Health in Alberta made a



commitment that all the patients would receive coverage until a final decision is made.

Why are you not doing the same? Why will you not give assurance to the people who suffer from Fabry disease in this province and assure them that they will have coverage? Why can't you do so? Why do you so lack compassion? I can't believe it.

**Hon. Mr. Smitherman:** The honourable member, who herself stood in her place when she was the Minister of Health in very similar situations, now accuses others of not having a sufficiency of compassion. If it were as simple as that, that would be very helpful indeed.

The Common Drug Review was established on her watch by provinces and territories together, with a view toward making sure that we use clinical efficacy in determining what products our public health system can support. This is one of those that is undergoing the review, itself requested by the company. In the meantime, we ask only one thing, and that is that the company treat all patients in Canada equally, as they committed to do. I ask the honourable member to stand alongside me and others and say to this company, "Stop playing politics in Ontario alone and treat all patients across the country of Canada equally."

#### TUITION FEES

**Mr. Rosario Marchese (Trinity–Spadina):** My question is to the Premier. You were supposed to be the Premier who was going to bring skyrocketing tuition fees under control. In your platform—

*Interjections.*

**The Speaker (Hon. Alvin Curling):** Order.

**Mr. Marchese:** I quote you: "The Harris-Eves government raised tuition a staggering 45% for basic undergraduate programs and allowed tuition to skyrocket in programs such as medicine, law and engineering." And you said, "We will not let this continue." But in response to the recently released post-secondary review, you told the *Globe and Mail*, "The price of tuition will go up. The only issue is the pace at which it goes up."

Are these the words of a man who has a plan to bring down skyrocketing tuition fees, or are these the words of a man who never had a real plan to bring tuition fees down?

**Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs):** I am very proud to confirm that for the second year running, beginning this September, Ontario students at our colleges and universities will have tuition fees frozen.

We're very pleased with the report we received from the former NDP leader, Bob Rae. We're very pleased with the advice he has offered us. As I indicated, the only question for us is how we are going to deliver on this. I've asked the Minister of Finance to be as creative as possible to ensure that we can begin to make essential investments in our colleges and universities, something that will stand to the benefit not only of families and students but the entire economy as a whole.

**Mr. Marchese:** The post-secondary review recommended \$1.3 billion in base funding by 2006, \$150 million in student aid this year, and \$200 million in university repairs every year for the next three years, among other important recommendations. I wonder if the Premier would be as quick to commit to those recommendations as he is to hiking tuition fees and to whacking students once again.

1510

**Hon. Mr. McGuinty:** Speaking of whacking, this is a member of a party which, when it formed the government, increased tuition for colleges and universities by some 60%. Now that is what I call a whacking.

I can tell you that we intend to stand up for our Ontario students. We will make essential investments in their colleges and universities. We will provide a more fair system of student assistance. There will be more grants for our students at the bottom end of the economic scale. There will be more loan opportunities for those in the middle-income group. We will ensure that our tuition fee increases are modest and responsible, and it will be accompanied by a lion's share investment coming from this government.

#### GROWTH PLANNING

**Mrs. Liz Sandals (Guelph–Wellington):** My question is for the Minister of Public Infrastructure Renewal. Minister Caplan, Ontarians have asked us to deliver the real, positive change needed to build strong, prosperous communities with a healthy environment and an excellent quality of life. Since last summer, when you released the *Places to Grow: Better Choices, Brighter Future* discussion paper, people in my riding of Guelph–Wellington have been anxious to see what has been going on and how our government plans to deal with sprawl and gridlock. You have said this plan would improve our economy and allow us to make further investments in our communities.

Ontario is expecting growth of four million people, creating the need for about two million jobs over the next 30 years. How will your plan create opportunities for this kind of future growth?

**Hon. David Caplan (Minister of Public Infrastructure Renewal):** I'm delighted with the question. Our just-released *Places to Grow* draft creates a plan for the greater Golden Horseshoe that lays out the kind of growth that Ontarians have told us they want, the kind that creates jobs, that attracts investment, that protects our valuable natural resources and improves quality of life.

The forecasted growth that the member refers to has enormous implications for the kind of public infrastructure investment we need, as well as augmenting the importance of building healthy and complete communities. It is critical that this region continue to be economically competitive and offer a high quality of life, and that's why we need a plan. For the very first time in the history of this province, that's exactly what we're doing.

The draft growth plan for the greater Golden Horseshoe addresses where and how the region should grow, how our investments will be made and prioritized, how we support these growth areas, how we protect the areas, our food and water and recreational resources, at the same time avoiding the consequences of increased gridlock chewing up green space, driving away investment and reducing quality of life.

**Mrs. Sandals:** It is important that future generations not be burdened with the many challenges we face today because of sprawl and gridlock. Certainly in my riding one of the key concerns is that we not become the next Toronto, the next GTA, in terms of density of growth. However, will a region that practises growth management actually improve their economic performance relative to other regions?

**Hon. Mr. Caplan:** The short answer is yes. International studies have shown that metropolitan areas that practise growth management can actually improve their economic performance relative to other regions. The greater Golden Horseshoe is an ideal example. It already boasts a highly educated population and a strong natural resource base. This new integrated approach to community planning will deliver a quality of life that continues to be the envy of the world.

In recent years, the provincial growth planning role has fallen by the wayside under previous governments. The result: disjointed communities, underdeveloped transit, gridlock, rising pollution and ever-longer commute times to and from jobs. In addition, the greater Golden Horseshoe region has outgrown the infrastructure that was put in place in the 1960s, 1970s and 1980s, and it will cost literally tens of billions of dollars to ensure that we maintain the critical capital infrastructure we have today and build for our needs for tomorrow.

#### HOSPITAL FUNDING

**Mr. Norm Miller (Parry Sound–Muskoka):** My question is for the Minister of Health. North Bay officials have been waiting months for the province to allow the new hospital to go to tender. The hospital has raised its share of the required money from the community and has jumped through hoops to meet your requirements. They are clinging to the assurances that the project is a top priority. Meanwhile, the construction costs continue to rise by as much as \$750,000 each month the project is delayed.

Minister, please be clear: When will you allow the North Bay hospital project to go to tender?

**Hon. George Smitherman (Minister of Health and Long-Term Care):** I appreciate the question from the honourable member, particularly as it follows on the recent visit by his party leader to Cornwall, where, for the first time, in a bit of honesty, at least, the honourable member's leader acknowledged that it was an inappropriate habit on the part of your party while in government to run around all over Ontario before the last election and promise a hospital everywhere.

The reality that we inherited, in addition to your Magna budget deficit, was a \$5.2-billion—

*Interjections.*

**Hon. Mr. Smitherman:** Oh, they don't want to hear it, Mr. Speaker: a \$5.2-billion list of hospitals promised or expected. In the face of that incredible challenge, however, I'm pleased to say that the honourable member from North Bay and her efforts and the local community's more recent efforts to get their local share in a healthier position mean that we're getting close to being able to make progress on a project that is a priority for our government, but a priority, apparently, that your party couldn't deliver even while your Premier held that seat.

**Mr. Miller:** I'm glad to hear you're closer to making progress, but somehow you have \$400 million for a casino and yet you don't have money for this hospital.

I would like to read from a letter I received from a constituent of mine who wrote directly to you. This is from the letter:

"Without a mandate to do so, you have raised taxes, invented LHINs, abolished district health councils, antagonized physicians, hospital boards and administrators, chiropractors, physiotherapists and optometrists, and through the uncertainties so generated are creating a climate of insecurity and abysmal morale for the key workers in these systems...."

"The icing on the cake, prompting me to compose this letter, was to hear that while hospital staff are being laid off and promised nurses cannot get full-time work, your government is contemplating aid to a casino in Windsor to the tune of \$400 million."

This constituent can see that you don't have a plan for health care in Ontario. Minister, how do you justify \$400 million for a casino but no money to start the construction of the North Bay hospital?

**Hon. Mr. Smitherman:** Firstly, the honourable member well knows that not one penny of health care dollars, in the short-term especially, is affected by a casino enhancement in Windsor. In fact, what the honourable member ought to have figured out by now is that solid economic performance is the only hope for the future of social services like the ones that he talks about. We made a \$2.8-billion investment in health care this year, and his leader proposes to cut health care by \$2.4 billion. And what's left he promises to privatize, like the 407. That's their model for health care.

I ask the honourable member, in the broader characterization that he uses at the front end of his question: Is that the personal experience that you've had with my leadership when I came to South Muskoka hospital to work with you?

#### FOREST INDUSTRY

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Natural Resources. In early January, Tembec and Domtar announced the closure of sawmills in northern Ontario, three specifically in

Chapleau, Kirkland Lake and Opatatika. What's surprising is that for these same two companies, immediately after this devastating announcement was revealed, you as Minister of Natural Resources would allow the transfer of the wood from those mills to other mills in their operations.

Minister, you're creating an extremely bad precedent, allowing these forestry companies to create supermills that will then, in turn, gobble up all the wood, to the detriment of small communities across northern Ontario. This is devastating to small communities.

My question on behalf of communities like Opatatika is a very simple one: Will you reverse your position and not permit the transfer of wood, so that communities like Opatatika can go out and find another operator who is willing to operate a sawmill in their community, keeping the jobs where they belong?

**Hon. David Ramsay (Minister of Natural Resources):** I'd like to remind the member that during the NDP years, 1990-95, 14 sawmills closed in northern Ontario. I would also like to remind the member that when he is referring specifically to Opatatika—I would like to say about the Opatatika situation that Bud Wildman, when he was the minister in that government, allowed Spruce Falls to establish a sawmill in Kapuskasing—

**Mr. Howard Hampton (Kenora-Rainy River):** Where?

**The Speaker (Hon. Alvin Curling):** I ask the leader of the third party to come to order.

Minister?

**Hon. Mr. Ramsay:** For the rest of this, I'll await the supplementary.

It's Field, Golden Valley, Thunder Bay, Hearst, Rayside, Eganville, Fort Frances, Sioux Lookout, Pembroke, Pakesley, Wawa, North Bay and the Bancroft area. That's where.

1520

**Mr. Bisson:** What a load of crap. We were the government when those mills were in difficulty and went across northern Ontario with the Minister of Natural Resources, the Premier of Ontario, the Minister of Northern Development and myself and saved communities like Kapuskasing, Sault Ste. Marie, Thunder Bay and Hearst. This minister stands there and tries to deflect the attention off himself and on to us. That is reprehensible.

The issue is this: Opatatika is about to lose its only employer. That is unacceptable, and all you can do is sit around and try to lay blame where it doesn't belong. We are asking you seriously once again: Are you prepared to reverse your decision and not allow the transfer of that wood so that Opatatika can do what it would have done under an NDP government, and that is to restructure itself so those jobs can be saved?

**Hon. Mr. Ramsay:** I would like to inform the member that I don't have to make any direction on that wood, because when Bud Wildman approved the Spruce Falls sawmill in Kapuskasing and gave direction to the Excel mill, once that mill is now closed and no longer purchasing wood, the SFL holder can direct all the wood

to Hearst and Kapuskasing. I don't have to do anything in this situation.

**Mr. Bisson:** On a point of order, Mr. Speaker: I am putting notice of dissatisfaction on that question and demanding a late show from this minister, who tries to do things—

**The Speaker:** Thank you. That's been taken.  
New question.

## KYOTO PROTOCOL

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of the Environment. Today is a momentous day. Today the Kyoto Protocol comes into effect in Canada and 140 other countries around the world that have had the fortitude to resist considerable pressure not to ratify the agreement.

The world's leading scientific experts continue to demonstrate that the world's climate is getting warmer due to the persistent buildup of greenhouse gases. Leading scientists state that this buildup of greenhouse gases is due in large part to the burning of fossil fuels. Minister, what is our government doing to assist the government of Canada in its efforts to address the potential adverse effects of greenhouse gases on the environment and human health? What action is our government taking to better alert the people in communities around this province with respect to highly localized incidents of poor air quality?

**Hon. Leona Dombrowsky (Minister of the Environment):** I'm very happy to reiterate what the Premier has already stated in this House about our commitment and our actions toward meeting Kyoto commitments here and in Canada. We are committed to replacing coal-fired generation in the province. We are committed to burning cleaner gasoline in our vehicles. We have committed two cents of our gas tax to municipalities to assist them to develop better transit routes across this province. We are committed to a comprehensive conservation plan and we are also committed to ensuring, with regard to road inspections, that our vehicles will be clean and that they will burn cleaner gas.

**The Speaker (Hon. Alvin Curling):** That brings us to the end of oral questions. Let me just convey to you my appreciation for your co-operation in oral questions today.

## PETITIONS

### HOSPITAL FUNDING

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition here which has over 9,000 names on it. It was collected by a lady named Eleanor Pauling and her friends Erika and Helmut Mayer. They worked very hard. This has to do with our hospital.

The petition is to the Legislative Assembly of Ontario:

"Whereas the health care cutbacks are having a devastating effect in our region;

"More hospital funding is a must for rural hospitals.

"Stop government waste.

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

"The CEO of Grey Bruce Health Services recently announced a draft plan to enable the hospital corporation to meet the budget requirements set by the Ministry of Health. If carried out to completion, this plan would have drastic effects on health care in our area. The board faces the difficult task of finding the impossible savings, if they are to comply with the demands of the ministry.

"These cuts will result in devastating ripple effects, as residents of Grey and Bruce counties will be forced to travel out of the area for essential services and will face even longer waits, when time is of the essence. Inevitably, more complications will occur as a result of care at a distance, not to mention the fatigue for the patient. Of special note are proposed cuts to oncology, rehabilitation, psychiatry and obstetrical services. It is a long way to Toronto and London for services that are already overextended. These services, which have been provided effectively close to home, will cost much more in a large centre.

"The cuts to hospital staff through outsourcing and layoffs will have a devastating effect on the lives of individuals in our communities.

"Grey-Bruce per capita has one of the highest rates of breast cancer in all of Canada; also per capita, one of the highest numbers of senior citizens. For us to now lose our one and only oncologist is unforgivable to our Canadian health system.

