



# Legislature of Ontario Debates

Fourth Session of the Thirty-First Parliament

November 13-December 12, 1980













No. 111

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# Legislature of Ontario Debates

Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 13, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 13, 1980

The House met at 2 p.m.

Prayers.

## ACCESS TO LEGISLATIVE BUILDING

**Mr. M. N. Davison:** On a point of privilege, Mr. Speaker: When I returned to my office at 1:40 this afternoon I was stopped at the north door by a member of the Ontario Government Protective Service. He first asked me if he could be of assistance to me. When I informed him that he could not be of assistance to me, he asked me if I worked here. I said, "No, I am a member of the Legislative Assembly." He said, "Sorry, sir."

When I suggested to him that I would be rather upset if any of my constituents were grilled as they tried to come to visit me in my office, his response was that his superiors would be even more upset if he didn't stop people at the entrance to this building. This particular guard is new to his duties at Queen's Park and I have no complaint against him personally. That does not constitute part of my point of privilege.

However, when I contacted Senior Supervisor Watts of the government protective service at Queen's Park and asked him what orders had been given to the security staff here, I got the following explanation of what kind of people would be stopped and held at the doors of the building. I think Mr. Watts' definition includes a large number of the members of the assembly. He said: "There is a consensus that you can spot people with a grievance against the government, people who want to air their views, or people who are not quite right in the mind." He said he thought the guard had probably stopped me because it was the first time he had seen me.

As I say, this person is new to his duties here and I have no complaint against him, but that is an incredibly unacceptable answer for the government protective service to provide. I don't want any of my constituents to be treated like that. I think my privileges and the privileges of my constituents have been breached. Mr. Speaker, I would like you to look into this matter. Specifically I would like to know who gave those orders to the security staff in this building.

**Mr. Speaker:** I think we all have had those difficulties from time to time as a result of quite a large turnover of staff. Obviously there has been a misunderstanding. I will undertake to look into it.

## STATEMENTS BY THE MINISTRY

### TORONTO ISLAND HOMES

**Hon. Mr. Wells:** Mr. Speaker, today I will be introducing a bill that will effectively stay the execution of the writs of possession upon the residents of Toronto Island until July 1, 1981. This action is necessary because on October 27 the Ontario Court of Appeal found the writs of possession to be still valid. At that time, the commission, headed by Barry Swadron, QC, was still under way.

Last June the Lieutenant Governor in Council established this commission, under section 249 of the Municipality of Metropolitan Toronto Act, to inquire into the future use of those lands on Ward's and Algonquin islands that were used for residential purposes. Originally the intention was to have a commission made up of five people, two from the city of Toronto and two from Metro, along with Mr. Swadron. However, during the summer Metro declined to nominate its two commissioners, so the commission was set up with Mr. Swadron only.

This is the first time the whole issue of future uses for these islands has been looked at in depth by an independent commission. Mr. Swadron has been holding meetings and intense discussions over the past few months with everyone interested and concerned about this matter. There has been an opportunity for a thorough examination of the situation. The commission has received 160 written submissions and has heard from more than 140 individuals during the hearings.

I understand the commissioner has almost completed all the groundwork, the meetings, the discussions and the research, and has begun to write his report, which we expect to be submitted in December. The passage of this bill will allow the residents of the islands to remain in their homes until the Swadron commission can report and its recommendations can be responded to.

2:10 p.m.

### LIQUID INDUSTRIAL WASTE

Hon. Mr. Parrott: Mr. Speaker, I would like to give the members of the House an update on our seven-point program to develop the needed facilities to treat and control liquid industrial waste.

First of all, I am tabling today an update of our investigation to date into the allegations over the operations of Walker Brothers Quarries in the Niagara Region. Secondly, I would like to report on the status of our various proposals for interim and short-term waste facilities. However, before I do that, I would like to draw the attention of the House to the interim report on liquid waste from the standing committee on resources development.

Although the report is already part of the official record of this House, I want to commend the committee for its excellent recommendation. As this House will note, many of the recommendations have been incorporated into our program, including the suggestion that the ministry should assist and encourage companies in establishing a solidification plant in the province.

The citizens of Thorold held a referendum on Monday to express their opinion on the proposal to locate a solidification facility near their community. The result was an overwhelming no. During September a local newspaper conducted an informal but well-organized poll on the attitude of the residents of Harwich township to a similar proposal. Again there was an overwhelming response expressing opposition to this proposal. In each of these communities, the citizens have taken their position before the environmental assessment process had the opportunity to study adequately the safety and the effectiveness of the proposals, or to demonstrate the urgent need.

Both sides of the House, as recommended in the committee report, have stated a commitment to the public hearing process as a step in decision-making. I not only concurred with that recommendation, but I so ordered it. Yet certain members have acted to frustrate the environmental assessment process by urging rejection before hearings could be held and the issues fully addressed. Clearly, the temptation to support the "not in my backyard" syndrome is an easy and attractive position for a politician.

Ontario is clearly running out of options for the treatment of liquid industrial waste and the crisis is building. The combination of

these many factors has now served to delay the establishment of urgently needed facilities. My ministry has been considering other options for some time, but I do not intend to make a final decision on our future course of action until we have received the final report from James F. MacLaren Limited.

As the honourable members will recall, this engineering consulting firm was hired in January 1979 to make recommendations on a permanent, long-term liquid waste treatment facility. The completion of this report has been a high priority. The final cost is estimated at just under \$425,000. I anticipate the recommendations will form the basis of the government's future plan of action. I expect to receive this final report tomorrow. After I have personally had the opportunity to assess the recommendations, I will report back to the House on November 25. At that time, I will table the report and outline the ministry's course of action.

In the meantime, I am putting a freeze on ministry activities and participation in the proposals for solidification facilities in Harwich township, as well as at Walker Brothers, and for the interim storage facility for polychlorinated biphenyls in Middleport.

### COMMUNITY SERVICES CONTRIBUTION PROGRAM

Hon. Mr. Bennett: Mr. Speaker, I regret that today I must inform the House that my colleague the Minister of the Environment (Mr. Parrott) and I have received notification from the Honourable Paul Cosgrove, federal Minister of Public Works and the minister responsible for Canada Mortgage and Housing Corporation, that the community services contribution program will terminate with the expiration of the interim agreement on December 31, 1980.

The arbitrary termination of this program, which replaced funding for the former neighbourhood improvement program, municipal incentive grant program and municipal infrastructure program, and has operated successfully in Ontario, is of significant importance to bring before the Legislature for two basic reasons.

First, the unilateral decision of the federal government to share no longer in the costs of water and sewerage installations or neighbourhood improvement projects, or to provide capital support for nonprofit housing under the CSCP not only will affect the quality of life of many Canadian residents but will also have far-reaching economic

consequences in terms of forgone construction and loss of indirect and induced employment.

Second, the current agreement, which terminates in less than seven weeks, states that both parties will endeavour to conclude a long-term agreement prior to December 31, 1980, and that negotiations for this program would commence not later than November 1 of last year. The termination of this program is a complete reversal of the spirit in which the original program negotiations were conducted and the direction in which my ministry and CMHC have been moving for the past two years. This places the entire federal-provincial negotiation process in question at a most inopportune time. One wonders whether unilateral federal action will terminate other existing financial arrangements.

I would like to provide the honourable members with some specifics as the program relates to Ontario. In the first program year, 1979, the federal government allocated \$51.6 million to Ontario which escalated to \$85.95 million in the second year, 1980. This level was to continue over a long-term period. The related provincial contributions to eligible municipal projects were \$90 million in the first year, 1979, and \$153 million in the second year, 1980.

Municipalities from all parts of the province, ranging in size from the cities of Toronto, Ottawa, Windsor, Sault Ste. Marie and Timmins, to the towns of Chesley, Smiths Falls and Leamington, are participating in neighbourhood-improvement-type projects funded in part by CSCP funds. These projects are upgrading existing neighbourhoods through the improvement of municipal services and public utilities as well as the provision of social and recreational facilities. These efforts, combined with the Ontario main street and downtown revitalization programs, are contributing to the fight against urban decline which is plaguing cities and towns in parts of our province and indeed in Canada.

In all, 45 municipalities are improving the quality of life for their residents through this component of CSCP in the first two program years and the demand for the program stretches far into the future. For example, the municipal demand for funds in 1980, or program year two, amounted to approximately \$46 million from 48 municipalities in our province. However, only \$23 million of federal CSCP funds were available on a priority basis to fund projects in 30 municipalities. Eighteen other municipalities

with defined needs were deferred in anticipation of the continuation of the program and were expecting to receive CSCP funds from program years three, four, five and beyond.

In terms of employment, approximately 3,000 man-years of direct and indirect employment were generated by the expenditures of all three levels of government on hard services in the first two program years. In addition, the private sector has been encouraged to renovate and rehabilitate residential and commercial properties in NIP areas, producing employment and increasing property values and municipal revenues.

Another component of the program in Ontario was a 10 per cent capital write-down for municipal nonprofit corporations. The first program year provided \$6.6 million in federal funds and assisted in the provision of approximately 1,200 units and produced 4,200 man-years of employment throughout this province. It is anticipated that 2,100 more units will receive grants from program year two, amounting to approximately \$12 million, to produce 7,350 more man-years of employment. These nonprofit units for the most part will provide accommodation to families and senior citizens of low and moderate income and are good examples of the benefits of CSCP to the people of Ontario.

However, these federal capital grants will no longer be available. The bulk of the CSCP allocation to Ontario is utilized by our Ministry of the Environment for municipal infrastructure projects. The gross value of water and waste water facilities and storm sewers constructed annually in Ontario is estimated to be about \$550 million. More than 300 projects, worth about \$375 million, are directly assisted by the CSCP grants, amounting to \$52 million per year.

However, the termination of the CSCP will cause about \$175 million of construction of water and waste water facilities to be lost annually in Ontario. Some 95 projects in about 50 municipalities will be affected and direct onsite construction employment loss could approach 3,000 man-years annually, based on 1980-81 prices. Loss of indirect and induced employment, e.g., equipment manufacturing and supply of materials, will be at least 6,000 man-years annually.

The related effects on housing starts and the curtailment of the growth due to a slow-down in the servicing of raw land are difficult to estimate, but will be substantial. We anticipate the main effects will be felt in small to medium-sized urban centres where

insufficient municipal financing will force the deferral of servicing.

2:20 p.m.

The environmental consequences of the termination of the federal funding related to municipal infrastructure projects must also be considered. For example, under the Canada-Ontario agreement on Great Lakes water quality, in excess of \$600 million in federal funds was utilized to accelerate the cleanup of the municipally caused water pollution problems. The successful efforts of the three levels of government allowed Canada to meet its international commitment under the Canada-US agreement and provide leverage in promoting comparable US pollution abatement efforts.

The demands of the 1980s for protection and improvement of the Great Lakes will be even greater than those of the 1960s and 1970s. Governments are committed to an international response in connection with the reduction of toxic and hazardous substances, the control of raw sewage, combined sewage and storm water discharges, and the further reduction of phosphorus discharges from urban and rural sources. The termination of CSCP will now seriously weaken Ontario's ability to meet commitments under the Canada-Ontario agreement and, in turn, the Canada-US agreement on Great Lakes water quality.

These are but a few of the emerging problem areas that will require capital-intensive solutions and will now further burden provincial and municipal spending. It would be unrealistic for me to suggest that the province will be able to fill the gap created by the withdrawal of federal funding. I will be meeting in the near future with the provincial Treasurer (Mr. F. S. Miller), the Minister of the Environment and the Minister of Intergovernmental Affairs (Mr. Wells) to discuss this matter. But we are still looking to the federal government for funding in those areas it has traditionally funded for years in the past.

My cabinet colleagues and I are deeply disturbed by the termination of the CSCP, as the municipalities of our province will be. To date I have received copies of resolutions from more than 100 municipalities addressed to the federal Minister of Public Works urging continuation of that program. This unilateral federal Liberal decision is a classic example of the insensitivity of the federal government to the needs of the provinces and their municipalities.

Interjections.

**Hon. Mr. Bennett:** I am waiting until these members start to bark about their municipalities not getting funding. I am waiting.

**Mr. Riddell:** Did you wait to get the Premier's (Mr. Davis) approval before you came in with that?

**Hon. Mr. Bennett:** The member for Huron-Middlesex should wait until he finds his area does not get its sewer and water grants; we will see what he has to say then. Obviously these members are going to do their barking here because they are afraid to do it back home; I can see that.

It is becoming increasingly apparent that as it attempts to control expenditures, the federal government is adopting a policy of unilateral program abandonment. This course of action, if it is pursued to its extreme in the social policy area of which the CSCP and the housing programs are part, will seriously impair the province's ability to provide housing accommodation for those of low and moderate income. The serious economic and social consequences that will result from this federal decision have been outlined.

In conclusion, I would like to state quite emphatically that when the CSCP was launched in 1979, there was never any thought it would not be continued for a lengthy period of time in Canada. No consultation was held with any of the provinces prior to the federal decision to terminate the program, nor have we received any information regarding a possible replacement.

Ontario, together with the other provinces, invited the Minister of Public Works, Mr. Cosgrove, to participate in an August meeting to discuss our concerns about the program but he declined to attend. He decided he would rather cut a ribbon in his own riding on a CSCP grant he was giving out that day. He has now indicated that he is looking forward to a meeting with us early in 1981; I would suggest it is a little late for the subject now.

In the interim, I would urge all municipalities and groups affected by the termination of the program to get in touch with their federal members, with the federal Minister of Finance and with the federal minister reporting for housing and request them to reinstate the long-term federal-provincial agreement that was understood to be staying in place.

Mr. Speaker, I apologize for the length of the statement but I felt the House should have a full explanation of the ramifications of this discontinuation by the federal Liberal

government of a program that has been good for the economy of this country.

### MINI-BUDGET

**Mr. McClellan:** Mr. Speaker, I have a point of privilege relating to the mini-budget that will be brought in by the Treasurer (Mr. F. S. Miller) this evening.

I have before me a copy of *Corriere Illustrato* dated Saturday, November 8, 1980. On page one is an article which, when translated, reads, "Grossman Predicts Sales Tax Reduction." The article is what is described as an exclusive interview with the Minister of Industry and Tourism in which the minister clearly indicates the government intends to bring in sales tax reductions in the mini-budget tonight.

Surely as members of the Legislature we are entitled to have first look at the budget. I was always under the impression that there were traditions within the parliamentary system that had to do with the prerelease of budget information before it was brought into this House.

**Hon. F. S. Miller:** Mr. Speaker, there has been speculation in a number of newspapers and by a number of people, including members of both parties. I can assure the member at this point that the minister does not know what is in the budget.

**Mr. Breithaupt:** It would appear, surely, that it is in the tradition of cabinet solidarity in government that various speculations on component parts of any budget have caused ministers to lose their jobs in a variety of areas.

I would suggest to the Treasurer that if the Minister of Industry and Tourism does not know what is in the budget, perhaps the Treasurer should lose his job, because obviously the cabinet does not know what one side or the other is doing. If this has been a breach, which I think it may well have been from the report, it may well be a serious breach of the traditional responsibility of cabinet government.

**Mr. Foulds:** Mr. Speaker, we have here a question of cabinet responsibility. The Treasurer has just told us that the Minister of Industry and Tourism did not know what was in the mini-budget coming tonight. If that is true, the Minister of Industry and Tourism misled the reporter who reported the story and he has misled the public who read that publication. If that is true, he has caused speculation and possible buying or lack of buying because of financial informa-

tion that the reporter had every reason to expect the minister had. There deserves to be not only an apology from the minister, but a demand for his resignation put by the Premier (Mr. Davis).

**Mr. T. P. Reid:** Mr. Speaker, some in the House may recall that a few years ago a federal member by the name of John Reid, MP, who was not then in the cabinet, was brought before a committee of the House of Commons because he had indicated to one of his constituents by way of letter that he thought there might be a certain tax break in the forthcoming budget. As I said, at that time John Reid was not a member of the cabinet and had absolutely no information or knowledge about what was going to be in the budget.

This matter was raised in a newspaper article and there was great concern expressed, particularly by the members of the Conservative opposition in Ottawa at that time. My brother, Mr. Reid, subsequently had his hearing and was absolved of all blame or anything else.

Surely this is an extremely important matter and goes to the fundamentals of our democratic system and process. The whole theory and practice of cabinet solidarity is that when a cabinet minister speaks, he speaks for the cabinet as a whole. I do not think we can take this matter lightly at all. We should refer this matter to the standing committee on procedural affairs for its attention.

2:30 p.m.

**Mr. Speaker:** There are two points here. The first one is that the member for Bellwoods is drawing the chair's attention and the House's attention to something that is alleged to have been said outside the House by way of a newspaper interview. The other point that has been raised is whether or not there has been a leak of information about something that is supposed to be in a statement by the Treasurer this evening.

The chair cannot be asked to rule on something that took place by way of an interview. The chair similarly cannot be expected to monitor whether or not there has been a breach of cabinet solidarity. In the absence of definitive action by the House, I would have to say the honourable member has brought the matter to the attention of the chair and the House and it is beyond my purview to do anything other than to have listened to the honourable member.

**Mr. T. P. Reid:** Mr. Speaker, in view of your ruling on this very important matter,

may I ask whether it would be in order at this time for a resolution to be put to refer this matter to the standing committee on procedural affairs?

**Mr. Speaker:** There is no opportunity for any honourable member to get up without a notice of motion and move a resolution in the House. If the honourable member wants to go that route, it will be up to the House to decide whether it is something appropriate for referral.

**Mr. Cassidy:** On this point, Mr. Speaker, I think we should wait to see what is in the budgetary statement by the Treasurer this evening. If it confirms statements that were made by the Minister of Industry and Tourism, it seems to me there will then be a prima facie case that information in the hands of a cabinet minister was improperly put out to the public and the matter should be investigated by the standing committee on procedural affairs.

**Mr. Speaker:** That is purely hypothetical.

**Hon. Mr. Wells:** Mr. Speaker, to keep this matter in perspective, I would gather my friends across the way have not seen the article in the paper. We are talking about an article in a paper that has been paraphrased for us by a member and has not been seen by anyone else in the House except perhaps some other colleagues in his caucus.

**Mr. Cassidy:** And the people who read the paper.

**Hon. Mr. Wells:** That is all right; the people who read the paper.

We are taking the honourable member's translation of that story. I think before we come to any hasty conclusions about anything, we should all have the article with a complete translation.

My friend from Rainy River referred to the case of his brother. That case and the letter were mentioned prominently in many newspapers. It was not something that was unknown to people at the time it came before the House. He is suggesting that this House take some sort of action and ask a committee to look into something without our even having a complete translation of some story that has appeared in a newspaper. I think it behooves us all at least to get all that information before anyone considers any further action.

## ORAL QUESTIONS

### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** On a separate point of order, if I might, Mr. Speaker: When the Minister

of the Environment spoke, he referred to a certain report he was making to the Legislature. I did not hear clearly whether this additional report, which in fact constitutes an apology to Walker Brothers concerning the matter raised in this House last week—

**Mr. Speaker:** Order. Whether or not the Leader of the Opposition heard or was satisfied that the statement by the Minister of the Environment satisfied some misgivings that he has—

**Mr. S. Smith:** Not at all. That is not the point.

**Mr. Speaker:**—he can raise it in the question period.

**Mr. S. Smith:** That is not the point, Mr. Speaker. On the point of order—

**Mr. Speaker:** There is not a point of order. There is nothing out of order.

**Mr. S. Smith:** There is. I did not finish my sentence, Mr. Speaker, and I am going to finish my sentence.

**Mr. Speaker:** No.

**Mr. S. Smith:** The question is—

**Mr. Speaker:** There is nothing out of order.

**Mr. S. Smith:**—was this placed on the record or not?

**Mr. Speaker:** There is nothing out of order. Does the Leader of the Opposition have a question?

**Mr. S. Smith:** I will ask the question of the minister. Mr. Speaker, with the greatest respect, I think in this instance you should have heard the point.

**Mr. Speaker:** Order. What the Leader of the Opposition is saying is that by virtue of the fact that the Minister of the Environment stood up and made a statement to the House, he was out of order or the House was out of order in listening to him. That is what a point of order means.

**Mr. S. Smith:** No, it has to do with this report.

**Mr. Speaker:** It is a ministerial statement, and if the honourable member wants the minister to elaborate on it, he can simply do so by asking him a question. Do you have a question?

**Mr. S. Smith:** Again, you have misconstrued my point, Mr. Speaker. With the greatest respect, this says "a report to the Ontario Legislature."

**Mr. Speaker:** Do you have a question?

**Mr. S. Smith:** All right, I will ask a question.

**Mr. Speaker:** I have ruled there is nothing out of order.

**Mr. S. Smith:** All right, I will accept your ruling.

**Mr. Speaker:** You do not need to get up on your high horse. I have called for oral questions and if you have one, please put it.

**Mr. S. Smith:** I will ask the minister whether this statement, which is called a report to the Ontario Legislature, which he made some reference to but did not read, and which I take to be an apology to Walker Brothers as well as covering certain other matters—on the very matters raised in this House last week—has been tabled with the Clerk so that it is on the record of the House. I would ask why he did not read it and whether he intends not only to apologize to Walker Brothers as he has via this letter, but to apologize to this House for his refusal to acknowledge here what he has finally been willing to acknowledge in this letter?

**Hon. Mr. Parrott:** Mr. Speaker, I am sure the letter and the report are part of the record of the House and I do not have any questions that they should be. I do not mind any part of that letter or any part of this report being read into the record a second time. That is perfectly okay by me.

There were allegations made. I am sure this House would ask me to take those allegations seriously. That I did. There were three or four of them. The one matter, I think, is clearly something the official of the ministry made a statement about. I do not think the facts bear the matter out. I have said that in the letter. As a matter of fact, as a courtesy to Mr. Walker, I called him at 1:15 this afternoon so I am not at all embarrassed by having that on the record. Indeed, on the contrary, there are other allegations still pending. I think this House would clearly expect me to act on these allegations and put them all on the record. That I shall do.

**Mr. S. Smith:** Supplementary: Since the minister continues to be willing to admit that the point we raised repeatedly last week was correct but still refuses to acknowledge this in a gentlemanly way—that is exactly what has happened—I will ask him this:

Could the minister explain why he and his official, Mr. Majtenyi, still insist on expressing shock to discover liquids of some kind had been placed in the Walker Brothers quarry, when a letter to the member for Beaches-Woodbine (Ms. Bryden) in September 1978, signed by the minister, said his records indi-

cated liquid waste disposal had occurred in these eight sites, including Walker's quarry?

Since in 1978 the minister knew liquids had been deposited in Walker's quarry, why should he have pretended to this House that somehow it was a shock to learn liquids appeared there and that the whole matter came to his attention at the time of the W5 program?

**Hon. Mr. Parrott:** I think it is clear that that certificate at that time was quite a different certificate from the one that exists today. The certificate was amended on June 23, 1980, and that is the continuing program of this ministry; we will update our certificates.

**Mr. S. Smith:** The certificates never allow liquids.

**Hon. Mr. Parrott:** I think if one were to look at those certificates carefully over the past decade, one would find that in earlier times they were not as definitive as I think they should be and as we are moving towards. That was one of the recommendations of the standing committee. We believe the certificates should be far more definitive than they were in 1973, 1974 and later. In the decade of the 1960s there were no certificates to speak of at all; one could do practically what one wanted.

2:40 p.m.

We are moving in a direct fashion to have the certificates made far more specific and much tougher on how those wastes are handled. We will continue to do so. I have repeatedly said to industry: "You have to face up to the fact that you are going to be severely regulated on the matter of liquid industrial waste. You have to face up to the fact that you are going to pay for the destruction of those wastes and there is no other alternative for industry." They must face the reality that a new day has dawned.

**Mr. Cassidy:** Supplementary, Mr. Speaker: In view of the minister's promise of toughness and in view of the fact that his statement indicates quite clearly that at least seven drums containing various kinds of liquid waste were buried in the Walker's quarry dump—as per the written statement from Mr. Edenson that I tabled in the Legislature a few days ago—at a time when Walker Brothers licence quite clearly did not permit it to accept liquid wastes, and since the ministry also indicates there may be 70 more drums containing similar materials, is it the ministry's intention now, being so tough, to prosecute Walker Brothers Quar-

ries for illegally accepting liquid waste contrary to its licence?

**Hon. Mr. Parrott:** Mr. Speaker, the matter is under two investigations. One is being done by the Ontario Provincial Police, and I have not received that report yet but I expect it should be completed soon. The other is being done to determine whether there is a breach of the certificate. That is a very significant problem that must be addressed. I can assure the member that if and when there is proof there was a violation of that certificate, charges will be laid, but I do not have the privilege of making allegations and simply saying it will be done; I must have the positive proof.

We are in the process of getting those drums, doing the analysis on them and finding what is in those drums. Not only that, in the two that were empty, we are doing scrapings on the drums to see if perhaps the liquid has leaked out and what might have been in there. We are doing the most thorough and comprehensive investigation that is possible. Based on that certain knowledge, we will take the appropriate—

**Mr. Cassidy:** Last week the minister wanted one drum, that was all. It is the pressure in this House that has made that happen.

**Hon. Mr. Parrott:** Not at all. It was done well in advance.

**Mr. S. Smith:** Supplementary: Why has the minister persisted in his story that the reason liquids went in there—and they were reported to the member for Beaches-Woodbine in 1978, yet somehow come as a surprise to the minister—has to do with a lack of specificity in the certificate of approval, when I have in my hand every certificate of approval made out for Walker's quarry in the last decade, and plainly these state that 95 per cent is to be solid waste and the other five per cent construction debris?

Liquid waste was never permitted in Walker's quarry by any certificate of approval, yet the minister included that as a liquid waste receiving place in his letter of 1978 and now professes surprise. Why does the minister not admit that he does not know what is happening in his ministry and it has to be cleaned out from top to bottom, starting with himself?

**Hon. Mr. Parrott:** If I were going to send someone to a recycling location, I think I would start with the Leader of the Opposition,

**Hon. F. S. Miller:** You might have difficulty getting a certificate of acceptance.

**Hon. Mr. Parrott:** I agree it might be difficult to get a certificate of acceptance.

Mr. Speaker, let me be more serious about this. I think the whole matter of what was in that site is certainly worthy of a full investigation. I will continue to report to this House on our findings. If there was a violation of the certificate, prosecutions will be held; if not, the company has the right, and I think it is an important right, to an assurance that no one is found guilty until a fair trial is held. If the company was in total compliance with the certificate, the world will know and I will be the first to tell it.

**Mr. Swart:** Does the minister not realize that the opposition to the solidification plant does not come just from the not-wanting-it-in-our-backyard syndrome? It is because the people and the opposition members do not trust the minister's ministry nor do they trust Walker Brothers. The minister's own engineer in the Niagara area said his faith and trust in Walker Brothers has completely gone down the drain. The minister has stated that he will lay charges.

**Mr. Speaker:** Is there a question there?

**Mr. Swart:** May I ask the minister, if charges are laid and a conviction is made, will he then suspend for all time the procedures for the establishment of the solidification plant with Walker Brothers because they are untrustworthy?

**Hon. Mr. Parrott:** I will do it quite differently from the way of the honourable member who asked the question. I will do it after the trial, not before, and I will base it on solid, positive evidence. I read from the committee's report: "The final recommendation of this committee is one of high importance, and that is, the committee believes that the public hearing should be mandatory."

I do not know of any party that was more insistent that the hearing process be held than the member's party. Fair enough; I agree with that. But in this instance, because it seemed politically expedient to do so, there was never an opportunity to put on the record at a fair environmental assessment hearing both the pros and the cons. That was sidestepped; it was short-circuited. I think it is a miscarriage of justice that the opportunity to put all the facts on the record and then make a decision was not given in this province.



## REST HOMES

**Mr. S. Smith:** Mr. Speaker, a question for the Minister of Community and Social Services on the subject of rest homes in Ontario.

Given the recommendations of the 1977 coroner's jury arising from a death at Dr. Rajovic's rest home in Metro Toronto and given that the Ontario Advisory Council on Senior Citizens in April 1978 called for immediate action to ensure proper standards in rest homes—and he has had several requests from that council—and given that the minister spoke in the estimates on the bill introduced by the member for Sarnia (Mr. Blundy), as I recall, in favour of improved regulation and said he is studying the matter, can he explain how it is that the Dr. Rajovics of this world can continue to operate in conditions that were so graphically described in the Toronto Star recently?

Given the fact that our elderly people are being kept in such conditions of filth and squalor in 1980 in the province, will the minister pass some kind of law in Ontario that would oblige municipalities to set proper standards, or is he going to continue to rely on the individual municipalities to somehow clean up the situation by themselves?

**Hon. Mr. Norton:** Mr. Speaker, as the Leader of the Opposition has indicated, he obviously recognizes that municipalities do have very significant authority to ensure appropriate standards in terms of health care, fire safety and other kinds of safety in such residential accommodation. In terms of those aspects of the care, it would be perhaps unwise for the province to attempt to duplicate the authority the municipalities already have.

If these kinds of conditions do exist as the member described them—and I think many exaggerations are being made these days; nevertheless I am willing to acknowledge there may be cases where less than adequate conditions prevail—then I think the municipalities ought to be moving into those situations and doing something about them.

It is not good enough to sit back and simply say another level of government should come in, especially when we are talking about major municipalities; I can understand some of the smaller municipalities might have some difficulty because of the lack of appropriate staff to inspect, but our major municipalities clearly have that capacity and ought to be doing it.

With respect to the member's reference to standards, I have indicated that my colleagues and I are looking at ways in which

we might assist. I do not think we will be getting into passing province-wide legislation and regulation of each and every one of the boarding homes and lodging homes in this province because, frankly, we do not have the capacity to inspect on that basis across the province. However, what I suggest we may well look at is the possibility of providing guidelines for the municipalities or, if the member wishes, model proposals for the municipalities so that they might follow through with their responsibility.

2:50 p.m.

**Mr. S. Smith:** Will the minister admit that, with all his guidelines, suggestions, constructive statements and so on, we still have between 50,000 and 90,000 people in rest home beds in Ontario? There is considerable difficulty in finding nursing-home accommodation, especially when more than a small amount of nursing care is required.

Given that more and more people seem to be lining up for these rest homes, will the minister admit he has a responsibility to oblige the municipalities to act, and not merely to suggest they act? Does he not have a responsibility to set certain standards and say that the municipalities have the duty to enforce those standards, and if they don't enforce them the province will take certain actions against them?

Surely the minister cannot just sit there and wash his hands of the squalor and the despicable circumstances in which many of our elderly are now living.

**Hon. Mr. Norton:** I was not simply washing my hands of the situation. The Leader of the Opposition has to bear in mind that the municipalities, as well as the provincial government, are duly elected and responsible levels of government. I certainly will continue to do whatever I can to encourage them and press them to take action in those kinds of situations.

**Mr. Warner:** Supplementary, Mr. Speaker: The government was forced to bring in a Nursing Home Act prior to 1972 because of the deplorable state of nursing homes in this province. In view of this, how big a mess must be created, how much must we learn in this Legislature about the deplorable conditions in rest homes before this government will act to bring a rest homes act into the province?

**Hon. Mr. Norton:** Mr. Speaker, I am not sure that question was intended to elicit an answer. It was a histrionic statement based upon information the honourable member is using in what I think is an alarmist way.

### STRATFORD FESTIVAL

**Mr. Cassidy:** Mr. Speaker, I have a new question, to the Minister of Culture and Recreation, about the turmoil in the Stratford Festival Theatre, a theatre that is receiving a grant of \$300,000 this year from the taxpayers of Ontario through the Ontario Arts Council.

Is the minister aware that the board of directors recently told the four Canadians who had been hired to run next year's season they were being fired because, it said, their program would incur a deficit of \$1 million, which was unacceptable?

Is the minister also aware that, just days earlier, the same board of directors was making a submission to the Canada Council—which was signed by the president, Mr. Hicks, by the treasurer, Mr. Thomas, and by the newly appointed executive director, Mr. Stevens—that indicated they intended to have the season, that the plan would have to run on a balanced budget and would do so?

Is the minister aware of the contradiction between what the board of directors told those four Canadians who were being fired and what they were telling the Canada Council?

**Hon. Mr. Baetz:** Mr. Speaker, I have been following the events of Stratford very closely over the last few weeks and, to paraphrase a line from Shakespeare, "Methinks there is something rotten in the state of Stratford."

I am very perplexed and, I must admit, annoyed, as is my federal colleague, because both the federal agency, the Canada Council, and the Ontario Arts Council have been supporting the theatre in Stratford at a very substantial level. Fortunately over the last few years Stratford has been able to raise a great deal of its money through the box office. This has been successful to the point where now, between the Canada Council and the Ontario Arts Council, we are probably financing only about 12 to 15 per cent of the total budget. Nevertheless, the theatre people at Stratford seem to know very well where to run and where to ask for help when they need it when they run into deficit situations.

I must say I am sufficiently perplexed about what is happening there, the termination of the contracts of these four Canadians and the hiring of Mr. Dexter, that I am asking the chairman of the Ontario Arts Council—who is, after all, the person from Ontario who should be dealing with Stratford directly; we do not deal directly with Stratford—to take a serious look at Stratford and see

whether in the light of actions like these the Ontario Arts Council should continue to finance that at a level of about \$310,000 a year, as the member for Ottawa Centre has indicated.

That is, of course, only the annual grant that Stratford gets. In addition to that, we have undertaken to pay up to \$2,900,000 for Stratford under the arts challenge fund. We have given Stratford all kinds of ad hoc grants over the years; we have tried to support them, again at arm's length.

In response to the question, it seems to me that in the light of what has happened in the last few weeks, which is really something that is astonishing, regrettable, and something I deplore, the time may have arrived for the Ontario Arts Council to take a very serious look at whether the taxpayers of this province should continue their annual support of that theatre.

**Mr. Speaker:** That response took three minutes and 30 seconds. I wish the minister would be a little bit crisper.

**Mr. Cassidy:** Since the proposal of the minister would punish Stratford for what they have done in firing the four Canadians, letting them go and bringing a foreign director in, but would not cure the problem of incompetence or deviousness that is now found in the Stratford Festival board of directors, will the government be making representations to Mr. Axworthy and to the Stratford Festival board to ensure that the artistic direction at Stratford be in the hands of Canadians rather than those of a continuing series of people who, however qualified, come in from other countries?

Will the government also be seeking to ensure that, if Ontario taxpayers' funds continue to go to Stratford, in future there will be a representative of the arts council or the people of Ontario put on the board of directors to avoid the kind of devious behaviour we have seen in recent weeks?

**Hon. Mr. Baetz:** Again, Mr. Speaker, I will be very brief. That was a long question.

As I indicated a moment ago, I will not, and our government will not, make a direct contact with Stratford. I will ask the chairman of the Ontario Arts Council to look into these things and report back to us. I will certainly not take the kind of direct steps that I think have been suggested and were implicit in that question.

### DAY CARE

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Community and

Social Services which relates to the day care needs of people in the Ottawa-Carleton region, particularly in the municipalities of Nepean and Kanata where certain political events are taking place.

Is the minister aware of the fact that, despite 60 per cent of the women with children in the Carleton constituency area being at work, private day care centres in that area are seeing their waiting lists shrink because people with family incomes of more than \$17,000 cannot afford even low-cost, privately run day care centres? Does the government have any plan to ensure adequate day care for these families, or does the government intend to stand by until those private day care centres have no choice but to fold?

**Hon. Mr. Norton:** Mr. Speaker, unless I missed something at the beginning of that question, it is not clear to me how the honourable member drew the cause-and-effect relationship in terms of the reduction in waiting lists, as I believe he said. That may be his conclusion and it may be correct, I do not know, but before I would agree with that conclusion I would have to examine the data which led him to come to that conclusion.

3 p.m.

Nevertheless, as I have indicated on a number of occasions, within the next short time—in a very few weeks—a series of announcements will be made relating to the initiatives on the part of this government in the area of day care. I might add, for the benefit of the honourable member, that these initiatives have been in the planning stage for a lengthy period of time. I want to assure him they bear no relationship to the current controversy that exists around the issue of day care but are the result of deliberate and competent planning on the part of this government.

**Mr. Cassidy:** Can the minister assure the House that not only will there be an expansion of day care to meet the needs in the Ottawa-Carleton region but also the traditional funding of the government will be maintained? Will he assure the House that the funding of the \$171,000 recently given to the region of Ottawa-Carleton for day care purposes will not be repeated, since that funding involved only \$15,300 coming directly from the province, with the remainder coming from either federal sources or the local municipalities? Will the government assure us that in future Ontario will

not back out on its responsibilities to day care the way it did with that \$171,000 grant, where it paid less than 10 per cent?

**Hon. Mr. Norton:** With respect to that particular grant, I think the honourable member ought to bear in mind the circumstances under which it became necessary. Again, it related to the particular kind of administration that was being carried on in that region, as it was in Metropolitan Toronto. I cannot assure the member or any municipality in this province of that. If they do not manage their own houses appropriately within their budgets during a given fiscal year, I cannot assure them they can have open-ended rights to spend money and expect me to come up with 80 per cent—albeit 50 per cent federal and 30 per cent provincial—to subsidize them if they are not going to manage their budget programs appropriately.

I would ask the member to consider that it has been acknowledged by both Metropolitan Toronto and Ottawa-Carleton, knowing the circumstances under which those projected deficits arose this year, that the province has been very generous with them in assisting them out of those situations.

With respect to the other guarantees the member requested of me, I can only ask that he be patient and wait for the announcements in the next few weeks.

**Ms. Gigantes:** Supplementary, Mr. Speaker: I wonder if the minister is aware that even in low-cost, private day care service centres, such as the Bayshore centre in Ottawa-Carleton, the waiting list is dropping from the normal 50 to 60 parents looking for spaces to about 10 parents, although the inquiries about day care services continue to come in at the same rate. According to the director of that centre, this is because parents whose family income is slightly more than \$17,000 simply cannot afford to contemplate looking for day care services for their kids.

Is the minister going to wait until these centres close and use that as proof that the day care need does not exist? This is the kind of approach he has taken in the past.

**Hon. Mr. Norton:** Mr. Speaker, I have never taken that approach.

**Ms. Gigantes:** Yes, you have. What were your speeches about recently?

**Hon. Mr. Norton:** I would ask the honourable member to remain calm for just a moment. I would remind her also, by the way, she has not raised yet in the House the issue she took me on about a while ago in terms of those subsidies. I think since she

received that report from Ottawa-Carleton she realizes I was correct.

**Ms. Gigantes:** Mr. Speaker, on a point of privilege: I want to make reference to the fact that I have not raised again a question which I raised twice in this House and which the minister has not chosen to answer. I would like the minister to get up and tell us what documentary evidence he has—

**Mr. Speaker:** Order. That is not a point of privilege; that is correcting the record. The honourable minister will complete his answer.

**Hon. Mr. Norton:** Perhaps in response to the request from the honourable member I could point out to her the report which I am sure she has received from some of her friends on the Ottawa council. I will stand by my original information, because that report bore me out and demonstrated my figures were quite correct. I have nothing to add to my original remarks, because they were borne out by that report.

**Ms. Gigantes:** Where is the report? Table it.

**Hon. Mr. Norton:** Did the member say, "Table it"? It is not my report to table. Why does the member not table her copy? She has seen the report.

I have forgotten what the honourable member's original question was, as a matter of fact.

Interjections.

**Mr. Speaker:** The member for Ottawa East with a new question.

**Mr. Roy:** Mr. Speaker, is it safe?

Interjections.

**Mr. Speaker:** Order. In spite of all the histrionics, the member for Ottawa East still has the floor.

**Mr. Roy:** I can assure the minister I have no intention of leaving—

**Mr. Speaker:** Do you have a question?

**Mr. Roy:** Yes, Mr. Speaker, I have. You will agree there has been some disturbance here.

### CONSTITUTIONAL REFORM

**Mr. Roy:** Mr. Speaker, in the absence of the Premier (Mr. Davis) and the Attorney General (Mr. McMurtry), I would like to ask a question of the Minister of Intergovernmental Affairs. My question to the minister involves his colleague's comments in Montreal yesterday before the Chambre de Commerce. If I may quote briefly from his speech, he

said those "who curse the darkness, especially with inaccuracies that cannot but mislead, do not serve . . . Canada. Instead, they serve a vile, hateful and mean-spirited approach based on self-interest and selfishness."

Considering that the Attorney General was talking about the comment made by a Conservative colleague, the Premier of New Brunswick, what steps does the minister intend to take to correct the inaccuracies in his colleague's pamphlet in Carleton which states that the Premier, "Bill Davis prevented the federal government from putting forward what is called blanket bilingual policy in favour of Ontario," and secondly, "the leader of the Liberal Party in Ontario favours official bilingualism for Ontario," both of which are clearly inaccurate? Is the minister going to ask him to correct that?

**Hon. Mr. Wells:** Mr. Speaker, to correct the record, my colleague the Attorney General did not use those words that were attributed to him by my friend. The Globe and Mail's Stan Oziwicz, who was there, indicates he did not use those words in his speech.

**Mr. Roy:** I have his speech here.

**Hon. Mr. Wells:** He can answer that. The answer to the member's other question is that the inclusion or non-inclusion of section 133 in the Canadian charter of rights in the package that is now before the House of Commons would have provided for bilingual laws in this Legislature, in other words, all the work of this Legislature, including acts being passed in both English and French with both versions having official validity, and a full court system—not only criminal courts, as we are in favour of, but also civil courts—being completely bilingual in this province. These were the things suggested for the charter of rights by the federal government at some time which we said were not acceptable in this province.

**Mr. Roy:** That's not what you say.

**Hon. Mr. Wells:** It is what we say, because the implementation of those things would have gone a long way towards an official bilingual Ontario policy, which we are not for. At different times the Leader of the Opposition (Mr. S. Smith) has indicated he was in favour of a bilingual Ontario. If he wishes to correct the record, that is fine, but it is my understanding that at other times and in other places my friend, and some members of his party anyway, have been in favour of officially declaring Ontario bilingual as the federal government has declared.

3:10 p.m.

All we have said is that the record of what we have done in this province for the franco-phones is a commendable record. That record has been done without the kind of tokenism of declaring Ontario officially bilingual, which is not needed to achieve the kinds of ends that need to be achieved in this province. The record in the school system, the courts, and in dealing with governments and so forth speaks for itself.

**Mr. Roy:** I will not criticize the government's record, which is not part of my question. Does the minister not think one of the reasons that he and his colleague the Attorney General have such difficulty and the government lacks such credibility at the national level is that each and every time they feel it is publicly advantageous, whether it is the Carleton by-election or the 1975 general election, they try to stir up the anti-French vote?

Why else would their candidate use about half of his pamphlet just talking about gross distortion of our policy and the federal policies?

**Hon. Mr. Wells:** If it is gross distortion of the Liberal Party policy, I ask the member to stand up now and tell this House that their policy is not for an officially bilingual Ontario.

**Mr. Cassidy:** Mr. Speaker, I would ask this of the Minister of Intergovernmental Affairs: Given the importance of the question of French-English relations in Canada, and given the fact that this House by a solemn and unanimous resolution in May at the time of our constitutional debate, just before Quebec went to the referendum, acknowledged that the status quo is unacceptable, that it had to be changed and clearly that some concessions had to be made in this province with respect to French Canadians because of the concerns that have been raised for so many years in Quebec, will the minister undertake on behalf of the government to stop fudging the issues the way the government seems to be so anxious to do right now?

Will he make it quite clear that adoption of section 133 for this province would mean the recognition of French in the Legislature, as it is recognized now, and the translation of our statutes in Ontario, as is taking place at this moment, as well as guaranteeing the use of French in the courts of Ontario, something that has also been accepted by the government and now is spreading across the province on a planned basis?

Since that and that alone is what was involved with section 133, will the government

stop trying to pretend that concession, which would be very real in the symbolic sense for Franco-Ontarians, for the French Canadians across Canada and for the Quebecois, is quite different from what the government seems to be pretending—

**Mr. Speaker:** The question has been asked, surely.

**Mr. Cassidy:** Why can they not be clear and why can they not give that answer—

**Mr. Speaker:** That has been asked.

**Mr. Cassidy:** —which is so important for the future of Canada?

**Hon. Mr. Wells:** Let me answer by saying that there are obviously differences of opinion between those on that side and we on this side. The kind of progress we have seen, which we have been able to accomplish in this province without taking the kind of tokenism that adoption of 133 would mean at this time, speaks for itself.

This government takes no back seat to anyone in providing services for our Franco-Ontarian population. That is an accepted fact. But it is also an accepted fact that kind of progress would be seriously impeded by taking the kind of steps the member has suggested.

#### LIQUID INDUSTRIAL WASTE

**Mr. Swart:** Mr. Speaker, I have a question of the Minister of the Environment. I made a formal request on Tuesday to Mr. John Cowan, the treasurer of Walker Brothers, to see the uncovered drums and get a sample of the liquid for an independent analysis. Will the minister explain why the reply from Mr. Cowan, after a top-level, 15-minute meeting—and perhaps a phone call to the minister; I do not know—was that I would not be permitted to view the site or get samples unless the minister gave permission? Does he not think this indicates Walker Brothers has something to hide? What is his cosy relationship in this matter?

**Hon. Mr. Parrott:** Mr. Speaker, I think the member had better address that question to his constituent. If he wants on the site I am sure if he is there for noble ends they will be more than pleased to accommodate him. We will give him the results of the test; of course we will.

**Mr. Swart:** Would the minister have no objection to a representative of the citizens' committee or the city council or myself being there at all times when digs are taking place to take samples out of the drums so we

can have an independent analysis? There is no trust left in his ministry.

**Hon. Mr. Parrott:** I think the member misses one very significant point. The representatives of the Ministry of the Environment—the representatives who should be there, who are there and who will supervise that site—are his civil servants just as much as they are mine. He seems to have missed that point. They are there to protect the people of this province and they happen to be doing it. I was at the reception last night for the International Joint Commission. It is rather interesting to hear an outside perspective of what a fine job the officials of this Ministry of the Environment are doing in the province.

#### COMMUNITY SERVICES CONTRIBUTION PROGRAM

**Mr. J. Johnson:** Mr. Speaker, I have a question for the Minister of Housing. Several small communities in my riding will be drastically affected by the change in federal policy relating to the community services contribution program. As a matter of fact, I have one community that received \$1 million, the village of Elora, and the Minister of the Environment (Mr. Parrott) put in \$1.6 million. It was only because of the involvement of the two governments—

**Mr. Speaker:** Is there a question there?

**Mr. J. Johnson:** Yes, sir. The question is, will these municipalities be allowed to proceed with projects, especially the water and sewage projects, in view of the change in policy of the federal government?

**Hon. Mr. Bennett:** Mr. Speaker, any program or project by a municipality which now has approval, both by my ministry and by Canada Mortgage and Housing Corporation, to be funded under the terms of reference of the program for 1980, will advance to its conclusion provided all funds for that project are drawn down by March 31, 1982.

As to any projects or programs that are being applied for in the current year that have not had our approval, either at the federal or provincial level—being applied for by various municipalities across the province, represented by all parties of this Legislature—they are not going to be approved at this time because of lack of funding as a result of the turndown of the CSCP.

At March 31, 1982, we anticipate we will have most of the programs with their total entitlement of funds drawn down.

#### LAND SEVERANCE

**Mr. Riddell:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. Can the minister explain why an order in council was issued on his advice on July 31, 1980, to grant a severance on agricultural land in Vespra township to a Gordon Atkinson which overturned an Ontario Municipal Board decision and which went against the township official plan? What reason did the minister and the cabinet have for overturning the OMB decision other than the fact that Mr. Atkinson was a fundraiser for the Conservative member for Simcoe Centre (Mr. G. Taylor)?

**Hon. Mr. Henderson:** Mr. Speaker, I am sure the honourable member is aware that I have many orders in council. I will take his question as notice and return with a response.

3:20 p.m.

**Mr. Riddell:** I would like to be able to ask the minister where his commitment is to agriculture and just sit down, but I will not. I will go on.

What purpose is there in a municipality's creating an official plan and having it approved by the ministry over there if it can be ignored by the government and, if the minister felt so compelled to support this severance, why did he not do so at the hearings before the OMB? Does the minister not agree that this kind of political decision by the government makes a mockery of the planning process and of his foodland guidelines to preserve agricultural land? Where is his commitment to his foodland guidelines?

Interjections.

**Mr. Speaker:** Order.

#### MINIMUM WAGE

**Mr. Samis:** A question of the Minister of Labour, Mr. Speaker, a very simple question: Can the minister explain to the people in this province why we have the lowest minimum wage in all of Canada?

**Hon. Mr. Elgie:** Mr. Speaker—

**Mr. Speaker:** A new question?

**Hon. Mr. Elgie:** Thank you very much for giving me the opportunity not to answer, Mr. Speaker, but the member has asked about minimum wage. I have indicated to him on previous occasions that the matter was under active review. He is not unaware of the fact that the Institute for Research on Public Policy has recently come

out condemning minimum wage. Certainly that has given the government reason to review it very carefully and we are actively reviewing it at the present time.

**Mr. Samis:** Can the minister explain to the House—

Interjections.

**Mr. Speaker:** Order. The members who are interjecting are the ones who claim they cannot get on the question period. It is no wonder why.

**Mr. Samis:** Good advice, Mr. Speaker.

Can the minister explain to the House why there has been no increase whatsoever in the minimum wage in 22 months, and can he give some assurance to the working poor of this province that there will be at least some increase before January 1, 1981?

**Hon. Mr. Elgie:** I can say nothing else other than that the matter is under active review, and I hope to have the result very shortly.

#### INVESTMENT COMPANIES' FAILURE

**Mr. Breithaupt:** Mr. Speaker, a question of the Minister of Consumer and Commercial Relations concerning the ongoing Astra Trust and Re-Mor matter: Can the minister inform the House if at the time of the Re-Mor application the registrar of mortgage brokers was aware of the judge's comments and the evidence tendered by the Ontario Securities Commission in the receivership application against C and M?

**Hon. Mr. Drea:** Mr. Speaker, in fairness, I will take that as notice and report back tomorrow.

**Mr. Breithaupt:** While he is doing that, will the minister table in the House the application for the Re-Mor mortgage brokerage licence, including all accompanying correspondence, notations and comments from all involved individuals and government officials?

**Hon. Mr. Drea:** Certainly. I hope to do it tomorrow, but no later than Monday.

#### INDUSTRIAL HEARING LOSS

**Mr. Martel:** Mr. Speaker, I have a question regarding industrial deafness and, after listening to the member for Huron-Middlesex (Mr. Riddell), I think we should apply the rules here.

**Mr. Riddell:** You have to shout to get through to those characters over there.

**Mr. Martel:** In the second annual report, there is a recommendation regarding indu-

trial deafness, that the Minister of Labour consult with the Workmen's Compensation Board to consider appointing an independent committee of experts to investigate and make recommendations to the minister and the board on the basis of compensation for noise-induced hearing loss. Has that been done yet and, if not, when can we anticipate such a committee being established to deal with this serious problem?

**Hon. Mr. Elgie:** Mr. Speaker, just by way of background, may I say that—

**Mr. Kerrio:** What do you talk about when you are out to dinner together?

**Hon. Mr. Elgie:** Careful. I do not want to give the member for Niagara Falls (Mr. Kerrio) a hearing loss.

It was due to a conversation I had with the member for Sudbury East about industrial hearing loss and our mutual concern about the problem that the matter was referred by me to the Advisory Council on Occupational Health and Safety for some views and recommendations. We have already initiated one part of its recommendations, namely, the standard with regard to industrial noise. We are now awaiting some briefs on that, and we will make decisions about whether it should stay as it is or whether to make some changes.

The real issue the honourable member and I are concerned about in addition to that relates to compensation and rehabilitation. I have forwarded the recommendations of the advisory council to the board, and I have received an initial response indicating it would like to wait until the Weiler report is received. That will be tabled next week. As soon as that is received, I will have further meetings with the board to pursue the matter.

**Mr. Martel:** With respect to rehabilitation, has anything been done to date to provide speech therapy for the more than 800 workers in the Sudbury area who are suffering from industrial deafness and to ensure there are adequate speech therapists trained in the province to meet the need, not only in the Sudbury basin but also across northern Ontario, which has the highest incidence of severe deafness in the province?

**Hon. Mr. Elgie:** I do not have that information available. I will take the question as notice and respond later.

#### BURLINGTON GAS EXPLOSION

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Consumer and Com-

mercial Relations. Can the minister tell the House what action his ministry is taking pursuant to its responsibilities for safety under the Energy Act as a result of a natural gas explosion that destroyed a Burlington home on September 16?

Specifically, will the minister explain why it took his officials more than a month to obtain the report of the Ontario Research Foundation which was completed at the end of September and which concluded that a plastic T-joint had separated from the pipeline supplying gas to the Burlington house?

**Hon. Mr. Drea:** Mr. Speaker, I will get the report on that matter for the honourable member.

**Mr. Bradley:** When the minister obtains that report and reports back to the House, will he tell the House at that time whether it is correct that 30 per cent of these fittings, which were tested by the Consumers' Gas Company at its Chatham laboratory, have failed to meet pressure specifications and that AMP of Canada Limited, the manufacturer, now makes fittings to higher specifications? If so, does the minister not agree there is a problem of some urgency with regard to the old type of fittings which have already been installed? Will the minister report back to the House on that?

**Hon. Mr. Drea:** The honourable member is asking a question about the joints. If there were defective joints, I am sure the minister would have known about it some time ago.

#### AFFIRMATIVE ACTION PROGRAMS

**Mr. Bounsall:** Mr. Speaker, I have a question of the Minister of Labour on the ineffectiveness of voluntary affirmative action programs even within the government ministries.

With the women crown employees office specifically charged with affirmative action programs within the ministries, how can this minister and this government possibly condone the fact that over the last four years the government spent almost double the amount of money on staff training for men than it did for women and that in the past year the per capita expenditure on staff training for men averaged \$79.56 and only \$27.38 for women, a factor almost two thirds less?

**Hon. Mr. Elgie:** Mr. Speaker, it is always nice to have the advantage of figures in front of one. As soon as I have reviewed those figures and can evaluate the real things that led to those figures, I will be glad to respond to the member personally.

Let me tell my friend that this government is very serious about the affirmative action program for women crown employees. That program is being reviewed twice a year, the targets are being reviewed annually and I sense a sincere commitment to it in every area of this government.

**Mr. Bounsall:** How can the minister say this government is serious about affirmative action for its own employees when of the 40 per cent of staff employees in Ontario who are women, 63 per cent are in the \$9,000 to \$12,000 bracket only, three per cent earn even less than \$9,000 and only five per cent are in the highest range of \$25,000 or over? The representation of women at the director level in this past year dropped from 5.3 per cent to 4.9 per cent. What sort of seriousness is that?

3:30 p.m.

**Hon. Mr. Elgie:** The member may like to select figures, but he knows from having talked to people in my branch there is no doubt that changes are taking place. The introduction of the affirmative action program within the government will, I predict, have very effective and meaningful results.

#### SOUTHWESTERN ONTARIO DEVELOPMENT CORPORATION

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Industry and Tourism regarding the heavy unemployment in the Windsor-Essex county area and the need for new industry. The Windsor-Essex County Development Commission has already approached the minister and asked that he set up a southwestern Ontario development corporation to assist them. Is the minister considering that and will he be implementing such a thing to enable the community at least to provide substantial employment in the near future?

**Hon. Mr. Grossman:** Mr. Speaker, I do not think the mechanism of starting a new development corporation would solve the problem. The kinds of things we are doing in conjunction with the industrial development commission of Windsor and Essex are the kinds of things that will make that happen. I do not think opening a new bureaucracy and setting up a separate development corporation will solve the problem.

For example, the sorts of things the United Automobile Workers in Canada proposed yesterday and some other initiatives we have been taking for a long time and the honourable member has suggested on previous oc-



casions are the kinds of things that will bring new development there.

In the event we get an opportunity to assist a firm that is already in that area or a firm that is thinking of moving into that area, then regardless of what programs are in place through the Ontario Development Corporation or the employment development fund, we would be flexible with either of those programs or any of our programs to make sure the plant either located or expanded. So there is no problem in terms of flexibility or availability of our programs.

**Mr. B. Newman:** In the communication to the minister dated October 23 it specifically mentions that a southwestern Ontario development corporation could expedite applications and would be able to provide extensive knowledge to those who may be interested in setting up industry in the community. Those are two positive suggestions that the establishment of a corporation would eventually provide. Does the minister not think that is important enough to set up such a corporation?

**Hon. Mr. Grossman:** I would wonder about that suggestion because we would end up with the same people who are now there—our ODC staff who are working in southwestern Ontario. They are very well trained to understand the economy of southwestern Ontario. They are in a position to expedite those applications that must be expedited. None of that would change one bit if we told them they would now be working for something called the Southwestern Ontario Development Corporation as opposed to the Ontario Development Corporation.

#### KEATING CHANNEL DREDGING

**Ms. Bryden:** Mr. Speaker, I have a question for the Minister of the Environment, if he will come back to his seat.

My question relates to the granting of an 18-month exemption from the Environmental Assessment Act for the Keating Channel dredging in Toronto. It also concerns the issue of a provisional certificate of approval under the Environmental Protection Act to permit the Ministry of Natural Resources to dredge and dispose of the dredgeate in a pond attached to the Leslie Street spit in Toronto.

In view of the fact that Dr. Donald Chant, chairman of the Premier's steering committee on environmental assessment, has advised the Premier "that the issue of the need for dredging Keating Channel remains unresolved and that a—"

**Mr. Speaker:** There is not a question yet. All I heard was, "In view of the fact . . ."

**Ms. Bryden:** Let me just conclude Dr. Chant's quote: "That the issue of the need for dredging Keating Channel remains unresolved and that a hearing on this specific issue should be held as soon as possible and before any"—

**Mr. Speaker:** What is the question?

**Ms. Bryden:** The question is, Mr. Speaker—Dr. Chant said to request exemption before any irrevocable approvals are given. Will the minister indicate whether he is prepared to cancel the exemptions and certificates of approval until an independent inquiry, such as Dr. Chant recommends, is held, or is he going to ignore the advice of Dr. Chant, as has been done on many occasions?

**Hon. Mr. Parrott:** Mr. Speaker, if the member reads the letter in greater detail, I think she will find a commitment was made. She will notice the point where it says the now-defeated mayor of Toronto has a certain plan to take care of any flooding. Now that he is not the mayor we had better consult with the new mayor to see whether the commitment to take care of the contingency of flooding is still valid. That is a very pertinent point. That will have to be addressed in the immediate future.

#### MINI-BUDGET

**Mr. Speaker:** The time for oral questions has expired.

The Minister of Industry and Tourism would like to shed some light on a point of privilege that was raised earlier.

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

Interjections.

**Mr. Speaker:** Can we hear it now?

**Hon. Mr. Grossman:** I take it that in my absence earlier today, while I was speaking to some people concerned with high technology in the Ottawa area, a point was raised here with regard to an article that appeared in a prestigious Italian newspaper. I was surprised when I came to discover that the member opposite, who I know was disappointed to see a Tory in one of the ethnic newspapers, had made the suggestion that I had been directly quoted as giving some information with regard to the budget.

First, I would like to say that while I, like many other of my colleagues, have made suggestions to the Treasurer (Mr. F. S.

Miller), the budget remains within his purview. I will be here at eight o'clock tonight to discover what will be in the budget.

Second, I have had a chance to receive a translation of the newspaper article, and my recollection of it was confirmed. Anyone reading the article will see that none of the points attributed to me by the member opposite is in quotation marks. They are not direct quotations from me.

Third, the article itself as translated, and I have had three Italian translations, which were all translated the same way, reads as follows in the key portion: "The government is examining the possibility of reducing sales tax since, declared Grossman, it has already been demonstrated other times that similar reductions facilitate a revitalization of certain economic sectors."

That is exactly the same kind of speculation that the Treasurer himself, and others, have made over the last few weeks. It was the point of several questions raised in this House and therefore was entirely consistent with everything else that has been said or speculated about the budget. It does not indicate any extraordinary, unusual reflections upon the budget, nor any information, which I do not have, with regard to the budget to be presented this evening and which I know the House will enormously applaud.

#### SPEAKER'S RULINGS

**Mr. Sargent:** Mr. Speaker, on a point of privilege: Am I correct in saying the Speaker's rulings on procedural affairs cannot be challenged at any time?

**Mr. Speaker:** My rulings can be challenged at any time except in question period.

**Mr. Sargent:** May I ask the Speaker how many times in the past four years has he been before the procedural affairs committee?

**Mr. Speaker:** Never.

**Mr. Sargent:** My point is this: I, as one member of this Legislature, do not think that one person like the Speaker alone can decide what should be discussed in this Legislature for the people of Ontario. The Speaker alone makes those decisions, and I very much object to those methods after what happened today with my leader here.

**Mr. Speaker:** I am awfully sorry the honourable member thinks that way. There

are another 123 members who have charged me with that responsibility.

#### MINI-BUDGET

**Mr. T. P. Reid:** Mr. Speaker, in view of the Minister of Industry and Tourism's statement, will he give the House an undertaking to have the translation of that article typed up and distributed to us? I am not so sure that I, as a member, am prepared to accept his explanation that he was just speculating like any other member of the public. I think there is much more to it than that. I would say on my own behalf, at least, that I would like to have that translation and perhaps pursue the matter further.

3:40 p.m.

**Hon. Mr. Gregory:** On a point of order, Mr. Speaker: In view of the request from the honourable member—

**Mrs. Campbell:** There is nothing out of order.

**Hon. Mr. Gregory:** Oh, the new Speaker. Was it a point of privilege the member was speaking on then? In view of the request by the honourable member and in view of the translation the minister has brought forward, I am wondering, if that translation is satisfactory to all Italian-speaking people, whether the member for Bellwoods should be asked to apologize for his translation?

**Mr. McClellan:** Mr. Speaker, I have no intention whatsoever of apologizing to the minister or anybody else for such an obvious violation of parliamentary principles and parliamentary tradition. I will be moving a motion at the appropriate time to deal with this matter.

**Hon. Mr. Grossman:** Mr. Speaker, just to clarify what I said earlier, there were three things that I pointed out earlier. I am quite satisfied with the three translations, but the point I wish to make regardless of any interpretation or any translation anyone else wants to make of that article—is that there are two things that are quite obvious. First, the remarks attributed to me are not in quotation marks; they are someone's reflections. Second, I say to this House, quite openly and clearly, I did not say there were going to be retail sales tax cuts. That is a straight fact. Therefore, regardless of how anyone might have translated it, my remarks made here this afternoon may be accepted at face value and it would be challenged regardless of the translation.

Interjections.

**Mr. Speaker:** Order.

**Mr. Di Santo:** On a point of privilege—

**Mr. Speaker:** What is your point of privilege? Is it the same point of privilege?

**Mr. Di Santo:** Yes, Mr. Speaker. As one person who can understand the language in which the article was written, I can tell the House that whoever reads the article gets a clear indication that the government is proposing two initiatives: (1) to reduce sales tax and (2) in favour of the small industries in Ontario.

This is grave because it can perturb the market and the citizens in their decisions as to whether to buy goods. This is a very serious leak of the budget responsibility because the minister says, and it is quoted: "The government is examining the possibility of reducing sales tax . . ." In other words, the minister revealed what action the government was studying. I think my colleague the member for Bellwoods (Mr. McClellan) was totally correct. The minister not only should apologize but also should resign.

**Mr. Speaker:** Order. There is no motion of any sort before the House that the Chair can judge upon. It was raised by the member for Bellwoods by way of a point of privilege—an alleged point of privilege—where he seems to be saying that something reported to have been said by the Minister of Industry and Tourism is a breach of his privileges. That has not been established, and all I can do is look at the record of what other members have said and what the minister has said by way of clarification. I will look at it and see whether the allegations are well-founded and whether there is a point of privilege.

#### NOTICE OF DISSATISFACTION

**Mr. Speaker:** I want to remind the members of the House that the member for Port Arthur (Mr. Foulds) had stated he was dissatisfied with the answer to a question asked previously of the Minister of the Environment (Mr. Parrott). By mutual agreement, they have decided the adjournment debate will take place at 10:30 p.m., November 20, which is next Thursday.

#### LEGISLATIVE PAGES

**Mr. Speaker:** I would like, for the benefit of all honourable members and as a recognition of the services of our pages over the last five weeks, to read their names into the

record and the ridings from whence they came.

Anna Bayley, St. David; Leanne Burgin, Perth; Samantha Cakebread, Windsor-Walkerville; Cathy Chazalon, Middlesex; Nancy Dodds, Mississauga North; Monique Dull, Wilson Heights; May Lynne Emiry, Algoma-Manitoulin; Marlynnne Ferguson, Algoma; Michelle Mackenzie, Yorkview; Susan Olsen, Windsor-Sandwich; Carolyn Prentice, Humber; Mary-Beth Raddon, Prince Edward-Lennox; Kimberley Roy, Kitchener; Dawn Stevely, Hamilton East; Eileen Tucker, Armourdale; Tanya Underhill, Elgin; Susan Wall, Lake Nipigon; Vicki Webster, Scarborough West; Beverly Wilkinson, Carleton; Megan Winsor, Mississauga East; Stephanie Winsor, Mississauga East; Suzanne Zmenak, Lincoln.

Would members please join me in thanking them for their services.

#### PETITION

##### CONTROL OF TIPS

**Mr. Mackenzie:** Mr. Speaker, I have a petition signed by more than 270 of the lower-paid workers in our society, waiters and waitresses, protesting against the fact that they do not control the tips that are paid to them in the establishments they work within.

#### REPORTS

##### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Villeneuve from the standing committee on resources development reported the following resolutions:

That supply in the following amounts and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry administration program, \$26,338,000; land management program, \$97,162,400; outdoor recreation program, \$74,805,000; resource products program, \$80,950,100; resource experience program, \$9,414,800.

And: That supply in the following supplementary amount and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1981:

Land management program, \$10,000,000.

And: That supply in the following supplementary amount and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1981:

Land management program, \$3,638,000.

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Philip from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Consumer and Commercial Relations be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry administration program, \$5,262,200; commercial standards program, \$11,652,000; technical standards program, \$7,302,900; public entertainment standards program, \$9,744,600; property rights program, \$22,398,000; registrar general program, \$3,397,200; liquor licence program, \$7,056,500; residential tenancy program, \$5,881,800.

### MOTIONS

#### COMMITTEE SITTING

Hon. Mr. Wells moved that the select committee on plant shutdowns and employee adjustment be authorized to sit this afternoon.

Motion agreed to.

#### COMMITTEE SUBSTITUTION

Hon. Mr. Wells moved that Mr. Martel be substituted for Mr. Cooke on the select committee on plant shutdowns and employee adjustment.

Motion agreed to.

3:50 p.m.

Mr. McClellan: Mr. Speaker—

Mr. Speaker: Does it have something to do with motions?

Mr. McClellan: Yes. I have a motion. I give notice of the following—

Mr. Speaker: Not under this item you can't.

Mr. McClellan: Mr. Speaker, is it not permitted to move motions at this point?

Mr. Speaker: No. These are government motions—routine motions dealing with the business of the House.

Mr. Foulds: On a point of order, Mr. Speaker: I would ask your interpretation of rule 37(c). Does the notice that is spoken of in that motion simply require a filing with the table or does it require oral notice as well? My interpretation of 37(c) would be that the motion would require notice and oral notification and permission from you in writing as well at this point in time.

Mr. Speaker: It is quite clear under the rule that any motion that is introduced under that item requires notice.

Mr. Foulds: My question then is, does the motion simply have to be filed in writing or should you give oral notice at this point in time?

Hon. Mr. Wells: Mr. Speaker, I wish to inform my friend that usually these notices appear on the Notice Paper, notice having been given, and the calling of those motions is at the discretion of the government House leader.

Mr. Foulds: Mr. Speaker, my colleague the member for Bellwoods has filed notice with the Clerk of the House for a motion that the matter he brought up on a point of privilege under rule 37 be considered by the standing committee for procedural affairs.

Mr. Speaker: Obviously a private member's motion such as this, whether it be by way of a resolution or the introduction of a bill, would be filed with the Clerk and it would appear on the Order Paper and it would be debated in turn in the same way as any other private member's motion.

Mr. McClellan: You will excuse my confusion, Mr. Speaker, but I was under the impression, and I may be wrong, that we had the same requirement to give notice of motion as we do to move and briefly describe a private member's bill. I simply wanted to indicate to you and to the House that we intend to refer the matter raised by me earlier with respect to the Minister of Industry and Tourism's remarks in *Corriere Illustrato* to the standing committee on procedural affairs, and the motion has been filed with the table to that effect.

Mr. Speaker: I will review it, but my understanding of it is that any motion proposed by a private member will be treated as private member's business and will be handled in that way.

Mr. Foulds: On the point of order, if I might, Mr. Speaker: I would very much like you to review that, because there is nothing in rule 37 which confines those motions to the government House leader.

Mr. Speaker: That is my understanding of it but I will review it.

### INTRODUCTION OF BILLS

#### TORONTO ISLANDS ACT

Hon. Mr. Wells moved first reading of Bill 181, An Act to stay the Execution of

Certain Writs of Possession issued in respect of Certain Premises on Toronto Islands.

Motion agreed to.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT, 1980

Hon. Mr. Wells moved first reading of Bill 182, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

Hon. Mr. Wells: Mr. Speaker, this bill permits the Toronto Transit Commission to conduct a transit consulting business on a self-financing basis. We believe the legislation will allow the TTC to make an important contribution as a consulting partner in Ontario's efforts to obtain a share of the growing international urban transit market.

The bill will also enable the Metro council to delegate to its staff the ability to grant certain permits, approvals or authorizations and, in addition, the existing section which enables the Metro council to designate lanes on Metro roads for the exclusive use of TTC transit vehicles, taxis and cars carrying a specified number of persons will be expanded to grant the area municipalities in Metro the same power over roads within their own jurisdiction and to allow councils to define classes of transit vehicles other than TTC vehicles, which would be able to use the reserved lanes.

#### DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION AMENDMENT ACT

Hon. Mr. Henderson moved first reading of Bill 183, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Amendment Act.

Motion agreed to.

Hon. Mr. Henderson: Mr. Speaker, sections 19(2) and 19(3) of the act deal with compensation for killing or injuring of livestock and poultry by wolves in territories without municipal organization. The subsections are re-enacted to constitute agricultural representatives and assistant agricultural representatives as valuers in territories without municipal organization, and to set out in detail and expand the procedure for determining the amount of compensation payable. At present, such procedures are incorporated by reference to certain subsections of section 14 of the act.

#### SHEEP AND WOOL MARKETING ACT

Hon. Mr. Henderson moved first reading of Bill 184, An Act respecting the Marketing of Sheep and Wool.

Motion agreed to.

Hon. Mr. Henderson: Mr. Speaker, the purpose of the bill is to extend the application of the Wool Marketing Act to the production and marketing of sheep that are sold for the production of meat.

#### ASSESSMENT AMENDMENT ACT

Hon. Mr. Maeck moved first reading of Bill 185, An Act to amend the Assessment Act.

Motion agreed to.

Hon. Mr. Maeck: Mr. Speaker, the purpose of the bill is to postpone to December 1981 the return of assessments at full market value across the province. The bill will allow us to continue with the section 86 reassessment program, which has been successfully implemented in 108 municipalities to date. Approximately 110 more municipalities will be reassessed under section 86 later this year for 1981 taxation purposes.

In addition, I am proposing in this bill administrative amendments to further clarify and update certain operating provisions within the Assessment Act.

4 p.m.

#### BRUCE COUNTY BOARD OF EDUCATION AND TEACHERS DISPUTE RESOLUTION ACT

Mr. Sargent moved first reading of Bill 186, An Act to resolve the Dispute between the Bruce County Board of Education and the Secondary School Teachers.

Motion agreed to.

Mr. Sargent: Mr. Speaker, the purpose of this bill is to resolve the strike between the Bruce County Board of Education and the secondary school teachers. I hope this bill can do something towards resolving the problem.

It is a pretty unbelievable situation in a democratic, free society, and with a minority government, that this bill could get before the House, but our kids still cannot be educated. Although they are paying their bills, they cannot be educated. It is a terrible situation.

### TORONTO ISLAND HOMES

**Mrs. Campbell:** Mr. Speaker, on a point of order: In view of the fact that the Minister of Intergovernmental Affairs has introduced a bill with reference to the stay for the Islanders, can he enlighten us as to what procedures we are to follow to ensure that the bill is in place before Monday when the evictions are effective?

**Hon. Mr. Wells:** Mr. Speaker, I was going to announce this when we announce House business later on today. We intend to call the bill for second and third reading tomorrow. It is hoped that royal assent can be given if those stages are passed tomorrow.

### ANSWER TO QUESTIONS ON NOTICE PAPER

**Clerk of the House:** Mr. Speaker, the government House leader has just tabled the answers to questions 283, 284, 370, 372, 373, 382, 384, 385 to 387, and 394, and the interim answers to questions 376, 379 and 384 standing on the Notice Paper. (See appendix, page 4250.)

### ORDERS OF THE DAY

#### PRIVATE MEMBERS' PUBLIC BUSINESS

#### WOMEN'S ECONOMIC EQUALITY ACT

Mr. Charlton moved second reading of Bill 157, An Act respecting Economic Equality for Women in Ontario.

Interruption.

**Mr. Speaker:** Order. We welcome visitors in our gallery. We are pleased that you take a great deal of interest in what we are doing here, but I will have to request that you remain silent so we will have an opportunity to hear what the member who has the floor has to say.

**Mr. Charlton:** Mr. Speaker, I am very pleased and proud to have been able to introduce this bill for first and second reading and to be able to debate this bill here this afternoon. It is a little unfortunate that a matter so important will be somewhat limited in time, but none the less it is a very important bill. It is, as I think the House is aware, part of an economic package this caucus put forward in three bills, all of which are complementary and all of which are very important, one to the other.

The purpose of Bill 157 is, first of all, to create in the Ministry of Labour an equal

employment office which will start to deal in an effective way with the whole question of valid and successful affirmative action programs in Ontario in employment.

Second, the bill will design, along with and complementary to the other bills that have been introduced, an apprenticeship and skills training program in Ontario, and see that women have fair access to that program, which it would appear they do not now have. I think the statistics point to the problems quite clearly.

The bill, in addition, will provide for universally acceptable and affordable day care so that the women in this province will have full access to meaningful employment in a situation where they can, first, notice that most of their pay cheque is not going to be gobbled up by day care and, second, know that the quality of day care they get is adequate and meaningful for their children.

The bill will establish as well a principle we debated at length last year, the establishment and enforcement of equal pay for equal work of equal value in Ontario. This is a principle that is also extremely important in the province, and I will get into that a little bit later.

Lastly, the bill will create in statute, in law, a definition of and protection from sexual harassment in the work place.

This caucus has been in the forefront of dealing with women's legislation in Ontario, especially in the labour field. Over the years we have dealt with a number of bills dealing with the problems and the discriminations that women are confronted by in the work place and in their employment. My colleague the member for Windsor-Sandwich (Mr. Bounsall), who was up during question period, has dealt with bills on domestics, bills on equal pay for work of equal value and a number of other issues. This member has debated in this House the bill on domestics. My colleague the member for Hamilton Centre (Mr. M. N. Davison) currently has a bill before the House dealing with sexual harassment.

The bill we have here today is probably the most important of all the women's bills we have dealt with in this Legislature. It is the most comprehensive bill attempting to deal in a fairly straightforward way with the kinds of problems that women in this province tell us they have: not imagined problems, and not solutions based totally on principle either, but solutions based on the realities women are confronted with and solutions suggested by the women's organiza-

tions that have been dealing with women's problems in the work place.

It is not even fully a case here of ideological differences between this side of the House and the government side. It is, more properly put, the difference between the recognition and the understanding of the problem and the will to deal with it.

My colleague asked the Minister of Labour (Mr. Elgie) a question about the crown employees affirmative action program this afternoon, and I understand the minister's unwillingness to admit openly the program is not working. On the other hand, we get a little tired in this House of hearing the minister brush off or rant about the government's commitment to affirmative action when we do not see in hard statistics the success of that program. No one is going to believe it is working until we do. All of the provisions of this bill will be administered by the Ministry of Labour with the exception of the day care provisions.

4:10 p.m.

It is our belief that the present economic situation in Ontario, the intolerably high level of unemployment and the resultant social problems and social costs are the most serious and important issues currently facing us in the province. Furthermore, we recognize that the economic burdens on women are inevitably much more severe than for society as a whole when we are under the kind of economic circumstances we are under at present.

Traditionally and continually, unemployment for women is higher than that for men. Women's wages go up more slowly than men's. Their access to the better-paying jobs is not there. In the economic hard times we are faced with right now, they continually receive the brunt of that economic hardship. Women are participating in the work force in greater numbers than ever before. The majority of working women do so out of necessity.

We have had a social problem in this province for a long time. I suppose the total blame cannot be put on the government for some of the social attitudes that exist about women participating in the work force. There are still a lot of people in this province who believe that when women work they take jobs away from men. Unfortunately, there does not even seem to be any discrimination of the same kind against men when it may not be necessary for them to work. Let us be realistic. In a free society such as ours is, or is supposed to be, everyone who wishes to work should have the right to do so.

As I suggested, the majority of women who are working today are working out of necessity to support themselves and their families as a sole wage earner or to supplement their spouse's income, which may be extremely low; it may result from the fact that Ontario has the lowest minimum wage in the country. Women are working, whether they be sole supporters or whether they are attempting to supplement the very low income of their husbands, to provide a decent standard of living for their families and a decent opportunity for their children in the future.

On average, women in this province earn only 58 per cent of what men earn. As inflation continues to climb, women's wages generally rise more slowly and they fall further and further behind. At present, unemployment for women is about 7.7 per cent, while for men the rate is below seven per cent. Generally, the unemployment rate for women runs one or two percentage points above that for men.

Many working women need access to good quality day care as well to work. It has been argued that we cannot afford more day care, but I would suggest as strongly as I can that we cannot afford not to provide it, both in economic terms and in social terms.

In terms of those sections of the bill that deal with affirmative action and with equal pay for work of equal value, I would like to take a moment to read a couple of things into the record. Most members will recall that last January and February the committee on general government held hearings and did a clause-by-clause study of Bill 3, a bill designed to create equal pay for work of equal value. I want to read a couple of quotes from the former member for Carleton, Mr. Handleman, who is no longer with us. As a matter of fact, there is a by-election going on in his riding right now. He was a member of that committee.

I want to read this to members so that we can understand clearly what the issues are here today. I do not want to hear the Minister of Labour stand up and deny the problem is as bad as we are making it out to be. This is Mr. Handleman's comment in a discussion with Mr. Towill and Mr. Keen of the Canadian Manufacturers' Association on the morning of January 17: "Your suggestion here is that you say you could accept, I assume, or approve of a direct government policy of equal opportunity. May I ask you, because I'm a proponent of self-regulation, what have you done—either your association

or your labour relations committee—to bring into being on a fairly general basis throughout your membership, programs—affirmative action programs, equal opportunity programs—supporting them, promoting them and asking your members, ‘Will you please try to do this kind of thing?’ I’m asking you as the Canadian Manufacturers’ Association and labour relations committee, what have you done to prevent the government from intervening by bringing in a bill and forcing you to do it?”

Reading further on, Mr. Handleman says, “I have had, of course, dialogues with your organization before about the need to avoid legislation by your anticipating the needs of society and doing something yourself. I happen to be against the proliferation of legislation, but where there is a void, as in this case, whether this government does this”—“this” referring to equal opportunity or affirmative action—“or does what Dr. Bounsall is asking it to, I think, by your own inaction and lack of recognition of the problem you have led to another form of intervention in the economy, which displeases me, but which is necessary in order to solve a social problem.”

I wanted to read that into the record so we could be very clear that the problem exists, that the problem is not now being dealt with—by the very clear admission of the former member for Carleton—and that the problem has to be dealt with. Because it is not being dealt with voluntarily, it has to be dealt with by this Legislature.

During the course of those hearings last winter a fairly large number of employers and employer associations who came before the committee suggested they would prefer the legislated affirmative action route to the equal-pay-for-work-of-equal-value route.

We as a party and I as a member of this House do not see those two as mutually exclusive approaches to the problems confronted by women in the work force. In fact, we feel that both are necessary parts of this government’s initiatives in those areas. Hence we have provided for both in this bill. We have taken the approach on the affirmative action program that an equal employment office should be set up in the Ministry of Labour. We have no illusion that it is not going to take some time to accomplish. But that office should sit down with those companies, industry by industry, and work out a reasonable and satisfactory approach to affirmative action in each company. We say that if an agreement cannot be reached, a tribunal should be set up to impose an

affirmative action program and to impose the goals of that program. I am quite sure, if this bill were to pass and become law, the present government certainly would not abuse that.

**Mr. Bounsall:** They might even get re-elected.

**Mr. Charlton:** That is quite a possibility.

**Mr. M. N. Davison:** But they don’t deserve to be.

**Mr. Charlton:** But at least it would put government in a position that it is in now, or having some input in affirmative action programs and some input into monitoring their success and changing them when they are not working. They have none of that now, and affirmative action programs in this province just are not working.

One of the parts of the bill is an expansion of skills training programs and a commitment on the part of the government in legislation that those affirmative action programs would be accessible to women in a fair and open way. In the matter of affirmative action for women and the skills training and retraining programs that are being run in this province, the statistics are just horrible in terms of women.

4:20 p.m.

The equal pay sections are just as important to the affirmative action program in this bill as the affirmative action program itself. One of the things that was made very clear in the committee last winter was that each deals with different problems. Equal pay for work of equal value deals with the question of the value of a job. Affirmative action and equal opportunity deals with getting women into jobs from which they have been traditionally excluded. Both are necessary to deal with the economic problems that women are confronted with in the work place. Both are necessary simply because affirmative action programs, although they may move some women and eventually substantial numbers of women into better-paying jobs from which they have been excluded in the past, are not necessarily going to do anything to solve the existing job ghetto problems in the textile industry, the clerical sector and so on. It is not going to do anything to solve those problems. Equal pay for work of equal value will start to deal with some of those problems as well.

In wrapping up, I want to say quickly that the Ontario Human Rights Commission ruling on sexual harassment earlier this year was a welcome one, but it is still not



good enough. A number of the comments that were made at the time of that ruling suggested very clearly that, although everybody was extremely happy with the ruling, a much clearer definition of sexual harassment was still needed. It is time that this Legislature saw that there was a clear definition of sexual harassment as it relates to the job, as it relates to dismissal from employment, as it relates to punishment and as it relates to withholding promotion and access to other positions. Those definitions are required and are long overdue in this province. We need them. We need this bill.

We need the whole range of tools with which to start dealing with, first, the economic inequality that exists in this province for women and, second, the social attitudes that have to be changed and will take time to change. We need all of these tools to deal with those, and we need them as quickly as we can get them. The longer we wait and piddle around with adding a few people here and a few people there to the enforcement of existing legislation which is not working, the worse the problem will be when it comes time finally in the government's eyes to deal with it.

**Hon. Mr. Elgie:** Mr. Speaker, the bill before the House today raises some important issues, most of which we have discussed and debated before. What separates us from the sponsors of this particular bill are not its objectives but rather the means by which they can best be achieved.

**Mr. Cassidy:** How long? How long do we go on with that?

**Hon. Mr. Elgie:** I extended the member the courtesy of listening; if he is capable of doing that, I would ask him to please try.

I quite appreciate that in supporting these objectives of the bill, while opposing its substantive provisions, there will be some who will argue that the government is somehow opposed to the aspirations of women for equity in the labour market. I suppose we can never hope to convince those who misconstrue our commitment. But for those who are genuinely interested in knowing the government's strategy for achieving equal rights for women in employment, I would like to outline briefly what is now being done and what we plan for the future.

First of all, let me say that we believe the interrelated problems of equal pay and equal opportunity cannot be tackled and solved by a narrow-gauge, one-track legislative approach. What is required, in our view, is action on a number of fronts simul-

aneously, some legislative and some programmatic.

**Mr. Foulds:** Try a wide-gauge, one-track approach. Try something.

**Hon. Mr. Elgie:** Try it again; my friend can be polite shortly.

We need a blend of legislative compulsion and educational persuasion. We believe it is defeatist and quite bluntly incorrect to assume that the only effective route to equality is through legislative action.

What are the elements of the government's approach? First of all, there are the existing equal pay provisions of the Employment Standards Act. Under that act, women are entitled to be paid the same as men for performing substantially the same work in the same establishment where skill, effort and responsibility are substantially the same. Under the present act, there have been substantial settlements achieved in response to individual complaints, and the complaint number is mounting. More recently, a program of random audits has been undertaken.

A special section of the branch has been established, staffed with specially trained officers who have been assisted in their training by representatives of the women's bureau. New staff have been added for this purpose. In addition, as members know, there was a major media campaign on equal pay last summer. All the indications are that the campaign and the activities of the inspectorate have increased public awareness of employees' rights and, equally important, employers' obligations under the law.

Notwithstanding the strength of the existing law, I believe there are some changes that can and should be made to increase its effectiveness. For example, I think the present restriction to comparisons within a single establishment should be broadened. As well, provisions should be made to prohibit an employer from substituting persons of the opposite sex in jobs or restricting entry to jobs to one sex to avoid the application of the act.

Finally, I believe there is considerable merit in using a composite test, and I said so before the committee last winter, a combined profile of skill, effort and responsibility rather than requiring each of these elements to be considered and met separately in determining whether those performing substantially similar jobs are being paid equally.

I will soon be discussing these proposals with my colleagues, and I have every reason to believe I will be in a position to present them to the House in the near future.

The third point concerns affirmative action. This government is a strong proponent of voluntary affirmative action programs, not only for women but also for other groups who have historically suffered from systemic discrimination and have not had equal access to the labour market.

To reinforce this commitment within the Ontario public service, a work force of some 83,000 persons, the women crown employees office of my ministry has spearheaded a phased equal opportunity program which culminated this year in cabinet approval for individual ministry and government-wide target setting. The targets, based on projected vacancies and the availability of women applicants, are aimed at achieving a 30 per cent female participation rate in all bargaining unit categories in the management module. This program not only should benefit women crown employees but also should serve as a model and indeed an inducement to private sector employers to follow suit.

The fourth area also deals with encouraging affirmative action in the private sector. This continues to be one of the major goals of the women's bureau of my ministry. The bureau's efforts have two major elements. The first is the affirmative action consulting services. The staff of that consulting service informs, consults, advises, exhorts and persuades employers that it is not only fair but also in their own self-interest for them to institute and vigorously pursue affirmative action plans. A recent comprehensive questionnaire survey conducted by the bureau indicates substantial advances in this area.

Complementing the work of the consulting service is the Equal Opportunity Advisory Council, formed in April 1979 and comprising leaders of business and labour. The council has two functions: first, to advise me and my staff on how equal opportunity can be encouraged in the most effective way and, second, to exert their own influence within their own constituencies to heighten awareness and bring about positive and measurable results through new affirmative action initiatives in the private sector.

The fifth point relates to sexual harassment. As members know, and as the member has previously referred to, the present human rights code prohibits discrimination in employment on the grounds of sex. The present law has been construed by the Ontario Human Rights Commission and by boards of inquiry appointed by that commission to provide a substantial measure of protection

against on the job sexual harassment. I believe, however, the legal protection should be more explicit, and I can therefore advise this House that will be one of the matters addressed in the new human rights code which I shall be introducing for first reading in the next 10 days.

4:30 p.m.

The sixth point has to do with strategic evaluation of the various elements of our existing programs and the exploration of alternative approaches. The Ontario Manpower Commission, in co-operation with the Ontario region of the Canada Employment and Immigration Commission, is working towards the completion of a women's employment strategy report. I expect to receive that report and to present it to my colleagues within the next month or two. Judging from the work of the commission in its other undertakings, I have no doubt that the report will be a thorough and comprehensive analysis and evaluation of a broad range of topics, including methods to ease access for women into nontraditional jobs, such as skilled trades.

In the time available, I have been able to touch upon only the principal features of our various ways of approaching this critical subject. I hope my summary has indicated that we are actively and vigorously pursuing all the matters dealt with in Bill 157, as well as some others not explicitly dealt with in the bill. Therefore, while affirming our support for the general principles enunciated in the preamble of the bill, we cannot support its content.

**Mrs. Campbell:** Mr. Speaker, at this point in time I am filled with a sense of humiliation and shame—not for myself but for the greater part of the human race in this province—because this government, by ministerial statement in a private member's hour, has indicated a veto of this bill.

I would like to point out a few of the things that have happened in the course of my lifetime in the battle to try to bring dignity to each individual in our society. I do not fight discrimination against women simply because I am a woman. I fight for the right of every individual to fulfil his or her God-given talents to the fullest extent of his or her ability. That is a principle which, unfortunately, this government does not understand.

I can tell the members my mother was, I think, the first woman building contractor in Canada. As a child, I remember her saying to me: "You know, it is strange. Any drunkard lying in the gutter can vote on how my

tax dollars will be paid, will be served. I have no vote." That is the same mentality we have here all these years later.

We have a bill before us that I find sad, as I felt the equal pay for work of equal value bill was sad, simply because neither of them causes anybody to recognize the special skills of women. We are still dealing with that old business of trying to compare the woman to the male regardless of her skills. I had hoped that in my lifetime we might at least recognize individuals for their skills rather than this comparison route which denigrates women, and members know that.

This minister is prepared to stand in the House and tell us the great things the government is doing for women, yet he takes the same position as some of the other Tories did in committee, in talking about government employees, where parking lot attendants are male and switchboard operators are female. Their skills are greater; their classification and job designation require greater skills. He says the only answer for those women is to go and be parking lot attendants if they are going to get anything like equal pay from this government.

I say this to the author of the bill: Sadly, I do not think this bill takes us much further than that position. I recognize that with a government that believes, with the board of trade and the chamber of commerce and all these other prestigious groups, if you pat women on the head and say, "Be patient; all things will work together for good—"

Hon. Mr. Elgie: You sure haven't heard me.

Mrs. Campbell: I have not heard the minister say anything positive the other way.

What has the government done about the pay for parking lot attendants and switchboard operators? Not one thing. And it will not do anything, because it believes it has to keep this kind of gap still in existence. This is the government. It is not somebody down on Bay Street.

Hon. Mr. Elgie: That is not true.

Mrs. Campbell: Is the minister saying what I am saying is untrue? What has he done about it? He is the Minister of Labour; what has he done?

All I am saying is this: When a government is prepared to say to the majority of the human race in Ontario: "Look, children, we will look after you in the fullness of time," it is an insult to those women. The board of trade and the chamber of commerce have

advocated patience to women; so does the minister, who is going to do more studies. I think women have been studied about as much as the native people and they have had about the same results from this government.

I regret my time is short to enter into this debate. I find this debate about the role of women and who and what they are is about the same kind of debate that took place in Britain when some stalwart—imagine—suggested that they should eliminate child labour. The same arguments as were used then are being used by this government to women today.

Hon. Mr. Elgie: No, the Liberals opposed it then.

Mrs. Campbell: Come off it.

Let me say this: All we need from this government is a statement and a law which says women are indeed people, their talents shall be recognized as talents and they shall be employed and paid accordingly.

I have not dwelt on the other matters in this bill, because I do not have time. Just once, I would love to be in the position where I could say to all of you, "Look, be patient, child; you will get your deserts some day."

I simply remind the minister that the law is on the side of women. They have been declared to be people. There has been no such declaration as far as he is concerned.

Interruption.

The Deputy Speaker: Order. I believe the visitors in the galleries have been advised that we cannot allow any demonstrations. I must remind the visitors again that we cannot allow any further demonstration.

4:40 p.m.

Mr. Cassidy: Mr. Speaker, after that last comment of the member for St. George, I was going to say it is nice to have some people in the gallery, particularly with respect to this bill which New Democrats think is one of the most important bills to come before the Ontario Legislature, not just this year but over the course of the last decade.

The New Democratic Party has taken a strong commitment in relation to economic equality for women and we want to carry that commitment through. If we cannot get the government to carry it through, then we will change the government and put a government in office in this province that will ensure that economic equality for women is not just a slogan and not just a program, but a reality that affects all of the 4.5 million women in Ontario.

We are now the only party to have a women's critic, a women's spokesman, in the Ontario Legislature. He is the member for Windsor-Sandwich (Mr. Bounsall). I am sorry he cannot speak in the debate today and I am sorry that the member for Beaches-Woodbine and the member for Carleton East (Ms. Gigantes) and all of our other members cannot speak as well, because this is a bill that is important to all of us on the side of the New Democrats.

We have appointed a women's organizer in the party because we think it is important to reach out to the majority of the electors of the province who happen to be women. We have appointed a women's co-ordinator in the NDP caucus for the same reason. We are taking this question seriously. I wish the government would take the question seriously as well.

I want to tell members why we have brought the various measures of the economic equality bill forward in a package as we have done today. I want to tell about it by talking about a meeting I had a couple of weeks ago with a bunch of women at Seneca College who were training themselves for jobs where one doesn't traditionally find women. They hope their course in nontraditional occupations will help them play an equal role in the working world, but they know from bitter experience that it is an uphill battle.

The women there told me about the problems they ran into when they tried to get better-paid jobs. They were women who ranged in age from their late teens to their early 50s. Many were mothers; some had up to 20 years of work experience and some had almost none. But the problems they faced are all the same, and they are the same problems I have heard about from countless women from all across the province in all the years I have been in politics. Most of the group had been unemployed when they started that course at Seneca College. That is not unusual, because there are 141,000 women officially unemployed in Ontario, plus many more who have despaired of getting a decent job and dropped out of the labour force.

The jobs those women at Seneca had held had been mostly sales or clerical jobs. They had run into a brick wall when they tried to broaden their skills and move on up the ladder as their male co-workers did after a few months in entry-level jobs. I think of the women in British American Bank Note, a company with a factory in my riding of Ottawa

Centre. They had up to 20 years' experience and no promotion into the chain that allows them to become skilled printers. Men with a few years of high school who came on as janitors were automatically put into that apprenticeship very shortly thereafter.

Ms. Gigantes: And made more money too.

Mr. Cassidy: And made more money as well.

The women I talked to saw themselves being trapped in a lifetime of work in a job that men saw as just a dull but necessary start to a career. They told me that sometimes they go into a bank. If they are women, they learn a job in two or three months and stay there for 15 years. That is a reality in our province today.

The women in this group who had young children could not see how they could work if they could not get day care. They were worried about how to find proper day care if they took a factory job where there were shifts to be worked. The pay is decent but there is no day care after 5:30 at night. That is not a problem that just faces 40 women at Seneca College; almost half of the women in the province who have children under the age of six are in the labour force. That is 261,000 women with young children who need day care and many of them cannot get it.

They told me about the most insidious obstacle of all for women who want to be economic equals in this society: the social pressure on them to conform to traditional roles. They spoke of the guidance counsellor in grade school who tells a woman that she should be taking domestic science and not the course in shop in which she is really interested and of the electrical subcontractor who hires one of the women that I met as a trainee but then loses business as a result.

Those attitudes are not very surprising, because they are ratified and supported by this government. Frankly, I am ashamed of what the Minister of Labour had to say in defending the tawdry record of this government in looking after the interests of women in Ontario.

In the employer-sponsored training branch—and this minister has some input into that—there is a fellow who explained that only a fraction of one per cent of the people in this program are women because, he said, women are afraid of moving parts and equipment. That is ridiculous. He said, "It takes a particular kind of cat to survive on a shop floor," and he was bloody well deter-

mined that was not going to be a woman—only men.

The ministry's program had five women and 605 men in employer-sponsored training a year ago. Now it has 1,500 men and it has actually gone down to only four women in the program. Is that equal opportunity? That is a disgrace. That is why we think the government needs legislated answers to provide economic equality for women in Ontario. It is no good just relying on voluntary action. That has been the government's policy for far too many years. It has not worked in the past, and there is no indication it is going to work in the future either. The voluntary affirmative action program of which the government is so proud has resulted in affirmative action programs with only 160 employers after seven years. The agreements have no goals, they set no standard and they have no teeth.

We want an equal employment office—it is in the bill—to work with employers to develop affirmative action plans that will legally bind them to hire, train and promote women rather than meeting with a civil servant every once in a while and saying nice things about women. That equal employment office should start by lighting a fire under the provincial government, because the record of this government is shameful when it comes to equal opportunities and treating women on the basis of equality.

The government began an affirmative action program in 1973. It is such an abject failure that today two thirds of the women who work for the province earn less than \$13,000 a year, and only five per cent earn more than \$21,000 a year. I would ask any minister in the government whether they would be prepared to sustain a family on that kind of income.

It is no surprise either, when one considers that last year the government torpedoed the NDP bill introduced by the member for Windsor-Sandwich (Mr. Boun-sall) calling for equal pay for work of equal value. The shoddy thing about it was they took the former member for Carleton, Mr. Handleman, who they knew was going to retire a few weeks later, in the spring of this year, and used that member as the spokesperson for the government when they said, "Now is not the time to move on that vital piece of legislation." The performance of the government simply underlines the Conservative failure to provide anything approaching equal pay for work of equal value.

The member for St. George (Mrs. Campbell) mentioned a case I raised in the Legislature. Why is it that switchboard operators who need at least three more years of education and experience than the people who run parking lots in the government, but who are predominantly female, earned \$38 a week less last year? Why is it that, since I asked that question of the Minister of Labour, the wage gap between them and parking lot attendants, who of course are all male, has widened to \$46 a week? That is another example of how the government is failing to live up to whatever principles it happens to be putting forward.

The minister launched an advertising campaign. He hired 11 more civil servants to enforce the unenforceable equal pay provisions of the present Employment Standards Act, and so far this year he has won \$72,000 in equal pay cases. This works out to four cents for every working woman in the province. I say to the government and the Minister of Labour, that is not good enough. It is not good enough even if it is an improvement over the \$56,000 of a year ago. It is no wonder the average earnings of women are still 58 per cent of the average earnings of men in Ontario.

Why could we not be like France and Germany, countries where women's wages are rapidly catching up to the point where they are almost equal with the pay of men? Why can we not have that as our goal rather than constantly making women second-class citizens? Why can we not pass this bill and give women first-class citizenship in the economy of the province?

The government's record on day care is a record of cant and hypocrisy. In the last four years, 100,000 women have joined the labour force in Ontario. The number of subsidized day care spaces has gone up by only 5,000. We think there should be a right to day care in Ontario. We think it is a basic necessity if women are to have an equal role in our economy. Just about every municipal candidate elected in the province pledged a commitment to day care.

4:50 p.m.

When will this government recognize the demand is out there and that women will not be able to participate as equals in the work force as long as somebody has to stay home to mind the kids? It will be the women who are forced to stay home. That is a reality unless we get decent day care and make it accessible to every woman and every family in Ontario.

**The Acting Speaker (Mr. MacBeth):** The honourable member's time has expired.

**Mr. Cassidy:** I realize that. I just want to appeal to the government. They have blocked our full employment bill and our bill on protection of workers and job security. Why can't the government stop paying lip-service and help the New Democratic Party to make Bill 157 a reality in Ontario? It is something that has essentially been proposed by their own Ontario Status of Women Council. It is about time the government took that advice seriously and put principle ahead of partisan politics—

**The Acting Speaker:** The honourable member's time has expired.

**Mr. Cassidy:**—and supported economic equality for women. It is about time that came in Ontario.

**Hon. Mr. Norton:** Mr Speaker, I wonder if I could have some clarification of the amount of time that remains.

**The Acting Speaker:** The member for Kingston and the Islands has five minutes.

**Hon. Mr. Norton:** I shall have to abbreviate my remarks considerably.

First, I would like to join in the remarks of my colleague. I do not think any member of this House is in opposition to the principles embodied in this bill, with the exception of one specific principle that I would not be supportive of for very practical purposes. It seems to me the honourable members must recognize that the discipline of the responsibility to implement and execute policy and programs in this province really does charge one with the necessity to assess the reality of a given situation.

What is overlooked entirely in this bill, unfortunately, in respect to day care, is that if one were to choose to establish or enshrine a right, one also must move to establish a method of moving to achieve that immediately. I suggest to the honourable members opposite that we do not fail to recognize there is a need that is not being met at the moment. I have indicated that on numerous occasions. What I think is important, though, is to see the difference in the approach. We must be pragmatic and realistic.

I would suggest that within the next short period of time—over the next three weeks—I will be making a series of announcements in terms of the initiatives we have been working on and planning for over almost the past two years. This will have a significant impact upon day care in this province. It is unfortunate I am not in a position today

to reveal to the honourable members what that is, but I will be shortly. I think the members will be surprised at how soon they learn, at least, the first indication.

This has been in the planning for some time; it is not a response. If it were simply reactive, I can assure the House I would have done it before now. I think it is also important we bear in mind that this province has done a better job in the provision of day care than any other jurisdiction in North America. Think for just one moment: there is in Ontario two thirds of all the day care spaces available in Canada. One third of the population is served by two thirds of the day care spaces available. That is only comparative. That has no absolute value, but it is nevertheless significant. I do not think one should ignore that when commenting upon what we have managed to achieve and what we are going to continue to achieve in this area in the province.

The rates of increase may not have met everyone's expectations over the last two or three years but, at a time when other jurisdictions were faced with absolute declines, we continued to have growing numbers of day care spaces available in this province. Honourable members and the people of this province will shortly see the unfolding of our new policy and its practical implementation in this province.

I think it is wrong to suggest the implementation of a right enshrined in legislation. Even if the member were in office, he could not meet it. To achieve what he is suggesting may well cost in the first year of implementation an additional \$1 billion. He could not find it and I cannot find it.

We must be responsible and move in a phased way to achieve our objective. That is precisely what we plan to do.

**Mr. Charlton:** Mr. Speaker, I just want to wrap up very quickly. The minister pointed out very clearly the very limited nature of the legislation that is now in place. I only wish the minister could have spent more time with us during the hearings last January and February so he would have more clearly understood the inadequate nature of equal pay for substantially the same work. We had job after job after job described by person after person, all of them women, where they were deprived of a fair and equitable income for the work, the skill, the responsibility and the effort they put forward.

I was pleased to hear the minister say he did not think any member in this House

opposed any of the principles in this bill. I remind the minister and all the members of the government party that to block this bill is a rejection of those principles. This is a debate on second reading on the principle of the bill.

**The Acting Speaker:** This matter will be voted on at a later time.

#### NUDE ENTERTAINMENT PLACES

Mr. Williams moved resolution 39:

That, in the opinion of this House, the government of Ontario should take further action to prevent the proliferation and indiscriminate location of restaurants, taverns and theatres that feature nude entertainment or nude waitresses or similar forms of inducement to customers and that, in particular:

1. The government of Ontario should introduce legislation that would authorize municipalities to pass bylaws prohibiting the establishment and operation in the municipality of these restaurants, taverns and theatres; and

2. The Attorney General should request the Minister of Justice for the government of Canada to introduce legislation strengthening the public morals provisions of the Criminal Code to facilitate prosecutions against the owners of these restaurants, taverns and theatres.

**Mr. Williams:** Mr. Speaker, I am sure the substance of the resolution has a familiar ring about it, and so it should. All members of this Legislature will recall that as recently as the spring of 1978 we engaged in a very lively debate revolving around Bill 49, an Act to amend the Municipal Act. That piece of legislation had a twofold purpose: to extend existing powers of municipalities over body rub parlours and to give them powers to pass bylaws to regulate and control adult entertainment parlours.

It is self-evident that in the early 1970s and the latter part of the 1960s, the business operations in our society that cater to erotic and sexual appetites or inclinations were very much on the rise. Because of that there was a public outcry that demanded government action. For this reason, therefore, Bill 49 came before this Legislature for debate and was enacted into law. That particular piece of legislation provided that bylaws may be passed by councils of all municipalities for licensing, regulating, governing, classifying and inspecting adult entertainment parlours or any class or classes thereof

and for revoking or suspending any such licence and for limiting the number of such licences to be granted.

5 p.m.

One might raise the question as to why it would seem necessary to debate this issue again at this time, so soon after the enactment of the legislation to which I have referred. I think the answer is obvious. First, if one looks at the federal government's involvement in this area through the Criminal Code, there seems to have been a marked degree of indifference by the federal authorities in endeavouring to tighten up the morality provisions of the Criminal Code to try to come to grips with these types of entertainment facilities.

Secondly, at the municipal level, until the enactment of the Municipal Amendment Act in 1978, municipalities did not have the legal power to enact bylaws to regulate or control the operation of either body-rub parlours or adult entertainment parlours.

The difficulty we have before us at this time is the gathering storm clouds we see on the horizon in the nature of the legal challenges that are being made to this existing legislation. While this government has to be given full credit for the initiatives it took in bringing in Bill 49 in 1978 and having it enacted into law, it appears that those in the industry who want to see a proliferation and unlimited operation of these types of entertainment facilities will go to all lengths to try to strike down our existing laws. While in the early 1970s the real attention seemed to be on body-rub parlours in the inner city—in Metro Toronto in particular—in 1980 the attention is being given to this unprecedented proliferation and indiscriminate location of adult entertainment parlours, not only in the suburbs of our large cities but in the small urban communities throughout the province.

I would like to give members a case in point. I refer to my own city of North York. There are no less than 21 applications pending at this time for restaurant and tavern licences with specific requests for provision of burlesque-type entertainment. One of these applications relates to a restaurant and tavern in the very heart of Oriole riding, located in a small plaza within yards of a neighbouring church and two high schools, one of which is the largest high school facility in North York. All these community facilities are, in turn, located within the centre of one of our finest residential communities.

In speaking to Mr. Gerry Bird, one of the teachers at Georges Vanier Secondary

School, I think he expressed the views of many of the teaching staff as well as the students when he questioned the propriety of having such a facility located in the heart of our residential community. Its very presence would reflect, I would suggest, on the integrity of our community. I give credit to people such as the Levines and the Campbells living on Silas Hill Drive in Willowdale and to Mrs. Lynne Crawford living on Goodview Road. These are people who have been concerned enough to bring their concerns to the local city council and their elected representatives at the local level. They have taken the initiative in obtaining petitions from people in the area who have also expressed dismay and concern about the proposed establishment of such facilities in the heart of their community.

The local alderman, Mrs. Betty Sutherland, because of these concerns and her own personal concerns, introduced a measure before North York council and the council in its wisdom enacted a bylaw which amended zoning bylaw 7625 in North York, which would limit the location of such adult entertainment parlours to areas zoned industrial, provided that such parlours are located at least 500 metres from residential areas. That bylaw was enacted in September of this year.

From what I have said up till now, it would sound as if at the municipal level and at the provincial level we have matters well in hand and under control. Unfortunately, this is not the case. That is primarily the reason why I am here today with this resolution before the Legislature. While the local bylaw was passed by North York, it has taken almost nine months to bring that legislation to fruition. At the staff level, considerable apprehension has been expressed with regard to the validity of such a local bylaw. Both the reports from the planning commissioner and from the city solicitor of North York questioned whether the type of bylaw that was eventually enacted by the council would stand up in the courts. They suggested that a zoning bylaw is to control land use and not to control morality. The city solicitor himself has expressed concern as to whether, if challenged in the courts, that bylaw would stand up.

There have been considerable reports written expressing concern at this. Now we find, over and above these concerns being expressed at the local level, the operators of these type of facilities have challenged our own section 368(b) in the courts. As we

know, there are now two cases pending before the courts: one in the city of Toronto and another in the city of Hamilton. By reason of the fact that the decisions have yet to be handed down on those cases, I won't go into the merits.

I will simply point out for the record the basis on which our existing legislation is being challenged. The operators of the two facilities in question are questioning the vires of the legislation. In other words, they are asking for a declaration that our Municipal Act, as amended, is ultra vires the province of Ontario, being legislation in relation to criminal law as well as other relief. Of course, the Attorney General has responded and has intervened in this matter as of right, claiming that the position of the province is that the legislation is intra vires of the Legislature of the province of Ontario.

The fact is that our laws are being challenged. It appears to me that remedial action must be contemplated. If the courts should decide unfavourably with regard to the existing laws, I would suggest that immediate remedial legislation must be considered. The fact of the matter is that if, for whatever reason, these cases before the courts went in favour of the applicants, it would appear we would have to fall back on the Criminal Code as the sole basis for governing, controlling or prohibiting these types of establishments.

**5:10 p.m.**

I would suggest that such an application could be favourably made to the federal authorities to provide this type of enlightened legislation. We do have existing legislation under the Criminal Code, section 190, which provides that they can delegate administrative authority to the province through the Lieutenant Governor in Council when it comes to gaming and lotteries. I see no reason why such a course of action could not be taken with regard to the control of adult entertainment parlours if the need was determined to be there.

I have pointed out the fact that there is a need to tighten up the existing legislation at the municipal level because the Municipal Act is being challenged and because the local bylaws that have been enacted or proposed are being questioned. It seems to me that if we do have to resort to the Criminal Code as the basis on which we can regulate and control, then we must move in the direction I have suggested.

With regard to the existing provisions of the Criminal Code, notwithstanding our suc-



cess in maintaining the validity of our legislation in the courts, I think we could and should still go to the federal authorities and ask them to strengthen those provisions of the Criminal Code, which would give further and stronger clout to what we have done and are endeavouring to do here at the provincial level.

Section 170 of the Criminal Code, the means by which charges are laid against operators of adult entertainment parlours, deals with the attire of the performers, waiters or waitresses in restaurants. It is under that provision that charges can be laid. The difficulty is that there are two aspects of the Criminal Code, under section 170, dealing with nudity that could be improved upon. First and foremost, it is ludicrous that no proceeding shall be commenced under this section without the consent of the Attorney General. I think one can count on the fingers of one hand the number of provisions in the Criminal Code and in civil law where one has to get the consent of the Attorney General before he can lay an information. There are more serious crimes by far under the Criminal Code where one does not have to go to the Attorney General to get his permission to lay an information or a charge. It is handled in the normal process. Why here, where we have a minor crime by comparison, does one have to have the consent of the Attorney General?

Further, there is a difficulty under the existing section in that the charges can only be laid against the individual, who may be charged with nudity because of the nature of his attire or lack thereof. There is no provision in the existing section to lay the charge directly against the establishment, unless the person who is being charged with nudity is prepared to lay further charges against the owner or manager of the facility where he or she might be working.

As there is provision elsewhere in the Criminal Code, it seems to me there should be a reverse onus provision in the Criminal Code and this section in particular would assume that the owners, managers and operators of these facilities have the knowledge and have given the consent with regard to the adult entertainment that goes on within the establishment.

Here are two ways in which I think the Criminal Code could be tightened up and assist us in the province to try in a more meaningful and stronger way to regulate and control, if not prohibit, the proliferation

and indiscriminate location of these adult entertainment parlours.

If we can't make progress in those particular areas, I suggest there is still a further course of action we might take. I have been referring to the initiatives of the Attorney General. I would now suggest there may be initiatives that can be taken through the Ministry of Consumer and Commercial Relations. I would point out that there was an adverse decision in the courts back in 1974 in the case of MacLean versus the Liquor Licence Board of Ontario. While the board endeavoured to prohibit such a facility from operating, it was decided by the courts that the regulations under the Liquor Licence Act did not specifically empower the Liquor Licence Board of Ontario to pass judgement upon entertainment offered in facilities of this nature. Specific provisions under section 45 also did not cover this particular point.

I would suggest that there may be room, through the regulatory process and through the Liquor Licence Act, by which one could consider bringing in regulations that would pertain to how persons employed in these licensed premises would dress. I am suggesting it could be done by regulation. It has proved successful in other jurisdictions in states in the United States. I understand it has in the states of California and New York.

It seems to me that provision could be made, if not totally to provide the board with the power to control the regulation of the type of entertainment in licensed establishments, at least most certainly to do it with regard to establishments that cater to minors, that is, the dining lounges and dining rooms. I would point out that the Ontario Hotel and Motel Association as well as the Ontario Food Services Association would endorse this type of regulation and control. It has been pointed out to me that of the 400 licensed establishments within Metropolitan Toronto, if there was an outright prohibition with regard to the dining lounges, it would reduce by about 70 per cent the number of facilities that could provide adult entertainment and limit that type of activity to the other hundred facilities that are licensed lounges and not dining lounges. As we know, it is to the licensed dining lounges that families will come to have meals and bring their children with them, while the licensed lounges are areas that are reserved for adult attendance only.

It would be a great step forward if this kind of regulatory enactment was considered. I am sure initiatives have to be taken; we have to be prepared for the problems that

lie before us. I am sure the further initiatives of this government will ensure that there will be no further proliferation or inappropriate location of these facilities throughout the province.

**Mr. Blundy:** Mr. Speaker, I am very happy to speak on this resolution before us this afternoon. I believe in the spirit that is embodied in the resolution and the goal it is trying to achieve.

5:20 p.m.

The resolution, in my opinion, is not going to accomplish very much. It is doing what this government does so often, that is, point to other levels of government to do what I consider might be work it does not want to do itself. The resolution gives authorization to municipalities to do more. It is pointing at the government of Canada, through the Minister of Justice to do more. I believe it is rather hypocritical to stand up and present a resolution of this nature on such a very important matter. The principle behind the resolution is one I endorse 100 per cent. But I do not like the government, through the member for Oriole (Mr. Williams), bringing in a resolution that is going to try to get other levels of government to do what I believe this government should try to do.

It is interesting to note that this afternoon this private members' period is being shared with the discussion of Bill 137. I know there are vast differences between this resolution and that bill but, in my view, the bill is talking about the economic wellbeing of women and affording economic opportunities to women, while this resolution is talking about trying to do something to prevent the continued and increased exploitation of women. Therefore, I think this resolution and the previous bill have some views in common. I think both the bill and the resolution before us now are trying to improve the position and prestige of women in our society.

The proliferation of these entertainment enterprises is going hand in hand with a substantial decrease in respect for the family, for the mother and so forth. That may be an ideological thing for many people, but I submit it is something that touches every one of us. Many of the problems today that are covered by Community and Social Services are with us because the family and women in our society do not have the same status they had years ago. I know it sounds old-fashioned, and it is hard to turn back the clock, but I do believe we should mention these points in our discussion of this resolution today.

What do I suggest we do about this type of entertainment in restaurants and taverns? I believe a great deal of it could be controlled by the government through its liquor licence board and through the Ministry of Consumer and Commercial Relations. I believe they could do a great deal to reduce the number of such establishments.

What about the municipalities? The member for Oriole has mentioned the locations in which these establishments are springing up. I think he has a good point in that respect. Here is a way the municipality can become involved through its zoning bylaws if it wants to do it, but it has to have the will to try to do it. I believe this government does not have the will or the guts to do what I think it could do to help prevent the continuation and proliferation of entertainment parlours that are being discussed today. The municipalities are going to have to be encouraged to have that desire and the guts to do it also, from the standpoint of the location, through their zoning bylaws and so forth. I believe some very good points have been made by the member for Oriole in respect to the fact we see now in our own municipalities where some of these entertainment parlours are being settled.

They should not be in residential areas or even where children would be passing by the street seeing the signs and pictures on the outside. Not only are they a nuisance, but it is a bad situation, and the municipalities should try to curtail it. The points the member has made about strengthening the public moral provisions of the Criminal Code are right on. I believe this is an area where we could certainly see some very great improvement. I would do everything to encourage that to be done at the federal level.

To sum up my few words in participating in this debate on the resolution, I abhor the proliferation of these kinds of parlours in our communities and residential areas. I would like to see them curtailed, but I say all three levels of government have a part to play in doing so. I do not think this government should give up its responsibility in this matter of trying to pass legislation in this House that will help control the proliferation of entertainment parlours of this nature. The government is not without blame. I will support anything it brings in that will help to decrease the incidence of these kinds of establishments in our municipality.

**Mr. McClellan:** Mr. Speaker, I rise in support of the resolution. I want to speak to the members here about a particular

problem I have had in my own constituency. It happens to be the Metro Theatre, which is located at Bloor and Manning.

As the member for Oriole says, it has been a disgrace and problem for people in my constituency. It is located in the middle of a residential family neighbourhood, despite the fact that it is on Bloor Street. The streets north and south of Bloor are residential family areas occupied by people with very traditional values, which I happen to share and respect. I think people have a right to have their values honoured and respected in their own neighbourhood.

We have had a problem particularly in Toronto city with strip joints. What we are talking about is how to deal with the phenomenon of a proliferation of strip joints, whether they are theatres, bars or whatever. Not too long ago there was a time when the main street in this city was virtually beyond the pale for people with families or children. They could not walk down Yonge Street because of the body-rub parlours and strip joints of all kinds and varieties. So there was an effort to clean up Yonge Street, and that was achieved. One of the consequences was the problem was not really solved but simply dispersed off Yonge Street and into the midst of residential neighbourhoods such as mine and the area of North York referred to by the member for Oriole.

Let me just say the Metro Theatre is a real blight in our community. It is close to a high school. It attracts teenagers who are underage. It is common knowledge that the age provisions are not followed. We have the additional problem of the customers of the Metro Theatre coming into the community and harassing women either before or after they go into the performance. It has become a real problem in our community. I have had numerous complaints and petitions from people in the community about this kind of harassment.

5:30 p.m.

Having said that I share the concern and support the resolution, I want to continue in the vein of the member for Sarnia because this government is as much responsible for the problem as anybody else. I remember that when the member for Scarborough Centre (Mr. Drea) became Minister of Consumer and Commercial Relations he shot his mouth off ad nauseam about how he was going to clean up the topless waitresses and how he was going to solve the problem of the strip joints by dealing with topless waitresses. As

soon as he was appointed to the cabinet, what did he do? Well he shot his mouth off and shot his mouth off and eventually did absolutely nothing. What he should have done was brought in amendments to the Employment Standards Act. It is very simple. He should have advised his cabinet colleagues that the one way to deal seriously with the problem was to prohibit any employer from requiring a woman as a condition of employment as a waitress to be topless. That would have solved a lot of the problem. I am sure the member for Oriole knows that.

Let me speak again about the Metro Theatre. This place is operating in violation of a number of laws. As a matter of fact, it has had two convictions under the Criminal Code. The member for Oriole talks about the need for strengthening the Criminal Code. Here is a theatre that has had two convictions under the Criminal Code for indecent performance. What happens? These theatres are licensed under the authority of the Theatres Act of Ontario which is enforced by the Minister of Consumer and Commercial Relations through the censor board.

Remember Don Sims? Last spring after this theatre had been convicted twice for offences under the Criminal Code, Don Sims renewed its licence. This is the great protector of public morals and public decencies who is all hot to trot when it comes to artistic films, but when it comes to a purveyor of smut who is involved in violating the Criminal Code, he simply signs the paper and renews the licence. I ask, where is the initiative of the government in that respect? All I see is a fairly large degree of hypocrisy and shirking of responsibility.

Getting back to the member for Scarborough Centre, he did not amend the Employment Standards Act. In fact, after making all those bravura promises about what he was going to do to clean up the strip joints, he did absolutely nothing. In desperation, his cabinet colleagues brought in Bill 49, which simply dumped the responsibility on to the municipalities and made it virtually impossible to deal with the problem.

The member for Sarnia (Mr. Blundy) mentioned the reality that the problem could be dealt with under the authority of the Liquor Licence Board of Ontario. That is not being done either. The government hands out licences to the strip joint operators with great abandon. I do not see any initiatives coming from the government on trying to control the problem in that area.

Finally, there is the area of police enforcement. I do not know how many times we have been down to 14 Division—myself, members of the community, alone, separately, together—to try to get the police to enforce the existing provisions of the Criminal Code and to make sure that people living in the area are not harassed as they walk from their house up to Bloor Street to go shopping or to go to church. We cannot get consistent police enforcement. If the Attorney General (Mr. McMurtry) was really concerned about this problem, in his capacity also as Solicitor General, he might have some words with police chiefs about ways of enforcing the existing laws.

I am not sure there is much more I want to say. I think it is a serious problem. Aside from the other concerns I mentioned, in terms of the assault on the values of people that deserve to be respected, I also see it as a form of blockbusting that is taking place in a number of communities. I do not have any doubt at all that the existence of strip joints in residential neighbourhoods, particularly in the inner city communities, is an excellent way to destabilize the residential neighbourhood and make it ripe for blockbusting developers to move in and begin the work of destroying family housing in favour of different kinds of development. I have no doubt at all that is part of the phenomenon we are dealing with.

I support the resolution and the measures spelled out in the resolution, but I also want this government to understand clearly it has a responsibility to deal with the problem that it cannot shirk off on to either the municipalities or the federal government. Again, to summarize, it has the authority under the Theatres Act. It has, through the influence of the Solicitor General, the capacity to speak to law enforcement officials about the enforcement of existing statutes. It has the authority to control under the Liquor Licence Board of Ontario. None of these things is being enforced with any degree of vigour or consistency whatsoever. I hope the House will support the member for Oriole's resolution in the hope it will bring this serious problem to the attention of cabinet and that we can have a more vigorous assault on what is a serious problem in many communities, particularly within Metropolitan Toronto.

**Mr. J. Johnson:** Mr. Speaker, I am pleased to have this opportunity to add my voice to those of my colleagues in support of this resolution and also to pay tribute to the

member for Oriole (Mr. Williams) for bringing in this timely and commendable resolution.

This government and, I would venture to say, nearly all members of this assembly have supported the restriction of establishments which rely on nude entertainment to bring in patrons. It was just over two years ago when this House debated amendments to the Municipal Act. At that time, it was hoped the legislation would reduce the number of such establishments across Ontario but, one year later, there were still over 200 premises in Toronto alone which featured some form of nude entertainment. Earlier amendments went far in controlling adult entertainment parlours by closing down many of the body-rub parlours and sex shops. There still exists a number of other facilities which citizens of our municipalities wish to see restricted. It ought to be the responsibility of the local governments, which best know the immediate local concerns, to control the establishment of restaurants, taverns and theatres that feature nude entertainment. This applies not just to the major municipalities in our province but to a number of the smaller communities as well.

We witnessed with great shock and sorrow the impact the sex industry can have in the murder of Emanuel Jaques. This incident shook as large a community as Toronto. Can one imagine the effect it would have on a smaller community? This is what is happening. Certainly, crackdowns have removed some of the more questionable establishments from Toronto's downtown core, but many of them have moved. Instead of heading into the city centre, one can bump and grind in every Metro borough. Several of these relocated taverns and restaurants have been located close to residential sections or schools. Under the act, municipalities can regulate their location but cannot bar them from entry.

It is the community which, to a large extent, shapes the development of our citizens. Our citizens should be able to choose the kind of environment in which they wish to live. They should be able to regulate what type of business they wish their children to be exposed to. I am not suggesting this assembly attempt to legislate morality for this province, but what I would like to see is the ability of a community to determine its own pattern of development—in other words, local autonomy.

Having served as mayor and councillor in my own community for several years, I have a tremendous amount of respect for local councils and I know they are far better quali-

fied than any other level of government to assess what is in the best interest of the people they represent. If they are mistaken, they are turfed out of office at the next election, and we have seen some of that happen in the last few days.

5:40 p.m.

The real concern of this resolution, as I read it, is to allow municipalities a legal means of blocking establishments which a community may not want. A community could, if it so desired, prevent sex-oriented businesses not only from locating in the downtown core, but in the backstreets and residential neighbourhoods as well. Several municipalities have been fighting to keep these taverns and restaurants away from their neighbourhood backyards. Often they have not had the necessary clout to force them to move. I think it is a shame when a municipality, acting in its collective role, cannot decide what type of entertainment the community will support.

There are a number of legal points raised by this resolution but, in concert with the federal government and the municipal representatives, they are points which can be worked out. The Attorney General (Mr. McMurry) can approach the federal Minister of Justice to make changes to the Criminal Code which would facilitate action on the part of the Ontario communities.

We are aware that this is an area into which we enter only after a great deal of thought. It is not often that we in this assembly discuss our ability to constrain any segment of our society, but we have several questions with regard to this industry and its establishment across Ontario. The aggressive marketing of some of its supporters may not please members of our communities.

My principle here in supporting this resolution is that municipalities throughout this province should have a say in just how their communities will develop. At the very least it will give them the opportunity to bring better control to such establishments. No person in this province should be subjected to having these establishments thrust upon him if the community is opposed. The municipal representatives may best decide each community's need and aspiration.

In conclusion, I feel this is territory which the province, together with both municipalities and the federal government, can enter. Together we can help ensure communities which are safe and which are shaped by the individuals who live there.

**Mr. Speaker:** I have been prevailed upon. I had a choice between the members for Halton-Burlington (Mr. J. Reed), Kitchener-Wilmot (Mr. Sweeney) and Ottawa East (Mr. Roy).

**Mr. Roy:** It was a toss-up, Mr. Speaker. I used my great experience and, of course, my weight within caucus to override my colleagues. I used my seniority to get an opportunity to support this resolution.

I want to say, as my colleague the member for Sarnia (Mr. Blundy) said prior to me, that we are in support of anything that appears to be against sin, sex and that sort of thing and in support of the resolution as such.

It is with some trepidation that I look at some of the provisions within the resolution. I find it a bit surprising, considering the author of the resolution and knowing the respective jurisdictions of various governments, that he would put the emphasis on the municipalities to curtail the proliferation of such establishments. In my opinion, the provincial role to be played in this respect is of great importance, and it seems to me that is where it has to be played. It has to be played at the provincial level rather than trying to use municipal laws to curtail the abuses or infringements of the Criminal Code. I do not see that the Criminal Code has to be amended. In fact, the present Criminal Code, if it was only enforced, would probably severely curtail the proliferation of these establishments.

The other thing I find to be somewhat surprising in the resolution is that the member for Oriole—and I do not begrudge the fact he brought this in—should feel obliged to bring this resolution to the House at this time. It was only a few years ago when the Minister of Consumer and Commercial Relations (Mr. Drea) was sworn in that he gave a direct warning to the public, saying that those individuals participating in nude entertainment would be required to dress up. Through all the swearing in of the ministers at that time, the thing that made the headlines was the comment by the Minister of Consumer and Commercial Relations. He said that from now on things in this province would not be as they were in the past and nude entertainers were going to have to clean up their act.

I find it somewhat cynical and disappointing that after the minister said this some two years ago, the member for Oriole should be obliged to bring in this resolution. Tacked on to the resolution should have been some serious condemnation of the shallowness of

that threat and that promise of the Minister of Consumer and Commercial Relations. If the member felt the necessity of bringing forward such a resolution, it is because his colleague the minister did not do his job, and that speaks for itself.

I also find regrettable about the process that is going to take place here this afternoon that part of this resolution indicates that people are abusing certain individuals in society. It is an abuse of females to perpetrate the spread of this type of establishment. On the one hand, the government wants to prohibit that while, on the other hand, there is a bill coming up, respecting economic equality for women in Ontario, that it is going to block. The government is going to put a veto on that bill.

That is a cynical gesture on the part of government members, bringing forward this type of resolution and wanting the support of the Legislature for it. We will support it. At the same time, one of my colleagues brings forward an act respecting the economic equality of women in Ontario, but these people will not even allow this bill to come to a vote. The same people who will be supporting this resolution will be blocking this bill.

I look at my colleague from Ottawa South (Mr. Bennett) who is shaking his head. He does not understand it and neither do we. We think the government's approach to the process is cynical and lacks the seriousness that this type of legislation deserves. Some priorities those members have over there! They want to prohibit these establishments, yet they do not care sufficiently for the women of this province. Shame on them!

In closing, I want to say that if the member for Oriole is embarrassed this afternoon by the process that takes place, he should look around him at his colleagues. That is what is going on here.

**Mr. Warner:** Mr. Speaker, I am pleased to participate on this resolution, this convoluted gobbledegook we have before us. If the member for Oriole was serious about this issue, which has a detrimental impact on our communities, why did he not first put it in the order of a bill and not a resolution? Why did he not specify some controls over these establishments in residential neighbourhoods?  
5:50 p.m.

If the member were really serious about the issue embodied in this gobbledegook, he would have specified that these places of nude entertainment not be allowed in resi-

dential communities. It is as simple as that, but he could not do that. Instead, he offers a poor apology for his government's lack of action. The government has had all kinds of opportunity through the Solicitor General, through the Theatres Act and through the Liquor Licence Board of Ontario, to close down disreputable operations, but cabinet ministers sit idly by and do nothing. Instead, they put the member up to this sorry excuse. He should be ashamed of himself, doing their dirty work for them, which will get him nowhere.

#### WOMEN'S ECONOMIC EQUALITY ACT

The following members having objected by rising, a vote was not taken on Bill 157:

Auld, Ashe, Baetz, Bennett, Birch, Brunelle, Cureatz, Drea, Eaton, Elgie, Gregory, Havrot, Henderson, Hodgson, Johnson, J., Kennedy, Lane, Leluk, MacBeth, Maeck, McCaffrey, McCague, Norton, Parrott, Pope, Ramsay, Rotenberg, Smith, G. E., Villeneuve, Walker, Williams, Wiseman—32.

#### NUDE ENTERTAINMENT OUTLETS

**Mr. Speaker:** Mr. Williams has moved resolution 39.

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Resolution concurred in.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, pursuant to the standing order, I would like to indicate to the members of the House the business for the rest of this week and next week.

Tonight we will have the statement by the Treasurer and a reply from a representative of each of the opposition parties. Tomorrow we will deal first with third readings of bills on today's Order Paper and then, with the approval of the House, complete all the stages of Bill 181, concerning the evictions on Toronto Islands. Time permitting, we will complete consideration of Bill 169 and then Bill 168.

On Monday, November 17, the House will consider the estimates of the Ministry of Northern Affairs. On Tuesday, November 18 in the afternoon, we will have committee of the whole House on Bill 182, the special education bill. In the evening we will complete or continue Bill 182, if it is not completed in the afternoon. If there is any time and if

they have not been completed on Friday, we will move to Bills 169 and 168.

On Wednesday four committees may meet in the morning: the select committee on plant shutdowns and employee adjustment, and the standing committees on general government, resources development and administration of justice. Three committees may meet in the afternoon: the select committee on plant shutdowns and employee adjustment and the standing committee on social development and general government.

On Thursday, November 20, we will have private members' ballot items 35 and 36 standing in the names of Mr. Stong and Mr. Dukszta. Next Thursday evening we will conclude the debate on the report of the select

committee on constitutional reform. On Friday, November 21, the House will continue with the estimates of the Ministry of Northern Affairs.

**Mr. Speaker:** So honourable members will be aware, just before the Treasurer (Mr. F. S. Miller) begins speaking at eight o'clock, to avoid any confusion, the Treasurer wants to share copies of his statement with all members. Promptly at eight o'clock we will take a few moments to allow the pages to distribute those to the members. After that is completed, we will hear whatever it is the Treasurer has to say. That will be the procedure we will take at eight o'clock.

The House recessed at 5:56 p.m.

#### ERRATUM

| No. | Page | Column | Line | Should read:                           |
|-----|------|--------|------|--|
| 109 | 4177 | 1      | 7    | Johnston, R. F. (Scarborough West NDP) |

**APPENDIX**  
(See page 4232)

**ANSWERS TO QUESTIONS  
ON NOTICE PAPER**

**DEATHS IN PSYCHIATRIC  
HOSPITALS**

283. Mr. Breugh: Will the minister list the number of patient deaths in psychiatric

| Year               | Accident    |             | Suicide     |             | Natural<br>Total | Total<br>Deaths |
|--------------------|-------------|-------------|-------------|-------------|------------------|-----------------|
|                    | In hospital | Transferred | In Hospital | Transferred |                  |                 |
| 1978               | 6           | 0           | 8           | 1           | 217              | 232             |
| 1979               | 5           | 0           | 2           | 0           | 166              | 173             |
| 1980<br>(8 months) | 2           | 1           | 2           | 0           | 128              | 133             |
| <b>Total</b>       | <b>13</b>   | <b>1</b>    | <b>12</b>   | <b>1</b>    | <b>511</b>       | <b>538</b>      |

284. Mr. Breugh: Will the minister list the number of inquests called for and recommendations made by coroners for patient deaths in psychiatric hospitals for the years 1978, 1979 and the first months of 1980? (Tabled October 9, 1980.)

Hon. Mr. McMurtry: The following number of inquests were called and recommendations made relating to deaths of psychiatric hospital patients:

| Year                           | In-hospital deaths<br>resulted in |                 |
|--------------------------------|-----------------------------------|-----------------|
|                                | Inquests                          | Recommendations |
| 1978                           | 1                                 | 2               |
| 1979                           | 4                                 | 11              |
| 1980<br>(8 months) (1 pending) | 1                                 | 1               |
| <b>Total</b>                   | <b>6</b>                          | <b>14</b>       |

**ATTENDANCE AT CONFERENCE**

370. Mr. Bounsall: Will the Attorney General explain why an Ontario representative was not sent to participate, as invited, to the Ontario regional conference of the National Association of Women and the Law, held in Windsor, October 24 and 25, 1980, to discuss the association's concerns with the proposed constitutional package, especially inasmuch as the Deputy Attorney General of Saskatchewan, the federal special adviser on the status of women and family relations from the federal Department of Justice, and the counsel to the continuing committee of ministers on the constitution from the Attorney General's ministry of Manitoba, all attended and participated in this, the first women's conference on Women and the Constitution? (Tabled October 27, 1980.)

Hon. Mr. McMurtry: Although representatives of the ministry have spoken to similar groups on the subject of family law and the

hospitals for the years 1978, 1979, and the first nine months of 1980? (Tabled October 9, 1980.)

Hon. Mr. McMurtry: The following deaths of patients in psychiatric hospitals were investigated by coroners under section 9(2)(g) and (j) of the Coroners Act:

constitution, no invitation was received by the Ministry of the Attorney General to send a delegate to the Ontario regional conference of the National Association of Women and the Law.

**HIGHWAY CONSTRUCTION  
EXPENDITURES**

372. Mr. Wildman: Will the Minister of Transportation and Communications table the following information; (1) the total cost to the provincial Treasury for the construction of the St. Joseph Island Bridge on Highway 548; (2) the total expenditure on highway construction and reconstruction projects, excluding the construction of the above-mentioned bridge, in the district of Algoma in each of the fiscal years 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977? (Tabled October 27, 1980.)

Hon. Mr. Snow: (1) The total cost for the construction of the St. Joseph Island Bridge on Highway 548 was \$2,353,611. (2) The total expenditure on highway construction and reconstruction projects in the district of Algoma, excluding the cost of the St. Joseph Island Bridge, is tabled below:

| Year | Expenditure  |
|------|--------------|
| 1967 | \$ 5,236,741 |
| 1968 | 4,583,535    |
| 1969 | 5,381,247    |
| 1970 | 5,385,827    |
| 1971 | 3,534,264    |
| 1972 | 3,794,407    |
| 1973 | 3,855,404    |
| 1974 | 5,455,922    |
| 1975 | 14,582,107   |
| 1976 | 9,323,217    |
| 1977 | 7,906,950    |

373. Mr. Wildman: Will the Minister of Northern Affairs table the total expenditure



figures for highway construction projects in the district of Algoma in the years 1978 and 1979? (Tabled October 27, 1980.)

**Hon. Mr. Bernier:** The actual expenditures for highway construction in the district of Algoma for fiscal years 1978-79 and 1979-80 were \$6,128,018 and \$4,974,119 respectively.

#### OISE AFFILIATION

**382. Mr. Isaacs:** Are Ministry of Education or Ministry of Colleges and Universities officials involved in discussions between the Ontario Institute for Studies in Education, the University of Toronto and York University concerning a possible change in the status of the affiliation agreement between OISE and U of T? Will the minister give an assurance that there will be no change in the status of the present OISE affiliation until there has at least been an opportunity for full and open public debate? (Tabled October 28, 1980.)

**Hon. Miss Stephenson:** Officials of neither the Ministry of Education nor the Ministry of Colleges and Universities are involved in discussions between the Ontario Institute for Studies in Education and the University of Toronto.

These two institutions signed a "Memorandum for Negotiations" for a new "Agreement of Affiliation," and it states that "these negotiations will conclude on or before March 15, 1981." If the institutions cannot agree by then on a new affiliation agreement "they will immediately inform the Minister of Colleges and Universities . . . of their inability to agree . . ."

There has been no request for participation by the ministries and because both institutions are autonomous, it would be inappropriate for me to become involved without an invitation from the institutions. I am confident that a new agreement can be reached.

Public debate on the future of the affiliation will take place both in the governing council of the University of Toronto and in the board of OISE.

#### FBA STUDENTS

**383. Mr. R. F. Johnston:** How many FBA recipients were enrolled in post-secondary educational institutions in Ontario in the school years 1978-79 and 1979-80, and how many have enrolled this fall? (Tabled October 28, 1980.)

**Hon. Miss Stephenson:** The Ministry of Colleges and Universities gathers statistics on enrolment only. No information on "in-

come background" is requested from the students unless they submit applications for OSAP.

#### FRANCOPHONE ENUMERATION

**385. Mr. Martel:** Will the Minister of Education indicate the cost to the ministry of carrying out enumeration of the franco-phone community this fall for school boards? (Tabled October 29, 1980.)

**Hon. Miss Stephenson:** The following costs have been incurred to November 4, 1980, by the Ministry of Education in carrying out the identification of French-speaking electors for school boards:

Printing, including design, typesetting and newspaper notices, \$24,444; distribution, postage and handling, \$9,974; payment to enumerators, \$24,960; processing returns, including statistical and clerical costs, \$16,272; total, \$75,650.

#### MUNICIPAL ENERGY FROM WASTE PROJECTS

**386. Mr. Isaacs:** For each of the energy from municipal waste projects listed in figure 6 (page 10) of Energy From Waste (Ministry of Energy, March 1980), will the ministry provide a progress report? Will the ministry include, where applicable, names of all eligible equipment suppliers and/or equipment suppliers with whom contracts have already been signed, either by the ministry or by other parties involved in the project? (Tabled October 30, 1980.)

See sessional paper 282.

#### INTERNATIONAL YEAR OF DISABLED PERSONS

**387. Mr. Roy:** Would the Premier give an accounting of funds and any other resources that will be allocated by the government of Ontario during the International Year of Disabled Persons? Which government ministries will be participating in disbursing these funds? How will these funds be put to use? What consultation, if any, has taken place with the handicapped community in developing priorities for spending during the International Year of Disabled Persons? (Tabled October 30, 1980.)

**Hon. Mrs. Birch:** The year 1981 is the International Year of Disabled Persons. The allocation process for the 1981-82 fiscal year, which includes IYDP projects, has not been completed.

An office of the provincial co-ordinator for the International Year of Disabled Persons

has been established within the Secretariat for Social Development. The co-ordinator chairs an interministerial committee with representatives from 18 ministries, the Workmen's Compensation Board and the Civil Service Commission.

Consultations are ongoing between ministries and groups and individuals representing disabled people. The Ontario Advisory Council on the Physically Handicapped, which was set up five years ago to advise government, has representation from all regions of the province. The council has held six public forums to involve the broader community.

The IYDP co-ordinator consults with the Ontario Federation for the Physically Handicapped, a co-ordinating body of approximately 30 agencies and consumer groups. In addition, the Provincial Secretary for Social Development has met with prominent members of the disabled community at a series of dinners.

Ministries are now developing programs for the year. Announcements will be forthcoming by the Provincial Secretary for Social Development and the ministers concerned.

#### GOVERNMENT COMPUTER SERVICES

394. **Mr. Van Horne:** Will the Minister of Government Services indicate whether or not government computer services are leased

to riding associations of government members for constituency mailings or fund-raising mailings? If they are used, what fee is charged for the service provided? (Tabled November 4, 1980.)

**Hon. Mr. Wiseman:** The Ministry of Government Services does not lease government computer services to riding associations of government members for constituency mailings or fund-raising mailings.

#### INTERIM ANSWERS

On question 376 by Mr. Breaugh, Hon. Mr. Timbrell provided the following answer: Due to the volume of Order Paper questions directed to the Ministry of Health, a response will be tabled on or about December 1, 1980.

On questions 377 to 379 by Mr. Breaugh, Hon. Mr. Timbrell provided the following interim answer: Due to the large amount of information requested in the above questions, it will not be possible to provide answers by November 7, 1980. A complete response will be tabled on or about December 1, 1980.

On question 384 by Mr. R. F. Johnston, Hon. Miss Stephenson provided the following interim answer: We require additional time to prepare our response to the above question. The answer will be ready for tabling on or about Thursday, November 20, 1980.

## CONTENTS

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Thursday, November 13, 1980

|  |      |
|--|------|
| Point of privilege re access to legislative building: Mr. M. N. Davison .....                                      | 4211 |
| Toronto Island homes, statement by Mr. Wells .....   | 4211 |
| Liquid industrial waste, statement by Mr. Parrott .....  | 4212 |
| Community services contribution program, statement by Mr. Bennett .....  | 4212 |
| Point of privilege re mini-budget: Mr. McClellan, Mr. Breithaupt, Mr. Foulds, Mr.<br>T. P. Reid, Mr. Cassidy ..... | 4215 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy,<br>Mr. Swart .....                   | 4216 |
| Rest homes, questions of Mr. Norton: Mr. S. Smith, Mr. Warner .....  | 4219 |
| Stratford Festival, questions of Mr. Baetz: Mr. Cassidy .....  | 4220 |
| Day care, questions of Mr. Norton: Mr. Cassidy, Ms. Gigantes .....   | 4220 |
| Constitutional reform, questions of Mr. Wells: Mr. Roy, Mr. Cassidy .....  | 4222 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. Swart .....   | 4223 |
| Community services contribution program, question of Mr. Bennett: Mr. J. Johnson                                   | 4224 |
| Land severance, questions of Mr. Henderson: Mr. Riddell .....  | 4224 |
| Minimum wage, question of Mr. Elgie: Mr. Samis .....   | 4224 |
| Investment companies' failure, questions of Mr. Drea: Mr. Breithaupt .....   | 4225 |
| Industrial hearing loss, questions of Mr. Elgie: Mr. Martel .....  | 4225 |
| Burlington gas explosion, questions of Mr. Drea: Mr. Bradley .....   | 4225 |
| Affirmative action programs, questions of Mr. Elgie: Mr. Bounsall .....  | 4226 |
| Southwestern Ontario development corporation, questions of Mr. Grossman: Mr.<br>B. Newman .....                    | 4226 |
| Keating Channel dredging, question of Mr. Parrott: Ms. Bryden .....  | 4227 |
| Re point of privilege on mini-budget: Mr. Grossman .....   | 4227 |
| Point of privilege re Speaker's rulings: Mr. Sargent .....   | 4228 |
| Point of privilege re mini-budget: Mr. T. P. Reid, Mr. Gregory, Mr. McClellan,<br>Mr. Grossman, Mr. Di Santo ..... | 4228 |
| Notice of dissatisfaction with answer to oral questions re PCB spill at school:<br>Mr. Foulds .....                | 4229 |
| Legislative pages .....  | 4229 |
| Petition re control of tips: Mr. Mackenzie .....   | 4229 |
| Report, standing committee on resources development: Mr. Villeneuve .....  | 4229 |
| Report, standing committee on administration of justice: Mr. Philip .....  | 4230 |

|   |      |
|---|------|
| Motion re committee sitting, Mr. Wells, agreed to .....   | 4230 |
| Motion re committee substitution, Mr. Wells, agreed to .....  | 4230 |
| Toronto Islands Act, Bill 181, Mr. Wells, first reading .....   | 4230 |
| Municipality of Metropolitan Toronto Amendment Act, Bill 182, Mr. Wells, first reading .....                                | 4231 |
| Dog Licensing and Live Stock and Poultry Protection Amendment Act, Bill 183, Mr. Henderson, first reading .....             | 4231 |
| Sheep and Wool Marketing Act, Bill 184, Mr. Henderson, first reading .....  | 4231 |
| Assessment Amendment Act, Bill 185, Mr. Maeck, first reading .....  | 4231 |
| Bruce County Board of Education and Teachers Dispute Resolution Act, Bill 186, Mr. Sargent, first reading .....             | 4231 |
| Point of order re Toronto Island homes: Mrs. Campbell .....   | 4232 |
| Tabling answers to questions 283, 284, 370, 372, 373, 376, 377-379, 382, 384, 385-387, 394 on Notice Paper: Mr. Wells ..... | 4232 |
| Private members' business re Women's Economic Equality Act, Bill 157, on second reading:                                    |      |
| Mr. Charlton .....  | 4232 |
| Mr. Elgie .....   | 4235 |
| Mrs. Campbell .....   | 4236 |
| Mr. Cassidy .....   | 4237 |
| Mr. Norton .....  | 4240 |
| Mr. Charlton .....  | 4240 |
| On resolution 39, re nude entertainment places:   |      |
| Mr. Williams .....  | 4241 |
| Mr. Blundy .....  | 4244 |
| Mr. McClellan .....   | 4244 |
| Mr. J. Johnson .....  | 4246 |
| Mr. Roy .....   | 4247 |
| Mr. Warner .....  | 4248 |
| Resolution 39 concurred in .....  | 4248 |
| Business of the House: Mr. Wells .....  | 4248 |
| Recess .....  | 4249 |
| Erratum .....   | 4249 |
| Appendix: answers to questions on Notice Paper:   |      |
| Deaths in psychiatric hospitals, questions of Mr. McMurtry: Mr. Breaugh .....   | 4250 |
| Attendance at conference, questions of Mr. McMurtry: Mr. Bounsall .....   | 4250 |
| Highway construction expenditures, questions of Mr. Snow and Mr. Bernier: Mr. Wildman .....                                 | 4250 |
| OISE affiliation, questions of Miss Stephenson: Mr. Isaacs .....  | 4251 |
| FBA students, question of Miss Stephenson: Mr. R. F. Johnston .....   | 4251 |
| Francophone enumeration, question of Miss Stephenson: Mr. Martel .....  | 4251 |
| Municipal energy from waste projects, question of Mr. Welch: Mr. Isaacs .....   | 4251 |
| International year of disabled persons, questions of Mrs. Birch: Mr. Roy .....  | 4251 |
| Government computer services, questions of Mr. Wiseman: Mr. Van Horne .....   | 4252 |
| Interim answers: Mr. Timbrell, Miss Stephenson .....  | 4252 |

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**SPEAKERS IN THIS ISSUE**

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Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Blundy, P. (Sarnia L)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Bradley, J. (St. Catharines L)  
Breithaupt, J. R. (Kitchener L)  
Bryden, M. (Beaches-Woodbine NDP)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Charlton, B. (Hamilton Mountain NDP)  
Davison, M. N. (Hamilton Centre NDP)  
Di Santo, O. (Downsview NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Gigantes, E. (Carleton East NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Johnson, J. (Wellington-Dufferin-Peel PC)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
Mackenzie, R. (Hamilton East NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. (Bellwoods NDP)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Newman, B. (Windsor-Walkerville L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Reid, T. P. (Rainy River L)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Samis, G. (Cornwall NDP)  
Sargent, E. (Grey-Bruce L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Warner, D. (Scarborough-Ellesmere NDP)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Williams, J. (Oriole PC)





No. 112

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 13, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

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THURSDAY, NOVEMBER 13, 1980

The House resumed at 8 p.m.

## SUPPLEMENTARY MEASURES

**Mr. Speaker:** We will allow a brief period of time for the pages to distribute the statement to be made by the Treasurer.

Pursuant to an order and the motion passed earlier, we will now revert to statements.

**Hon. F. S. Miller:** Mr. Speaker, in my budget message in April, I said 1980 could well turn out to be a difficult year for the Ontario economy. I pointed out that our economic prospects are heavily influenced by federal policy and the performance of the United States economy. Slowing demand in the US and Ottawa's high interest rate policy threatened to undermine our economic stability.

The fiscal strategy for 1980-81 I adopted at that time called for a modest increase in the province's deficit and, consequently, a pause in our long-term deficit reduction plan. In the light of the economic situation, I did not wish the budget to be a drag on the economy and therefore I did not impose any increases in taxes.

But neither did I want to break with our policy of reducing the size of government to lessen inflationary pressures in the economy and free up resources for productive private sector investment. By maintaining a competitive and stable profit and taxation environment, we ensure these resources are put to use. This fiscal policy has been the cornerstone of our economic strategy for a number of years.

In my budget I introduced a number of selective measures to stimulate job creation and investment and I have since supplemented these actions. For example, in May the government provided a substantial interest relief program for farmers. My budget also provided new grants for pensioners that increase their purchasing power this year by almost \$300 million.

I have continued to monitor closely developments in the economy. Prior to the federal budget, the short-term economic outlook had already deteriorated. That budget has, in fact, further worsened the outlook for Ontario. Therefore, I will be announcing to-

night specific measures to stimulate immediately the provincial economy and improve Ontario's longer-term economic prospects.

On October 28, 1980, the federal government turned back the economic clock in the industrialized provinces of Canada. Mr. MacEachen's "energy budget" was seriously lacking in economic leadership and it completely ignored the dualistic nature of Canada's regional economies.

Interjections.

**Hon. F. S. Miller:** If I ever go back to schoolteaching I do not know what I am going to do; I am so used to the classroom talking.

At the present time, Canada has neither an agreed-upon energy pricing and supply package nor an economic strategy to take advantage of our opportunities. This situation can only further undermine the confidence of investors and could cost us dearly in the longer run in lost economic productivity and potential.

Unlike some in this Legislature, I was surprised and disappointed by Mr. MacEachen's budget. It is profoundly unbalanced in its priorities. It does set out a four-year deficit reduction plan, but it is far from clear that the fat will be cut from the federal bureaucracy. Its economic forecast implies sluggish economic performance for Canada's industrial heartland, but no measures are introduced to improve the outlook. It reinforces inflationary pressures, yet relies on a tired and outdated monetary policy that simply cannot come to grips with inflation. Above all, it does absolutely nothing to create jobs in the months ahead. In fact, it threatens existing jobs in this province. That is simply not good enough.

Ontario has always advocated strong federal leadership in economic matters. We will not, however, tolerate serious economic misdirection at the expense of the people of Ontario.

The most vital element of national economic leadership is the provision of long-term policy guidance and certainty. Unfortunately, the federal budget leaves many uncertainties. Even if the planned energy prices survive, they remain subject to unspecified future increases. The delays in megaprojects

and threatened cutbacks in domestic oil supplies further add to uncertainty and aggravate our economic problems. Indexation of the personal income tax remains under the microscope. As well, the federal government intends to seek major savings in its commitments under existing fiscal arrangements in health, postsecondary education and community services.

8:10 p.m.

At this point, recent events force me to diverge from the printed text. Only yesterday the federal government officially announced its unilateral termination of the federal-provincial community services contribution program even though both levels of government are firmly committed to converting the existing program into a long-term arrangement. As a result of this action alone, Ontario will lose at least \$86 million annually towards high-priority and fully planned water and sewage projects and other vital community services.

This thoughtless action clearly illustrates that we have a national government that tolerates high unemployment, stifling interest rates and a bloated federal bureaucracy while seeking savings at the expense of a clean environment and other social priorities. Its actions undermine our confidence in other cost-sharing commitments relating to health, post-secondary education, social services and social assistance.

We require a national economic plan. As part of this, the major energy projects must proceed and Ottawa must take firm action to shore up the sagging economy, create jobs and restore confidence. Let me repeat what I have stated on several occasions. The federal government has the fiscal capacity and the policy instruments to best undertake such action. It also has that responsibility. As a result of the clear abdication by Ottawa of its national economic leadership responsibility, we are faced with a justified call for economic leadership from elsewhere.

The government of Ontario is responding to this call with a \$1-billion five-year economic recovery program which I am going to detail in a few minutes. Before so doing, I would first like to review the economic situation and outlook.

The federal budget threatens Ontario's short-term economic prospects. According to Mr. MacEachen's projections, Canada will experience a decline of one per cent in total output this year and an increase of only one per cent in 1981 before achieving substantially higher rates of growth in the 1982 to 1985 recovery period. While the federal out-

look for 1981 is more pessimistic than many private-sector predictions, there is no doubt our economy will continue to operate well below potential. The federal budget certainly has increased the possibility of greater unemployment in Ontario in the months ahead.

There are certain aspects of the Ontario economy with which we can be very pleased—strong sectors of the economy where employment levels are being sustained or are even increasing and upon which strength we can build. Among them are the nonresidential construction, services, manufacturing of machinery, paper and allied products, food and beverages, all of which show little excess capacity. Investment is increasing at a substantial pace across a wide range of sectors. Statistics Canada's Mid-Year Private and Public Investment Survey indicates new manufacturing investment may be up by 44 per cent in Ontario this year.

However, some sectors, particularly consumer durables and those with high export content, are suffering because of the recession in the US and high interest rates. There have been significant layoffs in residential construction and in the motor vehicle assembly and parts industries. The major household appliance portion of the electrical products sector is performing much below capacity. Other important manufacturing industries showing high excess capacity are wood products, furniture and fixtures, and non-metallic minerals.

Notwithstanding weakness in some industries, Ontario's recent job creation performance has been impressive. In 1979, 161,000 new jobs were created following the generation of 133,000 in 1978.

**Mr. M. Davidson:** How many were laid off?

**Hon. F. S. Miller:** Those are the nets, my friend.

Although slowing in recent months, new job creation still amounted to a significant 85,000 over the 12-month period ending September 30. While our average year-over-year new job creation exceeds over 100,000 new jobs commitment, we are neither satisfied nor complacent. The bottom line is that the labour force growth has outstripped job creation. The seasonally adjusted unemployment rate has increased from 6.2 per cent in September 1979 to 6.7 per cent in September this year. In fact, over the first nine months of 1980, the unemployment rate has averaged 7.0 per cent, and that is unacceptably high in terms of economic hardship and lost potential.

I believe effective action can and should be taken to bolster demand in the weaker sectors of the economy. Our options in Ontario are limited because reductions in income taxes are not a viable mechanism for achieving immediate relief in specific sectors. However, in the past, reductions in retail sales tax have proved to be most effective. I am therefore proposing tonight to cut the retail sales tax to provide direct stimulus in a number of areas vitally important to the wellbeing of our economy.

The Ontario automotive industry is responsible directly and indirectly for one job in every six jobs in this province. As the honourable members are aware, this North American industry must resolve major structural difficulties and come to grips with vigorous foreign competition before we can be certain of improved prospects. This government has urged the federal government to seek a better deal for Canada under the auto pact. We have also provided incentives for industry to locate here, expand investment and engage in research and development. A large-scale review of the industry's prospects and problems is now under way to determine what more Ontario can do to secure the industry's longer-term future. In the meantime, however, we intend to take action to stimulate the industry.

In current circumstances, measures to stimulate demand for passenger automobiles would not provide a significant enough boost to domestic employment to justify the expenditure.

**Mr. Breithaupt:** It didn't last time either.

**Hon. F. S. Miller:** It was a different problem last time.

Many of the passenger cars purchased by Ontarians are produced in the US. Conversely, our production of passenger vehicles is predominantly exported to the US. As a result, only the recovery of demand in the US will generate substantial production and employment gains for Ontario producers of passenger cars.

This is not, however, the case with light trucks and vans. Sixty per cent of Canadian unit sales of these vehicles are domestically produced, the balance being produced in the US or offshore. All light trucks and vans produced in Canada are manufactured in Ontario. Consequently, stimulation of truck purchasers will result in a much smaller import leakage and, therefore, will have a stronger impact directly on vehicle production and indirectly on the many associated industries.

In Ontario, truck production over the first 10 months of this year was 24 per cent below last year's levels, and sales were down almost 25 per cent from January to September compared with the same period last year. Consequently, to provide support to this sector, I am implementing a rebate of retail sales tax paid of up to \$700 on new light trucks and vans not exceeding 4,100 kilograms, approximately 9,000 pounds, in gross vehicle weight. This incentive will be of particular benefit to small businesses and many persons living in more remote or rural parts of Ontario. It will commence at midnight tonight and remain in effect until June 30, 1981.

**8:20 p.m.**

Most truck purchases are made to replace similar older vehicles, particularly those in commercial use. Motor vehicles manufacturers have made great strides in improving the fuel efficiency of trucks and the new models will consume less fuel per mile than the older models they replace. As a result, this program will also assist energy conservation. I estimate the cost of this program at \$38 million.

Unemployment rates in the construction industry have averaged 14 per cent over the first nine months of the year. At the present time demand is strong in industrial and commercial construction. In fact, there are some labour shortages in the finishing trades in the Toronto area where a \$500-million to \$600-million building boom is under way. Strikes in the industrial and commercial sectors have artificially boosted unemployment, but overall employment in these sectors is strong and is expected to remain firm through 1981.

The bulk of unemployed construction workers normally work in residential housing, small nonresidential buildings and renovations. For these workers the near-term outlook is not bright. I have decided to implement a measure designed to lower the cost of new residential construction and renovations to provide a boost to the building materials and construction industries.

I am proposing that the seven per cent retail sales tax be removed on many major building materials including lumber, roofing materials, kitchen cabinets, sinks, toilets and bathtubs. This exemption will be effective from midnight tonight to June 30, 1981, at an estimated cost of \$94 million. I have chosen specific items to direct the benefits of this measure principally to residential construction. By focusing on specific items, the cost of the program will be contained and the exemption will be manageable for retailers.

This incentive will benefit individual consumers, builders and contractors. It will lower construction costs and encourage home and apartment owners to undertake renovations and remodelling. These activities are taking on increasing significance and, by stimulating them, it is hoped that persons previously employed in new home construction will find alternative employment for their skills. Also, this incentive should be of particular benefit in the redevelopment of inner core areas. The period of tax relief will coincide with a traditionally slow period in the Canadian construction industry, encouraging activity that might otherwise not have taken place.

The major household appliance industry is an important part of Canadian manufacturing. Because of the "big ticket" nature of household appliances, this industry has been hard hit by the recent period of high interest rates and economic slowdown. As well, the low level of housing starts has depressed demand for these products. In fact, appliance production was down 9.2 per cent in the first half of 1980 from last year's level. Sales of refrigerators and electric ranges in the first half of 1980 were down eight per cent from the same period last year.

To stimulate purchases of certain major household appliances, I propose to remove the seven per cent retail sales tax from new refrigerators, freezers, ranges, washers and dryers, effective midnight tonight. This retail sales tax exemption will apply to purchases made by June 30, 1981, and will cost \$25 million in forgone revenues. The low leakage of demand to foreign products in this largely Ontario-based industry should result in a positive impact on inventories, production and employment. Most purchasers of new homes and many persons undertaking renovations buy new appliances, and I anticipate this measure will reinforce the incentive provided by the exemption for building materials.

The residential furniture industry, like the major household appliance industry, has also felt the impact of lower housing starts and higher interest rates. Household furniture store sales declined by 6.1 per cent during the first half of this year over the same period last year. Output levels in this sector are at only two thirds of their capacity.

This industry plays an important role in our economy. It is largely Canadian-sourced and directly employs a significant number of Ontarians. Therefore, effective midnight tonight, I propose to remove the seven per cent retail sales tax from new residential furniture purchases made until June 30, 1981. This action will provide \$65 million in tax savings

to consumers and will encourage increased Ontario production.

Members will recall the unsatisfactory situation in the hospitality industry in Ontario and in Canada only a few years ago. Low prices in many foreign destinations and a strong dollar resulted in huge deficits in Canada's balance of trade in travel. However, in the past two years, a lower exchange rate and considerable private investment in facilities have combined with a broad range of Ontario tax incentives to make Ontario an attractive and inexpensive travel alternative. Overseas visitors and North Americans alike are discovering the beauty of Ontario and the warmth of its people. The new \$65-million downtown convention centre and the \$108-million investment in phase one of the Wonderland complex at Maple will soon be major attractions for visitors.

Members will be familiar with many of our actions to assist this industry. The retail sales tax was removed from accommodation and American plan charges, kitchen equipment and hotel furnishings. The sales tax has also been removed from disposable items used in hotel rooms and from prepared meals priced at less than \$6. Further assistance is available through corporate tax incentives and the tourism redevelopment incentive program.

This year's increases in tourism are gratifying and the industry's member companies have every reason to be optimistic. To ensure its continued growth, and to spur the development of improved facilities through new construction and refurbishing of existing infrastructure, I intend to continue needed support for this industry. I am therefore announcing my intention to extend the temporary exemptions for transient accommodations, furnishings and restaurant kitchen machinery and equipment, scheduled to expire next March 31, until December 31, 1981. The cost of this measure will be \$38 million in 1981-82.

These retail sales tax cuts that I have announced amount in total to \$260 million. Most of the benefits will be realized over the next eight months and will stimulate the economy during a difficult period. Specific details are contained in the appendix attached to my statement. My colleague the Minister of Revenue (Mr. Maeck), with your permission, will introduce a bill later this evening to give effect to these stimulative measures.

The actions I have announced to stimulate demand will assist the economy in the current business cycle. However, with the structural problems in our economy, other more profound measures are needed. I am accordingly

proposing a five-part program to improve Ontario's economic prospects in the 1980s.

First, with the failure of the federal budget to address strategic economic and industrial issues—I like that line; I will read it over again: First, with the failure of the federal budget to address strategic economic and industrial issues, the province has commenced a complete review of our economic development programs, which total \$2 billion in 1980-81.

Second, Ontario will provide \$750 million for new initiatives in employment and regional development over the next five years.  
8:30 p.m.

Third, a full review of tax incentives is under way to ensure they are cost effective and efficient and I am preparing to redirect such incentives if necessary.

Fourth, explicit initiatives will be brought forward to implement a tougher buy-Canadian public sector procurement policy.

Finally, Ontario will introduce specific measures beginning this quarter to advance high technology, world scale industrial development, research and investment in the province.

As I stated earlier, Ontario's basic economic strategy has been to promote an attractive investment, profit and tax environment within which the private sector can flourish. The creation of the employment development fund and its board in 1979 was designed to complement this overall policy with the provision of selective direct assistance to private industry. The board provided a valuable cabinet committee structure to ensure co-ordination of the government's program of direct assistance. It was Ontario's response to similar initiatives introduced by other North American jurisdictions.

The EDF will have secured private sector investment of over \$3.5 billion by committing \$300 million of direct assistance to Ontario industry, a leveraging of more than \$11 of private investment for every taxpayer dollar invested. This will ensure the undertaking of new projects with a job creation potential of over 19,000. At the same time, the EDF assistance to the pulp and paper industry has helped to further the long-term job security of 20,000 mill workers and loggers in Ontario.

**Mr. Sargent:** Where are you going to get \$3.5 billion?

**Hon. F. S. Miller:** Go to Dryden, go to Iroquois Falls and ask them how; they know it, Eddie. They know it.

**Hon. Mr. Davis:** Just go to Owen Sound and ask the hotel operators what they think

about the tax. Ask the hotel operators in Owen Sound.

**Hon. F. S. Miller:** The fund has assisted the development of employee skills training programs, urban transportation projects, mining exploration, small business and other industries.

The fund was intended as a short-term measure. Therefore, in keeping with the government's original commitment, we have reviewed this program. I am announcing tonight that the employment development fund will be sunsetted at the end of the current fiscal year.

**Mr. Martel:** It was so good you got rid of it.

**Hon. Mr. Davis:** Just be patient.

**Hon. F. S. Miller:** Wait for the next shoe. Some carryover funding will be required in 1981-82 to finance outstanding commitments made by the EDF. Provision will also be made to continue certain ongoing programs which have been financed under the EDF umbrella. I am thinking of the Small Business Development Corporation legislation, the tourism redevelopment incentive program legislation, the mineral exploration program and so on. These particular programs will be transferred to the ministries that currently handle their administration.

The EDF program was successful in developing and co-ordinating Ontario's program of direct financial assistance to industry. It showed clearly the advantages of a cabinet committee to better focus and co-ordinate the government's total regional economic and employment activities. We have decided, therefore, to establish a new body called the Board of Industrial Leadership and Development—BILD.