"Last year, the writer of this letter lost one friend to breast cancer because of delays; now another is travelling to London for treatment. The third best friend with rapid growth of breast cancer has had her appointment cancelled for the 4th of January this year by our oncology department with a simple quote: 'Not taking any more patients as the doctor will be leaving town due to the possibility the department may close.'"

Mr. Speaker, I'll only be a second here.

Now this patient is on the end of a waiting list to get into another oncology department out of town.

"We, as a community, will do whatever is in our power to get better and faster medical treatment for those in need. This is what our Prime Minister, Paul Martin, and our Premier, Dalton McGuinty, both promised in their election campaign. Where is the better health care promised by both? All we hear about are more and more cuts."

The \$2 billion or more funds that are unaccountable in the recent federal scandal must be found, returned to the government and given to regional health centres such as ours.

"More funding is a must for smaller, rural hospitals to continue to function. Appropriate funding is a must, as promised by both federal and provincial governments. We, as citizens of Ontario, are demanding such."

I have signed this petition too, which has over 9,000 signatures.

## SECOND-STAGE HOUSING

**Ms. Andrea Horwath (Hamilton East):** This is a petition to the Legislative Assembly of Ontario:

"Whereas funding for core counselling programs is needed, Family Services Hamilton has no funding to operate 28 units and therefore does not have the core funding to operate the second-stage services program;

"Whereas on April 6, 2004, the Honourable Sandra Pupatello stood in the provincial Parliament to announce government initiatives to fight domestic violence. She stated, 'Probably the most significant part of this announcement today is getting our government back in the business of second-stage housing.' The Liberals indicated that they would return core funding to support the programs and services in cash-strapped organizations like ours;

"Whereas on November 1, 2004, to the astonishment of Family Services Hamilton, these dollars were to be allocated for transitional housing support. Instead of following through with the original promise to reinvest in the 27 existing programs, the \$3.5 million was to be dispersed among 70 agencies across the province. Most of these agencies are not second stage, and some second stages have since found out that their programs will not be numbered among those receiving the funds. We got no funding! Where is the core funding to come from to operate programs that were ignored?

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

"That the government revises their decision based on the impact to the services in our sector and immediately reinstate full funding to the second-stage services program of Family Services Hamilton."

I agree with this petition, and I affix my name thereon.

1530

## ANAPHYLACTIC SHOCK

**Mr. Dave Levac (Brant):** I'll read a petition. This is a petition from all over the province in support of Bill 3.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students,

which requires that every school principal in Ontario establish a school anaphylactic plan.”

I sign my name to this petition because it's my bill.

#### ANTI-SMOKING LEGISLATION

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

“Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as legion halls, navy clubs and related facilities as well; and

“Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

“Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

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

“That the Parliament of Ontario exempt legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation.”

I agree and I've signed this petition.

#### IMMIGRANTS' SKILLS

**Mr. Shafiq Qadri (Etobicoke North):** I have a petition here addressed to the Legislative Assembly of Ontario regarding access to trades and professions in Ontario.

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas Ontario, its businesses, its people and its institutions badly need the professional, managerial and technical skills that many newcomers to Canada have and want to use;

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

“That the government of Ontario, through the Ministry of Training, Colleges and Universities and the other institutions and agencies of and within the government of Ontario, undertake specific and proactive measures to work with the bodies regulating access to Ontario's professions, trades and other occupations in order that newcomers to Canada gain fair, timely and cost-effective access to certification and other measures that facilitate

the entry, or re-entry, of skilled workers and professionals trained outside Canada into the Canadian workforce.”

I'm pleased to support this, Speaker, and send it to you via page Matthew.

#### REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Garfield Dunlop (Simcoe North):** “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities;

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I'm pleased to sign my name to it.

#### TTC RIGHT-OF-WAY

**Mr. Tony Ruprecht (Davenport):** I have a petition that's addressed to the Parliament of Ontario, and to the Minister of the Environment specifically. It reads as follows:

“Whereas the city filed the ESR, the environmental assessment report, and issued the notice of completion on November 22, 2004, and initiated a 45-day public review period;

“Whereas environmental impacts of the dedicated right-of-way significantly affect the quality of life of nearby residents dramatically and detrimentally;

“Whereas the availability of other alternatives to the project have not received careful consideration;

“Whereas the public consultation program and the opportunities for public participation have not been adequate;

“Whereas specific concerns remain unresolved, such as curb cutting, therefore reducing the sidewalks in such a way as to decimate community life;

“Whereas the city/TTC have not made their case within the parameters set out by the Environmental Assessment Act. The act defines “environment” to include “the social, economic and cultural condition that influences the life of humans or a community”. The city has not established the need for the project, nor has it adequately assessed the potential socio-economic impacts that would result from constructed dedicated streetcar lanes on St. Clair Avenue West;

“Therefore, we, the undersigned, demand that the Minister of the Environment issue a Part II order which would subject the St. Clair project and dedicated right-of-way of the TTC to an individual environmental assessment.”

Since I agree with this, I am delighted to sign my name to it.

#### WATERLOO–WELLINGTON TRANSPORTATION ACTION PLAN

**Mr. Ted Arnott (Waterloo–Wellington):** My petition is to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas the residents of Waterloo–Wellington need and deserve excellent roads and highways for their safe travel; and

“Whereas good transportation links are vital to the strength of our local economy, supporting job creation through the efficient delivery of our products to the North American marketplace; and

“Whereas transit services are essential to managing the future growth of our urban communities and have a relatively minimal impact on our natural environment; and

“Whereas Waterloo–Wellington MPP Ted Arnott has asked all municipalities of Waterloo–Wellington to provide him with their top transportation priorities for the next five years and beyond, all of them responded, and their recommendations form the Waterloo–Wellington transportation action plan; and

“Whereas Transportation Minister Frank Klees responded quickly to MPP Ted Arnott’s request for a meeting with the councillors and staff of Waterloo–Wellington’s municipalities, and listened to their recommendations; and

“Whereas the Waterloo–Wellington transportation action plan contains over 40 recommendations provided to MPP Ted Arnott by municipalities, and there is recurrent support for implementing the corridor study of Highway 7/8 between Kitchener and Stratford, a new four-lane Highway 7 from Kitchener to Guelph, assistance for Wellington county to rebuild Highway 24 from Guelph to Cambridge, a repaired and upgraded Highway 6 from Fergus to Mount Forest, Waterloo region’s light rail transit initiative, OSTAR funding for transportation-related projects, and other projects;

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

“That the provincial government support Ted Arnott’s Waterloo–Wellington transportation action plan, and initiate the necessary studies and/or construction of the projects in it.”

It is signed by a significant number of my constituents.

#### PIT BULLS

**Ms. Laurel C. Broten (Etobicoke–Lakeshore):** I’m pleased to present a petition to the Legislative Assembly from residents in my riding of Etobicoke–Lakeshore, in particular Susan Wankiewicz, in support of legislation to protect our community from dangerous dogs. These 673 signatures were collected following a vicious pit bull attack in September 2004 and demonstrate the strong reaction from our community. It states:

“I agree that we should live in a neighbourhood where our children and pets will be safe and the threat of attacks by dangerous dogs does not exist.”

I agree with it and I’ve signed my name to it.

#### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada’s first Nobel Prize recipient; and

“Whereas this great Canadian’s original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

“Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

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

“That the Minister of Culture endorses Simcoe–Grey MPP Jim Wilson’s private member’s bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come.”

I want to thank Warren Gibson, Ltd. for circulating this petition and, of course, I’ve signed it.

#### SCHOOL BUS SAFETY

**Mr. Michael Gravelle (Thunder Bay–Superior North):** I have a petition sent to me by Melanie Perrier, the mother of Allyceea Ennis, who died so tragically on the school bus in Thunder Bay about a year ago—a very important campaign signed by 1,616 people.

“Whereas the Ontario Ministry of Education requires district school boards to ensure that classes, ‘on average for each board, do not exceed 24.5 in elementary overall’ ...

“Whereas the Ontario Ministry of Education states, ‘For safety and discipline purposes, a school bus is regarded as an extension of the classroom’;

“Whereas a full-size school bus has 24 seats and can carry up to 72 children, far more than a teacher is allowed to supervise unassisted;

“Whereas the Ontario Ministry of Transportation states, ‘Police can charge drivers with careless driving if they do not pay full attention to the driving task’;

“Whereas school bus drivers, no matter how diligent, cannot adequately supervise up to 72 children and safely navigate a multi-tonne bus through busy traffic and changing road conditions;...

“Whereas the Ontario Ministry of Transportation regulates deployment of safety equipment unique to school buses;

“Whereas Transport Canada recommends that, ‘depending on their physical characteristics, children up to the age of four or five be restrained on school buses using the same restraint system recommended for a passenger vehicle’;...

“Whereas the Ontario Ministry of Transportation is responsible for establishing rules and regulations pertaining to driver qualifications and licensing;

“Whereas the Canadian Council of Motor Transport Administrators recommends that commercial vehicle drivers take a first aid course that includes respiratory emergencies, artificial respiration and accident scene management;...

“Therefore, we, the undersigned, remember Allyceea and petition the Legislative Assembly as follows:

“That the Legislature pass a law:

“(1) requiring all elementary school buses to have a trained adult supervisor on board, in addition to the driver;

“(2) requiring the proper installation and use of appropriate child safety restraint systems on school buses for all children under 50 pounds or 23 kilograms; and

“(3) requiring all school bus drivers to annually pass mandatory instruction and testing in first aid, CPR and emergency situation management, as a requirement of Ministry of Transportation licensing.”

Mr. Speaker, I support the petition and sign it, and I thank you for your indulgence in letting me read this.

1540

## ORDERS OF THE DAY

### FILM CLASSIFICATION ACT, 2005

#### LOI DE 2005

### SUR LE CLASSEMENT DES FILMS

Resuming the debate adjourned on February 15, 2005, on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi

sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

**The Speaker (Hon. Alvin Curling):** I understand that at the end of the day the member for Niagara Centre had the floor.

**Mr. Peter Kormos (Niagara Centre):** I believe I have about 25 minutes left.

It's a pleasure to be able to address this bill as lead-off on behalf of the NDP over the course of two days. Last night, of course, was an evening sitting, and here we are in an afternoon sitting.

Let's understand what has happened here. I have had the opportunity to read the remarks of the minister and other government members who participated in the one-hour lead-off—most interesting and fascinating. The government, on the one hand, tried to create the impression that somehow it was modernizing the Theatres Act on its own initiative, that it was forging ahead, when in fact the reality is that the government is responding to the order of the Superior Court in Ontario, which made it very clear that the province's censorship of film was contrary to the charter, specifically section 2(b).

In a very thorough judgment, a judgment that was not appealed by the government, His Lordship, Mr. Justice Juriensz, finding that the censorship provisions of the historic Theatres Act violated section 2(b) of the charter, also found that the classification provisions—there was no suggestion in the ruling, as a matter of fact, it wasn't even argued by the defendants who appealed the original conviction, that the province did not have the power to classify, but Justice Juriensz found there was such an intermingling in the sections that created both censorship as well as classification powers that he struck the censorship powers down. He said they are a violation of 2(b) and cannot be allowed to stand, but he gave the government a year to clean up the mess—a whole year.

The judgment is as clear as clear could be, unequivocal, not negotiable: The province cannot censor films. The whole issue of prior restraint, censorship, was one that, if exercised in the context of the Theatres Act with respect to film, videotape and DVD, violated section 2(b).

The government had a year. The year started to run on April 30, 2004, so what it means is that we're a couple of months up against the deadline now. The government dragged its heels and dragged it heels and mucked around, and we didn't see legislation until toward the very end of last year. Lo and behold, what does a careful inspection of that legislation reveal? It reveals that the government clearly didn't pay attention to the Superior Court ruling at all, because the government, in section 7 of its bill, rewrites censorship powers for the government.

The court was very clear. It's the censorship provisions of the old Theatres Act that posed the problem. It told the province, “Go back to the drafting table and cull out the censorship provisions.” As to the classification provisions—no problem with those; nobody argued that there was a problem with them. Classify to your heart's content. Classify till the cows come home. Have people

over at your ministry, Minister Watson, watching dirty movies until they can't watch dirty movies any more and classify them all they want. They can put "dirty, dirty, dirty" on the front cover. They can put "really sexy movie." They can put "Even adults shouldn't watch this movie. You've got to be over 75 to watch this movie." The court said you can classify all you want.

Was it just about a year ago, Minister, that we learned that your scarce staff over there was spending more time watching dirty movies than enforcing any other provisions of the numerous pieces of legislation that they were called upon to enforce? And people wonder why they get call answer when they call the ministry, which has been all but gutted. People wonder, as does Mr. Martiniuk—he was very clear about that last night—why they can't get a birth certificate for love nor money and why there's foul-up after foul-up after foul-up.

So the court says you can classify it, but you can't censor. The court couldn't have been clearer. The government chose not to appeal the decision, and in doing so, ratified it, confirmed it, accepted it and acknowledged that that was the law of the land. And what does it do in the bill it puts forward? Once again, in section 7 of that bill, it enacts censorship powers very specifically. You see, there are two powers. One is the classification powers, and that's in section 6, and the other is the approval powers, and that's in section 7.

Classification is about—well, it's about classification. Approval is about prior restraint; it's about censorship. That's what the court said you can't do. The court struck down those provisions of your old, historic Theatres Act. You screwed up. You mucked up big time. Lord. Boy, you've got the resources of the Ministry of the Attorney General, you've got legislative counsel, you've got an entourage that would choke a horse, and what do you do? You do the very thing the court told you not to do. And you persist in doing it, even when Alan Borovoy of the Canadian Civil Liberties Association wrote to you shortly after first reading, within days, saying, "You can't do that. That's exactly what the court told you not to do." The government was dragged kicking and screaming into 21st century, and then, as quickly, flipped back into the 19th century.