**Mr. Martel:** BILD, that is a great slogan. That is really catchy. It grabs you.

**Mr. S. Smith:** Like bile.

Interjections.

**Hon. F. S. Miller:** It is the new spelling. Bile is what you fellows were getting listening to us talk about BILD.

Chaired by myself, the board will incorporate the present employment development ministers and certain other ministers as circumstances dictate. The board will consolidate and co-ordinate the government's total economic development budget.

I should mention that this substantial budget does not include the additional cost of incentives to saving and investment provided through the tax system. It will manage expenditures of up to \$750 million in new initiatives for economic and regional development over five years and this will be in addi-

tion to the \$165-million five-year program already announced by the Minister of Energy.

The board will review matters relating to federal-provincial consultation and co-operation in economic and employment development initiatives and ensure a comprehensive and cohesive industrial leadership program through which the government of Ontario can invest in the future of the people we serve.

I would like to emphasize that \$360 million of the \$1-billion economic recovery package is allocated to the period ending March 31, 1982. This amount comprises \$260 million for the retail sales tax, \$75 million for new structural initiatives to be determined, and \$25 million on special initiatives in rural Ontario which I will now describe.

This government is committing \$5 million in 1981-82 and \$21 million in total over the next five years for programs for the rural counties of the central part of Ontario. Those are counties that our Liberal friends in the Department of Regional Economic Expansion would not include such as Peterborough, Haliburton—and Muskoka, I think, was one of them.

**Mr. Breithaupt:** Even Muskoka?

**Hon. Mr. Davis:** And some of you will write your weekly columns and say what a great thing it is. You will pretend you were members of the government.

**Hon. F. S. Miller:** It also applies to Grey and Haliburton and a few other places, at the strong urging of people such as the honourable members.

Members will recall a similar initiative was undertaken for the rural parts of eastern Ontario under the DREE agreement. The major focus will be in forestry with one half of the total funding being directed to increasing production of wood fibre from public and private lands. This action will help offset continued depletion of quality hardwood stands critical to the viability of local forest-related industries and will generate significant employment.

The other components of the package are: an intensive geological survey aimed at increasing mining investments; greater access for small business in rural Ontario to assistance from the Ontario Development Corporation, and increased funding for programs that assist tourist operators with the cost of upgrading their facilities.

Members will recall that on April 10, 1980, the Premier addressed the Legislature on the subject of rural electrical rates.

Specifically he requested the Minister of Energy (Mr. Welch) to obtain from Ontario Hydro concrete proposals to reduce the dif-

ferential between electricity rates paid by rural residents and those paid by urban residents. He instructed that the proposals be made available by this fall so a new and more equitable—

**Mr. Sargent:** But you kept on the \$7-billion deficit, didn't you?

**Hon. F. S. Miller:** Does the member not want these in his county of Grey?

He instructed that the proposals be made available this fall when a new and equitable rate structure might be introduced. At present, average rural rates are considerably higher than average municipal rates. This is primarily because of higher distribution costs experienced in less densely populated areas serviced directly by Ontario Hydro. Moreover, the trend has been for the differential to widen as the more densely populated portions of the rural areas have come increasingly into the service area of the municipal utilities, leaving even fewer people to share the costs of the rural system. This is clearly an inequitable situation.

8:40 p.m.

As the electricity rate structure is quite complex, it will require some time to alter this structure. The government has decided, therefore, to instruct Hydro to eliminate the undue differential between rural and urban electrical rates by 1982.

Intejections.

**Hon. F. S. Miller:** Just listen for a second. However, in order to provide immediate relief to rural electricity users, the province will provide \$20 million to Ontario Hydro during the 1981-82 fiscal year. These funds will enable Hydro to provide direct discounts to rural customers who at present pay excessive rates.

**Hon. Mr. Davis:** We are going to assist the people in the rural areas, Brother Breithaupt, and that bothers you, I know.

**Mr. Speaker:** Order. Order. I am sure the people in Armstrong want to hear this.

**Hon. F. S. Miller:** I think the people in Armstrong will like what they hear, Mr. Speaker. On your behalf I will pass a word to the people in Armstrong who, I am sure, are watching.

Ontario's tax incentives are an integral part of the tax structure. Tax expenditures, as they are popularly called, are not directly equivalent to spending programs: a dollar given up by a tax incentive is not necessarily the same as a dollar given in a grant. Tax incentives are fundamentally important in establishing a competitive tax structure and achieving our economic goals. It is im-

portant that these incentives be closely examined in the context of the economy's structural difficulties to ensure they are cost effective and efficient. My ministry reviews our incentive programs on an ongoing basis. These reviews are carefully done and are instructive. However, I believe a more comprehensive analysis should now be undertaken and I have instructed staff to commence this review immediately.

I would like, in so far as possible, to concentrate our tax incentives more selectively in areas with the greatest promise and which offer the biggest potential economic gains. For example, I believe we should do more to encourage exports, import replacements, research and development and high technology industries such as aerospace, communications and microelectronics.

**Mr. Cassidy:** They are just slogans.

**Hon. F. S. Miller:** I am following the advice those gentlemen gave me yesterday. I rushed it into print last night, and held the press until then so he could say he affected this. It is exactly what he told me to do yesterday, is it not? It is right down the line, every bit of it. It is all on the record.

**Mr. Cassidy:** The Treasurer is five years behind the times. Where were you last year and the year before? I used to tell Darcy McKeough the same thing.

**Hon. F. S. Miller:** It's going to be very hard to tell me it isn't right.

Research and development is an activity supported by tax incentives, yet R and D spending in Canada is woefully insufficient to ensure this country the economic resilience associated with high levels of R and D activity. We are currently examining options for stimulating R and D, particularly to encourage both new Canadian investment and greater spending by multinational corporations. It may prove necessary to relate incentives to success in achieving certain threshold levels of spending. I want to make it clear I expect to see some improvement in this area.

I want to talk about a tougher buy-Canadian public sector procurement policy. Structural policies to strengthen the Ontario economy can be reinforced by an aggressive buy-Canadian public sector procurement policy. Buy-American regulations such as the Surface Transportation Assistance Act, Japanese domestic purchasing policies, the North Sea oil sourcing legislation, foreign government-sponsored marginal pricing, and growing provincial sourcing preferences that now threaten the Canadian common market—all

of these are competitive realities that confront Ontario's "open door" procurement stance, with our strict adherence to competitive principles and an across-the-board 10 per cent preference for Canadian goods and services.

On the positive side, opportunities for Canadian participation in the upcoming resource projects have moved the federal government and Canadian industry to seek aggressively a better sourcing deal for Canadian business. Ontario has tested these waters, too. In the pulp and paper modernization program we have secured commitments from the companies to purchase equipment from Canadian sources where feasible.

The existing 10 per cent Canadian preference applies at the present time only to Ontario government ministries and not to public agencies such as school boards and hospitals, crown corporations and municipalities that receive provincial transfer payments. Ontario ministries alone currently spend \$600 million annually, or 75 cents out of each purchasing dollar, on goods and services made in Canada; but more can be done.

Several initiatives will be undertaken to stimulate Canadian industries through a tougher public procurement policy. A procurement policy office will be set up to establish and implement effective policy guidelines, set industry target ratios for domestic content, monitor progress and develop further initiatives. The Canadian preference will be extended to all provincially funded agencies through these guidelines. The Canadian preference will also be extended to those industries receiving provincial development assistance through commitments in their corporate sourcing policies.

These steps will ensure a bigger role for Ontario and Canadian companies in supplying the needs of the public sector and in participating in private sector expansion.

To have maximum impact, the activities of the new Board of Industrial Leadership and Development and those at the procurement office, and the direction of tax initiatives and incentives will require close co-ordination and co-operation in federal-provincial actions. I will be addressing this issue when I and my colleague the Minister of Industry and Tourism (Mr. Grossman) meet with the federal ministers of Finance and Industry, Trade and Commerce in Ottawa in the near future.

Since the mid-1970s, the economic situation has required the government to give a high priority to economic and employment development. Spending has been prudently managed and net cash requirements reduced

in a balanced budget framework as a contribution to lessening inflationary pressures. Major tax increases have been avoided for the same reason. Significant incentives have been provided to promote investment and job creation. However, at no time has this strategy been allowed to hurt effective delivery of major social programs.

Over the period 1972-73 to 1980-81, combined spending on health and community and social services has increased faster than total budgetary spending excluding public debt interest. Ontario's support for the elderly and disadvantaged has increased considerably faster than total spending. New initiatives will be brought forward in recognition of the International Year of Disabled Persons.

Economies have been secured by cutting out waste. For the past four years, we have realized average annual gross savings of \$400 million, mainly to finance in-year spending increases in the social field without adding to total spending. This year is no exception.

Funding of the Ministry of Health has been increased since the budget. Health expenditures now represent approximately 28 per cent of total government expenditures compared to 25.8 per cent prior to the imposition of restraint.

In April 1980 the government provided a 10 per cent rate increase for family benefits and general welfare assistance recipients at an annual cost of \$54 million. Further increases with an annual cost of \$49 million will be announced by my colleague the Minister of Community and Social Services (Mr. Norton). For this fiscal year, a further \$1 million will be provided for day care. A more extensive program announcement for next year will also be forthcoming from the minister.

8:50 p.m.

Unlike the Liberal government in Ottawa, we intend to respect social priorities and values while keeping our own fiscal and industrial priorities in clear focus. Let others tax those who can least afford it, let others acquiesce to inequity and economic injustice; this Conservative government, the government of the Honourable William G. Davis, will not.

I would like to talk about relief from home heating costs. The Liberal government in Ottawa has shown it is insensitive to the impact of rising energy prices on people with fixed and low incomes. Sudden increases in energy costs, staged or not, impact unfairly on these people. They need assistance to enable them, over time, to adjust their household budgets—budgets already strained by inflation—to the new realities.

The government of Ontario believes a temporary program of relief from sharp increases in home heating costs, one that is income-tested and of three years duration, should be implemented as soon as possible. Benefits should start being delivered no later than the first quarter of 1982, in respect of the heating season beginning next fall, when the new prices will start to hit the lowest income groups hard. I will be making specific proposals to the Minister of Finance for a shared cost program. I might add that we will pursue unilateral action should the federal government be unprepared to see the error and injustice of its ways.

As a result of my proposals tonight, net cash requirements for this fiscal year are now forecast at \$1,059 million, or \$110 million over budget. This deterioration is wholly accounted for by a revision to the revenue forecast—\$33 million reported in the September 30 Ontario Finances and \$77 million resulting from tax relief measures announced this evening. The balance of the net costs of the temporary incentives, \$147 million, will fall in 1981-82.

I have made no change to the 1980-81 expenditure forecast at the present time. The Chairman of Management Board of Cabinet (Mr. McCague) assures me that, as in the past, maximum effort will be made to secure savings to offset the in-year increases we have allowed in priority areas.

The higher level of net cash requirements in 1980-81 and the flow over into 1981-82 are well within the capacity of the province to finance without resorting to public borrowing—unlike some other governments. Some would perhaps question our commitment to restoring the capacity to balance the budget. Well, we did achieve that capacity last year.

In view of the economic situation, we decided this year to allow a break in the pattern of regular reductions in the deficit. However, we have remained vigilant and prudent in our spending.

Mr. Peterson: You're flexible.

Hon. F. S. Miller: We have to be, my friend, because the economy is not a static thing. If we are not flexible—if we are as rigid as the member's federal friends—they cannot adjust to the realities of the day and we can.

Mr. Peterson: They don't listen to you.

Hon. Mr. Davis: You understand being static. You have been static all your life.

Hon. F. S. Miller: As a matter of fact, static is something I hear in my ears a lot trying to explain what happens.



**Mr. Peterson:** Sitting beside the Premier, you are just crazy.

**Hon. F. S. Miller:** With a resumption of reasonable economic growth, we will be able to lower our cash requirements once again.

As we have stated from the outset, the purpose of cutting the deficit is twofold: first, to reduce inflation, and second, to give the province control and flexibility to meet its priorities. We are now using this flexibility to invest heavily in Ontario's future. Surely that is the ultimate mission of compassionate and sensitive government during challenging times.

Pour résumer, M. le Président, on peut dire que notre programme de relance économique aura pour effet: d'aider des millions de contribuables, des milliers d'entreprises et plusieurs communautés négligées par le gouvernement du Canada; de faire preuve de ce leadership économique dont la carence au palier fédéral a des effets si lamentables; d'exercer à court terme un effet stimulant l'économie; de créer des emplois en Ontario; d'assurer une sage gestion économique de notre avenir.

D'engager de nouvelles ressources en vue d'une croissance et d'une prospérité continues; de réaffirmer notre appui aux priorités sociales, au développement régional et à la promotion des régions rurales de l'Ontario; d'investir intensivement dans les compétences de nos entrepreneurs et dans le potentiel industriel de notre province et de sa population; de fournir un cadre pour les investissements dans les industries faisant appel à une technologie avancée et pour les travaux de recherche et de mise au point d'importance si vitale pour l'avenir de l'Ontario.

**Mr. Roy:** Tu ne viens pas à Carleton parlant comme ça.

**Hon. F. S. Miller:** Que cest que tu veux? Je l'ai fait dans votre circonscription l'autre jour, mon ami. J'ai trouvé qu'il n'y a personne qui va voter pour vous.

To summarize, Mr. Speaker, this economic recovery program will: assist millions of taxpayers, thousands of businesses and many communities ignored by the government of Canada; give economic leadership sadly lacking at the federal level; provide effective short-term stimulus to the economy; create employment in Ontario; ensure sound economic management for our future; commit new resources for continued growth and prosperity; reaffirm our support for social priorities, regional development and rural Ontario; invest heavily in the entrepreneurial

skill and industrial potential of our province and her people; provide the framework for high technology investment, research and development so vital to Ontario's future.

9 p.m.

Ontario is a part of a nation and a continent experiencing fundamental transition caused by international economic forces and energy policies beyond our control. Effective leadership from Ottawa could effect this transition in a fashion that profits all Canadians. That leadership is not forthcoming. We must assess our own priorities here in Ontario and defend our fundamental entrepreneurial values. We must advance Canadian ownership and Canadian technology. We must move now to invest in and secure our future—a future which, under the leadership of the Honourable William G. Davis, holds immense promise and opportunity for us all.

**Hon. Mr. Maeck:** Mr. Speaker, I wonder if I might have the permission of the House to introduce one bill relevant to the budget statement made by the Treasurer.

**Mr. Speaker:** Do we have consent?

Agreed.

## INTRODUCTION OF BILL

### RETAIL SALES TAX ACT

Hon. Mr. Maeck moved first reading of Bill 187, An Act to amend the Retail Sales Tax Act.

Motion agreed to.

## SUPPLEMENTARY MEASURES

(continued)

**Mr. Peterson:** Mr. Speaker, if that effort from the Treasurer deserves a standing ovation, those guys are going to be standing on top of their desks jumping through hoops when I am finished.

It was a real case of promise unfulfilled. I have never seen so much activity in this building today, scurrying around in great anticipation of the mini-budget to solve all the province's economic ills. I am going to get into it in substance in a minute, but I want to tell the House it is a hollow superficial document that may or may not apply in the next two, three and four years. There is very little of any substance to contribute to any economic logic now or in the immediate future.

I am constantly struck by the difference between the government's press releases and the substance of its actions. I am sure that

difference was noticed tonight when the minister was reading it—the great \$1-billion project to bring about economic recovery. I will prove it is less than we are spending now on economic development in this province. It is a fraud. It is a sham. He has fooled everybody.

I do not know, maybe it is a deliberate sabotage. Maybe a few of the people in the ministry went down to Treasury. Maybe this is the Treasurer's deliberate move to sabotage the Treasury because I notice some interesting play in this budget tonight about how the Treasurer wants to review all the economic programs that the Minister of Industry and Tourism is currently undertaking.

It is hollow and superficial and it is not going to work very well, I am going to put our alternatives to you, Mr. Speaker.

I always like to have a little text when I am speaking to heathens and tonight I have chosen a text from the Financial Post, which my friends opposite will read on occasion and my friends to the left probably do not understand at the best of times. On the timing of the mini-budget, our former departed friend Sidney Handleman said this: "Miller sees this as an opportunity to do what he was going to have done anyway for next spring, let's face it. The mini-budget could have a big impact on the by-election, especially if incentives for high technology industry concentrated in the Ottawa region are implemented."

Mr. Speaker, I can tell you the minister has disappointed poor old Sidney Handleman. He has disappointed us and I think he has disappointed every thoughtful observer. All this fuss today has amounted to nought. If he had read this as a quick statement in the House today it probably could have sneaked through, but he created such high expectations by his own hand that he deserves to suffer the slings and arrows for his failure to deliver on those expectations.

We understand as well as the minister does the politics of this event. I find it very amusing when he stands and regales us with the great leadership of William G. Davis. I can tell you, Mr. Speaker, next week under Stuart Lyon Smith we are going to have another member in this House sitting on this side. The people of Carleton are going to see through this. Those guys are not even in the race, so do not despair. We are going to have another member next week and I look forward to that.

The reality is we are facing as dismal an economic circumstance in this province at this time as we have in recent history since

the Depression. Unemployment is bad and real income is not keeping pace with inflation. I could go on and recite statistic after statistic. There are not many thoughtful observers in this province or in this country who could not see this coming; that is the tragedy.

We have made speeches and speeches from this side of the House. We have quoted every respectable economic authority in this country and this province and what we see today is no surprise. What we see has not caught us by surprise because we were arguing for the kind of substantive investment in wealth-creating instruments in this province that could have prevented the kinds of problems the government is attempting to respond to today.

The response is a superficial one. I cannot stand here and say I am against sales tax cuts because it is Christmas time and who is against Santa Claus? When we are dealing with a tax expenditure of \$260 million, of which the minister is going to undertake a complete review, there are very creative ways to use that money. One of the things he could have done, the parsimonious chap, was to extend aid to the elderly, those people he disfranchised in his last budget. He could have spent \$10 million doing that to help the poorest of our senior citizens. That is something serious he could have done.

**Hon. Miss Stephenson:** Talk about misleading. Talk about fraud. The member is it.

**Mr. Peterson:** I have exercised the Minister of Education (Miss Stephenson) and I do not mean to do that.

**Mr. Havrot:** How did you get in the front bench?

**Mr. Peterson:** Whoever arranged that front bench did not have an aesthetically well-trained eye. I am just looking at the minister over there. They look for all the world like a tag team in an obscene mud wrestling match, sitting there together yelling, shouting and winking at each other.

I want to deal with this statement of the minister today as best as I can respond. I have chosen to go through it in the order that the Treasurer presented it tonight.

Mr. Speaker, I would appreciate any effort you could make to keep the yelping down to a dull roar. I certainly expect some of it. When one inflicts pain, one expects some screaming and yelling, but it would probably be to their benefit to listen, at least to some extent.

9:10 p.m.

I have heard the Treasurer on numerous occasions wail against the federal government for its lack of a national economic plan. That is hypocrisy in the extreme. There is no such thing as a provincial economic plan of any description and even some of the initiatives he alludes to in this document are so lacking in specificity or are going to take place so far in the future that he has contributed nothing here tonight to the sum total of knowledge in this province.

I understand the political intention of their trying to dissociate themselves from their federal friends in Ottawa, from the federal government. That is their prerogative and I don't deny them that, but they do it on such wrong grounds. This is no \$1-billion, five-year economic recovery program. It just is not. The press releases are wrong. The whole description is wrong.

I am interested to read, even by the Treasurer's own prescription, on page four of his statement tonight he says, "Our economy will continue to operate well below potential." I assume that means even after his new economic initiatives here tonight because that is the way it reads. That is a pretty dismal kind of approach because I can tell him we decry very much the lack of ability to live up to our potential in this province—unemployed young people, the lack of skilled workers, the lack of apprenticeship programs. There are always allusions to it, always studies on it, always noise about it.

There is the Minister of Labour (Mr. Elgie) grunting and laughing over there. This failure is going to rest clearly on his shoulders and tonight, still again, there is no initiative. I can tell him the gravestone of that government is going to read, "We failed to do anything about skills training in this province." That is the biggest single failure. That is something over which they have complete constitutional jurisdiction. They can't blame that on the feds. That is their fault. They have the responsibility. They have the institutions. But they don't have the imagination and the guts to pursue it.

One federal study I read said there would be a shortage of 35,000 skilled workers in this province by the year 1985. We know it is coming. We also know the spinoff. We also know that every skilled worker creates employment for five or six other workers. We are talking, in total, of 150,000 or 200,000 workers—yet again rhetoric, yet again promises, yet again blame for the federal government, but no specific action. That is a glaring failure in this document.

The job creation figures here are again dismal, even after this economic stimulus, even after this \$1 billion worth of expenditure whose method of deployment we have yet to see. Even there the job creation figures would be down something like 47 per cent this year, even with an expanding work force. That is a dismal admission of failure by this government.

I want to deal with their response, their action to solve the economic problem. They have pulled out the tried and true method of sales tax cuts. How many times have we tried them before? The quick fix, the short-term solution—neat, clean and easy to administer.

He can put a cutoff date on it and there is a cutoff date on this: June 30, 1981. I will guarantee something right now: The next provincial election will be some time before June 30, 1981, because that is when all this stuff runs out. It is so blatantly politically motivated, it is fraudulent.

I want to read something about sales tax cuts in general. The Conference Board in Canada found that the 1975 sales tax cut on cars in Ontario led to a decline in sales of cars in 1976. This conclusion is the same as the Jump and Wilson study we had. All we know, on the best evidence from the best authorities, is that sales tax cuts lead only to a change in the timing of the purchasing. Admittedly, sometimes there are reasons for changing the timing of the purchases, but again it is an attempt at a quick fix for political reasons that does nothing to solve the structural problems in the province. I find that deplorable.

In 1978 a study by the Department of Industry, Trade and Commerce found the sales tax cut on footwear, furniture and textiles in Quebec had a similar effect. All it did was change the timing. Being a politician, I understand as well as they do the necessity of good timing, particularly around election time, but we have done it so many times since 1975. We saw the biggest deficit ever in the history of this province in 1975, pre-election obviously, when we gave away all the money on first-time owners' grants and sales tax cuts for which we are still paying a price.

What we do when we get up into a tax expenditure of this type is just force future purchasers, future consumers, future taxpayers to pay for our consumption now. I am not saying there are not some justifications sometimes, but had we spent all that money over the past few years building the structural base, the sound foundation, the job training, the skills training on research and

technology and that type of industrial infrastructure, we should not have to fool around with quick fixes and superficial cures today. Therein is the major failure of this government and of this document.

When we cut the sales tax on light trucks we are substituting about 40 per cent of those that will be imported from the United States and Japan and from other countries. To that extent about \$15.3 million in forgone revenue will go to subsidize imported vehicles.

I was not able to determine the exact figure on building materials, because we were in the lockup, but again a lot of the \$94 million going to cut the sales tax on building materials will go outside the province and outside the country. It is interesting that was all done on the pretext or rationalization of creating jobs. Admittedly a lot of people are involved in the renovation business and it will probably create some jobs, but if they want to take a fix for the economy of about \$100 million, there are other ways to do that.

What about a wage subsidy program at this critical time? The government has the mechanism in place for a \$1.25-an-hour wage subsidy. We have suggested before in the House programs such as a 20 per cent tax credit for new jobs created. When we want to direct the power and might of government to achieve a specific purpose, we have to be more creative than just cutting sales tax. We think we could have created more employment, which is what we want to do as the immediate short-term objective, by involving ourselves in a wage assistance program of some type. But again this is a quick fix with the appearance of great activity.

**Mr. Williams:** On a point of privilege, Mr. Speaker: The television cameramen have found the dialogue so tedious they had to leave the room. I am wondering if we could have the television lights turned down to save the members' eyes.

**Mr. Peterson:** I would like to thank the member for Sleepy Hollow for his contribution. It is interesting that we are going to have a sales tax fix of \$25 million on household appliances. Our studies on that say the market in Ontario is about \$250 million a year. About half of that is produced outside our borders. Again, we are trying to stimulate employment. It is not necessarily the most effective way to achieve that aim.

9:20 p.m.

Residential furniture is about the same. The market in Ontario is around \$1 billion dollars, about half of which will be imported from outside our borders. A high percentage

of the money we are talking about will assist production from external sources and isn't focused as well as it could be on creating employment in Ontario now.

It is interesting that the federal-sector task force report on the furniture industry a couple of years ago recommended a sales tax cut for that sector. Ontario's formal response to that report rejected the proposal as being of only temporary value with no long-term impact; that is a fact. It is interesting only in that they did not anticipate a by-election.

My colleague from Wentworth North (Mr. Cunningham) pointed out an interesting discrepancy tonight on removing the tax on household appliances. On page 28 an ineligible appliance is defined as an appliance designed for commercial use. Yet on page 30 the Treasurer includes for sales tax exemptions under the tourism sector kitchen equipment purchased for use in restaurants. I would just like to tell the Treasurer about that, as he may want to work this out and decide what is eligible and what isn't eligible before he brings in the legislation on this particular bill.

It is interesting also that his incentives for the tourism business, the \$38 million, do not take place this year. It is an extension only of an existing program to the end of fiscal 1982. That, realistically, is the only initiative in this budget.

I want to point out some interesting figures on the way it has been calculated, and these are at the back of his little book. We have about four and a half months left in fiscal 1980-81 and there will be a net tax forgiveness or a tax expenditure of about \$77 million in four and a half months. The major impact from these tax cuts comes next year when \$147 million worth of tax expenditure will be achieved basically over a three-month period. The major stimulus is going to be in the 1981-82 fiscal year, not in this year, not over the tough winter we are facing right now, which is a very interesting way for the Treasurer to manipulate his figures.

Having left the sales tax cuts—and obviously our party will support them, but we will try to be as constructive as we can about alternative ways to use those moneys creatively to create the kinds of social and human objectives we want to create—I can tell you, Mr. Speaker, that Ontario's program for industrial and economic development, BILD, the Board of Industrial and Leadership Development, as I gather it is called, or BUST, is not worth the paper it is written on tonight.

First, the Treasurer is going to have a complete review of our economic development program. That, of course, is our little friend at the end of the bench, the boy who would be Treasurer, as he is effectively known. The Treasurer is now going to relinquish it all to his colleague at the end of the bench, who is going to amuse himself. He says it totals \$2 billion in 1980-81, which again is no new initiative.

There is going to be \$750 million for new initiatives in employment and regional development over the next five years, not starting this year but next year. That is less than we are spending now, interestingly enough. There is to be a full review of tax incentives, which I will get to in a minute, which was my bill that was introduced in this House. I am glad they are finally getting around to it.

They are going to have a buy-Canadian sector, a complete policy lifted out of our industrial strategy, which I am happy on behalf of my colleagues to see. There are to be other specific measures, beginning this quarter, to advance high technology, world-scale industrial development, research and investment in this province. That is the end of the specificity. There are no more details. I am convinced that this Treasurer, that bureaucracy, has no bloody idea what it plans to do. They thought it would be a nice round figure, \$750 million over a period of time. That is why they decided at this time of political crisis for them to introduce a program.

They are going to form an economic board, BILD, which is something like BED in Ottawa, something that they criticized very seriously. It is really no different from the employment development now. It is chaired by the Treasurer and it is going to have the Minister of Industry and Tourism on it. There is really no substantial change, not one initiative here.

He is going to spend up to \$750 million over five years. Get that, Mr. Speaker: it is "up to," with no commitment of \$750 million. What is interesting is he makes a specific promise. He said this year, being up to the end of 1982, he is going to spend \$75 million for new structural initiatives to be determined, and \$25 million in special initiatives for rural Ontario which he will now describe. That is his commitment. It is \$100 million in new money to the end of 1982.

Over the last two years he has spent \$300 million through the employment development fund on economic initiatives, which averages out to \$150 million a year. His only commit-

ment next year to the end of 1982 is to spend \$100 million. That is why I said at the beginning, and I say to the House now, it is less—and I want the House to hear me—than he is doing now. That is the full commitment out of that Treasurer. That is why it is such a hollow proposal that he has brought to us tonight. It does not bear serious approval by any sophisticated observer of that document.

Of that \$100 million, \$20 million is not to encourage industrial development but to subsidize the rate differential between rural and urban hydro users. One could not really argue that is to create industrial development, it is to honour a political promise the Premier made when he was under pressure from a rural delegation a few months ago. They do not know what they are going to do about hydro rates so they are going to buy them off for the short term. That is the reality. In fact, it is a reduction from \$150 million a year to a commitment of less than \$100 million, more like \$80 million a year. Still, we do not know what he is going to do with it.

We did know what he was going to do when he brought in the employment development fund. Some of us disagreed with various parts of it, and the way he did it, but at least we knew what he was going to do. We still do not know what he is going to do now. I defy you, Mr. Speaker, and I defy any other observer to tell me what he plans to do.

He is going to spend \$5 million growing trees. I congratulate him. It is the old two-for-one proposal, I guess. He has promised that for years. I think it is a worthwhile expenditure of public funds and I congratulate him for it.

He is going to spend \$20 million to sort out the differential on hydro rates. Again, as I said, that is to honour a political commitment of the Premier. One could not argue that is industrial development.

He goes on with a tax incentives policy. It is a most curious statement in this review by the Treasurer. He said: "My ministry reviews our incentive programs on an on-going basis. These reviews are carefully done and are instructive." Now get this: "However, I believe a more comprehensive analysis should now be undertaken, and I have instructed staff to commence this review immediately."

Either he is doing good work or he is not doing work. Obviously he is not doing good work. As I said earlier, my private member's bill passed in this House, yet his House leader has never called it forward for third reading. My bill said we should have pub-

lished tax expenditure studies so we know exactly where every forgiven dollar is going and can analyse whether that is the best investment on behalf of the taxpayers of this province. I support that. I hope we see more than just words from him.

His buy-Canadian policy, as I told him before, it is a straight lift out of the quite brilliant industrial strategy published by my leader about a year and a half ago. I was proud to be associated with that. It is interesting that over the two or so years that it has been out it has stood up to the most rigorous kind of scrutiny. It has weathered well with age. It is as meaningful now as it was then. It is substantive. It is sound.

It is worth while and shows far more vision—from our limited research staff and the people who work with us—than what the minister's whole bloody bureaucracy could produce, or has produced at this point. That shows that if we can get our hooks on that bureaucracy to function the way we think it should function with new energy, new initiative and new political guts, we can turn it from the dispirited, disgruntled lot it is now working for the Treasurer, into a creative force for the betterment of the taxpayers of the province.

9:30 p.m.

The most outrageous section I have here is one entitled, "Sensitivity to Social Priorities." My God, one would almost think the Treasurer had a heart by reading the titles to this. Then he goes on to say: "Let others tax those who can least afford it, let others acquiesce to inequity and economic injustice; this Conservative government, the government of the Honourable William G. Davis, will not." Noble words, noble words.

The Treasurer is the one who snookered the poor old people out of their rightful entitlement. The Treasurer is the one who did it all—all in the name of equity and fairness. The first thing we will do when we get into government is rectify that inequity he has created, again for his political gain. There is not a lot of money; it is only about \$10 million. He could have afforded it with all these outrageous programs he has outlined.

The fiscal integrity of this province has been even further distorted. I do not believe that this Treasurer cares about a balanced budget. I think it is just rhetoric. He hauls it out to his right-wing friends at his right-wing meetings, if it serves his political purposes at any given time, because there has been a major perversion from that philosophy.

We are still paying almost \$4.5 million a day in interest. We are up over \$1 billion again in terms of budgetary deficit. Again, we are going to have to rape the pension fund and again defer our problems on to future generations of taxpayers. We are now over the \$1-billion figure for the deficit; and this has been a major disappointment to us.

We would spend taxpayers' money on a number of things. We have three priorities in this party right now. The first one is to create wealth in this province by building the manufacturing base and to that end we have a number of specific proposals. Second, we would protect those people in society least able to protect themselves from the ravages of inflation and other economic policies. Third, we would cut out the unnecessary and stupid expenditures this government has made in a number of areas over the years. I refer to the hundreds of millions of dollars of land banked, to Minaki Lodge, to advertising of his ill-conceived programs—there are so many areas.

It is not as if those moneys are not there to be employed creatively, because we think they are, and we would do it without bringing on the major fiscal distortions that my friends to the left do not even understand or care about, because we do believe in fiscal responsibility. Within the budgetary context of Ontario we could do it. I can promise that.

But there has been failure to deal with skills training, with research and development, with a manufacturing base, with re-tooling, with developing indigenous industry in electronics, machine tools, food processing, communication and all those other areas that we have a natural structural advantage for. The failure to recognize we have a problem and to do anything about it is going to kill this government.

The formerly most respected treasury in this country had national clout and national power. When our Treasurers went to Ottawa, Ottawa listened. But the treasury has now been diminished under this Treasurer's authority—not only in Ottawa but here with the voters too. People understand that.

There is a widespread malaise in this province. There is deep economic insecurity. There is a deep disgruntlement with the government and its ability to manage the economic problems of this province. I have never felt more confident in my political career that people are looking for substantial and reasonable alternatives. This rules out my friends to the left and puts us clearly in the driver's seat today. It is not too far

away that we are going to form the government; mark my words.

Our leader has brought creative leadership to this party and to the office of Her Majesty's loyal opposition. Members should just watch next spring after all these little programs of the government run out and we have an election. They should watch who is coming back to sit on that side of the House to bring some new vitality and energy to the economic growth of this province.

**Mr. Laughren:** Mr. Speaker, I will show a great deal of restraint and address my remarks to the Treasurer's mini-budget rather than to the remarks of the member for London Centre.

I would just say quickly, though, before I get too involved in the mini-budget, that it does take a lot of courage to stand up in this House as a Liberal following the federal Liberal budget of a couple of weeks ago and to criticize anybody's budget, let alone the Tories in Ontario. It does take a lot of courage.

As a matter of fact, I am surprised the member for London Centre did not just stand in his place and give us a eulogy of the Liberal budget so he will receive a formal welcome if he ever decides to move to Ottawa.

**Mr. Roy:** "Move aside, we are coming through," Floyd says.

**Mr. Laughren:** As a matter of fact, I will say it again: Move aside, we are coming through.

**Mr. Bradley:** Are you moving no confidence?

**Mr. Laughren:** Perhaps if the member will listen to my remarks he will understand exactly how this caucus feels about this budget. I will ask him to listen for a few moments.

This budget—sorry, "supplementary actions" I understand the Treasurer would prefer to have it called—these supplementary actions do not do anyone in Ontario any harm but they do not help those people who need it the most either. The same can be said for individuals as for the economy as a whole. It does not do the economy any harm to cut regressive taxes. As a matter of fact, it does it some good. It does not do any harm to individuals to cut taxes that should not be there in the first place. As a matter of fact, it does some good. But it does not solve the underlying problems in the Ontario economy. Naturally, we in this party understand there are some parts of these actions we must support and that

indeed we would have implemented a long time ago.

This speech of the Treasurer's tonight was supposed to be a response to the federal budget of a couple of weeks ago. That is what the Treasurer told us. We agreed, and still do, that there is a need to respond to that federal Liberal budget, which was really more of an energy statement than a budget.

I understand, too, why the Treasurer wants to put as much distance as quickly as possible between his government and the Liberal government in Ottawa. We understand that. They have seemed to be too cosy for too long and it is time to put some distance between them. I am surprised they did not make the distance greater and do so at greater speed.

We agree with the Treasurer that the tax cuts are necessary at this time and that they not only will provide relief to taxpayers, because those were regressive, but will also provide a short-term stimulus to the Ontario economy.

The Treasurer one week ago yesterday at the opening of his Treasury estimates said his mini-budget was going to be a response to the cyclical problems of the Ontario economy. He used the term "cyclical problems". If the Treasurer really believes that Ontario's economic problems are cyclical, then I suppose one could say his statement tonight does something to address the cyclical problems, assuming of course that the cycle lasts between now and next spring.

**9:40 p.m.**

We know we are not into those kinds of economic difficulties; the Treasurer will admit that. At one moment he is castigating the federal Liberal budget because it does not address itself to the structural problems of this country, and the next moment he is telling us he is going to bring supplementary actions in that will address themselves to the cyclical problems of the Ontario economy. Where is the consistency in that? I do not know of any two Ministers of Finance or Treasurer; who deserve each more than this Treasurer and his counterpart in Ottawa, MacEachen.

**Hon. F. S. Miller:** You have been nasty before, but this is going too far.

**Mr. Laughren:** The layoffs of thousands of workers this year are a result of the structural deformities in the Ontario economy. The Treasurer does not seem to understand that. A branch plant economy, one whose owners can repatriate at will—just ask the Minister of Industry and Tourism about what the owners of the branch plants in this

province can do if they want to. In his profit centre booklet, he stated very clearly there are no restrictions on what they do with their capital. So what do the owners of the branch plants do? They shut down their plants and repatriate their capital, just as they are invited to do by the Minister of Industry and Tourism in that booklet.

**Hon. Mr. Grossman:** Bob White asked for more branch plants.

**Mr. Mackenzie:** Why do you not stop being silly for once?

**Mr. Laughren:** Mr. Speaker, the Minister of Industry and Tourism is one of the causes of the structural deformities in this province by inviting ever more foreign control of the Ontario economy. That is what he is doing rather than understanding that one of the real problems with the Ontario economy is the fact that, for example, our exports are built, aside from autos, on fabricated materials and raw resources. That is not a good way to build an economy.

Our imports are manufactured goods. This country had a deficit of \$17 billion last year, up \$5 billion in one year, and the Minister of Industry and Tourism is doing nothing about that. All he seems to think is that if he gets out there and sells Ontario to the world our problems will go away. He is fooling none of us at all with his glossy document, his expensive packaging. That profit centre booklet was the Minister of Industry and Tourism in bound form; nothing more, nothing less. That is exactly the way he is—glossy, fast-talking and slick.

**Mr. Mackenzie:** All plastic.

**Mr. Laughren:** That was what that was, and that's the Minister of Industry and Tourism. He is the pink flamingo of the Tory cabinet.

**Mr. Foulds:** Seventeen-dollar pencil cases. That is what the minister puts out.

**Hon. Mr. Grossman:** Bob White thinks it's great. He wants more foreign investment.

**Mr. Laughren:** No, no. Not true. The minister is thinking of the member for Sarnia (Mr. Blundy), who thinks there should be more branch plants in Ontario.

Not only are there structural problems, which have been there for some time, but also the government has sat idly by and not even monitored very carefully what is going on. It is not as though this is a new problem. We are held up to ransom when somebody like Ford says: "We will either build our plant in Windsor or some other place. We have grants from some other place; so you

had better give it to us." We are held up for ransom in the pulp and paper industry where, and let me be very specific about this, the Treasurer told all of us those grants were absolutely necessary for us to remain competitive. That is how far the Treasurer and the Minister of Industry and Tourism and others in the government allowed the state of the pulp and paper industry to deteriorate before they moved in and did anything about it at all. They are the ones who sat back and watched the industrial machine called Ontario wind down and did nothing about it until it became a crisis situation. Then he says, "Look, we either have to do this or the thing goes down the pipe and the communities are threatened." That is some kind of economic stewardship for Ontario. He failed even to monitor the situation carefully.

This government will forever be slapping Band-Aids on the problems rather than practising preventive economic care. That is what it has failed to do. It is almost as though it was transposing the economic problems from the health care system where preventive care has virtually no role at all.

We in this party are eternal optimists. We are very optimistic about our confidence to turn the economy of Ontario around. We are not the purveyors of doom and gloom; they are the Tories themselves, not us. We happen to believe we can turn adversity into opportunity, but we know that to do that we must plan carefully and act courageously. We would be prepared to do that. We agree there is an element of risk whenever one does that but we think it simply must be done.

I would like to remind the Treasurer of a few things that we think should be done.

One reason we are so upset about the Treasurer's BILD program announced in his budget tonight—someone referred to it as a bilge program—is it is nothing but a delaying tactic to allow the Treasurer to sit idly by yet again and hope that the US economy improves, that we will get some slopover benefit and that things will pick up in this province. That is all he is trying to do with his BILD program. I will tell the Treasurer why I am so sure of that.

He says he is going to have the BILD program look at some specific sectors that need to be encouraged. We could give sector after sector that needs to be rebuilt. There needs to be no further identification of the sectors that are in trouble in Ontario: sectors that are high technology, sectors where we have a large degree of imports, sectors that are high technology and provide skilled jobs.



We know those. Those have already been identified and we have raised them with the Treasurer time and time again.

For example, the auto parts sector: We had a \$4-billion deficit in auto parts last year, which we all look after in Ontario. Those are skilled jobs, high-technology jobs. Obviously they are imports. It would relieve a lot of the economic problems in the Windsor area if the Treasurer would Canadianize and rebuild that particular sector. It is a crucial sector, and the Treasurer should be doing something about it. He does nothing except complain to Ottawa that we are not getting our fair share.

How long will he say the problem is Ottawa's and not his own? He knows the problem will go on forever if he leaves it to those people in Ottawa to solve his problems in Ontario. They are preoccupied with repatriating the constitution rather than the economy. They are not going to worry about Ontario. When is the Treasurer going to wake up and realize that?

A second sector that needs to be rebuilt—just so I can get some of the work load off his BILD program—is the mining machinery sector. I know the Treasurer said in the estimates debate the other day that he understands mining machinery. He said he knew we were number one in the world in importing mining machinery, number two in the world in the consumption of mining machinery and number three in the world in the production of minerals. Imagine being number three in all the world in the production of minerals and number one in importing mining machinery.

What an outrageous situation, and yet the Treasurer does not a single thing about it. The Minister of Industry and Tourism put on a trade show in Sudbury where \$40 million or \$50 million worth of machinery was on display. That was his answer, just as the BILD program is the Treasurer's answer. It is a sham. It is like the old pea under the shell game, but there is no pea under the shell. We are just moving around empty shells. That is fraudulent.

If one looks at mining machinery, there is a regional development component there for northern Ontario if only the Treasurer would use it. There is a component of highly skilled jobs. It is a high-technology area. Ontario alone had imports last year of about \$175 million. There is enormous job creation potential there in the mining machinery area. Think of what it would do for communities such as Sault Ste. Marie, North Bay and Sudbury. To make it worse, a month or so

ago, Jarvis Clark, one of the big companies that produces mining machinery in North Bay, decided it was going to expand. They cannot handle all the orders, they have tremendous export orders as well; and what do they do? They expand in Burlington, not in northern Ontario. One reason they did is that there is no regional economic development plan into which they could plug to help develop northern Ontario. There is nothing there.

9:50 p.m.

Regional development has to be a priority. There was a day when regional development was a priority of this government. There was a day when no budget would have been brought down without a special section for northern Ontario. There is not a word this time. They even talk about exploration and development in central Ontario, for heaven's sake.

Another area that has an enormous amount of potential is the whole question of these massive energy projects, most of them out west, that are going to be taking place in the next 10 years. The opportunity for us to provide the equipment and machinery is awesome.

A report by the Canadian Institute for Economic Policy stated there is going to be a total of \$67 billion worth of machinery and equipment required between 1980 and 1990, in just 10 years. There is absolutely no reason why we should not have a part of that.

There are two major categories, and I would like to quote very briefly from that report; they are talking about two new categories: "Projects that are new to Canadian and global experience. These will include oil sands and heavy oil, where Canada is already a world leader, frontier and offshore field development and the more promising of the renewable energy technologies. These sectors provide opportunities to develop an indigenous technology base with export potential. Maximizing Canadian participation from the start in these new markets will be vastly preferable to letting these opportunities slip into other hands."

That is what is going to happen. Those will be opportunities we will lose as long as the Treasurer keeps laying down delaying tactics and smokescreens like BILD which will not address themselves immediately to the problems. They are not going to wait. Those projects are there now for the having but the Treasurer says he is going to develop a five-year plan. I never thought I

would see the day when this Treasurer would talk about five-year plans.

Ontario has too much at stake. We cannot stand back and wait for Ottawa to develop a national investment strategy. That is what is needed so that we have a leverage with our resources to machinery. We have never had that. We never had it in Ontario, we never had it in this country at all; and that is what is necessary. Norway does it; Britain does it, very successfully; but not this country. I agree it should be a national policy, but we are not going to get it from those people in Ottawa. We are the industrial base; so we have to take the initiative here or we will lose it.

It is as simple as that. That is why I say we can turn our problems into tremendous opportunities and potential for developing this province. We are very optimistic about the future as long as we take action, but it is not going to happen on its own.

I know the Treasurer is very fond of the invisible hand out there in the marketplace, but that invisible hand is not doing what the Treasurer or any of us think it should do. We cannot wait for that invisible hand any more. It is a myth; it is a withered hand.

What I am trying to say to the Treasurer is that he cannot forever bemoan inaction on the part of the federal government. That is not an adequate action; it is downright dumb.

I get particularly offended at the Treasurer when he falls back on his free enterprise rhetoric. That is most offensive. One minute he is handing out grants to the private sector, and the next minute he is spewing forth his free enterprise rhetoric. It would be funny if it were not so irrelevant and if it were not so downright illogical. Most particularly, it would be funny if the Treasurer did not take it so seriously. It is not going to happen with the private sector; we have had all sorts of evidence of that.

I do not want to burden the Treasurer with too much statistics, but I want to give him a couple of examples of those energy investment potentials.

Between 1970 and 1980, a 10-year period, there has already been a lot of investment in energy-related fields, and there is going to be more. Statistics Canada is giving us figures every month of the year which tell us the problem, which lays it all out before us, and a person doesn't have to be an economist to read the tables.

I would like to tell the Treasurer about just one area, imports, and what happened to imports of energy-related equipment between

1970 and 1980; for hydraulic turbines and parts, imports went from \$2 million to \$30 million; gas turbines, from \$10 million to \$26 million; well-drilling machinery, from \$39 million to \$300 million; petroleum and gas field production equipment, from \$11 million to \$96 million; valves, from \$44 million to \$101 million; fittings, from \$33 million to \$120 million; zirconium alloys, from \$3.6 million to \$13 million; diesel and semidiesel engines and parts, from \$25 million to \$133 million; and construction equipment, from \$167 million to \$721 million.

That is what happened with import increases on machinery and equipment that we could be supplying for our energy projects. Ontario could be supplying a lot of that but, oh no, the Treasurer stands back and thinks it is all going to be solved, and he lays down yet another smokescreen.

I am just saying we have the economic muscle and the political muscle in this province to do something about it. All we have lacked till now, and still lack, is the political will to get in there and mix it up and do something about it, and that is what the Treasurer has failed to do.

I heard the Treasurer read in his statement tonight, for example, that manufacturing investment intentions are up 44 per cent in 1980. Perhaps he will stop using that figure and, rather than talking about intentions, start talking about what is really happening. Manufacturing output is down seven per cent in 1980, and it is forecast to be down another one point something per cent in 1981. I will not tell the Treasurer which road is paved with good intentions, but the real world tells us that manufacturing output is down this year and is going to be down again next year; the Treasurer should stop using intention figures which really are not applicable.

I know that the Treasurer and the Minister of Industry and Tourism are very fond of talking about creating jobs in manufacturing, but there have been at least 10 times as many layoffs in Ontario this year as there have been jobs created. That is a sad commentary on what is going on in the province.

I have outlined just a few sectors that we could take a look at, and I did not even talk about housing. We have a real problem in rental accommodation and we have high unemployment in the residential construction trades. There is a beautiful tie-in there. But as long as the government stands back and does not do anything about that either, we are not going to solve that problem. I know the Treasurer is cutting the tax on building materials. I have no quarrel with that; I think

that is a good suggestion. But it is not going to address itself directly to the rental accommodation problem in places like Metro Toronto, where we are flirting with a one per cent vacancy rate, which is virtually none. I can see the pressures coming from that side to remove rent review, using the spurious argument that rent review is causing the problem of supply for rental accommodation. What total nonsense that is. Why do they think we had rent review in the first place? There was no rent review when the shortage first occurred; so why are they blaming it now? It is total nonsense.

There are a number of serious gaps in this mini-budget tonight. One of them that fascinated me ties in with the new Board of Industrial Leadership and Development; I refer to the Treasurer's statement that he is going to cancel the employment development fund program. I can recall how over the last two years the Treasurer bragged and boasted about how EDF was the cornerstone of their economic development program in Ontario. Every time we would say, "You are not doing enough," they would say, "We have the EDF program." That is what they told us. Only a week ago, in my leadoff, I was asking the Treasurer in his estimates about EDF grants. He could not say enough good things about them, how they had saved the pulp and paper industry and how they had stimulated the auto sector. Tonight he pulls the rug on it.

10 p.m.

Is there no consistency in the Treasurer at all? One has to wonder what happened. Was it the Lakehead report? Did the Lakehead report shake him up? Is that why he said there are too many questions here? Was it his free-enterprise philosophy that said we should not be giving out these grants? We do not know, do we? Was it the feeling, as expressed in that report, that those who need it were not getting it?

The cancellation of the sales tax on building materials is something of which we approve. This party would be much happier, however, if the Treasurer had made a commitment to nonprofit housing and co-op housing where there is a tremendous opportunity to take some of the pressures off rental accommodation in places like Metro Toronto. That is where the thrust should be. Once again, it would create jobs and relieve some of the high unemployment in the residential building trades, professions and jobs. As I say, it would also take the pressure off rental accommodation.

The Treasurer used some rather strange language when he talked about protecting

people on low incomes. He said: "Unlike the Liberal government in Ottawa, we intend to respect social priorities and values while keeping our own fiscal industrial priorities in clear focus. Let others tax those who can least afford it, let others acquiesce to inequity and economic injustice."

That is pretty hard to swallow, coming from a government that has taxed people in this province more heavily than any other province in Canada. Personal taxes in Ontario are higher than in any other province. If we add together provincial income tax and Ontario health insurance plan payments and subtract from that tax rebates and credits, we end up with Ontario being the highest-taxed province in all of Canada for people in low- and middle-income brackets—not the high-income people, but low- and middle-income brackets. That is assuming a constant property tax in every province. There is no doubt but that we are over-taxed. When the Treasurer says that and, at the same time, refuses to do anything for people who need help the most, it really is hypocritical. The same day the Minister of Labour stands in his place and says he is not going to raise the minimum wage.

Hon. Mr. Elgie: I didn't say that.

Mr. Laughren: Yes, he did. We have gone 22 months now with no increase in the minimum wage, and the Minister of Labour would make no commitment today.

Hon. Mr. Elgie: I didn't say that.

Mr. Laughren: Did he make a commitment today to raise the minimum wage? No. He made no commitment.

Hon. Mr. Elgie: Don't distort it.

Mr. Laughren: Make it now. Here is the opportunity.

Hon. Mr. Elgie: Carry on. I didn't say that today, and the member knows it.

Mr. Laughren: Yes, I will carry on. It is an absolute disgrace for Ontario to have the lowest minimum wage in all Canada. There is simply no excuse for that. This budget provides no direct relief for low-income people. At the same time as we have the lowest minimum wage, we have the heaviest tax burden on low- and middle-income people. Put all those things together and it makes the Treasurer's words ring pretty hollow. That is simply not playing according to the rules.

I searched through the budget document for a statement on day care. There has been an enormous amount of pressure applied to the government throughout Metro Toronto and other communities to provide

adequate day care in Ontario. If my memory serves me correctly, the number of places required in Metro Toronto just to ease the most critical burden was 1,400, and then a compromise was worked out by the Metro chairman for 500 places for Metro Toronto alone. What the Treasurer has said tonight is that he is going to provide 500 extra places for all of Ontario.

It is interesting that we get from this government no policies at all to provide any kind of economic justice for women, no commitment to equal pay for work of equal value, no commitment to day care, no real affirmative action program on the part of the government, none.

Is it not interesting that when this party introduced three bills tied in with economic rights, the government blocked them. One dealt with full employment and the government blocked it; they would not even let it come to a vote. When we dealt with pension rights and job security, the government blocked it and would not even let it come to a vote. Today, when we tried to bring in a bill that would provide a modicum of economic justice for women, the government blocked it and would not let that come for a vote either. What kind of commitment is that to economic justice? When I see the Provincial Secretary for Social Development (Mrs. Birch) standing there to block a bill like that, it makes me wonder about the priorities over there.

The Treasurer has done this province an injustice with his failure to provide an adequate number of day care places in the province, and that is a very serious injustice. I believe women now constitute about 40 per cent of the work force in the province, and the government does not seem to have woken up to that. They do not seem to understand the kind of needs and pressures that puts on people; so they dawdle on and throw \$1 million to day care when the demand is so much greater.

It is not as though there were not opportunities to raise more money. Some of our programs we talk about cost money. Most of the ones I have talked about tonight would create wealth so that we could get on with the business of distributing it in a more equitable manner. We believe very strongly that a government has to create wealth before it can distribute it. What this government fails to understand is that, unless they get busy and start creating the wealth by rebuilding those sectors, we are not going to be able to redistribute it fairly.

It is no wonder the government has all these pressures on social services and educational services, because the Treasurer will not do anything about creating the wealth that is necessary. The Conservative backbenchers sitting there in their grey splendour would have a much easier life and would get along much better with their constituents if they could convince the Treasurer of what is needed. We need meaningful job creation projects out there that would create wealth and ease the burden on all those social, health and educational services that have been cut back. The Treasurer can talk all he likes about not cutting back, but there have been very serious cutbacks in social, health and educational services.

One of the areas I hope the Treasurer will think about—there is no mention of it in his budget—is the whole question of interest rates. Right now, interest rates on mortgages are, I believe, about two per cent higher than they were a year ago at this time and there are predictions that they are going to go higher. Surely the government should have a mechanism to monitor defaults and foreclosures.

We presented a package to the government last spring which could relieve the problem. It would have cost around \$20 million I believe, and it was income-related. It was a sensible program, it was not particularly expensive, and it would solve the most pressing problems. The Treasurer should take another look at our proposals, because he may have to implement those in the not-too-distant future.

Another area that bothers me about this budget is that there is nothing at all in it for northern Ontario. I said earlier there was a day when no Treasurer would have brought in a budget that did not make some concessions to northern Ontario, that did not recognize the particular problems that are faced in northern Ontario. This budget does not talk about freight rates which cause problems in northern Ontario; it does not talk about further processing of minerals in northern Ontario; it does not talk about the opportunities for mining machinery investment in northern Ontario; it does not talk about the whole problem of iron development in northern Ontario.

10:10 p.m.

There is nothing at all about the north. There was a day when no Tory government would have dared to do that. But lately the Treasurer seems to think the north is just fine and he does not need to pay any attention to it. That is simply not right. Not only that,

but also there is still no food terminal for Timmins.

**Mr. Foulds:** Alan Pope should resign.

**Mr. Laughren:** The member for Cochrane South (Hon. Mr. Pope) is the minister without a food terminal. I want to see him on television and radio in Timmins explaining why there is still no food terminal in Timmins. He promised one in 1977. He said, "You elect me and there will be a food terminal." Here we are, heading for 1981, and there is still no food terminal in Timmins. We know what happened. He complained loudly from the back benches, and the Premier said, "Come here, Alan."

**Mr. Hennessy:** He gave him a cabinet post.

**Mr. Laughren:** He gave him a cabinet post. Exactly. The member for Fort William (Mr. Hennessy) understands how it works. The Premier said: "Come here, Alan. You are in the cabinet now; so shut up." That is exactly what happened.

**Mr. Foulds:** And that is what Alan Pope has done.

**Mr. Laughren:** That is right: I hope the people in Timmins start writing letters to him saying: "Where is that food terminal that was going to distribute goods more efficiently in northeastern Ontario? Timmins needs a food terminal." I have not heard a word from the member for Cochrane South.

I have talked about the food terminal and about northern Ontario, mentioning specific cities, but I am serious when I say there was a day when this government would not dare to bring in a budget that did not deal with regional development. When they were talking about southwestern Ontario, there was enormous potential in southwestern Ontario with the auto parts industry and food processing. There is opportunity all over this province, but the Treasurer does not see it as a regional development problem. I have been here nine years, but it is only in the last couple of years—as a matter of fact, since the member for Muskoka (Mr. F. S. Miller) became Treasurer—that we have stopped hearing about regional development and about northern Ontario.

**Mr. Makarchuk:** Or eastern Ontario.

**Mr. Laughren:** Or eastern Ontario; thank you.

**Mr. Sterling:** Have you ever heard of the Eastern Ontario Development Corporation?

**Mr. Laughren:** I just talked about eastern Ontario, but I never hear the Treasurer. If the Treasurer were serious about economic

development in eastern Ontario, he would have made a specific commitment here tonight to develop the Ottawa area as the Silicone Valley of the north so we can have a high-technology electronic area in this province second to none.

**Mr. Sterling:** He has already made a commitment.

**Mr. Laughren:** No. He made no commitment to regional economic development at all. All the Treasurer did was lay down a delaying tactic. That is all he did, and the member for Carleton-Granville (Mr. Sterling) knows it.

**Mr. Foulds:** And that member swallowed it.

**Mr. Laughren:** There is another area I am surprised the Treasurer made no mention of at all. It has to do with farming machinery and implements. It is incredible in this province we did not have a reduction or elimination in the sales tax on farm machinery and equipment.

**Mr. Makarchuk:** Right on.

**Mr. Laughren:** That inspired suggestion came from the member for Brantford. He is not being parochial. He understands the needs of all of Ontario.

In another area, it would not have cost very much money but it would have been a very nice gesture if the Treasurer had raised the exemption for sales tax on footwear. It stands at \$30 now. It should be raised to at least \$50, when one considers the price particularly of outer footwear for the winter. The sales tax should be removed on that.

In conclusion, we welcome the tax cuts for their short-term value. The sales taxes were regressive to start with and this will provide a short-term stimulus. I guess the BILD program is this government's admission that planning may be necessary. I am amazed that the Treasurer is the one who brought in this statement on the BILD program. I have no illusions whatsoever but that it is a delaying tactic. The only delaying tactic he knew he could get away with was something that addressed itself to long-term structural problems in Ontario; so he called it a BILD program.

He knows he will have to take no specific action at all until after next spring, when the election will be behind us. We know that and we understand the cynicism of that act. It is also an indication that the Treasurer's faith in the private sector is somewhat diminished. There was a day when he would not have touched that. As I said earlier, we regard this budget as one that does not do anyone any harm, but it sure does not help

the people and the parts of the economy that need it the most.

#### TELEVISION CAMERAS

**Mr. Martel:** On a point of privilege, Mr. Speaker: This is the second occasion on which the television cameras have come into this Legislature. In fact, they allow the government side with all its pomp to present to the people of Ontario the government's position on the economy. The second that occurs and is delivered, they then shut the cameras down when the critics for the Liberal Party and my party are responding, whether it be in the appropriate budget time or a week later, and those responses are not delivered to the people of Ontario.

It is time this House said to the media, "You damned well do it for all three or you do not do it for any." I am getting increasingly frustrated at the television people, whom we allow in here. It is a privilege for them to be in this Legislature, as a result of the Morrow report in 1975 and 1976, which you helped to bring about as Speaker in this Legislature. But the bias shown by the media and the disrespect they show to the two opposition parties are unacceptable any longer.

Mr. Speaker, I ask you, in conjunction with the House leaders, to ensure that it does not occur again. If they are not prepared to televise my critic and the Liberal critic, in addition to the Treasurer, then they are out on this occasion as far as I am concerned. I will do everything I know to obstruct them, because this will not go on again as long as I am here. I ask you, Mr. Speaker, to make sure there is some fairness to all political parties in the presentation of the budget and the responses; otherwise it is for nought. I ask that you take this matter into consideration immediately.

**Mr. Speaker:** I want to remind the honourable member that the guidelines that were laid down to allow the electronic media in here were done on the basis of the Speaker's ad hoc committee that was set up many years ago before I assumed the duties I now hold. I want to remind the member that I am a servant of the House. If the House wishes to take the kind of action that you think appropriate, it is up to the House to direct the Speaker as to what action that should be

10:20 p.m.

**Mr. Martel:** I would ask the government House leader to respond. I think it is incumbent upon the government House leader

to indicate to this Legislature that he is in agreement that, if we are going to have the Treasurer televised—and I have no objection to it—it is incumbent on the media to give the same opportunity to the Liberal Party and the New Democratic Party. Otherwise, there is a bias that is unacceptable as far as I am concerned. I hope the government House leader will agree that we have to expand the coverage of what goes on in the Legislature so people of this province understand what is going on.

**Hon. Mr. Wells:** Mr. Speaker, I think the wisest thing to do would be for you to convene at your convenience a meeting of this ad hoc committee so we could talk about this. I do not disagree with the criticisms of the member, but I do not think we should take any hasty action to remove television cameras tonight. Quite frankly, I was surprised when I saw them in here tonight. I do not recall being made aware that the cameras were going to be in here tonight for this particular statement.

There is a normal procedure for cameras to be provided during question period and any other time. The special cameras are here. I do not know under what agreements they are here. Perhaps we should have a meeting and talk about that again. I think we did talk about television in a very good way and set some good ground rules for the Confederation debate. Perhaps we should get that committee together again and take a look at this and see what can be done.

**Mr. Breaugh:** Mr. Speaker, next Thursday morning the members' services committee and the procedural affairs committee are attempting to hold a joint meeting. Both committees have matters relating to the television coverage of proceedings in this House on their agendas.

It is my understanding that there had been agreement reached previously on how the cameras would enter the House and how they would function and precedents were set about the kind of coverage that would go on during the coverage of the Confederation debate. I did notice this evening the precedent that was set in terms of the kind of shots that would be taken, the precedent that was so carefully laid down during the Confederation debate, was not followed this evening.

It would be our pleasure for those two committees to serve in an advisory capacity to the House and perhaps to make a report to the House if that would be the wish.

**Mr. Nixon:** Mr. Speaker, just before you respond, perhaps I could ask you, who did

give permission for the special lights and the camera positions to be put in?

The point made by the government House leader is valid, that by agreement television can come in any time they want, turn the lights on any time they want and take pictures of whatever they want, but this stuff of course works a special hardship on the members who are here.

If they are going to go to all this elaborate trouble, they should televise all participants. I remember, when this first started, that was what was done. The idea was that the budget of the province would be televised and the full hour-long responses of both opposition parties would be televised. No matter how excellent the response—the member for York South (Mr. MacDonald) remembers just how excellent they were—I can say that there is a certain feature of diminishing returns associated with it, because the only letters I got about my response were giving me hell for pre-empting *The Edge of Night*. There are intrinsic problems here which even the committees meeting together might not be able to solve.

**Mr. Speaker:** To answer directly the question raised by the member for Brant-Oxford-Norfolk (Mr. Nixon), I was not asked directly whether permission would be given for the extra lighting or the two camera

placements, one behind the government benches and one behind the opposition benches. I was notified by the Sergeant at Arms earlier today that they were being installed and that they had talked to the director of administration, who normally monitors the camera positions in keeping with the guidelines that were laid down by the ad hoc committee on radio and television.

I appreciate the sentiments expressed by all members who have spoken. I was aware that there was to be a joint meeting of the standing committees on procedural affairs and members' services. We have a file on that in the Speaker's office. It will be made available to the chairmen of those two committees so it may assist them in their deliberations.

Perhaps, rather than convening the ad hoc committee, we could await the findings or any recommendations that might come forward from the joint committee that the member for Oshawa referred to earlier. I make the commitment to co-operate in any way possible.

**Hon. Mr. Wells:** Mr. Speaker, we had a member who wished a late show.

**Mr. Speaker:** By agreement of both parties, that was deferred until next Thursday.

The House adjourned at 10:26 p.m.

## CONTENTS

---

**Thursday, November 13, 1980**

|   |      |
|---|------|
| <b>Supplementary measures: Mr. F. S. Miller</b> .....   | 4259 |
| <b>Retail Sales Tax Act, Bill 187, Mr. Maeck, first reading</b> .....                         | 4267 |
| <b>Supplementary measures, continued:</b>   |      |
| Mr. Peterson .....  | 4267 |
| Mr. Laughren .....  | 4273 |
| <b>Point of privilege re television cameras: Mr. Martel, Mr. Breagh, Mr. Wells, Mr. Nixon</b> | 4280 |
| <b>Adjournment</b> .....  | 4281 |

## SPEAKERS IN THIS ISSUE

---

Bradley, J. (St. Catharines L)  
 Breithaupt, J. R. (Kitchener L)  
 Cassidy, M. (Ottawa Centre NDP)  
 Davidson, M. (Cambridge NDP)  
 Davis, Hon. W. G.; Premier (Brampton PC)  
 Elgie, Hon. R.; Minister of Labour (York East PC)  
 Foulds, J. F. (Port Arthur NDP)  
 Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
 Havrot, E. (Timiskaming PC)  
 Hennessy, M. (Fort William PC)  
 Laughren, F. (Nickel Belt NDP)  
 Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
 Makarchuk, M. (Brantford NDP)  
 Martel, E. W. (Sudbury East NDP)  
 Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Peterson, D. (London Centre L)  
 Roy, A. J. (Ottawa East L)  
 Sargent, E. (Grey-Bruce L)  
 Smith, S.; Leader of the Opposition (Hamilton West L)  
 Sterling, N. W. (Carleton-Grenville PC)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
 Williams, J. (Oriole PC)









No. 113

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Friday, November 14, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

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FRIDAY, NOVEMBER 14, 1980

The House met at 10 a.m.

## ACID RAIN

Prayers.

### STATEMENTS BY THE MINISTRY

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Hon. Mr. Elgie:** Mr. Speaker, this morning I shall be introducing for first reading An Act to amend the Employment Standards Act.

In my statement on plant closures and layoffs on October 14, I announced the government's intention to amend this legislation to provide for employer participation in adjustment committees and for the protection of employees' fringe benefits. While joint labour-management adjustment committees in most cases have proven successful in assisting displaced employees find employment, some employers have refused to participate in them. A further problem is the fact that employees affected by plant closures can lose fringe benefits if an employer elects to close operations without giving the required notice and pays wages in lieu of notice.

The bill contains three substantive elements in response to these concerns. First, it empowers the minister to require employers to participate in and contribute to the funding of committees to facilitate the employment of employees who are being terminated. Second, it clarifies that employers' contributions to benefit plans must be maintained during the notice period.

Third, it requires that employers who terminate employees without notice must continue to make contributions to benefit plans during the period for which notice should have been given. It also provides that employees are deemed to have worked during the period for which notice should have been given to ensure they will be entitled to the benefits.

I believe these amendments provide more equitable treatment and effective adjustment provisions for workers affected by plant closures.

**Hon. Mr. Parrott:** Today, Mr. Speaker, the honourable members will find in their post boxes copies of the Ministry of the Environment's new publication, *The Case Against Acid Rain*.

This is a report on acid rain which clearly summarizes and describes (1) the nature and magnitude of acidic precipitation in North America, (2) the extent to which we know Ontario is affected, (3) the programs we now have in place to meet the challenge and (4) most important, the commitment to action which will be required both here and in the United States to curb acidic rain pollution in our countries.

This new, graphically illustrated booklet is intended to meet the high demand for information about acid rain. My ministry is distributing this report widely without charge to anglers', hunters' and cottagers' associations, to conservation groups, to the business and manufacturing sectors, to scientists, schools and universities and to news media throughout Canada and in many areas of the United States as well.

#### HIGHWAY TRAFFIC LEGISLATION

**Hon. Mr. Snow:** Mr. Speaker, I have three statements I would like to make this morning.

First, I would like to take some time to outline several amendments to the Highway Traffic Act and the regulations I will be introducing in a bill later this morning. While a number are basically housekeeping items, three are rather important, and I would like to describe them in more detail. Specifically, they cover medical standards, registration reciprocity and the regulation of safety equipment on vehicles carrying physically disabled persons.

Let me begin with the amendments that will allow a degree of flexibility in applying medical standards to classified drivers' licences. As the members are aware, my ministry has been approached by a number of individuals and organizations concerning the existing medical standards for drivers under the classified driver licensing system.

In a number of instances, the ministry has been criticized because it is felt our standards cause undue hardship to certain individuals, or deny drivers the right to appeal when a licence is downgraded for medical reasons. In most cases, the arguments focus on the inflexibility of current regulations which prevent any consideration for professional drivers who have ceased to meet the medical standards, forcing them to look for other means of employment, despite good driving records.

Currently, classified driver licensing systems are used in eight of the 10 provinces. Like theirs, our system was devised with the intent to maintain a high level of driver skill and safety.

Medical standards were based on the guidelines published by the Canadian Medical Association, and were part and parcel of the package. With minor variations in procedure, all provinces adhere closely to these medical standards.

When classified driver licences were introduced in 1977, a grandfather provision was included to permit many individuals who did not meet the medical standards to continue driving provided their condition did not deteriorate further. That was regulation 906/76, section 12(2).

The medical standards were not meant to cause undue hardship, and I believe they have been applied by my officials in a fair and equitable manner. But, as I noted a few moments ago, my ministry has been approached by various individuals, as well as interested organizations, primarily on the basis of economic hardship.

Honourable members will appreciate that the standards intended to ensure the safety of our highways cannot directly take into account loss of livelihood to individual drivers. However, I can appreciate the potential need for some greater flexibility in individual cases where it can be demonstrated the medical condition is stable and does not constitute a hazard to the public.

10:10 a.m.

I would agree in principle that there are experienced drivers in the higher licence classification—drivers whose licences have been downgraded because they no longer meet all the medical standards who should have an opportunity to make representations to the registrar of motor vehicles and, if necessary, to have a hearing before the Licence Suspension Appeal Board.

Nevertheless, I continue to have reservations about any system that would allow the waiving of existing medical standards

for drivers directly responsible for the carriage of school children or the general public in large or small buses.

In some cases, however, the needs of these drivers may be met by continuing to allow them to drive trucks where these vehicles were included in their previous licences. As a result, I intend to introduce amendments that will provide for a degree of flexibility to the medical standards for classified drivers without affecting existing standards.

What we have in mind includes amendments that will allow the ministry to waive any medical standard excepting vision, in licence classes A and D for drivers who (a) hold or have held a valid A, B, C or D driver's licence, (b) first submit a certificate from a medical specialist to the effect that their medical condition is stable and compatible with professional driving duties and (c) satisfy the registrar as to their fitness with regard to driving experience, medical risk, personal insight and responsibility in adapting to their medical condition.

The Highway Traffic Act will also be amended to allow the Licence Suspension Appeal Board to hear appeals arising out of medical downgrading decisions by the registrar. May I note that, if the House sees fit to pass this amendment during this fall session, I anticipate the necessary regulatory and administrative changes can be made in time to introduce the new procedures very early in 1981.

**Mr. Foulds:** Bring in the bill today.

**Hon. Mr. Snow:** I will. It is here.

**Mr. Foulds:** Terrific.

**Hon. Mr. Snow:** Just wait a minute; I have said that. Listen.

**Mr. Speaker,** I believe these changes will give my ministry the flexibility to respond to improvements in medical diagnosis, treatment and technology consistent with the basic Canada-wide medical standards.

I would like to mention the amendments necessary for us to administer the Canadian Agreement of Vehicle Registration, known as CAVR, an agreement signed at the October 2 meeting of the Council of Ministers responsible for Transportation and Highway Safety.

As you, sir, and the members are aware, Ontario has been committed to this reciprocity agreement since receiving the recommendations of the select committee of the Ontario Legislature on the highway transportation of goods in 1977. Ontario and the other provinces have been working on this agreement for the past three years. Six prov-

inces, including Ontario, have now committed themselves to trying to meet the target implementation date of April 1, 1981. Therefore, I am now introducing the necessary amendments to make it possible to administer this agreement here in Ontario.

By way of partial explanation, the CAVR will make it possible for a trucker or bus operator to travel from coast to coast on one licence plate and, in most cases, be assessed fees on the mileages travelled in member provinces. Mileage prorated vehicles will require a registration plate from only one jurisdiction and can travel through other jurisdictions on the basis of a "CAVR cab card." The amendments will cover the implementation and regulation of the CAVR cab cards and provide the necessary means of ensuring us of the accuracy of the mileage records. They are essential if we are to meet our commitment to this agreement.

I am sure this reciprocity agreement will be highly effective if we are to promote the smooth and efficient movement of people and goods across provincial boundaries.

Finally, I would like to mention another amendment, which will enable us to prescribe the use of safety devices, particularly on vehicles carrying physically disabled passengers, thus enabling us to enhance the safest possible operation of these vehicles.

Applause.

**Hon. Mr. Snow:** I get very nervous when I get applause from that corner of the House.

#### TRANSPORTATION OF DANGEROUS GOODS

**Hon. Mr. Snow:** Mr. Speaker, as you may note, the federal government has enacted legislation to cover the movement and handling of dangerous goods in Canada. Entitled the Transportation of Dangerous Goods Act, it applies to all federally regulated modes of transport, including railways, airlines, ships, interprovincial trucking, manufacturers of dangerous goods, shippers, consignees, warehousemen and so on.

The federal legislation is not intended, however, to provide for the regulation of intraprovincial highway transport, a well-established area of provincial jurisdiction falling within the purview of my ministry. I am therefore pleased to announce today the introduction of a bill designed to promote the safe transportation of dangerous goods in all vehicles using all provincial highways.

In drafting the Dangerous Goods Transportation Act we have taken great pains to

ensure it is consistent with federal legislation governing the transportation of dangerous goods to maintain uniformity right across this country. Briefly stated, the bill prohibits the transportation of dangerous materials on provincial highways in any vehicle that does not comply with the prescribed safety regulations outlined in the federal law, including the regulations regarding the packaging and placarding of vehicles.

Once enacted, this provincial legislation will be strictly enforced by duly authorized highway carrier inspectors of the Ministry of Transportation and Communications, doubtlessly with the support and co-operation of the Ontario Provincial Police. To ensure compliance, we have set some pretty hefty fines for carriers who break the law. Every person who contravenes the act will be liable to a fine of up to \$50,000 for a first offence and to a fine of up to \$100,000 for each subsequent offence. In this way our legislation will provide for the safe and efficient movement of dangerous goods, regardless of origin, on all provincial highways in the interests of Ontario residents.

#### UTDC LEGISLATION

**Hon. Mr. Snow:** Mr. Speaker, members of this House are no doubt aware of the success that the Urban Transportation Development Corporation has recently had in developing, at its new test track and research facility near Kingston, one of the most advanced intermediate capacity transit systems in North America, if not in the world.

**Mr. Nixon:** I thought Kraus-Maffei was the best in the world.

**Hon. Mr. Davis:** It is high-technology Ontario industry.

Interjections.

**Hon. Mr. Snow:** Mr. Speaker, if the Premier and the former Leader of the Opposition would carry on their conversation some place else, I could get on with the statement.

I anticipate that UTDC will have the opportunity within the next year to bid on the construction of similar ICT systems in one or more of the major centres of the United States and Canada. The short bill I will be introducing later this morning is intended to deal with two technical difficulties which must be addressed prior to any bidding. The first, in section 2 of this bill, makes it clear that UTDC is not an agent of Her Majesty at common law, nor a crown agency within the meaning of the Crown Agency Act. This intention was originally expressed by the

Legislature in similar language contained in the Ontario Transportation Development Corporation Act. It was not carried over when the business and affairs of that corporation were assumed by UTDC, a company incorporated under the Canada Business Corporations Act.

The second provision authorizes the province to guarantee the performance of the Urban Transportation Development Corporation in complying with the terms of any contract of indemnity given by UTDC in obtaining bonding in connection with a bid, performance bonding contract or warranty of the corporation. Without this assurance by the province, the corporation would be unable to obtain bonding and therefore would not be able to bid on any major transit contracts.

Given the very significant industrial and economic benefits that success on such major bids will have for Ontario, I am sure all members will join in support of this bill.

10:20 a.m.

#### TVONTARIO ANNIVERSARY

**Hon. Mr. Davis:** Mr. Speaker, later this morning I will join with you and other members of the Legislature at a ceremony in the St. Lawrence lounge to celebrate the tenth anniversary of the Ontario Educational Communications Authority.

I am sure the acting leader of the Liberal Party will be the first one over there today, knowing his traditional enthusiastic support for that great organization.

**Mr. Nixon:** I regret to say that was my idea. You take a good idea and wreck it every time.

**Hon. Mr. Davis:** I will give the member credit for a lot of things which these days he wants to ignore. I am delighted to do that. I have always been generous.

**Mr. Nixon:** I was even the father of the Ontario Institute for Studies in Education.

**Hon. Mr. Davis:** Sure, I will give him credit for that too. I will give him credit for that and the Peterborough manifesto.

**Mr. Foulds:** Why do you interrupt yourself so often?

**Hon. Mr. Davis:** I do not know. I learned that from the member.

Some members will recall that while I was Minister of Education I introduced a bill that took educational television from the Department of Education and placed it in an arm's-length position within an autonomous corporation, which was supported incidentally by all members at the time.

Within its purposely broad terms of reference, TVOntario's educational programs in English and French extend beyond the classroom into the home. Working within the curriculum guidelines of the Ministry of Education, TVOntario presents programs used by most of our schools. The success of programs for preschoolers is well known, and evening programs now draw an unduplicated audience of 1.75 million each week.

Because it is a mass medium, educational television is relatively inexpensive. Our educational television service—the entire operation of TVOntario—consumes about one quarter of one per cent of Ontario's public education dollar. I am able to say that, through its sales and co-production activities, TVOntario increasingly supplements its budget. This year it expects to sell about \$2 million worth of programs in Canada, to the United States, and to other parts of the world.

**Mr. T. P. Reid:** Why don't you cover northern Ontario?

**Hon. Mr. Davis:** Oh, it is coming.

**Mr. T. P. Reid:** It's coming. It's a second coming.

**Hon. Mr. Davis:** I am delighted to know the member is interested in having it. Some of his colleagues are interested and some are not. He should get his brother off—

**Mr. T. P. Reid:** It's not my brother's fault; it's the Premier's fault.

**Hon. Mr. Davis:** They do not have it at all in Hawaii. When the member was in Hawaii, did he see how much TV they had for educational purposes? None.

TVOntario has a greater sales volume of television programs than has the CBC. TVOntario sells more to obtain revenue than that great public network owned by the taxpayers of Canada.

There were some concerns when educational television broadcasting began in Ontario just 10 years ago. Now we are moving into a new era of educational technology which is creating new concerns—a technology that incorporates satellite transmission, teletext systems, mini-computers, videodisc. Ironically, but perhaps not surprisingly, our children often feel more at ease with these developments than many of their teachers do. TVOntario, through its own experiments and work with the new technologies, as well as through its description programs, continues to be innovative in its presentation of learning opportunities.

Those members who watch TVOntario's programs will appreciate the breadth of interests that are covered: programs to help us



understand differences—different ethnic origins, different intelligences, different backgrounds and families, different ages—programs that have to do with the arts as well as the sciences and technologies.

A synopsis of 10 years of these programs presented in 10 minutes—to expedite the activities of members of the House—will be featured at the event in the St. Lawrence lounge. Some of TVOntario's personalities will be pleased to welcome them, including Ran Ide, to whom I wish to pay tribute for his work as OECA's first chairman. I know the member for Fort William will be delighted to share in that, knowing full well where Mr. Ide gained a great deal of his experience. I hope on this occasion we may all feel proud of the success of this educational enterprise.

### TORONTO DISTRICT HEATING CORPORATION LEGISLATION

**Hon. Mr. Wells:** Mr. Speaker, I have a couple of statements in regard to bills I will be introducing. The first concerns the Toronto District Heating Corporation Act.

I am pleased to be able to tell the House that a consensus has been reached by all parties involved in the Toronto steam heating system, and it is my privilege to introduce today the Toronto District Heating Corporation Act. The proposed legislation enables the participants to make contractual arrangements which will allow the integration of the heating systems of Queen's Park, the University of Toronto, the Hospital Steam Corporation and the Toronto Hydro-Electric Commission's steam division.

The integration of these four existing steam systems, which was initiated by the city of Toronto, will have the following beneficial results: It will improve air quality by significantly reducing the operations of the Toronto Hydro-Electric System's Pearl Street plant, which has an environmental control order against it for not complying with air pollution regulations pursuant to the Environmental Protection Act.

It will improve the security of supply for customers, including hospitals and the commercial users because, if one plant breaks down, the others can pick up the shortfall. It will allow more flexibility in using cheaper or more available fuel, for example, coal, gas, oil or garbage.

It will create a sufficient load demand to justify the economics of a refuse-fired steam plant. The plant will reduce the amount of gas and fuel oil currently being consumed by the four heating plants by about 40 per cent. The burning of garbage could save

418,000 barrels of oil per year—enough energy to heat 1,400 homes.

The refuse-fired plant could dispose of 25 per cent of Metropolitan Toronto's municipally collected garbage; 490,000 metric tons of garbage could be burned at the Hearn plant, for instance, or 380,000 metric tons per year at the proposed Cherry Street plant. The Hearn plant could also generate electricity as well as heat in a process called cogeneration.

**Mr. J. Reed:** You discovered that too. It is done everywhere else on the face of the earth.

**Hon. Mr. Wells:** We are doing it. This legislation is a credit to all those who have participated in the consultation process over the years. To give members some idea of the breadth and comprehensiveness of this consultation, let me briefly list the players who have been a party to this bill: Four hospital boards of governors, the Canadian Union of Operating Engineers, the University of Toronto, the Toronto Hydro-Electric Commissioners representing 36 downtown customers, the International Union of Operating Engineers, the Canadian Union of Public Employees, the Ontario government ministries of Government Services, Revenue, Treasury, Health, Energy, Environment, Attorney General and Intergovernmental Affairs, the city of Toronto, Metropolitan Toronto and Consumers' Gas Company.

Consultations with the unions have resulted in revisions to this legislation which will allow for the continuation of three separate collective agreements. This will ensure that no employee is in a worse position because of the integration of the steam systems. Let me emphasize that many have set aside their own program and policy interests so that the greater provincial good, which shall be afforded by integration, might be achieved. I thank all the parties for their great sacrifices of time and effort, which are today making the introduction of this legislation possible.

### MUNICIPAL LEGISLATION

**Hon. Mr. Wells:** Mr. Speaker, I will also be introducing today amendments to the Municipal Act.

This bill, which will amend the Municipal Act, will do so by adding a number of new powers, by removing many archaic bylaw provisions, by substituting a few general provisions for many very specific ones, by removing status distinctions in passing by-laws and by relocating a number of sections.

Among the new provisions is a change to the provisions for filling vacancies on local councils. When a vacancy occurs after March 31 in an election year and at least 45 days before nomination day, a council will be required to fill the vacancy by appointment within 45 days.

An example of a power which the bill would remove on the grounds that it is archaic is that which allows a mayor to commit habitual drunkards to an institution for their reclamation and cure with or without hard labour.

10:30 a.m.

The main new general power proposed in the bill is an expansion of the existing grants provisions to allow municipalities to provide grants in aid for any purpose considered by the council to be in the interests of the municipality. This would replace many specific grants-in-aid provisions now in the act.

A number of changes in the bill will allow all local municipalities to have the powers that now are available to municipalities of particular status or population. An example of this type of change is to allow all local municipalities to establish taxi stands. At present townships do not have this power.

The bill also proposes to relocate a number of provisions to place them with or near to similar provisions in the present act.

#### ACCESS TO LEGISLATIVE BUILDING

**Mr. Speaker:** Yesterday the member for Hamilton Centre (Mr. M. N. Davison) rose on a point of privilege with respect to an incident which took place when he was questioned by a member of the Ontario Government Protective Service as he entered the Legislative Building.

For the information of all members, section 93(2) of the Legislative Assembly Act provides that the Speaker shall establish guidelines for the security of the legislative chamber and other parts of the Legislative Building that are under his control.

These guidelines, which were established in December 1975 by my predecessor and have been reviewed from time to time by the Board of Internal Economy, authorize the protective service to request identification from any individual seeking access to the building and to examine any parcels, briefcases, et cetera. For the information of the House, I am advised that it has been necessary in recent months for the protec-

tive service to recruit a number of new personnel to replace those who have left to seek employment elsewhere.

Under these circumstances, I think it is understandable that a recently appointed officer might not yet recognize every member. I have, however, written to the superintendent of the Ontario Provincial Police in the security branch, who administers the protective service. I have requested that he ensure that, in addition to being vigilant, members of the protective service should exercise wise judgement in pursuing their duties and refrain from making personal comments which can only serve to further complicate delicate relationships.

I would also request that all honourable members appreciate some of the real difficulties which confront members of the Ontario Government Protective Service in carrying out their duties and assist wherever possible to make their jobs a little bit easier.

#### ORAL QUESTIONS

##### RURAL ELECTRICAL RATES

**Mr. Nixon:** Mr. Speaker, I have a question of the Treasurer relating to the part of his statement last night that was supposed to fulfil the commitment made by the Premier (Mr. Davis) to equalize rural and urban hydro rates.

Will the Treasurer explain why it was not the policy of the government to stop the 11.2 per cent increase that is going to be imposed on the rural hydro ratepayers as of January 1, particularly since that 11.2 per cent will raise the rural rates by something more than \$57 million? Will he compare that increase, which is to take place in January, with the \$20 million he is indicating will begin to be paid after April 1981, and agree with me that he is not moving towards changing the inequities, but is allowing them to continue?

**Hon. F. S. Miller:** Mr. Speaker, the setting of the rates in Ontario Hydro has always been on the basis of Hydro's recovering its costs, as I understand. We are not interfering with that basic procedure, but we did say that by 1982 they should resolve this complex problem. It is complex. The \$20 million we have allocated to reduce the differential is for an immediate start on that process while the rate structures are worked out by Hydro and the Ministry of Energy. I think the Minister of Energy (Mr. Welch), when he returns, would be best able to explain the current rate figures.

**Mr. Nixon:** Since we as farmers in Ontario now pay the highest rates in Canada west of New Brunswick, where they make their electricity out of oil, and we see other jurisdictions where equality has been achieved and in this jurisdiction the friend and former campaign manager of the Premier is running the corporation, why cannot the three of them get together and solve this problem without making it simply a political football, as they intend to do?

The minister announced it seven months ago and he announced it again last night. We are not going to get any money until April, and he will announce it again in the budget in the spring if we have one. Why can he not accomplish equity in this instance simply by passing a law that is going to require Ontario Hydro to do this for the benefit of the farmers in this province?

**Hon. F. S. Miller:** There are many ways in which we try to help the farmers of this province apart from this specific one. I hope the honourable member will agree with that. We have instructed Hydro to have that inequitable rate differential solved by 1982.

If one starts looking at the various rates charged in rural sections of the province, they vary considerably. Therefore, we have to look at the problem in some detail, and that is being tackled.

**Mr. MacDonald:** Supplementary, Mr. Speaker, I will put my question to the Treasurer, but I hope the Premier will listen. When he made the request last April or May that we should move to investigate this thing, the differential amounted to \$32 million. That is the old differential. Hydro's proposed reform of its rate structure, on which I put questions to the Premier and the Minister of Energy a week or so ago, proposes to add another \$24 million to that differential.

How does the Treasurer think that \$20 million is going to cope with an old differential of \$32 million and Hydro's proposed additional differential of \$24 million added to the rural costs?

**Hon. F. S. Miller:** Mr. Speaker, I still argue that \$20 million credited directly to the rural residential users will be a very useful assistance program while the details are worked out.

**Mr. Nixon:** Mr. Speaker, since the credit the minister is talking about, if it is divided among the 770,000 rural customers, will amount to about \$25 a family for the year, it is certainly something that is welcome as far as a Christmas gift is concerned, except

that people will have to wait to get it in the year following April 1981, how can the government establish a policy by edict of the Premier and permit an 11.2 per cent increase to come on January 1 which is going to further exacerbate the inequity?

**Hon. F. S. Miller:** Mr. Speaker, the honourable member knows that the hydroelectric power content in Ontario is about 30 per cent of the total amount we make and the balance is made from fuel plants. The costs of these fuels are changing very dramatically because of forces beyond our control.

Hydro has continued to maintain a policy of breaking even. Therefore, there have been requirements to adjust rates on an annual basis.

**Mr. McKessock:** Supplementary, Mr. Speaker: In view of the fact that Ontario Hydro feels the extra cost charged to rural customers is for distribution costs, does the minister not feel that if these high power lines that go from the Bruce plant down to the cities were charged as distribution costs for urban dwellers instead of as capital costs, there would be no difference in the distribution costs between urban and rural residents?

**Hon. F. S. Miller:** Mr. Speaker, it is very much like trying to apportion the cost of snowploughing a road. The honourable member and I live in a part of the province where there are often two or three homes per mile of road. Therefore, the cost of ploughing the road is high. In Toronto and most urban municipalities there are many users per mile of line, and the costs for maintenance of those lines are very high. As we have absorbed the more developed parts of some communities into the urban structure, it has left even more load on the rural structures. We have said the time has come to equalize that and we are doing it.

10:40 a.m.

#### ENERGY TAX REBATES

**Mr. Nixon:** Mr. Speaker, I would like to put another question to the Treasurer on another section of his statement last night on page 20, under the heading "Relief for Home Heating Costs." Actually, what drew it to my attention was his gratuitous comment about another government which "is insensitive to the impact of rising energy prices on people with fixed and low incomes." The question has to do with the sensitivity of the minister to those people with fixed and low incomes.

Why is his announced program to assist in heating costs going to begin its payout in the spring of 1982? What is the point of announcing that in a special budget last night when it is going to be of no significance to the people he is referring to, those with fixed and low incomes, until the spring of 1982, even though energy costs have already gone up well beyond the ability of these people on low and fixed incomes to pay?

**Hon. F. S. Miller:** Mr. Speaker, I sense that the member's many years in this House are making him cynical. I just have that feeling.

Interjections.

**Mr. Speaker:** Order. Does the Treasurer have a response?

**Hon. F. S. Miller:** You notice I have been standing by very quietly, Mr. Speaker.

**Mr. Speaker:** I want you to say something. I don't want you just to stand there.

**Hon. F. S. Miller:** They do, too, Mr. Speaker.

The issue is twofold. First, we feel that federal, provincial and national co-operation is needed for a program that is affordable and fairly apportioned to governments. Do not forget, a great chunk of the increase in the costs of home heating oil, the great part of it, will now be going to governments. They should use that, first and foremost, to cushion the shock of the price increases which become greater and greater for the home owner in the next three years, as my friend Mr. Crosbie did last year. I recommended him for it at the time.

First of all, we will be talking to Mr. MacEachen and our fellow finance ministers, hoping to gain their support for a national program. Second, it needs to be income tested and, therefore, is best put on the income tax form. The earliest possible time to have that done is for the spring of 1982.

**Mr. Nixon:** Returning again to the minister's concern for people on fixed and low incomes, why is it he could not bring himself to adjust the inequity he introduced in his previous budget, giving the grant to the 95,000 senior citizen pensioners who had their tax grant assistance removed from them to the extent of \$110 each? How can he criticize one government for insensitivity to the old and people on fixed incomes when, with the other hand, he has taken \$110 away from each one of 95,000 pensioners?

**Hon. F. S. Miller:** Again, my honourable friend is not totally accurate with his figures. He conveniently forgets we increased Gains

for a number of these 95,000. That was \$120 a year. The fact is we targeted our program for need. Those who had income needs got it; those who had tax needs got it. It was much more precise than our previous program, something I believe the member has even criticized me for in the past. "Make it more specific," he said. I did.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Can the minister tell the House whether he has a group of people working in his ministry devising promises that can be put into future budget statements with reference to years in the distant future?

Can he explain why people on low incomes are promised jam yesterday, jam tomorrow but never jam today, or more specifically, why this energy tax rebate promised by the minister is a vague, shadowy kind of promise not to take place until 1982, if the government is still around, but to provide no relief right now? Will the minister explain why the entire budget has that same shadowy kind of consistency where promises are made as far as five years in the future, but delivery right now in terms of jobs or relief for people on low incomes is inadequate?

**Hon. F. S. Miller:** Mr. Speaker, I disagree that it is shadowy. I think we were very specific. I find the honourable member's ability to criticize me when I project five years into the future quite inconsistent, because he has been criticizing me for not projecting five years into the future. We are now doing it; we are giving the honourable members some figures; we are co-ordinating our economic thrusts; we are putting them into a committee chaired by the Treasurer, bringing together many of the programs of economic development in the province totalling about \$2 billion a year. We are going to be reviewing our tax expenditures; we are going to make a better use of our dollars. Then the honourable member tells me I am not doing the right thing.

**Mr. J. Reed:** Supplementary, Mr. Speaker: The Treasurer has chosen to turn most of the carriages into pumpkins on July 1 of next year and he extends the home heating program to people on fixed and low incomes for three years and proposes to terminate it after three years. Is the minister not aware that the projected increases in the cost of heating oil will continue beyond the three-year period? What happens at the end of three years when this program of largess,

designed for whatever it is supposed to be designed for, comes to an end?

**Hon. F. S. Miller:** Mr. Speaker, one of the things we point out is that we are trying to cushion the shock to allow people to have time to adjust. I have great confidence in the managerial ability of the average Canadian family, given time to adjust to new conditions. When you suddenly dump a new cost on a family already spending all its income, you have left no place for it to get money except by getting into debt. We therefore suggest they need an adjustment period and during that adjustment period, I would suggest, they will reorder their priorities in many cases so that at the end of that period of time they will have an adjusted family budget.

**Mr. Laughren:** Supplementary, Mr. Speaker: Why did the Treasurer take the approach of reducing the sales tax on specific sectors? While it does put more money into the economy in terms of people's discretionary income, at the same time, if someone is going to save \$35 on the purchase of a \$500 refrigerator, for example, they obviously must have that \$500 to start with to make the original purchase. Why did the Treasurer not take an approach that would put some money directly into the hands of low-income families in this province, for example, by a reduction in OHIP premiums or an increase in the Gains allowance?

**Hon. F. S. Miller:** Mr. Speaker, my honourable colleague would have to admit that low-income people do not pay OHIP premiums under our system. The most effective mechanism for short-term stimulus has been proven to be the sales tax route where the savings elements are high.

**Mr. Peterson:** Supplementary, Mr. Speaker: On the matter of relief of home heating costs, the Treasurer says in his statement, "I will be making specific proposals to the Minister of Finance." What are those specific proposals?

**Hon. F. S. Miller:** Mr. Speaker, as I said in my comment, I will be making them to the Minister of Finance.

10:50 a.m.

### STRATFORD FESTIVAL

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Premier. The bungling of the Stratford Festival board of directors has precipitated not only an artistic crisis in the festival but also an economic crisis. It is going to cost about \$30 million in revenues

and 500 or 600 jobs in the Stratford area this summer if the boycott of Equity which has been precipitated by the board is carried through. In view of this, would the Premier say what steps the government now intends to take in order to seek to resolve this crisis which is both artistic and economic?

**Mr. Peterson:** Would the Premier consider Frank as our artistic director of the Stratford Festival?

**Hon. F. S. Miller:** I am a choreographer by nature.

**Hon. Mr. Davis:** No, but I think it might be a great spot for the member. That would save him having to make a decision.

**Mr. Speaker,** I would be delighted to answer that question but I think the minister responsible for art, culture, recreation and many things in this province might more appropriately answer it for the leader of the New Democratic Party. The minister is in his seat. I am sure he would be delighted to answer that question.

**Hon. Mr. Baetz:** Mr. Speaker, I believe that question is entirely premature. Negotiations are just starting today, not only with the Ontario Arts Council and with Stratford but also with the Canadian Actors' Equity Association and so forth. So for us now to draw conclusions implicitly to questions like that I think is entirely too premature. But as the member for Ottawa Centre has indicated, this is a question that has not only artistic but also economic implications. We will keep an eye on it and keep reporting to this House. It is too premature to try to answer to anything today.

**Mr. Cassidy:** Could the minister not have a greater sense of urgency about what is happening there and what that means, not just for the economy of an important region in southwestern Ontario, but for the whole province? The Stratford Festival has been a premier tourist attraction for people from the United States and as far away as Europe and Japan.

Is the minister not aware that the boycott by Equity, precipitated by the Stratford Festival board, is in force immediately? That means the actors and other theatre people affected are immediately going to be looking for other engagements and making other commitments which will keep them out of Stratford if a resolution is arrived at in a month or two.

Is the minister also aware that the Canada Council is now not in a position to consider Stratford's application for funding for the

1981 year because the signatures on the submission that was made last month by the four artistic directors can no longer be considered to be valid because those artistic directors are no longer with Stratford? Their position is in doubt because of the hiring of Mr. Dexter and because of the fact that severance terms are being offered to those four artistic directors.

**Mr. Speaker:** The question has been asked.

**Mr. Cassidy:** Could the minister not take this as a matter of greater urgency? What is he going to do before the entire Stratford Festival, which has been an important part of our lives for 28 years, descends into a shambles?

**Hon. Mr. Baetz:** As I indicated earlier, these questions are, at this moment, still premature. The Ontario Arts Council, which is our agency working with Stratford in this, is very concerned about the situation. They issued a statement today and, Mr. Speaker, with your permission I will read one paragraph:

"The Ontario Arts Council initiated inquiries on Tuesday, November 11, the minute they knew about it, within hours of the announcement of the dismissal of the Canadian director, and the appointment of Mr. John Dexter. After numerous informal contacts and discussions, the Ontario Arts Council requested that representatives of the Stratford Festival board meet with the executive committee of the Ontario Arts Council on Wednesday, November 19, at which time it is expected that answers to a number of pressing questions will be forthcoming.

"In addition, the Ontario Arts Council was in communication with Equity in light of their recent announcement of a boycott at Stratford by the Canadian actors."

So I feel the Ontario Arts Council, the Canada Council, my counterpart in Ottawa and my ministry are all aware this is a serious situation. But we must simply take this step by step. It is urgent and we are going to treat it as such.

**Mr. Cassidy:** The issue which has precipitated the crisis at Stratford is the decision of the board to once again pass over Canadian talent in the artistic direction of the festival. The Stratford Festival board has, for almost all of its 20 years, hired foreigners as the artistic directors of the festival. In view of this, will the government insist at least this time that artistic direction be in the hands of Canadians, since that is also a means by which this dispute, this crisis, can be resolved very quickly?

**Hon. Mr. Baetz:** Mr. Speaker, again I must say it would be premature for me to stand here in this place at this hour and say we are going to insist on specific situations such as this. Let us give both the Canada Council and the Ontario Arts Council and Stratford and the Equity people some time to negotiate and then we will see where we need to go from there. We will do what needs to be done when the time comes to do it.

#### AUTO INDUSTRY LAYOFFS

**Mr. Cassidy:** Mr. Speaker, I have a new question I would like to direct to the Premier about the layoffs in the auto industry that are recurring now in Windsor.

This week 6,000 workers at Chrysler are told they are going on layoff next week because the production of those gas guzzlers they make down there is exceeding the demand for them. There are also indications that Chrysler intends to expand its K car production in the United States at its St. Louis plant and to transfer production of the larger cars that are now made in St. Louis to Windsor, instead of expanding K car production in Canada.

Since the Premier said in June he was optimistic the Big Four auto makers would give Canada a fair share of production of the new fuel-efficient cars, can the Premier say what he now intends to do in order to ensure that Chrysler builds K cars in Canada rather than building cars for which there is obviously a very declining market?

**Hon. Mr. Davis:** Mr. Speaker, of course there is a concern here with respect to Chrysler and the other auto companies in terms of the market conditions this year. From my perspective I think it is rather premature to be determining, in fact, what the market conditions are going to be—

**Mr. Cassidy:** Everything is premature.

**Hon. Mr. Davis:** Listen, I know exactly what is happening in Windsor. I think it is fair to state that the government, through the Ministry of Industry and Tourism, communicated last June, and has since, the desire on the part of this government—and I would hope the government of Canada—to have a growing percentage of the more fuel-efficient vehicles in this country.

For instance, my recollection is that GM has made a commitment that some of that production will, in fact, take place in Oshawa. The member for Oshawa (Mr. Breaugh) is nodding his head, and it is great to have him in agreement on a Friday

morning. The situation with Chrysler is not as final or committed as it is with GM. We intend, I hope along with the government of Canada, to be pursuing it with them.

**Mr. Cassidy:** Since the Premier said in June he was optimistic that we would get a fair share of these cars, is the Premier aware that the other problem with Chrysler Canada is the fact the company has an inadequate sourcing of parts and production of parts here in Canada? I have here the invoices that document the systematic stripping of the Chrysler engine plant which was closed in August and where the equipment and machinery is now being shipped out to the United States and to the Chrysler subsidiary in Mexico.

Since this disposal of the equipment in a plant which we were told was going to be mothballed endangered the perspective use of the plant for either a V6 engine or for a diesel facility such as the one Massey-Ferguson has been discussing with the Ministry of Industry and Tourism, will the government step in and make Chrysler stop stripping the assets from that engine plant in Windsor until a future use can be found for the plant here in Canada that would create jobs for Canadians?

**Hon. Mr. Davis:** I think the term "stripping the assets" is not totally accurate. It is my understanding, and it is only an understanding, that certain equipment was being moved out of that particular plant, and this was known to the members.

Interjection.

**Hon. Mr. Davis:** That is not news. Some of the NDP members asked us about that last June. That is not new information. We knew this was in the process of taking place.

**Mr. Mancini:** Supplementary, Mr. Speaker—and I want to assure the Premier that I drive a Chrysler, not a Peugeot—

**Mr. Cassidy:** On a point of order, I don't know who drives a Peugeot. I drive a Chrysler.

**Mr. Mancini:** We wish to welcome the leader of the third party to the Chrysler drivers.

**Mr. Cassidy:** And the model is called the Premier.

11 a.m.

**Mr. Mancini:** I would like to ask the Premier if he is going to involve himself with the federal Minister of Industry, Trade and Commerce in the renegotiation of some parts of the auto pact to ensure that Windsor gets

a fair share of automobile production in many sectors of the industry and not only in the large car sector.

**Hon. Mr. Davis:** Mr. Speaker, the government will be involved, and has been. I think that will be very evident to the honourable member when he sees what has been accomplished. Certainly there are discussions with the federal minister, Mr. Gray. Of course, the member is much closer to him than I am, geographically and philosophically, and I assume he is making his views known as well.

I can say to the honourable member, not only is Windsor of concern and of interest, but any alteration of the auto pact must, of course, take into account the needs of American Motors in the great city of Brampton.

**Mr. Bounsall:** Supplementary, Mr. Speaker: Has the Premier or the Minister of Industry and Tourism (Mr. Grossman) had any talks at all with Chrysler about producing in Canada—and making it an international vehicle—their very good safety car, which they have had on the books for six or seven years, as a means of getting fully into the production of a car in Ontario and in Canada that would really have a sales market?

Secondly, as the Premier has stated he knows so much about the Windsor situation, he must know last night's budget with its \$700 maximum rebate for a van purchase is not really going to materially help the employment situation in Windsor. What will the Premier do for Windsor in terms of meaningful public works programs this winter and support for all those social service agencies whose needs have gone up tremendously and whose budgets have to be cut?

**Hon. Mr. Davis:** Mr. Speaker, I think the first part of the supplementary was in fact a supplementary. The second part of the question was really a new question.

In answer to the first part of the question, there have been rather wide-ranging discussions with Chrysler, in which I have not taken part, related to this "safety car." In answer to the second part of the question, this government has always assisted those people who have genuine needs and will continue to do so.

**Mr. Ruston:** Mr. Speaker, I would like to advise the leader of the New Democratic Party that the Chrysler car is not a gas guzzler and, according to all statistics, it is equal to, if not better than, all other makes.

I have a supplementary to the Premier: Is the Premier aware that Chrysler produces two-door models in Canada, and since family cars have a tendency to be four-door models and station wagons, we should stress to the company they should be making a family car?

**Hon. Mr. Davis:** Mr. Speaker, I am delighted to hear the honourable member support Chrysler products. I have been driving one for more years than the leader of the New Democratic Party, who has become a recent convert.

**Mr. Nixon:** When was the last time you bought one?

**Hon. Mr. Davis:** As a matter of fact, my wife has, but I have not. I will make the point to Chrysler that the honourable member suggests families find it easier to get into four-door cars than two-door cars.

**Mr. Peterson:** Particularly if they have a weight problem.

**Hon. Mr. Davis:** On a point of personal privilege, I want to say that I have never felt the member for Essex North has had a weight problem. The member for London Centre may think so, but I do not.

#### ECONOMIC DEVELOPMENT

**Mr. Peterson:** Mr. Speaker, a question to the Treasurer: Now that he has had at least 12 hours to reflect on the statement he read last night, is the Treasurer prepared to stand up and admit his commitment to so-called structural reform or structural investment in the economy is less than it was under the old employment development fund program? In that he budgeted \$300 million over two years, averaging \$150 million a year, yet the extent of his commitment to the end of 1982, according to his own figures, is only \$100 million, of which \$20 million is going to equalize rural hydro rates. So his only real commitment in terms of structural reform is about \$80 million, substantially less than he was spending in the last two years.

**Hon. F. S. Miller:** Mr. Speaker, I tried to explain, even on the radio program the member and I shared this morning, that certain elements of the employment development fund that were becoming programmatic as time went on were being incorporated into the budgets of ministries. These programs have been quite successful. They no longer needed the individual decision-making approach of the employment development board.

They were better handled by a program within a ministry of government, such as the Ministry of Industry and Tourism, the Ministry of Natural Resources and the Ministry of Consumer and Commercial Relations. We have a small business development corporation handled by the Ministry of Revenue. We have the program for mineral resource exploration handled by Natural Resources. We have the tourism redevelopment program handled by Industry and Tourism. They are now becoming parts of programs and those moneys continue to flow.

**Mr. Peterson:** Given the carryover of some of these programs, the new initiatives in new investment in productive capacity in this province is less than it was under the old program. Even though the board has been renamed the Board of Industrial Leadership and Development, BILD or bust or whatever, as opposed to EDF, it is less and there is no substantial change of any type whatsoever in this specious document that was presented last night, is there not?

**Hon. F. S. Miller:** I think an important factor has been missed and that is the review of the moneys already being spent in the co-ordination of activities. A lot of people have criticized—I believe the member has when he has talked about it—Treasury's role in these matters. What I am saying is the Treasury role as a co-ordinator of economic activity with the power to look at existing programs was strengthened in the board called BILD. We had a different name for it earlier. It was going to be called BRED but we did not think that one would work out so well.

**Mr. T. P. Reid:** When the minister looked in the mirror he knew that was impossible too.

**Hon. F. S. Miller:** I do not spell quite the same way as the member does. The fact remains, I would argue we are going to be making much more efficient use of some of the \$2 billion currently being spent by ministries that are economically related, as well as adding more moneys to the program.

**Mr. Laughren:** Supplementary, Mr. Speaker: In reference to the BILD program which the Treasurer is so proud of, perhaps the Treasurer could tell us why he needed that delaying tactic called BILD, which really puts off any decisions on rebuilding key sectors until another year at least and he may not even be there to make those decisions?

Perhaps the Treasurer could tell us why he needs that kind of delay, that kind of time,



to understand that a key sector such as mining machinery needs to be rebuilt? We have all the information there. Statistics Canada provides us with information monthly on how bad it is.

Does the Treasurer not agree it would be better to look at a sector such as mining machinery where imports are high, where there is a large deficit, where jobs are skilled and where there is a high component of regional development, in the development of the mining machinery complex in northern Ontario?

Why did the Treasurer not take a sector and make a firm commitment to put a substantial amount of investment into that sector to rebuild it so we can have key sectors rebuilt for the future?

**Hon. F. S. Miller:** Mr. Speaker, that is exactly the kind of thing we expect to do. I do not know where the member gets the idea of a delay of a year. That is precisely one of the sectors I am going to look at.

#### HOSPITAL EMERGENCY SERVICES

**Mr. Mackenzie:** Mr. Speaker, I have a question for the Minister of Health. In view of the minister's often strident defence of his responsibility to health care in Ontario, will he explain to this House the inadequacy of the treatment afforded one Mary Ann Thomson, 22 years of age, in my riding, who on October 15 had part of her right thumb sliced off in a meat slicing machine in the establishment where she worked? She had her hand bandaged, the piece of thumb was packed on ice and she was sent to Hamilton General Hospital where they took details of the accident.

She was left on a stretcher from 2:20 p.m. to 4:40 p.m. before she was finally moved to a surgical room. At 5:45 p.m. they finally had a doctor there who ordered the piece of the thumb thrown out because it should have been packed in salt on arrival at the hospital. They did not have adequate surgical supplies and they draped her hand in a doctor's green gown when they were cleaning it up before the operation. A number of other pieces of equipment were inadequate for the operation.

**Hon. Mr. Timbrell:** Mr. Speaker, I am not familiar with the individual case nor with the other quarter of a million a day that go through the health care system. I will have to have my staff contact Dr. Noonan, the executive director of the hospital, to ascertain any further facts in the case and

get an answer to the honourable member's question. That is all I can do at this time.

11:10 a.m.

**Mr. Mackenzie:** Can I also ask the minister whether or not he will take the responsibility in this House for the inadequacy of the treatment that his policies are causing for people in this province?

**Hon. Mr. Timbrell:** With respect, if the honourable member is prepared to give me the personal credit for every miracle which is performed on a daily basis in the health care system, then I might entertain his question. It is a stupid question.

#### DREE ASSISTANCE

**Mr. G. E. Smith:** Mr. Speaker, I have a question for the Treasurer. As a result of the recent meetings with the federal officials, can the Treasurer indicate any progress in having the benefits for regional development under the Department of Regional Economic Expansion program extended to include the northern part of Simcoe county, the district of Muskoka and the northern parts of, I understand, Grey county as well?

**Hon. F. S. Miller:** Mr. Speaker, the honourable member mentioned one area that certainly attracted my attention in his comments when he got to Muskoka. On Wednesday night, I believe it was, several ministers from Ontario met with several federal ministers under the chairmanship of Mr. De Bane to discuss DREE programs. I was not present for a number of reasons. I think the Minister of Northern Affairs (Mr. Bernier) was there, and I believe the Provincial Secretary for Resources Development (Mr. Brunelle) was there also, so they could probably bring the member more up to date on the actual events. I understood it was a good meeting but that any attempt by us to have these counties included that was felt were in some trouble still fell on deaf ears.

One of the reasons I brought in the rural Ontario program was just that. We made several pleas to DREE to include counties such as Grey, Bruce, Simcoe North, Haliburton, Victoria, Muskoka in the kind of assistance programs that were available through DREE for eastern Ontario. When we failed, we thought the second-best approach was to have Ontario design a program for those counties and that is what I announced in the budget.

**Mr. G. E. Smith:** Will there be any further meetings with the federal ministries for on-

going negotiations to attempt to bring this about?

**Hon. F. S. Miller:** We will continue to meet with the federal ministers because we do that at least once a year, and recently it has been twice in the last three or four months. I am not optimistic that they are willing to concede there was a need to help those areas. I think we had a fair amount of support from both sides of the House on our representations for those counties but it did not seem to succeed.

### SUSPENSION OF DOCTOR

**Mr. Conway:** Mr. Speaker, my question is for the Minister of Health. It concerns the latest report of the discipline committee of the College of Physicians and Surgeons of Ontario and in particular the judgement against Dr. Eric August Deernsted of the Ottawa area.

The discipline committee found the said doctor guilty of two counts of professional misconduct. The first was that he falsified a record in respect to the examination or treatment of his patient in a discharge summary which portrayed a completely misleading picture of the patient's clinical condition. The second professional misconduct involved sexual impropriety in that this doctor began a course of conduct with a married, ill, female patient which culminated in an intimate sexual relationship. I believe those to be very serious violations of professional conduct.

Is the minister aware that the college, through the discipline committee, meted out the penalty of 30 days' suspension? Would the minister, having regard to his responsibility to protect the public interest in so far as the health discipline legislation is concerned, not agree with me that this is a pitifully inadequate response by this self-governing regulator with respect to the charges involved?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, just to complete the record—so it does not sound too much like *As the World Turns*—the doctor in question married the lady in question, just to complete the member's description of events.

**Mr. T. P. Reid:** Is that new health policy? Called preventive medicine is it?

**Hon. Mr. Timbrell:** No. If the member would like me to counsel him on that at some point in time, I would be glad to, or maybe the member for Renfrew North.

Mr. Speaker, first of all, a 30-day suspension is not an inconsiderable penalty in terms of the maintenance of a practice of medicine and the maintenance of a reputation. In fact, even the very finding of guilt by the discipline committee and the publication of that, I suggest to the member, is a serious matter in the maintenance of an ongoing career in medicine.

Second, there was a lay person—my understanding is there always is a lay person appointed by the government sitting on the discipline committee—who was involved in this particular decision.

Third, the government does not have the authority under the legislation to intervene in a particular judgement. From time to time I do take up with the college some of its decisions, and I must say I find on the whole the college is very thorough in its investigations and goes to a great deal of difficulty to attempt to arrive at just decisions.

One of the aspects of this case that does concern me is this question of the falsification of hospital records, and I have directed my staff to look into the matter to see if further action on our part with respect to the Public Hospitals Act is warranted.

**Mr. Conway:** I could not disagree more with what I think is a perfectly outrageous beginning to the minister's answer. The fact that this particular doctor married this particular patient after these violations is of no real consequence to me at all, and I think it is just a totally unacceptable response from the minister.

Is the minister aware, given what he said at the end of his answer about the falsification of medical records, that the involved third party, the Queensway-Carleton Hospital, and in particular the director of the medical staff there, is not yet aware of precisely what transpired at that hearing that had such a direct effect on his hospital? Does the minister not think the time has come that some formal mechanism be struck for the College of Physicians and Surgeons to directly involve third parties like hospitals so that they will not be left, as the Queensway-Carleton is in this instance, completely in the dark as to why this particular doctor's licence is being suspended and how they might be on guard to monitor the kind of outrageous conduct that led to the suspension in the first place?

**Hon. Mr. Timbrell:** Mr. Speaker, I could be wrong and I will check this, but I believe that either of the parties to a disciplinary

matter has the right to call before the disciplinary committee, to offer their advice and/or information, whomsoever they please, so the involvement of third parties—and again I will confirm this—is part of the process.

Secondly, I did not start my answer to be good, but rather to complete the background which the member was giving. I think we are dealing with some very complicated interpersonal relationships. I want to put those in perspective. I want to deal with the professional question and I want to deal with the hospital question.

### LIQUID INDUSTRIAL WASTE

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of the Environment. Will the minister advise the House and the people of Ontario today that South Cayuga is no longer under consideration as a possible site for a liquid industrial waste disposal facility?

**Hon. Mr. Parrott:** No, Mr. Speaker.

**Mr. Isaacs:** Does the minister not recall that he asked James F. MacLaren Limited, an independent consultant, to identify the best possible areas for locating these facilities? Given that MacLaren reported very specifically that South Cayuga was not even minimally acceptable, does the minister not agree that his intervention and direction to MacLaren to study South Cayuga and other sites that are politically embarrassing to that government has seriously jeopardized the independence, the impartiality and the public trust in the MacLaren study? Will the minister withdraw his political interference today so that public trust in the independence of MacLaren can be restored before he makes his announcement on November 25?

**Hon. Mr. Parrott:** There are about four answers of no to that, but I would only add that I think it is of paramount importance that the ministry, and myself as well, should ask the MacLaren people—it is a very comprehensive study—to look at land that is owned by the government. I am sure if we did not do so we would be criticized. I have no intention of taking the advice of the member opposite.

11:20 a.m.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: Could the minister indicate to this House the cost of the study that is taking place at the present time?

**Hon. Mr. Parrott:** About \$425,000.

### LAND SEVERANCE

**Hon. Mr. Henderson:** Mr. Speaker, yesterday the member for Huron-Middlesex asked me a question: "Can the minister explain why an order in council was issued on his advice on July 31, 1980, to grant a severance on agricultural land in Vespra township?" He went on in his statement to ask, "If the minister felt so compelled to support this severance, why did he not do so at the hearing before the Ontario Municipal Board?" I note the honourable member is here now and I do have the order in council here.

On the severance in question, Mr. George Atkinson operates a large dairy farm in Vespra township with several full-time farm helpers. Mr. Atkinson applied to the Vespra committee of adjustment for a severance for farm help. The committee approved the severance. The township council appealed this to the OMB.

To accommodate his hired workers, the petitioner proposed to construct two dwellings and to hire someone, perhaps the wife of one of the workers, to provide the services his wife at present provides. For this purpose, Mr. Atkinson needs to sever a parcel of land having a 100-foot frontage and a 200-foot depth from a total parcel of 45 acres. The lot to be severed fronts on a township road and is adjacent to the community of Crown Hill in the township of Vespra.

The committee of adjustment of the township of Vespra granted the petitioner's application for severance. I have a copy of this decision if the member wishes it. There was no opposition placed before the committee of adjustment. No written submissions were received by the committee in opposition to Mr. Atkinson's severance.

The following persons and agencies received notice of Mr. Atkinson's application: (a) the clerk of the township of Vespra; (b) the issuer of building permits for the township; (c) the secretary of the Vespra Planning Board; (d) the clerk of the county of Simcoe, and (e) the central county health unit. None of these persons or agencies appeared or gave any written submission of any nature whatsoever. There was no opposition.

Some time later an appeal was taken by the township of Vespra against the decision of the committee granting Mr. Atkinson's severance. The township gave no reason for this appeal. At the OMB hearing, the only grounds for the appeal advanced by the township were that Mr. Atkinson's proposal did not fall within one of the specific exemptions enumerated in the official plan.

The uncontradicted evidence of the OMB hearing was that the subject lands are the poorest of the lands owned by Mr. Atkinson. The lands are generally wet, and attempts to tile-drain the lands have been unsuccessful. After several unsuccessful attempts to grow crops, Mr. Atkinson allowed the lands to revert to pasture. This evidence as to the agricultural capability of the land was uncontradicted at the hearing of the OMB and no argument was placed against it.

The evidence before the board was that the lot the petitioner proposes to sever is located just west of Highway 93, fronting on a township road known as Side Road 15. There are a number of residences, and I will get that, Mr. Speaker, because I did mention that earlier in my remarks.

The evidence again was uncontradicted that the proposed lot would fall within the community of Crown Hill. Again if there is a request for it, I will give the plan. The official plan for the Vespra planning area referred to above provides that wherever farm animal operations are to be carried out, the agricultural code of practice and the food land guidelines should be followed.

Mr. Dale Toombs, government representative and Simcoe county field officer with the food land development branch of the ministry, applied minimum distance separation formula number one to the subject lands and found that the proposed lot met the minimum distance separation criteria established by the code. He found the distance between the proposed lot and the closest livestock operation was more than adequate to avoid any potential environmental conflict between the two.

Mr. Toombs's evidence was uncontradicted. He stated the prevailing government policy in respect to the petitioner's application is found in the food land guidelines. He stated the particular policies enunciated in the guidelines and applicable to the subject land were as follows—

**Mr. Cassidy:** Is this important?

**Hon. Mr. Henderson:** Mr. Speaker, it is important that the honourable members—

**Mr. Cassidy:** It is an abuse of the private members' time.

**Mr. Speaker:** Order. It is important. The honourable minister has taken six minutes and 30 seconds, which I am going to add to the question period. It is just a question of how long the minister persists because I intend to add to the question period. I would suggest that in future if the minister organ-

izes his material a little better, it would allow for a supplementary.

**Hon. Mr. Henderson:** Mr. Speaker, I thank you, but this is pertinent information. The honourable member made serious charges about my staff. They should be answered in an appropriate way.

To continue: The general policy relating to the preservation of good agricultural land subject to some exceptions; the provision of severances for the establishment of accommodation for full-time farm help.

Mr. Toombs stated that in this instance the prevailing policy, that is the policy of greatest relevance, is found in section 4A.20 of the guidelines. This section relates to farm-related severances. The relevant subsection of section 4A.20—I could read that, but I will not at this time.

The only thing I add is that this operation milks about 80 cows. They ship thoroughbred stock all over the world. There is a farmer and two sons with six full-time helpers. The farmer's wife provides lodging and boarding for this help, but her health has got to the point that they decided they would have to contract this work out to the wife of one of the employees of the farm. That is the reason for the severance.

I have no problems and no reservations with the decision of cabinet. Our action was in keeping with all the policies and for the good of the farm people of this province.

**Mr. Speaker:** The answer took eight minutes, so we will add another five to the question period.

**Mr. Riddell:** Supplementary, Mr. Speaker: Would the Minister of Agriculture and Food ask the Premier (Mr. Davis) for a copy of the letter that was sent to him by the clerk-treasurer of Vespra township? It would indicate that what he has told us this morning is rubbish. Would the Minister of Agriculture and Food not also agree that the granting of that severance was in contravention of the township official plan and the zoning bylaw and that it flies in the face of his own food land guidelines? What is the purpose of a municipality going to the trouble of drawing up official plans and zoning bylaws to meet the requirements laid down by this government if cabinet can overturn them all?  
11:30 a.m.

**Hon. Mr. Henderson:** Mr. Speaker, I have certainly read the letter to our Premier, a letter that our Premier will respond to. Early in my statement I responded that the official plan did carry a clause that farm-related

severances should be in keeping with our code of practice and food land guidelines. This severance is certainly in keeping with them all the way.

**Mr. Riddell:** Read the letter.

**Hon. Mr. Davis:** The member should go up and have a look at it.

**Mr. Riddell:** I have the letter. I want the minister to read it. There was never any stronger language than that laid out to him in that letter.

### NIAGARA RIVER POLLUTION

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of the Environment. Will the minister comment on the statement by the United States chairman of the International Joint Commission who stated he does not know how government can allow SCA Chemical Services Limited to put more waste in the Niagara River when there are apparent violations there now? Is this not a concern the Deputy Premier (Mr. Welch) stated months ago when he told a private citizens' meeting in Niagara Falls, New York, that not another drop should go into that river? Now, in this morning's paper, we have the chairman of the IJC making those comments. How does the minister react to that?

**Hon. Mr. Parrott:** Mr. Speaker, I think I have reacted, not only this morning but some time ago. I went to see the governor. He was unable to see me. Therefore, I saw the commissioner of New York state. We had a very long visit in the capital of New York, Albany. There is no doubt in his mind about my concern about the Niagara River.

I am not going to be a phoney in this situation and start to make idle comments. I will not do that. I think the honourable member knows me well enough to know I will not do that. The member knows my concern, and it is as genuine as it can possibly be. But I do not think the story ends with just saying, "We do not want another drop to go in there." We do have an industry that needs treatment facilities.

I will tell the member this, there has never been a commitment more dear to me. When we have the facilities we are going to have in this province, the best in the world, and we now have the best waybill system on the continent—

Interjection.

**Hon. Mr. Parrott:** Yes, that is true—then we will scream from the highest mountain, "You follow our lead." We are going to be

in that position, there is no doubt about it. I want to scream loud and clear, but I want to do it from a position where there is clear leadership. That will be established in this province in 1982.

**Mr. Kerrio:** Supplementary: Will the minister accelerate the testing at Walker Brothers now to be certain as to what is in those drums so we can clear the air? My concern is that if we do not clean up that matter immediately, I want some reassurance from the minister that those liquid wastes will not go into the river. I am very concerned that the solidification process should go into place, and I would like the minister to take the initiative now and not just wait. Let us clear up that matter at Walker Brothers. Will he accelerate that process?

**Hon. Mr. Parrott:** I am sorry to say the member is way behind. We have done that.

**Mr. Kerrio:** We do not have the evidence yet.

**Hon. Mr. Parrott:** Whoa, whoa, whoa. I must tell the member we have done that. We do not have the results. I told the House yesterday we are taking all those and sampling them. We happen to have the best lab facilities in North America to be able to do it. Think about that for a moment. No one can test the drums as thoroughly as we can here in this province.

**Mr. Kerrio:** When do you get the results?

**Hon. Mr. Parrott:** We said we would do it.

**Mr. Swart:** Supplementary, Mr. Speaker: How can the minister say he is accelerating the testing in Walker Brothers Quarries when he knows there are hundreds of drums and to date he has unearthed only nine of them? That is going to take three or four years at that rate.

**Hon. Mr. Parrott:** I am sorry to say the member is absolutely incorrect. Again that is not true.

### AID TO PENSIONERS

**Ms. Bryden:** Mr. Speaker, I have a two-part question of the Minister of Revenue. Does he know that his ad informing seniors that the ministry's office is located at 77 Bloor Street West instead of Queen's Park appeared on the business page of the Toronto Star on November 1? Does he think a majority of seniors are likely to read the business page?

Secondly, has he checked the reception desk downstairs since the ad appeared to see how many seniors are still coming to Queen's

Park for information and is there any service at the reception desk to provide them with phone calls to the ministry or application forms?

**Hon. Mr. Maeck:** Mr. Speaker, I have no control over the newspapers as to where they are going to put the ads when we ask them to advertise. I would agree with the member that if it were on the financial page, perhaps some of the senior citizens would not see it. I do not have control over the *Globe and Mail* or the *Toronto Star* to tell them where they are going to put ads. I have to accept that when an ad is placed, they decide the layout of the paper, not I.

As far as the desk downstairs is concerned, it is my understanding the people at the desk do call the ministry office if someone appears there, so I think that is being looked after.

**Ms. Bryden:** Supplementary: I am sure the minister is aware one can ask for the section of the paper where one wants the ad put but that appears not to have been done. I would like to ask the minister, since there are 820,000 old age pensioners who received application forms and, according to his figures, only 540,000 have sent in application forms and only 54,000 are in nursing homes and so on, is he following up on the more than 200,000 seniors who have not responded and who may lose out on this tax relief simply because they cannot understand the forms or cannot get through on the telephone for assistance?

**Hon. Mr. Maeck:** The figure of 820,000 is the total number of seniors in Ontario. Not all of them were mailed application forms. A family received one application form, not two. That is taken from the old age supplement files. The 820,000 figure comes from the fact we sent out a retail sales tax grant of \$50. Each senior citizen received that without application.

There were, in effect, 540,000 applications sent out. Those were the ones dealing with families. In other words, if there were a man and wife living together, they got one application. That is why it was reduced from 820,000 to 540,000. All the people eligible for the property tax grants whom we are aware of have received the applications, with the exception of those who may be landed immigrants, who must come to us if we do not have a file on them. All the rest of them have received their applications.

**Mr. Cunningham:** Supplementary, Mr. Speaker: Would the minister be surprised that the reason for the ad appearing in the

business section of the *Globe and Mail* would be that this has the highest line rate in the *Globe and Mail*, thereby enabling the ad agency to make an even greater commission?

**Hon. Mr. Maeck:** The last ad put in was not a planned ad, as was the rest of the program. It was an addition to the advertising program at the request, as a matter of fact, of some members of the NDP. We had to accept the space we could get on such short notice. I wanted to get the ads in to explain some of the difficulties the ministry was having and to get in the address requested, so people would be able to get to the proper office rather than the Queen's Park address. It was an additional ad to the regular advertising program and we had to accept the space available to us on short notice.

#### LIQUID INDUSTRIAL WASTE

**Mr. Swart:** Mr. Speaker, on November 6 I asked a question of the Minister of the Environment (Mr. Parrott). He stated he would reply on November 7. He did not reply that day. I raised a question of privilege and he gave a commitment to this House that he would reply shortly. This issue is distinct from what we are discussing this week because it concerns another property, but it is a revelation of ministry negligence and Walker's violation, once again, of environmental law. Would you bring to the attention of the minister that his answer is long overdue?

**Mr. Speaker:** I am sure he heard that.

11:40 a.m.

#### ACCESS TO LEGISLATIVE BUILDING

**Mr. M. N. Davison:** Mr. Speaker, I rise on a point of privilege to thank you for your prompt response to the point I raised yesterday. I very much appreciate your having written to the superintendent of the Ontario Provincial Police securities branch, which administers the Ontario Government Protective Service.

However, I remain quite concerned about what I view to be the patently ludicrous interpretation placed on your security guidelines by Acting Senior Supervisor Watts yesterday. I would ask that you refer this matter to the standing committee on procedural affairs for consideration and advice.

**Mr. Speaker:** No. It is really not a concern of the procedural affairs committee. It is the responsibility of the Speaker and the Board of Internal Economy.

**Mr. M. N. Davison:** I think we ought to do something about that.

**Mr. Speaker:** We are monitoring it and I am quite sure things are proceeding as they should.

#### IDENTIFICATION OF MEMBER

**Mr. R. F. Johnston:** Mr. Speaker, I rise to correct the record and it is a breach of my privilege as well, in a sense—the problem of names and party affiliations. On November 6 I made a speech in the constitution debate in which I attacked the Premier savagely from time to time. Yet in the “Speakers in this Issue” record at the end of it, I am put down as “Johnston, R. F., Scarborough West, PC.” That hurts a good deal, Mr. Speaker, and it has happened several times. I have to rise to say, please do not confuse me. There is no Progressive Conservative who spoke out against the Premier as I did that night.

**Mr. Speaker:** I can see the editor of debates got that comment. It will be corrected.

#### INTRODUCTION OF BILLS

##### HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved first reading of Bill 188, An Act to amend the Highway Traffic Act.

Motion agreed to.

##### DANGEROUS GOODS TRANSPORTATION ACT

Hon. Mr. Snow moved first reading of Bill 189, The Dangerous Goods Transportation Act.

Motion agreed to.

##### URBAN TRANSPORTATION DEVELOPMENT CORPORATION LIMITED ACT

Hon. Mr. Snow moved first reading of Bill 190, An Act respecting Urban Transportation Development Corporation Limited.

Motion agreed to.

##### EMPLOYMENT STANDARDS AMENDMENT ACT

Hon. Mr. Elgie moved first reading of Bill 191, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

#### TORONTO DISTRICT HEATING CORPORATION ACT

Hon. Mr. Wells moved first reading of Bill 192, An Act to revise the Toronto Hospitals Steam Corporation Act, 1968-69.

Motion agreed to.

#### MUNICIPAL AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 193, An Act to amend the Municipal Act.

Motion agreed to.

#### RESIDENTIAL TENANCIES AMENDMENT ACT

Mr. Philip moved first reading of Bill 194, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to authorize the residential tenancy commissioner to order payment of a tenant's costs when the commission has determined that the tenant paid rent in excess of the amount permitted by the act.

#### RESIDENTIAL TENANCIES AMENDMENT ACT

Mr. Philip moved first reading of Bill 195, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to require a landlord, upon the request of a tenant, to file certain receipts for expenditures made by the landlord with the residential tenancy commission.

Motion agreed to.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Wells:** Mr. Speaker, before the orders of the day, I wish to table the answer to question 380 and the interim answer to question 348 standing on the Notice Paper. (See appendix page 4315).

#### ORDERS OF THE DAY

##### THIRD READINGS

The following bills were given third reading on motion:

Bill 59, An Act to amend the Game and Fish Act;

Bill 139, An Act to amend the Shoreline Property Assistance Act, 1973;

Bill 152, An Act to amend the Beef Cattle Marketing Act;

Bill 153, An Act to repeal the Warble Fly Control Act;

Bill 164, An Act to amend the Insurance Act;

Bill 165, An Act to amend the Motor Vehicle Accident Claims Act;

Bill 170, An Act to erect the Township of Gloucester into a City Municipality.

Bill 171, An Act to provide for the Validation of Certain Adoption Orders made under the Child Welfare Act, 1978.

Bill 175, An Act to provide for Municipal Hydroelectric Service in the City of Sudbury. 11:50 a.m.

### TORONTO ISLANDS ACT

Hon. Mr. Wells moved second reading of Bill 181, An Act to stay the Execution of Certain Writs of Possession issued in respect of Certain Premises on Toronto Islands.

Mr. Speaker: Does the minister have an opening comment?

Hon. Mr. Wells: Mr. Speaker, I think I made the comments that were necessary yesterday. I would just like to reiterate to the House that the necessity of this bill was caused by the fact that the Ontario Court of Appeal found on October 27 that the writs of possession which Metropolitan Toronto had asked for against the residents on Toronto Island were valid and servable and the sheriff has taken steps to serve those writs. In fact, he would be enforcing them on November 17.

In the interval, as I stated yesterday and as members of this House knew, we did appoint, under the authority of the Municipality of Metropolitan Toronto Act, a one-man commissioner, Barry Swadron, QC, who has been holding a very full, thorough and, I think, very good inquiry into this whole matter. He has had a number of presentations. They tell me well over 100 presentations have been made to him. He has listened to many of the experts in both—

Mr. Nixon: Is that necessarily a good thing?

Hon. Mr. Wells: Certainly it is a good thing. He has moved around and held his hearings both in the suburbs and in downtown Toronto and has listened to the concerns of people all over this area in regard to what the future uses of Ward's and Algonquin islands should be.

He has just about finished the formal part of his work and he has to sit down and write his report. It will probably be available some time in December. Therefore, it would be ludicrous to think that some action should be taken in so far as these warrants are concerned at this time when this very full report and its recommendations will be available to all of us, and I hope will form the basis for a permanent solution to this very pressing matter.

I fully acknowledge the sheriff had no other choice because the writs were asked for by Metropolitan Toronto. We asked Metropolitan Toronto not to have those writs enforced and they could have relieved us of the necessity of passing this bill by saying they would not ask the sheriff to enforce the writs. Of course, that would have enabled him to hold up any action. That was not forthcoming, so we are asked to take this kind of action.

The date that was picked is—I think I used the words—stupid and inhumane. I regret that many people thought—and have spoken to me since about this—I was referring to them when I used those remarks. Actually I was referring to the date. It was a stupid and inhumane date.

To suggest that people should be evicted in the cold weather, six weeks before Christmas, certainly would not be the kind of thing that any member of this Legislature would believe should happen. I would hope it is not the kind of thing that any member of council of the municipality of Metropolitan Toronto would really expect should happen, regardless of their feelings on this matter. To think that people should be evicted on that particular date, I think, is ludicrous. Anyway, one can even argue on humanitarian grounds that something should be done to make sure there are no evictions at this particular time.

It has also been suggested to me from time to time that we are meddling in an area where we should not be meddling. I would suggest to the House that the mass eviction of anywhere from 250 to 500 people in any community in any part of this province would necessitate this Legislature somehow being involved. I really answer that charge that is made to us by saying that if this kind of mass eviction were to occur anywhere in the province, I am sure we would somehow be involved in it.

I do not in any way countenance the fact or the argument, or give any credence to the argument, that we should not be involved in



this, because I think we are involved in many areas, particularly when the whole resolution of this problem concerns an act of this Legislature which could or would have to be amended. Therefore, of necessity we must be involved in the problem and, in fact, by amendment in 1956 we started the whole trend towards having the island as a Metro park, so we were involved back then and we are legitimately involved now.

**Mr. Nixon:** The government? Or Scarborough?

**Hon. Mr. Wells:** No, the government. The government in 1956 amended the Municipality of Metropolitan Toronto Act at the request of Metro and the city of Toronto to change the ownership of the island from Toronto to Metro for the purpose of creating a park, so at that particular time the Legislature was involved and had to be involved. That section is the one that is in there and that is the section that still provides that the island should become a Metro park. The only way that can be changed is by us changing that section.

Since it is an act of this Legislature, we properly are involved. That is why I really reject the idea that somehow we should never be involved in this at all, because we were involved and we probably will continue to be involved.

I do not want to take any more time on my opening statement, other than to say that the events surrounding this are well known. What we have here today is a simple bill to stay the execution of the writs until next July, which will allow the Swadron commission to report and will allow all of us to study that report. It is hoped that out of that report will come some resolution to the problem.

I would say at this time I hope that all who receive the report will read it, and not reject it out of hand without reading it. I hope the members of the Metropolitan Toronto council will read that report and will read it with an open mind rather than, as I have heard some of them do already, predeciding what is going to be in there and prejudging the report. That would be a tragedy, because I think Mr. Swadron is taking a lot of time, based on the evidence presented to him, to come up with some solutions and to give some historic background that perhaps has not been presented before. I hope that report will be considered on its merits and the only way it can be considered on its merits is for us not to interfere with anybody at this time. That is what this bill does.

I might also say, for those who are concerned that it might somehow cause more legal battles concerning the writs, that the law officers of the crown inform us it is not interfering with the writs, in that the writs will still be valid after July 1, 1981. We are not setting up a process whereby more legal manoeuvres can occur after that. It is merely stalling the execution of those writs for the reasons we have just stated. I would hope it will be supported by all members of this House.

**12 noon.**

**Mr. Nixon:** Mr. Speaker, the minister has been guilty of a certain degree of brinkmanship in bringing forward this bill. It has been obvious for three weeks that the bill would be necessary, and here it is before the House for three readings on the very day before the execution of the writs. I know the minister has had a certain amount of difficulty, perhaps with his own colleagues, in this connection because I think it has been made clear in public statements that both the Liberals and the New Democrats not only have been expecting the bill, but in fact have been demanding it.

We would agree with the statement, if not the tone of the minister's comments, that it would be a ridiculous thing indeed if the island residents were dispossessed in the middle of November. We are also aware that this matter has gone on for many months—in fact years—and whether we like it or not the final decision of what is going to happen on the island is going to be made in this House.

I sense the minister, in his emphasis on the importance of the Swadron commission and the investigation coming under the direction of Barry Swadron, has made his own decision and that is that he will do whatever the commissioner recommends. He is advising us so sincerely—and he does that very well—not to prejudge the commissioner's report, but I suppose the fate of the island community has already been judged by almost all members of this House.

We have listened to the argument put forward by the member for St. Andrew-St. Patrick (Mr. Grossman) in a most impassioned way. As a matter of fact, he has convinced me of the correctness of his position. I do not expect to see the House or the government itself move in a way to allow the dispossession of the present residents on the island.

I visited the island in the presence of many thousands of Torontonians at the great CHIN picnic. It is always representative of at least

three political parties and a couple of others that are not really there except in spirit. It is always a great event. I remember even as a boy going to Centre Island, riding the merry-go-round and grabbing the brass ring. That is something all of us have heard of, but I think I am the only one who ever did it. It was the last piece of good luck I ever had. After having had such a long ride, I think I was then promptly sick, but that is another matter.

I do believe, however, that parks on the island are a great thing and necessary for the metropolitan area. I do believe that in the areas that are available for them, the metropolitan area has an extensive area for recreation, yacht clubs and other facilities. I think it is a marvellous thing for the benefit of this community, something that would lead me to think even more highly of Metropolitan Toronto as a place to live than I do now. I most sincerely love this city.

I do not, however, feel it is necessary to kick everybody off the two islands, Ward's and Algonquin. If the Legislature votes to do that eventually, I will be very surprised.

The minister has gone to some lengths in his opening remarks to fend off any criticism of interference in local affairs, indicating it was an amendment by this House that established the concept of a park in the first instance. I suppose we are all very sensitive about this intrusion into local affairs but, in spite of that sensitivity, I can assure you, Mr. Speaker, the final decision on what happens on the island is going to be made in this House and not elsewhere.

I know the minister feels he has a special persuasive power in dealing with the chairman of Metropolitan Toronto, but for some reason that well-known persuasiveness is not effective with the present chairman. The chairman is adamant that the decisions of Metro must stand and any interference from outside is unwarranted and to be opposed at all costs. He was even prepared to instruct the sheriff to go forward with the dispossession.

I presume since the minister was criticized for using immoderate language with regard to the sheriff—and he says he was not referring to the sheriff as being stupid and inhumane—then he must apply that criticism to the chairman of Metropolitan Toronto. I see the minister shaking his head. He does not want to call anybody stupid and inhumane. I know what a kind man the minister is and how unflappable he is. We can only assume then that some of his advisers have put these adjectives in his mind and in

his mouth and probably he has discussed this matter with them already.

I suppose a person in politics who, like the minister is upwardly mobile, must be very careful indeed as to what sort of advice he gets from those people who are thinking only of his own benefit. They want to be helpful, but sometimes in their very helpfulness they can be injurious. It is a lesson I learned myself far too late, but perhaps the minister with his well-known moderation and good humour, which I have seen break down only on rare occasions and then perhaps only by misunderstanding, still has time. He must be careful to see that in the months that lie ahead he is not led into this ridiculous trap whereby upwardly mobile politicians fall into the hands of managers who can do nothing but harm them.

I could embark on a longer treatise on this, but I know the minister was very embarrassed. In using the words "stupid" and "inhumane" he certainly got our attention, but he has been busy ever since denying they apply to anybody. As a matter of fact, he said they applied to the day, that it was a stupid and inhumane day, so I suppose that is all right. We know he really meant the chairman of the council of Metropolitan Toronto, because he is the person who has been intransigent in this matter.

**Hon. Mr. Crossman:** I have been looking for some answers like that. I need some answers to teach me some moderation.

**Mr. Nixon:** You have ripped off the Treasury. Why don't you look at the Ministry of Intergovernmental Affairs? There are a couple of good plums sitting there who are looking for a winner.

Mr. Speaker, I will accept your instruction to proceed. I simply say it is unpalatable for us in this House to be dealing with matters which, by our previous action, we have given to the municipalities—the lower-tier municipalities have been involved to some degree—especially the municipality of Metropolitan Toronto. Now that we do not like its actions, we are prepared to draw back and instruct it otherwise.

I am glad the minister has abandoned the concepts of Bill 5. I guess it was a week or 10 days ago when there was a mild little flurry from the minister, once again considerably out of character. He got up and harangued the people in the opposition for their bad judgement in not supporting the principle of Bill 5. If Bill 5 comes forward in any other form, even as a recommenda-

tion from Barry Swadron, it will not be supported on this side either.

We do not want to prejudice what Mr. Swadron recommends, but if his recommendation is to take each property as the owner or occupant moves away or dies and have it transferred to the jurisdiction of Metropolitan Toronto to be torn down, which is the minister's solution to this, we will not support it whether it comes from Swadron, John Robarts or any of the other Tory gurus who are going to be involved in this solution. The Tories can't agree among themselves, either on the front bench or involving the lesser Tories who get more money working in unelected capacities in the Metro government.

We really cannot help the members opposite to come to a conclusion among themselves. In the past we have suggested they retire to one of those back rooms at the Albany Club and come to some solution that would be, I should not say saleable, but acceptable, and they have failed miserably.

Bill 5 is not the solution now and it never will be. I hope the minister is listening to me as he peruses that piece of paper so carefully, because I hope the last we will hear of Bill 5 was that little flurry he gave us in the House 10 days ago.

This bill puts the whole thing on ice until next July. We know that is a good date. The provincial election will be over and the new government—it may be a new government made up of new Tories, although I predict and expect otherwise—can look at it. Certainly we feel on this side that the island community should be maintained, and if it requires an amendment to the Municipality of Metropolitan Toronto Act, so be it.

Unpalatable though we may think this is, the disposition of this matter lies in this House. Even in July, supposing there isn't an election and we are here in our same situation, God forbid, it will once again be debated here and the government of the day, finally, when pushed to extremes—if it is Tory—will move another bill that will postpone it again.

**12:10 p.m.**

I sincerely hope the Swadron report will be a moderate report. I presume it will be moderate, knowing Mr. Swadron's reputation, but will allow for a continuation of the island community. I have been consistent in my support of that concept.

That was why, when the Minister of Industry and Tourism made a strong statement

in his more callow years about playing hardball in this connection—being fresh from saving Doctors Hospital from extermination—and undertook to sway the views of cabinet in support of the island community, frankly, I admired what he did. I thought probably the salvation of the Doctors Hospital was sort of an inside drop ball, but this one seems really to be a battle.

The fact that this bill is so late in coming forward means the minister and the administration of Ontario have had difficulties we do not understand. Presumably they have been able to walk over the chairman of Metropolitan Toronto because he likes his job. He may have even threatened not to run for the Legislature, or to run for the Liberals or something like that, unless the government did what he wanted, but the minister has even been able to overcome threats like that.

I feel the problems the minister has may be in cabinet council or with caucus at large. Frankly, I resent a little bit the way he has left the House hanging on the introduction of this bill. He was critical of our attitude on Bill 5, but he had no reasonable alternative until Bill 181, a Band-Aid measure, was presented to us today for three readings and royal assent all at once.

**Mr. Rotenberg:** We had one reading yesterday.

**Mr. Nixon:** Two readings and royal assent or, let us say, three references in this chamber. I have no hesitation in supporting it and I express to you, Mr. Speaker, my view that in the long run the chamber will vote to maintain the island community.

**Mr. R. F. Johnston:** Mr. Speaker, I rise to fondly give the speech I was going to give every time the other bill kept coming up, but I am not going to give it because it was at least an hour and a half in length and gave the full history of the island.

I think this Bill 181 should be described as the better-late-than-never bill. I come at it with mixed emotions as much as did the member for Brant-Oxford-Norfolk who just spoke. I am pleased to see it has come through. Obviously we are in favour of it and obviously we are going to support it, because it never needed to be done in the way it has been done. There is a certain amount of anger in me that it has come up in the way it has.

It is brinkmanship, waiting until the future of the island is hanging over the cliff and then the government seems to pluck it out and save it in the Perils of Pauline style with a train coming down the track. In point

of fact, this government has been an accomplice in tying the islanders down on that track, and it controls the purse strings of the engineer who is bringing the train down the track.

The government had the ability to stop this thing long ago and did not have to try to build an unnatural and unfair suspense about the fate of these islanders as has been done. It is a singular sign of the failure of power on those front benches of the Attorney General (Mr. McMurtry), the Minister of Industry and Tourism and the Minister of Intergovernmental Affairs that they had all this problem in getting this thing together and getting it before us at this date. The problems in the government caucus must be extreme, I would say.

I would have thought it would have been far better from the beginning to have come forward with a bill that was not Bill 5 after the minister saw it was unacceptable to us. Many months ago, when he set up the Swadron commission, it would have been better to have done that with an act, and to have said in that act he was setting up this commission which would report back to this House because we are involved and it is our responsibility. We would then debate it and make a decision on it. That would have been far better than the kind of approach the minister has taken to this date.

I am not going to go into the reasons we support the islanders. They have laid out that case well and we have laid out that case well; there is no need to do that again. I want to raise two items. One is that anybody in this Legislature who would not say we have an obligation to protect that community with its history, a community with roots, a community that does not need to be taken over for park land, is crazy and is out of step with the people of Metropolitan Toronto. The other is that those people who claim they cannot interfere in municipal business because Metro council brought forward the suggestion are also working on a fallacious interpretation.

Surely what we have is a community of 650,000—or whatever the city of Toronto is now—very strongly wanting to preserve one of its communities, and, in my view, an indirectly elected, unaccountable council overriding those wishes and being supported by this government. If this is not enough reason for the Minister of Intergovernmental Affairs to change the format of election of Metro council, I do not know what is.

I appeared before the good Tory lawyer, Mr. Swadron; I do not know whether any of the rest of the members did. I did not see too many names I recognized on the list of people who had appeared. I was pleased with the hearing he gave me. I am convinced the report he is going to come forward with is going to have some interesting recommendations we should all look at. I would like to have a commitment from the minister today, in view of the fact that I am going to support unequivocally what he is bringing forward, that we will have a chance to discuss this in the Legislature when it comes forward.

I would like to hear the minister, when he wraps up, indicate whether we are going to have a chance to talk about Swadron here in the Legislature, because I feel we should. We are in the ball game; it is in our court. He has taken that on today, he has accepted that responsibility; now let him bring in the Legislature to discuss the results.

I would just say that the timing of the bill, the date for the end of June, was an interesting one. It seems to tie into the budget timetable of the Minister of Industry and Tourism (Mr. Grossman). I guess we know that ties in not just with good weather and the humanity of not evicting the people at this point, but also with the timing of a prospective election. No doubt one of the things going on in the minds of caucus members over there is that, by passing this bill, the minister is not going to have to deal with the solution to the Swadron suggestions, when they come forward, until after an election.

I am giving the minister notice we are going to expect him to come through with his recommendations to do with Swadron well before an election. We will give the minister a month or month and a half to look over Swadron. But by goodness, in January, February or whenever this House comes back—immediately this House comes back—we want the minister's recommendations on what is going to happen to the islanders. Do not leave it until June 30; do not play with those people again.

The minister has given himself enough time to come through with his recommendations, bring them before this House, have us debate them and pass through a long-term solution for those people. I place squarely on the shoulders of the Minister of Intergovernmental Affairs the mess we are in now in terms of passing this thing in one day.

I believe his speech 10 days ago, or whenever it was, when he talked about there being three options, was a false political speech which used these people unfairly. When one speaks of inhumanity, I feel that was inherent in what he was doing. Those first two options were not options. Metro could not move. There was not going to be another Metro council meeting. The Metro chairman could not act unilaterally and the minister knew that.

Option one had no relevance at all and yet he threw it out again as one of the possibilities and played games with it. Then the minister came back with Bill 5. He knew it was not acceptable to the opposition here; he knew it was not acceptable to the islanders. It was not even acceptable to Robert Bundy of Metro Parks and Property who made a presentation to the Swadron commission saying that any kind of attrition or slow death bill was unacceptable. The minister knew that was not an option, so why did he play politics with it and then get the rednecks in his caucus, whom he was having trouble controlling, inflamed? That is what happened; that is why they got their backs up and why he had trouble getting this thing through. It was totally unnecessary to mess around with them in that way.

I want the minister to tell us today whether he is going to ask the Attorney General (Mr. McMurtry) to look into the sheriff's office in terms of what it tried to do with Toronto Hydro and Consumers' Gas. I understand the sheriff's office had to act in sending out the eviction notices, which it had obviously sent out before, but did it have to go to Toronto Hydro and say: "We want you to participate with us. We want you to drive your truck in behind us and as we close down the house we are going to ask you to shut the hydro off. Then we will have the parks truck in right after that and they will hammer the place up and it will be closed"? Surely that was going further than the sheriff's office had to go. Asking for confidential lists of people who were receiving services from Consumers' Gas and Toronto Hydro was unnecessary.

12:20 p.m.

I think the Attorney General should look into that as it was a totally unnecessary kind of provocative act by the sheriff's office. If the sheriff's office is under the control of the Ministry of the Attorney General, I see no reason why he could not have at least slapped their wrists for that kind of action.

There are a few things I would like to say to the minister before I can support the bill. I want to assure him we will not support Bill 5 if it comes back, and I don't expect it will come back. I expect the Swadron commission report to contain a number of items the islanders have already asked for. I expect him to say the land should be left in public ownership. I expect him to say something about a 25-year lease, much as they have given to the yacht club on the islands. I will be very surprised if he does not come through with a review of that. I do not doubt that he will say those buildings have to be raised to a certain standard. That is totally acceptable to the islanders and totally acceptable to any rational person on this side of the House as well, and there are many of us.

The final item on the islanders' position which I spoke about when I spoke with Swadron is that the homes and leases should be done on a nonprofit basis. If it can be done on a co-operative basis, even better. I think you are going to see suggestions like that come through from Swadron. An attrition type of bill is not going to be acceptable to us at all.

I also want to be sure we have a debate in the House on the Swadron commission report and I want assurance from the minister that he is not going to wait until June 30 to bring forward a solution to the island problems for the long term. I would like to hear from the minister on those three things before the debate is concluded. Thank you.

**Hon. Mr. Grossman:** Mr. Speaker, I am not going to take the time of the House to repeat the kinds of messages I have given in this House previously, nor to repeat the message I delivered in my presentation to the Swadron commission. Suffice to say something members opposite want to forget, I am gratified that all members of this House are supportive of the proposition that the islands matter should be referred to an impartial, careful study which is being conducted by Mr. Swadron. Like other members who have spoken, I am quite satisfied the Swadron commission is being conducted in that kind of sensible and impartial fashion and I look forward to a balanced recommendation flowing from it.

The kind of balanced recommendation I think anyone looking at it objectively will present is well known to members of this House because my position has been as clear and as historical as anyone else in the assembly can claim. I want to make the point

that my colleagues who have joined in our attempts to prevent too expeditious and too hasty action being taken on this matter are all concerned about being sure there is fairness adopted in whatever stance we take.

It is a little harder to deal with when we have two councils with some claim to authority dramatically disagreeing on what should happen there. My goal has always been to accomplish one simple thing. I cannot pretend it is not a goal to retain a community there. It is a goal I am proud of and one for which I have always fought.

Secondly, I have always believed an impartial, fair hearing, devoid of the kind of political posturing that frankly city council has seen and frankly Metro council has seen and frankly this assembly has seen, is what is necessary to get a sensible resolution to the matter. I think that is what we are going to see coming out of the Swadron commission and to that end I take some pride in the fact that as a member for a particular and unique community I am able to stand here as part of a government that has taken steps to ensure a fair hearing of those issues.

I must be honest and say that I take some personal pride in the fact I have carried this fight forward on behalf of a particular neighbourhood and community in my riding that has never voted for me nor, as I indicated to the Swadron commission, do I expect ever will vote for me. Those who attest political motives to me should have a look at the results of the polls over on the islands. That is not going to change, regardless of the outcome of the Swadron commission, though I certainly wish it would. It happens to be something I believe in in terms of the principle.

I am also, as one of those charged with executive duties in the government of Ontario, concerned about and have to be aware of the responsibilities we bear to the councils involved and those who have been given certain responsibilities by us to manage over the past 20 or 25 years. It is a little harder to work out the solutions in government and a little easier to posture when one is not. It is a little harder to work out a solution and fight for a principle when those who will benefit from the principle I am fighting for in this case will continue to provide no support and, in fact, vote against me.

None the less, I take some pride, as I guess I have in other matters in my riding that I have fought for, in the fact that we are able to stand here today and see the islanders still there and in place two years after the

courts have ruled that the writs are valid and that they could be evicted.

With those short remarks, I am hoping the House will join us in at least giving the Swadron commission the opportunity to complete its hearings and all of us a chance to read that impartial and objective analysis and act upon it. I am pleased to join our House leader and Minister of Intergovernmental Affairs in supporting this legislation.

**Mr. Epp:** Mr. Speaker, I want to speak just briefly to this particular bill and indicate that we are going to support the bill, as our House leader indicated earlier.

Obviously, it is long overdue and there was no need to have to wait until the eleventh hour to bring in this bill to stay the various writs. It is shown or seen as a death-bed repentance on behalf of the Minister of Intergovernmental Affairs who has in the final hours been able to convince some of his colleagues in the cabinet that they should at least do something before those writs are issued on Monday.

I think it is quite clear to everyone in Metropolitan Toronto, if not in Ontario, that there is overwhelming support for the community to be retained on the islands. A survey done some short time ago by some very able people from Ryerson Polytechnical Institute, called Attitude Of Metropolitan Toronto Residents Towards the Toronto Island Community, reveals that about 78 per cent of Metro residents support the retention of the island community. Only six per cent of Metro residents feel the community should be removed.

In other words, there are a number of people there who do not have any strong opinion on it, but an overwhelming support, 78 per cent as shown in that survey, indicates that it wants to retain the island community as it is at present. They do not want this inch-by-inch decaying or inch-by-inch taking down of that particular community, as was recommended in Bill 5, which obviously the government will have to withdraw once the Swadron report is introduced in the Legislature.

I want to comment briefly on the meddling that this Legislature is accused of by interfering with the island community. As we know, when various organizations or various groups or municipalities get grants from the province they do not accuse the province of meddling in their affairs. They are always anxious to have those particular grants and do not feel it is meddling when they accept money from the provincial government for

various purposes. However, the government is sometimes accused of meddling in those affairs when it passes legislation that whatever that organization is does not agree with.

It reminds me of the case where I met with a number of people. I suppose they could be classified as small-c conservatives. They said: "Look, we do not want any more government regulations. We have too much government now and we do not want any more government." The second item of that agenda was, "Yes, we need higher tariffs to protect our manufacturing goods." They did not want any more government, yet they wanted more government interference in the protection of manufactured goods in the province and the country. It depends on which side of the issue one is on and what serves one's purposes at the time.

**12:30 p.m.**

I think the province is on the right track by bringing in Bill 181 to stay the various writs. It would be my hope, and I am sure the hope of all members of this Legislature, that when the Swadron report does come in it is going to recommend the continuation of that community to give them a long lease on life.

**Mr. Cassidy:** Mr. Speaker, I wanted to participate in this debate because the brinkmanship of the government has brought us to a kind of latter-day Perils of Pauline four days prior to the eviction being exercised by the writs of possession. That is far too close. I do not like that kind of brinkmanship which has characterized the government's handling of the island issue for far too long. None the less, we welcome the fact that the government has agreed to have a stay of execution by means of this legislation until the Swadron report can be published and, I hope, debated in the Legislature and action taken.

I hope very much, as my colleague from Scarborough West has already indicated, the action that will be taken by the government will be public and will be in place prior to the election taking place—if it takes place in the spring, as now seems likely. I do not think this should be used as a political football any more. The future of the island community should be guaranteed. Whatever workable kinds of solutions are proposed by the Swadron report, or can be developed on the basis of it, should be in place. We should no longer have empty promises from the Minister of Industry and Tourism (Mr. Grossman), and we should no longer have politicians having to fight over that issue.

One reason I say that is that New Democrats would be fighting for a community like the island anywhere in the province. We have shown that by the kind of actions we have taken in the past with respect to other communities as well. Whether it is the miners up in Atikokan, the people affected by the closing of the Moose Mountain mine in Capreol, the auto workers in Windsor, the people in Mechanicsville and Centretown in my riding of Ottawa Centre, or the workers in small bush communities who worked in the woods for Boise Cascade until they were affected by that company's unfair labour practices, we have fought for people across the province and we are fighting for people on the island as well.

The second thing is that the island is a symbolic issue about the kind of communities we are going to have, not just in Toronto but everywhere across the province. I speak as a former islander. Some people know that in 1973 and 1974 I brought my family down here and we lived on Toronto Island for a year. It was one of the happiest years we have spent as a family in my entire married life. It was and is a community that is warm, friendly, co-operative and outgoing, a community that believes in self-help, a community that has demonstrated by the determination and doggedness of their fight for survival the kinds of resources there are in a small group of people when they have created that kind of community entity.

I asked myself, is that not the kind of community life I would like to have here, living in Toronto or in my home in Ottawa? Is that not the kind of life we all look for? Do we not all have a bit of a hankering for the village and small-town life that some of us experienced as youngsters and perhaps do not have right now? I'm thinking of places where there was an intimate relationship, where you knew the person who ran the shop or where your great-aunt lived down the street or where you were involved with other people in that community. Is this not what planners have been getting at for the last 35 years—the creation of urban villages where people would be able to interrelate on a face-to-face basis and not just be faceless and nameless blobs who pass like ships in the night?

Is not the existence of the island community—perhaps this is where the symbolism comes in—kind of an affront to those forces in our society which support the Conservative Party, those forces in business and commerce which would like everybody to be atomized, to be living in a little box, in a little shell, in

a little apartment, to have no interrelationship with people up and down the hall or the street or around the corner, to have no interrelationship with their fellow workers on the job, and therefore to be powerless against the forces of big business, of multinational corporations, against the forces of advertising and other people who try to make everything in human life something where you consume, you buy, buy, buy and you work, work, work, rather than ever having a community life where you can simply enjoy, savour and take pleasure in the growth of children, as I still do in the case of the young children who were born five and six years ago when I lived on Toronto Island, and take pleasure in contact with people of different generations, as people do on the island where people from eight months to 80 years live side by side and interrelate together?

Is a community like the island not worth preserving as well, when we consider that if Hydro were intending to put a dam in Ontario and the Friends of the Earth pointed out that the dam was going to flood a unique ecological area with some unique flora or fauna that were not duplicated elsewhere in the province, the chances are everybody's hearts would go out and we would say, "No, that has got to be preserved; do the dam in a different way"?

When we have a unique piece of human ecology, a community like no other community in all of Canada and probably like no other community in all of North America, and when Conservatives like Paul Godfrey and his buddies on Metro council come along and ruthlessly move to stamp that out, then I think something unique like that should be preserved.

At a time when we are increasingly confronting the problems of the energy crisis, should we not have some lessons to learn from a community that has no cars and survives without them? Should we not have some lessons to learn from a community where people live cheek by jowl on lots 40 or 50 feet by 40 or 50 feet at a density that is almost unheard of in most of our urbanized areas with low-rise housing, and yet manage to survive as well as the islanders do? Are there not a lot of lessons there?

I am glad the Minister of Intergovernmental Affairs agrees with me, that his colleagues in the Conservative caucus have been brought to agree with him as well, and that this particular bill is now in place. It is still only temporary and we need a long-term solution. I am very concerned over the fact that this

whole episode would not have had to occur if, on the one hand, we had not had the machinations of Paul Godfrey and his friends and if, on the other hand, we had not had a structure of two-tier government in Metropolitan Toronto which so inadequately responds to the very clear, determined and declared will, not just of the people of Toronto, but of the vast majority of people in Metropolitan Toronto as well.

This government has delayed for so long on the restructuring of Metro government that it has helped to create the problem. The two-tier structure where Metro had control over the parks was an inadequate one when it was the people of Toronto, first and foremost, who wanted to preserve the island community. If Paul Godfrey had to be elected somewhere within Metropolitan Toronto to qualify for nomination to the post of Metro chairman, then the islanders and the people who feel with them would have been able to go out and talk face to face to the constituents of Paul Godfrey and seek their support. I predict that, if the municipality of Metropolitan Toronto six or eight years ago had had a chairman who was an elected official and not just an appointed official, we would not have had this island problem we have today.

**Mr. Rotenberg:** That is total nonsense.

**Mr. Cassidy:** It is not total nonsense. The member for Wilson Heights says it is total nonsense. He should know perfectly well that, if Paul Godfrey had come under scrutiny of the people of Metropolitan Toronto in any corner of this area, the island matter would not have continued to be what amounted to a vendetta against the islanders. I say as well that, if Paul Godfrey and his Conservative friends had any commitment to preserving communities the way we have in the New Democratic Party, this would not have been an issue and a long-term solution to the island matter would have been found long before now.

What Godfrey and his friends seem to be saying is that because the decision was made back in the 1950s we have to continue with blinkers as though nothing has changed and as though people's perceptions of how communities should exist and how the city should exist have not changed at all.

12:40 p.m.

We have thrown out the idea of block-busting. We have thrown out the idea of massive skyscrapers to house everybody in Metropolitan Toronto, Ottawa or our other



cities. We have changed our views about the way a community like that on the islands could interrelate when it is in a park-like setting. We have grown to appreciate that, if it were not for the islanders, the Toronto Island would probably be closed to the public for six, seven or even eight months of the year and would be totally inaccessible. That would be done by Paul Godfrey in the name of economy or something like that.

I want to close by reiterating what my colleague from Scarborough West has said. When the Swadron report comes down, it must be available for debate in this House. There must be a commitment from the government to consult with the islanders, the city, Metro and other interested parties. There must be a commitment to have a resolution that will ensure the long-term survival of the island community and to have that resolution in place before we go into a provincial election campaign.

If we do not have it, we will know this bill was just another in a series of sham actions by this government and was not really dedicated to protecting the island community. It will be an election issue. I pray to God the government will accept that it should not be an election issue and that the islanders' future should be sorted out and guaranteed before the election campaign comes.

**Hon. Mr. Wells:** Mr. Speaker, just to conclude this debate quickly, there is no sham intended, nor can that charge be made against this piece of legislation. I outlined exactly why it is being introduced.

**Mr. Cassidy:** Nor against the minister; I quite acknowledge that.

**Hon. Mr. Wells:** All right. The Swadron report will be brought in and discussed. We will have to decide how it will be discussed when we have the report. It is not normal for this House to debate reports made by royal commissions except when, on various occasions, we put it on the Order Paper and call it for discussion. I think we should wait and see the report before deciding if that is the vehicle we want to take. If it is necessary, it can be discussed, but I think we should wait and see the report. Of course, this House will have ample opportunity to discuss the report in the estimates of the Ministry of Intergovernmental Affairs as it always discusses many things.

The kinds of remarks that were attributed to the three options I put forward a few weeks ago, remarks that these were strictly a

political smokescreen et cetera, I feel were completely unfounded. All the options have within them a degree of achievability and they cannot be ruled out of hand immediately. The suggestion that they were strictly a political smokescreen should not have been put forward. It is not a viable thing.