So I tell you, your bill is seriously, fatally flawed. Not only did you include section 7, the approval section, the prior restraint section, the censorship section, but Minister, in your own comments last night, you were very clear. You were almost proud. You didn't just acknowledge that section 7 was in the bill but you indicate that it's there for the very reason it appears to be there. The minister said, "The provincial government should continue to exercise some approval powers"—that means censorship, prior restraint—"over adult sex films." Please. Adult sex films? They're sex films, OK? You're talking about erotica, I presume—dirty movies, porno.

1550

*Interjection.*

**Mr. Kormos:** That's right.

Think about this. I told you last night that I had consulted with some of my experts. I had called up Spencer

Brown and his sister Nicole Brown, and then I called their cousins Nicholas Losier-Brown and Joshua Losier-Brown—the latter two are preschoolers—because I wanted to know what sorts of movies they were watching. I learned about Bob the Builder movies. I learned not just about Bob the Builder, but there was also Dora. Then I learned about SpongeBob SquarePants.

This government, in the year 2005, is going to compel the people who make the Bob the Builder movies to submit their movies so that scarce staff over at the Ministry of Consumer and Business Services, at \$4.20 a minute, can sit there viewing Bob the Builder to determine that there's nothing inappropriate for the kids who are going to be watching it. The people who make SpongeBob SquarePants movies are going to have to submit their movies to be viewed and reviewed at \$4.20 a minute to make sure that they're not offensive to any particular age group or portion of the community.

The purpose of classification, understand, isn't a matter of determining what's offensive. Let's take a look at Manitoba. Manitoba understood that censorship was not in the provincial realm back in the 1970s. They haven't censored movies in Manitoba since the 1970s.

Indeed, there are any number of movies that are so clearly not wanting for any preview that they're exempt; for instance, how-to movies. Not Bob the Builder, but Bob Vila the drywaller. It doesn't have to be submitted for classification purposes. It's pretty apparent. Who knows what turns people on? There may be the occasional drywalling scene that some people find very exciting. Far be it from me to tell people what to watch or why to watch it.

In Manitoba, there's a common-sense approach to how-to films—how to drywall, how to paint, how to build kitchen cupboards, how to cultivate flowers and plants and things like that. You know the kinds of movies—exercise movies. Richard Simmons, I suppose, is pretty risqué to some folks out there. But exercise movies are exempt from the need to be submitted for classification in Manitoba, because it's a matter of—please. Manitoba understands, as this province had better understand if its legislation is going to be upheld, that the classification is nothing less and nothing more than the nutritional label on the Campbell's soup can.

Do you understand what I'm saying? People who are inclined go to the nutritional label to find out whether it's high fat, low fat, high cholesterol, low cholesterol, low salt, regular salt, what have you. It's a guide. It's not going to tell you what the soup tastes like, but it's a reasonable reference.

I submit to you that what people in this province want is some direction, some guidance about what is in a particular film, which includes video games for the purpose of the definition here.

Now, that takes us to kids. This government somehow wants to pretend that this bill is going to prevent younger persons from coming into possession of material, especially in the case of video games, that some people are going to say young people should not have access to.



You remember just before Christmas, the well-publicized case of a new release of a video game—and apparently it's the trend; I've never seen or done a video game—that has high levels of virtual participation, with violence and things like that. We read about it. One of the TV networks here in Toronto sent out a broadcaster's son, who was underage, to any number of well-known retail outlets, and they had the secret camera, the 60 Minutes sort of stuff, you know? The kid was able to buy the video in any number of places and any number of places said, "No, we're sorry. We won't sell this video game to people under 16, under 17, under 18."

But the whole futility of that exercise, which isn't addressed in the legislation and isn't addressed by the government but which was very much addressed by the court in the Glad Day Bookshop decision, and in particular in the portion of Judge Juriansz's comments wherein he talked about the fact that a whole lot of this stuff, the video content itself, isn't obtained from a retail shop—Judge Juriansz says, "While there was no evidence on the point, I take judicial notice of the ability of Ontario residents to download videos from the Internet, and to view and record films and videos broadcast on cable, pay and digital channels. Such videos and films are not subject to the board's review" for any purpose, including classification.

**Hon. Jim Watson (Minister of Consumer and Business Services):** On a point of order, Mr. Speaker: I would just like to welcome the new Speaker, the member from Beaches. This is his first day in the Chair, and we wish him well.

**The Acting Speaker (Mr. Michael Prue):** Thank you.

**Mr. Kormos:** The government is oblivious to the reality of how people, consumers, access video and video game content. Even its classification powers have been eroded by the advent of technology to the point where it becomes moot, irrelevant. Nothing about this bill could ever begin to replace the need for parental supervision of what their kids view, be it on the television set, on the DVD player, what they listen to on the CD player or what they download on the Internet.

I talked to you about my consultants, in particular Spencer Brown and Nicole Brown, a little older than their cousins, Joshua Losier-Brown and Nicholas Losier-Brown. Trust me: Spencer, underage by a long shot, could access anything your heart or, God bless his pubescent soul, his heart might desire on the Internet. So it is not a matter of this government protecting him—because it can't—from undesirable content or material. It is, quite frankly, a matter of his parent or parents exercising that role. There's simply an incredible vacuum. The state can't do it. If it was only a matter of it being impractical 20 years ago, technology has made it impossible now.

**1600**

The vast majority of Ontarians—Ontario's adults—do not want to be told by this government or any other government what they can watch, what they can read,

what they can eat or the kind of pet they can own. I believe that. Most Ontarians are responsible people. I've heard from time to time—a rare time—even members of this Liberal government acknowledge it. Unfortunately, most of the time the government tends to be condescending and paternalistic. It wants to control people's lives, tinker with them. Health care will go to hell in a hand-basket, education is sliding down that slippery slope, but, oh, this government is obsessed with controlling the minutiae: Is it or is it not going to ban sushi? Is it or is it not going to ban the nanny dog from Britain, the Staffordshire terrier?

The nanny dog: the dog for which there has never been a recorded bite, the dog that's rated by the Canadian Kennel Club, the American Kennel Club and the United Kennel Club of Britain as the single most desirable dog to have with children, the Staffordshire terrier. The government has got legislation telling folks, telling people, telling good Ontarians, telling hard-working Ontarians, telling taxpaying Ontarians, telling responsible Ontarians that, oh, the Attorney General threw a dart, and it landed on—it's like those carnival games where you take out as many balloons as you can and you take home a kewpie doll.

I had a group of students here—I've only got five minutes left, and I want to tell you this. I had a group of grade 6 students here the other day from Monsignor Clancy school down in Thorold. They were broken up into two groups, and I commended their teachers and parents for coming, because they came to Toronto overnight; those are courageous parents and teachers. They brought the Monsignor Clancy grade 6 students from Thorold to Queen's Park because I had visited them last year. Grade 5 is when they do physics—

*Interjection.*

**Mr. Kormos:** Civics. Physics too, I'm sure, but civics, as you do, grade 5 students and then grade 10 students. So the young people, the students, are here with their parents and their teachers, and the person who takes people on tours through the assembly is here. We weren't sitting, so the young people were able to come into the chamber. The guide is trying to explain, "Here is the government side, here is the opposition side and there is the Speaker's chair," and then trying to explain the role of the Speaker, Speaker. She talked about the Speaker as a referee and then wanted to explain how the Speaker enforces the rules and was trying to explain unparliamentary language. So this tour guide said, "What's the worst thing that a member can call another member in the House?" One little kid puts his hand up, and he's bouncing like kids do in grade 6. And she says, "Yes?" He says, "A Liberal?" This is the honest truth. The kid says, "A Liberal?" I, of course, darned near bust a gut, right? The kid's teacher was attempting to suppress a grin—a little bit of pride, perhaps. Just a thing that happened.

You know, take a look at Judge Juriansz' ruling, because, among other things, he talks about the history of censorship, either direct or under the guise of classi-

fiction. He talks about how in 1940, the biggest concern of the board was propaganda films. Any footage of riots or strikes—this is in Ontario—was immediately excised from newsreels, and no film involving communist propaganda was ever approved. Other subjects disturbing the board included horror, kissing—not blatant sucking up like we saw a little while ago, but kissing, the little peck on the cheek. Kissing.

**Mr. Tim Hudak (Erie–Lincoln):** To a communist.

**Mr. Kormos:** Kissing communists, perhaps, would aggravate the scenario, or two communists kissing, I don't know.

Dancing: This is the 1940s. It was within the lifetime of more than a few people here. In the 1940s in Ontario, the film review board was concerned with kissing, dancing, and religious propaganda.

Now, catch this. With the outbreak of World War II, rules became even more restrictive. What were people watching at the movies? Tell me, Speaker, as a child during World War II, what were people watching? Were they doing the hand shadow things? What if the hand shadow things were kissing?

Look, Ontarians are sophisticated, they are worldly, they are hard-working, and they do not want their government telling them what to read, what to watch, what movies to see, what music to listen to, what plays and theatrical productions to attend, what concerts to attend. What they want is for this government to give them reasonable guidance—and I say that Manitoba is as good a model as any—about the content of video and video game disks, about which they might otherwise be unaware, and I'm not talking about Bob the Builder or SpongeBob SquarePants or Nora or Dora the Mermaid, whatever that one happens to be.

This minister screwed up again. This minister, who is known throughout the province now as the vacuous mountebank of the cabinet—across the province, that's what people are calling Mr. Watson. Here we are, he doesn't fail to meet expectations. Almost a year later, he hasn't got it right.

I say to the minister, because part of me likes you, I'm told that you can apply to the court for an extension. I'm told that Judge Juriansz has jurisdiction to give you another three months. Why don't you go before that court, grovel and do it right this time?

**The Acting Speaker:** Questions and comments?

**Hon. Mr. Watson:** I would point out that one of the blessings of being in this portfolio is that there are so many of my predecessors in the chamber. In fact, just last week—the members for Lincoln and Niagara Centre will be pleased—we hung all the former ministers in our boardroom. So every day I go in there and I'm inspired by some of these great former ministers, including our current finance minister and our public safety minister.

I just want to point out a couple of items. This legislation responds to the Glad Day Bookshops ruling. I have great confidence in the staff at consumer and business services and the Ministry of Attorney General. It responds by significantly narrowing the Ontario Film

Review Board's authority to censor films. The OFRB's role in providing useful film classification information is still in existence.

I quote from the Toronto Star, from May 2004. A little more than a decade ago, Marilyn Churley, one of my predecessors, on her first day as provincial consumer affairs minister, opined that sexually explicit films and videos were harmful to women and children. So I'd ask the honourable member for Niagara to talk to his colleague from Toronto–Danforth.

I'd also quote Eleanor Kingston, a former educator and member of the OFRB: "I feel there is a definite and vital need for government involvement for the classification of films in this province. The well-being of young people should be a major priority for everyone. Parents need a readily available and reliable source of information relating to the films which their children may view."

Doug Frith, from the Canadian Motion Picture Distributors Association: "The legislation is very progressive and meets the needs of Ontario's film distributors by setting out a framework that is harmonized with national standards."

So this is the intent of this legislation. I know that my friends in Conservative Party are supportive and my hope is that the NDP will see the light, the importance of this particular legislation.

1610

**The Acting Speaker:** Questions and comments?

**Mr. Jim Flaherty (Whitby–Ajax):** My colleague Mr. Kormos has talked about the reasons of the judge, who was a trial judge of the Superior Court and is now a judge of the Ontario Court of Appeal. They are important reasons. It is the decision of a single judge. It should have been appealed by the government. They should have gotten the opinion of the Ontario Court of Appeal and perhaps should have gotten the opinion of the Supreme Court of Canada before bringing legislation to this place, because we need that dialogue between the courts and the Legislatures, with respect to which the judges in the higher courts in this country have spoken frequently.

The existing requirement was that all films be submitted under the Theatres Act starting in 1911 in Ontario. That was an important provision, because there is a limit to what ought to be shown in the province, I say to the minister. It isn't just about classifications. There is something called the public good. There is the duty of government to protect children; there is the function of the government in loco parentis to stand in the place of parents who fail to exercise their obligation to protect their children from seeing things they ought not to see. The regulation provided, for example, that you couldn't show a movie with a scene where a person who is or is intended to represent a person under the age of 18 years appears nude or partially nude in a sexually suggestive context or in a scene of explicit sexual activity.

I think that's the standard in Ontario. I think we actually believe in that in the province of Ontario, that that kind of product should be censored. And we should

have a government that would have the nerve to bring forward a proper bill that would say, “Yes, that kind of activity, depicted in a video or in a DVD or a movie or wherever, ought not to be shown in the province of Ontario.”

It’s for those reasons—and if you look at the other provisions of the regulation that I commend to the minister, the history of the province of Ontario over most of the 20th century is one where very few films were censored, but the ones that were, quite frankly, ought to have been.

**Mr. Kevin Daniel Flynn (Oakville):** It’s a pleasure to join the debate after hearing other members speak prior to me.

I tend to try to look at legislation or proposed legislation, as this is, as the parent of a child, as a member of a family. It seems to me that it would be reasonable for parents to expect that their government would provide in some way a guideline or some sort of classification so that when they went out to make a choice—either to buy a movie for their child to watch or to rent or buy a video game for their child—there would be some sort of classification system that they would be able to avail themselves of that would allow them to make that choice and provide a type of entertainment for their child that is in keeping with the views that I think would be reasonable views of the majority of people in Ontario.

My understanding is that this proposed legislation, if passed, the Film Classification Act, 2005, would bring the film classification and approval system within the province of Ontario in line with the ruling of the Ontario Superior Court of Justice. It also will allow the expansion of the definition of “film” to allow for the regulation of video games and new types of visual media that have arisen as a result of technological improvements. It seems to me that’s a sensible thing to do. For the business community, it’s going to streamline the licensing requirements that they have to undertake in order to comply. It also brings into harmony our system here in Ontario with the rest of our country and streamlines the power of the Ontario Film Review Board to refuse and prohibit adult sex films containing scenes that are in contravention of the Criminal Code.

To me, as a parent, this makes sense and this is something that should be supported. It’s a practical way of dealing with this, and I think it’s a sensible way of dealing with it.