Bill 5 is still a piece of legislation that is supported by a number of people.

**Mr. R. F. Johnston:** The islanders don't support it.

**Hon. Mr. Wells:** The New Democratic Party and the Liberal Party do not support it. Some of the islanders do not support it; some do. As I recall, the Toronto Star suggests that it is the solution to the island situation. That is one group of people—I will still use the term "group"—who feel that is an option. What I recall saying then was that if the House wished to pass that bill it would be one way of stopping the writs from being served immediately.

It was also within the power of the chairman of Metropolitan Toronto to call Metro council together if he wished, or if a number of people on Metro council wished, and to ask that the writs not be served. It cannot be said that was a frivolous suggestion.

The third suggestion is the one we are acting upon today. We had three alternatives, all of which could have prevented the islanders from being evicted at this time. We have now opted for the third one, but I resent the fact that people said the others were some kind of shim-sham or political opportunism that really had no validity to them. I submit to you, Mr. Speaker, they all have validity to them, and it just happens the third one is now the practical one we can put into effect.

We can now pass this bill, I hope, since all parties in this House have indicated support. We can pass the bill and then await the Swadron commission report, and all of us can look at that. I hope from it will come the basis for a permanent solution.

Motion agreed to.

Third reading also agreed to on motion.

**Hon. Mr. Wells:** Mr. Speaker, I am informed that His Honour is awaiting a call to come into the House.

12:50 p.m.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

## ROYAL ASSENT

**Hon. Mr. Aird:** Pray be seated.

**The Deputy Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sitting thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**First Clerk Assistant:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 85, An Act to revise the Limited Partnerships Act.

Bill 136, An Act to amend the Land Titles Act.

Bill 137, An Act to amend the Registry Act.

Bill 138, An Act to revise the Boundaries Act.

Bill Pr21, An Act respecting the City of London.

Bill Pr28, An Act respecting the City of Sault Ste. Marie.

Bill Pr30, An Act respecting the City of Hamilton.

Bill Pr32, An Act respecting the City of Mississauga.

Bill Pr33, An Act respecting the Estate of Mary Agnes Shuter.

Bill Pr34, An Act to revive Theatre Passe Muraille.

Bill Pr35, An Act to revive Gould's Drug Store Limited.

Bill Pr37, An Act respecting the City of North York.

Bill Pr38, An Act respecting the Borough of Etobicoke.

Bill Pr39, An Act respecting the City of Ottawa.

Bill 59, An Act to amend the Game and Fish Act.

Bill 139, An Act to amend the Shoreline Property Assistance Act, 1973.

Bill 152, An Act to amend the Beef Cattle Marketing Act.

Bill 153, An Act to repeal the Warble Fly Control Act.

Bill 164, An Act to amend the Insurance Act.

Bill 165, An Act to amend the Motor Vehicle Accident Claims Act.

Bill 170, An Act to erect the Township of Gloucester into a City Municipality.

Bill 171, An Act to provide for the Validation of Certain Adoption Orders made under the Child Welfare Act, 1978.

Bill 175, An Act to provide for Municipal Hydro-Electric Service in the City of Sudbury.

Bill 181, An Act to stay the Execution of Certain Writs of Possession issued in respect of Certain Premises on Toronto Islands.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

The House adjourned at 12:53 p.m.

## APPENDIX

(See page 4303)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## LOTTARIO

380. **Mr. Ruston:** Would the Minister of Culture and Recreation inform the Legislature how many Lottario tickets were sold throughout the following periods: September 14, 1980, to September 20, 1980; September 21, 1980, to September 27, 1980; September 28, 1980, to October 4, 1980; October 5, 1980, to October 11, 1980; October 12, 1980, to October 18, 1980; October 19, 1980, to October 25, 1980? (Tabled October 27, 1980.)

**Hon. Mr. Baetz:** Lottario sales for the periods requested were: September 14 to 20, \$2,142,950; September 21 to 27, \$2,302,067; September 28 to October 4, \$2,535,803; October 5 to 11, \$3,103,686; October 12 to 18, \$3,883,586; October 19 to 25, \$5,225,139; total, \$19,193,231.

## INTERIM ANSWER

On question 348 by Mr. Foulds, Hon. Mr. Baetz provided the following interim answer: A detailed reply to this question will follow the first week of December, approximately.

## CONTENTS

---

Friday, November 14, 1980

|   |      |
|---|------|
| Plant closures and termination entitlements, statement by Mr. Elgie .....   | 4285 |
| Acid rain, statement by Mr. Parrott .....   | 4285 |
| Highway traffic legislation, statement by Mr. Snow .....  | 4285 |
| Transportation of dangerous goods, statement by Mr. Snow .....  | 4287 |
| UTDC legislation, statement by Mr. Snow .....   | 4287 |
| TVOntario anniversary, statement by Mr. Davis .....   | 4288 |
| Toronto District Heating Corporation legislation, statement by Mr. Wells .....  | 4289 |
| Municipal legislation, statement by Mr. Wells .....   | 4289 |
| Speaker's comment re access to Legislative Building .....   | 4290 |
| Rural electrical rates, questions of Mr. F. S. Miller: Mr. Nixon, Mr. MacDonald,<br>Mr. McKessock .....                     | 4290 |
| Energy tax rebates, questions to Mr. F. S. Miller: Mr. Nixon, Mr. Cassidy, Mr. J.<br>Reed, Mr. Laughren, Mr. Peterson ..... | 4291 |
| Stratford Festival, questions of Mr. Davis and Mr. Baetz: Mr. Cassidy .....   | 4293 |
| Auto industry layoffs, questions of Mr. Davis: Mr. Cassidy, Mr. Mancini, Mr. Bounsall,<br>Mr. Ruston .....                  | 4294 |
| Economic development, questions of Mr. F. S. Miller: Mr. Peterson, Mr. Laughren .....                                       | 4296 |
| Hospital emergency services, questions of Mr. Timbrell: Mr. Mackenzie .....   | 4297 |
| DREE assistance, questions of Mr. F. S. Miller: Mr. G. E. Smith .....   | 4297 |
| Suspension of doctor, questions of Mr. Timbrell: Mr. Conway .....   | 4298 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. Isaacs, Mr. G. I. Miller .....                                       | 4299 |
| Land severance, questions of Mr. Henderson: Mr. Riddell .....   | 4299 |
| Niagara River pollution, questions of Mr. Parrott: Mr. Kerrio, Mr. Swart .....  | 4301 |
| Aid to pensioners, questions of Mr. Maeck: Ms. Bryden, Mr. Cunningham .....   | 4301 |
| Point of privilege re liquid industrial waste: Mr. Swart .....  | 4302 |
| Point of privilege re access to Legislative Building: Mr. M. N. Davison .....   | 4302 |
| Point of privilege re identification of member: Mr. R. F. Johnston .....  | 4303 |
| Highway Traffic Amendment Act, Bill 188, Mr. Snow, first reading .....  | 4303 |
| Dangerous Goods Transportation Act, Bill 189, Mr. Snow, first reading .....   | 4303 |
| Urban Transportation Development Corporation Limited Act, Bill 190, Mr. Snow,<br>first reading .....                        | 4303 |
| Employment Standards Amendment Act, Bill 191, Mr. Elgie, first reading .....  | 4303 |
| Toronto District Heating Corporation Act, Bill 192, Mr. Wells, first reading .....  | 4303 |

|   |             |
|---|-------------|
| <b>Municipal Amendment Act, Bill 193, Mr. Wells, first reading .....</b>                        | <b>4303</b> |
| <b>Residential Tenancies Amendment Acts, Bills 194 and 195, Mr. Philip, first reading .....</b> | <b>4303</b> |
| <b>Tabling answers to questions 348 and 380 on Notice Paper: Mr. Wells .....</b>                | <b>4303</b> |
| <b>Third readings, Bills 59, 139, 152, 153, 164, 165, 170, 171, 175 .....</b>                   | <b>4303</b> |
| <b>Toronto Islands Act, Bill 181, Mr. Wells, second and third readings .....</b>                | <b>4304</b> |
| <b>Royal assent to certain bills: The Honourable the Lieutenant Governor .....</b>              | <b>4314</b> |
| <b>Adjournment .....</b>  | <b>4314</b> |
| <b>Appendix: answers to questions on Notice Paper:</b>  |             |
| <b>Lottario, question of Mr. Baetz: Mr. Ruston .....</b>  | <b>4315</b> |
| <b>Interim answer: Mr. Baetz .....</b>  | <b>4315</b> |

## SPEAKERS IN THIS ISSUE

Aird, Hon. J. B.; Lieutenant Governor  
Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Epp, H. (Waterloo North L)  
Foulds, J. F. (Port Arthur NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
MacDonald, D. C. (York South NDP)  
Mackenzie, R. (Hamilton East NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Mancini, R. (Essex South L)  
McKessock, R. (Grey L)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Ruston, R. F. (Essex North L)  
Smith, G. E. (Simcoe East PC)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)



No. 114

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, November 17, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 9th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 17, 1980

The House met at 2:01 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### MINISTRY RESTRUCTURING

**Hon. Mr. Norton:** Mr. Speaker, I wish to inform the House today of a number of organizational changes that will be introduced shortly to my ministry's head office organization.

Honourable members will recall that two years ago I announced the first phase of a major ministry restructuring. That first phase included establishment of two major delivery divisions: children's services and adults' services. It also included the designation of four regional offices for each of the divisions, and a network of area and local offices with reporting relationships to their respective regional centres.

Those initial steps were taken to create an organization at both the regional and area levels that possessed a greater degree of decision making through increased delegation of authority. As a result of those changes, we have been able to develop a field structure that is more sensitive to local and regional needs and priorities, and an organization that possesses the capability to work closely with our partners in the social services field.

While that phase of our reorganization is complete, we must move now to improve and to increase the corporate capacity and effectiveness of the ministry. In essence, we intend to introduce an organization at head office and at the regional level that: (1) builds upon the strengths of the existing organization; (2) retains a focal point for continued momentum and stewardship of the children's services division and adult services division initiatives; (3) provides a structure where the advocacy voices on behalf of children and adults can have clear and separate points of access to the ministry; (4) furthers the decentralization of operations decision making to the field and strengthens the capacity of the area office to provide leadership to service delivery activities, and

(5) improves the ministry's mid-term and long-term planning and policy harmonization.

I would now like to describe briefly the new head office and regional structure, its objectives and its senior staff.

Effective January 1, 1981, there will be three divisions: children's and adults' operations; children's and adults' policy and program development, and finance and administration.

The children's and adults' operations division will consolidate delivery of all ministry programs—in other words, the current programs and service to children and adults, including income maintenance and institutional care. Continued decentralization and increased delegation of authority will be achieved by the appointment of one regional director for each of the northern, southeastern and southwestern regions. In the short term, due to its complexity, the central region will be headed by two directors, one for children's programs and the other for adults' services. The existing area offices for children's and adults' services will be retained.

I am pleased to announce that Peter Barnes has accepted the position of assistant deputy minister of this new division. I am also pleased to announce that the policy and program development division will be headed by the associate deputy minister, Judge George Thomson, who, as members are aware, is currently responsible for the children's services programs. That division will bring together the policy development and related program functions from throughout the ministry. In this way, the overall planning process will take on a clear, corporate thrust within the context of the family.

When the children's services division was established in 1977, it was agreed that an organization focal point was needed to consolidate programs and carry out a comprehensive policy review. This focal point is being maintained within George Thomson's division by the establishment of an executive co-ordinator of children's policy. This position will be responsible for the stewardship of children's programs and the continued development of initiatives such as the omnibus legislation. The current finance

and administration division will not change substantially as a result of this restructuring.

I would like to announce two other senior staff appointments at this time. John Anderson has accepted the position of senior adviser to the minister. In that capacity, in addition to working closely with the minister on policy and operational matters, Mr. Anderson will be responsible on behalf of the minister and the deputy minister for high-level liaison with special interest groups and service users and will undertake special inquiries and issue resolutions as critical matters arise. Glen Heagle has agreed to accept a new position, that of executive co-ordinator for federal-provincial relations. In that role, Mr. Heagle will undertake a review with our counterparts in Ottawa of cost sharing and constitutional social policy issues.

I am confident that the changes I am announcing will result in an even greater capacity to design, develop and deliver programs and services. I am equally confident that there will be no adverse impact on program delivery during the implementation of these changes.

#### INCREASE IN SOCIAL ASSISTANCE

**Hon. Mr. Norton:** Mr. Speaker, I would like to advise the House and the public of changes to income maintenance programs of my ministry, which will come into effect in January and February 1981.

I am pleased to say that cabinet, as announced in the recent statements of the Treasurer (Mr. F. S. Miller), has approved an additional annual expenditure of approximately \$49 million to increase by seven per cent the allowances being paid to family benefits recipients and to those who receive general welfare assistance. The increases in allowances to recipients under the family benefits program will be reflected in the cheques issued at the end of January 1981. Increases to general welfare recipients will be shown in the cheques issued at the beginning of February 1981.

The increased allowances will benefit approximately 115,000 recipients of family benefits and 70,000 general welfare recipients. The last increase was an overall 10 per cent, which took effect in April and May of this year. I would like to point out that this is an interim adjustment to compensate for inflation effects. I must stress that this is not to be interpreted as the basic rate adjustment for the 1981-82 fiscal year.

There are a number of other related changes, which I will address briefly. Bene-

fits for about 1,200 people under the work incentives program will be increased from between \$25 and \$65 per month, depending on family size. The maximum amount of the handicapped children's benefits will be increased by \$25, from \$175 to \$200 per month. Also, the earned-income level at which benefit reduction starts has been raised by \$2,000, from \$22,000 to \$24,000.

2:10 p.m.

The exemptions on part-time earnings will be increased from between \$15 and \$40 a month for recipients of family benefits. Assets ceilings for family benefits clients will be increased from between 60 and 150 per cent, depending on family size and client type being served. For example, assets ceilings for a mother with two children will increase from the current level of \$2,800 to \$5,500 in January 1981.

Municipalities throughout the province will be permitted to make comparable adjustments to the needs test and assets exemption under the homemakers' and nurses' services program. The phase-out benefits for persons going from family benefits allowance to full-time employment will be increased by \$25, from \$225 to \$250.

I am also pleased to announce another step in our continuing efforts to assist the handicapped in making the transition from institutional to community living as easily as possible. As of January 1981, we are implementing a discharge allowance of up to \$337 for persons leaving institutions to take up residence in the community.

I have had fact sheets prepared showing some examples of these changes, which will be distributed to the members opposite and other interested persons. I believe they are appended to the statement as circulated.

#### CONSTRUCTION LIEN LEGISLATION

**Hon. Mr. McMurtry:** Mr. Speaker, I have the pleasure today of tabling a discussion paper on the draft Construction Lien Act. This discussion paper will be of great interest to all those concerned with the construction industry of this province.

The purpose of the discussion paper is to propose a replacement to Ontario's 107-year-old Mechanics' Lien Act. The suggested replacement—the draft Construction Lien Act—is the product of considerable discussion between officials of my ministry and the various segments of the construction industry: owners, developers, financial institutions, architects, engineers, contractors and labour unions.

Construction lien legislation is vitally important to Ontario's construction industry. Its

objective is to protect the thousands of tradesmen, labourers and small contracting businesses who provide their services to improve the property of others. The draft Construction Lien Act contained in the discussion paper is intended to deal with a number of problems that have prevented the existing Mechanics' Lien Act from achieving this objective.

For example, the existing act requires an owner to retain a portion of the contract price payable to the general contractor. This holdback is to be used to pay lien claims of subcontractors, tradesmen and workmen involved in the project. However, very often these persons find the owner has spent the money he was required to retain as a holdback; there is no money available, therefore, to satisfy the claims of the lien claimants.

Although the act gives constructors a right to enforce their claim against the owner's property, this right will often be subordinate to the claims of mortgagees. If the value of the mortgage, including accrued interest, exceeds the value of the premises, then the right of the lien claimant against the premises is illusory. For this reason, the discussion paper proposes that the holdback on major projects be paid into a joint trust account, thereby ensuring the money will be available if needed.

Although it is proposed that the home owners be bound by the draft Construction Lien Act, there are a number of provisions in the draft act that would reduce the impact of the lien legislation on consumer home improvements. For example, the requirement to pay the holdback into a joint trust account, which I just mentioned, does not apply where the value of the work to be done is less than \$150,000. It would not apply therefore to a home owner who was paving his driveway or installing a swimming pool.

The draft act also proposes reducing the amount of the holdback from 15 per cent to 10 per cent of the contract price. Thus, even if a home owner did not retain the required holdback, his maximum liability would be reduced to 10 per cent of the contract price.

The draft Construction Lien Act contained in the discussion paper addresses a large number of other problems with the existing legislation. Many of these problems result from the language of the existing act, much of which is simply incomprehensible to those who must rely on it. The ambiguities of the existing legislation often result in huge sums of money being tied up in litigation, which in turn can cause serious difficulties for the people involved in a construction project.

The pervasive language problems of the existing legislation have been a major concern in preparing the draft Construction Lien Act. The draft act completely restructures and rewrites the lien legislation with a view to making it more comprehensible and accessible. Because of the complicated nature of the relations with which it must deal, any statute pertaining to construction liens is bound to be complex. However, a complex subject need not be incomprehensible. One major objective behind the preparation of the draft act has been the desire to produce a more straightforward, comprehensible piece of legislation, written in a style as simple as the subject will allow.

With the release of the discussion paper, I look forward to a period of active public discussion on the subject. I hope the various segments of the construction industry will offer suggestions as to how the draft Construction Lien Act can be improved and made more practical. The draft act is intended to serve as a model for discussion; I would like to emphasize it is not engraved in stone.

In addition, I will be establishing an advisory committee of experts in the field of construction liens who collectively will appreciate the lien legislation from the perspectives of all segments of the industry. The advisory committee will be meeting together to review the draft Construction Lien Act and making recommendations based on their personal experience and legal expertise. They will also be reviewing the comments and suggestions received from the public and will be making recommendations based on those submissions.

It is my sincere hope that the discussion paper I am tabling today will be the basis upon which the construction industry and the government, working together, will be able to devise for Ontario the best possible construction lien legislation.

**Mr. Speaker:** Oral questions.

#### ATTENDANCE OF MINISTERS

**Mr. S. Smith:** On a point of order, Mr. Speaker: I realize there is not much you can do about this, but of 25 ministers who respond to questions, leaving out the chief government whip, a grand total of nine have deigned to show up today—here is number 10—which I would think brings the respect they have for this House into some perspective. I am not sure if there is anything you can do about that.

**Mr. Speaker:** No.

## ORAL QUESTIONS

ECONOMIC EQUALITY  
FOR WOMEN

Mr. S. Smith: Mr. Speaker, I will direct a question to the Minister of Labour. Perhaps he is aware of the matter of two Waterloo co-operative program students, equal in experience, although possibly the woman among the two had better qualifications for the job, who were offered different salaries in applying to the Office of the Premier. I would ask him particularly if he recalls that about \$430,000 has now been paid for an advertising campaign across Ontario that says in essence, "Paying a woman less than a man for doing substantially the same work is not just unfair, it is illegal."

Does the minister remember that ad and can he tell us, therefore, what investigation he is going to be doing of the Office of the Premier, where a differential in salary was offered, with the male being offered considerably more than the woman in this case, although any examination of the credentials would seem to indicate either equal experience or greater qualifications on the part of the woman? What investigation is the minister going to be doing, keeping in mind precisely that not only is it unfair, it is illegal?

Hon. Mr. Elgie: Mr. Speaker, let there be no doubt that this is the position of this government: it is illegal and it is unfair.

It is with some degree of regret I point out that, as usual, without exploring beyond the story, the Leader of the Opposition has chosen to pick this up without investigating it himself or having someone else do it. I have already taken the opportunity of personally asking for a report on it. I think it is fair to say, at the very least and probably the very best, one could call it inaccurate sensationalism.

2:20 p.m.

There is absolutely no doubt as to what happened, if I may state for the record the exact incident that took place. The present students on the staff in the Premier's office are paid approximately \$200 if they are third-year students and \$225 per week if they are fourth-year students. The particular man who was interviewed was told the salary ranges and he said he had been making considerably more than that at a previous co-op job he had, namely about \$350. He was told he could not expect to receive anything in that range; it would be at least \$100 less than that.

Somehow, in spite of the fact that the reporter was told the facts, that inaccuracy has

been sustained by the question the member puts to me now and it is not true.

Mr. S. Smith: Supplementary: If the government wishes to continue its running battle with the Globe and Mail, it should feel entirely free to do so. Is the minister aware that when we called the director of placement services at the University of Waterloo, he admitted very clearly on the telephone that Mr. Ferdinand, who conducted the interviews for the Office of the Premier, did, in his words, "make an unfortunate mistake"?

Given that the Premier's office has been hiring co-op students from Waterloo for about four years, such a mistake in setting salary ranges is scarcely credible, and given the fact that this problem still exists in the Premier's office, will the minister admit now that his advertising campaign is rather ineffectual and a change in the laws of Ontario is exactly what is required to change this problem?

Hon. Mr. Elgie: No, I will not admit that the campaign has been ineffective. As a matter of fact, we have had more complaints and closed more cases in a period of six months than any other province has even started to look at.

Let me say to the member that equal pay for substantially the same work in this province is being enforced both on the basis of specific complaints and by way of audit. Let me also tell the member that just because he says it, does not make it right. The records show the Premier's office hires people on the basis of their qualifications and ability, and the story was wrong.

Mr. Cassidy: Supplementary, Mr. Speaker: In view of the minister's unqualified defence of the decision—

Hon. Mr. Elgie: No defence, just the facts.

Mr. Cassidy: In view of the minister's citing of the facts, is the minister aware that the decision to spend \$485,000 to advertise this toothless equal pay law that we have in Ontario right now has so far this year resulted in only 122 awards, and in awards amounting to \$72,000 or about four cents for every working woman in Ontario? Does that not really indicate that no amount of advertising can substitute for an effective law to give equal pay for work of equal value?

Hon. Mr. Elgie: Mr. Speaker, I can only thoroughly disagree with the statement that any teeth are missing from the act. If there are teeth missing, we had better take the leader of the third party's teeth out and check them.

I have to say that the number of complaints and the number of audits being carried out cannot be matched by any other government. I would say to the member that he may want to look only at the amount of money that is recovered but I look at the number of cases that are dealt with and future inequities that are dealt with.

**Mr. S. Smith:** Mr. Speaker, since the minister has still not said whether he is going to investigate this matter, I take it the minister is quite satisfied simply to have asked—

**Mr. Rotenberg:** He told the member. Why doesn't the member listen?

**Mr. S. Smith:** Mr. Speaker, it is very difficult to speak above the rattling and yapping and nattering that come from the back row over there.

**Mr. Speaker:** Try to ignore it.

Interjections.

**Mr. S. Smith:** I will ask the minister, is he going to send one of his famous investigators to investigate this, or is he satisfied just to take the side given to him by a person in the Premier's office without personally talking to the students themselves to confirm their side of the story? Will he be investigating?

**Hon. Mr. Elgie:** I have no problem in asking one of the investigators to look at this, but let me say, Mr. Speaker, I look on myself as a reasonable investigator and I have investigated. It is not true.

#### ACID RAIN

**Mr. S. Smith:** Mr. Speaker, I would like to ask a question of the Minister of Energy. He is undoubtedly aware that the second report on long-range transport of air pollution has come out indicating that the number of Ontario lakes killed by acid rain may already exceed 4,000, which is an almost thirtyfold increase over the number of lakes we knew about last year at this time.

Is the minister aware that Ontario Hydro's fossil fuel generating stations accounted for 30 per cent of Ontario's sulphur dioxide emissions? In light of the fact that recent discussions have taken place between the Deputy Minister of the Environment and Ontario Hydro, would the Minister of Energy finally, after repeated questioning, tell this House exactly what control orders he expects will be placed by the Minister of the Environment (Mr. Parrott) on the Hydro facilities in order to curb sulphur dioxide and nitrous oxide emissions?

**Hon. Mr. Welch:** Mr. Speaker, obviously I have some interest in the question but, as the question is put, the Leader of the Opposition is asking me to respond to what might be the activities of my colleague the Minister of the Environment. I do remind the Leader of the Opposition that this question was put to my colleague two or three weeks ago, as I recall, and he assured the House at that time that he had the matter in hand and we could expect some statement from him before too long in that regard.

I would point out that the figures in the article that the member refers to are based upon computer modelling and not necessarily upon actual fact in so far as the overall report is concerned. A great many of the initiatives with respect to acid rain have been taken on this side of the border and not on the other.

Certainly Ontario Hydro, if I could speak for it, is very cognizant of the importance and, as I reported to the House in response to a question on this subject some weeks ago, I have been expecting a report from the officials of Ontario Hydro as to what steps they might be able to take in order to help curb this particular rate of emission. Once I have that information, I will be glad to share it with the House. I will draw the concern of the Leader of the Opposition to the attention of my colleague when he returns, with respect to the responsibilities that are his.

**Mr. S. Smith:** Supplementary: Why is it that the Minister of Energy is always having to wait for other people? Why does he have to say that the Minister of the Environment will tell him what the plans are, or that Ontario Hydro might make a report to him?

May I ask the minister whether he intends to tell Hydro that they are going to have to clean up their act? At present, Nanticoke generating station alone in 1981-82 will be putting out, apparently, 727 short tons a day of sulphur dioxide; the way the trend is moving, Hydro will be putting out about 70 per cent of what Inco is going to be putting out. Is it not time that he, as Minister of Energy, spoke to the people at Hydro and instructed them to clean up their act, instead of being like some of the reticent corporations, waiting for the other minister to tell him what he has to do?

**Hon. Mr. Welch:** I am glad to have the supplementary because I did not want to create the impression that I was unmindful of the responsibilities that are mine to account to the House for the activities of the Hydro corporation.

We have asked the Hydro officials to take a very serious look at this matter and to come up with some proposals to reduce the rate of these toxic emissions. I think that, in all fairness, I should await their report. Once I have it, we will be quite prepared to take what action is considered practicable and in the interests of the environment and, indeed, of the health of the people to be affected.

**Mr. Cassidy:** Supplementary, Mr. Speaker: The minister has qualified his answer in so many ways that it is impossible to know whether any effective measures will be taken to curb the sulphur dioxide emissions and their consequences in acid rain coming from Hydro. Could the minister explain why it is that in the constituency newsletter of the member for Simcoe Centre (Mr. G. Taylor) the problem is seen so much more simply that he reported to his constituents this fall that all governments on both sides of the border are committed to bringing the acid rain under control by 1982? Are we to take it, then, that this government is not committed to bringing the acid rain under control by 1982? Did the member for Simcoe Centre have it wrong?

**Hon. Mr. Welch:** Mr. Speaker, I would rather be judged on what I finally do, rather than on speculation in advance of the decision. I do not apologize for that position. I would rather be taking some decisions based on some technical advice and then be judged on them, rather than engaging in speculative questions all this time and attempting to figure things out.

2:30 p.m.

### TOMATO PROCESSING

**Mr. Cassidy:** Mr. Speaker, I have a new question to the minister responsible for promoting the sales of Ontario farm products. In this plain brown envelope are Ontario hothouse tomatoes; they come from the Niagara Peninsula, as a matter of fact. They really are excellent. I commend them to everybody on the government side.

Can the minister explain why Ontario hothouse tomatoes as magnificent as these ones here, which have been coming to market for the last two months, have been kept off the shelves of supermarkets in the Loblaws chain and have been appearing only irregularly in other supermarkets across the province, and why consumers as a consequence have had no choice in many cases but to buy imported tomatoes?

**Mr. MacDonald:** Say you don't know, Lorne.

**Mr. Breaugh:** Just admit you don't know.

**Hon. Mr. Henderson:** No. I would not say that.

Mr. Speaker, the honourable member who has brought this forth is well aware that we are promoting the sale of Ontario products at every opportunity. Wherever one goes, one sees our symbol of Ontario products. If he will give me the name of these tomatoes that he claims are kept off the shelf and where they come from, I will be glad to check into it.

**Mr. Cassidy:** Since the growers of hothouse tomatoes have had to sell some of their product at distress prices, and one of the major reasons is their being shut out of the shelves of Loblaws and other supermarkets, and since the imported product is being sold up to the price of the Canadian product in the supermarkets, even though the wholesale price is lower, can the minister say what the point is of this practice of supermarkets, if it is not just to give inflated profits to the supermarkets and no benefit to the consumers?

**Hon. Mr. Henderson:** The honourable member has brought out his concern now. He is as well aware as I am that the embargo is not high enough to protect our Ontario producers. That is the problem, and he is as well aware of it as I am.

**Mr. Swart:** Supplementary, Mr. Speaker: Is the minister not aware that a few years ago a private member of this Legislature wrote to Dominion Stores and asked them, concerning this problem, why they were not displaying the hothouse tomatoes in Ontario? Mr. Ivor Crimp, the vice-president of Dominion, wrote back saying: "We should have had them prominently displayed, properly marked and been active in our marketing effort concerning them. The public should have a chance to make their choice"? Does the minister not think that principle should apply today, and will he table in this House any correspondence he has had with the major supermarkets asking that they give prominent display to tomatoes grown in this province?

**Hon. Mr. Henderson:** Mr. Speaker, I have no intention of tabling any communications that the honourable member has mentioned. The people of this province have had their opportunities to buy Ontario products.

**Mr. Cassidy:** Not at Loblaws.

**Hon. Mr. Henderson:** I have told the honourable members, if they will supply me with the names of farmers and greenhouse opera-

tors who are not able to get their tomatoes on the shelves, we will look into it and do something about it.

**Mr. Cassidy:** The minister is asking us to serve as his policemen, Mr. Speaker. I suggest the minister should do that himself.

**Hon. Mr. Henderson:** Mr. Speaker, I am just asking the member to give me the evidence he is speaking about, which he is not ready to produce.

**Mr. Cassidy:** We will bring it here. The government should do its job.

#### DUO-MATIC PLANT CLOSURE

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Minister of Labour. Is the Minister of Labour aware of yet another plant closing that has taken place, this one being the Duo-Matic facility in Waterford, where 100 workers will have lost their jobs by December 31? Is the minister aware that not only do these workers not qualify for severance pay but also they will not receive any pension benefits? Since Waterford is in the vicinity of Brantford, where the major layoffs in the farm equipment industry have taken place, they also face a bleak future in terms of finding alternative employment.

**Hon. Mr. Elgie:** Mr. Speaker, I am aware that the Duo-Matic company, which manufactures oil furnaces, has announced there is a reduction in the market for their product and they will be closing down. The staff had some preliminary meetings with them and Mr. Joyce, my special adviser with regard to plant closings, has indicated this will be a case in which he will take a personal involvement. He is meeting with the parties either later this week or the beginning of next week.

**Mr. Cassidy:** Since the switch from oil to gas has been encouraged by public policy for several years and by what is clearly happening in terms of the relative prices of oil and gas, and when jobs are on the line at Duo-Matic and other companies making oil furnace equipment across the province, can the minister explain why there has not been a plan of rationalization in place to anticipate these shutdowns and to ensure a transfer or conversion to gas furnace or similar types of production where new jobs could be created? Why should the workers have to suffer layoffs with no secure future because of a lack of anticipation or planning by this government?

**Hon. Mr. Elgie:** Mr. Speaker, rather than disagree with the member, I would think

those would be the very questions Mr. Joyce will be putting to the company.

**Mr. Nixon:** Supplementary, Mr. Speaker: Does the minister recall receiving a letter from me about the shutdown of that plant and might I expect an answer from him?

Will he also explain to the House whether there has been a grant to that company to assist in its expansion, particularly since it has been taken over by new management? If there has been public money put in to assist in the expansion, can we be assured that at least part of that expansion will be kept in Waterford to maintain the employment where it is?

**Hon. Mr. Elgie:** Mr. Speaker, I am aware of the member's letter to me, and I recall sending a response several days ago. If he has not received it, he knows who to blame. They are up near yer Ottawa somewhere. That is what Charlie Farquharson would say: "Somewhere near yer Ottawa."

I am personally not aware whether there has been any Ontario Development Corporation money or any other grants or loans to the company, but I will be glad to ask the Minister of Industry and Tourism (Mr. Grossman).

**Mr. Makarchuk:** Supplementary, Mr. Speaker: Can the minister indicate at this time what actions his ministry is taking to provide alternative employment for the people in that area?

**Hon. Mr. Elgie:** Mr. Speaker, if the member means what assistance will be given to workers to obtain alternative employment, he knows very well that the bill I have before the House would require companies to co-operate in the establishment of manpower adjustment committees where they are not set up voluntarily. Clearly, what we are aiming at is to make sure the mechanisms are in place to help workers find alternative employment.

#### PAYMENTS TO CONSULTING FIRMS

**Mr. T. P. Reid:** Mr. Speaker, I have a question for the Chairman, Management Board of Cabinet, in regard to a question I had on the Order Paper that was replied to on October 23.

Can the minister explain the fact that, in 407 cases, consultants came back to the government to ask for further money over and above the contract they had agreed to and that had been tendered? Other people lost out because of the tendered price, yet on 407 different occasions in one year the

successful contractors came back and got an extension and an expansion of their contracts of an average of \$10,000 over and above what they had bid originally. How does the minister justify that? Does that not make a mockery of his whole tendering system?

**Hon. Mr. McCague:** No, it does not, Mr. Speaker. It was not money asked over and above what they agreed to do it for. It was extension of contracts.

**Mr. T. P. Reid:** I am not sure what an extension of contract means. Is the minister saying his civil servants and cabinet board did not know what they required when they originally put these matters out for bids? He is doing a disservice to the whole tendering process and to all those people who have lost out. Some of these people are low-balling on their bid and then coming back to an easy government to get an increase in their contracts. It is not simply a matter of an extension of contract. If it is, the civil servants and the people in management board are irresponsible in not knowing what they require in the first place.

2:40 p.m.

**Hon. Mr. McCague:** We have just heard the honourable member's opinion of what goes on, and it is entirely incorrect. He knows the work tendered for is specific. It is what the ministry thinks it needs at a particular time. He knows other items are often discovered that need to be studied further. Most of the consulting engineers, management consultants and technical people have set schedules for charges. It is only logical that the people who do the first half of the work or the first two thirds of the work should carry on. It is not as the member says at all. I think the tendering maintains the integrity of the system.

**Mr. T. P. Reid:** But you don't pay any attention to it.

**Hon. Mr. McCague:** We certainly do. They tender for the work we expect to have done at that precise time and, if there is an extension of the contract, the same is done for all people in the business. It is a fair system and I think the honourable member knows that.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: In view of the fact that in the standing committee on public accounts it was evident from the provincial auditor's report that none of this procedure the minister outlined is going on and that what happens is the people submit the bills and he pays them, is he going to re-examine that policy or operation of his

government to ensure we are getting value for the money they are spending?

**Hon. Mr. McCague:** Mr. Speaker, we are getting value for the money we spend. It is not as automatic as just submitting an extra bill and having it paid. There is an extension granted by the ministry for the extra work it asks to be done.

#### HERITAGE LANGUAGES PROGRAM

**Mr. Duksza:** Mr. Speaker, I have a question for the Minister of Education on the heritage languages program. The minister is aware it recently came out with a study of the cultural retention of Italian-Canadian youth. It had two major recommendations: (1) that the heritage languages program should be part of the school day so as to strengthen them, and (2) that there should be an Italian immersion program for children of Italian origin. This particular thing is supported by almost all ethnic groups, and specifically by the multicultural ethnic liaison committee to the board of education and the Polish Canadian Congress—

**Mr. Speaker:** Is there a question there some place?

**Mr. Duksza:** Yes. The question is, what is the minister's proposed course of action on what appears to be a very popular course suggested by almost all ethnic groups?

**Hon. Miss Stephenson:** Mr. Speaker, the honourable member is, I know, referring to a study that was funded as a summer works project for several university students by the federal government. That study apparently has been reported to a group related to the heritage languages program. We do not have a copy of the study at this point—

**Mr. Wildman:** He has.

**Hon. Miss Stephenson:** The Ministry of Education does not have one, I should like you to know, Mr. Speaker. A copy has not been delivered to us.

**Mr. Duksza:** The minister could read the *Globe and Mail*; it was mentioned there.

**Hon. Miss Stephenson:** I read the newspaper. I should like to see the study itself, and I think it would be appropriate that I read the study in its entirety rather than simply a newspaper report.

I am aware that there is a recommendation related to the inclusion in an integral way of the heritage languages program into the educational program of the school system of Ontario. I am sure the honourable member knows that a large number of boards,



at least those boards with very large attendances in heritage language programs, already include heritage language programs as part of an extended school day, and the educational program is taking place throughout the school day in many of those schools.

I am also very much aware that about 50 per cent of the students involved in that kind of program are involved in the Italian heritage language program, which seems to be the main thrust of the newspaper report I read; but I would certainly like to read the whole study before making any comment.

**Mr. Duksza:** I asked the minister very specifically not to talk of extended programs after the school day which are already in existence, because they treat the heritage language program as secondary and the students as second-class citizens. What I am asking is whether she would consider treating it as a part of the day, and she has obfuscated on the answer. She knows perfectly well there have been several attempts—I have a specific question, Mr. Speaker.

**Mr. Speaker:** I am glad to hear that.

**Mr. Duksza:** I have a proposal. As the minister knows, on Thursday we will be debating a private member's bill introduced by me which deals with bilingual education and specifically with those two points plus an additional point. I want to ask the minister whether she is again going to get her colleagues to guillotine the project, as she did two years ago, or will she support it this time? Excuse me; is my English clear enough for the minister?

**Hon. Miss Stephenson:** It was a little difficult, Mr. Speaker. I am not sure that there was any guillotining two years ago, but I shall be most interested to hear the member's arguments in support of that case.

#### DIABETIC DRIVERS

**Mr. Cunningham:** Mr. Speaker, my question is for the Minister of Labour. Is the minister aware that Brewers' Warehousing Company has implemented a policy requiring all its employees to have a class D driver's licence in the event they should have to drive one of their trucks? Is the minister aware that the import of such a regulation is that no diabetic in Ontario would be hired by that company?

**Hon. Mr. Elgie:** No, Mr. Speaker, I was not aware of the announced change, if it occurred, nor was I aware of the implications. I do know that the Minister of Transportation and Communications (Mr. Snow)

announced some revisions to that legislation at the end of last week, but I do not know whether they apply to that class of licence. I will be glad to look into it.

**Mr. Cunningham:** In the event that the proposed legislation does not apply to these people, and in view of the fact that at any time only 20 per cent of the employees of Brewers' Warehousing would ever be required to drive a truck, will the minister use whatever power he may have to take it upon himself to discuss this matter with the president of Brewers' Warehousing to see that a fairer and more equitable approach is taken for the hundreds of thousands of people in Ontario who are diabetic?

**Hon. Mr. Elgie:** I have a particular interest in that area of concern as well. Because of having been a physician, I am well aware that simply because one has diabetes does not mean one should be excluded from driving a car. I happen to know a good hockey player right now who does very well playing hockey. I will be pleased to discuss it with my colleague the Minister of Transportation and Communications.

#### WHITE MOTOR CORPORATION

**Mr. Makarchuk:** Mr. Speaker, I have a question for the Minister of Labour. Can the minister indicate what is happening at White Motor Corporation in Brantford and whether it is possible that the plant may be closed? If so, has the minister received any notice to that effect and does he know whether proper procedures will be followed in terms of severance to the employees?

**Hon. Mr. Elgie:** No, Mr. Speaker, I have received no notice from the company indicating it will be closing at this time.

**Mr. Makarchuk:** In that case, will the minister find out what is happening in that situation and let the employees know some time in the very near future what exactly is going on there?

**Hon. Mr. Elgie:** I will be glad to have the employees' adjustment service look into it.

#### CHRYSLER RESEARCH AND DEVELOPMENT CENTRE

**Mr. Ruston:** Mr. Speaker, I have a question for the Minister of Labour. Since the Ministry of Industry and Tourism has made an agreement with Chrysler to build a research and development centre in Windsor, can the minister tell us what plans he has for supply-

ing staff for the research and development department?

**Hon. Mr. Elgie:** Mr. Speaker, I was aware there was an agreement that, if Chrysler Canada's fortunes were good at the end of 1981 or the beginning of 1982, the agreement with regard to contribution of funds for an R and D centre would be forthcoming. I am not certain at this stage if the minister has reached the point where he feels the obligation will be fulfilled; so I am not aware of any discussions that have gone on with regard to technology and training of people.

**Mr. Mancini:** Supplementary, Mr. Speaker: In view of the fact that the Ontario government is going to put up substantial moneys for that research and development centre, is the minister going to bring it to the attention of Chrysler Corporation, before the government spends those millions of dollars, that they are going to fail this year in meeting their sales-to-production ratio in Canada and therefore are not living up to the auto pact?

**Hon. Mr. Elgie:** Mr. Speaker, I will be glad to bring that question to the attention of the Minister of Industry and Tourism (Mr. Grossman).

#### CHEMICAL STORAGE

**Mr. Breaugh:** Mr. Speaker, I have a question for the Solicitor General concerning a fire at Robson-Lang Leathers Limited in Oshawa. Is the ministry now contemplating some kind of regulation that would make mandatory a listing of chemicals that are stored in an old plant like the tannery in Oshawa so that at least when the local fire department goes to put out a fire it has some idea of what it is dealing with and does not face unknown explosions as they did in that fire?

2:50 p.m.

**Hon. Mr. McMurtry:** Mr. Speaker, I am not familiar with the details of that fire. I think the suggestion implicit in the question seems to make some degree of sense. I am not sure how practical it is from an administrative standpoint, but I am quite prepared to explore the member's useful suggestion and report back to the House.

**Mr. Breaugh:** Is there any requirement now, as there is on the transportation of hazardous materials, to post a listing of the chemicals that are stored in a building such as the tannery? Is there any current regulation that might be readily applied to that kind of situation?

**Hon. Mr. McMurtry:** I do not believe there is, but I will confirm that.

**Mr. B. Newman:** Supplementary, Mr. Speaker: May I suggest to the minister that he also consider a standard colour coding approach to the storage of these dangerous chemicals? Also, will he consider a regulation that they be stored only in specified places in the establishment and not left in multiple spaces throughout a facility?

**Hon. Mr. McMurtry:** I will look into that suggestion, Mr. Speaker.

#### FINES OPTION PROGRAM

**Mr. Bradley:** I have a question of the Attorney General, Mr. Speaker, regarding the fines option program. As the Attorney General is aware, a fines option program is one where a person is given the option of \$300 or 30 days in jail and he has an opportunity to work that off in some form of community work. Will he not agree that in such a circumstance the convicted person is clearly not a danger to society, nor is the offence one that would warrant incarceration? Would it not be better if such a person had the option to work off his fine in a service to the community when he cannot afford to pay the actual fine? This option is now available, I believe, in Alberta and Saskatchewan.

**Hon. Mr. McMurtry:** Yes, Mr. Speaker, I am familiar to some extent with the legislation, certainly in Saskatchewan although I am not sure about Alberta's. We are reviewing this program in some depth right now, and we will have something to say about it in the not-too-distant future in so far as Ontario is concerned.

**Mr. Bradley:** I am sure the minister would agree with me, because he has so stated in his estimates. He is certainly familiar with the estimates of the other ministries in the justice field. Will he not agree that the cost of keeping these people in jail is such that the short-term sentence where a person cannot pay the fine is not desirable? Will he not agree the legal problem that has arisen concerning the federal Criminal Code is not really an obstacle, since in Saskatchewan the federal government apparently has cooperated to the extent that it is prepared to implement that kind of program at the federal level as well?

**Hon. Mr. McMurtry:** I am not suggesting there are any constitutional impediments. I certainly made it very clear during the de-

bate on the Provincial Offences Act that it was not in the public interest to put the taxpayers to the expense related to jail sentences where people cannot pay fines. I do not think it is a wise expenditure of public funds. We made it very clear we should be exploring all of these options in relation to incarceration when a person has been given a fine.

We think that when a fine has been imposed, incarceration for failure to pay the fine should be the last possible alternative. I am simply agreeing with the honourable member that this is something we are going to continue to pursue. It was certainly very much the philosophy of the provincial offences legislation.

### CONDOMINIUM ONTARIO

**Mr. Philip:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Has the minister read the recent article written for The Condominium newspaper by his former staff member, Irv Kumer? In it, that lawyer stated: "Condominium Ontario does not seem to be able to provide the kind of direct advice and information on specific questions that form the reason for creating it in the first place. They are so obsessed with disclaiming liability for advice they give and so hesitant to provide any advice that would really be helpful that the whole operation as presently constituted probably is not worth the effort."

Has the Minister of Consumer and Commercial Relations seen the comments attributed to his colleague, the member for Durham West (Mr. Ashe), in which he takes the New Democratic Party position that Condominium Ontario is a major problem and should be replaced by a registrar of condominiums? In the light of such criticism from his own ranks, will the minister tell the House whether his government will continue to finance this body after December 31, since it is fairly clear that the court case concerning the levy to finance Condo Ontario will not be completed this fall?

**Hon. Mr. Drea:** Mr. Speaker, there are three questions there. First of all, I draw to the honourable member's attention that some action was taken by the Law Society of Upper Canada concerning the giving of advice. If Mr. Kumer does not know what happened when he was urging people to give advice and what the reaction of the Law Society of Upper Canada was, I am rather surprised.

Second, I think the member has a private bill, and if he does not some other NDP member has, to put in a registrar. So that is a matter of opinion.

Third, the entire question of the thrust of Condominium Ontario and its future role, particularly in regard to some of the things the member has asked, will be the subject of a meeting between Condominium Ontario and myself some time later this month or within the next few days. I will gladly report back to the House concerning that meeting.

**Mr. Philip:** Has the minister reviewed the proposed changes, which I understand the new president of Condominium Ontario, Dr. Peter Donnelly, has submitted to him? After this meeting with Condo Ontario, can the minister inform the Legislature whether his officials or those of Condo Ontario will have costed these new proposals and what position the minister is taking on these proposals? Will he also give a guarantee to this Legislature that Condo Ontario will provide to the public regular financial statements of its spending, a practice that was not followed under the former president, Mr. Batchelor, whom the minister appointed?

**Hon. Mr. Drea:** I thought I had answered that question the first time around; I presume the member had it written down and had to read it. I do not understand the business about the financial statements but, if the member wants to elaborate in a note to me, I will be glad to look into it.

I draw the attention of the House to the fact that Condominium Ontario is not an arm of the government. Condominium Ontario operates at arm's length. The member who asked this has been in several disputes and has lost every one of them in this House, demanding that the government provide financial statements or mailing lists or other things. If he will tell me in writing what he wants, I will do my best to get it for him.

### BURLINGTON GAS EXPLOSION

**Mr. Speaker:** The same minister has the answer to another question asked previously.

**Hon. Mr. Drea:** Mr. Speaker, on November 13 the member for St. Catharines (Mr. Bradley) asked a number of questions arising out of a gas explosion that destroyed a home in Burlington. Investigation of this accident being conducted by the staff of the technical standards division of my ministry has not been concluded. We received the Ontario Re-

search Foundation's report on November 4 and it is being analysed carefully.

I would point out that the report was provided to us as a matter of courtesy. The primary objective of the Ontario Research Foundation test was to provide data on AMP T-fitting for litigation purposes. Because of this litigation I do not think it appropriate to comment on the contents of the report. However, I can say the report did not conclude that the plastic T-joint had separated from the pipeline supplying gas to the house. That fact was established by our own on-site investigation on September 16.

The honourable member asked whether it was correct that 30 per cent of these fittings, which he said were tested by the Consumers' Gas Company's Chatham laboratory, had failed to meet pressure specifications and that AMP of Canada Limited, which he identified as the manufacturer, now makes fittings to higher specifications.

In reply, I would point out that Consumers' Gas Company does not have a laboratory in Chatham, nor did it make any such findings at its Toronto laboratory. Union Gas, which does have a laboratory in Chatham, did not make any such findings either. Further I am advised that AMP of Canada Limited is the distributor, and not the manufacturer, of these fittings.

3 p.m.

The suggestion that new fittings are now being designed to meet higher specifications is misleading. The Canadian Standards Association standard for these fittings has not changed during the period we are talking about. In the light of advances in plastic technology, changes were made to the material and the body of the fitting in 1977. The designed strength of the fitting, before and after the change, has met the CSA standard. We have no information to indicate there is an urgent or unusual problem with the old or new style fitting. Indeed because of its flexibility and absence of corrosion, a plastic system provides additional safety when compared with the more rigid steel system.

Immediately following the accident, Union Gas stepped up the frequency of its gas leakage service. Although some small leaks have been found, there have been no further discoveries of line separation. Some of these installations are over landfill sites which may be more prone to leakage as a result of stresses caused by settlement of the fill in such sites. I understand Union Gas is directing special attention to these locations.

Our investigation in the matter is continuing.

#### MUNICIPAL ELECTION TIES

**Mr. Mancini:** Mr. Speaker, I would like to ask a question of the Minister of Intergovernmental Affairs. Is the minister aware that, during last week's municipal election, a tie occurred in one of the municipalities I represent and that the Municipal Act calls for a judge to do a recount? However, if the tie vote is maintained, the person to hold office must be chosen by a draw from a hat. Does the minister not believe it is time to review the Municipal Act to assure we have proper legislation to break these ties in a proper manner in order that the people may be best served?

**Hon. Mr. Wells:** I might say, Mr. Speaker, there is an amendment to the Municipal Act at present on the Order Paper. It does not cover this but deals with archaic sections of the act. We are consistently going through the act to update any sections that seem irrelevant or not up to date. I suggest my friend think about this whole matter a little more. It is easy to criticize that as a tie-breaking mechanism but to come up with something more acceptable is perhaps not as easy.

As the member knows, in our case the returning officer casts the deciding ballot. Maybe the municipal clerk should cast the deciding ballot, but I would suggest to the member that many of the clerks would rather have it this way than be left with that responsibility. In fact, they might like to have an unofficial draw first before they legally cast the deciding ballot.

It is difficult but, fortunately, we have very few ties in this province. Let us wait and see what the recount brings forward in that case.

**Mr. Mancini:** We should be concerned not only about this specific election but also about the general principle of the matter. Does the minister not think it is an important matter for a person to make decisions for the next two years and to affect peoples' lives? Does he not think a better system should be devised, other than having a person's name drawn from a hat?

**Mr. Speaker:** That is the same as the first question.

**Hon. Mr. Wells:** I just want to say I do not view that method of settling it with alarm. If, after a recount, the people of a

given municipality have voted in exactly in the same numbers for each of two candidates, obviously it is an absolute split down the middle and some way has to be found to solve that. Putting the names in a hat and drawing the winner seems to me to be just as equitable a way of settling it as any.

### PARTICIPATION HOUSE

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of Community and Social Services. Is the minister aware that negotiations at Participation House in Hamilton resumed today and broke off quickly after management refused to budge one cent from the position it held at the beginning of negotiations?

As the taxpayers and charitable donors of this province have invested almost 100 per cent of the capital and operating costs of Participation House and its programs, will he now place Participation House under temporary trusteeship so that the residents can be returned to their home and the investment which has been placed there by the taxpayers and donors can be saved from an apparently intransigent management?

**Hon. Mr. Norton:** Mr. Speaker, I must tell the honourable member that I have not yet received that information from my staff. I am sure by the time I get back to my office following question period it will be there.

The only thing I can say at this point is that I will review the most up-to-date information available to me and see whether there is any way in which I can appropriately act so as not to interfere with the present negotiations, or at least with the free collective bargaining process, and yet be of some assistance to that organization.

**Mr. Isaacs:** As the minister had previously indicated that he believed there might be some room for solution of this protracted dispute, will he, if management still refuses to move, at very least open the books of Participation House to the scrutiny of the members of this House and the public so that we may determine for ourselves whether Participation House management is simply playing games or whether it is that his ministry is not providing them with enough money?

**Hon. Mr. Norton:** I can only interpret that suggestion to mean that, if I am not prepared to interfere in the free collective bargaining process, then the honourable members opposite are. I am not sure I would give that undertaking.

### NORFOLK TEACHERS' DISPUTE

**Mr. Nixon:** Mr. Speaker, I have a question to put to the Minister of Education about the continuing strike in Norfolk.

Now that a new school board has been elected but cannot function until the first week of December, and since the mediator has yet to come up with any positive results, at least as far as is publicly known, can the minister indicate what steps she may be contemplating to bring this matter to a successful conclusion, since the young people have been out of school for seven weeks?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding that there are some discussions going on right at the present time in that situation. I am relatively hopeful, because it would appear there are some routes to a successful completion of the dispute; I believe those are being explored.

**Mr. Nixon:** Since the minister said exactly that when the question was first put six weeks ago, is there any indication that she could give to the members of the House, particularly the members from the area, that these discussions are more hopeful than they were a month or more ago?

The students are missing a good deal of school and the parents are coming to the elected members from the area in some desperation. The fact that there is no pressure put to bear on this House, the fact that it is not a strike in downtown Toronto so nobody here gives a damn about it, is getting to be a matter of grave concern for me and the people in the area.

**Hon. Miss Stephenson:** The member for Brant-Oxford-Norfolk may believe that, but I have to tell him that there are a large number of people who give a damn about this strike.

**Mr. Nixon:** Yes, there are: You, me and maybe one other, the member for Haldimand-Norfolk (Mr. G. I. Miller).

**Hon. Miss Stephenson:** Oh, no. There are several more than that as well.

**Mr. Ruston:** You didn't care about Windsor.

**Hon. Miss Stephenson:** I beg your pardon; about Windsor?

**Mr. S. Smith:** You need a pardon about Windsor.

**Hon. Miss Stephenson:** Well, I do not have to beg Windsor's pardon about Windsor, but the Leader of the Opposition has to beg Sault Ste. Marie's pardon about Sault Ste. Marie and the rest of northern Ontario.

It is perfectly obvious, as a result of some meetings that were held about 10 days to two weeks ago, at which time we met with representatives of the parents, the community and representatives of the students, and what the Education Relations Commission did as well, that there has been some pressure brought to bear where it is more important; that, of course, is in the local community. What is happening is that we are having some communications from individuals who are involved on either one side or the other and who believe there is a route now to finding a solution to this problem. We had not had that kind of indication before.

#### INVESTMENT COMPANIES' FAILURE

**Mr. M. N. Davison:** Mr. Speaker, I would like to get a response from the Minister of Consumer and Commercial Relations to a suggestion I would like to put about the Re-Mor and Astra matter.

In order for the Legislature to be able to explore and, we hope, to untangle the web of Re-Mor and Astra involvement, will the minister support—and I offer this suggestion in all good faith—a referral of this matter to a legislative committee for consideration?

3:10 p.m.

**Hon. Mr. Drea:** I will not, Mr. Speaker, on the grounds that it would virtually destroy the litigation or, at the very least, it would run head on into the litigation that now exists in the situation in two regards: first, the class action or the group action accusing the registrar of mortgage brokers of negligence and, second, the question concerning the rights of creditors to have the Re-Mor funds extricated from the Astra bankruptcy now under way.

**Mr. M. N. Davison:** Would the minister care to explain to the House the effect on his ministry's actions and decisions in this case caused by the involvement of a Mr. Matt Dymond, a former minister of the crown in Ontario, with Mr. Carlo Montemurro, who was behind the Astra and Re-Mor ripoffs? Will the minister explain the effects of the close relationship between these two men?

**Hon. Mr. Drea:** I do not know who has any kind of a relationship with anybody. It has never had any impact upon me, and I will tell him—

**Mr. Breugh:** You are so lonely a man, Frank.

**Hon. Mr. Drea:** Well, he is asking if somebody was doing something; so let us not be

so cute. I say to the honourable member, if he is suggesting that somebody influenced me or somebody within my ministry—

**Mr. M. N. Davison:** The minister has to explain his action in some way.

**Hon. Mr. Drea:** If the member wants to stand up right now and say that somebody influenced me, he can be my guest, but I would ask him to remember what is going to happen to him afterwards.

Interjections.

**Hon. Mr. Drea:** Mr. Speaker, I do not really understand how a member can ask a question like that if he is not prepared to bring forward some evidence or material. I personally know of no relationships with anybody involved in this matter.

**Mr. Breithaupt:** Supplementary, Mr. Speaker: With respect to the Re-Mor matter, may I take the opportunity to ask the minister if he is able, as he promised last Thursday, to table today the application for the Re-Mor mortgage brokerage licence and the other items I had asked for, since that all ties into this overall theme?

**Hon. Mr. Drea:** Mr. Speaker, the reply is in consultation with the Ministry of the Attorney General; it will be tomorrow. In one of the replies, I said as soon as possible, Monday or Tuesday.

#### FIRE SAFETY

**Mr. Haggerty:** Mr. Speaker, I would like to direct a question to the Solicitor General. What is the status of the Ontario provincial fire code at the present time and whose ministry will enforce it?

**Hon. Mr. McMurtry:** Mr. Speaker, we will be introducing legislation. Generally, as far as the regulations pertaining to fire safety and those matters are concerned, they will be the responsibility of the fire marshal's office.

#### FRENCH-LANGUAGE ADVISORY COMMITTEES

**Mr. R. F. Johnston:** Mr. Speaker, I have a question for the Minister of Education. How many voters did she find of the French-speaking electors for the French-language advisory committee across Ontario for the \$75,650 she spent on her feeble enumeration technique, and how much would it have cost if she had simply added the questions to the enumeration forms for the various areas where they would have applied?

**Hon. Miss Stephenson:** Mr. Speaker, as the honourable member knows, what was carried out was not an enumeration. It was a method of attempting to assist the French-language advisory committees to identify on a broader base those who might be interested in participating in the election of French-language advisory committee members. Those elections are not part of the municipal elections, which are enumerated properly for the election of trustees and members of local government.

Members of the French-language advisory committees are neither members of the board of school trustees nor of local government. Therefore, what we did was to attempt to help that group to identify more clearly those francophone individuals within their jurisdictions who might be interested in participating in the French-language advisory committee elections.

That exercise is now being completed. When the final figures have been tallied, I will certainly ask permission of the five francophone groups, with which I had discussions and with which I made a pact I would never use this information as any kind of statistical base, to permit me to provide that information to the member.

**Mr. R. F. Johnston:** Does the minister believe or does she not believe that there should be full enumeration for the FLACs? She has made a distinction. Have they a right or not to have full enumeration so that they know whom they are electing.

**Hon. Miss Stephenson:** It is my understanding that enumeration is carried out for purposes of municipal elections to those bodies in which there is full participation of all citizens. Since the French-language advisory committee, although established under law, is not what one would consider to be a municipal body, I do not know whether it should be a part of the enumeration.

#### RIGHT-TO-FARM LEGISLATION

**Mr. McKessock:** Mr. Speaker, I have a question for the Minister of Agriculture and Food. Can the minister tell me what stage his right-to-farm legislation is at and when we can expect it to be introduced into the House?

**Hon. Mr. Henderson:** Mr. Speaker, shortly after the throne speech last year we took this up with the Ontario Federation of Agriculture. My staff and the staff of the federation were working together. About a month

ago the federation came back and reported to me that they had a proposal but they were not yet ready to present it to me. They want to present it to the annual meeting of the federation next week. That is where it is at.

#### PETITION

##### KU KLUX KLAN

**Mr. Warner:** Mr. Speaker, I have a petition which reads as follows: We, the undersigned, petition the Lieutenant Governor and Legislative Assembly of Ontario to ensure public protection against the Ku Klux Klan, an organization which has clearly violated our human rights legislation and hate literature laws. We petition for an immediate prosecution under the Criminal Code in an effort to end the activities of the Ku Klux Klan in Ontario."

The petition is signed by 38 citizens from the good borough of Scarborough.

#### MOTION

##### COMMITTEE SITTING

**Hon. Mr. Wells** moved that the select committee on Ontario Hydro affairs be authorized to sit on Thursday, November 20, from 1 p.m. to 2 p.m.

Motion agreed to.

#### INTRODUCTION OF BILL

##### MORTGAGE PAYMENTS MORATORIUM ACT

**Mr. Makarchuk** moved first reading of Bill 196, An Act to provide for a Moratorium on Mortgage Payments for Persons affected by an Interruption of Employment.

Motion agreed to.

**Mr. Makarchuk:** The purpose of the bill, Mr. Speaker, is to provide for a moratorium on payment of principal and interest amounts secured by mortgages on the residences of persons who suffer an interruption of employment arising from a legal strike, lockout or layoff. The bill also protects the mortgagor from mortgage default proceedings during the moratorium period.

3:20 p.m.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Wells:** Mr. Speaker, I wish to table the answers to questions 388 to 391,

393, 396 and 397 standing on the Notice Paper. (See appendix, page 4363.)

### ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, MINISTRY OF NORTHERN AFFAIRS

(continued)

On vote 701, ministry administration program:

**Mr. Bolan:** Mr. Chairman, I would like to ask the minister whether it is his intention to table the answers to questions I asked of him in the opening statement when we commenced the estimates of the Ministry of Northern Affairs?

Are you finished?

**Mr. Martel:** No.

**Mr. Bolan:** Carry on.

**Mr. Martel:** Thank you.

**Mr. Bolan:** Are you?

**Mr. Martel:** Go ahead.

**Mr. Bolan:** Thank you.

**Mr. MacDonald:** Are you running the House?

**Mr. Bolan:** I don't know; I am starting to wonder who is. Do you want to carry on your conversation?

**Mr. Chairman:** Order.

**Mr. Bolan:** Mr. Chairman, I would like to ask if the minister has answers to the questions I asked of him when we started the estimates? I asked him the following questions: What is the total advertising budget for the Ministry of Northern Affairs and its agencies, boards and commissions for the fiscal year? What was the comparable advertising budget for the previous year? What advertising agencies are employed? Are tenders let for the account? Will the minister also provide a copy of the material used in all the promotions, such as brochures, radio and television scripts, direct mailing and any other promotional material?

I asked those questions some three weeks ago. The minister has had three weeks to get the answers. I presume he has them now. If he does not have them now, do I have his undertaking that they will be provided to us between now and the time the estimates are finished?

**Hon. Mr. Bernier:** Mr. Chairman, I believe that question is on the Order Paper, and we are preparing a reply to it.

**Mr. Wildman:** Mr. Chairman, when we adjourned last, I was asking some questions of the minister with regard to the relationship of his ministry to other ministries of the government. Since he has delineated that his ministry is a co-ordinating ministry, I would like to pursue that a little with some specific examples.

It is rather difficult to deal with this in one way, because when one writes to the minister about a specific problem in northern Ontario he is often wont to refer one to another minister. For instance, there is the position taken by this minister with regard to the question of Ontario health insurance plan coverage for transfers by doctors of patients from northern Ontario to larger centres in the north, to southern Ontario, or in some cases in the northwest, to Manitoba. When I contacted him, he said he was sympathetic, but he referred me to the Minister of Health (Mr. Timbrell).

I understand the Minister of Health has a liaison committee on the air ambulance service; they are talking about it and they may be coming up with something. But I would like to know what role, if any, this ministry has in advising the Minister of Health and trying to persuade him to accept the resolution I have on the Order Paper which would provide OHIP coverage for those kinds of transfers.

In the same vein, I would be interested to find out what the minister's position is with regard to the proposals now being made for a telemedicine program by the Port Arthur General Hospital and by a Dr. Barrett, who is a radiologist in Toronto. I understand Dr. Barrett has met with the minister and with the Speaker, I believe, to discuss his proposals. He has also met with me. It is somewhat similar to what is in operation now in northwestern Quebec; James Bay, I believe, has a similar hookup to Montreal hospitals.

I would be interested to find out what role this minister has in influencing health policy for northern Ontario. I know the minister does announce programs with regard to health policy, such as the bursary program for professionals to be attracted to the north. But, besides announcing policies that have been decided in the Ministry of Health, what role does this minister have in actually influencing the development of policy and, in particular, the questions of OHIP transfers and the telemedicine proposal?

In a similar vein, can the minister indicate what is happening with the proposals made in Espanola, in the riding of my colleague



the member for Algoma-Manitoulin (Mr. Lane), for an integrated facility involving nursing home care—residential care, extended care or whatever it is called—as well as senior citizens' housing? This is a very good concept and one with which I think his ministry is involved in a committee. Can he give me some indication of what stage it is at and what his ministry's role is in it?

Can he also say what, if anything, his ministry is doing about the mixup we have between the Ministry of Health and the Ministry of Community and Social Services with regard to a similar, although not as large, pilot project that is now in operation in Hornepayne for residential care for the elderly and disabled? This is the kind of concept, I am sure the minister will agree, that we need to expand in the small communities in northern Ontario, since it enables the elderly and the disabled to remain in their own communities, rather than being transported great distances to facilities in larger centres. I will be interested to hear his comments on his responsibilities in that area.

In relation to the Ministry of Industry and Tourism, I hope the minister can clarify a controversy that has developed as a result of statements made by his colleague the Minister of Industry and Tourism (Mr. Grossman) on October 22, when the estimates of his ministry were being debated by the resources development committee. During that debate, he indicated that further decisions by the provincial government on provision of funding for infrastructure for the proposed King Mountain project in my riding would await the completion of the Department of Regional Economic Expansion agreement on tourism for northern Ontario.

Subsequent to those statements becoming public, the president of the development firm, a Mr. Frank Rush, characterized the statement of the minister's colleague as "bull." I believe that was the word he used; it was on the front page of the Sault Ste. Marie Star.

He said the DREE agreement might have some bearing—but very little, if any—on the proposals, and he had to have a decision on provincial involvement by December 31. Also, the Assistant Deputy Minister of Regional Economic Expansion in Ottawa said that, although they were interested in the King Mountain project, the agreement on tourism for northern Ontario between the province and the federal government was

not nearly rich enough to be able to provide any significant contribution to the King Mountain project. My colleague the member for Sault Ste. Marie (Mr. Ramsay) said that as far as he was aware there was no real relationship between the negotiations with DREE and the King Mountain project.

Frankly, it is inconceivable to me that a minister responsible for tourism—even in a Tory government—would not know about the relationship between the negotiations on a tourism agreement with DREE and a major project in northern Ontario. But that appears to be the case.

Is the Minister of Northern Affairs the so-called lead minister in the negotiations with DREE, and can he clear up the contradictions that have been raised by the statements of his colleagues? Maybe he can also tell us in general terms what is the relationship between the Ministry of Northern Affairs and the Ministry of Industry and Tourism with regard to tourist developments in northern Ontario, because obviously the Minister of Industry and Tourism does not know what he is talking about.

3:30 p.m.

I will not prolong this, but in every estimate we have had on this ministry I have raised the question of the relationship between this ministry and the Ministry of Transportation and Communications. We will be talking about northern roads on a specific vote; so I will not prolong it. But it seems to me rather interesting that the minister could state in Sudbury last Thursday that the bypass between Highway 144, the Timmins highway, and Highway 17 at Sudbury is on schedule and will be completed in 1981. Whereas, on exactly the same day, the member for Sudbury East (Mr. Martel) received a letter from the Minister of Transportation and Communications (Mr. Snow), who said this project would be completed by 1982 at the earliest. The minister said 1981, and the Minister of Transportation and Communications said 1982.

Who is deciding when these projects are going to be complete? Who is responsible? Can the ministers get their act together? What is the relationship between them? I understand they are supposed to set the overall priorities. MTC is supposed to make recommendations to help make those priorities, and then the minister is supposed to appropriate the moneys and turn it over to MTC to carry out the program he sets. But, obviously, the two ministers are not on the same wavelength with regard to the bypass

from Highways 144 to 17. They are at least a year apart. It is interesting the minister would say something one day and the very same day a letter would be received from the Minister of Transportation and Communications saying something very different.

**Hon. Mr. Bernier:** You have not been briefed well enough.

**Mr. Wildman:** I can get the letter the member for Sudbury East received. He would be quite willing to send it down. I would read it. I do not want to prolong it, but I understand Mr. Tom Davies, the mayor of Walden, is quite upset about this discrepancy and is very concerned about the whole contradiction. So here we have another contradiction—in this case the contradiction between the two ministers.

I would also like to refer to two other matters the minister raised in his leadoff statement. As a matter of fact, he then criticized me for not raising them in my leadoff. One was the Hornepayne town centre project. The minister may know that a week ago Saturday I was at the opening of one portion of it, although they have not got permission yet for occupancy; there is some problem with the fire marshal. At any rate, I understand his ministry has announced a further contribution to the project in the range of something like \$300,000, and another \$100,000 from CN, to complete it. Can he indicate what the final capital cost will be? I understand of that \$300,000 approximately \$100,000 is a commitment to assist with operating costs over the first two years—\$60,000 the first year and \$40,000 the second year—because there is a projected deficit.

**Hon. Mr. Bernier:** Generous, eh?

**Mr. Wildman:** Yes, I welcome the assistance. One thing I am concerned about, though, is what happens after the first two years? If there is a projected deficit and the ministry is going to provide \$60,000 the first year and \$40,000 the second year, what happens the third year? I know that may sound like looking a gift-horse in the mouth, but I am concerned about the future and what it means in terms of the finances of the community.

As the minister may know, Hornepayne is in a serious financial situation; that is why his ministry has largely contributed, as well as the fact that he wants to see the centre go ahead. There is some concern about the curling rink and the airport, and a rather serious concern about Canada Mortgage and

Housing Corporation and the use of funds that were appropriated for a certain matter. I understand the Ministry of Intergovernmental Affairs is involved with that and is going into Hornepayne in the last couple of weeks of November to try to straighten out the finances of the municipality. In that case, I would like to find out the minister's relationship with the Ministry of Intergovernmental Affairs on the future of Hornepayne.

The minister also raised the matter of Missanabie and pointed to that as an example of how his ministry responds to the concerns of small communities, and how they co-ordinate all the other agencies, in this case, the Ministry of Natural Resources, the Ministry of Intergovernmental Affairs and so on. But the one thing he ignored was the fact that the pipe that was purchased more than a year ago by this ministry to extend the water line on an emergency basis to provide a water supply for the community is still sitting in a pile in Missanabie.

How anyone could point to that as a great achievement, I fail to understand—an expenditure of something like \$30,000, and the project is not complete. Now the Ministry of Northern Affairs is refusing to go ahead with any further work, saying it committed itself only to providing a water supply for the community for one winter and, since that winter is now over and nobody went without water, it fulfilled its commitment. Frankly, it is pure luck. They did not resolve the technical problem. It cost a lot more than they expected, and they were not willing to provide the extra moneys that were required.

I understand that the local residents of the community have said they want to apply through the Ontario Municipal Board to become an improvement district. I understand it is the position of both the Minister of Northern Affairs and the Minister of Intergovernmental Affairs (Mr. Wells) that they would rather the community would go the route of a local services board. The community has rejected that, largely because it anticipates that the Renabie Mine will be reopening this summer. The president of the company has indicated it will be reopening and employing between 80 and 100 people. They wish to be an improvement district, they hope with their boundaries including that property, so they will have a tax base and they will be able to resolve some of their problems through being able to levy taxes.

The Ministry of Intergovernmental Affairs, I understand on the advice of the

Ministry of Northern Affairs, raised some objections with the OMB to holding that hearing. They said they were studying it and they wished it to be postponed. In fact, they were not studying it; they just did not want it to be held. When I phoned them and asked if they could give me copies of their study, they had to admit they had not done any study. But I understand they are now prepared to withdraw their objections to going ahead with the hearing, and I hope the OMB will schedule a hearing and decide whether Missanabie should be an improvement district. Whatever is decided, I hope we can move to resolving the problems.

If I were minister, I would hardly point to Missanabie as a great example of a response by this ministry to the problems of a small community. To purchase pipe, and then not even to install it after a full year, to commit oneself to improving a water system and after a year not to have even cleaned out the tank, is hardly an example of swift action by this ministry to respond to the needs of a community. We are just lucky it was not a harder winter last year, or we would have had major problems.

Interestingly, as the minister may be aware, there is a serious attempt to resolve difficulties and to provide amenities and services to one other riding in my community; that is, White River. The local major employer, Abitibi-Price, is co-operating. As a matter of fact, Abitibi-Price has hired a consulting firm, called Robb Ogilvie Associates, which has brought together the local community, not only the municipal officials but also private citizens, local service clubs and representatives of a number of ministries, including the Ministry of Northern Affairs, the Ministry of Culture and Recreation, and so on. They are working together to bring about a number of changes in White River—one being the building and financing of a recreation centre—looking into the housing problem and the problem of other amenities and services, to try to make it a more attractive community to new employees coming in, so they will stay there.

3:40 p.m.

My only question for this minister is why they had to hire a private consultant. Why is his ministry not doing the very same sort of thing? That is what he is supposed to be doing; at least that is what he tells us. Why is his ministry not coming in and taking hold of the reins and bringing all those various local groups and ministry officials

together to bring about developments, as is being done in White River, but in this case is being done largely by the private sector?

I am not too concerned about Abitibi-Price having to pay Robb Ogilvie, but did they have to do it that way? Why did the Ministry of Northern Affairs not take hold of the whole issue? The point is, they only went to Robb Ogilvie after they got nowhere for years in trying to bring about the developments they are looking at.

If one looks at an example, the recreation centre is a 10-year ongoing matter that was not being pushed until they brought someone in—to use the minister's own arguments, "What you need is the impetus of someone who can bring all the groups together and co-ordinate them and put some initiative there." Frankly, in an ironic way the experience of White River is an example of what the minister claims is necessary for small communities in northern Ontario. What is so ironic about it is that his ministry is not doing it; it is a private consultant.

Last, I would like to raise a concern about French-language services. The minister knows I sent him a letter this fall asking him how the government would be implementing the commitment made by the Premier (Mr. Davis) at the first ministers' conference to provide French-language services in areas where numbers warrant. I was referring especially to social services and to services to children. I received a reply from the minister in which he said: "As you know, some of my colleagues in cabinet have announced French-language policy for their ministries with specific measures for the improvement of francophone services throughout northern Ontario. More recently my colleague the Honourable Keith Norton, Minister of Community and Social Services, reaffirmed a French-language services policy for his ministry."

I wonder what kind of consultation went on between whoever wrote this letter for the minister and the Ministry of Community and Social Services. The Minister of Community and Social Services did, in fact, announce French-language services for children—a \$400,000 fund for northern Ontario—but he specifically excluded Algoma, of which fact the Minister of Northern Affairs seems to be unaware.

As a matter of fact, he goes on to say: "I have been advised that the social services representatives servicing that area all work out of the office at 55 Broadway Avenue in Wawa. This office is staffed full-time by a fully bilingual clerical receptionist who pro-

vides services to general welfare assistance, family benefits, children's aid and probation and after-care workers located in Wawa."

Hip, hip, hurrah! We have a clerk who is bilingual in Wawa. The Wawa office serves an area from White River to Hornepayne—about 120 miles in one direction—to Missanabie—about 70 to 75 miles in the other direction. I would like to know if this clerk travels with the social workers who go to serve those areas? Especially, does she travel with the social worker who goes to Dubreuilville, which is approximately 55 miles from Wawa and whose social worker does not speak French? As the minister knows since he has visited that community, 95 per cent of the people in Dubreuilville are francophones, and a large majority of them are unilingual French-speaking. A clerk in an office in Wawa hardly serves French-language people in northern Algoma.

I would like to know what kind of advice this minister gives to the Minister of Community and Social Services and what kind of advice he gets from that ministry. Obviously, whoever phoned the Ministry of Community and Social Services to get some assistance to answer this letter—because I am sure that is how it went—was not informed they had excluded Algoma when they made their announcement of a \$400,000 fund for French-language services to children in northern Ontario.

What I am really asking is, does this ministry get involved in policy development for serving the north? Or does it simply phone them up and say: "We have a request for something? Can you tell us what to reply?" I would appreciate if the minister could respond.

**Hon. Mr. Bernier:** Mr. Chairman, if I might respond to the member, I must say I am pleased he is taking an interest in his own particular area. I sensed a lack of appreciation for what has been accomplished in many areas of his riding.

I am glad I have on the record all those great things we have been doing in the riding of Algoma. I am sure before the estimates are concluded he will come around to seeing the magnificent improvements and accomplishments that this government and certainly this ministry have made in his particular riding, in spite of the member for Algoma.

**Mr. Wildman:** There has been more money spent in my riding since 1975 than in the 10 years prior to that.

**Hon. Mr. Bernier:** That is right. Why doesn't the member say that? Why doesn't he tell the people?

**Mr. Wildman:** It is because I have raised these matters here.

**Hon. Mr. Bernier:** Those things have been done in spite of the member. I am glad he has realized that we are doing things in the north.

The member was talking about our coordinating responsibilities as a northern ministry. As he is very much aware, we are not a line ministry per se; that is, we do not have the technical engineers to design a highway or to do field work with respect to the development of a new highway, nor do we have the engineers or the experts to plan and develop a sewer and water system.

That is not our role. Our role is to coordinate and to answer to the special and unique needs of northern Ontario. Where we identify those special, unique needs, we lean on the other ministries and work very closely with them to get a program in place that will satisfy the needs of northern Ontario. In many instances, that requires extra funds, which we have been given to do these things. We have a fund that can accomplish those requirements. A typical example is sewer and water projects. The member is very familiar with the problems we have with sewer and water projects in northern Ontario. Not only do we work very closely with the Ministry of the Environment in many instances in topping up what it gives in normal grants, but also we top up to make it possible for a municipality to carry out its responsibilities. In many instances, that municipality does not have a taxation base to carry it under the normal program.

We go a step further than that. We look at a particular area: Belle Vallee is a good example. Belle Vallee is a small community with a very high water table. The cost of putting in a conventional sewer system in that community would have been astronomical and would have been completely out of reach of that small community. They were anxious to have a system in place they could afford and one that the government could afford to support and pay for from our point of view. We did come up with an idea and a plan. That is being implemented right now and the system is being constructed. In fact, I think it should be completed relatively soon. It is a low-pressure sewage system, the first of its kind in northern Ontario, at Belle Vallee. I think I have the figures on that particular program. I should put them on the record, because I know they will be of interest to the members.

3:50 p.m.

In case the honourable members are not aware of where Belle Vallee is, it is about 20

kilometres northeast of New Liskeard. The system consists of a two-compartment septic tank and a pump in each home, connected by a pipe to a two-cell lagoon on the outskirts of the community. Belle Vallee, as I pointed out, is in an extremely flat area, and a conventional gravity feed system would have required very deep trenches to maintain the sewage flow in the pipes. The low-pressure system is simple to operate and maintain and requires only that the pipe be below the frost line. We contributed about \$270,000 for that particular project, and the community will pay the balance of \$74,230. That is an example of what we do in a very special way. Not only did we co-ordinate it with the other ministry, but also we assisted in the funding.

Another example, with regard to sewer and water projects, is at Serpent River. The member for Algoma-Manitoulin (Mr. Lane), my parliamentary assistant, came to me with the very special problems that Serpent River had as a small community on a plastic pipe system. They said to us: "We do not want a massive steel pipe system, buried eight or 10 feet in the ground. We have been operating for 25 years with a good, reliable plastic pipe system. Would you supplement that and improve upon it?" We said, "Fine, if that is what you want and it will work." We brought in the Ministry of the Environment. We had some lengthy discussions with them. Obviously, the engineers are not taken with this type of a development. It is, I suppose, a little removed from what they have been used to or what their practice is, because—

**Mr. Wildman:** What about the fire marshal? Did he like it?

**Hon. Mr. Bernier:** This is what the people wanted, and I think we have to answer to the people's needs, their requirements and what they can pay for. We have a system going in there and I think that will be well on its way before the year is out; the honourable member has nodded. So we have two specific examples as to how we co-ordinate in the sewer and water area.

The Ministry of Transportation and Communications is another with which we work very closely; we get a tremendous amount of co-operation. One matter alone about which we have been leaning on MTC is that of getting them to change their attitude to paved shoulders; that is moving ahead. As you move across northern Ontario, particularly on Highway 17, you will see that the new requests of northern Ontario are being answered; for example, more paved

shoulders. They went into a very excellent program of putting in passing lanes. Now, in many areas, they are finding that they can put in paved shoulders, an eight-foot paved shoulder, for about the same cost as they could put in a truck passing lane. We are looking at that as a new thrust in northern Ontario. Granted, it will not apply in southern Ontario, but again it is part of our thrust and part of our efforts to answer specific northern Ontario needs in a co-ordinated way.

The honourable member asked what involvement we have with the Ministry of Health in a co-ordinating role. He mentioned a few, such as bursary program. We identified very quickly the need to come up with some special programs to encourage doctors, dentists, physiotherapists and other specialists to move into northern Ontario. We went right to the heart of the problem and assisted the medical students on a two-year basis, with up to \$5,000 a year for the last two years, on the express understanding that they will go to northern Ontario. This is a Northern Affairs thrust, one we are paying for through the budget of the Ministry of Northern Affairs, and one on which you are asked to vote today.

Medical clinics—the honourable member knows our new thrust in medical clinics. Again, this is in co-operation with the Ministry of Health, because they have to approve it, they are the line people, the experts in that particular field but we identify the special need in northern Ontario. So we came up with a program by which we would assist those municipalities wanting to develop a medical clinic so that they could attract a doctor or a dentist. We would assist with up to two thirds of the cost, and it varies; it is not a flat two thirds, but up to two thirds of the capital cost paid on the express understanding that the doctors using the clinic would pay the ongoing local rent, which they have all accepted.

There is the dental program, the mobile dental clinics that we established in northern Ontario, again in co-operation and co-ordination with the Ministry of Health. There is the air ambulance system on which we are working very closely with the Ministry of Health right now.

**Mr. Wildman:** What about OHIP?

**Hon. Mr. Bernier:** That is part of the whole package, one part in which we have had a thrust. Certainly, I do not want to make any announcement here of what is going to happen. The line ministry does have

that responsibility. But I can assure the honourable member that we have the thrust, that we have the input, and that we meet regularly. Our staff members from the minister, the deputy minister, and the assistant deputy minister down to our directors, are in constant contact with their counterparts in other ministries to get that northern Ontario thrust into their decision-making process, and the system is really working.

About the telemedic issue, to which the honourable member referred, my assistant deputy ministers are meeting with the officials of that group to see how they and we as a ministry can assist in the delivery of that system. I was very interested in his proposal. He indicated to me that much of it would be in the private sector—there is no question about that—but he certainly wanted to get the support of this government and this ministry. We are very interested in that as a way to meet the needs of northern Ontario, and I know my colleague the Minister of Health shares my view in that field.

The honourable member spoke about the integrated senior citizens' unit at Espanola. I want to place on the record my personal congratulations to the member for Algoma-Manitoulin, my parliamentary assistant. It was his idea. He brought the thing forward and has pursued it relentlessly through the various levels of government. He sold the idea locally and that is most important. He sold it to the private sector—there will be involvement of the private sector.

Dr. Fergal Nolan of my ministry is part of that overall group which is working with the various other ministries. I understand the Provincial Secretary for Social Development (Mrs. Birch) is doing the steering of this program and we can expect something relatively soon on the status of that facility. I think it will be a forerunner.

**Mr. Wildman:** Hornepayne too?

**Hon. Mr. Bernier:** Yes, I think that is an excellent program. In fact, I met with the director just a couple of days ago and he went to some length to assure me the facility they have in Hornepayne adjacent to the Hornepayne Hospital is in fairly good condition. I think he is spending another \$20,000 this year fixing up the roof or doing the skirting around the bottom of it. But he thinks he is there for another three, four or five years before he needs any major capital expenditure. He was very pleased; they are well set up; and he was very complimentary to this government for what we have done in that field. I am looking forward to the

day when we can turn the sod in Espanola for that new and exciting facility, which will bring together three different levels of service to the senior citizens in that area. I can assure you many communities in northern Ontario will be watching what transpires there.

Another area where we are in a co-ordinating role with the Ministry of Energy is the Shell Woodex plant up at Hearst. That plant and that idea have been around for some considerable time, but it was not until the Ministry of Northern Affairs got involved to bring the sewer and water facilities to the plant that it really took off. We are working very closely with the Ministry of Energy and with the private sector in making these things happen. So while we may not be the line ministry making all these announcements, we are behind the scenes pressing the right buttons so that they do happen.

Speaking about a co-ordinating role, I think one of the other members asked about the policy analysis branch of my ministry. He asked just what their responsibility was and is. There is a small group in my ministry located here in Toronto and it monitors on behalf of my ministry what goes in all the other cabinet committees and in management board, in addition to cabinet. So they know what is going on in the Justice policy field; they monitor what is coming forward in the Social Development policy field and the Resources Development policy field; they know what is going on in management board, which I try to keep on top of.

So it is a massive job. It is not like an ordinary ministry where you are just involved with one section of cabinet. This is a unique situation where my ministry is involved in all those. It takes a tremendous amount of effort keeping on top of the issues on an ongoing day-to-day basis to see what is brought forward. Then, of course, we initiate things that we want to see happen and that is all put into the system. It is a very complex and very interesting ministry, indeed, that sees and makes sure things really happen.

4 p.m.

The member for Algoma mentioned King Mountain and the Department of Regional Economic Expansion proposal. I think he is aware this government is very sympathetic to the DREE proposal. I, along with my colleague from Sault Ste. Marie (Mr. Ramsay), made an extensive flight over the possible

location of the facility. It is a different and exciting area. The potential is unlimited as it relates to that type of year-round facility just north of Sault Ste. Marie. The member attached it to the DREE proposal and he is quite right in doing that.

It was discussed last week in a general way. The Minister of Industry and Tourism (Mr. Grossman), who was the chairman at the Ottawa meeting, made it a pointed thrust with regard to destination facilities in northern Ontario, King Mountain being one of them. We are anxious to start talking and get moving on a massive tourism package. We are not looking at a small package; we are looking at a package of about \$100 million. King Mountain could fit quite easily into that package if we are successful.

**Mr. Wildman:** Are you going to be able to make an announcement on your attitude towards involvement with King Mountain whether or not the DREE proposal is reached before the end of the year?

**Hon. Mr. Bernier:** I would not be making an announcement with regard to King Mountain. I am sure my colleague the Minister of Industry and Tourism will.

**Mr. Wildman:** Is he the lead minister in negotiations?

**Hon. Mr. Bernier:** Yes, his would be the lead ministry in that field.

We will certainly be supporting him as he goes on with DREE and as he moves ahead because we are very interested and we are giving him all the help and assistance we can from our field. That is in the works. Following our meeting in Ottawa, I would have to admit I am not excited about the quick acceptance of a tourism package of that size.

**Mr. Wildman:** They said it would take four months.

**Hon. Mr. Bernier:** I would like to see it happen in four months. That is more optimistic than I would be, but we all have our feelings and assumptions.

The honourable member made some reference to the development of a bypass and Highway 144. We will call it the north-south bypass in Sudbury. I think he did get some direction from the member for Sudbury (Mr. Germa). I regret he did not get all the facts right or all the information because he is a little twisted around. He said this would be completed in 1982 and somebody else said 1981. It is not going to be completed then; it is just going to be started. The land acquisition is complete and the design work

and environmental studies are nearly complete. I said this in Sudbury last Thursday.

**Mr. Wildman:** You said 1981 and slowed it to 1982.

**Hon. Mr. Bernier:** No, there has been no mention of dates at all. I wrote the regional chairman. It is in the planned project of the Ministry of Transportation and Communications. When we took it over, it was in 1982. It is still in 1982. I hope we can advance that period but I am not sure. I do not know what the funding will be for next year. I do know from my many visits to the Sudbury area there is anxiety to get on with it. We are as anxious as anybody else. I said in Sudbury that is a government commitment and it will be lived up to. I do not know what the fuss is all about. I suspect it might have been before a certain day—November 10. That might have stirred things up to get a little publicity.

As far as we are concerned nothing has changed. I hope the funding will be there to get on with it and, if we get some extra funding I would like to see some kind of start in 1981, but I cannot at this time make any firm commitment that will happen. Nevertheless, I am sympathetic to that.

The member made reference to Hornepayne and I was pleased he recognized the generous assistance we are giving to that municipality. I want to compliment my own staff in the Ministry of Northern Affairs for their negotiations with Canadian National Railways in coming up with \$100,000 from the CNR towards that medical centre, which will cost about \$300,000. The normal contribution is two to one, as I mentioned earlier in my remarks. We will put up \$200,000 capital.

I might say that they were extremely co-operative and our dealings with them have been exceptionally good. It was very heart-warming to see them respond in a very positive way in answer, of course, to the need of that municipality and they put their dollars on the line.

As the member correctly pointed out, we will be assisting in the operation for the next two years. The projections are that after that it will carry itself so there won't be a large burden on the community and we look forward to that. I think the development of the Hornepayne town centre complex is unique in the government. I don't know of any other facility—I would ask the honourable members to look around and see if that has ever been carried on, not only with the

private sector but with all levels of government.

I suppose you might say the Ministry of Northern Affairs is starting to become very adept and very able in that particular effort, because we saw it happen with the development of Ontario North Now, where not only the various levels and various ministries of the government became involved with their expertise and our financial commitment, but the private sector and the municipalities also became involved. Our co-ordinating role is really there; it is very real; it is very positive and it is very easy to identify and the results are starting to flow from it.

The honourable member made some comment about Missanabie. I would have to say to the honourable member at the outset that I just wonder where he would have gone if Northern Affairs hadn't been around to answer to that particular need at Missanabie, because—

**Mr. Wildman:** I went to every ministry in the government.

**Hon. Mr. Bernier:** That is exactly right, but who responded? Our ministry responded as quickly as possible. We came up with the funds that were required. Granted, the water level didn't drop as low as most people had anticipated so that the projected water problem did not develop, but nevertheless we were there. We had purchased the particular pipe to which the honourable member made reference; the pipe is there and I would have to say to the member there could be a little more self help in Missanabie by the people.

I think you will agree with me that we offered the local services board an excellent route they could have used but they chose not to, for some reasons of which I am not aware. It would have been a first step had they gone into the local services board because the CPR did not want to deal with anybody who did not have a legal identity. I think it is fair to say they were willing to turn over the water system to a legal body, and until they form some form of a responsible group it is very difficult to deal with them.

Nevertheless, our interest, our concerns for Missanabie have not diminished; we will be there when they need us. I say that to you in all sincerity, because that is our responsibility. The local staff were there, johnny-on-the-spot when they were needed in answer to their particular needs. It was a very unique situation, one that you wouldn't have

answered as you correctly point out, by another ministry. You might even say it is a little ad hocish, but nevertheless it answers the needs of the special problems of northern Ontario.

The honourable member made some reference to the delivery of French services. As I pointed out in my recent correspondence to him, we have a number of staff where numbers warrant, as he correctly pointed out, to deliver services in the French language right across northern Ontario. When we identify a problem we make those feelings known to other ministries, which we have done and will continue to do because we do think this government is committed to provide those services in a French-language program where numbers warrant. We have a number of our people located in the Sault Ste. Marie and the Wawa areas who are very fluent in the French language, so I feel very comfortable from a ministry point of view that we can deliver the services right across northern Ontario where numbers warrant, where people warrant.

Obviously, in the town of Kenora or even in Sioux Lookout, there really is no need, but there is a need in Timmins and Hearst and Iroquois Falls and Sturgeon Falls, and other areas, and our staff—

**Mr. Wildman:** And Dubreuilville?

**Hon. Mr. Bernier:** And Dubreuilville, yes, we will certainly follow up on that.

**Mr. Chairman,** I think that pretty well winds up the response to comments the honourable members made. I would like to take just a moment to send over to the honourable members—

**Mr. Wildman:** More tomatoes?

**Hon. Mr. Bernier:** No. I think before we wound up last session we talked about peat and my visit to Ireland.

Many of us talk about peat as an energy source or as a product that could be used in a horticultural sense, but a lot of us have not seen what it is. I have in my hand raw peat. This is very similar to what is in northern Ontario. As you know, we have identified something like 67 locations in northern Ontario with an estimated resource in the amount of about 30 billion tons of peat. In the next few years we will see a lot of interest being focused on this particular source of energy.

4:10 p.m.

In my left hand I have a sample of a briquette. This is just an end off the briquettes that are made in Ireland. All that is



taken out is the water content. It is mixed in a very general way. There are 16 different layers in the natural peat that is taken off the field. These are all blended and then put into a dryer where 85 per cent of the moisture is taken off. It is then compressed. It is very valuable as a fuel for fireplaces in Ireland. It is very low in ash and very low in the pollution count in  $\text{SO}_2$ . I will pass these over to the members so they can look at them as a matter of interest.

**Mr. Bolan:** What about the heat from it?

**Hon. Mr. Bernier:** The British thermal unit content is very comparable. In fact, our research in Ontario indicates that it equals that of soft coal or lignite, so the potential is very real and positive.

Vote 701 agreed to.

On vote 702, project development and community relations program:

**Mr. Wildman:** I have a short question. Every month I receive the ministry's newspaper in which the minister explains all the things that are being done in northern Ontario by his ministry. The latest one is for October. In it were all the pictures of the northern affairs officers across northern Ontario. It is interesting that a couple of people in my riding are also on the mailing list of the Unorganized Communities Association of Northern Ontario East. They received the October edition from the Ministry of Northern Affairs from UCANO. I was wondering who paid for that mailing. Was it the Ministry of Northern Affairs or was it UCANO? Could the minister explain what the reason was for having UCANO send out the ministry newsletter as well as its own community relations department news brief?

**Hon. Mr. Bernier:** I am pleased the member has recognized that particular edition of our regular monthly ministry newspaper, because in that edition we are honouring the tenth anniversary of the northern affairs branch. I am pleased to say I will be going to Sault Ste. Marie tomorrow where all the northern affairs officers are meeting to extend to them my congratulations and honour those who have been with us for that 10-year period. It will be a very pleasant event indeed.

As the member knows, the northern affairs officers are unique to northern Ontario and are accepted. The service is hailed as a major breakthrough for the delivery of government information and services in the 29 communities and areas we serve across northern Ontario.

Regarding the question the honourable member has directed to me in connection with the mailing of that paper by the Unorganized Communities Association of Northern Ontario, we do fund UCANO. I think it is \$25,000 a year for the northeast, or maybe it's more than that now. We provide about \$27,000 or \$28,000 a year to each of UCANO East and UCANO West. I would expect that since those are so freely distributed across northern Ontario they just took it upon themselves to mail them to their membership, knowing they would be interested.

We look after our own mailing, and if they choose to give further distribution to it that pleases me tremendously. I think it is a good newspaper. It is well put together. It is very informative; and it does a good job of informing not only my ministry but the public as well.

**Mr. Wildman:** There seems to be some concern underneath the gallery about the minister's reply, so maybe he can straighten it out with his staff.

I noticed in the picture of the northern affairs officers, there are quite a few of them who are in my riding. It is rather a large riding, but of course not as large as the minister's. There is a new northern affairs officer in Iroquois Falls. His name is Gerald Violette.

I want to add my congratulations to Mr. Violette on his appointment. I am surprised, though, that the minister did not at least leave him in Gogama so he could continue to serve the interests of the people in that community. I hope if there was any contribution for this mailing from the ministry that the minister could provide me with that information. I have no objection to it.

**Hon. Mr. Bernier:** Mr. Chairman, I am pleased the honourable member has recognized the appointment of Gerald Violette to the Northern Affairs staff. As we all know, he was very active and very vocal and led UCANO East for a number of years. He did an excellent job on behalf of the unorganized communities.

I think it is fair to say that with his background—I believe he was teaching for a while—he has a broad knowledge of northern Ontario. With his involvement in UCANO he has become very familiar with the many programs of this government and of this ministry.

Another appointment I would like to recognize is that of Jane Greer. She has just moved—today I believe—to Marathon. She's a young

girl from Sioux Lookout who has come through the ranks. We do not confine our appointments to the male of the species; we mix them up and try to get as many women as possible in areas where they show an interest. Jane will take up the position in Marathon and I know she will do a great job, as will Gerry.

Vote 702 agreed to.

On vote 703, northern communities assistance program; item 1, community priorities:

**Mr. Wildman:** Mr. Chairman, I have some questions. First, though, I need some direction. I wonder if it is in order to raise questions with regard to funding for medical centres under item 1. Is that all right?

**Hon. Mr. Bernier:** Yes.

**Mr. Wildman:** Could the minister give us some indication of what his ministry's policy is with regard to the funding of medical centres? I know he mentioned it earlier.

4:20 p.m.

I know the ministry has provided a grant for the Cobalt medical centre in the range of \$13,000 for renovations to the municipally-owned building. I understand the ministry has also provided \$30,700 for the purchase of equipment for a dental clinic on a shared cost basis with the community of Chapleau. I understand Chapleau is under serious financial constraints and is having difficulties right now. That assistance was probably very useful, but could the minister give us some indication of whether there is an overall policy on funding by his ministry either to pay the full cost or to pay a portion of the cost of the development of medical or dental clinics in small communities in the north, or were these special grants?

**Hon. Mr. Bernier:** We moved into the area of assistance to smaller communities in the development of medical centres following our own staff observations and following requests from the smaller municipalities and the Minister of Health. They could see this as a real need.

In our initial reviews, we found each community was different. As an example, Geraldton had a facility already built but needed \$20,000 to put in certain equipment. That is all it required. The building was there. They said: "That is all we need. We need the \$20,000, because we have run out the full length of our commitment." It had difficulty generating those further funds, so we assisted.

In Nakina, they had a different system. They went out and prevailed upon the local

timber company to provide them with a trailer. We assisted that community by coming forward and completing that trailer, which is now a medical clinic.

What we said was we would assist up to two thirds of the total cost as to the type of facility, size and all the configurations and everything they require once that had been approved by the Ministry of Health and once we had an opportunity to look at their financial capability, but we did not want to be fixed firmly to a two-to-one type of assistance program. Where the municipalities could do more for themselves, with some encouragement from us, we would ask them to do a little more. It is not a fixed two-to-one basis.

Many municipalities, of course, are coming forward and saying, "Look, we need two thirds of the financial assistance." We are working closely with them on an individual basis. Red Lake has now received two-to-one assistance; Chapleau received two-to-one; I think Rainy River received two-to-one; and Manitowadge is receiving two-to-one. A lot of them will flesh out but before we do that we do not want to lock ourselves into a firm, fixed locked-in policy. We look at each request individually in co-operation and co-ordination with the Ministry of Health. We look at the financial capability of the community, then work out a formula it can carry.

**Mr. Wildman:** Could the minister give us some indication of how much money has actually been spent by the ministry for renovation or construction of medical and dental clinics and how much it is anticipated will be spent in the next year?

**Hon. Mr. Bernier:** I don't have those total figures here but I will make a commitment to get all those totals for you.

**Mr. Wildman:** In that regard I also would like the minister, if he could, to expand on the ministry's position with regard to the dental clinic and the renovation of the medical clinic in Dubreuilville. I appreciate assistance is being provided to Hornepayne.

One of the major problems we have had in Dubreuilville is it is very difficult to get professional staff who can speak French to move to an area. The local community and the Algoma district health council has suggested one of the ways to make it more attractive for a French-speaking professional to move to the Wawa-Dubreuilville area would be a major renovation of the medical clinic and the addition of a dental clinic.

After some effort we did obtain a nurse practitioner for Dubreuilville who is fluently

bilingual and is doing a very good job. But I think he would agree that with some capital expenditure it might make it a more serviceable facility, and make it easier for the doctor who comes in on a rotating basis. Also, it might make it more attractive for a dentist who might want to come in on a rotating basis.

**Hon. Mr. Bernier:** We would certainly entertain a request from that municipality for upgrading the present facilities.

**Mr. Wildman:** I have already talked to Ed Belfry.

**Hon. Mr. Bernier:** Good. I know the positive response by him. Again, the Ministry of Health is involved and with their concurrence, of course, we would sit down and work something out with that municipality, as we have done in Geraldton and other communities. As you correctly point out, one has to have the right type of atmosphere. The work place has to be something a doctor can be proud to work in, where he can do his best and provide the services people are entitled to.

I might say at this point that some municipalities have come forward with requests for the purchase of homes for doctors. They say, "Now you have provided or helped us to provide a good medical clinic, but we still cannot attract a doctor because we do not have a decent home for him." Our response up to this time has been that our priority across northern Ontario would be the development of medical clinics. We have only a limited amount of funds. If they will bear with us we would like to answer all the requests for medical clinics first, then the next time around, if that requirement is still there, we would have a look at it. But we have encouraged municipalities to go into long-term mortgages and loans from banks and Canada Mortgage and Housing Corporation and develop those homes for doctors themselves. The doctors would surely pay the ongoing rent.

**Mr. Philip:** Are you suggesting that doctors should live in public housing?

**Hon. Mr. Bernier:** It is not public housing. I do not think they are looking for public housing at all. They are looking for decent housing that will add to the comfort of their jobs in northern Ontario. The doctors I have spoken to are not looking for any handouts or giveaways. They say: "Give me a home. I will pay the going rent." We have made that known to the various municipalities. I just make that as a point.

Getting back to the appointment of Gerry Violette, it has been properly pointed out to me that Gerry did compete. It was a province-wide competition. I just want to put that on the record, make it clear and precise that he did compete with other aspirants for that job. When we have an opening for a northern affairs officer, the applications flow in from literally every other department of government and from many people in the private sector, because it is a unique job, a very satisfying job. As we celebrate our tenth anniversary, I am particularly pleased that many of the originals are still around, which shows me it is a very satisfying career. I am looking forward to tomorrow night, as I said earlier.

**Mr. Bolan:** Following along on the lines of health services, I brought to the ministry's attention the plight of the people of Thorne, some 40 miles from North Bay, who are having some difficulty in obtaining medical services for that community. I pointed out that everything had been set in motion to have a doctor attend in Thorne. This was co-ordinated through St. Joseph's Hospital. The only problem we had was where the services would be rendered. I am wondering if the minister has anything to report at this time, in view of the fact that it was brought to his attention three weeks ago.

I am informed by the local northern affairs officer that the minister is looking at the question of bringing in a portable to the Thorne area; in fact, the site has already been located. I am just wondering if you have anything more concrete to report to us at this time.

**Hon. Mr. Bernier:** Mr. Chairman, I did have some information on Thorne and I have misplaced it. I have asked my staff to see if they can dig it up again.

**Mr. Bolan:** Perhaps the minister will come to over the next while and inform us.

4:30 p.m.

**Mr. Wildman:** Mr. Chairman, I would also like to raise under this vote the question of ongoing operating costs of various facilities whose construction this ministry assists in funding.

We have talked briefly about Hornepayne and the commitment made by the ministry which I understand has to be confirmed by the municipality's accepting it at a meeting with Mr. Aiken on November 20. The ministry has committed itself to \$100,000 in operating costs over two years if there is a deficit. I understand one of the main reasons

there is possibly going to be a deficit is the recreation facility in the complex, the swimming pool largely. I understand the original agreement signed by the developer was that if there was a deficit over the first five years, the developer would pay towards it. This is now supplementing that agreement.

That is a welcome suggestion by the ministry. It relates to a problem I brought to the minister's attention in September with regard to recreational facilities that have been built in small communities, not only in the north but all across Ontario by the Ministry of Culture and Recreation, often with Wintario funds, Community Recreation Centres Act grants and so on.

I use as an example the plight of the recreation facility in Searchmont, which is just north of Sault Ste. Marie. It is a very small community which has been running a deficit for some time and which has a large loan with the bank. The bank has threatened to foreclose, although I am not sure what the bank would do with it if it did foreclose. The minister's staff were quite concerned—I will emphasize that—about the problem and were willing to look at it. After some consultation, I think, with the Ministry of Culture and Recreation and also with his own staff who attended a meeting I also attended in Searchmont, the minister wrote back to me and said in a letter dated September 24: "You will appreciate the difficulties encountered by the Searchmont club are not unique but are common to many centres in northern and southern Ontario. Although I appreciate fully the nature of this predicament, I must regretfully inform you that my ministry is unable to assist with the funding." Then he goes on to suggest that perhaps the Ministry of Culture and Recreation would be able to provide some assistance.

That was quite a statement because—and I don't think I am reading too much into it—basically what the minister is saying is that for many, or at least a significant number of small communities, not only in northern Ontario but also in southern Ontario, that have built recreational facilities with moneys they have obtained from the Ministry of Culture and Recreation and are now in financial trouble in trying to operate those facilities, perhaps the Ministry of Culture and Recreation would be able to do something about it.

I am sure the minister is aware that the Ministry of Culture and Recreation does not have any program for providing operational funds. That is one reason why his ministry

has become involved in such an intimate way with the operation of the Hornepayne town centre. I followed up his suggestion, though, and got in touch with the Minister of Culture and Recreation. I got a rather interesting response, which raises the question, that I pointed to in the previous vote of the relationship between this ministry and other ministries of the government.

This is a letter dated October 17 from the Minister of Culture and Recreation (Mr. Baetz) in which he states: "In answer to your question, I am quite unaware of any small community in the province which is experiencing financial difficulties as a direct result of receiving capital funding from my ministry. All applicants for a capital grant are required to examine the operating cost implications of their proposed facility development, and the applicants must indicate to the ministry their ability and willingness to support these costs."

He indicates what assistance is given by the ministry in those calculations. Further, he says: "My ministry review of its capital programs does, however, examine the increase in operating costs created by capital construction or expansion. Staff are at present devising criteria and guidelines for a new capital program," and so on.

In other words, he is in the process, as we all know, of changing his capital program so that there will not be communities in trouble as a result of building a facility which might be too large for them to be able to operate economically and to be able to pay for. But it seems to me—and maybe I am wrong—that this is again an example of a direct contradiction between what this minister says and what one of his colleagues said about the same thing.

How is it that this ministry believes the Searchmont situation is not unique, that many centres in both northern and southern Ontario are experiencing financial difficulties in operating centres built with government assistance, but the Ministry of Culture and Recreation, the line ministry responsible for these facilities, does not know of any small community in the province in this situation?

**Hon. Mr. Bernier:** I suppose one could play on words, but as the honourable member has pointed out, the Minister of Culture and Recreation, to my knowledge, is looking at the problem. There is no doubt in my mind that the capital construction program of Wintario was stopped temporarily. I suppose the primary reason was because of the backlog of commitments that had to be caught up

until they were examined. But it is of concern, and I am sure it is of concern to my colleague, with regard to the operation of these massive recreational facilities.

It does not stop at the ones that are funded by this government. Certainly, the Canada Games project—and I had the opportunity of touring those facilities that are well into construction now in Thunder Bay. The question I asked was, “Who is going to pay the ongoing operational cost of these facilities in Thunder Bay?” It was quietly whispered in my ear that the overall operating costs would be in excess of \$80,000 a year, that we may be able to pick up through a user fee charge \$300,000 or \$400,000, but there is going to be a shortfall of \$400,000 or \$500,000 a year. It is giving them some concern.

I think that is the concern we were trying to express in our letter to the member for Algoma. It is a concern because sometimes the one-shot capital construction dollars flow quite easily. Then, when municipalities are anxious to get a facility in place and get to use it, the ongoing costs are pushed down the road again to be dealt with later. They will have to deal with them because it is their responsibility.

As an example, the town of Geraldton wanted to develop a very elaborate recreational centre. Our staff sat down with the municipality, went over the plans they had and changed the direction considerably, so that the town went out and bought a building off the rack, so to speak, rather than getting a custom-built facility that would accelerate the cost tremendously.

Here again is an example of how we can get involved, work very closely with a municipality and pare down their overall capital cost, which would be reflected in a lower operating cost down the road. We are concerned about it. It is something that the municipality in its own way should be responsible for and be concerned with, because it has that local responsibility to make sure it can carry it. We cannot just keep passing on the responsibility to other levels of government. We make it very clear to them when they are moving ahead with these facilities. Even with the medical centres, we tell them to make sure they look at the ongoing operational costs because they are of concern to us and to them too.

4:40 p.m.

**Mr. Wildman:** I appreciate that the Minister of Culture and Recreation is involved and has been for some time with the revision of these criteria. I hope in future a very

small community will not get involved with a centre that is perhaps a little too elaborate. I hope they will build centres scaled more to their ability to pay the operating costs but still provide them with a recreational facility they will be able to use and that will be good for the community. I hope that will resolve problems in the future.

Frankly, I agree with the minister's position. I do not agree with the Minister of Culture and Recreation. There are a number of small communities that are in trouble or may be in the future. The revision of his criteria for future capital expenditures is not going to help those communities. I would urge this minister to put some pressure on his colleague to try to look at the problem in a more realistic way.

The problem we have now is that communities and the ministry, in good faith, got involved in some facilities that were perhaps a little too elaborate. Maybe they need to be bailed out. I suppose the ministry is concerned that if it does this it will set a precedent—that in future, communities that build new facilities will say, “They gave operating expenses to such and such a community; therefore we should get them too.”

Perhaps it could be done by saying that facilities built prior to a certain date, and where there are really serious financial problems, might be given some kind of financial assistance. Perhaps the Ministry of Northern Affairs could get involved in that as well in small communities in the north.

We know many of the small communities, especially in unorganized areas like Searchmont, have very little ability to raise operating costs except by contributions. They are doing that, but sometimes it is just out of range for them. I would urge the minister to persuade his colleague to take another look at trying to resolve these problems.

**Mr. Bolan:** Mr. Minister, I would like to set the stage for a meeting which will take place on December 10 or 11 between officials of the city of North Bay, yourself and the Minister of the Environment (Mr. Parrott). I believe the Minister of Revenue (Mr. Maeck) is also going to be there in his capacity as the member for the riding adjoining Nipissing.

One of the problems that will be discussed is that of the extension of the sewage treatment plant at North Bay. I have corresponded with you on the matter and I am sure you are familiar with it. However, I would like to take this opportunity to review it and see if you have any response at this time.

Basically what happened is that some years ago—I believe it was in 1970—the Ministry of the Environment and the city of North Bay entered into an agreement whereby the ministry would build the sewage treatment plant. Prior to the plant being built, discussions took place as to the size of the plant. The city said it needed something that could handle approximately 12 million gallons a day. Ministry officials said it should be six million. The views of the ministry officials prevailed and the smaller-sized plant was built.

There was also a proviso in the agreement to the effect that the ministry would entertain further submissions by the city for an extension of the sewage treatment plant, again to be built by the Ministry of the Environment, if that was its policy at the time. We had this grey area that crept into it and it has been the interpretation of that policy that is the subject matter of—I will not call it a confrontation—the differences of opinion that have arisen.

Some two years ago, if not before that, the Ministry of Housing put a freeze on approvals of all plans of subdivision for the city of North Bay until such time as the sewage treatment plant was extended to meet the growing requirements. This meant, of course, all kinds of delays for individuals and developers who had plans for the growth of the city. Finally, a meeting was arranged between city officials and the Ministry of the Environment. I believe it was a year ago, perhaps a bit longer. I attended that meeting and basically by that time what had happened is the ministry policy had changed and instead of the ministry coming in and building the plant as well as maintaining it and providing the personnel for it, the policy was that the plant would have to be built or expanded by the city.

There was a system of grants which were set up that would fall into place to assist the city in the construction of the plant. The problem is that the original expense of the expansion was something to the tune of about \$12 million. This has been revised and I believe it is now down to about \$8 million.

The fact of the matter is that in spite of the freeze which the Ministry of Housing put on, they did release a number of lots and they did release or approve some plans so that more lots were thrown on the market. In view of the other projects which, as you know, the city has in mind, such as the industrial park which this ministry was very much involved in and to which the govern-

ment of Ontario contributed 50 per cent of the funds—and I may say that aside from the Marshall Avenue interchange which I am told now is being resolved—

**Hon. Mr. Bernier:** By whom?

**Mr. Bolan:** By both parties. That is the last word I have on it.

**Hon. Mr. Bernier:** You must have been talking to Jean-Jacques Blais.

**Mr. Bolan:** I understand there was a meeting last Wednesday in Ottawa with Mr. Brunelle. I don't know if you were there or not. Were you?

**Hon. Mr. Bernier:** Yes, I was.

**Mr. Bolan:** In any event, that is another topic altogether. It was not resolved?

**Hon. Mr. Bernier:** No.

**Mr. Bolan:** I am told that it will be. They are waiting for other things to happen before that takes place.

**Hon. Mr. Bernier:** In the fullness of time.

**Mr. Bolan:** In the fullness of time, yes. I hope the province's treatment of the problem of the expansion of the sewage treatment plant will not be in the fullness of time but rather will be shortly.

In any event, as you know there are some major plans going on in North Bay for expansion, because North Bay, if anything, certainly can be described as a definite growth area in northeastern Ontario and you could look upon it as a future distribution centre for northeastern Ontario and northwestern Quebec. The amount which is generated from that area for northwestern Quebec is quite large and a big flow of dollars and of demands for services and goods comes from northeastern Ontario.

In view of these expansion programs which are growing and in view of the progress which is made with the industrial park, I would like to know from the minister just what his position is with respect to the funding of the extension of the sewage treatment plant at North Bay.

**Hon. Mr. Bernier:** Mr. Chairman, as the honourable member is very much aware and as he indicated, that was a project that was taken on by the Ministry of the Environment. The Ministry of Northern Affairs has not been involved in the funding of the treatment plant. We will await the outcome of the December 10 meeting. I believe your new mayor is coming down with some senior officials from North Bay, so I would be reluctant to even comment on our involvement at this time. I have to say I do not

know all the details and I will be briefed prior to that meeting, of course. I think, in all fairness, you will have to wait until we get through the discussions.

The Ministry of the Environment, of course, would be the lead line ministry in that particular responsibility, so if you will bear with me, we will wait until that particular meeting and I can get some more facts.

4:50 p.m.

I cannot help but comment on the Marshall Avenue overpass. Since the honourable member mentioned it, I know he will want me to comment on it because an opportunity never goes by without him being pleased to see what development is going on in North Bay that is being shared 50 per cent by this province and 50 per cent by the federal government.

I remember the honourable member standing in his place and pleading with me to get together with the then Treasurer of the province, Mr. Darcy McKeough, to sign that subsidiary agreement for \$14 million. I agreed to it. The member for Algoma well remembers how we moved ahead and negotiated with the federal government. We wanted a \$14-million package which would take in the Marshall Avenue overpass and look after all the requirements of the industrial park that is going to mean so much to the future of North Bay.

The industrial commissioner has done a fantastic job. If there is a community that has shown what can be done with a dynamic, industrial development committee, foresight and an industrial development program, it is North Bay. It has excelled in that. It is a leader in northern Ontario when it comes to attracting small industries to its borders. Nevertheless, I was prevailed upon and pressured to do everything I could. I was hammered down, believe me, at a meeting in North Bay attended by the Chamber of Commerce of North Bay and the honourable member. He said to me: "Go for a smaller package. Do not go for the \$14-million package. Go for a \$10-million package."

**Mr. Bolan:** You and Jean-Jacques Blais.

**Hon. Mr. Bernier:** Yes, Jean-Jacques Blais was saying that because he had the \$10 million. He had \$5 million and the province was going to put up \$5 million. I said: "Look, we are so close; let us wait. We can get \$7 million from each. The province is willing to put up its \$7 million." We had the \$7 million at that time. I am sure if the

member had to do it all over again he would agree with me we should have hung in there tighter. It would have been only a matter of weeks.

The federal government was on the verge of an election. Let us be honest. Jean-Jacques Blais wanted to get re-elected. He wanted that particular project to move ahead and he prevailed upon the Treasurer to go for a \$10-million package. So we are right back to square one where we are now fighting for that \$4 million. I think North Bay was shortchanged. I really do. In all honesty, we should have hung in there, with all due respect to some of those community leaders and the chamber of commerce. Now the fight is going to be a very tough and difficult one because moneys are that much tighter today than they were at that particular time. Nevertheless, we will await the outcome of that meeting on December 10 with the North Bay officials and the honourable member to see where we can assist, if we can assist. I am very sympathetic to the desires of North Bay and the need to get on with industrial development. Of course, with that, goes the treatment plant at North Bay.

**Mr. Bolan:** Mr. Chairman, I would like to have the opportunity of setting my part of the record straight, if I may. Naturally, a bird in the hand is worth two in the bush. I have used that expression before with respect to this funding. It only stands to reason to take the \$10 million, and we will get the other \$4 million somehow.

Ontario is responsible for all of that, because in 1976 there was an agreement hammered out between the federal and provincial governments for about \$10 million. I saw the agreement myself, because I was on city council at that time. I met with my predecessor, Dick Smith, and other members of council. There it was in black and white: \$10 million for the city of North Bay from the provincial and federal governments. It did provide that \$2 million of that was for the Marshall Avenue interchange. But Ontario reneged on its end of the deal in signing the agreement at that time. It kept putting it off.

In the meantime, this is what happened. The Ministry of Transportation and Communications went ahead with a four-lane highway, which is coming into North Bay and which is a good project. As a result of that four-lane highway they changed their criteria for the Marshall Avenue interchange. It now calls for an overpass over the railway and for all those other things which were not

needed back in 1976 when the original agreement was hammered out.

Again I will say I would do the same thing over again. The project is on course, I might add. There was a \$1-million contract let out just the other day for more sewage system expansion. The contract for the extension of Chippewa Avenue will probably be let next year. It is all on stream and all falling into place. The \$4 million is going to be paid eventually. I feel it will definitely be 50-50 between the province and the federal government.

As I say, the Ministry of Transportation and Communications has changed its criteria for the interchange, which triggered this additional \$2 million. It is not \$4 million we are looking at really; \$2 million would have been required in any event for the Marshall Avenue interchange. It is the change in design and the change in criteria. That is my part of the record. It has been going on for three years.

**Hon. Mr. Bernier:** It all boils down to the fact that you are \$4 million short.

Item 1 agreed to.

On item 2, isolated communities:

**Mr. Wildman:** Mr. Chairman, I'm looking at the figures for this item. If I look at the estimates for 1978-79, it was \$630,000, but actually only \$195,998 was spent. The estimate for 1979-80 was \$500,000 and the estimate for 1980-81 is \$800,000. If it is in order, I would like the minister to explain why the low amount was spent in 1978-79. Can he also give us some indication of how much has been spent of the 1979-80 estimate so far?

**Hon. Mr. Bernier:** I think 1978-79 was basically the start of the program. I do not think the message really got out to the unorganized areas that this assistance was available to them in order to get them to make applications. That slowed up the flow of money in that particular year. In 1979-80, we had a total of \$500,000 and we spent \$489,500. We just about used up all the funds there.

I think the increase in the requirement this year flowed from the establishment of the local services boards. I think we will have a more sophisticated group out in the unorganized areas that will be fully familiar with and aware how this program works and how it can work for them. We expect an increase in applications. This is the reason we have asked for your support for additional funds in this particular vote.

**Mr. Wildman:** What the minister is saying is that the funds allocated for this year's program have almost all been expended. If there are applications in the few months between now and the end of March, let's say, for fire protection equipment under the isolated communities assistance fund, the equipment will not be able to be provided until after the beginning of the next fiscal year. Is that correct?

**Hon. Mr. Bernier:** We are into the 1980-81 year. I was referring to the 1979-80 figure. There is no problem this year. There are still funds available.

**Mr. Wildman:** Could the minister indicate how much has been expended of that \$800,000?

**Hon. Mr. Bernier:** Of the 1980-81 amount, that figure is \$677,000. We are moving right ahead.

**Mr. Bolan:** On the question of the local services boards. I am looking at the attached chart in the estimates which shows the number of meetings which were held, et cetera. It has been a year since the act was passed and I am wondering if you are experiencing any difficulties with respect to the development of the boards. What is the feeling out there? What is the feeling with the people who are having the informational meetings? Is there progress being made once the initial meeting is held?

5 p.m.

It has been a year since the act was passed, and Lord knows, we discussed it until everybody was blue in the face. I have noticed you have some results here. I believe you had an election in Hudson and Foleyet. Would you have expected the others to be so far behind before implementation or what? I do not know. I am just asking the question. Is there a reason for the delay in the implementation of the local services boards beginning with their informational meetings which took place after that?

**Hon. Mr. Bernier:** We looked at a period of about three months from the time the organizational meetings were being brought together. Bringing a new piece of legislation like this forward—printing the material alone in both languages took us a considerable amount of time. Then, of course, we had to train our northern affairs officers because they are the front-line people who actually go out to communities and help them organize. We even made the posters for them. They could put in the names, times and places for their organizational meetings.



But normally we look at about a three-month period. We are having some minor difficulty with regard to boundaries. Inter-governmental Affairs has rightly requested the right to comment on the boundaries that are established by the local people because it wants to know about acting with an organized municipality. That is one minor situation we are developing and it is working fairly well.

Now we have the first two local services boards. The honourable member has correctly pointed out that Hudson, the greatest little community in the northwest, was the first local services board to be established in the northwest. As I said in Foleyet on Thursday last, Hudson and Foleyet are unique because they are the first in the world to have local services boards. That is pretty different.

**Mr. Bolan:** Why are there not more though?

**Hon. Mr. Bernier:** They are going to start to go now. We have 20 to move along very quickly. I wish the honourable member would have been with me both at Hudson and Foleyet to see the enthusiasm and the pride that those people have. They packed the hall.

We had a special swearing-in ceremony for them. The people elected to the board are given a special certificate and we identified both of those communities with a special scroll honouring the event because we have a piece of legislation here that is unique to northern Ontario. There is nothing like it on the North American continent or anywhere in the world. They were very pleased and proud of that. The pride of making their decisions and knowing where they can go and where they want to go was very real at both of those meetings.

So we have two in place now. There are a number that will fall in place after these have been sworn in. We are looking at about 20 that will be fully operational, we hope by the end of the year or early in 1981.

Among the smaller groups of population there is some concern. They want to see how the other ones are working before they move in. That is understandable. But as I pointed out to them, it is permissive legislation which is unique in this House. We allowed the people to opt in or opt out and the fear they may have is not as great as maybe they anticipate.

I am personally very pleased. I made it a point to bring to the attention of the people in Hudson and Foleyet that the piece of legislation we brought to this Legislature

and had passed after hours of debate was so good that all political parties took credit for it. I think you would agree with me on that. You all want to be associated with that piece of legislation. I know you do. As you go around northern Ontario you say to yourselves, "I was part of that piece of legislation." It is different. It is something the people of northern Ontario brought together themselves. The unorganized communities brought it together, the Unorganized Communities Association of Northern Ontario East and UCANO West and the 30-odd meetings my staff had in the unorganized communities of northern Ontario.

The staff of Northern Affairs deserves a lot of credit, as do the communities themselves and UCANO East and UCANO West. I want to express my appreciation again to members on both sides of the House for their support in the excellent piece of legislation we are now seeing put into place and becoming operational and functional as we thought it would.

I do not, at this point, after a year of examination by the unorganized communities, see where we need any amendments. You will recall I said that if, after a couple of years, we saw some glaring mistakes I was prepared to bring the bill back and have some amendments. At this time I have not seen any areas where we need amendments. I think that is a credit to all members of this Legislature.

**Mr. Bolan:** That is what I was going to ask the minister, whether, now the act has been in operation for one year, he sees any areas where amendments would be required, particularly to deal with the very small communities that are looking at forming a local service board.

These are distinct types of communities and that is what is unique about northern Ontario. A community like Foleyet is larger than another community. Do you find the requirements of the act lend themselves to the smaller community as well as to the larger community which seeks an LSB? Do the provisions of the act apply as well with respect to the arranging of the meetings, the numbers that are required and the number of people on the board? I can see in a small area there is a shortage of manpower. There are only so many people who are prepared to undertake this onerous work. I am just wondering if you see anything happening there so that a really small community may not be getting as full a benefit of the act as a larger community.

**Hon. Mr. Bernier:** These issues have not surfaced as yet. As I pointed out, we are just getting into it. It has been a year since the bill was passed. We have had lots of time to study it. They have accepted the five-man boards and the annual election of those board members. They love the secret ballot and they like the 50-50 arrangement.

At Hudson and Foleyet, we asked them to submit a global budget. They did that. They looked at their requirements for the next year and took a global figure which our staff carefully went over with them. We then provided them with 50 per cent of that budget. If they came up with a budget of, say, \$10,000, we would be responsible for \$5,000 at the end of the year. To get them started, we give them an advance. We gave them 50 per cent of our normal assistance. The balance of our grant would come after the audit. They were appreciative of that. We wanted to show our desire and sincerity, saying: "Look here, this is what we meant. We are putting up dollar for dollar to show you we mean business. Here is our 50 per cent of the grant in advance." This is very unusual.

I think one has to respond to those small communities in that way because \$2,500 or \$3,000 in a small community is a lot of money when it is put out and used for services. They now have that kind of encouragement. When I gave the cheque to the people in Foleyet for \$3,000 on Thursday night, they realized this ministry and this government meant business. We were out to help them as much as we could and we were showing that sincerity with the delivery of those funds at the start of the first part of their fiscal year.

5:10 p.m.

**Mr. Bolan:** I have one more question on this. Have you had any complaints on the method of service by mail to the voters or to those to whom notice is sent out that consideration is being given to the formation of a local services board in that area? We discussed that at some length and I suggested it be done by registered mail. I believe that failed, and I would just like to know if there were any complaints from anyone on that.

**Hon. Mr. Bernier:** If I recall correctly, the honourable member did make the suggestion that we have a mailing list and that registered mail be used to advise all the voters in that particular area. I think he modified that after giving it some further thought, knowing of the expense and, of course, the effectiveness of the postal system.

I think he would review that request totally now if he had to do it over again.

No, I have not heard of anything along those lines that would cause me to change my position with respect to notices. The northern affairs officers make a point of making sure the area being serviced by the local services boards is very broadly notified through posters. We have come up with a very attractive poster, where we just put the place and the time. The information is given and in a small community the word gets out pretty fast. We have not encountered any problems along the line that the member was fearful of at that particular time, but we have monitored it very carefully.

**Mr. Wildman:** Mr. Chairman, I wonder if the minister could tell us how many officials he has working specifically on the local services board applications and processing? I understand in the northeastern regional office Mr. Peter Merritt, whom I have met on a number of occasions, is in charge, and I suppose he has a counterpart in the northwestern regional office. I was wondering if the minister believes that one person in each regional office is sufficient to process and carry through the whole procedure for the applications after the initial meetings with the local northern affairs officers. There seems to be some holdup once the initial application is made. The minister himself said it takes about three months. I wonder if, as well as telling us how many people he has working on it and whether he thinks that is sufficient, he could explain the reason for the delay of three months before there is a decision on whether a board will be set up?

**Hon. Mr. Bernier:** I have been advised that we have, as the member has correctly pointed out, two full-time people looking after the local services boards, in the northeast, Peter Merritt, and in the northwest Stu Evert. Of course, they have the backup support of other branches of our ministry, including the legal staff. As I pointed out in my earlier remarks, those applications are sent to Inter-governmental Affairs, particularly as they relate to the boundaries. So we have to wait until that ministry has a chance to comment on them. At this time, we do not see any necessity to build up that staff. We may be concentrating more of our resources in the initial stages in getting applications resolved, but with the co-operation and the assistance of northern affairs officers as they move around, they are flowing. If we run into any snags, I can assure you we will get some extra resources and keep the program mov-

ing, because I think it is essential we do that.

**Mr. Wildman:** Could the minister also indicate whether it is a requirement of the ministry to have the local community, when they are applying for assistance under the isolated communities assistance fund, also to apply for a local services board? In other words, if they are looking for capital assistance or firefighting equipment, for instance, and the question arises as to maintenance and funding for maintenance, is it necessary for them to form a local services board or could a group somehow incorporate itself in another way and apply for assistance under the isolated communities assistance fund, and then look after the maintenance on its own without getting the matching funds through a local services board?

**Hon. Mr. Bernier:** We kept the isolated communities assistance fund in place and, as you have already noticed, we have added to it this year for that very reason. No, there is no requirement that a community must form a local services board to apply for an ICAF grant. There is no connection at all. We want to make it very clear that if that nucleus of people have the desire and they can show to us they are a cohesive group, that they have some resources and they have a self-help motivation, then the ICAF fund is still available to them. They can form a community action group if they so wish. But it is still there in place and it has no connection with the local services board. But a local services board can apply for an ICAF grant, over and above their operational costs for the services they administer.

**Mr. Wildman:** Has the ministry run into the problem of different groups in the same vicinity which are interested in different services both applying to form local services boards? In other words, have you had a situation where one group might be interested in water supply—getting some assistance to maintain a water system—but in the same vicinity another group is interested in providing fire protection—and it has applied to form a local services board and also applies under ICAF for fire protection equipment? If you have run into that problem, what process are you going through to resolve it?

**Hon. Mr. Bernier:** It is obvious the member for Algoma is very familiar with the Unorganized Communities Association of Northern Ontario, and I think he is referring to the politics that develop within a small

community. He is quite right. There are little groups that have a certain desire to do something for the field of recreation; another group is totally centred on a water supply, another group is wrapped up with having a fire department. I am not saying it is a problem, but it is there, it is real, and we do not discount it. The best way to resolve it, of course, is at an open public gathering. We have to point out to them the benefits of a co-operative, co-ordinated approach to either services. After they have seen the benefits that can flow, particularly with the incentive of the dollar-for-dollar assistance program, they come together.

I know in my own home town of Hudson, I was with the chamber of commerce for a number of years. The chamber there has been responsible for the development and the funding of the town fire truck so they had a bit of a bank account built up. The new chairman of the local services board said they should pass it over to them because the board would use it in the delivery of firefighting service and would provide the fire department with all the things it needed, and then the board could get a dollar-for-dollar grant. That is correct, because it is there, it was used as part of their original funding mechanism, so now it will be in one pot.

It is an issue that the northern affairs officers deal with very delicately, because the pride is built up, say, in the community hall, in the curling rink or in the skating rink—even in the street lights. You could get a couple of people who are solely dedicated to having their community really lit up and take pride in that. They cherish, they protect and they guard their accomplishments. So it is a little bit of working closely with the people and pointing out to them the benefits that will flow from it. But you are quite right in pointing this matter out. We are making the northern affairs officers aware of it. They were always aware, of course, but we ask them to work closely with the local people and point out to them the benefits that flow from an LSB.

5:20 p.m.

**Mr. Wildman:** Have you developed any policy or do you have to look at it simply on a case-by-case basis about this possible problem of having two actual formal applications for local services boards within a very small area? Again, that is not exactly the same area. However, you might even have that situation where there is one group applying for a local services board to provide a

particular service in covering the whole of an unorganized township, while some other group in a small community in that township that is interested in another service for its own particular area is applying for a local services board. If you do get two applications like that, what is your policy? What do you do about it?

**Hon. Mr. Bernier:** There is no specific example I can relate to in this particular situation. As I said earlier, the Ministry of Intergovernmental Affairs looks at the boundaries that are being established by a local services board. Our own staff look at those boundaries and, in their opinion, examine what that particular group can service. What do they want to service? Do they want to service street lights? Do they want to provide garbage collection and fire protection? We may go to the fire marshal's office for his advice.

When we do that, we can pretty well sort it out. We bring both groups together and say: "This is what the people in the field think. This is the area that can be serviced with the services you require. In our opinion, this is the route to go." With the art of discussion, putting all the cards on the table, so to speak, and bringing them into our confidence as to how best they can operate as a self-help program, I feel confident we can work it out.

Getting back to the town of Hudson, it chose just to go with a fire department, recreation program and street lighting. I was very interested in having them take over the water system because I happen to be very much involved with the water system at Hudson. However, I could not talk them into taking over the water system at this time. They see that as something down the road in two or three years. Their argument is, and I suppose it is a valid one: "We want to get the local services board going. We want to get it functional and gain some experience before we take too big a bite. Leave the water out of it for the time being. Hopefully as we get more experience and knowledge and build up our administrative strength, we will look at the water system." I think that is a very responsible kind of thinking.

**Mr. Wildman:** Since the minister could not think of a particular example, I will give him two examples. The community of Searchmont in my riding, which I mentioned before, has a fire department that has been in operation for some time. They got some equipment on their own before the isolated communities assistance fund came in. They got some

assistance from ICAF when it did come in. They have applied for further assistance because the equipment they have, which is secondhand, is not adequate to provide the fire protection they require.

As a matter of fact, it is over a year ago now that that community applied for a truck to replace the truck that carries only a 300-gallon capacity and is inadequate. I got a call from the fire chief or the head of the committee about it last week. I was wondering if I could ask you why it has taken since January of last year for them to hear anything about it. I am asking you that now and using that as an example.

They also had the problem of the community centre. They had these two groups that hoped to get assistance and wanted to put their two services into operation. The Ministry of Northern Affairs was successful in bringing those two groups together. Although there was some trepidation on the part of some people, they decided to work together and to say, "We have these two committees, the recreation hall committee and the fire protection committee. They can both be subcommittees of one local services board and we will make an application for a local services board." You have received that application. In that sense, the ministry was successful in doing what the minister indicated.

In the township of Aweres, however, we have a group that is attempting to set up a fire brigade and to get fire protection equipment. It is interested in providing protection for the whole of the unorganized township. However, within that township there is another small group, a subdivision group basically, that has a problem with maintenance of its water system, which is a communal water system. They have made an application for a local services board for their own little area to provide their water supply. I believe both of those applications have been forwarded to the ministry through Peter Merritt, and I guess have been processed.

My question, which maybe I should not be putting on the record, is: Does Northern Affairs have the same kind of concern that has been expressed to me unofficially by the Ministry of Intergovernmental Affairs about having two applications for different services within a similar area? If you do share that concern, can you tell me what you are hoping to do about it?

**Hon. Mr. Bernier:** I wasn't aware of that particular situation, Mr. Chairman, but I think it is fair to say that in some of the

applications, the actual organizational meeting may not take place as quickly as one group or the other group may wish. I think we have found in a couple of cases that if we just take a little more time and let the people talk among themselves, sometimes those groups will come together. It has happened that where we went into an information meeting, we have had two different groups sitting in the hall, obviously both on different wavelengths and both determined to be the inspiration of the leaders with regard to the local services board.

Once we have disseminated all the information, a northern affairs officer will then go back in and talk to the various groups. As we discussed during the development of that piece of legislation, really it was a consensus we wanted. We wanted a strong feeling, because it was a self-help type of thrust, so it is obvious, if we are going to go ahead with a structure, that we have to have the support or at least the consensus of some support from a majority of the people.

It is fair to say that in some of these smaller communities there are objections. Some people don't want to change and they have made their views known, but they are very much in the minority. Just the odd one has that fear and sometimes they are not fully informed; they have a lack of knowledge as to what it will do for them in the way of costs. That is a big thing in an organized area. They see a horrendous structure, they see tax being imposed upon them without getting into the real operation of the local services board, but once that has been done, in the largest percentage of the cases, those fears are dispelled.

It is the art of persuasion, I guess, that we use and will continue to use until we find a better system, but obviously we can't have two LSBs overlapping each other; that would be impossible. We hope common sense will prevail and they will get together and do the best for the area that they can.

**Mr. Bolan:** Mr. Chairman, dealing once again with the question of extension of services to the northern communities, I am sure the House would like to know that as a result of vigorous and persistent pressure by myself and by other members of both opposition parties with respect to the extension of ETV in Ontario, the Minister of Culture and Recreation (Mr. Baetz) today announced from North Bay the extension of the services to service the ridings of Nipissing and Parry Sound as well as part of Muskoka, so I am sure you would like to hear that.

**Hon. Mr. Bernier:** I must put on the record along with what the honourable member from North Bay has put on the record, the fact that the member for Parry Sound (Mr. Maeck) was most supportive, most vocal, as was, of course, the Minister of Northern Affairs in making sure that ETV is brought to that great part of northern Ontario. We still have a few blank spots up there that we are looking at very carefully, and certainly as funds become available we will continue to apply pressure. I know I have the support of my northern cabinet colleagues to extend that excellent service in northern Ontario into all parts of northern Ontario.  
5:30 p.m.

**Mr. Conway:** Mr. Chairman, I am pleased to be able to participate in this particular estimates discussion as a bona fide northern Ontario member. I have to tell the minister, according to the Office of the Assembly, my mileage rate is now adjusted to take into consideration northern circumstances, so I appreciate that status being conferred on me.

**Hon. Mr. Bernier:** We must have that checked.

**Mr. Ashe:** Is it a \$10 licence fee?

**Mr. Conway:** That is one of the subjects I will parenthetically refer to in a moment. I want to draw to the minister's attention, under vote 703, isolated communities activity.

In my constituency there is a portion of the southeastern Nipissing district. The areas are divided into one organized municipality area township and some unorganized townships in which approximately 600 to 800 people reside. One of those hamlets is called Madawaska. For some time now the people there have been engaged, through the local fire department, in the business of trying to arrange for the raising of sufficient funds to construct a building in which their fire engine might be located.

My friend the member for Algoma-Manitoulin (Mr. Lane) will well remember a sunny day some months ago when he brought that fine new vehicle into town.

**Mr. Wildman:** Did he drive it in?

**Mr. Conway:** The member for Algoma-Manitoulin, as I recall, did not drive the vehicle into town but it did arrive with a very considerable fanfare.

**Mr. Wildman:** Lights and siren going?

**Mr. Conway:** Exactly. My friend from Algoma has it down to a T. It was, none the less, appreciated because, as the minister knows, those kinds of services in isolated communities are particularly important.

To the problem at hand: the community found itself in the possession of a very good vehicle, but with some financial constraint in terms of raising funds to house it properly. They have preceded the local Murchison and Lyell fire department in building not only a firehall but also an associated library. They have done, I think, an excellent job in raising funds, and they are continuing that process.

As of this weekend—and I had the opportunity to visit that community just 36 hours ago—the construction had pretty well been completed as far as the contract work was involved, although a substantial amount of volunteer labour had yet to be applied. The minister will know, because I have written to him and heard from him not too long ago in this matter. I was wondering if he could advise me today as to whether there would be favourable consideration given to a request by the Murchison and Lyell fire department for some financial assistance with respect to the construction and related costs. It will not be a great amount of money in the overall scheme of things.

I want to reiterate my earlier comments in saying the local volunteer fire department has done an extremely good job. Mr. Mervin Dupuis and his group have been very active over a number of months now in raising funds, but given the fact not more than 300 to 400 people live in that hamlet they do have a very restricted base from which to draw. They, I know, would be very appreciative of any assistance the minister might provide, recognizing that he has done a considerably good service in making the vehicle available. It seems to me it would make very good sense to provide some funds to assist in that particular project.

While I am on my feet—I think this is parenthetical but I always imagined it to be directly under the vote—the people of that particular isolated community wonder why, in terms of tax benefits, they continue to be discriminated against in so far as what I call the Mac tax cut of 1976 is involved. Perhaps I should call it the Mac-McKeough tax cut which gave the \$10 licence fee to the people of northern Ontario with some flexibility.

The good people of Madawaska, Whitney, Stonecliffe and that northern portion of Renfrew county would feel I was being remiss in the defence of their isolated circumstances if I did not draw to the attention of the Minister of Northern Affairs again today their very earnest desire to have favourable consideration given to the inclusion under that

benefit of all of the district of Nipissing and that northerly portion of the county of Renfrew. It is an important matter for those people. They see it as more than a symbolic gesture.

I know the minister appreciates the isolated circumstances of some of these communities. I notice, for example, under this particular vote there is reference to Kaa in terms of an isolated community. There are people who live near that isolated lumber camp—which is essentially what it is—who still pay a southern Ontario rate, though to procure the licence they go to Mattawa where everyone else gets the special benefit.

I realize drawing a line is always difficult. I would make myself available to the minister, in public or in private, to assist in what I think is a responsible arbitration of that sensitive and difficult matter.

I would like to draw out from the minister at this time, recognizing winter snows have already fallen in the great community of Madawaska, whether we can expect, on behalf of that volunteer fire association, any direct financial assistance in the coming weeks for that public work—the firehall and library—and secondly, whether he might pronounce on government policy as it relates to a favourable consideration for all the district of Nipissing and the northerly sections of the great county of Renfrew with respect to the Mac-McKeough licence tax cut.

**Hon. Mr. Bernier:** If I could comment on the remarks of the member for Renfrew North, I appreciate his desire to have a portion of his affluent riding belong to northern Ontario. I hope the people in northern Ontario, and my friend from Algoma, are listening.

We so often hear in northern Ontario: “If I only belonged to southern Ontario. That’s where all the goodies and all the benefits really are and we’re always shortchanged in northern Ontario.” To have the situation reversed and have an eastern Ontario riding wanting to be part of northern Ontario is a message I am going to take right across northern Ontario. It’s a real twist.

I regret I cannot give the honourable member any encouragement that we would change our present administrative border, our north-south line, as it relates to the licence fee. I believe it goes across the northern part of Algonquin Park. That has basically been established as our area of responsibility.

From the point of view of a moral responsibility we have looked at the needs of Madawaska with respect to that fire truck. I

want to make it clear that, while we did that, it didn't mean they were part of northern Ontario or part of our administrative area.

I want to go one step further. In view of the fact we have given them a fire truck, I think it's only fair we assist them with the facility that houses that fire truck. We have a \$40,000 investment there and I am prepared to have my staff take a close look at that and to work with the people in that community.

I don't think I can go any further than that. I don't want it to be spelled out as a commitment that they are part of northern Ontario or part of our administrative responsibility, but only that we have a unique situation. As the member correctly points out, the border areas are always the grey areas. They are always difficult areas to deal with. No matter what program one comes up with, one puts a dividing line on it. There are always people on one side of the street who get services that people on the other side of the street do not.

5:40 p.m.

It is very difficult. We do believe in maintaining that northern boundary, so to speak. It has been in place now for three or four years and seems to be working fairly well. It is fairly definitive. That buffer zone of Algonquin Park does assist. To alleviate some of your concerns and certainly to protect what is a public investment in Madawaska, I am going to ask my staff to go down and meet with your people in that community and work out some financial assistance program.

**Mr. Conway:** Mr. Chairman, if I might, I want to add a couple of points. Let me say at the outset I thank the minister for that assurance because, to be sure, the people involved in that volunteer fire department will be gratified to know the minister is giving the matter serious and, hopefully, favourable consideration. I want to make myself available to his staff. I reiterate it is not a great deal of money. In fact, a relatively small amount of money will probably solve the immediate concern.

I want to tell the minister that if any of his staff are working on this, I would be delighted to assist because I do have quite a deep, personal involvement with that community. I would be quite happy to do anything I can to assist in the consideration and, hopefully, favourable execution of some assistance in that respect.

With the Minister of Education (Miss Stephenson) present, I want to draw to the

attention of the Minister of Northern Affairs some of the anomalies that strike at the heart of local residents with respect to this line. I also draw them to the attention of my friend from Algoma who was brought into this by the minister in his remarks. People who live in the Nipissing district find themselves considered for many other things as part of northern Ontario, as of course they should be. They just wonder, "Why, in terms of this benefit, are we suddenly not included?" because it is quite properly a benefit that is extended to northern Ontario.

There are a couple of isolated communities that find themselves in the district of Nipissing, which is part of northern Ontario. Again, we are not talking about a great number of people. We are talking altogether probably of an additional 1,500 people, if we include all the district of Nipissing. If it were a city of 25,000 or 40,000 people anchored in there, then it would probably be a different matter. But we are talking about a relatively few people who in many other respects receive their benefits from northern Ontario.

The added frustration of that, and the one I have with respect to this kind of demarcation, is that in my research—and it has been very tentative and cursory—I have noted that this government has not one but at least five or six lines of demarcation. In the presence of my good friend the Minister of Education, the Minister of Northern Affairs will be happy to know that the town of Arnprior in the far southeastern section of Renfrew county, but 40 miles from the national capital, for at least one program under this Ontario government is considered northern and gets a grant from Education for that purpose. In my own home town of Pembroke, there is consideration of the central and northern portion—

**Hon. Miss Stephenson:** We looked at the entire area.

**Mr. Conway:** That is right, the minister is quite correct. For the young travellers' grant under the Ministry of Education, all of the county of Renfrew is considered northern. I am certainly not lamenting that fact at all. But I want to stand in my place and tell you that as a lifelong resident of Renfrew county I have never for a moment considered Arnprior—the Prior—as northern. As my friend, who is formerly from Richmond, will well know, it is not considered with Gogama and Moosonee and other places as main street northern Ontario but, none the less, under a particular departmental program—a grant in this instance—Arnprior is ostensibly northern Ontario.

My home community of Pembroke is considered northern for the Ministry of Government Services. There are at least, as I say, a half dozen different governmental lines of demarcation which involve my electoral district, both in Nipissing and Renfrew. This is a confusion and difficulty I would invite the minister with the able and, I am sure, ready assistance of the Minister of Education to work towards resolving.

I would certainly like to see a single line of demarcation that does take into consideration the favourable inclusion of some of the northerly sections of the county of Renfrew. Certainly it has never been my position that the entire county should be included. That would just not be realistic in light of the inclusion of what I believe to be most of the counties in eastern Ontario.

There are small isolated communities up Highway 17 in the Mattawa area that go to Mattawa as their service base—isolated communities like Deux-Rivieres. They go to Mattawa to get their licence plates and find out they have to pay a southern Ontario rate when their condition is exactly that of Mattawa and Cavan township and other places. Similarly with Madawaska and Whitney.

My plea really is for a systematic approach to that demarcation. I wonder if it could be regularized in such a way that there was one line and if there could be favourable consideration to the most northerly portions of the county of Renfrew. That is really all I ask. I draw to the minister's attention again those kinds of local anomalies that really irk people who live in a district of northern Ontario and find themselves, however few in numbers, unable to get a benefit which is as important to them as is the Mac-McKeough licence tax cut.

**Hon. Mr. Bernier:** If I could respond briefly, I recognize the communities that the honourable member identified. Arnprior—and I believe Fitzroy Harbour is in your riding?

**Mr. Conway:** That is Carleton.

**Hon. Mr. Bernier:** Oh, that is interesting because I was a resident of Fitzroy Harbour years ago. As a matter of information I am sure you will be pleased to know that my father worked on the dam at Fitzroy Harbour as a steel helmet diver. I made a point of visiting that community about two years ago looking for some people who were there when the construction was going on. I could not find anybody. I was very young at that time, but we always considered Fitzroy Harbour, which is not very far from Arnprior, as being southern Ontario.

In fact, those of us who live in northern Ontario really think North Bay is in southern Ontario. I think the member from North Bay would agree with me. Parry Sound is southern Ontario. Sudbury is the borderline; really that is the entrance to northern Ontario. So you get all these anomalies the member was speaking about—these grey areas that are very difficult to deal with.

But we have a number of demarcation lines, as the member referred to them. Each ministry that delivers different services would obviously have a different need for a different demarcation line.

I think the line we have established north of Algonquin Park is a very reasonable one—one that gives us the buffer zone of Algonquin Park. It doesn't create too much of a problem. I realize 1,500 people are upset; they feel they are being shortchanged. It is one of the problems we have in setting up a region area division. I hope we can try to lessen that impact as much as possible and we will certainly do that with assistance for the firehall.

**Mr. Wildman:** I listened with interest to the exchange between my colleague from Renfrew North and the Minister of Northern Affairs. I would certainly hope the member was not suggesting the benefit the students of Arnprior get should somehow be removed by setting up one demarcation line. Two relatives of mine, great-aunts who live in Arnprior, spent their whole lives in the education system and would be very unhappy that the students of Arnprior might somehow lose the benefit they are now experiencing. The young travellers' program is a very good program in bringing students from more distant places. However, I must admit I was somewhat surprised to find out that Arnprior was included in the visit to Queen's Park.

**Mr. Conway:** The honourable member may rest assured that was not my intention.

**Mr. Wildman:** I am sure it wasn't.

I welcomed the comments of the minister with regard to the member's request for him to look at the possibility of assistance for a firehall to the small community in Nipissing in his riding. I would hope that if the minister is prepared to look at that seriously, that he will look at the application that has been made by Hawk Junction which—there's no question—is in northern Ontario and has applied for assistance for the construction of a firehall to house the fire truck that the minister himself delivered to Hawk a few years ago. We had a good afternoon. I think they presented the minister with a silver or golden fire hat.



**Hon. Mr. Bernier:** I still have it.

**Mr. Wildman:** You still have it? It was a beautiful symbol of all that is right with fire protection in northern Ontario. I just got a plaque out of that but I appreciated the plaque. It is in my office. I would hope that the minister would look carefully at the application made by the fire brigade in Hawk Junction for assistance to build their firehall because, as the minister knows, the Algoma Central Railroad made a commitment at the time the fire truck was presented to Hawk Junction to provide housing for the truck. They are still able to use that, although I think the ACR would like them to move into another facility and the fire brigade themselves would like to move as well because the location that is being provided by the railway is not the best.

I have a letter the minister sent me dated October 24 in which he said the ministry is reviewing the application by Hawk Junction for isolated communities assistance and that he hoped he could provide a response in the near future. I would hope the future is now and that the minister could provide us with a response and also respond specifically to why it has taken so long for Searchmont to get a response to its application for more adequate fire protection equipment, since the representative of the fire marshal's office, Merv Neidrauer stated in January 1980 that they should get it.

It looked as if they were going to get it, and yet the fire brigade there has not heard anything from the Ministry of Northern Affairs since January 1980. I would hope the applications made by Aweres township for assistance and the application that is going to be made in Goulais will not somehow hold up what has been an ongoing discussion since January 1980 for Searchmont.

Certainly there is no question those other communities need fire protection, and I am glad the ministry has changed its criteria, its guidelines, so that it now is possible for those two communities, Aweres township and Goulais River, to apply for protection as did Batchawana under that program. I want to emphasize that it has been some time since Searchmont heard what is happening and I would hope the minister could respond in relation to those two applications.

**Hon. Mr. Bernier:** Mr. Chairman, I do appreciate the honourable member's concern with regard to those small communities. The Hawk Junction application, as I pointed out to him, is being reviewed.

I think the whole thrust of those applications is to make sure there is a local involvement, because in an unorganized community if there isn't the dedication to a project so that there is some ongoing responsibility, we lose the whole thrust. I don't think it is our intention to go out and hand out fire trucks or to hand out all types of financial assistance for projects because one person or two persons applied. We would like to get the feeling of consensus. We ask, "What is your contribution? We will help you, but help yourself a little bit and we will top it off." This is what we have been doing. I can assure the member that we will resolve those problems as quickly as we can.

I think it is fair to say we have had some delays with respect to the delivery of fire equipment. The fire marshal has, in his wisdom, made some modification to the equipment and rightly so. I think they have come a long way in the last three or four years in designing equipment that really fits the needs of the unorganized communities, in which up to that time—let's be honest—there was some reluctance to go into that field because we all thought of big tankers and big hydrants and all this type of thing and ladders that would go up four or five storeys. That was not required in northern Ontario.

We have come a long way and it is the support of the field staff of the fire marshal's office, in co-operation with our staff and the unorganized communities, that has changed that thinking. So we are getting modifications and improvements to the equipment itself.

I can assure the members we will expedite those applications as quickly as we can, because we are getting to that time of the year when that equipment should be in place—there is just no question about it—and I will personally take an interest and make sure those are looked after.

**Mr. Wildman:** In the last couple of moments, Mr. Chairman, I would just say to the minister I appreciate and support his comments about the need for local involvement and local commitment. There is no question in the case of Searchmont that there have been serious efforts on the part of the local community to provide for its own fire protection. As I said, it originally got its equipment before the program was in place. Also, the community of Hawk Junction has obtained grants or assistance from the local private sector to purchase materials for its building. So there has been an at-

tempt on its part as well to provide assistance for erecting the building on its own.

The community of Goulais River is meeting this evening with Peter Merritt from the minister's northeastern region and with representatives from the fire marshal's office to talk about the formation of a local fire brigade there, and how it might go about applying for equipment under next year's program. As the minister is probably also aware, Aweres township, after all the controversy between him and myself about it, is now considered by the ministry to be possibly eligible. It has organized a committee and is working, I think, very carefully and cautiously in making certain that it does have the numbers of people locally interested and involved, and a location available for the construction of a hall. So its application can be seen to be one that can be approved by the ministry when it finally is decided.

This program is a needed one that, I think, despite the comments sometimes made about the minister or his parliamentary assistant, about the delivery of fire trucks with sirens blaring and lights flashing—the jokes that are sometimes made about that—all of us recognize as one that is necessary, as something that had to be. It really was brought in even before this ministry was created, when the Ministry of Natural Resources initially got involved with isolated communities assistance, and I am glad it has now continued and grown under the Ministry of Northern Affairs.

Item 2 agreed to.

Item 3 agreed to.

Vote 703 agreed to.

On motion by Hon. Mr. Bernier, the committee of supply reported certain resolutions.

The House adjourned at 6 p.m.

## APPENDIX

(See page 4335)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## BAIL PROGRAMS

388. **Mr. Warner:** 1. Will the Attorney General advise the House when clear, publicly available guidelines for justices of the peace regarding who is acceptable as a surety will be available? 2. Will the Attorney General require reasons for the rejection of a surety in writing from the justice of the peace? 3. When will the Attorney General allow an appeal procedure regarding the rejecting of a surety? What form will the appeal procedure encompass? 4. When will the duty counsel be available on a regular basis for estreatment court? 5. Will the Attorney General enter into a co-operative agreement with the Ministry of Correctional Services to ensure joint planning and funding on bail programs? 6. What is the Attorney General's policy on access to remand prisoners? 7. When will the government's system of justice return to the presumption of innocence as the basis for a policy on remands? 8. Will the Attorney General, in co-operation with the Ministry of Correctional Services, establish ground rules and procedures for a system of bail hostels where needed? Will the Attorney General table the guidelines? (Tabled October 31, 1980.)

**Hon. Mr. McMurtry:** 1. It is not my intention to propose guidelines for justices of the peace with respect to the acceptability of sureties. As I have said before, I consider it extremely difficult, if not possibly undesirable, to attempt to lay down a set of guidelines which might serve as appropriate benchmarks for the acceptance of a surety by a justice of the peace, as there are so many varying circumstances. A very real danger exists that by defining certain items that must be considered undue emphasis will be placed upon them. The type of factors that the justice of the peace may want to take into account in deciding whether or not a particular individual is a suitable surety, may include the following:

Roots of the prospective surety in the community; his general character and reputation; whether or not there is any suggestion that he acted or has acted with the co-accused in a joint criminal venture; his or her ability to control the accused and to ensure that the accused lives up to the terms of his recognizance including his attendance at trial; age of the surety; whether or not the surety is

acting under duress; financial resources of the surety; employment record of the surety; length of time the surety has known the accused; whether or not the surety is surety for any other person; whether or not the surety appears to be in the business of providing bail; whether or not the surety intends to remain within the jurisdiction until the trial is over; whether or not the surety understands clearly the obligation placed upon him; and so on.

I am sure I could easily add many more factors to this list, but the one thing that is clear is that any list could never be exhaustive. It would moreover be potentially misleading for any such a partial list to be promulgated as having any sort of official sanction. It is an obvious principle of our law that a judicial officer, be he a justice of the peace or a provincial court judge, must exercise his discretion judicially; failure to do so may give rise to a prerogative remedy if the officer either exceeds his jurisdiction, or if he refuses to address his mind to the issues before him. Moreover, it is surely no easier to lay down rules or guidelines as to who may or may not be acceptable as a surety than it is to lay out all the circumstances under which a justice of the peace may or may not be satisfied whether to release an accused from custody.

There is no express provision in the Criminal Code for requiring any sort of qualification for proposed sureties. It would be unreasonable to suppose that a justice of the peace is bound to accept as a surety every person put forward by an accused. When one examines the Criminal Code, it provides no guidance on the question of the sufficiency of any surety. The Ouimet committee that drafted the amendments to the Criminal Code, commonly referred to as the Bail Reform Act, felt that the exercise of the justice's discretion as to the sufficiency of a surety should not be controlled by detailed regulation, nor is it capable of being so controlled. The committee also felt that it should not be controlled by administrative direction, issued either by law enforcement officers or officials concerned with the administration of justice. This position is one with which I have no quarrel. Justices of the peace undergo periodic training, and this is one area which I am assured by the Chief Judge of the Provincial Court, His Honour F. C. Hayes, will continue to be stressed during their educational programs.

2. The approval of sureties is part and parcel of the judicial interim release process, as laid down in Part XIV of the Criminal Code. It is, once again, a judicial function of the justice of the peace, and assuming that I as Attorney General have the power to do so, it would not be appropriate to require justices of the peace to provide written reasons for their decision in this area. An order for release subject to certain conditions is subject to review, as laid out in section 457(5) of the Criminal Code. Any changes in this area will, of course, have to be made by the Parliament of Canada.

3. As I have noted above, the appeal procedure is already in place in the Criminal Code. An accused may always seek a review of the justice's decision made during the judicial interim release process. Section 457(5) of the Criminal Code sets out in detail how this is to be done. The province would not be able to set up a similar procedure because this is a matter that falls within federal jurisdiction.

4. I do not feel it is essential to have duty counsel at estreatment court. Many sureties come to court already having retained counsel, and those who do not are always given the opportunity to seek counsel or apply for legal aid. If an adjournment is requested by a surety to seek counsel or apply for legal aid, it is almost never refused. I am informed that in fact this situation very rarely arises. If a surety wishes further time to fulfil his/her obligations as a surety (in other words, to locate the accused and turn him over to the authorities), here again, further time is always allowed. Estreatment court is a court of equity and in a sense does not operate on the adversary system. Apart from advising sureties as to how to apply for legal aid, the duty counsel would have little or no function. However, I will discuss the matter with the director of legal aid and seek his opinion as to the necessity and practicality of having a duty counsel in estreatment court.

5. I am unclear as to the point of this question. I do not consider it desirable for the Ministry of the Attorney General to be involved in either the planning or funding of any bail projects. It is my understanding that the Ministry of Correctional Services is at present funding and planning a bail project which has to do with the provision of funds to obtain living accommodation for persons on bail who require a home address. Our ministry is providing the Ministry of Correctional Services with advice and assist-

ance when required, and other than that I do not feel that our ministry should be further involved with this project.

6. This ministry does not formulate policy in regard to access to remand prisoners. The policy of who is allowed to visit prisoners, remand or otherwise, and when, is set by the Ministry of Correctional Services. However, I am informed that the policy in regard to remand prisoners is more liberal than for those serving sentences, and counsel, of course, may have access to their clients at all times.

7. I feel that your question is somewhat unclear. However, I assume that you refer to the decision to grant or deny bail rather than to remand. I should point out that the presumption of innocence is an evidentiary burden at trial only. The burden of proof at a show cause hearing depends on the particular provision of the Criminal Code under consideration. While the onus of showing why an accused should be detained in most instances rests on the crown, in certain specified circumstances the Parliament of Canada has seen fit to reverse this onus. There are only two reasons for the requiring of a detention order or conditional release. The first (primary) reason is to ensure the attendance of the accused in court for his trial. The second (secondary) is to ensure that the public is protected, having regard to the substantial likelihood that an accused may, if released from custody, commit a further criminal offence or interfere with the administration of justice. Although one of the areas into which inquiries may be made is the probability that the accused has committed the crime charged, the justice of the peace does not determine the guilt or innocence of the accused, he merely determines whether in fact the accused is a suitable candidate for bail. These procedures, being part of the Criminal Code, fall under federal legislative jurisdiction.

8. This is a matter which falls within the jurisdiction of the Ministry of Correctional Services only. It is not desirable that the Ministry of the Attorney General should become involved in the setting up of bail hostels. I understand that the Ministry of Correctional Services is presently funding a project along such lines. Again, we are willing to provide advice and counsel as required.

#### FAMILY LAW COMMISSIONERS

389. Mr. Warner: Will the Attorney General advise the House how family law commissioners of the Supreme Court of

Ontario are appointed; to whom are they responsible; what, if any, age limitations exist for appointees; and to whom would complaints regarding their conduct and reports be directed? (Tabled November 3, 1980.)

**Hon. Mr. McMurtry:** Family law commissioners are appointed by the Lieutenant Governor in Council upon the recommendation of the Attorney General.

Pursuant to section 19(1) of the Divorce Act and rule 803a of the Rules of Practice, upon a reference by a judge of the High Court, the family law commissioner holds a hearing and makes a report in respect to custody and maintenance pursuant to the Divorce Act. Pursuant to sections 71, 72, 75 and 97 of the Judicature Act, with the consent of counsel and upon reference by a judge of the High Court, a family law commissioner may act as an official referee to hold a hearing and make a report in respect of division of property, support or custody under the Family Law Reform Act. The reports of the commissioner are subject to confirmation by the referring judge. In addition, family law commissioners conduct pre-trials with a view to narrowing and, if possible, resolving the issues in dispute between the parties.

Family law commissioners are officers of the court and are therefore responsible to the Attorney General.

There are no age limitations for appointees.

As mentioned above, the reports of the family law commissioners are subject to confirmation by a judge. If counsel are not satisfied with the report of the commissioner, they may argue the matter before the Supreme Court judge who heard the case. If still not satisfied, an appeal from the judge's decision confirming the report may be taken to the divisional court.

### TEACHERS' PENSIONS

**390. Mr. Van Horne:** Will the Minister of Education indicate whether or not section 3 and section 20(3) of the Teachers' Superannuation Act, 1975, permit the Teachers' Superannuation Commission to designate part of a teacher's salary in 1975 as a retirement gratuity and, further, decide that this portion should not be recognized for superannuation purposes? Will the minister also indicate whether or not these same sections would allow the Teachers' Superannuation Commission to decide that the teacher has been paid

too much pension in each of the five years since his retirement, that he must pay back the overpayment, and that his future pension payments will reflect the retroactive decision of the commission to discount part of his 1975 salary for pension purposes? (Tabled November 3, 1980.)

**Hon. Miss Stephenson:** Section 3 of the Teachers' Superannuation Act indicates that "it is the duty of the commission to administer this act, and in so doing it shall determine the right of every applicant to receive an allowance or a refund and the amount thereof." Since the amount of a pension is affected by three things, the age of the person at the time of retirement, the number of years of credit in the fund at retirement and the average salary over the best seven years of service, the commission does have the right to determine what payment of money to the teacher constitutes salary for pension purposes in the same way as Revenue Canada has the right to determine, subject to ratification by the courts, as to what is salary for income tax purposes.

Each year the commission issues instructions to employers as to what amounts are subject to a deduction for pension purposes and what amounts are not subject to such a deduction. A pension is computed on the basic salary paid to a teacher and it is not meant that a person's salary should be artificially increased in the last seven years so that the pension paid would reflect other than the basic salary. For this reason the commission has excluded special payments in the determination of salary for pension purposes. One of these special payments has been a retirement gratuity.

When it was determined that boards had not always adhered to these instructions, the commission did check the pension calculation for the last five years in an attempt to find out whether or not abnormally high payments were reported as salary. Where such payments were apparent, a check was made with the boards concerned to see why the salaries had been inflated. If the salary reported was based on retirement gratuities the pensions were recalculated and the overpayments requested.

It is the opinion of the commission's solicitor that overpayments of pensions should be returned to the commission in the same way as are underpayments to the pensioner. The underpayments are made in a lump sum whereas the overpayments are collected over a period of time so that there is not an undue hardship on the pensioner.

## OPP RADAR UNITS

391. **Mr. Van Horne:** How accurate are nonstatic radar machines that are used by the Ontario Provincial Police? Will the Solicitor General check and report on the radar unit used by officer 5673, of unit 0310, at 9:06 a.m. on October 13, 1980? (Tabled November 3, 1980.)

**Hon. Mr. McMurtry:** The MDR 1 radar unit is accurate to within 0.05 per cent.

The radar set used by officer 5673 at 9:06 a.m. on October 13 was purchased new in May of 1979. At 8.30 a.m. on October 13 the unit was checked for accuracy prior to the constable proceeding on patrol. It was working properly.

## TROUT IMPORTS

393. **Mr. Van Horne:** Will the Minister of Natural Resources indicate what amount of trout fish was imported into Ontario during the calendar years 1978, 1979? (Tabled November 4, 1980.)