**The Acting Speaker:** Further questions and comments? Seeing none, the member from Niagara Centre has two minutes to respond.

**Mr. Kormos:** Look, the problem is that the bill doesn’t protect young people from accessing inappropriate material, because the vast majority of access is, amongst other things, through the Internet, and nothing that’s distributed or downloaded through the Internet is subject to what are mere classification powers. So let’s not deceive ourselves about what the bill does and doesn’t do. Let’s not pretend it protects kids from adult content material—in no way, shape or form.

We in the NDP, of course, agree, and I’ve referred you to the Manitoba model over and over again, that the government should be classifying films, but the government’s film classification regime should not be taken to the point of absurdity. There are any number of films that obviously warrant classification so that the consumer of that film can be aware of and get a general idea of what the content is. Quite frankly, the film industry itself does that to a large extent. The need for uniformity is not in dispute. But give me a break. Don’t think for a minute that a big XXX on the front of a video package is going to deter a young person from watching it; in fact, it will be like the backyard bulb to moths.

The problem is that it’s the Criminal Code that outlaws content, content that exceeds the standard for what’s obscene—again, no quarrel with that. I say that a few more resources given to our cops so they can deal with things like child porn, Internet porn, tracking down people who are breaking the Criminal Code, and abusing and exploiting and endangering kids in the course of doing it, would be energy far better spent.

So I say to the minister, I’m eager to see what he does by way of amendment come committee hearings, especially with respect to section 7 in total contravention of the ruling of Judge Juriansz.

**The Acting Speaker:** Further speakers?

**Mr. Hudak:** I’m pleased to rise to participate in the debate on this initiative from the Ministry of Consumer and Business Services, and to join in the comments of my colleagues.

By the way, congratulations to you, Mr. Speaker. It’s very suiting, a place there in the chair and the apparel, reminiscent of his time as the mayor of East York, as we recall. I know this new Speaker will do an outstanding job, having seen him at work in committee and in this chamber.

Before I get into the content of the legislation, I need to point out—what’s a good way of saying it?—the artifice of this session of the Legislature, one of the conceits of what the government has said they called this session for. I remember the news clippings from just a couple days ago, where the government, the McGuinty Liberals, said it was important to have this urgent and relatively rare session of the Legislature in February to deal with the urgent priorities of the province, to which I would respond, instinctively, fair enough. We would look forward to that opportunity to debate the urgent needs of the province and participate and help solve some of those problems. I think the average person listening on the radio or seeing that on television or in their newspaper would react the same way.

The next sentence that came up I found rather curious. That was that the priorities of the McGuinty Liberals included the banning of pit bulls and the film classification system in Ontario. Maybe my riding is an outlier, but I know that if I’m walking around Erie–Lincoln and I’m in Port Colborne or County Fair Mall in Fort Erie or on Ontario Street in Beamsville, film classification and the banning of pit bulls certainly don’t reflect the prior-

ities of the constituents of Erie–Lincoln. In fact, I doubt one person in Dunnville would be aware of what the government would call a pressing priority: to alter the film classification system in the province.

I would have expected one of the lead items in the Legislature to have been improving health care in Ontario, bringing more doctors to underserved areas like Sudbury or Nickel Belt or Port Colborne or Fort Erie. I thought that would be at the top of the government's agenda. One I'd look forward to participating in would be the LHINs, these new regional health bureaucracies the government is bringing in, which fold in Niagara's priorities with those of Hamilton, Haldimand, Norfolk and Brant in one supersized regional health bureaucracy, which is supersized and doubly worse for your health if you come from Niagara.

But instead, for the first two days of this session, two days in a row, the Legislature has been called upon to debate the urgent and pressing priority for the McGuinty Liberals, the Film Classification Act, 2005, Bill 158, not health care, not education, not the pressing fiscal crisis of the government when they talk about backing away from one of their last promises still standing—actually, they broke that promise—to balance the books. They changed it to eventually balancing the books during their mandate, and are now abandoning that promise altogether.

**1620**

So I do want to remark at the outset that the sense of priorities of the McGuinty Liberal government here even before their mid-term seems greatly at odds with those of the people of Erie–Lincoln. I think it's true. When I see those press releases that prioritize the film classification system and banning pit bulls as priorities in the province of Ontario, it simply does not reflect those of the constituents of Erie–Lincoln or, I'd argue, the province as a whole.

**Mr. Kormos:** Dirty movies and pit bulls.

**Mr. Hudak:** Certainly there's something prurient, I would guess, about classification of dirty movies. That's maybe one of these channel changers, I suppose. I guess there's one lesson to be learned, that if you want to effectively change the channel, you could talk, I suppose, about X-rated films, alcohol changes—always an effective measure by this government to change the channel when they get into trouble. They call it a channel changer.

I recall that this very same ministry, consumer and business services, brought forward an initiative which I support. I think it's a good initiative and hopefully it will help some aspects of the hospitality industry and support some consumers, but I don't think it's a major issue to champion as a major accomplishment of the government. I suppose if there's very little to champion, then bring-your-own-bottle would be one that they would put out there. But I would say—

*Interjection.*

**Mr. Hudak:** No, no. I think that was used—I say with respect to my colleagues across the House, when the finance minister was in a lot of trouble over the scandal

around Royal Group Technologies, suddenly, the next day, bringing alcohol to a restaurant became the top priority of the government. It worked. It changed the channel; it consumed media focus for several days thereafter and, I think, relieved the Minister of Finance of some of the pressure he was feeling from this cloud that was surrounding him due to the Royal Group Technologies controversy. I wonder if talking about rating adult films, for example, is another way of changing the channel.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** What did the Integrity Commissioner say about that?

**Mr. Hudak:** I'm not sure. I think, though, in his heart of hearts the Integrity Commissioner would agree that bring-your-own-bottle or film classification would not meet with the priorities in the province of Ontario. I'm not sure if that's what the member meant by his question about what the commissioner would say, but I'll bet he agrees with me.

My colleagues have spoken quite well about the bill. At the same time, I think we have to be realistic. A lot of the inputs, a lot of the exposure to different types of entertainment, will be beyond the abilities of this legislation, whatever licensing system is set up under the bill, whatever inspection regime is brought forward. The vast majority of access of minors to entertainment will likely be through the Internet, and also video games. In fact, some recent video games that I'm trying to remember—Grand Theft Auto: San Andreas is one game; Doom, I believe, is another; and the third, which came out around Christmas, is slipping my mind.

**Hon. Mr. Watson:** Manhunt.

**Mr. Hudak:** I know Manhunt is particularly violent. I thank the minister for that. There was another one. It was a huge launch and tremendously successful—I think it was an Xbox game—around Christmastime.

**Mr. Kormos:** Britney Spears.

**Mr. Hudak:** No, no. It was a video game.

**Mr. Gerry Martiniuk (Cambridge):** Halo 2.

**Mr. Hudak:** Halo 2. Thank you very much to my colleague and the caucus reigning champion on Halo 1 and Halo 2. I think that's the title he has earned from his video game prowess. At any rate, it's Halo 2. It was a tremendous launch, and I think had more revenue, a higher rate of return from its sales, and left all of the movies behind, some \$200 million in revenues. I'm probably a little bit wrong; I'm doing this by recollection. But my general recollection was that it by far exceeded all of the top movies, and it was the Christmas season, so some of the top movies that a studio would put out to attract audiences heading into the Christmas season were left far behind by Halo 2.

If I understand this bill, and I'll be corrected during debate if I'm wrong, this bill doesn't do anything with respect to another access to entertainment, to images that people may object to or violence that parents may object to, through video games. Now, I don't mean to argue, and I'm not arguing, that it should. I think the key is for

parents to continue to play a stronger role in supervising what minors view or what they choose for entertainment or listen to; for example, lyrics on CDs or downloads through the Internet. What I'm saying is, I think we need to be realistic: This bill is not going to be some safeguard for parents. It's not the McGuinty government riding to the rescue in these particular areas. In fact, it will really make little difference in those particular situations.

I know the minister has worked with the industry, with retailers such as Wal-Mart, and I believe with the video game producers themselves, for a voluntary rating system. I think that's an appropriate way of addressing the issue. If you can get industry buying in, in the retail, manufacturing and marketing side, to give parents or young people some sort of guidance as to the content of a particular video game or CD, for example, I think that's an important indicator to parents as to what may or may not be appropriate, because surely they cannot spend 24 hours a day tracking through the streets of Vice City under Grand Theft Auto: Vice City. I do encourage the minister and this government to continue working with industry, with the marketing side, the manufacturing side and the distribution outlets, for those types of signals to parents, those types of safeguards. Listening to some of the rhetoric from across the floor, we need to be realistic that this legislation does not enter those particular fields.

I'm not clear exactly, and I look forward to hearing more debate, about the licensing regime this brings in.

**Mr. Kormos:** Another tax grab.

**Mr. Hudak:** My colleague from Niagara Centre suggests it's another tax grab. Far be it from me to expect that the McGuinty Liberal government would bring in another tax grab. But—fool me once, shame on me; fool me twice, shame on you—it just may be, with another budget coming forward.

**Hon. Mr. Watson:** You're a poet.

**Mr. Hudak:** Well, I don't know. Maybe I am. I'm not going to say, "I didn't know it" or that kind of stuff. I'll leave that out.

But there is good cause for suspicion that a new licensing regime may simply be a backdoor tax grab. I know the Ministry of Consumer and Business Services is looking at ways of cost reduction, and perhaps of raising new revenue. One thing that I have objected to, and that my colleague and neighbour has objected to, is closing down the land registry office in Welland, which services south Niagara, serves a particular francophone community and serves a particular legal community, and moving those services to St. Catharines, further away.

**Mr. Kormos:** They're going to court on that too.

**Mr. Hudak:** As the member from Niagara Centre correctly says, they're going to go to court to challenge this particular decision. I don't remember that being on the table before.

My argument would be that if the ministry were motivated to take a risk at a court challenge to closing down one land registry office, and perhaps even lose all the potential savings through court costs and then maybe even backtrack on the decision, I wouldn't be surprised if

fee increases would be part of the next budget, whether they're for licences to sell videos or for birth certificates or death certificates. We'll need to watch closely to make sure that any fees are for the cost of a service and not simply a backdoor revenue grab by a government that seems to have no control on spending and is desperate for new revenue sources. In fact, I would suggest that is really what has motivated Dalton McGuinty's sudden turn against his federal cousins in Ottawa.

I certainly remember, not too long ago in Niagara-on-the-Lake at the first ministers' conference, that he basically acted as head waiter to Paul Martin and the federal forces. He was the errand boy and couldn't do enough to be a cheerleader for Paul Martin and fiscal federalism and supporting the initiatives of the federal Liberal government. I remember about a year-plus ago that the McGuinty government crowed about a SARS package that was an embarrassment. It was nowhere near what funding should have been allocated for Ontarians, for our health care system, for our front-line health care workers who were heroes in fighting SARS. The amount of funding that came for crisis relief from the federal government that this provincial McGuinty government accepted was shameful. At the same time, he boasted about it and talked about the new era of co-operation, which I guess means to allow the federal government to walk all over the provincial government.

No wonder Paul Martin is not taking Dalton's newest cries seriously: He was saying quite the opposite just months ago. If you bargain from a position of weakness, you're not going to get very far. Jean Chrétien ran the table with him in the SARS relief package, and Paul Martin ran the table with him in the federal meetings in Niagara-on-the-Lake not too long ago.

**1630**

I think there is occasion for concern that a new licensing system will simply be a grab at revenue. I'm not sure exactly what the licensing system intends to get at. It's a classification system. It will give indications, as I mentioned before, of what may or may not be appropriate for certain age groups, or the types of content, be they based on sexual concerns, violence concerns or language. So that will be in place. But I'm not quite sure, and I remain to be convinced by the debate, what a new licensing system hopes to accomplish, other than perhaps an exercise that the government can claim it's doing something when I doubt it will have any muscle behind it at all, aside from a bit of bicep, I suppose, to grab more licensing revenue.

I guess on an attach, I may as well raise this while I'm on the topic of licensing fees. I think there is a concern when they talk about the new deal for the city of Toronto. It will be interesting to see what that deal will encompass. If it's new powers or quicker decision-making, then they are worthy changes. But I worry that what they really mean by a new deal will be a raw deal for taxpayers. It will be interesting to see if there is a new business licensing regime, for example, that the government brings in for the city. I would have a concern,

particularly on behalf of small businesses in the city of Toronto, if that would simply turn into a revenue source. I think the changes we had brought about would ensure that licensing fees were in response to services rendered, that it would be—

**Mrs. Julia Munro (York North):** Revenue neutral?

**Mr. Hudak:** Yes, sure. I've lost the word—a cost recovery initiative rather than a form of a fee or tax hike. So it will be interesting to see if what may be secretly part of Bill 158 will be part of the general government theme come budget time this spring to raise licensing fees as a tax grab across the board and not simply through Bill 158.

I can't help but add a light note or two as I get closer to the concluding part of my remarks on film classification. If the classifiers are sitting back today and making their own Academy Awards, I wonder what award they would give Dalton McGuinty for his performance. What would be the most appropriate film as an analogy for the government today?

**Mr. Kormos:** Bad Lieutenant.

**Mr. Hudak:** That's pretty rough. I don't see him that same way, as Bad Lieutenant, which I saw.

**Mr. Kormos:** Last Tango in Paris.

**Mr. Hudak:** I'm being distracted. They're funny enough, but I'm being distracted. I think my colleague had mentioned, when he was speaking in the House, that famous Jim Carrey movie. I forget the name of the title. It was one word twice. It dealt with somebody who had trouble telling the truth.

**Mr. Kormos:** Prevaricator Prevaricator.

**Mr. Hudak:** Well, I don't know. The Speaker is eyeing me. I better be careful. The Speaker may remember it, because I think I see the edge of a smile coming across his face. Maybe the movie my colleague is mentioning—

**Mr. Kormos:** Liar Liar. That's the name of it.

**Mr. Hudak:** That may be the name of the movie. I don't know if—

**Mr. Kormos:** You're thinking of Liar Liar. Jim Carrey, Liar Liar.

**The Acting Speaker:** You know the rules quite well. You've not actually said it but you're coming perilously close.

**Mr. Hudak:** Thank you, Mr. Speaker. I appreciate you reminding me of some of the rules in the Legislature.

Of course, there is the famous Disney movie about that puppet with the nose. What was that one, I ask the Minister of Consumer and Business Services? There is that Geppetto character in that one. And what was that cricket's name? Jiminy Cricket, if I recall. There was another character whose name started with—that may be an example of a film that one could say is a bit of an allegory for Dalton McGuinty's time—

*Interjection.*

**Mr. Hudak:** I'm sorry? Something like that. You remember the movie. I think the member from Ancaster–Dundas–Flamborough–Aldershot remembers the movie of which I speak, which one could say would give some

indication—hopefully a life lesson—of what we've seen to date of the Dalton McGuinty government.

**Mr. McMeekin:** You remember that Tory film, *Gone With the Wind*?

**Mr. Hudak:** I do fondly remember the days of many of the PC governments as types of classics like *Gone with the Wind*, and certainly award winners. Despite the fact that Jim Carrey is a talented actor, a good comedian, I think the movie of which I speak was not an award winner.

**Mr. Kormos:** He was in the movie *Liar Liar*, wasn't he?

**Mr. Hudak:** I think he may have starred in such.

Anyway, those are just two examples of what the new film classification system may have to rate, those two movies, which may also give them pause to think, "There are a lot of things in this plot line or some of the characters that remind us of the first 18 months of the Dalton McGuinty government."

I want to comment once again on the context of this legislation. I think the problem is that when a government throws out its campaign promises, it loses its compass. Governments like that end up in places where you don't expect or don't want them to be. Certainly, 18 months ago nobody would have expected that one of the prime movers of the government would be to ban the nanny dog, the Staffordshire terrier, the pit bull.

I don't think anybody voting in September 2003 would have contemplated that the banning of sushi would become a government initiative, nor do I think people would have thought much emphasis would have been put on patting down your son or daughter when you sent them off to school to make sure they didn't have a contraband Snickers bar in their pocket as they set off. You would have thought it would have been more about textbooks for the classroom, about investments in the schools, about raising the quality of education to enable stronger opportunities when those children enter the workforce, but instead, the preoccupation with junk food and making sure we don't take that Snickers bar.

Last, and I never would have contemplated it, picking on the poor trillium. Dalton McGuinty was going to be a force for change, revved up when he got back from Davos, and my goodness, he was going to take on that trillium. Thankfully, in the face of flower power, the Premier once again backed down.

**The Acting Speaker:** Questions and comments?

**Mr. Kormos:** We down in the Niagara region, walking along the Niagara River, grew up thinking you couldn't pick the trillium, and here the Premier wants to bulldoze over them. Think about it.

The member from Erie–Lincoln has talked very adequately about the diversionary politics, the diversionary style of this government. You've got a bill here which, to be fair to the government, the government had no intention of ever introducing. It was forced to introduce it; it was compelled to, because they got their butt whipped in court. Make no mistake about it. The problem is that the bill they present today does not comply with

the ruling of the court. It invites yet more challenges, more litigation and inevitable loss on the part of the government, because the government persists in including section 7 and the minister persists in indicating that the government is retaining censorship powers, somehow trying to wrap himself in section 163 of the Criminal Code, not understanding that section 163 of the Criminal Code speaks for exactly what it speaks for: If there is a movie out there or if there is a video game that violates the Criminal Code, call the police.

The government would be doing far more to advance those interests by putting those 1,000 cops on the street, as they promised—another promise broken—than by passing phony legislation that somehow, they say, is going to protect your kids from inappropriate video content when it does nothing of the like, nothing whatsoever. There is nothing in this legislation or in the government's response to the ruling by Judge Juriansz in the Glad Day Bookshop decision that is going to protect your kids from inappropriate content, either at the retail level or, far more frequently and far more pervasively, through the Internet—nothing.

**Mr. Tony C. Wong (Markham):** I want to address specifically one aspect that the member from Erie–Lincoln and the member from Niagara Centre have addressed, and that relates to the protection of our children. Yes, this bill certainly speaks to protection of our children. The member from Erie–Lincoln talked about the preoccupation—that is the word he used—with junk food by our government. Sure enough, we consider junk food to be extremely detrimental to our children's health. Not only that, but I was in my own riding with respect to a certain announcement for our program, Active 2010, and that relates to physical exercise for our residents as well as youth. Yes, we consider the health of our children and exercise to be extremely important. Just by way of numbers, it's costing us \$1.8 billion because residents do not get enough exercise and it's costing us another \$1.6 billion because of obesity in schools. Yes, we will also be proceeding with legislation pertaining to TCM, traditional Chinese medicine, so that our residents can remain healthy.

1640

With respect to the protection of our children, in this bill we are modernizing Ontario's film classification system, and this directly impacts on the protection aspect. I'm proud to announce that with this bill, we not only comply with the decision of the court in the Glad Day Bookshop case, but we were also commended by the Retail Council of Canada. Mr. Doug DeRabbie, director of government relations, said, "This legislation reflects this government's belief that when it comes to protecting our children from access to video game material that is inappropriate for their age, the first and best line of defence is parental education."

**Mrs. Munro:** I think what's really important when we consider the comments that have been made by the member for Erie–Lincoln is the fact that we are initially looking at a bill that responds to a court case. Listening

to the member and the analysis that he has provided us with has allowed us to look at this from the perspective that classification and that kind of protection continue.

The question about just how far this goes, I think, is one that there will be further debate on. Because it becomes quite clear that there is some language in this bill that, while the minister purports to be merely a response, in fact, is questionable, whether it is following the intent of the original case, or whether or not it is in fact protecting our children. It would seem that under classification, it is simply continuing its business as it was before.

**Mr. Howard Hampton (Kenora–Rainy River):** I had the opportunity to listen to the member from Erie–Lincoln's comments, and they certainly were wide-ranging comments at that. But I know it's hard to control yourself when you get the opportunity to let it go.

I merely want to say that, while I don't agree with all of the comments that he made, I think they are quite relevant to the debate and the broader debate that is happening right now in Ontario society. I would actually call on the government to respond to some of his comments and some of the comments made earlier by my colleague from Niagara Centre, who have both pointed out that this proposed legislation really will not do what the government wants to advertise it as doing. What the government advertises it as doing—protecting children—isn't done here and won't be done here. The most this legislation can do within legal authority is simply classify film so that a would-be consumer of a video or film will know a little bit more about what is in the film.

But in terms of protecting children, this legislation falls far short. In fact, there are all kinds of things out there now on the Internet, all kinds of film and information in compact discs that will never see the light of this legislation and will never see the light of any of the machinery that is supposed to operate under this legislation. So I would hope the government would be clear on that.

**The Acting Speaker:** The member for Erie–Lincoln has two minutes to respond.

**Mr. Hudak:** I thank my colleagues for their comments on my remarks. I think you've heard, with the exception of the member from Markham, a pretty consistent theme. The government should just say what this bill really is: It's simply tweaking the classification system of the province of Ontario via the court decision, surrendering rights to censor, and having a classification system with some licensing system in there that I fear will be a tax grab for those who distribute videos. Just be honest and say that's what it is and be done with it. To dress it up, to gussy it up and say it's about protecting children—well, in fact, it's probably the opposite. By eliminating the censorship function, that role is no longer played.

You can have the debate on whether that's an appropriate investment of resources in today's day and age, but be honest about it as simply tweaking the classification system. It's pretty much the status quo, with the ex-

ception of the censorship role, so you cannot possibly argue in any way that this increases protection for children. It simply is a response to a court decision.

My colleague from Markham was the outlaw in the short debate there. He said that they're doing this to protect children, which I just commented I think is the opposite. He talked about it in the same context with respect to Snickers bars, and why it's important to pat down kids when they enter the schools to make sure there are no Snickers bars coming across the school lines.

But in reality, if the government were truly committed, certainly investing in Fabry's would help out people in Ontario. It would help actually do something about personal safety for the children in those families. It makes no sense to continue this ongoing fight and besmirch doctors in the province of Ontario. I don't see how that contributes to children's well-being and safety. Certainly the underfunding of our hospital system has the opposite effect this government claims it's having. So I just wish they would say what this bill is about, and please, please don't pretend that banning pit bulls or film censorship anywhere meets the priorities of hard-working taxpayers in the province of Ontario.

**The Acting Speaker:** Further speakers?

**Mr. Hampton:** I want to make some general comments. I listened with interest the other day when the government House leader tried to say to the media that, oh, the Legislature is coming back in February to debate legislation that is of absolutely the utmost importance. He sounded as if this were the urgency of all urgencies, that this was a government that was very busy and had such incredible priorities. That was the spin that was put out.

Now we have this legislation, and the government's tried to put out some spin around this legislation too. Namely, the spin that they are trying to put out is that somehow this legislation will exercise control over what videos, what films, what compact discs that contain videos—which ones are shown in Ontario. Let's be clear: That's censorship. When the government of Ontario tries to say, "You can't show that video in Ontario," or "You can't show that film in Ontario," that's censorship. In the court case which led to the government's having to bring in this new legislation, the judge said it is outside the powers of the province to exercise censorship.

Only the federal government, through the Criminal Code, can exercise censorship. Only the federal government can say, "This film, this video, is not allowed to be shown because A, B, C, D." The province can't do that. So I wish the government would just be a little more clear about that, that you can't exercise censorship through this legislation.

The whole reason that we're here is because the appeal judge said in his judgment that the former Theatres Act, the old Theatres Act in Ontario, because it attempted to exercise censorship, was unconstitutional, and he basically threw out those sections. That's why we're here.

So don't pretend, don't try to advertise to the people of Ontario that you're able to do something here that the

Criminal Code, the Charter of Rights and the judge in the instant case said you can't do. Be straight with people. You do not have the legal capacity, the constitutional capacity, to say that a film can or cannot be shown in Ontario. The only capacity the province has is to classify. The province can classify a film as an adult film or as a film that should be parental guidance. You can classify a film in terms of the character of some of the incidents, so that somebody going to a video shop would see what's involved in the film or video by looking at the classification information. But you don't have the authority to say, "This video, this film, this DVD, cannot be shown." You don't have the power, so give up trying to say that to the people of Ontario.

**1650**

In terms of the classification system itself—again, I think you need to be clear with the people of Ontario—the legislation doesn't provide a lot of information. All the legislation says is:

"The Lieutenant Governor in Council may, by regulation,

"(a) prescribe a classification scheme that shall be used for classifying film in one or more categories of film;

"(b) designate a person or body to review and classify films in one or more categories of film using a classification scheme prescribed under clause (a);

"(c) prescribe criteria, if any, that a person or body designated under clause (b) shall use in classifying film;

"(d) designate a person or body to hear an appeal of a classification decision made by a person or body designated under clause (b);

"(e) designate a person or body to reconsider a classification decision made by a person or body designated under clause (b) or (d) when the director is of the opinion that the classification should be reconsidered."

In that sense, there's not really much meat in the legislation. Most of this will happen by regulation. So we're not even in a situation here where we can look at the proposed classification system and make some kind of decision as to whether this is going to address the needs of people in Ontario. Frankly, I think that's a failure of the legislation. If the people of Ontario knew that all this Legislature can do is classify, I think they would want legislators to have some sense of what the proposed classification system will look like and what the criteria are, so that could be subject to political debate and public debate. Unfortunately, we will not have that opportunity, and I think that's a problem.

I wish the government would stop the media spin and stop trying to pretend that this is the most urgent of urgent legislation, absolutely crucial legislation. Stop the media spin that somehow this is about protecting children; it's not.

This is pretty bare-bones legislation when you don't even have the opportunity to look at the criteria for the proposed classification system or look at the classifications themselves. This is pretty dry stuff.



I want to refer to some of the comments that my colleague Mr. Kormos made on this issue.

If the government is truly interested in modernizing film classification in the province, I suggest that the McGuinty government look at what Manitoba is doing. Manitoba doesn't require every video—for example, children's videos—to be reviewed by the film classification board. They recognize that there are all kinds of children's videos and children's books and so on that, frankly, don't need to be reviewed by a film review board or a film classification board. In fact, Manitoba simply says, "If your video or your film has any of these things—obscene language, subject matters like death or physical violence etc.—then, and only then, do you need to submit your film or your video for classification." In other words, it says to the makers of videos, the makers of films, "If you're simply making children's videos, you don't have to bring them before the film classification board. But if you're dealing with death, if you're dealing with violence, if you're dealing unduly with obscene language or with activities or things which otherwise might be considered obscene, then you have to submit it for review." It seems to me that would be a much more efficient way of doing this, and a much better use of people's time as well.

I have young kids. If children's work doesn't have to be submitted for review and doesn't have to pay—what's the fee?

**Mr. Kormos:** It's \$4.20 a minute.

**Mr. Hampton:** It's \$4.20 a minute to be reviewed. So imagine a child's video that runs for half an hour—Bob the Builder, I think, is the example that we used before. So if a Bob the Builder video runs for an hour and has to be reviewed under this legislation by the film classification board, that adds on to the cost for parents and for kids. For what? I think all of us know what's involved with Bob the Builder.

It seems to me that this legislation isn't about modernizing film classification and it's certainly not about protecting kids. That's outside the ambit of your legal authority. There's a lot of fee collection here. There's a lot of—they won't call it a tax, but you have to pay the fee. It reminds me of—remember the health premium? That's the new \$2.5-billion tax. When the Minister of Finance introduced it, he said it was a premium; it wasn't a tax. Then, after some labour unions read their collective agreements and said, "Well, if it's a health premium, it must be paid by the employer," suddenly the Minister of Finance changes his tune and says, "No, no, it's not a fee. It's a tax."