**Hon. Mr. Auld:** The preponderance of trout imported into Ontario are frozen, hatchery-reared rainbow trout from Denmark, Japan, Uruguay and the United States.

1,644,000 lb and 1,756,000 lb were imported in 1978 and 1979 respectively. There were also some importations from Nova Scotia and Manitoba in these two years.

No figures are available for the import of wild trout, although quantities are thought to be small. No live trout or eggs were imported into Ontario during 1978 or 1979, primarily due to stringent federal fish health regulations aimed at preventing the importation of diseased fish.

## FOREST CUTTING PRACTICES

396. **Mr. T. P. Reid:** Would the Ministry of Natural Resources table the number of timber companies that were charged under section 21 of regulation 159, RRO 1970 of the Crown Timber Act in regard to wasteful cutting practices in 1979-80 and the current year? Please provide the names of the companies, the amount of the fine, and the reason for the charge. (Tabled November 4, 1980.)

**Hon. Mr. Auld:** A table has been prepared showing the licensees who have been charged under the Crown Timber Act in regard to wasteful cutting practices in 1979-80 and the current year to date.

**PENALTIES IMPOSED UNDER THE CROWN TIMBER ACT  
FOR WASTEFUL PRACTICES DURING  
1979 - 80 and 1980 - 81 (to date)**

**1979 - 80**

| Licensee  | Penalty   | Reason for charge   |
|---|-----------|---|
| Kimberly-Clark<br>of Canada Limited             | \$ 497.68 | not utilizing merchantable logs<br>leaving merchantable trees                               |
| Algonquin Forestry Authority                    | 2,586.00  | leaving high stumps   |
| Bracebridge Lumber<br>Company Limited           | 80.64     | not utilizing merchantable logs<br>long-butting<br>leaving lodged trees                     |
| Kearney Lumber Limited                          | 53.00     | leaving high stumps   |
| Spruce Falls Power and Paper<br>Company Limited | 141.70    | leaving high stumps<br>leaving merchantable trees   |
| *Chantier Co-operative De Barker                | 143.55    | unauthorized cutting  |
| Bois A. Lachance Lumber Limited                 | 49.77     | leaving merchantable trees  |
| Abitibi-Price Incorporated                      | 707.00    | leaving high stumps   |
| Cochrane Enterprises Limited                    | 635.00    | leaving high stumps   |
| L. Blais  | 160.18    | not utilizing merchantable logs<br>leaving high stumps                                      |
| R. Whitfield                                    | 533.18    | leaving merchantable trees  |
| Midway Lumber Mill Limited                      | 224.71    | not utilizing sound straight logs<br>not utilizing merchantable logs<br>leaving high stumps |

## 1980 - 81

| Licensee         | Penalty  | Reason for charge   |
|------------------|----------|---|
| Alec Boudeleau   | \$ 54.40 | not utilizing merchantable logs<br>leaving high stumps  |
| Murray N. Joseph | 386.06   | not utilizing sound straight logs<br>not utilizing merchantable logs<br>leaving high stumps<br>leaving lodged trees<br>long-butting |
| Fred Riddick     | 7.40     | not utilizing sound straight logs<br>not utilizing merchantable logs<br>long-butting  |
| Frank Warne      | 90.42    | not utilizing merchantable logs   |
| Claudet Lapoint  | 122.84   | not utilizing merchantable logs   |
| Laurent Godet    | 66.36    | not utilizing merchantable logs   |

\* With reference to the answer to question 156 tabled on May 27, 1980, it should be noted that the reason for the charge in this instance should have been for unauthorized cutting only.

## FOREST CLEAR-CUTTING

397. **Mr. T. P. Reid:** Would the Minister of Natural Resources provide the size of the three largest forest clear-cuts within the licensed areas of: 1. Boise Cascade Limited. 2. Great Lakes Forest Products Limited. 3. Abitibi Paper Company Limited. 4. Kimberly-Clark of Canada Limited. 5. Spruce Falls Power and Paper Company Limited? Please provide the location of these clear-cuts, when they were cut, who approved the clear-cuts, the extent of any artificial or

natural regeneration on the sites? (Tabled November 4, 1980.)

**Hon. Mr. Auld:** The annual compilation of areas of clear-cut does not record the size of each individual cutover, separately. To provide the requested information on the three largest clear-cuts, their location, when they were cut, and the extent of their regeneration would require a special, detailed study of approximately two man-years' duration. Approval of annual plans for cutting operations to be undertaken by a licensee is made at the district level.

## CONTENTS

---

Monday, November 17, 1980

|  |      |
|--|------|
| Ministry restructuring, statement by Mr. Norton .....  | 4321 |
| Increase in social assistance, statement by Mr. Norton .....                                       | 4322 |
| Construction lien legislation, statement by Mr. McMurtry .....                                     | 4322 |
| Economic equality for women, questions of Mr. Elgie: Mr. S. Smith, Mr. Cassidy ....                | 4324 |
| Acid rain, questions of Mr. Welch: Mr. S. Smith, Mr. Cassidy .....                                 | 4325 |
| Tomato processing, questions of Mr. Henderson: Mr. Cassidy, Mr. Swart .....                        | 4326 |
| Duo-Matic plant closure, questions of Mr. Elgie: Mr. Cassidy, Mr. Nixon, Mr.<br>Makarchuk .....    | 4327 |
| Payments to consulting firms, questions of Mr. McCague: Mr. T. P. Reid, Mr.<br>Makarchuk .....     | 4327 |
| Heritage languages program, questions of Miss Stephenson: Mr. Dukszta .....                        | 4328 |
| Diabetic drivers, questions of Mr. Elgie: Mr. Cunningham .....                                     | 4329 |
| White Motor Corporation, questions of Mr. Elgie: Mr. Makarchuk .....                               | 4329 |
| Chrysler research and development centre, questions of Mr. Elgie: Mr. Ruston,<br>Mr. Mancini ..... | 4329 |
| Chemical storage, questions of Mr. McMurtry: Mr. Breaugh, Mr. B. Newman .....                      | 4330 |
| Fines option program, questions of Mr. McMurtry: Mr. Bradley .....                                 | 4330 |
| Condominium Ontario, questions of Mr. Drea: Mr. Philip .....                                       | 4331 |
| Burlington gas explosion, question of Mr. Drea: Mr. Bradley .....                                  | 4331 |
| Municipal election ties, questions of Mr. Wells: Mr. Mancini .....                                 | 4332 |
| Participation House, questions of Mr. Norton: Mr. Isaacs .....                                     | 4333 |
| Norfolk teachers' dispute, questions of Miss Stephenson: Mr. Nixon .....                           | 4333 |
| Investment companies' failure, questions of Mr. Drea: Mr. M. N. Davison, Mr.<br>Breithaupt .....   | 4334 |
| Fire safety, question of Mr. McMurtry: Mr. Haggerty .....  | 4334 |
| French-language advisory committees, questions of Miss Stephenson: Mr. R. F.<br>Johnston .....     | 4334 |
| Right-to-farm legislation, question of Mr. Henderson: Mr. McKessock .....                          | 4335 |
| Petition re Ku Klux Klan: Mr. Warner .....   | 4335 |
| Motion re committee sitting, Mr. Wells, agreed to .....  | 4335 |
| Mortgage Payments Moratorium Act, Bill 196, Mr. Makarchuk, first reading .....                     | 4335 |
| Tabling answers to questions 388-391, 393, 396 and 397 on Notice Paper: Mr. Wells                  | 4335 |
| Estimates, Ministry of Northern Affairs, continued: Mr. Bernier .....                              | 4336 |
| Adjournment .....  | 4362 |



**Appendix: answers to questions on Notice Paper:**

|  |             |
|--|-------------|
| <b>Bail programs, questions of Mr. McMurtry: Mr. Warner .....</b>            | <b>4363</b> |
| <b>Family law commissioners, questions of Mr. McMurtry: Mr. Warner .....</b> | <b>4364</b> |
| <b>Teachers' pensions, questions of Miss Stephenson: Mr. Van Horne .....</b> | <b>4365</b> |
| <b>OPP radar units, questions of Mr. McMurtry: Mr. Van Horne .....</b>       | <b>4366</b> |
| <b>Trout imports, question of Mr. Auld: Mr. Van Horne .....</b>              | <b>4366</b> |
| <b>Forest cutting practices, questions of Mr. Auld: Mr. T. P. Reid .....</b> | <b>4366</b> |
| <b>Forest clear-cutting, questions of Mr. Auld: Mr. T. P. Reid .....</b>     | <b>4367</b> |

## SPEAKERS IN THIS ISSUE

Ashe, G. (Durham West PC)  
Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)  
Bolan, M. (Nipissing L)  
Bradley, J. (St. Catharines L)  
Breagh, M. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Cassidy, M. (Ottawa Centre NDP)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Dukszta, J. (Parkdale NDP)  
Edighoffer, H.; Chairman (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Haggerty, R. (Erie L)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Johnston, R. F. (Scarborough West NDP)  
MacDonald, D. C. (York South NDP)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
(Dufferin-Simcoe PC)  
McKessock, R. (Grey L)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Philip, E. (Etobicoke NDP)  
Reid, T. P. (Rainy River L)  
Rotenberg, D. (Wilson Heights PC)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)



No. 115

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, November 18, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 18, 1980

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### UNIVERSITY STUDY

**Hon. Miss Stephenson:** Mr. Speaker, in recent months, several meetings have been held with the members and representatives of Executive Heads of Ontario Universities to discuss the future role of the universities in Ontario.

The future holds many challenges and opportunities for universities here and around the world. As we approach a period of protracted decline in the traditional university population, aged 18 to 24, there is great uncertainty about enrolment. On the other hand, one can see many opportunities for the universities to contribute to society through research, community services in responding to rising skill requirements in the labour force and in meeting the needs of nontraditional client groups.

Last Friday, November 14, the Premier (Mr. Davis) and I met with representatives of Executive Heads of Ontario Universities. They presented a brief entitled, *The Situation of Ontario Universities*. This was prepared in response to the Premier's request for their view on future direction for Ontario universities.

In its brief, the executive heads suggested there should be a study of the role of Ontario universities and of the relationship between the universities, the Council of Ontario Universities, the Ontario Council on University Affairs and the government.

I am pleased to report that the government has agreed to this suggestion and that a broadly based committee will be struck to study the role of the universities in Ontario. Within the next few days I will inform the House about the terms of reference of the study and the makeup of this committee.

### TVONTARIO

**Hon. Mr. Baetz:** Mr. Speaker, several days ago I told this House I was actively considering the expansion of the outstanding

service of TVOntario. This afternoon it is my pleasure to inform honourable members that, beginning immediately, we are undertaking a major extension of the TVOntario network into the Parry Sound-Nipissing district, the Timmins area and the Grey-Bruce area.

**Mr. Sargent:** Hurrah. Where were you this morning? You didn't come to Owen Sound this morning.

**Hon. Mr. Baetz:** I was up in Owen Sound this morning.

TVOntario is applying for licences from the Canadian Radio-television and Telecommunications Commission. We are negotiating for land in Parry Sound and Grey-Bruce. We are negotiating co-site arrangements with the Canadian Broadcasting Corporation in Timmins. If everything goes according to plan, TVOntario's full service off air should be available in the three areas in about 14 months.

In total, the network expansion into these areas will raise by approximately 271,000 the number of people who will be able to receive all of TVOntario's programming directly off air. In Parry Sound-Nipissing, 75,000 will be added to the service; in Timmins, 64,000; in Grey-Bruce, 132,000.

**Mr. Sargent:** That is more like it.

**Hon. Mr. Baetz:** It is very good, Eddie.

In the Timmins district, the range of the signal will be Driftwood in the north, Matachewan in the south, east to Matheson and just short of Palomar in the west. The North Bay signal will reach viewers north to Martin River, Melissa in the south, Mattawa in the east and west to Sudbury. The Owen Sound signal will reach people living in Lions Head in the north, Palmerston and Wingham in the south, east to Thornbury and west to Kincardine, including Chester and Hanover.

I would point out that a very large majority of these people live in rural areas which are not served by cable today and which do not appear likely to be served by cable in the near future. In other words, if they were not able to get TVOntario off air they would likely not be able to get it at all.

I estimate that the capital cost of all this important activity will be approximately \$3.5 million—\$1,245,000 in Parry Sound-Nipissing; \$1,015,000 in Timmins and \$1,150,000 in Grey-Bruce. Using today's technology, the expansion will mean an increase in annual operating costs of about \$700,000. This operating money will come from tax-generated revenues. The capital financing will come from the proceeds of the Lottario lottery.

As honourable members know, the Ontario Lottery Corporation Act dedicates Lottario proceeds to cultural and recreational activities and facilities. This is the very first Lottario allocation that has been made. Frankly, I cannot think of a more useful way to spend the money. I would emphasize that only the one-time capital investment in this extension is coming from lottery proceeds. We will not be depending on lottery proceeds for the continuing operation of the new facilities.

I had the pleasure of visiting the three new TVOntario areas yesterday and this morning. Members will not be surprised when I tell them that the news of TV-Ontario's expansion was greeted with tremendous enthusiasm. They will not be surprised because they know the service is an excellent one that a lot of people want. We decided to go into these three new areas at the same time because each of them was able to claim similar priority.

I know members on all sides of the House represent regions which equally want to receive TVOntario's signal off air. I can tell them here today that nobody, but nobody, is being ignored. For the moment, however, the three areas I have announced today represent the most compelling cases for immediate expansion. Each has shown unusually active interest in getting TVOntario's signal. Each has a substantial rural population that cannot be reached by cable and each has a regular VHF channel open. As honourable members know, this type of channel is the easiest for people to receive in their homes and offers the widest conventional coverage at the lowest cost.

I know all members will want to join with me in celebrating this major expansion of the TVOntario network on the occasion of TVOntario's tenth birthday. I think the expansion is a great birthday present for both TVO and the people of Ontario.

**Mr. Sargent:** Can the minister tell us why we are the last one to get it and why it took five years?

**Hon. Mr. Elgie:** You are taking time off the question period, are you, Mr. Speaker?  
2:10 p.m.

#### WORKMEN'S COMPENSATION

**Hon. Mr. Elgie:** Mr. Speaker, as members may recall, in January of this year I appointed Professor Paul C. Weiler as my special adviser to undertake a comprehensive study of Ontario's workers' compensation system and to make recommendations on possible changes to existing substantive and administrative arrangements. At the same time, I tabled a discussion paper which suggested areas of possible reform.

I have distributed to each member, and will be tabling later today, the first of two reports of Professor Weiler. The first report deals with four main issues: The philosophy of workers' compensation, the structure of benefits, financing arrangements and the decision-making process from primary claims through final appeals. I hope members will agree, when they have had an opportunity to study this first report, that it is one of the most significant and constructive contributions to the analysis of this critical topic ever made. I do not wish to embarrass the author, Mr. Weiler, who is with us in the gallery today, but it is in my view an extraordinarily perceptive and compelling piece of work.

I would like to say a word or two about the process which Mr. Weiler has followed. As the report indicates, he has met and conferred with virtually every person or organization with an interest in workers' compensation in Ontario, including members of both opposition parties. In addition to consultations with officials and experts in Ontario, in other provinces and in the United States, he received more than 50 written briefs and held over 75 meetings. The emphasis throughout was on informality and the free and candid expression of facts, opinions and insights by persons and organizations with interest in and knowledge of the topic. As he says in his report, this was deliberately not a public inquisition on how the Workmen's Compensation Board handled specific cases in the past. Rather, it was an informal yet detailed probing aimed at recommending solutions to real and pressing problems which, in the author's view, require early attention. I think this first report fully justifies the informal investigative approach which has been followed.

While I wish to refer briefly to some of the key recommendations contained in the report, I do so with a word of caution. There are

hazards in attempting to evaluate individual recommendations in the abstract without the benefit of the analysis and reasoning upon which those recommendations are based. Moreover, the recommendations are presented as a package and the totality of the package, with its internal balance, should be considered as a whole.

With these caveats, let me turn to the highlights of the report. As to total disability, temporary or permanent, Mr. Weiler would replace the existing formula—that is, 75 per cent of the pre-accident gross earnings—with a new one, namely, 90 per cent of pre-accident net disposable income up to an earning ceiling of 250 per cent or \$40,000 at current levels of the average industrial wage. In addition, he proposes that an injured worker should have necessary fringe benefits maintained during periods of disability; that workers' compensation should be integrated with other systems of income maintenance and that compensation should ensure against loss of normal retirement income.

As to fatal injuries, he recommends that all surviving spouses receive a lump sum equal to the income ceiling of the program. In addition, those surviving spouses and children who are dependent in the true sense of the term as defined in the report, should receive a pension related to the pre-accident net disposable income of the deceased worker.

As to permanent partial disability, the report recommends that all permanently disabled workers—and that means total or partial—should receive a lump sum payment determined by the degree of physical impairment and the age of the worker at the time of the injury. In addition, compensation should be paid to replace 90 per cent of the net disposable income actually lost by the worker as a result of the injury, that is, 90 per cent of the difference between pre-accident and post-accident net disposable income. Recommendations are also made to encourage disabled workers to return to suitable available employment and to encourage employers to make such alternative employment available.

As to inflation adjustments, Mr. Weiler recommends that income ceilings and other criteria for current compensation claims should be determined in relation to the average industrial wage, so that the amounts payable for future claims will adjust automatically to wage inflation, while the assessments of employer payrolls will generate the necessary corresponding revenues. As to the

method of financing benefit payments, the report recommends that a mandatory plan for experience rating of individual employers be instituted. It further recommends that the board be empowered to recover the unfunded liability of an employer for its employees' injuries if that employer goes out of business.

Finally, as to the structure of decision making, the report recommends the establishment of a new independent tripartite workmen's compensation appeals tribunal as the final appeal authority over compensation claims. In addition, Mr. Weiler recommends the establishment of independent medical review panels to reach final determinations on disputed medical claims. He advocates the establishment of a new corporate board, with final authority for general policy making, composed of the chairman of the board, the vice-chairman of administration and the chairman of the appeals tribunal, as well as outside directors drawn from the ranks of labour and business and other disciplines and areas of expertise, including medicine, economics, vocational rehabilitation and occupational health and safety.

These are but a few of the highlights of the report. As I indicated previously, any summary does not do it justice, and I commend the full text of the report to all members. I intend to see that it is widely circulated to the business and labour communities across the province and I look forward to receiving responses as soon as possible so that I may make the appropriate submissions and recommendations to my cabinet colleagues.

Finally, I wish to remind members that this report covers the first phase of a two-phase procedure. The second report, which Professor Weiler intends to complete next summer, will deal with the relationship between the system for compensating injured workers and programs for improving safety in the work place; the emerging notion that workers' compensation might be folded into a broader system for protecting everyone against income loss due to personal injuries, however caused; and, finally, the important topic of industrial disease and its treatment by workers' compensation boards.

#### MUNICIPAL BOUNDARY NEGOTIATIONS LEGISLATION

**Hon. Mr. Wells:** Mr. Speaker, today I will be introducing a bill which will assist municipalities to resolve boundary and boundary-related issues. This bill represents two years of consultation and work with Ontario's

municipal leaders. In September 1978, urban and rural municipalities called for an alternative to bitter and costly confrontations at the Ontario Municipal Board on matters of annexations and amalgamations. In August 1979, the government presented a proposal for a new process modelled on labour-management negotiating techniques. The process was then tested in the Brantford-Brant area, where a comprehensive agreement was reached in the spring of this year and represented a mutually agreed-to legislated conclusion to years of discussions and controversy.

Earlier this fall I released a position paper setting out a refined version of the new process. This paper was prepared in consultation with a working group representing Ontario's three municipal associations. The paper has subsequently been endorsed by the boards of directors of the Association of Municipalities of Ontario and the Rural Ontario Municipal Association. The board of directors of the Association of Counties and Regions of Ontario has not yet had a chance to consider the paper, but ACRO has, of course, played a key role in the development of this new process.

Section 2 of the legislation to implement the position paper would authorize a municipality wanting to resolve an intermunicipal boundary or boundary-related issue to apply to the Minister of Intergovernmental Affairs rather than to the Ontario Municipal Board. A fact-finder would be appointed under section 4 of the act to look into the application. If necessary, direct, face-to-face negotiations between the municipalities would follow. These, I hope, would lead to an agreement as they did in Brantford-Brant. If so, the agreement could be implemented either through legislation or, in certain circumstances, through an order in council issued under section 14 of the act.

If, however, there were no agreement, we would have a number of options, one of which would be allowing the matter to go before the Ontario Municipal Board. The bill would amend the Municipal Act so as to limit annexation and amalgamation applications to the OMB to those involving unorganized territory and those authorized following proceedings under this new legislation.

2:20 p.m.

It is my hope that this legislation to make the Brantford-Brant process, as it has become known, available to other parts of the province will receive a broad measure of support so that we can have the necessary legal

and administrative framework in place by early in the new year.

#### HALTON FINANCIAL DEFICIT

**Hon. Mr. Wells:** Mr. Speaker, I have a further statement in answer to a question from the member for Halton-Burlington (Mr. J. Reed).

Mr. Speaker, I would like to answer questions asked on Monday, November 3, and Tuesday, November 4, by the member for Halton-Burlington.

**Mr. J. Reed:** Mr. Speaker, on a point of order: Will the answer to this question be allowed to result in a supplementary?

**Mr. Speaker:** Not at this time.

**Mr. J. Reed:** Will the minister be prepared to answer it during question period?

**Hon. Mr. Wells:** Mr. Speaker, I am prepared to answer any question. Since this will take a few minutes, it should be made as a statement.

On November 3, the member transmitted a petition containing 167 signatures from residents of the regional municipality of Halton which requested me to set up a commission of inquiry into the financial management of the region. The next day he gave me a second petition from a different group of residents from the region of Halton also asking for a commission of inquiry. The petitioners cited the existence of a large deficit as the primary cause of their concern.

After carefully reviewing the present situation, I would like to tell the House that the situation does not appear to warrant a formal inquiry. Our ministry has been aware of the difficulties in the financial affairs of Halton since this summer. My staff has been in close communication with officials and elected representatives of the region to determine what is being done about the problems. The regional representatives have not remained idle and have reacted quickly to find the cause of the problem and, we believe, to correct it. The region is undertaking a thorough review of its internal control systems and is now preparing a plan to deal with its accumulated deficit. It is also my understanding that council is contemplating the hiring or, indeed, has already hired a firm of management consultants to devise ways to improve its administrative practices.

In these circumstances, I am sure honourable members will agree the council is taking steps to investigate and correct the situation. I believe this is at this time a much more effective way of dealing with the situation



than setting up a commission of inquiry. My staff is, of course, monitoring this situation closely and will offer such advice and assistance as may be required.

I might remind the House we have six criteria which we use to determine the need for a formal commission of inquiry. One or more of these criteria must be met. First, is there evidence of such maladministration on the part of municipal officials as to prejudice local government? Second, have criminal proceedings been undertaken? Third, we ask if such a commission might make recommendations of such a general nature as to benefit municipal governments throughout the province. Fourth, is there evidence the cost to the municipality of holding an inquiry, which we estimate at about \$2,000 a day, is justified by the nature of the problem? Fifth, a commission may be set up if the municipality itself cannot or will not institute corrective measures on its own. Finally, a commission of inquiry may be required if the facts cannot be ascertained in any other way.

While in Halton's case there is little doubt the systems of internal financial controls require improvements, I am of the opinion none of the above criteria has been met and that a commission of inquiry is not the appropriate vehicle to use at this time and in this particular case.

### TOMATO PROCESSING

**Mr. Mancini:** Mr. Speaker, I rise on a point of personal privilege in order to correct the record.

**Mr. Speaker:** It is either one or the other.

**Mr. Mancini:** Mr. Speaker, I rose the other day on a point of privilege and you informed me that was to correct the record so I can see some basis for using both comments today.

I would like to start off by saying that the leader of the third party has once again misinformed the House and has given incorrect information to the Legislature. He was speaking yesterday concerning the matter of hothouse tomatoes which are produced in Ontario.

The information provided to the Legislature was basically concerning the matter, and I quote, "Hothouse tomatoes which have been coming to market for the last two months have been kept off the shelves of the supermarkets in the Loblaw chain—"

**Mr. Cassidy:** Just Loblaws?

**Mr. Martel:** Are you the spokesman for Loblaws?

**Mr. Mancini:** Just a second, hang on, it is coming—

"And have been appearing only irregularly in other supermarkets across the province and why as a consequence consumers have had no choice in many cases but to buy imported tomatoes."

The leader of the third party does not understand the greenhouse industry or the marketing procedures used. It is also evident that he does not understand the matter of crop production. The vast majority of crops are produced in the spring, when the average yield is 12.1 pounds of tomatoes per plant. This crop is marketed readily to Ontario, Quebec and the Maritimes. The biggest market is in Quebec, where two thirds of all the greenhouse tomatoes are sold. In the fall the farmers are able to produce only 3.41 pounds per plant.

**Mr. Foulds:** What personal privilege has been violated?

**Mr. M. N. Davison:** Which side of the House do you think you're on?

**Mr. Mancini:** I can see those members are really interested in the greenhouse farmers.

Therefore, the quantity of tomatoes available for market is much less. The federal government, in recognizing this, has a 15 per cent duty on imported tomatoes running from April 1 until November 1. After November 1 the duty is removed. This was done with the consent of the greenhouse marketing board.

In the early fall when many of our home-grown field tomatoes are going to market, this is also another consequence of competition for the greenhouse grower. However, for the months of October and November—

**Mr. Speaker:** The honourable member rose, as is his right, to correct something he felt was misleading the House. I am not going to permit the honourable member to get up and make a budget speech. If there was an incorrect impression left, I wish he would bring his remarks to a close as quickly as possible.

**Mr. Mancini:** I would like to apologize to the House, Mr. Speaker, for the length of the comment but so little is understood, especially by the members to the left, about the greenhouse industry.

**Mr. Speaker:** Correct the record as you perceive it and then we will get on to the regular business of the House.

**Mr. Mancini:** More specifically on the matter of shelf space, Mr. Speaker, this morning I had the opportunity of speaking with the chairman of the greenhouse marketing board—

**Mr. Speaker:** The honourable member can table the remainder of it with the Clerk and everybody can read it. I think I have been more than tolerant with the honourable member. He makes his point; if he wants to elaborate further, he can table it with the Clerk.

Interjections.

2:30 p.m.

**Mr. Speaker:** Order. Order. The Leader of the Opposition, with oral questions.

**Mr. S. Smith:** It might be more profitable, Mr. Speaker, to direct the questions to this side of the House instead of the other.

## ORAL QUESTIONS

### DAY CARE

**Mr. S. Smith:** Mr. Speaker, a question for the Minister of Community and Social Services regarding the matter of day care, particularly in the Ottawa-Carleton area.

**An hon. member:** There is a by-election on there.

**Hon. Mr. Baetz:** You have never been interested in Carleton before. You wouldn't know where it is.

**Mr. S. Smith:** The members opposite seem to express a lot of incredulity. Ottawa-Carleton is toward the east end of the province. It is sort of by the river. You remember where it is.

**Hon. Mr. Pope:** After Thursday you will never want to see it again.

**Mr. Speaker:** Order. The question period started one minute ago.

**Mr. S. Smith:** Would the minister confirm for this House the information which he provided in the answer to questions on the Order Paper at one time, that with his vaunted help to Ottawa-Carleton, with their \$120,000 overrun in the day care budget, the grand total contributed by this level of government is \$22,500, roughly the salary of one of his office assistants in the ministry, and that is the total he has contributed to the cost overrun this year in the Ottawa-Carleton day care situation?

**Hon. Mr. Norton:** I am sorry, Mr. Speaker. Could I ask if the member might repeat the latter part of that question? Did he say that is the total we have contributed this year?

**Mr. S. Smith:** Yes, towards the overrun.

**Hon. Mr. Norton:** I cannot recall offhand the precise dollar figure. I can indicate that the—

**Mr. S. Smith:** It was \$22,500.

**Hon. Mr. Norton:** No, I do not believe the honourable member is correct. If he will just be patient for a moment, I will give him the percentage breakdown. I believe the first \$51,000 was cost shared on the regular basis, 80-20, with 30 per cent coming from the provincial government, 50 from the federal and 20 from the municipality. On the balance, or the difference between \$52,000 and the total amount of their overrun, it was cost shared as between us and the municipality at 50-50, but our 50 per cent was also cost shared by the provincial government. It was not strictly a pass-through of federal funds, if that is the point the member is trying to get at.

**Mr. S. Smith:** Since on page 4198 of Hansard it will be very clear that the total provincial government contribution was \$22,500, I ask the minister to look up his own answers, which he has provided.

More importantly, could I ask the minister whether he could give me some advice to pass on to a lady who lives in Kanata, a Mrs. Hover of Salter Crescent, who is a mother alone with two children, aged five and a half and eight and a half? At present, she has just recovered from an illness, has been off work for a year and has a new job. She has a student who comes in, but comes in after her younger child arrives home, and it costs her \$30 a week. She earns \$9,360 a year, and she has determined that with transportation and baby-sitting and other associated costs she would be much better off on welfare. She has now been on the day care waiting list for approximately four months, and she has not moved at all, not at all, on that waiting list.

Can the minister tell me what advice I should give to Mrs. Hover in Kanata when in point of fact all he is able to do is contribute such a very measly amount to the problems in Ottawa-Carleton?

**Hon. Mr. Norton:** I can't respond on the basis of the specific figures that the member has given me. I have always been rather good in mathematics, but I won't rely upon my mental calculations as he relates those figures across the House.

I will say this in general terms: The allocation of the available subsidies and spaces is a matter that is within the jurisdiction of the municipalities under the administration of our day care policy in this province. I would

reiterate once again it is my conviction—in spite of the protests that I know the honourable members from the Ottawa area have raised in the House when I have brought this to their attention—that there is a substantial amount of the subsidy money in the Ottawa-Carleton area which is presently going to sort of top-end subsidies by placing ceilings on day care rates or contributions that are chargeable to parents. I think this is having the effect of depriving lower income families in many instances and keeping them on waiting lists.

I have discussed this on numerous occasions with the officials from Ottawa-Carleton and I can assure the honourable member that in private conversations they agree that is one of the effects, regardless of the protests that I have to deal with in this House.

The only additional thing I can suggest is that, as members know from the budgetary statements of the Treasurer (Mr. F. S. Miller) last week, I will very shortly be announcing some expansion in the balance of this fiscal year in terms of subsidized day care spaces which will be allocated across the province. I hope it will be part of a larger package of announcements that I will be making in the very near future. Ottawa-Carleton, along with other municipalities in this province, will benefit from that and I would hope the particular individual to whom the member referred might benefit at that time, if not before.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Could the minister let the people in Ottawa-Carleton know how far he expects that \$1 million additional spending on day care to go when there are 1,000 people on the waiting list looking for day care for their kids in the Ottawa-Carleton region, and the most generous estimate for the \$1 million proposed by the Treasurer is that it will provide 500 additional spaces for day care to cover the entire province?

**Hon. Mr. Norton:** The honourable member either did not listen to the Treasurer or did not read the Treasurer's statement, because the \$1 million figure to which he is referring—and I think his critic understands; at least I thought I communicated that across the House to him on the evening of the Treasurer's statement—relates to the last three months of this fiscal year and is not the annualized figure. As a consequence, when one translates that into spaces—although I will be making that part of my announcement, I am not going to indicate the specific number of spaces or their allocation at this point—it will be very substantially more than the

number of spaces the honourable member referred to.

### ST. MICHAEL'S COLLEGE LAND

**Mr. S. Smith:** Mr. Speaker, I have a question of the Premier regarding the matter of the St. Michael's College land in the city of Toronto. The Premier will be aware that it is the desire of the city of Toronto and has been voted unanimously by city council, if I am not mistaken, to use the St. Michael's lands for park land purposes. The Premier will be aware that the Ontario Municipal Board has recently overturned this unanimous decision on the part of the city of Toronto.

Given the fact that the OMB appears to have, in the first place, imputed false motives to the city of Toronto and in the second place has not addressed all the evidence presented at the hearing, will the Premier assure this House it is the intention of cabinet to overturn the decision of the OMB and restore the decision of the city of Toronto?

**Hon. Mr. Davis:** Mr. Speaker, I am sure the Leader of the Opposition, on sober reflection, might rephrase the question. I know he understands how the OMB works and that this is really a quasi-judicial matter where an appeal has been filed with the cabinet. The material has not yet been assessed by the legislative committee of cabinet, at least not to my knowledge, and certainly it has not been considered by the full cabinet.

Really, what the Leader of the Opposition is asking is that I commit the government to a decision based on a recommendation or judgement from a quasi-judicial group without even hearing or reading the material that has been presented by either the persons appealing, or by the church, or those in support of the development on that particular site. I am sure the Leader of the Opposition, really, if he thought this through carefully, would not presume to ask the head of government to make a decision here publicly prior to the process being followed.

2:40 p.m.

**Mr. S. Smith:** I apologize for the assumption that the Premier had already read the salient matters, since it was published in the newspaper.

It was stated in the Ontario Municipal Board decision that it was the opinion of the hearing officer the city was trying to down-zone the lands, and the city should have expropriated the lands if it wanted

them. However, it did not have the right to expropriate the land since it belonged to St. Michael's College in this instance. Furthermore, the hearing officer said the city should have bought the lands but Cadillac Fairview had the option to buy.

Will the Premier not agree that, on the face of it, at the very least there is a plain misunderstanding on the part of the hearing officer who, in addition, decided not to hear and consider all the evidence? Therefore, once he has had time to reflect on it, to read the material and familiarize himself with it, will the Premier not agree that there are good grounds for overturning that decision?

**Hon. Mr. Davis:** Once again, I realize the Leader of the Opposition gains most of his relevant information from the newspapers, and I am not being critical of that. I can always predict with some accuracy what the questions will be from the Leader of the Opposition based on his hasty reading.

**Mr. T. P. Reid:** The Premier gets all his information from polls.

**Hon. Mr. Davis:** The member for Rainy River is not around enough to know how many polls his own party does on government trunk lines. Where does it get its information? He was away for that debate.

I repeat to the Leader of the Opposition that unlike him I do not, nor does cabinet, make judgements based on newspaper reports. I am not being critical of the reports, but the documentation involved is somewhat more extensive than what he has read in the paper. I am not going to argue for a moment whether the city of Toronto had the right to expropriate the lands from St. Michael's College. However, I know enough about the history, having been Minister of Education when St. Michael's College was involved in another matter with Metro, to know that the municipality certainly has the right to purchase from St. Michael's College if it wishes to do so.

**Mr. S. Smith:** Cadillac Fairview, I believe, had the option.

**Hon. Mr. Davis:** I will not get into a debate on the facts, but I think the honourable member should have some concern as to the economic welfare of St. Michael's College. He may not, but as a part of cabinet's considerations we cannot neglect that side of the discussion either. I know he does not, except when he is meeting with the bishops, but he does have a concern on other issues. I know what he discusses with them.

## DISPOSAL OF PCBs

**Mr. Cassidy:** Mr. Speaker, I have a new question of the Premier. Does he recall the assurances we had from his Minister of the Environment (Mr. Parrott) about a year ago that the government was opposed to the disposal of hazardous wastes at sea by burning them on ships? In the light of that statement of a year ago, has the Premier made himself aware of the fact that Willinger Systems, which until a year ago was a part of the Walker Brothers Quarries group in Thorold, is proposing to bring together polychlorinated biphenyls at a site in southern Ontario and ship them to Czechoslovakia for ultimate disposal? Has the government changed its policy, or will it undertake not to foist Ontario's PCBs either on the unsuspecting oceans or on the unsuspecting Czechs?

**Hon. Mr. Davis:** Mr. Speaker, I must confess to the honourable member I am not familiar with this discussion. I will be delighted to have the minister reply to him on Thursday. I would be very surprised if any country were as unsuspecting as the honourable member suggests.

**Mr. Cassidy:** Will the Premier undertake to have this House fully informed about the hazards entailed in assembling PCBs from the entire province and then shipping PCBs, with all the hazards they carry with them, along the St. Lawrence Seaway for a distance of a couple of thousand miles before they ultimately cross the Atlantic Ocean and go to another country?

Will the Premier undertake that in future Ontario will not try to export our hazardous waste problems to other countries, just as we should not seek to import hazardous waste problems from other countries into Ontario?

**Hon. Mr. Davis:** I will be delighted to have the minister reply to as much of that as possible. He has always fully informed the members of the House. I think he has some doubts on some days as to how much of that information has been properly assimilated by some members of the House. But certainly he will inform members.

**Mr. Sargent:** Supplementary, Mr. Speaker: Will the Premier advise the House—if he does not know, he can ask the Minister of Energy (Mr. Welch)—whether the government is still making plutonium shipments to France from Douglas Point?

**Hon. Mr. Davis:** Mr. Speaker, I do not know if that is really a supplementary. I do not have the answer to that, but I will con-

sult the Minister of Energy. I am not sure it is a supplementary.

I was going to say something about hazardous wastes and their exports, but I would not do that to the member for Grey-Bruce. If he would like me to redirect his question to the Minister of Energy, I am sure if he has the information he will be delighted to share it with the member.

**Mr. Sargent:** Why don't you ask him right now?

**Hon. Mr. Davis:** No. I want him to have the opportunity, if he has the information, to reply to the member directly.

**Mr. Sargent:** Mr. Speaker, I will redirect the question, then.

**Mr. Speaker:** That's not your option. If the Premier wishes to do so, he can do so.

**Mr. Swart:** Supplementary, Mr. Speaker: When the Premier is discussing this with the Minister of the Environment, in view of the close connection between Willinger Systems and Walker Brothers, will he remind the minister of the deplorable track record of Walker Brothers in the violation of their certificate and suggest to him that they should not be given a permit to carry out this proposal with PCBs?

Will the Premier also remind the Minister of the Environment that the Walker Brothers site is located only 1.5 kilometres from the urban district of Thorold and that in no way should there be any PCB storage area there?

**Hon. Mr. Davis:** Mr. Speaker, knowing the hobby of the Minister of the Environment, there are very few members who are better able to determine track records on anything—

**Mr. Swart:** He may determine it but he ignores it.

**Hon. Mr. Davis:** The minister's track record is an awful lot better than that of the member's over the years. I make that brief observation.

**Mr. Foulds:** Name one area.

#### DATA PROCESSING

**Mr. Cassidy:** Mr. Speaker, I have another question for the Premier. Since we will both be in the Ottawa area in the near future with respect to certain political events, my question to the Premier concerns markets in Ontario for the microelectronics industry, which is becoming increasingly important, particularly because of its growth in Ottawa-Carleton.

Can the Premier say what the government is doing to stop the transfer of data process-

ing by Ontario corporations to the United States, such as the recent announcement by Graham Cable TV in Toronto that it is shifting its computerized data processing for 74,000 subscribers to a California company? Can the Premier say how we can have jobs for microelectronics firms in Ontario if the data processing continues to be shifted to the United States?

**Hon. Mr. Davis:** Mr. Speaker, the data processing is not being shipped to the United States.

I can assure the honourable member I expect to be in the Ottawa area, as he does and the Leader of the Opposition does. I am not even in Carleton tonight; I expect to be at a nominating convention where we have a great candidate, sought after I am sure by others, who will upset that delightful young lady who is not here this afternoon, whenever the next general election is. That is the political event I am going to.

2:50 p.m.

I also make it very clear that over the objections of both opposition parties, the New Democratic Party and the Liberal Party, we are the ones who are supporting the electronics industry in the Ottawa Valley. We are doing it over the objections of the members opposite, who are opposed to Marconi, the multinationals and all the nonsense raised during the course of the by-election.

It is really intriguing to me that the leader of the third party comes here to ask me what we are doing to protect the market at the same time that the NDP and the Liberal Party of this province are making it difficult for the electronics industry to expand in the Ottawa Valley.

**Mr. Cassidy:** I remind the Premier that Mitel, a Canadian company in Ottawa-Carleton, has been trying for two and a half years to get its systems attached to Bell Canada here in Ontario, and there has not been a peep from the government to defend the right of that Canadian company to market here in Ontario.

Is the Premier not concerned that we are already importing more than \$500 million worth of data processing services from the United States, which is already costing us 10,000 jobs, and the federal Department of Communications estimates that by 1985 we are going to be importing so much data processing from the United States that we will have lost 23,000 jobs that we could have had here in Canada? What steps does the government intend to take to stop this

outflow of data processing, which should take place in Ontario or Canada and which would create jobs for tens of thousands of Canadians?

**Hon. Mr. Davis:** With great respect, I think the honourable member grossly exaggerates the situation. There is some data processing work being done south of the border; there is a certain amount being done here. This government, through the assistance to the electronics industry, has made it possible for us to be in the forefront of many of these new developments, in spite of the objections from the members opposite, and that will continue to be the policy.

**Mr. Roy:** Mr. Speaker, a supplementary: Considering the Premier's recent conversion and his interest in the high-technology industry in the Ottawa area, when is he going to wake up his government and Minister of Education (Miss Stephenson) to provide adequate funds so we can get the specialized workers necessary to supply that industry?

**Hon. Mr. Davis:** Mr. Speaker, I have made it abundantly clear that, when the post-secondary institutions and the industry itself determine for the government what kind of personnel they require, we can educate them. In fact, we are in the process of doing it. We are holding discussions with some of the employers—and the member should spend a little time with them; instead of calling them the crummiest in the world, he should talk to some of these people who are involved in the process.

I just say to the honourable member, when he is talking about high technology, we are making some real progress in the electronics field in the Ottawa Valley—but the Ottawa Valley also extends to Kingston. If the Leader of the Opposition and the critic over there would be a little more understanding and supportive of the Urban Transportation Development Corporation—understanding that there is high technology developed in Ontario which is going to operate in Hamilton, and has bids in with Detroit, Los Angeles and Miami—then I would believe the member when he makes some of his observations about high technology. He does not like it because this government has done it; that's why.

#### OTTAWA HEALTH CLINIC

**Mr. Roy:** Mr. Speaker, considering that of recent date the Premier is interested in Ottawa problems and considering that he is spending some time there, will he look into

the question of the establishment of the 24-hour health clinic in the old Ottawa General Hospital which, as the Premier knows, has been replaced by the new Ottawa General Hospital? How does the Premier expect that clinic to be able to justify its existence if his Ministry of Health does not allow the clinic to advertise on radio, television or in newspapers that they are in existence and offering an essential service? Does the Premier want the clinic to work or does he want it to fail?

**Hon. Mr. Davis:** Mr. Speaker, of course that is not right. I say to the honourable member that my interest in Ottawa has been for years far greater than his. When I visit Ottawa, when I am in that community, I do not spend all my spare time in the courts, as he does when he is in his constituency. That is all he does up there.

Interjections.

**Mr. Speaker:** Order.

**Mr. Roy:** Mr. Speaker, when it comes to believing people, I will believe Sister Paquette before I will believe the Premier, I will tell him that. Why does he not want Joe Clark in that riding?

I would like to ask the Premier whether he is prepared to prevail upon the Minister of Health (Mr. Timbrell) to extend the date for assessment of this clinic past November 27; and can he tell me what kind of government he is leading when it will not allow a clinic to advertise an essential service at the same time he is spending millions telling the public of Ontario how great he is?

**Hon. Mr. Davis:** I do not happen to be in the medical profession, but I know of a number of clinics and my recollection is that clinics do not advertise. I also say to the honourable member, who was not at the opening, I do not know of many communities that have received more assistance and support in terms of health services than the great Ottawa-Carleton region.

**Mr. Roy:** Fifteen years behind everybody else.

**Hon. Mr. Davis:** We are way ahead. I understand the Liberal candidate has been taking some exception to where the chronic care facility is going to be, but memory serves me very correctly that he was a member of the health council when that decision was made.

**Mr. Cassidy:** A supplementary, Mr. Speaker: Since the Premier appears to have forgotten that Ottawa-Carleton consistently has

been at the tail of the line-up in getting capital assistance for health facilities, a process that has gone on for the past 15 years, will the Premier explain why, even when there is a by-election on, the government is not prepared to come up with a plan to wipe out the \$500,000 deficit currently being experienced by the Queensway-Carleton Hospital in the heart of the riding of Carleton?

**Hon. Mr. Davis:** I am delighted the member for Ottawa Centre is at long last taking a modest interest in his own general area. Does he ever get back there except during by-elections?

I say to the honourable member, we are solving these problems, not only in Ottawa-Carleton but also right across the province. Ottawa has not been at the bottom end of the list. In terms of capital allocation, it has done remarkably well. I just wish the member had been with me at the opening of the new hospital the other day. Why did he not come there and see what the government and the people of that community provided—one of the first-rate hospitals in North America, right there in the Ottawa-Carleton region. Why was he not there?

Interjections.

**Mr. Speaker:** Order. There are other places in the province than Ottawa-Carleton.

#### SALES TAX ON CARPETS

**Mr. Samis:** Mr. Speaker, I have a quiet, nonpartisan, non-Ottawa question for the Minister of Revenue. Can the minister explain to the House why carpets were excluded from the list of household items eligible for the sales tax rebate when we have two major carpet producers closing down their plants in Cornwall and Lindsay this month and when the stated purpose of the mini-budget was to create jobs and stimulate the economy of Ontario?

**Hon. Mr. Maeck:** Mr. Speaker, first of all, the decision as to what would and what would not be exempted was taken by the Treasurer (Mr. F. S. Miller) and not by the Minister of Revenue.

I understand floor coverings of any type, including floor tile and even hardwood floor coverings, were not included. There was a limit to the amount of dollars the province could afford in this program and that was where the line was drawn.

**Mr. Samis:** Mr. Speaker, I wonder if I might redirect that question to the Premier,

since the minister admits he was not part of the decision-making process.

**Hon. Mr. Davis:** Mr. Speaker, these matters of course are determined solely by the Treasurer; there is a great history and great tradition in this process. I am sure there are honourable members opposite who could add any one of a dozen items to the list of exemptions. The decision was made not to include floor coverings in the exemptions, based on the amount of money the Treasurer felt would be available in terms of stimulation. As I say to the honourable member, I can think of another half dozen a lot of us would like to see included, but one has to draw a line somewhere and that is where the line was drawn.

3 p.m.

#### BATA STRIKE

**Mr. O'Neil:** Mr. Speaker, I have a question for the Minister of Labour. Can the minister bring this Legislature up to date on the status of the serious strike at the Bata shoe company's locations at both Batawa and Trenton, and can he report on events that took place over the weekend where several people were injured, some with concussions and one with broken bones, and tell us what action is being taken to settle this strike?

**Hon. Mr. Elgie:** Mr. Speaker, mediators from the Ministry of Labour met with the parties in mediation on October 22 and again on November 7. They have been in constant contact with the parties and, as soon as there is any indication given to them that there is a reason to gather the parties together again, they will do it.

As to events that took place over the weekend, I have no information about them. The honourable member may wish to refer that question to the Attorney General (Mr. McMurtry) when he arrives.

#### WORKMEN'S COMPENSATION

**Mr. Lupusella:** Mr. Speaker, I have a question for the Minister of Labour. Now that the Weiler report has been tabled in the Legislature, can the minister state when he expects business and labour to respond and, therefore when we can expect retroactivity of legislation for current pensioners? When will the increases in rates occur so that inflation is compensated for to all injured workers across Ontario?

**Hon. Mr. Elgie:** Mr. Speaker, I will be tabling that report shortly today. Members

have copies of it already. I have drafted a letter to be sent to all those who contributed briefs or who contributed in any other way to the process, as well as to a variety of representatives from business and from labour. I have requested responses to the briefs by the end of December so that I can get on with preparing recommendations for my colleagues.

**Mr. Lupusella:** Can the minister give us a clear commitment today that the new legislation he is planning to introduce in the near future will cover past injured workers who are currently receiving a partial permanent pension and those who are receiving temporary total disability benefits?

**Hon. Mr. Elgie:** I can tell the member that as soon as responses are in to the report and as soon as I present recommendations to my colleagues—I have already asked Professor Weiler whether he will review interim and transitional arrangements with regard to pensioners who are on existing pensions—on the basis of that information, the government will proceed.

**Mr. Mancini:** Supplementary, Mr. Speaker: I would like to ask the Minister of Labour whether it is true that Mr. Weiler contacted all the interested parties in the province before he made his report, part of which has been tabled here in the House with the accompanying sheet? Why does the minister feel he has to contact these people all over again just to repeat the process?

**Hon. Mr. Elgie:** Mr. Speaker, if the member was listening to me, I said all those who were interested and submitted reports or who appeared before Mr. Weiler will be receiving a letter from me, along with a request for their remarks. In addition, documents and the request for comments will go out to various business people, various trade union movements and others for their response. In other words, there should be a public response, and I want that response by the end of December.

#### USE OF AMERICAN DICTIONARIES

**Mr. Sweeney:** Mr. Speaker, I have a question for the Minister of Education. Is the minister aware that approximately 1,000 students who are taking correspondence programs in this province are being issued American dictionaries and that this is creating a problem with Ontario teachers, who are marking their assignments and expecting them to use Canadian spelling? Does the

minister approve of it and, if not, what does she intend to do about it?

**Hon. Miss Stephenson:** No, Mr. Speaker. As a semanticist whose Bible is the Oxford dictionary, I do not approve of American dictionaries, nor do I approve of the American spelling of a number of Anglo-Saxon and other words. I shall most certainly investigate that.

**Mr. Sweeney:** Will the minister, in her investigation, ask her officials why, when they are phoned by parents, parents are told this practice began in 1975, they plan to continue it to 1983, and the only reason it is being done is that the American dictionary is cheaper?

**Hon. Miss Stephenson:** Yes. That is interesting information.

#### SCHOOL FIRE

**Mr. Samis:** Mr. Speaker, I have another question for the Minister of Education. Can the minister report to the House what measures her ministry has undertaken to ensure that the temporary French-language high school in Lafontaine will continue to function effectively so that whatever twisted bigot or sick person who set fire to the building will be denied the satisfaction of interrupting the students' education?

**Hon. Miss Stephenson:** Mr. Speaker, the program is continuing in that school and will continue there until other premises are provided.

**Mr. Samis:** Can the minister give the House any idea when those students will be able to move out of the firetrap in Lafontaine and into a decent facility in Pequetanguishene, as she promised last spring, and at what stage will she personally get involved to ensure that those students will be in a new facility in 1981?

**Hon. Miss Stephenson:** First, that building is not a firetrap. Second, it has not been condemned, as has been suggested by a number of members in the House. It is a building that has not been used by the board because of declining enrolment. However, the program is continuing in that facility and will continue until the problems related to the provision of other premises are resolved, in which I have already been personally involved.

#### MASSEY-FERGUSON

**Mr. Nixon:** Mr. Speaker, I have a question I want to put to the Premier in the



continuing absence of the Minister of Industry and Tourism (Mr. Grossman), pertaining to the financial situation involving Massey-Ferguson and to some extent the White Motor Corporation in Brantford.

Is the Premier aware that the Canada Development Corporation has announced that it will not be taking part in the refinancing of Massey-Ferguson? Since that announcement has been made, does he know what plans the government of Ontario, in conjunction with the government of Canada, has to see that the refinancing goes forward, that the company remains afloat and that the jobs remain viable?

**Hon. Mr. Davis:** Mr. Speaker, I am familiar with some of the discussions, but I say to the member that we are keeping in constant touch with the government of Canada. As soon as we have anything of a specific nature that is proper to disclose to members of the House, we will certainly do so, but I am not in a position to make any further comments today.

**Mr. Nixon:** Will the Premier arrange for either himself or the minister to make a statement on this matter on Thursday and, if possible, to make a statement having to do with the situation involving White Motor Corporation as well, since the proposal to buy out the parent corporation in the United States seems to be hung up on the Foreign Investment Review Agency? Really, the people involved in this way in the city of Brantford should have more information than they are getting.

**Hon. Mr. Davis:** I am quite prepared to give any information I will be free to give on Thursday. I do not want to give an undertaking, because I would hate to have the member move the adjournment of the House if I do not have a statement.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: Is the Premier aware that the intended purchase is dependent on the workers taking a \$3- to \$4-per-hour cut in wages? If so, will the Premier do everything possible to ensure that that purchase does not go through, using FIRA if necessary?

**Hon. Mr. Davis:** Mr. Speaker, I think it really is unwise to debate this or to discuss it here in the House based on either rumour or non-fact.

**Mr. Makarchuk:** It is fact.

**Hon. Mr. Davis:** I am suggesting, with respect, that I am not in a position to say anything further to the House at this moment than I have already said. If I have some

further information to share on Thursday, I am more than prepared to do so.

#### USE OF ASBESTOS IN SCHOOLS

**Mr. Bounsall:** Mr. Speaker, I have a question of the Minister of Labour. Why has the minister not ensured that the health and safety branch issue automatically—it has not covered the whole province already—to school boards and employee groups, when they start to search for the possible asbestos problems in schools, all the procedures, methods of testing and proper safety procedures which testing people should use when they are doing those inspection processes, which were patently not available to either the school board or the employee groups in Windsor this past summer when they went about their testing procedures?

**Hon. Mr. Elgie:** Mr. Speaker, as the member knows, the Ministry of Labour did prepare for distribution by the Ministry of Education a detailed documentation about identification of asbestos. I will have to look into the other aspect of it, but I do know that in the Windsor situation that particular school board did, as he knows, retain a physician to advise them about the procedures.

3:10 p.m.

**Mr. Bounsall:** As one who is intimately involved with health and safety inspection, would the minister be satisfied if six or seven school boiler rooms were inspected and found to contain some asbestos and the inspector then said, "If these are the types of boiler rooms found in all the rest of the schools, I do not need to see any more"? Would the minister not expect that any inspector or consultant would inspect all the locations in all the schools in the area concerned?

**Hon. Mr. Elgie:** The member well knows that in the Windsor situation the Ministry of Labour did have an inspector visit the school involved. Recommendations were made and follow-ups will be carried out to see whether those recommendations have been adopted.

#### TOMATO PROCESSING

**Mr. Speaker:** The Minister of Agriculture and Food assures me he has a brief answer to a question asked yesterday.

**Hon. Mr. Henderson:** Yesterday, Mr. Speaker, the leader of the third party asked me a question. I am sorry he is not in the House, but I will give members the answer.

In Ontario, the production of tomatoes from our greenhouses was 24 million pounds in

the spring crop. The fall crop was only two million pounds. The fall crop is available only from early October until mid-November, an insufficient supply to fill the needs of the supermarket chains. They are sold mostly through the small stores.

California produced an excellent crop of large, very high-quality tomatoes this fall. It was a bumper crop and they moved into the Ontario market at a very cheap price—from 25 to 40 cents a pound in Toronto—around the beginning of November.

Our greenhouse tomato season normally ends in mid-November. In view of the high quality, low price and heavy supplies of tomatoes from the United States, the greenhouse board advised Ontario growers to remove the tail end of their crop a week to 10 days early to save costs and fuel. Some growers did; others are trying to continue to harvest and sell.

Ontario quality normally starts to drop at this time of the year. The price dropped in the past two weeks from 50 cents a pound to less than 30 cents. The large retailers tend not to purchase fall-crop greenhouse tomatoes because of the very short availability period of six weeks. The inconsistency or lack of supply and the higher price are due to energy costs.

In the past, some growers sold directly to one large chain, Dominion. Once the chain converted completely to central warehousing, this was no longer possible. The chain now tends to purchase US tomatoes because of the price.

Loblaws seldom buys Ontario greenhouse tomatoes, especially if US imports are lower in price.

At present, the reason for not purchasing is the low quality of the Ontario greenhouse tomatoes. The quality has dropped because it is the end of the season and the heat has been cut back.

The House should be aware that the normal acre of greenhouse produces about \$75,000 worth of products a year. If they continue producing through this period, it costs them about half that for energy alone. That is the reason our greenhouse operators cannot compete.

The only way this will be corrected is by a form of embargo.

I have a short letter here, Mr. Speaker, from one of the chain stores.

**Mr. Speaker:** You can table it or make it a ministerial statement. I wish you would emulate the precedent established by the government House leader (Mr. Wells), who

gave a detailed answer by way of a ministerial statement.

**Mr. Cassidy:** Mr. Speaker, can the minister explain two things that were not covered in his statement?

In the first place, why is it that throughout the Ontario greenhouse tomato season this fall, Loblaws in Toronto has not once had those green house tomatoes available even when the quality, according to him, was better than it is at the end of the season?

Second, if the imported tomatoes are cheaper to the supermarkets, can the minister explain why none of the benefit is being felt by the consumers? The imports are being priced at the same price as the Ontario product, yielding windfall profits to the supermarkets and no benefits to the consumers.

**Hon. Mr. Henderson:** I did answer the honourable member's question. If he had listened to my statement, there was a clear answer—

**Mr. Cassidy:** The minister apologized for Loblaws. That is what he did.

**Hon. Mr. Henderson:** There are no apologies in this statement whatsoever. Loblaws seldom buy Ontario greenhouse tomatoes, especially if US imports are lower-priced. I have answered the question.

Interjections.

**Hon. Mr. Henderson:** Mr. Speaker, again I say to you and to the honourable member that the greenhouse tomatoes in Ontario were withdrawn at the request of the producers' organization.

## NURSING HOMES

**Mr. Bradley:** Mr. Speaker, I have a question for the Provincial Secretary for Social Development regarding nursing homes and their inspection.

Is the provincial secretary aware that in Ontario, specifically in the city of St. Catharines, two private homes have denied access to a five-member public institutions inspection panel, which replaces the old grand jury for the purpose of inspecting these facilities for which the citizens of this province and the Ministry of Health pay some of the shot, in the form of Ontario health insurance plan premiums, for those who are in there? Is the minister aware that these people have been denied access for inspection purposes and, if so, what action is she prepared to take to ensure these facilities will be open to inspection?

**Hon. Mrs. Birch:** No, Mr. Speaker, I am not aware of that. I think the question should

be more properly addressed to the Attorney General (Mr. McMurtry).

**Mr. Bradley:** Mr. Speaker, may I direct a supplementary question then to the Provincial Secretary for Justice, since it appears to be in that particular field? Will the Provincial Secretary for Justice inform the House whether it is his view that these nursing homes and rest homes, which indirectly are publicly supported, should submit themselves to inspection by a publicly appointed and provincially sanctioned inspection panel?

**Hon. Mr. Walker:** Mr. Speaker, I certainly have no objection to seeing the public institutions inspection panel do an appropriate review and check of various institutions, including the rest homes. I have no doubt whatsoever it is an appropriate step to ensure this happens.

I will bring the matter to the attention of the appropriate minister and I am sure he will develop a policy on it, if there is not one already.

#### INVESTMENT COMPANIES' FAILURE

**Mr. M. N. Davison:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations. Is the minister prepared to table all the files being held in his ministry and its component agencies, boards and commissions which deal with Re-Mor Investment Management Corporation, Astra Trust Company and Mr. Carlo Montemurro so that members of the assembly finally can be privy to some information that might explain his negligence in registering Re-Mor and permitting it to rip off so many people in the province?

**Hon. Mr. Drea:** Mr. Speaker, I was asked substantially the same question last Thursday by the member for Kitchener (Mr. Breithaupt). I had wanted that member to be here when I responded, but, since somebody else is trying to get on his coat-tails, I will give that answer now.

On Thursday last, the member for Kitchener asked me to inform the House if at the time of the Re-Mor application the registrar of mortgage brokers was aware of the judge's comments and the evidence tendered by the Ontario Securities Commission in the receivership application against C and M. In a supplementary question, he asked me to table certain documents.

I sought advice on these matters from the crown law office. I have been advised by the crown law office that the matters raised in that question and the supplementary

question are directly in issue on the ongoing civil litigation. Anything I say in response to the questions or table in the House could prejudice a fair trial of the issue.

**Mr. Speaker:** Is the honourable minister saying anything of that nature is sub judice?  
3:20 p.m.

**Hon. Mr. Drea:** Mr. Speaker, the question that was asked by the member for Kitchener, while not as broad in scope as the one asked today, dealt particularly with the file.

I repeat, I sought advice from the crown law office and was advised that the matters raised in that question and the supplementary question, and obviously because of its scope in the ensuing question by someone else, are directly at issue in the ongoing civil litigation. Anything I say in response to the questions or table in the House, and that includes the file, could prejudice a fair trial of the issues. That is the advice I received from the Ministry of the Attorney General.

**Mr. Renwick:** Mr. Speaker, on a point of order: Will the Speaker take under advisement the statement made by the Minister of Consumer and Commercial Relations and decide, for the purposes of the rules of this House, whether the matter is or is not sub judice?

**Mr. Speaker:** No, I cannot undertake to do that, because I do not know what is before the courts. Of my own knowledge, I do not know what information may prejudice the case. I will have to leave that to the discretion of the minister or the person answering the question.

**Mr. Nixon:** Mr. Speaker, on the point of order: It would seem you are simply accepting the minister's explanation that he considers the matter sub judice as sufficient reason not to answer the question. It would be sufficient then for the minister simply to say he refuses to answer the question on the basis of his own misgivings.

I bring to your attention, sir, that it may well be this matter will be directed to one of the committees for review. Frankly, I believe it should be and will be. The fact that the minister is refusing to answer the question surely does not mean the whole matter can no longer be discussed by this House or its committees. I would hope, sir, your ruling would not in any way indicate the matter should not be discussed.

**Mr. Speaker:** I did not make a ruling.

**Hon. Mr. Davis:** Mr. Speaker, on the point of order: I want to make it very clear that

the minister did not refuse. He gave the member the information and advice he had received from the law officer of the crown. That is what he said on that basis.

**Mr. M. N. Davison:** Mr. Speaker, I cannot understand any reason why the minister is hiding this information from the House, but I have a supplementary question. If the minister will not provide the House with this information on which we could make some judgements and have some understanding, will he tell us whether he is aware of any activity or action of any sort undertaken by Mr. Carlo Montemurro that would lead the minister and his staff to believe Mr. Montemurro could have been expected to have been financially responsible or to carry on his business with integrity and honesty in accordance with the laws required by the legislation of the Mortgage Brokers Act? Can he provide us with a single example of such an action or activity by Mr. Montemurro that would excuse his negligence in this matter?

**Hon. Mr. Drea:** Mr. Speaker, I want to make it very plain that I am not hiding anything. I would be delighted to table that file, because that would hit it right out of the ball park. I have been advised by the crown law office that I cannot table that file or answer those questions without prejudicing a fair trial on the issue. That was not my judgement. I sought the advice of the Ministry of the Attorney General. That was the advice I received. I have conveyed that to the House.

As far as the question of the member for Hamilton Centre is concerned, I have answered that question before.

**Mr. M. N. Davison:** Give us one example.

**Mr. S. Smith:** By way of supplementary, Mr. Speaker—

**Mr. Speaker:** No. A new question.

**Mr. S. Smith:** On a point of order, Mr. Speaker: The minister is saying the reason he has not been able to comply with the promise he made to table certain information is the advice he was given by the law officers of the crown. What I think is out of order is that we in the opposition are left in this situation with no way of taking anything other than the minister's word. For instance, all that has been filed is a notice of claim. There is no civil litigation; there is only a notice of claim that has been filed. Therefore, at the very least we ought to know what the basis is for the alleged opinion the minister has allegedly received from the law officers of the crown which prevents him from tabling the information he promised us.

**Hon. Mr. Drea:** Mr. Speaker, I sought the advice of the Ministry of the Attorney General, of the crown law office. This is the advice I was given. I am conveying it to the House.

**Mr. S. Smith:** Table the basis of the report.

**Hon. Mr. Drea:** It is right here. This was the advice. If the honourable member wants another report from the crown law office, I will be delighted to table that.

**Mr. S. Smith:** There is no civil litigation.

**Hon. Mr. Drea:** That is nonsense. There is a statement of claim and everything else.

#### ACID RAIN

**Mr. Sargent:** Mr. Speaker, I have a question to the Premier. In view of the unbelievable tragedy facing this province, based on a report that some 2,000 to 4,000 lakes in Ontario will disappear because of acid rain, and in view of the fact that someone has to take the responsibility to call a crash conference of all adjacent state governors, along with US President-elect, Mr. Reagan, I think it is on the Premier's shoulders to start carrying the ball immediately and to contact the President-elect and all adjacent state governors to call a conference. We are the main province affected.

I want to ask the Premier why he cannot forget all this nonsense about amending formulae and constitutional reform and do something that is relatively important to us here in Ontario.

**Hon. Mr. Davis:** Mr. Speaker, I think the honourable member has at least approached part of the real difficulty here that perhaps was not highlighted in the discussions at the press conference yesterday; that is, a good part of the difficulty exists with our neighbours to the south.

The honourable member is quite right in saying that the states bordering the Great Lakes have a responsibility, but I must say to him that I believe the overriding responsibility belongs to the government of the United States.

In assessing some of the information from the news stories, I was intrigued by the suggestion that some of the American electrical plants were operating at better levels than those of Ontario Hydro. The facts do not support that. In fact, only about three per cent of the energy facilities or utilities that would impact upon southern Ontario have that kind of technology available to them.

I think the Minister of the Environment has been talking to Mr. Roberts about this. I myself have raised the matter with the Prime Minister of this country, and I hope that one of the very early priorities for Mr. Roberts and the Prime Minister of Canada when Mr. Reagan assumes office will be to establish immediately some form of contact, some form of policy development whereby our American neighbours will move with the same alacrity and will join in solving a problem that really does cross the border between our country and theirs.

To get the President-elect committed at this stage is somewhat premature. But certainly, in terms of getting the new administration's involvement and commitment to this, that is something this government will be pursuing.

**Mr. Sargent:** I say respectfully that I do not think it is up to the Premier to pigeon-hole this to a minister. I think it is important that the first minister of this province go to bat, put the thing on track, put the President-elect on the spot and get the thing in motion now, rather than letting someone else pigeon-hole it.

**Hon. Mr. Davis:** I remind the honourable member, if he will go back in history a little bit to a matter that was the same sort of issue as acid rain, that he will find it was the Premier of this province who lit a bit of a fire under the then and present Prime Minister, who in turn had some modest success with the President of the United States three times removed.

If the member will recall, the Premier of this province was quite directly involved with respect to the water quality agreement that was executed between the United States and Canada. If memory serves me correctly—and the honourable member may check this—in terms of Ontario's performance and Canada's performance, we met it here in this province.

If the member finds out in his research that the Nixon administration in the latter stages of its activities started, because of restraint or whatever, to diminish its commitment in terms of water quality, that has nothing to do with the commitment of this province. So we were, in fact, successful in doing it on that occasion.

3:30 p.m.

## PETITIONS

### HALTON FINANCIAL DEFICIT

**Mr. J. Reed:** Mr. Speaker, I have a petition to the Honourable the Lieutenant Gov-

ernor and the Legislative Assembly of Ontario as follows:

"We, the undersigned, request that a commission of inquiry be recommended into the administrative and fiscal affairs of the regional municipality of Halton pursuant to section 121 of the Regional Municipalities of Halton Act."

I have a further petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario as follows:

"We, the undersigned, respectfully petition the Honourable the Lieutenant Governor to issue a commission of inquiry into the fiscal management and administrative practices of the regional municipality of Halton arising out of the deficit of \$1.2 million over a period of two years, 1978-80, pursuant to section 323(2) of the Municipal Act of Ontario."

## ANNUAL REPORT, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

**Mr. Bradley:** Pursuant to standing order 33(b), the undersigned members of the Legislature hereby petition that the annual report of the Ministry of Consumer and Commercial Relations for the year ending March 31, 1980, tabled in the Legislature on October 6, 1980, be referred to the standing committee on administration of justice for immediate and urgent consideration.

## REPORT

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Gaunt from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 167, An Act to amend the Chiropody Act.

Report adopted.

Ordered for third reading.

## MOTION

### PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Wells moved, notwithstanding standing order 63(d), that Mr. Warner and Mr. Cooke exchange positions in the order of precedence.

Motion agreed to.

## INTRODUCTION OF BILLS

### MUNICIPAL BOUNDARY NEGOTIATIONS ACT

Hon. Mr. Wells moved first reading of Bill 197, An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues.

Motion agreed to.

### CITY OF TORONTO ACT

Mr. Renwick moved first reading of Bill Pr44, An Act respecting the City of Toronto.

Motion agreed to.

### GRADORE MINES LIMITED ACT

Mr. Ramsay moved first reading of Bill Pr49, An Act to revive Gradore Mines Limited.

Motion agreed to.

### RESIDENTIAL TENANCIES AMENDMENT ACT

Mr. Philip moved first reading of Bill 198, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to provide a procedure for the Residential Tenancy Commission to review rent increases allowed by the commission for the purpose of financing major repairs by the landlord. If the commission determines that a landlord has not carried out the repairs, or that the cost of repairs is less than the cost forecast by the landlord, the commission may order a reduction in the rent increase.

## ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Wells:** Mr. Speaker, I wish to table the answers to the following questions standing on the Notice Paper: 384, 392 and 395. (See appendix, page 4411.)

## WRITTEN QUESTIONS

**Mr. Isaacs:** Mr. Speaker, I have a point of order relating to question No. 381 which was tabled on October 28, 1980. Standing order 81(d) requires the minister to answer within 14 days. Twenty-one days have now passed without my receiving an answer to that question. Surely there should be some mechanism to impose a penalty upon minis-

ters who do not reply to written questions as required by standing order.

**Mr. Speaker:** There are no provisions for any penalties, not even flogging with a wet noodle. The minister can answer in any way he chooses. It is probably an oversight. I am sure the government House leader will bring it to the attention of the minister in question.

## ORDERS OF THE DAY

House in committee of the whole.

### EDUCATION AMENDMENT ACT

Consideration of Bill 82, An Act to amend the Education Act.

On section 1:

**Mr. McClellan:** Mr. Chairman, I wanted to point out to my colleagues just how important this section is for everything else we will be doing during the course of the afternoon and for however long the debate on Bill 82 takes. I refer to section 1(1), the definition of "exceptional pupil." Much of the rest of what we do this afternoon will hinge on what we are doing in this subsection.

In this definition section we are conferring the statutory power of decision upon the placement committee of the local board of education. We are saying to the local board of education, "We, the Legislative Assembly of Ontario, are delegating the power upon you to decide the fate of the students within your school board. We are giving you the power to decide who of the pupils in your school system are exceptional pupils and who are not. We are giving you the power to determine which students within the school system will receive special education program services and which students will not."

3:40 p.m.

The power under this subsection is such that the local placement committee of a board of education will decide who is an exceptional pupil. In order to qualify for special education programs and special education services, a child has to be so classified as an exceptional pupil. If a child is not designated an exceptional pupil, that child is not eligible for special education programs or services. So we are giving a twofold power to the local placement committee, first, the power to decide who is an exceptional pupil, that is, who is eligible for the benefits and programs; and second, the power to decide what kind of benefits and programs the children will receive, where a particular student will go and what particular program and services he or she will receive.

I wanted to stress that, Mr. Chairman, to you, to the minister and to my colleagues in the Liberal Party because at this time we are dealing with an amended bill which provides a means of appeal against the decision-making power of the local placement committee of a local board of education. None of the amendments that have been introduced either by the Minister of Education or by the Liberal Party speaks to the need to have an appeal system with respect to those two statutory powers of decision: the power of the local board to decide who is and who is not an exceptional pupil, and, following upon that decision, what kind of special education programs and services the child will receive.

If we are to be faithful to the principles of the McRuer report, written in the 1960s, we, as a Legislature, will enshrine in this statute a means of appeal against that particular statutory power of decision. We will get to that in the fullness of time and we will debate what the appeal process ought to look like when we get to section 7. But it is section 1(1), clause 20a, which vests this enormous power to determine life and death decisions in terms of access to educational services.

At this time, we have put an appeal procedure into the bill and others are trying to take it out. I want to argue over the course of this debate as strenuously as I possibly can that we have an obligation, if we are going to confer those kinds of powers on somebody else to make such fundamentally important decisions about the lives of the children of this province, to provide an appeal against those decisions.

There should be a chance for a second look at what a local board of education and what a local placement committee has in its wisdom decided. Unless we put that right of appeal in, first, with respect to the designation of exceptional pupils and, second, with respect to the adequacy of a special education service and program, we are betraying the needs and aspirations of many thousands of people in this province.

I believe that very deeply. There have been many hundreds of people who have communicated that feeling to us as members of the assembly over the course of the last month. I would start this debate by making an appeal to the other two parties to come to grips with the challenge posed to us through the delegation of these important statutory powers to the local placement committees.

Mr. Sweeney: Mr. Chairman, I would like to speak very briefly to what has just

been said. I would draw the committee's attention to one sentence in the opening statement of the minister on May 23 of this year. She said: "But until today it cannot be said that the law clearly and unequivocally obliged the publicly supported system to provide appropriate forms of education for all students who could potentially benefit. Today's bill closes the small gap," and it goes on.

I want to start from that point by making the observations I agree with what has been said in that. The law until today did not, and the law at the present time does not, guarantee every student in this province the kind of education he or she needs.

The second point I would make is that since May of last year we have come a long way. The minister will recall that one of the first and most critical comments made to her by a number of members, particularly on this side of the House, was the need for an appeal mechanism because the original version of the bill, as presented to us, did not have what we deemed to be an adequate appeal mechanism.

There have been a number of amendments presented which gradually and slowly have closed the gap between what was offered and what is deemed to be needed. It will be my intention today to try to close that gap a little further. I would accept the premise the minister has come a long way, but the way that still needs to be gone though small, is critically important. It is on that point I want to indicate to the minister as clearly as I can that I will be making amendments to her amendments.

We have come a long way with respect to the principle of exclusion. In the original legislation it was made clear that in our judgement there was no place in this kind of statute, in this kind of legislative provision, for an exclusion principle. We have once again gradually, slowly but effectively, closed the door. We have just a narrow little crack there that still has to be closed with respect to whether potentially in practice, although not in word, there may be an exclusion principle still in this bill. We are going to speak to that in terms of the definition of a special education program and when we come to some other definition sections in this bill.

I would also draw to the attention of the minister and my colleagues something which is well-known to many of them, that there is a strong difference of opinion outside this House as to how we should deal with legis-

lation like this. Many of the school boards and some of the teachers' federations of the province are concerned that the bill, as at present written, is too rigid and could lead to complicating problems which would mean the services that children should have will not be received by them. That is one side.

The other side is contacts from many parents of children who have already experienced some rather negative effects of the special education services that are offered in this province at the present time. They want, and it is understandable they would want, a bill that is as tight, as restricted and as rigid as possible so there will be no loopholes. Our job surely is to try to balance these two. That will be part of the attempt I will speak to as we deal with the various sections of the bill.

Finally, I would draw particularly to the minister's attention that, if we had in place in Ontario now sufficient facilities to meet the greatly varying needs of many of our children who have special needs, we would not be dealing with many of the problems in this legislation. All we would have to do then is decide who was going to pay for it and which one of those facilities the children were going to go to. That would be the only decision open to us. It would be the only decision over which we would have to spend much time. The unfortunate fact is that the need for this legislation is that for the past decade and beyond we have not had a sufficient number of qualified teachers to meet the greatly varied needs of the special education pupils in this province. We have to begin to move on that. It is certainly the purpose of this legislation and it is a goal I endorse.

3:50 p.m.

The best information I have is that there are between 80,000 and 100,000 students in this province who still need special education. They still need the kind of attention they have not been getting for the past number of years and probably will not get if we do not do an adequate job with this legislation. It is those children, who have been identified by their parents and in many cases by the school boards that are now responsible for them, whose needs we have to meet. We also have to recognize the kind of experiences that parents and children in this province have undergone. I recognize we cannot be omnipotent here, but we must produce a piece of legislation that is most likely to meet the needs of every single child in this province who has a special need.

I would certainly hope that in the process of doing that we can put aside some of our own personal ambitions in dealing with this—let me put it that way—and I am speaking for myself as well as anyone else in this Legislature. I hope we will keep in mind the only ones we are here to serve are the children who have special needs and the parents of those children who are trying desperately to do the best they can to meet the needs of their children across this province.

In that light I am willing to work with the minister and with my colleagues in the New Democratic Party to produce the best piece of legislation we can.

**Hon. Miss Stephenson:** Mr. Chairman, this bill has had a long and interesting history. I believe it was approximately seven years ago that work was begun on the drafting of what might be considered legislation in order to ensure that all the exceptional children in this province would receive the benefit of an educational program designed to help them meet their full potential.

In January 1979, we had completed the draft of proposed legislation that was widely distributed throughout the province to all the parent interest groups, the special education interest groups and the educational community interest groups in order to achieve their reactions. We received those reactions in comprehensive form, in brief form and in verbal form. All of those reactions were collated and brought together and the draft proposals were modified in order to accommodate the concerns that were expressed. We carried on with the help of an advisory council on special education that has been in existence now for at least three years and that has diligently addressed itself to the problem of legislation in this area and with the assistance of a multipartite committee made up of representatives of the school system itself—trustees, education administration officers and teachers. We went through the procedure of making the modifications to the draft legislation that culminated in Bill 82.

In all of this, the motivating force was the concern to provide an educational program for children. We have had no other goal in mind. That goal remains dominant today. However, in this province the structure of education is such that one must rely upon the goodwill, the co-operation and the thoughtful input of not just parents and those who are concerned about the children. I refer also to those who were given the responsibility under legislation for designing programs, for looking after children's educational needs, for deliver-



ing educational programs and for providing the facilities in which that occurs.

No bill can hope to be successful in this very sensitive area unless that kind of co-operation, that kind of concern and that kind of support are forthcoming from the educational community. Therefore, I welcome the remarks of my colleague the member for Kitchener-Wilmot (Mr. Sweeney) that a balance must be struck. And that balance must be struck in favour of the children. We must ensure that the program is made available to the children; that those children with needs who are designated exceptional receive that program; that there are methods of monitoring and methods of ensuring that program is being delivered; and that those children are being assessed.

In the hearings of the committee, the opinions which were expressed provided an excellent range of background information for all members of the committee to examine the bill and to make modifications to it. During those hearings and clause-by-clause examination, several modifications, which are entirely acceptable, were made. There were, however, two that were made that produced a reaction within a very wide-ranging group within our society which I think we cannot afford to overlook.

There were amendments related to section 1 which I believe now are probably appropriate. I am perfectly willing at this point to withdraw the amendments which I was proposing to that amendment and I would leave section 1(1) as it is in the bill.

In certain other areas of the bill, concerns have been expressed by people who have a great deal of knowledge, a great deal of experience and a good deal of concern about the provision of programs for exceptional children. One of these was an unsolicited letter received from Dr. Frederick Weintraub who was the prime mover of Bill 94-142 in the United States, a bill which has had some effect upon the thinking of not only those who are proponents of the amendments which the opposition party supported, but also those who are opposed to those amendments.

I should like this House to know what Dr. Weintraub has suggested in specific areas related to those amendments. Dr. Weintraub expressed some very real concern about an excessive concentration upon the development of what is called in the United States an individual educational plan which must be filed in that country and must be perused on a regular basis. His concern is based upon the fact that he believes IEPs, as he calls them,

have become instructional tools, with teachers spending an inordinate amount of time doing clerical and paperwork, rather than devoting their time to the role they fill best, which is teaching. He has suggested very strongly that we not move in that direction.

In addition to that, he has suggested that we are wrong, or at least erroneous or perhaps misguided, in attempting to introduce into a piece of legislation the statement that we would be designing a plan that "meets the needs," of exceptional pupils because he feels very strongly that the appropriate phrase should be "designed to meet the needs." From his experience, he suggests that the needs of exceptional pupils are extremely difficult to define in the light of our current, somewhat circumscribed knowledge; that as we advance in our knowledge we shall be able to do that better, but at the present time we are suggesting, through that kind of wording, that we shall be able to do something he does not believe we can do.

This is a man who has had a tremendous amount of experience in this area. He was the prime mover of the legislation in the United States and actually shepherded it through the legislative process there. He feels very strongly that the failure to meet the needs may be in a number of areas which have nothing to do with education. He suggests very strongly that the educators should deal with education rather than with other matters.

4 p.m.

He is concerned about our use of the word "appropriate." While I share that concern, I also understand the concern of parents in this area and feel it is probably better to leave that kind of definition in the legislation than to remove it because it gives us a goal towards which we can work with the co-operation and the support, I hope, of all of those who will be responsible for delivering programming.

Dr. Weintraub was particularly concerned about the establishment of what was called in the amendment Ontario's special education board. He recognized, appreciated and agreed with the need for parents to be able to appeal the decisions of placement committees and suggested this should be done, as we have attempted to do. He felt very strongly, however, that one could not, on the one hand, hold education officials accountable and responsible for the education of exceptional children and, at the same time, remove from those individuals the total responsibility for decision-making in that area.

He felt we should modify very dramatically the structure and function of that board as it was defined in the amendments. We have attempted to do that.

He also suggested it was not reasonable at all to anticipate that a board such as that would be able to devote the time that would be necessary to handle the appeals. He suggested it would be important to recognize that if we moved in that direction we would probably be establishing another major bureaucracy with perhaps the experience they have had in the United States that this consumes not just a great deal of time and effort but much of the cerebral activity of those who should be using that power in other directions on behalf of children.

In addition to that, we have received communications from the Council for Exceptional Children in this province, which very strongly disapproved of those amendments but which, having had in a small group an opportunity to look at the amendments which we had proposed related to section 34, suggested it could support the amendments which we were suggesting.

We have had tremendous communication from a number of areas within and outside of the educational system, expressing support for the concept of Bill 82, expressing very real concern about some of the portions within that bill and asking us to move in the direction of ensuring that the bill does what we had suggested earlier in all of this procedure, that is, meet the needs of children without exposing the children, the system and the educational program unduly to a litigation process that would be both time-consuming and destructive. We have tried to take into account all of the expressions of concern which we have heard from all sides. We have provided some amendments which I think are reasonable and meet the requirements.

I would remind the members that in committee the member for Mississauga South (Mr. Kennedy), who was representing me on a day I could not be present, introduced an amendment which ensures that the minister has responsibility for establishing an appeal mechanism in respect of placements of exceptional pupils and would be responsible for procedures with respect to parents' and guardians' participation in that. Those regulations are in the process of being drafted at this point to ensure there will at the time of designation, initial placement and further placement be a time, a place and the appropriate kind of participation on behalf of

parents or guardians in support of the students for which they have concern and responsibility.