Let's be clear about what's going on here. This is not about protecting kids. This is not about modernizing the film classification system. This is about extracting some fee, some tax, some money. That's what's going on here. Imagine a video about Bob the Builder having to pay a couple of hundred dollars to the McGuinty government just to be reviewed. Imagine—gee, I'm trying to think of some of my son's other videos: Mickey Mouse, Donald Duck, Oliver the Elephant—all of these kids' videos

having to be submitted to the McGuinty government so you can ultimately take a fee from these kids and their parents. That's what's going on here, and don't try to fool anyone. The film classification isn't even in the legislation itself. It's not there. We can't even debate here what the classification system ought to be, what ought to be included, what the criteria are, because it's not in the legislation. So don't try to fool people.

Now, let's get to the bigger picture. I realize the difficulty you are in when you promised people that there were going to be billions for health care and billions for education and billions for municipalities and billions to clean up the environment. Then Premier McGuinty promised Louisiana-style taxes as well, or maybe I should say Mexico-style taxes. It creates the obvious contradiction. If you're going to have billions for health care and billions for education and billions to clean up the environment and billions to give to municipalities, those billions in new revenue have to come from somewhere. But if you're going to continue to have Louisiana-style taxes, there is a big gap.

What does this government propose to do to make up that gap? It's going to tax children's videos. It's going to charge huge, exorbitant fees on children's videos. Give it up. Those children's videos don't have to be examined by a film review board or a film classification board. Stop wasting my kid's quarter. Stop wasting parents' time.

**1700**

The way to do this, to modernize the film classification system, is to set it out the way Manitoba has set it out. If you want to make your video available, if you want to make your film available in a retail market in Ontario and it includes any of these things—obscene gestures, obscene activities, violence, death, undue exploitation of sex etc.—then it must be classified. If you try to market it without submitting it to classification, then you should be going after people for their failure to comply with the law. But don't try to take money out of the pockets of kids for kids' videos. What could be offensive about Bob the Builder? What could be offensive about Oliver the Elephant? Obviously nothing.

In line with that, let me just refer to what we have now. As to this gap you've created by promising people Louisiana-style taxes but top-of-the-line public services, top-of-the-line health services, obviously you've got to address this \$6-billion gap you've created. I marvel at the latest development here that Paul Martin, who just six months ago was the Premier's best buddy, Paul Martin, who was extending and preserving and sustaining and improving medicare for the next generation, has suddenly become the biggest welsher on the block, according to Dalton McGuinty and according to the Ontario McGuinty government. Please, that makes no more sense than trying to tax kids' videos. It makes no more sense, and I say to you, the public is going to be on to you; the public is not going to be fooled by this latest exercise.

In conclusion—and I don't want to use up all my time, because I think I've really made my point—please don't

claim to the people of Ontario that you can use this legislation to restrict what videos, what films can be shown in Ontario. The appeal judge said, "That's not on." The appeal judge said, "No province—not just Ontario, but no province—has that legal and constitutional authority. Only the federal government has that authority under the Criminal Code." So please don't try to say that.

Secondly, if, as the government House leader said, "Oh, this is absolutely urgent, the most urgent of urgent legislation," then bring something here besides bare bones. At least allow the legislators of the province, the members of the provincial Parliament, to debate what the criteria are going to be; at least give us some examples of what the different classifications might be. Then I think we would really be doing some important work. You might be surprised. Government members might be surprised by the criteria that go into the classification system and the classifications themselves. You might like to know, I say to government backbenchers.

Finally, please, please, give up the ghost of trying to go after and enforce that everybody who produces a children's video has to hand over \$200, \$300, \$400, \$500 to the McGuinty government to have their children's video reviewed. Please don't beat up on Bob the Builder; don't beat up on Oliver the Elephant. They haven't done anything to you. You can't blame them for the fiscal mess you're in. You can't blame them for the \$3.9-billion accounting shuffle that you tried to get by the Provincial Auditor, and that he is now blowing the whistle on. Leave the kids alone. Don't bother them.

I hope that during the course of this debate the government will be more forthcoming, more clear in terms of what this legislation is really all about, and stop pretending that this is going to be the be-all and end-all of protecting children from videos we might not want them to see or might not want them to have access to. This legislation won't do it. This legislation simply classifies films and videos and charges kids videos far too much money for film review. That is absolutely unnecessary.

**The Acting Speaker:** Questions and comments.

**Ms. Caroline Di Cocco (Sarnia-Lambton):** It never ceases to amaze me that the leader of the third party certainly doesn't let facts stand in the way of his speeches in the House. I say this because some people consider this legislation as a consequential change that comes about because of legal rulings. That's why this legislation is here.

This Film Classification Act, if it should pass, is to align the film classification and approval system with the ruling by the Ontario Superior Court of Justice. Maybe the members opposite do not want—

*Interjections.*

**Ms. Di Cocco:** Speaker, I hear the members opposite wanting to heckle. Maybe they don't understand that we put some weight on rulings by the Ontario Superior Court of Justice in trying to make sure that we align our legislation so that we conform with or we meet the standards that they ask us to. That is what this legislation does—simple.

There are comments from, for instance, a counsel, a Ms. Sue Lott, who is with the Public Interest Advocacy Centre. She says, "As a consumer organization, the Public Interest Advocacy Centre supports the government's initiative, through the Film Classification Act, to provide helpful information to Ontario consumers. We're also pleased that this legislation respects the Charter of Rights' important protections around freedom of expression."

Those are the facts, Speaker. Thank you.

**Mr. Hudak:** I commend my colleague from Kenora—Rainy River, who hit the nail on the head. I wish the government was just fully forthcoming as to what this bill really is about. It's simply a tweak in the film classification system. It's not what they claim it to be in terms of protecting children, and it's not really a modernization.

**Interjection:** Let's vote.

**Mr. Hudak:** He asked us to vote. Well, maybe when we actually hear you guys accurately describe the bill and then convince us why this is suddenly a priority.

We've been doing our research on this side. We've been doing our research. We've pulled up the Oscar winners, and we're trying to see what the films that would be potentially classified by this legislation—the Oscars—have to do with the McGuinty government.

Collateral, a big movie starring Tom Cruise as one "collateral": Mr. Speaker, if telling the truth were collateral, Dalton McGuinty couldn't get a loan for a shack. That's the connection I would make.

Finding Neverland: Neverland may be that sweet spot where banning pit bulls and banning sushi and banning Snickers bars fit with the priorities of the people of Neverland, but certainly the people of Erie—Lincoln don't think that these priorities like film classification and banning sushi meet with their priorities. Instead, it's health care.

Aviator will be the story of Dalton McGuinty when he makes his trips from Toronto to Ottawa and flies over all those flyover counties in between. Certainly, the incredible disregard this Premier and this government has for the rural communities, for agriculture, has become more than apparent, and we'll see that come March 2, when the OFA makes their presentation in a loud way at Queen's Park.

Ray: the story of Ray Charles, one of my favourite musicians. I think Ray Charles would have nothing to do with the Dalton McGuinty government other than to sing that famous Ray Charles song that I hope voters will also sing along with come October 7, 2007: Hit the Road, Jack.

1710

**The Acting Speaker:** The member for London—Fanshawe.

**Mr. Khalil Ramal (London—Fanshawe):** Thank you, Mr Speaker. First, on seeing you in the chair, I want to congratulate you. You look good in it.

I'm always privileged to stand in this place to speak on many different matters. Today I'm honoured to speak

in support of Bill 158, the Film Classification Act. I was listening to many speakers who were speaking before me. Some of them talked about the importance of this bill in protecting our children, our youth. It's not just a matter to us that when we go to a video store to rent a movie or a video to spend a good night, we like to know what this video or this movie is all about.

I listened to the member from Erie–Lincoln talking about how this bill doesn't speak about this issue and how it's unimportant. I don't agree with you. It's very important, because I have a 10-year-old child. He likes to watch movies a lot.

**Mr. Hudak:** It doesn't change it.

**Mr. Ramal:** It's very important to us, when we go to the video store, to see the classification: This is good for the family or not good for the family, it includes violence, it includes sexual scenes. All this stuff is very important. I think it's to protect the consumers of this province. I think it's a very good step toward protection for the family, for the morality of the family. It's also a good indication that a film is good to be watched by kids or by the family.

I'm going to support this bill because it's a very important step toward protecting our consumers, toward protecting our families. I commend the minister for his initiative, for his hard work to protect our families and to protect our kids in this province.

**The Acting Speaker:** Further questions and comments? Seeing none, the member from Kenora–Rainy River has two minutes to respond.

**Mr. Hampton:** Mr. Speaker, I thank members for their comments. I simply want to refer to the judgment of Mr. Justice Juriensz in *Glad Day Bookshops Inc.*, which is the actual case on appeal where many sections of the old Theatres Act were thrown out.

Again, I would urge government members to read this, because then they will really know why we are here. This has nothing to do with Dalton McGuinty's desire to tell people what they can eat, where they can eat and where they can do other things; it's got everything to do with the fact that Mr. Justice Juriensz, when he heard this case, determined that there were many sections of the former Theatres Act that were ultra vires the province and crossed the threshold set by the charter, and therefore he struck down those sections.

He makes it very clear that the province can bring in a classification system, and that is, to a large degree, the limit of the province's capacity, and he makes it clear—he in fact refers to the Manitoba system, which has worked very well, where not all films have to be submitted for review and classification. Communities like Steinbach, which are very religious communities, haven't suddenly become the distribution ground or distribution centre for obscene material. I would urge the government of Ontario to look at that as a model.

**The Acting Speaker:** Further debate? The member from Whitby–Ajax.

**Mr. McMeekin:** I want to hear this.

**Mr. Flaherty:** You do? Mr. McMeekin wants to hear this.

In case I don't go on too long, perhaps I'll share my time with the member from Haldimand–Norfolk–Brandt.

If I may begin with the context this bill is in when it comes before this House, this is something we are going to see more and more of in Canadian Legislatures—we're certainly seeing it in the House of Commons today, as a matter of fact—where a bill is brought forward by the government, and the government paints it as their legal obligation to bring the bill forward. They say, as we heard last night in this place and as we've heard again today, "We are obliged by the courts to bring this bill in the form in which it is brought because of a court order, because of a court decision." Well, it's not so.

I think we need to get the basics right here. This is a decision by a trial judge of the Superior Court of Ontario. This is a single judge's decision, not an appellate decision with the Ontario Court of Appeal—a very learned judge, I might add, who is now a member of the Ontario Court of Appeal. It's a very well reasoned judgment and I certainly don't question that. I've had the opportunity to read it in some detail. But for the government to say, once the judge made this decision, that it was obliged to bring this law is not correct.

Their first opportunity was to appeal the decision to the Ontario Court of Appeal. There would have been an appeal as of right. This is the type of decision that often is appealed. It was a test case. It was a case in which a gay film did not go to the film review board, as required by the Theatres Act. The defendant, *Glad Day Book Shops Inc.*, decided, I guess, not to do that. A representative of the film board purchased the film in Ontario, and because it had not been approved by the board, the charge was laid, because it was the law that you couldn't do that, sell it in Ontario without approval. That has been the law in Ontario since about 1911, as the judge describes in his very thorough reasons for the conclusions that he reached.

So the first avenue the government has in a case like this is to appeal and get the opinion of a panel of the Ontario Court of Appeal. I think most people in Canada think the Ontario Court of Appeal is one of the finest courts in this country. Some people think it rivals or surpasses the quality of the bench in the Supreme Court of Canada. That option was open to the government, and for whatever reason, they chose not to take it. Then they bring this bill, at the last minute, to the Legislature. The judge gave the government 12 months to deal with the issue as he decided it, that they had to separate the classification function from the censorship function. As I understand the reasons of the judge, what he is saying about the classification function is that it is clearly within the constitutional jurisdiction of the province, but that the obscenity function resulting in censorship—the censorship function—is not within provincial jurisdiction. It's within the criminal jurisdiction of the federal Parliament, and therefore he struck down the censorship portion.

I say that because it's important. We're going to see bill after bill come to this place in the charter era in which we live now. I suggest to governments that they

look quite seriously at appealing these cases so that where you have an intervener, as we do here, the Canadian Civil Liberties Association—it's obviously a test case—the opinion of our highest courts is sought before the government comes to the Legislature and says, "This bill must be passed because a judge or the court has directed that."

The other aspect of this, of course, is the Charter of Rights itself and the "notwithstanding" clause. The government has the opportunity, if it chooses to do so, within its own areas of jurisdiction to look at a judicial decision and appeal it. If they are not happy at the end of the day, then they can use the notwithstanding clause and create five years of discussion on the subject.

This is an interesting idea. I'm sure members here have gone back and looked at the debates relating to the Charter of Rights. The Charter of Rights would not have happened—Sterling Lyon, Premier of Manitoba, would not have agreed to it, and the Premier of Saskatchewan, Allan Blakeney, would not have agreed to it—were it not for the notwithstanding clause. So it is part of our constitutional framework. You don't have the rights without the notwithstanding clause there as well. Nor is the notwithstanding clause a bar. It is a mechanism whereby more time is given for thought and reflection and analysis on an important social change.

If this decision means that the province of Ontario cannot prohibit a sexually explicit, violent movie from being shown in Ontario, then I think the government ought to address that very seriously and look at the options the government has available.

**1720**

The government says this bill modernizes our legislation.

*Interjection.*

**Mr. Flaherty:** When I look at—

**Mr. Gilles Bisson (Timmins–James Bay):** I'm trying to help you.

**Mr. Flaherty:** Thank you very much.

When I look at the bill itself, what I see is another disturbing trend of this government, and that is, there's no content to the bill. They say they're going to classify movies and videos and DVDs. According to what classification? One looks in vain in the bill for any criteria. This is not the way bills used to be brought to this Legislature. If you look at the decision of the trial judge, he reviews the Theatres Act in some detail. As I say, the Ontario censor board was appointed by the province in 1911 under the Theatres Act. The regulation under the Theatres Act describes in some detail the duties of the board and says "These are the criteria that the board must use in refusing to approve a film."

This case came about, as I said, because this particular defendant chose not to submit their movie to the board for approval. The current regulation, 103.1, made under the Theatres Act, and the judge quotes this, stipulates, "After reviewing a film the board may refuse to approve a film for exhibition or distribution in Ontario where the film contains"—and then there's a list of criteria. This is

what we don't see in the bill brought forward by this government. We see no indication of how anyone is supposed to classify the bill. But we have it here in the present law.

**Mr. McMeekin:** Are you going to vote for it?

**Mr. Flaherty:** I daresay most people in Ontario—perhaps not Mr. McMeekin—would think that these criteria make a lot of sense. It says, "After viewing a film, the board may refuse to approve a film for exhibition or distribution in Ontario where the film contains: (a) a graphic or prolonged scene of violence, torture, crime, cruelty, horror or human degradation; (b) the depiction of the physical abuse or humiliation of human beings for purposes of sexual gratification or as pleasing to the victim; (c) a scene where a person who is or is intended to represent a person under the age of 18 years appears nude or partially nude in a sexually suggestive context or in a scene of explicit sexual activity; (d) the explicit and gratuitous depiction of urination, defecation or vomiting; (e) the explicit depiction of sexual activity; (f) a scene depicting indignities to the human body in an explicit manner; (g) a scene where there is undue emphasis on human genital organs; or (h) a scene where an animal has been abused in the making of the film."

Those are standards. Those are criteria. They have been in the law of the province of Ontario and remain in the law in Ontario until, I suppose, we have this new bill, if it passes, and I suppose the government is intent on having it passed. It seems to me that it's incumbent on the government to tell the people in Ontario how and in what way and according to what criteria films will be classified under Bill 158, assuming it is passed. But as I say, one looks in vain in the bill for the kind of criteria—any criteria at all—that we have currently in regulation 103.1, which raises the other question about standards and if it is appropriate to have any standards at all.

There are some who will argue that no standards ought to apply, that with the Internet and so on today, perhaps one can't enforce standards across the board, and no doubt that's true. But does that mean that government ought to abandon standards setting?

I had the experience of being involved in the Sharpe case that went to the Supreme Court of Canada, and I can tell you, as a lawyer preparing for that case, it was the first time in my life that I had to hide the exhibit books, the appeal books from children because they were so offensive. But there we were, first of all when the case was argued in the British Columbia Court of Appeal and then in the Supreme Court of Canada, listening to charter arguments about material that is absolutely pornographic, depictions, use of children and minors. I don't want to dwell on it, but that's what happens now in the charter era: There will be the freedom of expression argument every time there's some movie that is allegedly pornographic and with respect to which criminal charges are brought.

Should we have standards? My submission, my point of view certainly is yes, we have to have standards. In fact, it's the government's duty. The government has a

duty, sometimes described as *in loco parentis*, to look out for the welfare of children. So do the courts. Regrettably, not all parents will check to make sure the classification is an appropriate classification for their child to attend a particular movie or to purchase a particular video.

The government does have a duty, it seems to me, to make sure that violent, degrading movies and DVDs are not made available to young people, to children in the province of Ontario. I don't know, quite frankly, whether the government agrees with that or not. I can't tell from the bill because the government doesn't tell us what criteria are to be used. The bill says there will be regulations, the Lieutenant Governor in Council, and the minister will do this and the minister will do that. This is imperial government. This is executive government. That's not democratic parliamentary government where the Legislature gets to see actually what the standards are that are being proposed.

For those various reasons—they're all good reasons, it seems to me, to question the usefulness of this legislation. The history of the bill certainly tells us the history of the law in Ontario, tells us that this law worked. As the judge notes, there were very few films that were not approved. They were approved with restrictive classifications and so on. Sometimes scenes were required to be removed in order for a film to be approved for showing in Ontario.

Having said that, I think there was generally broad acceptance of the function of the review board. Why was that broad acceptance generally extant in Ontario? I think it's because the people of Ontario themselves, together, all of us, have a set of standards that is quite progressive, quite permissive and quite tolerant, but there is a limit. I think the point is described pretty well in the current regulations under the Theatres Act, the limit beyond which the people of Ontario do not wish to go, and that is, the people of Ontario wish the government to make sure there are some standards, and if they're not met, the result would be that a film would not be shown in Ontario. So that's a question of standards setting.

I'd suggest with some seriousness to the government that they look at actually talking about that issue and about what the standards should be and consulting with the people of Ontario about what the standards should be, not only in film classification but in the decision rarely made not to approve a film for release, for distribution, legally at least, in the province.

Those are all, in my submission, important points and I hope the government will consider them. I also hope the government will stop the trend that is developing in this place, in other Legislatures and in the federal Parliament of pretending that a Parliament or a Legislature must do something because there has been a decision of a court. There's always the possibility of using the notwithstanding clause.

Mr. McMeekin is very keen to know whether I'm in favour of ever using the notwithstanding clause. I've said that before. I think in certain circumstances it is a power under the Constitution that can be used. I don't think that

is a very remarkable thing to say, because the Charter of Rights wouldn't be there at all were it not for the notwithstanding clause. It is the *sine qua non* of the fact that there's a Charter of Rights at all in this country, and it speaks to the issue of parliamentary democracy.

**1730**

If the members opposite read the case law, if you read what the Supreme Court of Canada has said, and other decisions by other courts in this country, there is this discussion, an important discussion, about dialogue, that there should be a dialogue between the higher courts in Canada—including the Ontario Court of Appeal and the Supreme Court of Canada—and Parliament and the Legislative Assembly of Ontario. That is, their job is to interpret the charter as they understand it and to make the rulings; our job, as elected representatives, is a different one. We may find that our constituents want time to think about things. We may find from time to time that it's in the public interest to reflect for a while and let issues have a great deal of public debate and discussion. That's why it's there.

**Hon. Mr. Watson:**—share your time.

**Mr. Flaherty:** This kind of dialogue, I know, is not understood by the minister opposite responsible for the bill, but this kind of dialogue between the courts and the Legislatures is very important and is talked about repeatedly in the judgments of the higher courts. So I commend this sort of educational effort to the minister opposite. Perhaps I'll get together a brief of cases for him to read on the plane flying back and forth to Ottawa so he can become familiar with some of those decisions in which the Chief Justice of Canada and other judges have talked about this dialogue, so that politicians will stop this rather annoying, inaccurate habit of bringing bills here and in Ottawa and saying, "We have to do this because the court said that and we have no choice."

We're not living in a totalitarian society, I hope. That's what the dialogue is supposed to be about. The court expresses an opinion, Parliament may express an opinion, and the opinions may not be immediately reconcilable. That happens. We're a parliamentary democracy. That's why the notwithstanding clause is there. That was the Parliament part of the democracy, and I don't think people ought to shy away from that reality. That's how it was created in the first place, not that long ago.

Those are the points I wanted to make, Speaker, and the balance of the time goes to my friend from Haldimand–Norfolk–Brant.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I'd like to thank the member from Whitby–Ajax, and I want to thank the minister too for making a pitch for me to say a few words. There is a lot I could talk about, of course, with respect to the problems with the birth certificates in my office as well, but I need not go there; this is certainly on our minds. In fact, I will admit that issue has been much more on my mind than the Film Classification Act.

I was really questioning why this unorthodox measure of bringing us back in February to debate a bill like the Film Classification Act. However, after hearing the

member from Whitby–Ajax and the questions he has raised, it does suggest to me that perhaps this particular piece of legislation bears a bit more scrutiny than I at first thought. I'm not getting any questions from my constituents, but now that some of these questions have been raised, I ask myself, where would this kind of legislation lead in the hands of what I consider a paternalistic Liberal government? Would we see a bill that continues to build on the paternalistic principles we have seen in the past, suggestions of adults wearing bicycle helmets, or the ban on sushi, no longer a ban on sushi? Who knows where sushi would end up in the beginning? Will we go down that paternalistic road or, given this government and its brief track record to date, does it open the door for further liberalization in this field? I have questions.

**The Acting Speaker:** Questions and comments? The member for Timmins–James Bay.

There's a lot of chatter over here. There has especially been one conversation that was at least 20 minutes long. I'm not sure it's appropriate.

**Mr. Bisson:** First of all, Speaker, let me congratulate you on your promotion to the chair. I look forward to our time in the House with you. I promise, however, to be as vociferous with you as I am with every other Speaker of the House.

Let me just say a couple of things. I thought the presentation made by the member was actually quite excellent. It spoke to the point. I don't agree with all of the points of view he put forward vis-à-vis the charter and the need to sometimes invoke the notwithstanding clause, but I think he put the basic issue pretty square up.

There are basically two issues here. You have the Theatres Act that hasn't been amended for a long time. The courts have said that the government of Ontario does not have the authority to censor materials that are shown in theatres, within the confines of that act, but that certainly the province has the right to classify.

That brings us to an interesting question, and that is the right of people to express themselves and how that comes up against the Charter of Rights and Freedoms. That's an issue we've seen over the years at different times in different situations. I think we all generally agree as citizens, let alone legislators, that there should be a clear right for people to express their views in a democracy. If that right is a minority-view right and it's extreme one way or another, that's what democracy is all about.

The issue becomes, to what degree do we allow those expressions to be given if they're hateful or in some way are not exactly the kinds of things we want to be hearing out in the public domain? That's really a tough one, and I want to speak to that a little bit later when I get my opportunity in this debate.

I thought the member raised an interesting point when it came to the whole issue of utilizing the notwithstanding clause. I'm not so sure that's the way I would want to do it, and I'll explain why a little bit later.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I want to start off by also congratulating you on your appointment as Speaker. I had the opportunity to work with you on Toronto city council from 1997-98, and you've always been fair-minded. We have not always agreed on every issue, but I've found that you've always had a fair and open mind when it comes to most issues, and I'm sure that's one of the reasons you're sitting in the chair today.

I want to say a few things about the act before us, the Act to Replace the Theatres Act and to amend other acts in respect of film, otherwise known as Bill 158.

**The Acting Speaker:** I wonder if the honourable members in front of you might sit down. I can't see you speak. Thank you.

**Mr. Berardinetti:** I heard the remarks of the member from Whitby–Ajax, and he made some very, very relevant points. I agree with him that the Court of Appeal is perhaps one of the most respected courts in the country, and that could be one route we could follow as a government.

However, information technology moves at an incredibly rapid pace. In the past 20 years or even the past 10 years, we've seen that the proliferation of DVDs and VHS and other forms of media has reached an incredibly fast rate. The old way of trying to control or monitor these, trying to keep the old regulations in place, doesn't work any more. We, as a government, need to act quickly to protect our children and society in general, and to at least advise society in general as to what movies they're watching and what's in those movies. This act does that. It's quite detailed. It provides a very good scheme as to how those movies will be rated, and I fully support it.

I've run out of time. I'd like to say a lot more, but I think that's the key to this act today.

**Mr. Hudak:** I want to commend my colleagues from Whitby–Ajax and Haldimand–Norfolk–Brant on their insights.

Hopefully, we will hear from the government side why they forfeited the right to appeal on this legislation, and secondly, why there aren't better guidelines in the legislation for future decision-making in the classification system, or some explanations on the licensing regime.

On the theme established in the last two-minute rounds, I want to continue with some of the Oscar nominees and how those films could be about the Dalton McGuinty government.

**1740**

**Million Dollar Baby:** This government is increasing taxes in health care but people are receiving fewer and fewer services, so at the end of the day, the next baby born will probably be a million-dollar baby because costs have gone up but services are going down.

Sideways is nominated not for the best picture but for the best actor award, I believe. Sideways is the direction the economy is headed after Finance Minister Sorbara's big-deficit, high-tax and big-spending budget.

Closer is also nominated for an Oscar. Closer to the edge is certainly how taxpayers feel as they see increasing taxes and higher fees from the Dalton McGuinty government—closer to bankruptcy for many small businesses.

Kinsey: Maybe Professor Kinsey would like to look into why the government did not appeal this decision and what kind of decision-making happens behind closed doors. It would be an interesting survey.

House of Flying Daggers, nominated for achievement in cinematography, is certainly what we heard about the Liberal caucus meetings dealing with rent control issues. I heard that House of Flying Daggers may accurately describe some of the blood-on-the-floor debates happening with the growing schism in the Liberal caucus over rent control legislation.

Finally, Lemony Snicket's *A Series of Unfortunate Events*: the broken promises, a year and a half of a government being off the rails.

**The Acting Speaker:** Further comments? The member for Ancaster–Flamborough–Aldershot–Dundas—maybe not in that order.

**Mr. McMeekin:** You're close, Mr. Speaker. Let me add my word of congratulations to you, too. I share the perception in this chamber that you are indeed a man who is given to fairness and such.

**Hon. Mr. Watson:** He should be leader of the NDP.

**Mr. McMeekin:** I won't go there; that's for another day. But I do want to congratulate him.

I want to take a minute from all the silliness we have heard. I don't want to engage in that, because this is a serious issue. I just want to say to my good friend and colleague from Whitby–Ajax that I really appreciate the fact that he took the time to offer a very learned critique from his perspective. I agree with much of what he said—not all of what he said, but much of what he said. He spoke to the suggestion that this whole issue is about standards. I want to just say for the record, and I think on behalf of the ministry and the government, that we're very concerned about standards. We obviously had some legal opinions around the dos and don'ts and what we should do around the court decision, and we took some decisions there. The most important decision we took in terms of direction was to work with our partners and get in sync with the other provincial governments, who understand, as my colleague earlier articulated, that the ground is shifting so fast out there and the technology is changing so rapidly that we really need to get with it, that the old ways, as the court indicated, just don't cut it anymore, that we need to keep pace.

So while I concur in much of the thrust of my friend and colleague's comments, we're moving there. We're moving there by working with retail partners with voluntary codes. Parents I have heard from right across this province are saying they really appreciate the parental classification guides that this government has provided. We'll continue to work in that direction. Again, Mr. Speaker, all the best to you in your new role. I look forward to many exciting sessions with you in the chair.

**The Acting Speaker:** The member for Whitby–Ajax has two minutes to respond.

**Mr. Flaherty:** Thank you, Speaker. It was unclear to me whether the minister, the member for Ottawa West–Nepean, was suggesting that you should lead the NDP or whether the member for Ancaster–Dundas–Flamborough–Aldershot should lead the NDP. I know the member is actually a Conservative trapped in a Liberal body, but I didn't know he might have NDP leanings.

**Mr. Bisson:** He used to work for Ian Deans.

**Mr. Flaherty:** Really? So there are some NDP leanings in the member for Aldershot.

**Mr. Bisson:** He's a Liberal; he goes either way.

**Mr. Flaherty:** I'm learning this from the member for Timmins–James Bay, who is a great source of knowledge about persons with socialist leanings.

With respect to the comments, I thank the member for Ancaster–Dundas–Flamborough–Aldershot—that's a very long name—for his comments. I don't agree with respect to the comments about standards and the old ways and so on. I think, actually, standards have stood the test of time. Things changed over time in terms of content and what the censor board had to deal with—no doubt that became more graphic and more violent over time—but the need for standards regardless of the type of medium involved seems self-evident to the people of Ontario, in any event.

I thank the member for Scarborough Southwest for his comments and, of course, my colleague from Erie–Lincoln. I look forward to further debate on the bill.

**The Acting Speaker:** Further debate?

**Mr. Bisson:** Thank you very much, Mr. Speaker. Again, congratulations. I'm waiting for the day that we cross swords. It should be interesting.

I'm going to have a few minutes here to put on the record my thoughts in regard to this particular bill. I'm going to come at this a little bit differently from most. I want to come at it from the issue of censorship because, in effect, what the bill does, as everybody has explained—it was a court challenge. A particular book company—I'm not quite sure who it was—basically went to court and said the province of Ontario doesn't have the right to censor books or films in Ontario. When it went before the Ontario courts, they said that there is something called the Canadian Charter of Rights and Freedoms and we cannot ban books or movies in the way that we were doing under that legislation—the old Theatres Act that's been around for some 40 years.

It gives rise to an interesting issue and an interesting debate; that is, the issue of censorship. As I was saying earlier, I think most Canadians and certainly most Ontarians would agree that not many of us in this society would support censorship in very many forms. We live in a free and democratic society and, as such, we have the right to express our views, be it in the majority or be it in the minority. In fact, that's what democracy is all about. Democratic rights of individual citizens give us the ability, if we are in the minority, to go out and challenge what the status quo is. That's a really good thing. That

shows that democracy is healthy, when a minority person who holds a minority view is able to bring that view forward to challenge the majority about what they may be wanting to do or thinking about a particular issue.

For example, it was not that long ago—I remember growing up as a young boy here in Ontario in the early 1960s—when women were really subjugated to the backrooms of the employment sector. Not many women were able to work or expected to work according to the conventions of society. In fact, not that long ago, within the last century, women didn't even have the right to vote. They weren't even a minority; they were actually pretty close to a majority in our society. About half of our population is made up of women. The interesting point, and what I'm trying to say, is that women voiced a minority view according to society of the day, and they said that's wrong. Of course, those people who controlled the power, those who were in the majority, the men in that particular case, kept them away from power for many, many years. Eventually women, because they had the democratic right to express themselves, were able to have a debate within our country, not only to give women the vote in the early 1900s, but to be able to move the yardsticks ahead when it comes to the role of the participation of women across all of the activities in our society: being able to run for political office, being able to get a job as a professional, being able to make the choice about what a person should do with their own body. All of those issues were done—why?—because women had the right in a democracy to raise those issues, even though those issues may not have been held by a majority of people, or may not have been perceived to be held by a majority of people, I think, would be more correct.

A good demonstration of that is the issue of choice. If we were to do polling back 20 years ago, I would probably think that most people in society would say, "No. Choice is a bad thing and abortion should not be allowed whatsoever." Primarily women, some men but primarily women, said, "Hogwash. It's my body and I'm not going to have a bunch of grey-haired old men tell me what I can and can't do with my body." So women, correctly so, went out in society, started the debate, pushed the legislators in order to have this debate, lobbied, did campaigns of all types in order to raise that as an issue.

I remember when that issue was first coming up, as a young man at that point and newly married, going out with my own wife. The debate was really starting up at that time and the majority view of society was, "Oh no, we should not allow that." But because women had the right to express that minority view, society was challenged, and, correctly so, society changed its view and changed its laws on the issue of choice. Even today, in the year 2005, there are people within our society—in this case, the minority—who believe that women shouldn't have choice. But my point is, we don't get progressive laws passed unless we allow the minority to have a debate. I think that is really important and fundamental to this particular piece of legislation.

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I don't like lewd films—pornographic movies, in other words. They have never been my thing. Quite frankly, I think they're a silly way to spend your time. But that's not for everybody. There are people who choose that that's something they like to look at. Who am I in society to tell them they can or can't look at that? The issue to me, again, is an issue of the right for a person to choose what they want to read or look at. In my view, as long as it is not something such as a manual on how to build an atomic bomb and how to place it somewhere to do some harm—I think that would be going to an extreme. Certainly in those cases, we should try in some way to restrict that kind of information from getting around. I think society, in that sense, could say, "Hey, that's unreasonable." Everybody agrees that we have the right to expression and that we have the right to read the materials that we want or to look at a film or listen to the radio or music, but that right doesn't supersede the safety of other citizens.

That's an interesting debate that we've actually got going on right now with what's happening with the United States and this whole 9/11 situation. It's an interesting debate. Those are those within the United States—George Bush, for one, whom I disagree with entirely—who say that they should use this attack they've had in the United States to limit people's rights within society in order to beat back the terrorists. Everybody is running in that direction in order to do the bidding of Mr. Bush and others who have that view. But it raises a very important point: At what point do we start to infringe on people's individual democratic rights as citizens to express their views, which may be different than the majority?

It relates back to this particular bill. I am not a fan of censorship in any way. I believe the best censorship is done at home and done by the individual. If I, as an individual, don't want to watch pornographic movies, guess what? I'm not walking into the porn shop to buy one, and if it's on TV, I'm turning it off. I'm my own censorship board. I don't need anybody to tell me that's something I don't want to look at.

When it comes to children, same idea. We have two daughters. They are grown now. Julie is 28 and Natalie is 22. We never had that problem, with two young girls. I imagine there must be some young women who look at that stuff. But it is up to us as parents to try to instill in our children what is right and wrong. I think that is something that not the state but the parent has to take some responsibility for, which brings me to my second point.

I believe sometimes society tries to respond to issues and to put the onus strictly on government to do what, quite frankly, individuals should be doing themselves and parents should be doing. This idea of censorship, when it comes to movies, books and music, I think is a good example of that. For example, I went through this whole rap thing. I don't know about you guys, but I just don't like rap. I don't have a problem saying it publicly. I think



rap is one of the weirdest kinds of music I've ever had to listen to. I'm one of those guys—I never thought I would say this as an adult. Growing up in the 1960s and late 1970s, where we had our own kind of weird music, I never thought I would be standing here as an adult and saying I don't like rap. But my point is—

**Mr. Hudak:** Beat music.

**Mr. Bisson:** Well, beat music. But when our daughters were growing up and a lot of that stuff was being played at home, the part that I was offended by was not so much the beat and the rest of it; it was the violence in the music. I sat down with both Julie and Natalie when they were of that age and asked, "What do you see in that music?" "Well, everybody listens to it." I said, "I just want you to be clear. Are you listening to the words?" "Yeah, Dad." So we'd talk about some of the lyrics they had in the songs. The girls still listen to rap, but at least I was able to put my point forward and say, "Don't take this stuff holus-bolus. Understand it for what it is, but they are, in my view, expressing some pretty bad ideas by way of their art." It was up to my children at that point, once I fulfilled my responsibility as a parent, to decide if they wanted to listen to it or not. I think they probably still listen to it to a degree, but probably not as much as before, and they are probably more well informed. It comes back to the point that we, as parents and as individuals, need to take some responsibility in making sure that we become our own censors. I don't think it's the job of the state—in this case, the province of Ontario—to decide what it is that I can or can't watch as an individual. For example, there are some pretty graphic movies out there. If you take a look at most of the action pictures today, the stuff we see today by way of action pictures I would never have seen 25 years ago.

*Interjection.*

**Mr. Bisson:** I don't like them. I just don't watch them. It's as simple as that.

We have, like everybody else, a big TV down in the basement with a DVD player. Those are not the movies I choose to watch. I choose to watch things that are more to my taste. But if I wanted to watch that, I should have the right. As long as I don't use that experience to go out and do something harmful against society, there's nothing wrong with that. I don't think that we, as a society, should be saying, "Oh, that movie is just too, too gory," "It's too scary," or "It's showing too much violence." If it shows too much violence, I think people will do their voting with their feet. By and large, people, if they think it's too violent, will probably shy away from watching it.

But I think the test becomes—and this is the point Mr. Flaherty raised, which I think is an interesting one—at what point do we, as a province, ask the federal government to use the notwithstanding clause to limit somebody's right to watch a film? I disagree with that. I'm not a big fan of the notwithstanding clause. First of all, I think it should never have been done. It's caused us all kinds of problems. You've either got a Constitution or you don't. We understand it was a compromise, but I

don't believe we should be using a notwithstanding clause to limit somebody's right to view something that's on the movie shelves, some music they want to listen to or a book they want to read. I quite frankly don't agree with that.

I just wanted to put on the record that particular part around censorship and now to speak to the other one, which is classification.

The bill basically does two things in the Theatres Act: It sets up the regime of classification and it deals with the issue of censorship. What this bill is supposing to do is remove the censorship issues from the bill that existed there before. That I don't have a big problem with, quite frankly. The other issue is that of censorship. I think this is where you can make a difference because that is how you inform people of what it is they're about to read, listen to by way of music or watch by way of a movie.

There is a role for the government of Ontario to do a proper job with classification. I think the Ontario Film Review Board, as much as we've made fun of it in this Legislature in the past—in the House over the last 16 years I've been here, there have always been, every now and then, some kind of funny comments about the film review board. It used to be—for members who are just newly elected—that the film review board had its location to view films right in this Legislature. It was up on the fifth floor, I guess on the east side of the building, where basically those who were chosen as appointees to the film review board would come and watch all those movies upstairs on the fifth floor of the Legislature, I believe now where broadcast services has some of their facilities. There always used to be jokes about the noises that we'd hear coming out of that room as the VCRs were playing, and all kinds of fun was made of it.

The reality is that I think classification of films, books and all that is not a bad idea, because I want to get a sense as I go out to purchase a movie. For example, I won't walk into Wal-Mart, just so you know. Wal-Mart sells these things, but I've been boycotting Wal-Mart for a long time and will continue to do so, especially now that they don't allow the workers to organize under a union, which brings me to an interesting point.

I've been looking for the time to say this and I've got a chance. I've got the mike and I'm going to say it. I find it passing strange that a company like Wal-Mart, which supports George Bush in the work of bringing democracy to Iraq, which says that we should take young men and women from the United States and put them in harm's way, send them to Iraq to die, over 1,000 of them now, in order to give Iraqis democracy, is unwilling to allow workers to express their democracy by participating in a union. I find that extremely hypocritical. How can you, on the one hand, say, "I'm willing to have young Americans die in Iraq to give them democracy," but say it's wrong for workers in North America to join a union? One of our most basic democratic rights is the right to assemble and join organizations like a union. I just say to Wal-Mart and those people running that place, a pox on your house, a bunch of hypocrites. As long as I have

anything to do with it, I wouldn't buy anything at Wal-Mart until you guys change your view. If you believe in democracy, walk the talk—what's the saying?

**Mr. Shafiq Qadri (Etobicoke North):** Walk the walk.

**Mr. Bisson:** Walk the walk and talk the talk. Don't say to me, "Oh, yeah, democracy in Iraq's a great thing. Let's kill a bunch of Americans to get there, but we're not going to allow workers in Quebec or anywhere else to be able to join a union." What a silly thing. It's up to workers to decide if they want to join a union and it's the laws of the province or the state they're in that determine if that's been properly done. If it's been properly done, then they should be allowed to have a union. But I digress. I just wanted to put that on the record.

The point I was making in regard to the film classification issue is that I have great respect for the work the Ontario Film Review Board does. In fact, I would like them to be able to do an even better job at classifying films, because that's the one guide I have as a consumer, as I go out to buy my DVD. I started about a year ago. I don't rent movies so much any more. I go out and buy them. I wait for them to come down to about fifteen bucks, and I figure it costs me five bucks to rent one and I may as well buy it.

**Mr. Hudak:** Late fees.

**Mr. Bisson:** Late fees—Blockbuster just took their late fees off. Did you notice that? That's a whole other story. The point is, I find it cheaper over the long run to go out and buy them. Then you've got a nice library of movies when you've got nothing to do on a winter's

night. You throw in a DVD and you've got a pretty good choice. When I go and buy DVDs—I'm sorry, but I've got to admit this. I'm not hip. I don't know who the good actors are, other than ones like Anthony Hopkins—

**Mr. Hudak:** Charlton Heston.

**Mr. Bisson:** Charlton Heston. Did you see the part in Planet of the Apes where he's advocating that guns are bad? I think that's so funny.

Anyway, the issue is that I don't know actors and actresses all that well. I just know the big names. So when they give me names, and I can't even repeat them because I don't know who they are, I have no idea if that's a good actor or actress. I look at the title of the box, I look at the picture on the top, I read a little bit on the back, and if it sounds interesting, I buy it. Then you bring it home. Well, I did that one day. I bought a movie called Casino.

**Mr. Hudak:** Pesci.

**Mr. Bisson:** Pesci; I love Pesci.

Now I've got to tell you the story: I'm a real scaredy-cat. I don't like gory stuff in my movies. Really true. So I picked up—

**The Acting Speaker:** I'm afraid you're going to have to tell this story on another occasion.

**Mr. Bisson:** Oh, Speaker.

**Interjection:** Let him go.

**The Acting Speaker:** No. It now being 6 of the clock, we are recessed until 6:45.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*



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