No one recognizes more than I, as a parent who has had personal experience in this area, that the responsibility of the province and government of Ontario is to try to ensure that all exceptional pupils will be well served in this province. That was the purpose of the legislation. In our consultations, when we discovered there were limitations within our capabilities at this point, we accepted the requirement that this needed to be a phase-in program. The first and most important phase of that program is being carried out right now.

It was begun on September 11, 1980, with the inauguration of pilot projects in the 21 participating boards. The initiating teams and the implementation teams functioned in conjunction with those boards in making an acute, critical and careful assessment of all the requirements and needs of exceptional pupils in those jurisdictions, an assessment of all the resources available and an estimate, as accurate as possible, of the resources necessary to provide the full range of special education programs in support of these children.

Probably by the end of the third year of the phase-in program this jurisdiction will have more accurate information about the requirements and the services which need to be provided for exceptional children than any other jurisdiction on this planet. I believe that is a goal for which we should strive diligently.

We know at this point our knowledge is circumscribed and that we are not, as my friend from Kitchener-Wilmot (Mr. Sweeney) suggested, either omnipotent or omniscient. Thus we feel we must at this time introduce legislation which provides us with opportunity to meet the requirements as carefully as we can and which also gives us the chance to modify those requirements as our knowledge increases and as we become more experienced in the totality of ensuring educational programs for all exceptional children.

I believe the bill we introduced, the amendments which we have accepted and those amendments which we are proposing today will allow us to move in that direction responsibly in order to ensure that our children are well served in the province. I would ask that the members of this House consider seriously the amendments we have provided today and the objective we are at-

tempting to meet and support us in that activity which will allow this legislation to pass as we propose to amend it.

**Mr. McClellan:** I want to be sure I understood the minister, Mr. Chairman. The minister will not be proceeding with her amendment to section 1(1). Is that correct?

**Hon. Miss Stephenson:** Mr. Chairman, given the concern which had been expressed about the amendment we had proposed, I suggested we will agree to accept the amendment that was accepted in committee. Therefore, we will not propose an amendment to section 1(1).

**Mr. McClellan:** That's certainly fine with us. We are quite comfortable, as in so much else, with the language of the bill as it reads now.

I would like to ask the minister one other question. It is my understanding that there may be some additional amendments coming from the minister. If there are, perhaps the minister could share those or, if not, indicate to us that we have the complete package of ministerial amendments with us now.

**Mr. Chairman:** This might be the appropriate time to remind the members of the committee of standing order 58: "When time permits, amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is to be considered and copies of such proposed amendments shall be distributed to all parties."

**Hon. Miss Stephenson:** Mr. Chairman, I believe our amendments were filed with the Clerk of the House and were distributed. Is that not so? I'm sorry, that commitment was made this morning. Do the members not have them?

**Mr. Chairman:** I believe the table received amendments from two members of the committee just as we were starting the bill, but that is all that has been received. The minister's amendments have now been received here.

**Mr. McClellan:** We are in something of a difficult situation. We can't really proceed until we have the complete package of amendments from the Minister of Education.

**Hon. Miss Stephenson:** Mr. Chairman, the complete package of amendments, save for one paragraph, was in the hands of the two critics for the past 72 hours, as a matter of fact. But there is one paragraph of addendum which I had notified at least the critic for the NDP about, and I believe the member for

Kitchener-Wilmot (Mr. Sweeney) also has them.

4:10 p.m.

**Mr. Chairman:** I will ask the question again. Are there any comments, questions or amendments to section 1 of the bill?

**Mr. Warner:** Yes, Mr. Chairman. Before I begin, while the critic may have received the amendments, I would assume that properly they should be tabled with the clerk before we can proceed to any other amendments.

I have some concerns about the definition section. I am certainly pleased to learn that the minister has agreed to withdraw a previously considered amendment which she had. It indicates a good spirit with which to begin the deliberations of this afternoon and possibly this evening in an attempt to come through with an extremely important piece of legislation.

I start from the premise that our educational system should be designed in such a way as to meet the individual educational need of each student; that is a goal. As the minister knows, for far too long that goal has not been realized. In fact, over the past too many years, there has not been the kind of dedicated effort from this government which is needed. We need only remind ourselves, with respect to children with learning disabilities, a number of years ago the mentally retarded children and the parents of those children had a terrible time when attempting to get proper education for their children—the kind of educational program that would meet the needs of that child. We have a long way to go.

The progressive amendments that were spearheaded by the member for Bellwoods (Mr. McClellan) go a long way to assist. Where the minister has indicated a spirit of co-operation in taking a second or third look at Bill 82 and in trying to come up with something which will be agreeable to all—

**Hon. Miss Stephenson:** It would be more appropriate to say a 102nd or a 103rd look.

**Mr. Warner:** Several looks. That is certainly welcome. There is no doubt in my mind, as the minister is certainly aware, that there are a lot of parents in this province who are a bit nervous about whether or not they will have a direct voice in the educational future of their children.

Like other members, I have had phone calls within the last few days from parents and educators who are anxious to know what is happening. I have some specific concerns, one of which touches on the definition itself.

In our area, as the minister may be aware, we have a program for gifted children. The Scarborough Board of Education started it a while ago, and that program is running very smoothly and nicely. I think it is doing a first-rate job in meeting the needs of those children who are classified as gifted.

The concern raised to me—and this is why I raise it with the minister—is whether or not the definition, particularly as indicated on page 1, under 62(a), would ensure that a program for gifted children is included in the definition and could not in any way be excluded. While it may not be ultimately of any consequence for the Scarborough Board of Education, since it has already made a commitment to run such a program and to continue such a program, I raise it because there may be other boards that do not have such a program. I want to be assured that the parents in that area could then very logically and reasonably approach the board and ask it to begin such a program. That is why I am wondering whether gifted children would be included in that definition.

I also want to be assured that children with learning disabilities are included in that definition because, as the minister knows, the fight on behalf of those children against this government has gone on far too long. Like other members, I do not believe I should have to fight on a regular basis the government of Ontario in order to get children who live in my riding the appropriate course here in Ontario, nor do I think that in 1980 children should have to attend schools outside of the province or outside of the country.

**Hon. Miss Stephenson:** Have you read the bill? That is what it is about.

**Mr. Warner:** I have read the bill and I do not want any loopholes left. With respect, I would like a commitment that children with learning disabilities and gifted children cannot in any way be excluded from the definition. In my experience, definition sections of bills are extremely important. They can be the loophole under which a board or any other authority can say, "It does not fit the definition. I am sorry, you lose." Those two particular areas are a deep concern to me.

The minister has shown a spirit of cooperation this afternoon, and I do not wish to destroy that spirit. But I must say, in the light of my experience in this Legislature, too often my faith has been misplaced in legislation I thought was going to help solve a problem. So if she will forgive me, I want to nail down every possible loophole this afternoon before this bill becomes law. That

is why I raise both those matters with the minister and I would appreciate her response.

**Hon. Miss Stephenson:** Mr. Chairman, I am delighted with the expression, "nail down the loophole." I find that a little difficult to do. None the less, had the member attended any of the committee hearings, he would know that under section 2 of this bill the minister is responsible for defining the exceptionalities. I can tell him that those exceptionality definitions include both dyslexic and gifted children specifically. The list is available. It was made available to the members of the committee at the time of the committee hearings.

**Mr. Warner:** I am fully aware of that, which is why I raised it. It is all very nice to have it appended. We are not discussing section 2. We are discussing section 1, the definition section. I want to ensure the definition of "special education program" includes gifted children and children with learning disabilities.

**Hon. Miss Stephenson:** I just said it did.

**Mr. Warner:** With respect, Mr. Chairman, in responding to my question about section 1, I understood the minister to give an answer related to section 2. I want to know that the definition of special education program in section 1 includes gifted children and children with learning disabilities. That is what I want on the record.

**Hon. Miss Stephenson:** Mr. Chairman, it does. I do have an amendment to section 1(2). I note on page two of the amended act under section 1(2)66 it states: "trainable retarded child" or "trainable retarded pupil" means a pupil who is six or more years of age, but less than 21 years of age." I would like to move an amendment.

**The Deputy Chairman:** Before we get there, I wonder if there is anything else in section 1(1)?

**Mr. Grande:** Mr. Chairman, I am dealing with the exceptional pupil and the definition of an exceptional pupil. That is in section 1. I want to go back briefly to the minister's intent in the Legislature on May 23 on the introduction of this bill. The minister at that time talked about principles, about universal access to education and about children having a right to an education, exceptionalities notwithstanding.

4:20 p.m.

What I would like to ask the minister, in terms of the amended bill before us, is did not the standing committee on social development respond to the minister's intention

of a right to a public education for exceptional children? I think we have a bill which, as the saying goes, has teeth in it. What is happening, of course, is that whenever one has a piece of legislation with teeth in it there are certain interest groups that don't like any legislation with teeth in it and don't like the fact that the exceptional child has a right to an education because that child was born.

In other words, it's a birthright to have educational opportunities in this province and the Minister of Education proudly said so in so many words on May 23. It is a right, and this bill is going to provide the opportunities and those rights for those children. Then we found in the first bill which was introduced an hour later, from the statements of the minister made on May 23 to the time the minister tabled the first reading of that bill, that really the children do not have rights any longer.

As a matter of fact, in that particular bill there was originally an exclusion clause. We talked about this famous exclusion clause forever and a day in the social development committee. I am glad we were able finally to persuade the minister that exclusion clause should have no part in that bill if the minister firmly believes children ought to have educational programs by right.

Different people and different groups have different estimates, but the one I have seen constantly is there are about 200,000 children with learning disabilities in this province—in other words, exceptional pupils. Once the minister makes the commitment that the child should have access to public education by right, the minister must admit there has to be a safeguard for that right to be exercised. There has to be some kind of mechanism whereby the parents can say, "The right of my child has not been protected and I have a way of redress." Once a placement committee of a board makes a decision under this bill, it should be able to say that those children have a right to an education. The placement committee should be able to say: "Yes, you have a right to a special education program. That's where you are going to be in that special education program." What can a parent do who sees his or her child slowly or rapidly deteriorating in terms of intellectual ability and educational growth? Very little.

The social development committee spent a whole week and a day over amendments. With both opposition parties firmly in agreement, the committee said in effect there has

to be an appeal procedure and an appeal procedure worth its name. On September 30 the Liberals did support the New Democratic Party and the immense work the member for Bellwoods (Mr. McClellan) and many other people have been doing in this province for a lot of time.

What has taken place? My suspicion is—and I certainly hope I am wrong, because 200,000 kids out there in this province demand, by right, that at this particular time, in terms of what I am going to be saying, I be wrong. I certainly hope that the Liberal Party is still consistent with the kinds of things it said in the social development committee about having the right of appeal to any decision that a placement committee might be making.

As a legislator and as a person who has taught for 10 years in this province, I do not want to see a child who vegetates because of a lack of services or because of a lack of programming. That is not an extreme position. Because I taught special education for two years, I know what I am talking about. I know some of those children I taught should not have been in that particular classroom; they should have specialized help.

Yet those children could not get that program. The reason goes back to the famous year of 1972 when special education programs were going well—at least we were beginning to see some movement—and then down came the ceilings from this provincial government which totally crippled that development in the schools.

I can understand why boards of education are upset about this bill as the social development committee has amended it. I can understand it, because in essence it says to the boards of education and not necessarily to those—shall I put the word?—enlightened boards that have in the past 10 years moved in that direction, but some of the boards across this province, as the minister ought to know—

Mr. Deputy Chairman: I wonder if I could interrupt the member for Oakwood for a moment. It seems to me that you are speaking pretty generally to the whole philosophy of the bill rather than dealing with some section. I have been quite tolerant, trying to find what section or subsection here you are talking about. It seems to me you are rehashing the philosophy that was done on second reading. I wish you would bring my attention to the particular item in subsection 1 that you think should be changed, or to which you wish to speak.

**Mr. Foulds:** On a point of order, Mr. Chairman, the member for Oakwood is, in fact, speaking on the definition section of the bill. I would suggest to you with great respect that when one is talking about the exceptional pupil, special education program, special education services and the trainable retarded child, all of the points my colleague was making with regard to education for those people in that kind of a program are relevant.

**The Deputy Chairman:** I realize he is tying it in and that the whole bill deals with exceptional children in one way or another, but I do not know whether you are recommending a change in here, speaking to an amendment or just what the point is you are trying to make.

**Mr. Grande:** The point I am trying to make is that inherent in that definition of exceptional pupil everything else flows in this bill.

4:30 p.m.

**The Deputy Chairman:** Are you proposing an amendment?

**Mr. Grande:** What I am talking about, Mr. Chairman, is the definition of exceptional pupil. I am attempting to give my input to this Legislature in terms of the exceptional student in this province, and how those particular needs of the exceptional pupil have been addressed in the past and are going to be addressed by this particular bill before us.

**The Deputy Chairman:** As I say, I am trying to be tolerant, but would you make your point briefly rather than speaking to the whole principle of the bill, which has been discussed on many occasions. If you have an amendment to propose, I would ask you to put it before the chair.

**Mr. Foulds:** Mr. Chairman, on a point of order, it has been the tradition in this House that one can speak on every section of every bill when it is in committee. There need not be an amendment to a section to speak to it.

**The Deputy Chairman:** The speaking must be relevant to the section. I am trying to find out how what the member for Oakwood is saying is particularly relevant to section 1(1).

**Mr. Foulds:** With great respect, he is speaking about exceptional pupils, and that is what is in section 1(1), paragraph 20a.

**The Deputy Chairman:** Committee study does not permit you to ramble and redo the speech that was done on second reading of

the bill. I do not want to be short with the member for Oakwood, but I would ask him to save the House a little time and come to the point he is making.

**Mr. Grande:** Mr. Chairman, with due respect, I am attempting to save the House time. I am also attempting in the best way I know how to deal with this particular section before us now, namely the definition of exceptional pupil. I can only deal with that definition in terms of programs and lack of programs being offered right now in this province. Unless we begin from that definition and talk about programs, we have a definition in a total vacuum. That is what I am attempting to do.

The definition of exceptional pupil in this bill, as far as it goes, is perhaps a good definition. However, the programs that flow from that definition are really the pits. If we do not have the programs in place to look after the very specific and important needs of the exceptional pupil, then I think this bill will amount to nought. If the boards of education are saying in essence they do not want their hands tied by legislation in order to provide the programs, then I must say to you, Mr. Chairman, we will be going on in this province for the next 10 or 15 years without proper educational services being provided to the exceptional pupil or student.

This is what I am addressing to the minister. Since the minister has asked us to take a look at her amendments once again, I would like to suggest she take a look at the good, solid, fundamental amendments that the social development committee has brought forward to amend this legislation. I would say to my Liberal friends on that side, "Take a look at it very carefully, because if you do not what is going to happen is that the 199,998 children who need special education services in this province will not get them."

**Mr. Stong:** On a point of order, Mr. Chairman, I want to assure my friend from Oakwood that we Liberals have indeed looked at the amendments. There are no amendments on section 1. As a matter of fact, this was okayed by the committee. It is here without amendment at this time. My privileges as a member of this House are being breached by this waste of time in speaking to the principle.

I would like to get to the meat of the amendments before us and have some votes on the rights to appeal that are not even involved in this section. Let us not waste time;

let us get to the vote that is required instead of speaking to principle; then members will see that the Liberals are consistent.

**The Deputy Chairman:** As I said earlier, I am trying to be tolerant with the member for Oakwood. I am going to allow him a few more minutes to try to bring the chair's attention to the point he is making on section 1(1). That is the point in issue at the present time. We are looking at section 1(1) of the bill.

I know you are speaking about exceptional children, but I have not found anything in what you have to say that is drawing my attention to any change you want to make there or any proposed amendment to it. Are you asking any questions of the minister? If you would, please do that so we can get on with the work of the House.

**Mr. Grande:** I certainly would not want my Liberal friend to be upset about what I am saying. All I am saying to him is let us be serious about this legislation, let us remain consistent with what we decided in the social development committee because this legislation is indeed one of the most important pieces of educational legislation we have had in this province for a long time.

**Mr. M. N. Davison:** Mr. Chairman, for the first and quite possibly the last time in my five years in the House, I would like to commend the Minister of Education on something she has done today. I assure you it won't become a tradition with me. I want to commend her on withdrawing or not placing her amendment to section 1(1) and leaving this section of the bill as it came back from the social development committee. I think that it is a good principle that she should recognize as this debate progresses, that much—as a matter of fact, almost everything—that the social development committee did in terms of innovation is good. I know the minister has a number of other amendments which she intends to place and I hope she reconsiders them.

I think what has happened in section 1(1) is important. The government has an obligation to realize it has a record that is not all that very good in terms of special education. This is really the first time the government has moved so far by way of legislation.

**Hon. Miss Stephenson:** Name me a government with a record that is better.

**Mr. M. N. Davison:** I am sorry, what did the minister have to say?

**Hon. Miss Stephenson:** It is all right. I am not going to interrupt.

**The Deputy Chairman:** The member for Hamilton Centre has the floor.

**Mr. M. N. Davison:** I welcome an interjection from the minister if she wants to bring something to my attention, although just because she does that is no guarantee I will accept it, as I have done this.

Like all members of the assembly, I had a lot of mail on this section and other sections of the bill and in it were compelling arguments made by parents in terms of the definitions and the other parts of the bill that were changed by the social development committee. I think the minister should listen and reconsider those other ones as she has in this case by not moving ahead with amendments to undo the work of the social development committee.

I don't know if this is true of all the members of the House, but I am one of the members of the House who can speak about special education from a personal point of view. I have a retarded sister who was denied any right whatsoever to a decent education in Ontario. I know what it is like for a family when the government will not permit one of its kids to have access to decent education. That was done by a Tory government, so I know a lot personally about the record of this Tory government.

**Hon. Miss Stephenson:** It is hyperbole to suggest it was all done by a Tory government.

**Mr. M. N. Davison:** When my sister tried to get an education in this province, this government did not give a damn and denied her access to a proper education, as it did in many cases, so don't tell me about it.

I would hope the Tories would finally understand that they don't have a record they can be proud of in special ed; that they will accept the arguments that have been put to them by parents in this province; and that this will not be the only time today the minister refuses to bring forward one of her amendments to undo the work of the social development committee.

I think the committee did a fine job and I do not think the minister should stand in the way of the important changes it has made to the bill.

4:40 p.m.

**Mr. Foulds:** Mr. Chairman, I have two or three points I want to make on this section because, as some of my colleagues have mentioned, the rest of the bill hinges on the definition section. We have seen that time and time again when it comes to legislation

or regulations that are devolved out of legislation.

There are two basic principles in this section. Like my colleague, the member for Hamilton Centre (Mr. M. N. Davison), I must initially commend the minister for her graciousness and her ability in accepting the section as it is printed and defined. That is very important for the children whose needs we are trying to meet with this legislation, and it is very important for the province as a whole.

One of the important things, and one of the principles that we must keep in mind when discussing this particular section of the bill, is that, several years ago a Minister of Education in this province made a commitment that there would be equality of access to education across the province and that there would no longer be a balkanization of education in this province. That Minister of Education later became the Premier of this province. For a while it was pretty hard for a Minister of Education not to become Premier of this province eventually.

**Hon. Miss Stephenson:** Thank goodness that has changed.

Interjections.

**Mr. Foulds:** That certainly has changed. If the Liberals support the present Minister of Education for Premier, that would be the kiss of death. They can be assured of that.

Where is the member for London Centre (Mr. Peterson) going? Now I am off the section, I admit, Mr. Chairman. I am amazed you have not called me to order.

**The Deputy Chairman:** As I said before, I am trying to be very tolerant. That tolerance still exists.

**Mr. Foulds:** The important principle in this section, and the important principle that we face as we go through this bill clause by clause, is that we must at all costs avoid balkanization of education for children with special needs in this province. We must ensure that the principles which apply to education generally, the principles of universality and access, are maintained in this bill.

That is one of the reasons why I commend the minister for this section. It is obvious that this section, her acceptance of it and our endorsement of it indicate that the minister, and I hope also all of the Legislature when debating the rest of the sections of this bill, will decide that if there is a balance to be struck between the competing and conflicting interests in education, the

balance must always be tipped in favour of the child because it is the child the educational system is designed to serve. In terms of this bill, it is the exceptional pupil whom the boards of education are there to serve; it is the exceptional pupil whom the teachers of this province are there to serve. I, for one, have objected, more strenuously in a personal way than I can express, to the lobbying, to which I have been subjected by people in the boards of education sector and the teaching sector of education, against the amendments put forward by this bill. It is their job, and the job of us in this Legislature, to serve those needs.

Contrary to one of the things my colleague from Oakwood (Mr. Grande) said, the children of this province do not demand special education. I know several children who have exceptional needs. I know children with learning disabilities. I have a child with a learning disability. They are not demanding special education because they do not yet know and are not yet cognizant of the fact they have rights in this province. Those of us who are their guardians, those of us who are legislators, must demand them on their behalf.

**Mr. Laughren:** Mr. Chairman, I want to speak very briefly to this section. It has occurred to me when I have looked at the educational system—and I spent some time in it myself—that it reflects the kind of society we have built, not just in Ontario but elsewhere. We have built a society designed for the young and the swift, whether we are talking physically or mentally. That is the problem with our educational system.

If I were to start all over again, I think I would design a system that said to the people who ran it: "We will teach the people who are young and swift how to learn; we will teach the rest of the people we describe as exceptional pupils. We will teach the others how to learn, and they will get about the process of learning primarily on their own. The exceptional pupils who have problems need the majority of the resources to teach them." For the first time, this bill seems to understand, or go part way, to resolving that problem.

I can think of a situation in Sudbury which is very bad. If a person has a speech problem that affects his or her learning, and such a person could certainly be described as an exceptional pupil under this section of the bill, if the student is of pre-school age he or she is referred to the Sudbury Algoma Sanatorium. If the person is of



school age, that person is referred to the school system, the school board, which does not have speech therapists. It has itinerant speech teachers. It does not have the facilities to deal with the problem adequately.

I too have been lobbied in the last few days by school boards and by teachers. I find it pretty upsetting to be lobbied by those people who are supposed to be carrying out their mandate of educating the children of this province and who are saying that this problem, in effect, is too big. One person from a school board said to me: "We can't deal with this problem; we are not a social agency. We cannot deliver social programs, and that is what you're talking about in this bill."

What is the purpose of our educational system? I look around me in the Sudbury basin, as an example, where we do not have anyone who is co-ordinating things properly. At one point, it appeared there was going to be a social services commissioner in the basin who would try to co-ordinate educational needs, health needs and social services needs so there would not be overlapping and there would not be people in the system falling between the stools. But that has not come to fruition.

When the board of education says this bill just will not work because it is a social services problem, not an educational one, I wonder what the educational system is supposed to be doing for people with learning disabilities. When I think of the children in the province who really need the extra help, I wonder if the minister is going to say to the boards across the province, "We are no longer going to give you a formula; we are going to provide the assistance required to help people who are defined as exceptional pupils." That is one of the things that is bothering the school boards.

Where is the money going to come from to look after these programs? It is now going to be right for these exceptional students to have an education, to have a program designed for these needs? I can see why the school boards are very nervous. They are very nervous that this minister and her government are not going to provide the necessary funds. It would not be the first time.

I would expect the minister would have some very precise things to say today about making a commitment to provide an adequate level of funding to make sure the school boards are not only given the responsibility of implementing this bill, but are also given adequate funding to do it properly. I

can understand why the school boards are nervous. They simply do not trust the minister to come through with an adequate level of funding. They have every right to be nervous.

4:50 p.m.

Hon. Miss Stephenson: On what?

Mr. Warner: On funding for education. It continues to erode each year. It dropped from 60 per cent to almost 50 per cent, and she knows it.

The Deputy Chairman: The member for Nickel Belt has the floor. Will he proceed please?

Mr. Laughren: The minister surely would not disagree that the property taxpayers are picking up an increased proportion of the educational costs, as compared with the province, through general revenues. I would simply urge the minister to make a commitment that, whatever level of funding is required to implement these programs, it simply be done.

Mr. Bounsall: Mr. Chairman, I want to compliment the minister on trying to simplify things this afternoon—

Hon. Miss Stephenson: I did not succeed, did I?

Mr. Bounsall: —by not proceeding with her amendment on section 1. I would sympathize with the minister's feelings at this point in that what looked like a simplification is becoming a major debate. I think we should move on to another section.

I would like to say at this point that I missed very much being on the social development committee this summer because of having to serve on the Hydro affairs committee. I find myself in a more and more frustrating position over the last couple of weeks in dealing with constituents over the problems involved with the definition section. It was difficult trying to keep straight which version of the bill they were talking to, whether it was the original one or the one amended by the social development committee.

Then we had the minister tabling her amendment here, new calls coming in over the weekend and submissions being sent to us which were written over the weekend. At this point, it is very difficult to tell, unless their letters were very specific, which amendments they are talking about—those brought forward by the social development committee even in this section or those brought forward by the minister.

As I tried today to sort through some of the letters of objections and phone calls I received over the weekend, after having taken the minister's amendments home with me I found myself and the person who was talking getting more and more frustrated as we tried to determine which set of amendments we were talking about.

I know it is not possible now, but would it not have been more profitable if at this point we could have sent the minister's amendments to a committee outside the House? There it could be made very clear what was being asked of us by the various groups that were contacting us and whether it was the minister's amendments or the social development committee's amendments the various groups were concerned about.

I received a communication from the Federation of Women Teachers' Associations of Ontario and some of their remarks looked very reasonable. They are concerned with some of the remarks the minister made in quoting the author of American Public Law 94-142, that we do not zero in on a plan, and the plan and the program themselves become the be-all and end-all. To quote them, "We should be looking at the result which is forthcoming." And we should have a phrase, which in their opinion, "in accordance with the best possible educational practices," coming in to achieve their ends, as the best way to achieve their objectives.

As I read through that paragraph, I have a great desire to sit down outside the Legislature with the people who have contacted us so that we could have a clear understanding of exactly what it is they wish to achieve. But here we are going through these various amendments and we will probably reach a point which is very much more frustrating to all concerned than it has been so far. I just regret there isn't a route open to us to allow a situation which would be a little less frustrating than the situation we have to deal with here.

I won't make the same speech I gave on second reading on definitions of exceptional students and their needs. I am glad we have reached agreement on the wording of section 1 that came from the social development committee and that we can go on to some of the other sections.

**Mr. Chairman:** Hon. Miss Stephenson moves that paragraph 66 of section 1(1) of the act as set out in section 1(2) of the bill be amended by striking out "a pupil who is six or more years of age but less than 21 years of age" in the second and third lines

and inserting in lieu thereof "an exceptional pupil."

**Mr. Sweeney:** Mr. Chairman, given the fact we have made so many amendments, and amendments to amendments in some cases, although it looks very obvious I think it is important that the minister would indicate to us the precise reason for introducing the change. I think I know what it is, but we have tripped over so many amendments to amendments to amendments that we can lose the thread of what we are trying to do here.

**Hon. Miss Stephenson:** The purpose of the amendment is to reduce the age requirement to attain the status of a trainable mentally retarded pupil from six down to four in order to accommodate those people at an earlier age than at present in the act.

**Mr. Nixon:** How about those over 21?

**Hon. Miss Stephenson:** As you know, under the act at the present time they are the responsibility of the educational program until the age of 21. We are also looking at that. Specifically at this point, it is to reduce the admission age.

**Mr. Sweeney:** There are boards in this province taking even younger children than you have just described under their jurisdiction and providing a program for children who are hard of hearing. Are we speaking to this, or is that something different again?

**Hon. Miss Stephenson:** That is something else again. The trainable mentally retarded is the only group addressed in this amendment.

**Mr. McClellan:** Mr. Chairman, I want to be sure I understand the purpose of the amendment. First, from what the minister has said, age six is eliminated in order that children can be accommodated in the program who are younger than six. Is there a provision elsewhere in the bill or in the act so that the age can be extended at the other end to beyond age 18?

5 p.m.

**Hon. Miss Stephenson:** Under the Education Act at the present time, the trainable mentally retarded child is the responsibility of that educational program until the age of 21.

**Mr. McClellan:** Under what section of the act?

**Hon. Miss Stephenson:** Section 571(1).

**Mr. McClellan:** I don't understand what section you are talking about.

**Hon. Miss Stephenson:** I am sorry, it is section 71(1) of the Education Act.

**Mr. McClellan:** Right. I didn't think that was correct because there are only 200 sections in the Education Act. There's nothing in section 71(1) about increasing the age from 18 to 21. The reason I want to raise it is that it is an important consideration. It is something that was raised in committee during the hearings. A number of witnesses who were advocating on behalf of mentally retarded children or on behalf of the association were commending the ministry on the extension of the eligible age from 18 to 21. I think your amendment is taking 21 out of the act. I want to know precisely where it is in the existing act or in the regulations. As I read section 71(1), it is not there.

**Hon. Miss Stephenson:** Try section 32.

**Mr. McClellan:** I will try section 32. If you will bear with me, I will stay on my feet. Section 32 has four subsections. Which subsection?

**Hon. Miss Stephenson:** One, right to attend.

**Mr. McClellan:** Perhaps the minister could explain that section to me because I don't understand it.

**Hon. Miss Stephenson:** It says, "Subject to sections 34, 35 and 42, a person who attains the age of six years in any year is, after the first day of September in such year, qualified to be a resident pupil in respect of a school section until the last school day in June in the year in which he attains the age of 21 years," and then the qualifications follow.

**Mr. McClellan:** Where are the qualifications that relate this to a trainable retarded child?

**Mr. Foulds:** That is a particularly important question in view of some of the exclusions in section 34.

**Mr. McClellan:** I don't mean to bring things to a halt but we can't proceed on the amendment until we have a clear understanding of where the authority is to extend the eligible age for trainable retarded children to 21 years and we haven't found it yet.

**Mr. Foulds:** With great respect, I think the minister is trying to find an answer and I believe she thinks the section covers the concern expressed by my colleague the member for Bellwoods (Mr. McClellan). However, we are concerned because section 32(1) starts out with the simple words, "Subject to sections 34, 35 and 42," and then gives the right to attend and includes the age 21. However, section 34(1), which section 32 is sub-

ject to, reads: "A person is not qualified to be a resident pupil in respect of an elementary school if he is unable by reason of mental or physical handicap to profit by instruction in an elementary school."

We feel that unless it is clearly explained or embedded in this piece of legislation there is no provision for the act dealing with the problems we have before us in this bill, namely, ensuring that trainable retarded children will be eligible for school until the physical age of 21.

**Hon. Miss Stephenson:** Under the existing definition of trainable retarded child, a child is defined as someone under the age of 18. The amendment is intended to remove that upper limit of 18 and permit the current practice, which is that those young people will be a part of the educational program until the age of 21 as other pupils may be.

**Mr. McClellan:** The minister has referred to another section and I don't know where it is. Perhaps she could tell us where the definition of trainable retarded child appears.

**Mr. Stong:** Mr. Chairman, it has been pointed out to me that section 12 of Bill 82 in its amended form may address the problem my friend is having. I am referring to section 71 of the act being repealed and substituted by section 12, which probably answers the member's question. I thank my informant in the gallery.

**Mr. McClellan:** Perhaps my colleagues will pursue that while I pursue another concern in the same subsection.

This subsection has caused me some concern because, to put it bluntly, it skirts around the issue of whether or not the child is able to profit from instruction. I can't tell from this section dealing with a trainable retarded child whether or not there will be special education programs for trainable retarded children.

What this subsection does is separate the so-called educable retarded pupil from the so-called trainable retarded pupil. It states that a trainable retarded child is a pupil who cannot profit from a special education program for educable retarded pupils. I am not quite sure what that means. Perhaps the minister could give us some clarification on that. Then I have another question.

**Hon. Miss Stephenson:** An educable retarded pupil is one who can profit from a special education program designed to meet the requirements of the intellectual capacity of that child. A trainable retarded pupil is one whose intellectual capacity is considered

by all methods of assessment to be below the level of educability. Professional definitions have been developed. I have limited knowledge of them but certainly specialists in psychometrics, psychological assessment and those teachers who have been responsible for the development of the program have made that definition and it is a definition which functions at the present time.

5:10 p.m.

**Mr. McClellan:** If a trainable retarded child is not eligible for a special education program for educable retarded pupils, is there such a thing as a special education program for a trainable retarded child?

**Hon. Miss Stephenson:** Yes.

**Mr. McClellan:** Will that be defined pursuant to your regulation authority under section (2b) or 3?

**Hon. Miss Stephenson:** It can be included there. The purpose of including it in this act is because of the action that has taken place under the act that provides the responsibility to separate school boards for the provision of educational programs for the trainable retarded child. There is already a definition of that kind of program because it has been in place for some time under the Education Act.

**Mr. McClellan:** Why is it necessary to continue to use the term, "trainable retarded child," on the one hand, and "educable retarded child," on the other? Why is it necessary to maintain that distinction between these so-called classes of retarded children?

**Hon. Miss Stephenson:** I shall be pleased to take that matter up with those professionals whose expertise has defined the difference between the two groups of individuals over the past several years. It is a matter of practice at the present time and it has some basis in valid, scientific assessment which has been accepted within the educational community and certainly within the psychological community.

**Mr. McClellan:** I want to be absolutely clear on this. Where does an educable retarded pupil receive his or her special education program?

**Hon. Miss Stephenson:** Within the school system.

**Mr. McClellan:** I had assumed it was within the school system, I did not think it would be at the corner grocery store.

If it is not too much trouble, perhaps the minister could explain to this House which programs within the school system are par-

ticularly designed for educable retarded pupils and where they would be accommodated in some way different from programs for trainable retarded children.

**Hon. Miss Stephenson:** The educable retarded have most certainly been educated within the school system for many years. Those children are children who can learn, probably to a lesser degree than those who are within the so-called normal range, but who do have the capacity to learn within the structure of the educational program provided. They have certainly been dealt with in many fashions during the past decades through programs designed specifically to help a group that in some instances have been called slow learners. In some instances in the past, they have been given the perhaps unfortunate name of opportunity classes, or other kinds of designations. They are instructed through special education programs within the school system at the present time.

**Mr. McClellan:** Trainable retarded children, then, are in an entirely different stream?

**Hon. Miss Stephenson:** In some instances many of the trainable mentally retarded, while they may have some of their program in an entirely different stream, are integrated into certain of the classes, depending on the philosophy of the program that is provided and the experience of the board, the supervisors, the teachers and the parents with those children. In many instances they believe that mainstreaming or integrating those children in certain of the classes is helpful to them.

**Mr. McClellan:** It is clearly the intention of the minister that all trainable retarded children—and it is an unfortunate phrase which we are forced to use, because it is the language of the statute—will have a program made available to them by the time the bill matures in 1985.

I have a concern, however, as to the number of so-called trainable retarded children who will be designated as hard-to-serve children. In the past, the two terms were synonymous. In the past we did not use the exact language, "hard-to-serve children"; we talked in section 34 about children unable to profit by instruction; under section 34 we simply excluded them entirely from the school system. Some of them remained at home, some of them remained in institutions, some of them were in nursing homes, some of them were in homes for special care, and many hundreds of them did not receive an education of any kind.

We have had a great deal of debate in the committee about the notion of exclusion and, as we stand here today, at least one thing all three parties are agreed on is that the word "exclusion" will no longer appear in the bill when it is finally passed. I think that is a major achievement.

Nevertheless, we still have the designation, "hard-to-serve pupil"—

**Hon. Miss Stephenson:** It is not in this section.

**Mr. McClellan:** No, it is not in this section, but if I can just finish the sentence: we have the definition of a hard-to-serve child in a subsequent sentence as a child who is unable to profit by instruction. My question is, how many of these children will be de facto trainable retarded children for whom no program is available?

I think in particular of what we discovered after a number of years of questioning of successive ministers of Health and ministers of Community and Social Services with respect to the number of retarded children who were in homes for special care without any programs. We finally found out, after being given varying figures by the Ministry of Health, that approximately 400 children with developmental handicaps are in homes for special care and not getting any education program at all.

You will forgive us, Mr. Chairman, if we are a little bit cautious about this particular issue. I do not know whether the minister is willing or able to speculate with respect to the number of trainable retarded children who are likely to end up categorized as hard-to-serve children unable to profit by instruction. But I think we know from past experience that it is the trainable retarded child about whom we have been talking when we have discussed the application of the principle of exclusion under either section 34 or another section that serve to do the same thing.

In fact, the process of exclusion is simply a de facto process, which says, "No, you cannot come." They do not have to formally invoke either section 34 or section 75 to achieve a de facto segregation. I am raising this point more as a point of concern. I do not know whether the minister is able to give reassurances on whether the hard-to-serve child unable to profit by instruction is liable to be the trainable retarded child and whether the very sad patterns of the past may continue into the future.

**Hon. Miss Stephenson:** The very purpose of this piece of legislation is to ensure that

the responsibility for providing a program for all children within the province will be assumed by all of the boards of this province. There is no child at the present time who cannot be admitted to the educational system with the passage of this bill.

The purpose of the specific change within the definition under subsection 2 was to ensure that the word "child" was defined as something other than the usual definition—that a trainable retarded pupil is one who does not fall into the classification of "child"—in the traditional sense of that definition—and would be expanded to permit the pupil in that classification both to receive an earlier program through the education system than the ordinary child would, and to have that extended to the age of 21 years in all instances. In almost all instances for the trainable mentally retarded, that is a very appropriate extension to help them to learn a skill or at least to become more self-satisfied in their educational experience.

5:20 p.m.

I have no means of defining the numbers of pupils within this category who might be classified as hard to serve. Although the member for Bellwoods (Mr. McClellan) continues to raise the matter of the mentally retarded young people who are within certain kinds of institutions, he is acutely aware that the three ministries involved are actively participating in a program to assess the educational requirements of all those children in all those institutions so that we may meet their educational needs. It is the intent of this bill to ensure that all children in the province, regardless of their circumstances, will have an opportunity to have their educational needs met appropriately within the school system.

**Mr. Foulds:** I have a question of clarification here. I assume that the minister's amendment and her explanation referring to the new section 71, which is section 12 of the bill, are still subject to section 75 as it is printed in the act?

**Hon. Miss Stephenson:** Section 75 was revoked.

**Mr. Foulds:** Where is section 75 revoked?

Once upon a time several years ago when I was Education critic for this party I went through this whole act and that was one of the parts of the maze that escaped us. We do not want it to escape us this time.

**Hon. Miss Stephenson:** Section 75 and 76 of the said act are repealed at section 14 in this act.

**Mr. Isaacs:** I have some concern when a bill of this nature has been dealt with by a committee, the committee has brought forward its recommendations, and the minister comes into the committee of the whole House with an amendment that appears innocuous and even desirable, but with explanations that somehow are not completely satisfying.

I appreciate the minister's saying it is the intent of the bill that education shall be provided to all children across the province. Unfortunately, decisions about these things tend to be made outside of this House, and outside of the ministry—in the courts. If we are not very careful with the wording, we are going to find a situation where someone uses something as a way of getting around doing something.

I want to raise one more point on this amendment. The minister is replacing the words "a pupil who is six or more years of age but less than 21 years of age" with the words "an exceptional pupil"—not a person, or something like that, but the specific phrase, "an exceptional pupil." As soon as that is used, we have to go back to section 1(1), or the revised section 20a of the act, where "exceptional pupil" is defined. But the definition of "exceptional pupil" does not encompass all the children of this province.

It seems to me, at least, there are children in this province who could be excluded because they are not resident pupils in a particular board area, because they are not being admitted under an agreement, or because they do not fall under the clause that says, "to which the cost of education in respect of the pupil is payable by the minister."

It seems to me those children might include children who are at present in special education programs in the United States and whose costs are being paid by the Ministry of Community and Social Services. I wonder how those children, who may also be trainable retarded, can be brought into this section as the minister is revising it, when section 1(1) does not appear to me to include those pupils.

I wonder why we take out the generalization of a pupil with an age description and replace it with an "exceptional pupil," which means something very specific. Why do we not take out the age wording and say it means the pupil whose intellectual functioning is below the level et cetera?

I would appreciate some clarification of those matters.

**Hon. Miss Stephenson:** I understand the concern of the honourable member, which

has to be based on a very malevolent kind of misanthropic attitude. I feel strongly he has to understand that much of the wording that is drafted into a bill is a result of requirements established by the legislative counsel in terms of definitions that have already been established, are already used in the Education Act and must be reused to avoid confusion.

The purpose of this amendment to this section is to ensure that all pupils who could be classified as trainable mentally retarded will be dealt with in this act in the definition of the function of the school system on behalf of the trainable mentally retarded. It also is an attempt to provide for flexibility for those specific pupils, recognizing they require an educational program or a training program that may be significantly longer than that which is necessary even for some exceptional children.

I have to tell the member the child he is talking about would be included in the group of which he is a resident pupil. As long as his parents remain within the jurisdiction of a school board, he remains a resident pupil.

Motion agreed to.

Section 1, as amended, agreed to.

On section 2:

**Hon. Miss Stephenson:** Mr. Chairman, I have an amendment to section 2(1a) which I believe must be introduced at this time to ensure that the appropriateness of the legislation is maintained.

The general statement at the beginning of section 2(1a) is a preamble statement which I believe is spelled out fairly clearly in the Education Act and requires no specific redefinition in this area, in an act that is specifically designed to be of assistance to exceptional pupils. The concentration in this area on all children I think dilutes the kind of attention we were attempting to provide for exceptional pupils in this legislation.

I would therefore recommend this amendment to the House.

**Mr. Chairman:** Hon. Miss Stephenson moves that section 8(1a) of the act, as set out in section 2 of the bill, be amended by striking out "children in Ontario have available to them a free and appropriate public education that, for exceptional children, emphasizes special education programs and services that meet their unique needs, and that the rights of exceptional children and their parents or guardians are protected" in the first, second, third, fourth and fifth lines and

inserting in lieu thereof "exceptional pupils in Ontario have available to them, in accordance with this act and the regulations, special education programs and special education services."

**Hon. Miss Stephenson:** Mr. Chairman, as I said earlier, our concern was that this legislation concentrate upon exceptional pupils, and this reference is to all pupils in the portion of the bill that was included by amendment.

5:30 p.m.

"Children" is not defined in the Education Act. It could mean only those under the age of 18 and it could mean those from the age of one day up. "Free and appropriate public education" is an American term from the American federal legislation, Bill 94-142, and each word is specifically defined within that bill. If the member wants that phrase defined, I think that would have to be an activity carried out by this House.

As it is used in this phrase, clause and section, the word "free" would be open to varying interpretations because it is not defined. The Education Act in Ontario for more than 100 years has made provision for all pupils to attend schools within the public system without payment of fees. I suppose that is one definition of a free educational program. But the the Education Act already specifies that. It is appropriately set out in the Education Act and is inappropriately added in this one.

The other thing that concerns me is that "the rights of exceptional children" has no definitive meaning in this legislation because we do not have a children's bill of rights in this province. If there were such a piece of legislation, then that might be appropriate wording. At the present time it would appear to dangle in mid-air without being tied to anything except for definitions as may be established by the courts from time to time.

The rights of due process for parents and children are already outlined in regulation 704 and they are strengthened by the provisions of the amendment in this act, which was made by the government member during the committee hearings and was supported by both members of the opposition parties who were present at that time.

**Mr. Sweeney:** Mr. Chairman, this is one area where I am prepared to understand the change the minister is making. In the initial amendment we were referring to all the children in the provincial schools and yet, on further reflection, I realize the purpose of this bill is to speak to exceptional children.

I would refer once again to the minister's opening statement of May 23, in which she said, "The concept is simply that an educational system which is supported by the taxation of all citizens has an obligation to be of service to all children, exceptionalities notwithstanding." We are dealing here with those children in the system who have exceptional or special needs, and for that reason I am prepared to accept the first part of the amendment.

But I have three changes which I would introduce at this time. The first is that we should change the word "pupils" to "children," leaving the word "exceptional," so we will not in any way negate the offering of some place to a child in this province, in some kind of institution and under some kind of special care in this province, who may not fit the definition of pupil. I want to use the word "children" rather than—

**Mr. Foulds:** On a point of order, Mr. Chairman: I do not want to unduly interrupt the flow of the member speaking but, if he intends to move amendments to the amendments, perhaps we should have those in front of us first so all the members of the Legislature can understand what is being talked about.

**The Deputy Chairman:** I agree. I was going to let him complete his explanation first. Does he have those amendments with him?

**Mr. Sweeney:** Mr. Chairman, I had prepared amendments to the minister's amendments as I understood they were coming up. However, the minister has withdrawn one of her amendments, and that creates some problem for us, because now we are going to have to include the intent of some of our original amendments some place else. Obviously there is no way I can know in advance what amendments the minister is going to leave on the table or withdraw.

**Hon. Miss Stephenson:** I have withdrawn the only one I am going to withdraw.

**Mr. Sweeney:** Then I would put it to you this way, Mr. Chairman: Until this point I did not know that. When I came into the Legislature this afternoon I had no way of knowing the minister had decided to withdraw her first amendment. Therefore, for the balance of this afternoon and perhaps even into this evening, I am going to be faced with having to put amendments in places they would have fitted otherwise. I have on the table before you an amendment that will match the first request I am making but will

not tie into the next two I am making. They would have been fitted into the first one, which is no longer there.

Mr. Chairman, I checked with your predecessor and was advised that when I am making an amendment to the minister's amendment, it is not appropriate for me to make it until the minister places it. Therefore, I cannot give it to you in advance.

**The Deputy Chairman:** I understand the problem you are faced with but, at the same time, amendments must be in writing. I do not know whether you wish to stand this section aside for a moment. I realize you are in some difficulty because of the minister's amendment.

**Mr. Sweeney:** Mr. Chairman, I can either speak to the amendment I want to make at this time, or I can write it out and give it to you, whichever you direct.

**The Deputy Chairman:** Will it take long to write out? Perhaps you can do that.

**Mr. Sweeney:** For the members who are in the Legislature I can identify the two simple changes I am going to request. I think they can write it on their own. If they choose to force me to do otherwise, I will do that.

**The Deputy Chairman:** The rule provides that it shall be in writing.

**Mr. Sweeney:** I will take a minute to write it then, Mr. Chairman.

**Mr. McClellan:** While the honourable member is drafting his flip-flop, let me speak to the amendment that is before us. In many respects, I regard this as the most significant amendment achieved during the deliberations of the social development committee in the summer and fall of this year. What this amendment does is broaden and extend the traditional rights provision under the Education Act of Ontario.

Until section 2 of this bill was passed, resident pupils in Ontario had the right to be physically present in a classroom, to sit in a chair within a school building. That was the beginning and the end of their right. It was an important right to be physically present, nothing else, but in the nineteenth century it was a significant right.

We stand here a century later and it is time to extend the provision of statutory right beyond what was appropriate in Egerton Ryerson's day. What we have done is to say in the statute that all children in Ontario have available to them a free and appropriate public education that meets their unique needs. In addition, the Minister of Education

shall ensure that shall take place. I cannot think of a more significant amendment.

During International Year of the Child, when I moved the children's bill of rights, it contained a provision virtually identical to this section. I remind my friends in the Liberal Party that they supported it then. I remind you, Mr. Chairman, when we were in the social development committee, the Liberal Party supported this rights provision without equivocation. I make the appeal to them now, while it is still possible, to stay with the decision they made when the children's bill of rights was before us and stay with the decision they made when we were in the social development committee.

**Mr. Stong:** The social development committee made a mistake.

5:40 p.m.

**Mr. McClellan:** I say to the member for York Centre, the social development committee did not make a mistake. The member is making a mistake today, and I want to tell him the nature of that mistake. His party wants to limit the ministerial responsibility to ensuring educational service for exceptional pupils. It wants to limit the statutory provision to exceptional pupils. I go back to the remarks I made when I first stood up this afternoon.

We have defined "exceptional student" in this statute as the only child who is eligible for special education programs and special education services. If a child is not so fortunate as to be designated an exceptional pupil, that child is not entitled to special education programs or special education services. We have given the local placement committee of the boards of education the power to make that life-or-death decision, and yet the Minister of Education and the Liberal Party are not willing at this point in time to grant a right of appeal against the designation of exceptional pupils. It is not in there.

I remind the minister that Chief Justice McRuer said appeal rights cannot be enshrined by regulation. It is the obligation of the Legislature to put appeal provisions and appeal rights into statutes and the minister can't shirk it. It is not proper to shirk it. The minister knows that and members of the government know that because they have followed many of Chief Justice McRuer's recommendations very faithfully over the years. The Provincial Secretary for Social Development (Mrs. Birch) knows that because the social assistance legislation and the social services legislation of this province have been amended to conform with the recommenda-



tions of the McRuer report. When decisions are made with respect to the awarding of benefits or services and when decisions are made as to who is entitled to receive services from the government, there are rights of appeal, whether in the Family Benefits Act or the Vocational Rehabilitation Services Act or the General Welfare Assistance Act or the Workmen's Compensation Act or any of a dozen other statutes in this province.

For some reason, education is not regarded as a service or a benefit like the others. In fact, it is and it needs to be defined in that way. There need to be rights of entitlement put into this statute and a right of appeal against the decisions on who is eligible for the service and what kind of service they are going to get. Unless we have a clear and unequivocal statutory provision of right, as we have now in the bill as amended, then whatever right of appeal is set up will be a travesty and a sham.

The provision in the statute as it reads now sets a benchmark for all children in this province, whether or not they have been so fortunate to have been designated as exceptional pupils or not. It says to each and every child in this province they have a right to an education based on their own unique needs, that they are not ciphers, that all children aren't the same, that children are not a series of identical, infinitely multiple twins, and that we are not talking about a bunch of under-aged social insurance numbers. We are talking about living individual children, all with their own unique personalities, their own unique experiences and their own unique learning needs. We are saying as a province we are going to tailor our education system to provide service on the basis of the uniqueness of each and every child's own individual humanity.

The minister talks about this provision somehow diluting service to the exceptional pupil. Of course, exactly the opposite is true. What the minister is trying to do is water down a very strong rights provision. It is beyond my comprehension how the members of the Liberal Party, who participated in the debate in the social development committee, and who supported this statutory provision in the social development committee, can now come into this House and do a complete about-face. I think it is shameful. There is no other way to describe it. We have achieved something of significance in this statute that is unparalleled in this country, and we are forced now to watch as our friends once again backslide away from a significant decision.

**Mr. Stong:** Vote for our amendment.

**Mr. McClellan:** There is still time before we come to the vote. The kind of amendment proposed by the minister limits her responsibility to making sure that the act and the regulations are followed out. That is all she is saying. The minister will do what is required to be done in the act. I thank her very much. That is awfully generous of her. But that is not a rights provision; that has nothing to do with a statutory rights provision. If my friends in the Liberal Party cannot see that, it is because they choose not to see that.

**Mr. Stong:** Address the bill.

**Mr. McClellan:** I am addressing the bill and the Liberal Party's attempts to undermine the bill. The bill is tough and will guarantee that all children will have a basis for having their rights upheld. If there is no rights provision, there is no entitlement. It is as simple as that, is it not?

**Hon. Miss Stephenson:** That is not true.

**Mr. McClellan:** It is true. If there is no rights provision in the statute, there is no entitlement. If it did not say, I think in section 32—

**Hon. Miss Stephenson:** What country does he live in?

**Mr. McClellan:** The minister is beginning to froth.

**Hon. Miss Stephenson:** No. It is astonishing that I am not, but I am not.

**Mr. McClellan:** Bear with us for another 10 minutes before you begin to froth.

I believe it is section 32 that guarantees the right of the child to be physically present in the classroom. If that section was not in the bill, there would be no right for a child to be physically present in the classroom. Is that so hard to understand? Each and every child in this province now has the right to attend school. Why? Not because we are sweet, because we are just oozing benevolence, because all of our administrators are so full of the milk of human kindness that they let all these children into our schools. No. The reason that children have a right to go to school is that it says so in the Education Act. It is right here in the statute. If we want to say that children have a right to an appropriate education based on their unique need, that has to be in the statute too. If it is not in the statute, it does not exist as a right and it will not happen. It is as simple as that.

Over the course of the last three weeks I am sure all members who have been involved

with this bill have been receiving a flood of correspondence from parents in the communities. All of those letters have said substantially the same thing, that they are aware of the changes that were made to the Education Act in the social development committee. They are aware that the new statute provides, for the first time in our history as a province, that all children have the right to a free and appropriate education based on their unique needs.

Virtually all of those letters called upon us to preserve and protect those victories won in the social development committee. I, for one, intend to honour what I read in those letters to be a very heartfelt plea. Those were not letters from the kind of people who usually write us letters—professionals, business people, trade unionists, each with his own set of organizational interests to put forward. Those were letters from parents with children with learning disabilities.

Virtually all of the letters talked about the kinds of problems they had experienced themselves, because of the failure to get service from the education system in Ontario, and the kind of agony they had gone through or the kind of anguish that the denial of an appropriate education had meant for them and their family.

5:50 p.m.

Those of us who are legislators are not charged with the administration of the school system. That is the responsibility of the minister and her officials. But as legislators we are charged with a sacred responsibility to make sure the legislation is as good as it is

humanly possible to devise. I say to all members that we have taken a giant step forward through the introduction and passage of a statutory right to an appropriate education. It will be a sad day if that victory is taken away by the shortsightedness of people here in this assembly today.

Mr. Sweeney: Mr. Chairman, I indicated a few minutes ago that I had what I considered to be three important amendments to this particular section that will parallel some of the amendments I had intended to introduce to the minister's first amendment that has now been withdrawn.

The first one would be to change the word "pupils" in the first line to "children." I have already indicated the reason for doing that. It has been brought to our attention that there are some children in this province, again going back to the minister's opening statement where it says, "All children, exceptionalities notwithstanding—"

The Deputy Chairman: Let me just explain to the House that the amendment was written out, but it was not written heavily enough for the photocopy machine to bring it forward.

Mr. McClellan: Maybe it was invisible ink.

The Deputy Chairman: It is not invisible but very close to invisible. Unless somebody else wants to speak to the minister's original amendment, I am wondering whether we should not rise at this point and let this be properly typed so that all members of the House can see it.

The House recessed at 5:54 p.m.

**APPENDIX**  
(See page 4390)

**ANSWERS TO QUESTIONS  
ON NOTICE PAPER**

**STUDENT AID FOR  
FBA RECIPIENTS**

384. **Mr. R. F. Johnston:** How many FBA recipients attending post-secondary institutions in 1978-79, 1979-80 and in this school year applied for and received or are anticipating receipt of financial aid from OSAP? What were the average levels of assistance per student in each of the school years listed? (Tabled October 28, 1980.)

**Hon. Miss Stephenson:** The number of FBA recipients who received, or are anticipating receipt of financial aid from OSAP: 1978-79, 1,155; 1979-80, 1,756; 1980-81 (as of November 12, 1980), 1,662.

The average levels of OSAP assistance per FBA recipient:

|                   | 1978-79 | 1979-80 | 1980-81<br>(as of<br>November<br>12, 1980) |
|-------------------|---------|---------|--|
| Provincial grants | 1,395   | 1,443   | 1,648                                      |
| Loans             | 2,707   | 857     | 1,859                                      |

**LIEN LEGISLATION**

392. **Mr. Van Horne:** Will the Attorney General provide details of the proposed changes to the Mechanics' Lien Act? How do these proposals intend to provide further protection for the small businessman in the construction industry who is suffering from the misuse of the present legislation? (Tabled November 3, 1980.)

**Hon. Mr. McMurtry:** Before the end of the month, I intend to table in the Legislature a discussion paper on the draft Construction Lien Act. It contains a first draft of legislation designed ultimately to replace the Mechanics' Lien Act.

The draft Construction Lien Act is intended to serve as a model for discussion. The discussion paper invites suggestions from interested individuals or groups with respect to improving the draft legislation. In this connection, I am establishing an advisory committee of experts in the field of

mechanics' liens to review the draft and the suggestions received from the public.

The draft Construction Lien Act contained in the discussion paper completely restructures and rewrites the lien legislation. It makes the major revisions to the lien legislation about which some consensus has been achieved within the industry. It also presents for consideration a number of concepts devised by ministry officials.

The second part of the question in its present form is impossible to answer. Small businessmen can be involved in all stages of the construction industry. The nature of the protection offered by the draft legislation will depend on the relationship of the small businessman to the particular construction project. A small businessman may be the owner of the building or other improvement being made, a general contractor doing renovating work or a subcontractor doing work on a major contract. In each of these cases, the type of protection offered by the draft legislation will be different.

Once members have had an opportunity to review the discussion paper, I will make available for the assistance of any interested member, counsel of the policy development division of the ministry.

**PRIVATE SCHOOLS**

395. **Mr. Grande:** Will the Minister of Education table the latest statistical information regarding enrolment, staff, and courses of study, provided by private schools pursuant to section 15(5) of the Education Act? (Tabled November 4, 1980.)

**Hon. Miss Stephenson:** The latest statistical information for private schools in Ontario is for 1979-80 and is as follows: enrolment, 67,899; teachers full-time, 2,640; teachers part-time, 3,121; teachers total, 5,761.

The Minister of Education supervises only the courses of study in inspected private schools that want to grant the secondary school graduation diploma or the secondary school honour graduation diploma. However, statistics are not gathered on the variety of courses offered in inspected private schools.

## CONTENTS

---

Tuesday, November 18, 1980

|   |      |
|---|------|
| University study, statement by Miss Stephenson .....  | 4373 |
| TVOntario, statement by Mr. Baetz .....   | 4373 |
| Workmen's compensation, statement by Mr. Elgie .....  | 4374 |
| Municipal boundary negotiations legislation, statement by Mr. Wells .....                   | 4375 |
| Halton financial deficit, statement by Mr. Wells .....                                      | 4376 |
| Point of information re tomato processing: Mr. Mancini .....                                | 4377 |
| Day care, questions of Mr. Norton: Mr. S. Smith, Mr. Cassidy .....                          | 4378 |
| St. Michael's College land, questions of Mr. Davis: Mr. S. Smith .....                      | 4379 |
| Disposal of PCBs, questions of Mr. Davis: Mr. Cassidy, Mr. Sargent, Mr. Swart .....         | 4380 |
| Data processing, questions of Mr. Davis: Mr. Cassidy, Mr. Roy .....                         | 4381 |
| Ottawa health clinic, questions of Mr. Davis: Mr. Roy, Mr. Cassidy .....                    | 4382 |
| Sales tax on carpets, questions of Mr. Maeck and Mr. Davis: Mr. Samis .....                 | 4383 |
| Bata strike, question of Mr. Elgie: Mr. O'Neil .....  | 4383 |
| Workmen's compensation, questions of Mr. Elgie: Mr. Lupusella, Mr. Mancini .....            | 4383 |
| Use of American dictionaries, question of Miss Stephenson: Mr. Sweeney .....                | 4384 |
| School fire, question of Miss Stephenson: Mr. Samis .....                                   | 4384 |
| Massey-Ferguson, questions of Mr. Davis and Mr. Grossman: Mr. Nixon, Mr.<br>Makarchuk ..... | 4384 |
| Use of asbestos in schools, questions of Mr. Elgie: Mr. Bounsall .....                      | 4384 |
| Tomato processing, questions of Mr. Henderson: Mr. Cassidy .....                            | 4385 |
| Nursing homes, questions to Mrs. Birch and Mr. Walker: Mr. Bradley .....                    | 4386 |
| Investment companies' failure, questions of Mr. Drea: Mr. M. N. Davison .....               | 4387 |
| Acid rain, questions of Mr. Davis: Mr. Sargent .....  | 4388 |
| Petition re Halton financial deficit: Mr. J. Reed .....                                     | 4389 |
| Petition re annual report, Ministry of Consumer and Commercial Relations: Mr. Bradley ..... | 4389 |
| Report, standing committee on social development: Mr. Gaunt .....                           | 4389 |
| Motion re private members' public business, Mr. Wells, agreed to .....                      | 4389 |
| Municipal Boundary Negotiations Act, Bill 197, Mr. Wells, first reading .....               | 4390 |
| City of Toronto Act, Bill Pr44, Mr. Renwick, first reading .....                            | 4390 |

|   |             |
|---|-------------|
| <b>Gradore Mines Limited Act, Bill Pr49, Mr. Ramsay, first reading .....</b>            | <b>4390</b> |
| <b>Residential Tenancies Amendment Act, Bill 198, Mr. Philip, first reading .....</b>   | <b>4390</b> |
| <b>Tabling answers to questions 384, 392 and 395 on Notice Paper: Mr. Wells .....</b>   | <b>4390</b> |
| <b>Point of order re written questions: Mr. Isaacs .....</b>                            | <b>4390</b> |
| <b>Education Amendment Act, Bill 82, in committee .....</b>                             | <b>4390</b> |
| <b>Recess .....</b>   | <b>4410</b> |
| <b>Appendix: answers to questions on Notice Paper:</b>                                  |             |
| <b>Student aid for FBA recipients, questions of Miss Stephenson: Mr. R. F. Johnston</b> | <b>4411</b> |
| <b>Lien legislation, questions of Mr. McMurtry: Mr. Van Horne .....</b>                 | <b>4411</b> |
| <b>Private schools, question of Miss Stephenson: Mr. Grande .....</b>                   | <b>4411</b> |

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**SPEAKERS IN THIS ISSUE**

---

Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Bradley, J. (St. Catharines L)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Chairman (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Grande, A. (Oakwood NDP)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Laughren, F. (Nickel Belt NDP)  
Lupusella, A. (Dovercourt NDP)  
MacBeth, J. P.; Deputy Chairman (Humber PC)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
McClellan, R. (Bellwoods NDP)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
O'Neil, H. (Quinte L)  
Philip, E. (Etobicoke NDP)  
Pope, Hon. A.; Minister without Portfolio (Cochrane South PC)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Renwick, J. A. (Riverdale NDP)  
Roy, A. J. (Ottawa East L)  
Samis, G. (Cornwall NDP)  
Sargent, E. (Grey-Bruce L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Stong, A. (York Centre L)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)



No. 116

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, November 18, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 18, 1980

The House resumed at 8 p.m.

House in committee of the whole.

## EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 82, An Act to amend the Education Act.

On section 2:

**Mr. Chairman:** Mr. Sweeney moves that the amendment by Hon. Miss Stephenson be further amended by deleting the word "pupils" in the first line and replacing it with "children"; by adding "appropriate" in the third line after "regulation"; by adding "without payment of fees" in the fourth line after "services" and by further adding "and providing for the parents or guardians to appeal the appropriateness of the special education placement."

**Mr. Sweeney:** Mr. Chairman, I would like to explain precisely why I have gone about it in this way. To repeat what I attempted to indicate prior to the dinner recess, some parts of this amendment were contained in an amendment I had to the honourable minister's first amendment, which she withdrew, and I apologize to my colleagues in the House for having created some confusion prior to 6 o'clock.

If I may now explain why I am asking the minister to accept this change to her amendment: I think it is necessary to change the word "pupil" to "children" because it has been drawn to my attention that there are some children in this province who may be in a facility not under the jurisdiction of a school system who would not be defined as pupils according to normal terminology and who may require special education services.

I am quite prepared to hear the minister indicate to me that under the existing section 1 of this bill they may be covered. I felt it was my responsibility to bring it forward as an amendment so we would at least have the opportunity to clarify that those children not under the jurisdiction of the school system, who may be in some kind of an institution, are covered. That is the whole purpose of doing it. I am quite prepared to hear the

minister indicate to me that it may not be necessary, that they are covered in some other way—I will be happy with that. I just want to be sure they are covered, which is why I brought it in.

The minister will be very aware that the word "appropriate" has come up time and time again during our discussions. A number of those concerned about this legislation said the term "special education" may not be enough; we have to be sure it meets the needs of kids. That is the whole intent of using the word "appropriate."

I would draw to the minister's attention that on page three of her amendment to section 7(8), the minister herself uses the term "appropriate special education." I do not believe I am being inconsistent in saying at this time there would be no good reason to be concerned about using the word "appropriate." I realize it may be perceived as an unnecessary duplication but, on the other hand, if there are those who have children and who are concerned about what we are doing, and if this clarifies in a more precise way what we are after, I think the minister will appreciate why I want to put it in.

In terms of "without payment of fees," which is my third amendment, I would direct the minister to her own statement, which I briefly referred to prior to the recess. The concept is simply that it is an educational system supported by the taxation of all citizens. Literally, what I am saying here is, if we find there are some children who for whatever reason have to be educated in a program some place else, the general taxation base should bear that whatever the cost. The individual parent should not be burdened with that problem.

I would also point out to the minister, and I am sure she is already aware of it, that in a subsequent amendment I am going to move that where the board itself, co-operatively with the parent, decides to place the child in some other educational setting, the board pay for it. If we go one step further and the special education tribunal decides the child should be placed in another educational setting, I am going to move an amendment that the minister, for whom the tribunal is

acting, would pay for it. Once again it would be consistent with what will be coming up later.

Finally, the minister will be aware that in the amendment she has withdrawn, I wanted a more precise statement of what she is going to do anyway, that is, to provide for the parents or guardians the right to appeal the appropriateness of the special education placement.

The minister will realize that in the bill, as it now stands, under section 5 there is a reference to the fact that a special education placement can be appealed. The fact the minister has accepted that in committee—

**Hon. Miss Stephenson:** That is section 3.

**Mr. Sweeney:** Thank you. The minister probably will appreciate that I am trying to be, in so far as possible, internally consistent as far as this legislation is concerned. I am trying to draw to the minister's attention that any amendments I propose are consistent with what we have done in other places in the legislation. We passed it in standing committee. The minister supported it. I have not yet seen any amendment that the minister proposes that would eliminate it. I would recommend to her that putting this in this particular section would be consistent.

I do not intend to go on at any great length. What I have tried to indicate to the minister is the four amendments I am proposing. I have attempted to indicate in each case why I believe they are acceptable and consistent with what is done in other parts of the legislation.

**Hon. Miss Stephenson:** May I respond, Mr. Chairman? I should like to respond to the honourable member's proposed amendments. I think I have already stated my concern about the inclusion of the word "children" rather than "pupil" since the age range that is possible within that definition is one that is not entirely consistent with any of the provisions within the Education Act. I recognize the rationale for the inclusion of that word, but I believe the definitions included in section 1 under subsection 20(a) (i), (ii) and (iii) cover all the children in the province.

I do not believe there is anyone who can escape that net at this point because that includes all those children in all kinds of institutions, including nursing homes and homes for special care, where we may not at this point have agreements but will. It includes all those who are considered resident pupils of a board, and all who could enrol with the board although they may not be resident pupils for certain circumstances.

8:10 p.m.

It would not be consistent with the remainder of the Education Act to include the word "children" rather than "pupils." But I do not have any major objection to it if the member feels it is going to cover a circumstance that might arise from some unknown factor that I certainly cannot prognosticate at this point.

I have no difficulty with the word "appropriate." I am told the inclusion of adjectives within legislation tends to be less than productive because there may be a number of interpretations of the word "appropriate" and this may lead to some difficulties in the future. But we know what we are talking about when we talk about an "appropriate" educational program. If we can use our definition of "appropriate," I think that is probably fairly reasonable.

"Without payment of fees" as an inclusion is simply a reinforcement of the current educational philosophy, and that I would certainly accept.

My only question about the member's fourth amendment is that in section 3(2) of the bill, paragraph 5a specifically requires of the minister an action that will develop the procedures to govern the appeals of parents regarding placement, will govern the participation of parents in all the activities that might lead up to a placement, and certainly will define the way in which those appeals should be carried out. Therefore, my question would be whether it needs to be repeated. Does it need to be stated twice within such a short space in the act, or is it more appropriate in section 3?

**Mr. Sweeney:** Mr. Chairman, if I could briefly respond to what the minister has said with respect to the last point, I recognize, and I have already given cognizance to the fact, that the minister has accepted the appeals procedure on page three of the bill as it now stands. But it has been brought to my attention that when it is totally within the regulations, there is some concern by people outside this House that it does not fit all the needs. Since it is the minister's intention to bring it in by regulation anyway in this particular section, it seems to strengthen the statute requirement that in fact the minister do that.

I am quite prepared to understand that the minister in good faith would bring it in. In the same vein, I would say it does not really change anything here. The minister will recall in my opening remarks I made the observation that we are dealing here with a delicate balance between, on the one hand,

trustees and teachers who have to implement this, and, on the other, a very large number of parents who have genuine concerns based upon long experience. Unfortunately, there is nothing we can do about that experience. That is what they are speaking from. That is their perception. If by putting it in this area they have some sense they are better protected in a way in which the minister intends to protect them anyway, I would simply ask the minister to accept it, even if it is probably a duplication.

**Hon. Miss Stephenson:** Mr. Chairman, the only concern I have is that it is repeated within a relatively short period of time in the act, if it is in both places. Which is the most appropriate place in which to put it?

I will make a commitment to this House that the regulations governing this activity will be introduced for the members of the House to see before this bill receives royal assent. We are in the process of working on those regulations at the moment. That mechanism for the active participation of parents in the function of the placement and review committee and the active role of parents in appealing that placement is a regulation activity I have already committed myself to and which will be before the members of the House before the bill receives royal assent.

**Mr. Chairman:** The member for Bellwoods.

**Mr. Sweeney:** Mr. Chairman, if I may—

**Mr. Chairman:** No, order.

**Mr. Sweeney:** Excuse me, Mr. Chairman, I believe the minister has asked a question with respect to my amendment and I would like to—

**Hon. Miss Stephenson:** I did.

**Mr. Chairman:** Order.

**Mr. Sweeney:** Am I in order or out of order?

**Mr. Chairman:** You will have an opportunity. The member for Bellwoods.

**Mr. McClellan:** Thank you, Mr. Chairman, I will not be long but I do want to indicate just how intolerable I find this subamendment.

My colleagues may try to argue that there is no difference between the amendment offered by the honourable minister, as amended by the Liberal Party, and what is currently on the books as passed by the social development committee. There are profound differences and let us not kid ourselves. If we want to water down the rights provision under section 2 of Bill 82, let us have the honesty to stand up and say, "That is what we are doing," because that is the result of the amendment and the subamendment.

Number one, it has eliminated the phrase "unique needs." We are no longer talking about an appropriate public education program that meets the unique needs of children. We are not talking about that any more. We are talking about something entirely different.

Secondly, we are not talking about all children in Ontario any more. We are not talking about all the children in the province. We are simply talking about those who are designated by a local board of education placement committee as exceptional pupils. If people do not see the difference between a statutory provision, which covers all the children of the province, and a statutory provision which simply covers those who are designated exceptional pupils by officers of a board of education, then there is something profoundly wrong with their mental vision.

The amendment and the subamendment include the word "appropriate." Later on, the same people who want to move this amendment and the subamendment want to take out the definition of appropriate from the act. So we have a nice little word in here—"appropriate." Nowhere in the act, if the group here—the Conservatives and the Liberals—has its way, will there be a definition of appropriate. Who are you trying to kid, who are you trying to fool?

I very much hope you are not fooling anybody who is watching this debate. There is the gamesmanship around what "free" means. What does the minister mean by saying there is ambiguity with respect to the word "free." Of course it means no user charge. If that is not sufficiently clear, let somebody move an amendment to Bill 82 that simply spells out the obvious meaning of free, instead of this gamesmanship around words.

What we have in front of us is a substantial backing off from the statutory rights provision in Bill 82, which guarantees to all children in Ontario the right to a free and appropriate education that meets their unique needs. The formulation that the other two parties are attempting to move is profoundly different from that. Let there be no mistake about it whatsoever. Finally, there is the little tag end that the Liberal Party has moved providing for the parents or guardians to appeal the appropriateness of the special education placement. What on earth does that mean? It means absolutely nothing.

The powers of decision in this bill are statutory powers. Let me stress the point again for the third time. It says on the very first page of the bill, "Her Majesty, by and

with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows." The very first thing we enact in this bill is the power of officials of a board of education to decide which children are exceptional pupils and which children are not exceptional pupils. Having made that decision, the same committee decides what kind of a special education program and what kind of special education services those who have been designated exceptional pupils will receive.

8:20 p.m.

Neither of the other two parties is prepared to put forward a genuine appeal procedure and genuine appeal mechanism within the statute itself. A statutory power of decision cannot be met with the kind of vague nonsensical phrase that we have in the subamendment. Appeal procedures against statutory powers of decision cannot be imposed by regulation by the minister or the cabinet. It is us, the Legislature conferring the statutory power of decision, and only this Legislature, that should enact in the statute itself the right of appeal against the decisions exercised under that statutory power.

**Mr. Stong:** Mr. Chairman, in 1976 I introduced a bill calling for mandatory special education. That is exactly what this bill before us purports to do. Let me just speak to the amendment being offered by my colleague from Kitchener-Wilmot.

In the bill passed by the committee the word "free" is included loud and clear. In essence, the word "free" opens a Pandora's box. It represents bad legislation, bad drafting. It would allow any individual to commence litigation that would ask the court to determine whether that person would have to pay his property taxes for education if that could be tested. It is better to have the word "free" deleted from the section completely.

In place of that, my colleague from Kitchener-Wilmot included after that, "without payment of fees." This obviously includes no excess payment over and above what his property taxes would bring him for educational purposes. It also imposes and continues to impose upon the individual his responsibility to the educational system. The word "free" is not desirable and must be removed.

The question of "appropriate" is very important. It is our belief, as expressed this afternoon by members to my left, that the purpose of the bill itself is to meet a need. Until the enactment of this bill, this has not

been a compulsion on the ministry yet the need has existed. We have recognized that need and attempted to do something about meeting it.

I have no problem with the definition or the inclusion of "exceptional children." As my friend from Kitchener-Wilmot defines it, it is desirable to us. I have more faith than my friends to the left in the appeal procedures that will be debated later and in the classification of individual needs of children. I have great faith in those who will be implementing the appeal procedures when we finally enact them.

This afternoon my friends on my left chastised us for flip-flopping. We have not flip-flopped; we have improved on what the minister has proposed. It is good to see the honourable minister is not opposed to what we have included. I would urge upon her that this is the most appropriate spot for enabling legislation in reference to an appeal. It is better here than in some section later on dealing with a procedural or regulatory enactment or enabling part. In fact, an enabling part ought to be included here, in my respectful submission to the minister, as we have done in our amendment.

**Hon. Miss Stephenson:** It could be in both, actually.

**Mr. Stong:** That could be, and we are willing to have it invoked.

**Mr. Foulds:** Mr. Chairman, I rise with a great deal of sadness and an enormous amount of anger. We have before us in the clause, as it is reported to this Legislature from the social development committee, a historic and important clause that actually breaks new ground and establishes the principles that many of us in this Legislature fought for for many years with regard to rights for children who need special education.

There were honourable members of all parties who fought for those rights. The two previous speakers for the Liberal Party, in fact, fought for those rights. I am saddened more than I can say by their retreat and the sophistry we have in the arguments coming from the Liberal Party this evening, and the sophistry involved in the arguments coming from the honourable minister in her amendment earlier this afternoon. Those arguments are simple arguments to save face and they are arguments to weasel out of a legislative commitment to the right to education for kids with special learning needs.

I would like to quote the member for York Centre, who had the courage in 1976 to include in legislative terms the phrase "every

child" in his Education Amendment Act. He added it to the act, not to the regulations, and he did not have faith in the regulators in 1976. He said nothing this evening to show us what has changed his faith in the regulators.

His bill read: "The said act"—that is the Education Act—"is amended by adding thereto the following section: 19a. Every child"—no weaseling, no adjective that modifies that—"of compulsory school age has a right to an education."

That was a clause he could have been proud of. The amendment his colleague has introduced is one he should be ashamed of.

As for the minister's argument that the wording is American, are the Americans such horrible people? Have they not done something occasionally right in legislative terms? Of course they have. They have, in fact, occasionally made some of the best ringing declarations of human freedom this world has heard, and they have embodied some of those principles of freedom in legislation in a very sound and effective way.

The minister argues that the word "children" is not appropriate. Why not? Her argument is specious that it might include children starting at day one to whatever the age of majority is, because the rest of the legislation in the Education Act deals with all those problems.

The minister's arguments might hold water in legislative terms if the government had brought in a special and separate bill that dealt with special education, but it did not. It saw fit to amend the Education Act, the general act we consolidated in 1974. Because it did that, as my colleague the member for Bellwoods indicated earlier, this act embodies the right of the child to be present physically in a classroom. That is the only legislative right we have in Ontario, that children shall have access to education. That is the only legislative guarantee. If we want to guarantee the right of exceptional children to education, that guarantee also has to be embodied in the legislation.

As I ponder this clause and hear the arguments coming from the other corners of the House, I say to myself, as I look at section 2 of the bill as it was reported by the social development committee, what is so horrible about this section? What is there in the section that harms anybody? Is there any harm in the section? Does it harm the children? Does it harm the school board administrators? Does it harm the general public?

8:30 p.m.

I must answer "no" to all those questions. There is no harm in the section. It does make more work for some people or less for others. It makes a lot more work for the teachers in the classrooms, for the administrators of the school boards and for the ministry. But we do not devise legislation for the purpose of the bureaucracies. The bureaucracies are there to serve the needs of the children.

I say to myself, does section 2 do any good as it is in this legislation? I can understand the misgivings many people have. I can understand their uneasiness because there is a precedent set. Thank God we have a precedent once in a while in this Legislature in 1980 when we have such a don't-rock-the-boat kind of legislative program from the William G. Davis government. Thank God we have one or two precedents.

Does it do any good? Yes, it does good. It does an enormous amount of good because it guarantees the right to education for the people we are supposed to be serving as legislators when we deal with the Education Act. Presumably we are supposed to be serving the children of this province who require an education.

We have an opportunity before us this evening which, if the previous speeches are the intentions of the two parties the speakers represent, is a historic opportunity that will be lost. We in this caucus propose to fight with every ounce of our legislative strength so that battle is not lost. If it is lost this evening or during the debate on this legislation, we will fight again and again until we have won the right for kids with learning disabilities, whatever they may be, to have enshrined in legislation the right to a free and appropriate education in this province.

One of the problems, because we are setting a precedent with this clause, is that we are setting out on some uncharted waters. That is what the bureaucrats are afraid of; that is what the Liberal Party is afraid of; that is what the minister is afraid of. It is because we have yet to define all the problems we will face. To be frank, we will never meet all those problems perfectly but, if we do not enshrine in legislation the principle that they should be met, that we have an obligation to meet them and that we must do everything in our power which is humanly possible to meet them, that right will be lost.

It will be a historic moment, a moment of lack of faith, a moment of cowardice that all of us in this Legislature will be ashamed of in future years. It will be an act that the

bureaucrats in the Ministry of Education should also be ashamed of because they should have acquiesced in the Legislature's will as it was expressed by a majority of people on the social development committee and the good that would be done.

The Liberal member for Kitchener-Wilmot says they have a historic memory of having to fight for rights. You bet your sweet life they have a historic memory of having to fight for rights. We must embody in this legislation the principle that parents with kids who need special education should not be made to feel they have to beg for it. They should not be made to feel they are asking for something exceptional for their exceptional children. It should be a matter of right.

It is a rights clause we are talking about here, a good clause that was proposed by the social development committee. It is a clause that may be difficult to implement, I grant you, but given the will and the financial resources from the minister, it could be implemented.

Mr. Chairman, what we have before us from the minister, with a few Band-Aids by the spokesman for the Liberal Party, is a backing away, a shameful retreat, and I will vote against those amendments.

I would hope the Legislature would embody section 2 as it was reported by the social development committee. If the members are so worried about the word "free" being embodied in legislation, I believe my colleague from Bellwoods has an amendment that would strike that word, leaving the integrity of the clause in Bill 82 intact. The member is attacking and weakening the integrity of the clause. The party that has traditionally fought against government by regulation in this Legislature has acquiesced to the Tory move.

I remember time and again in the last six or seven years when the member for Rainy River (Mr. T. P. Reid) attacked regulations in the Crown Timber Act saying they should be embodied in legislation, but when the crunch comes he is willing to give the minister and bureaucrats the right to determine the terms under which a person may appeal a local decision.

Finally, we get back to the point made earlier in the debate: If we are amending the Education Act, we are amending an act that presumably applies to all the people of the province, all the children of the province, and we do not want to balkanize that act. If the minister strikes this clause, she and the members of the Liberal Party know

very well that the amendment before us will be applied unequally throughout the province. Children who are not defined originally by the committee of the board will not have free and total access to the educational rights embodied in the bill.

Mr. Haggerty: Mr. Chairman, I want to address myself particularly to the amendments put forward by my colleague. The member for Port Arthur quoted from Hansard the bill from the member for York Centre. I wish he had quoted almost everything in that amendment to the Education Act, 1974. He is correct when he says it would have guaranteed every child of compulsory school age a right to an education. It also would have required every school board in Ontario to establish special educational programs, particularly for those children suffering from learning disabilities.

Many of the amendments to the Education Act, Bill 82, follow the principle outlined in my colleague's private member's bill. When I read that and look at what has been proposed here by my colleague, I suppose the amendment to it is appropriate in the third line. I see nothing wrong with that. It follows the principle outlined further on in the bill, adding the words, "without payment of fees."

The word "free" perhaps has a double meaning in the sense that "free" means anybody who wants to can have his children in a special educational program. The words "exceptional children" could mean gifted children or children with learning disabilities or other physical disabilities and could be interpreted later on as meaning free education.

Nothing in this world is free, let's not kid ourselves, and my Socialist friend knows that. Somebody eventually is going to pay for it. The intent of the amendment is the same as legislation for any other school children enrolled in the school system in Ontario; the money is raised through municipal taxation and grants from the Ministry of Education. That is the point I want to make.

8:40 p.m.

I interpret that to mean somebody perhaps could come back later and say, "My child gets free education. I do not pay a cent for it." I will tell you, that is going to open the door for all parents of school children in the province to say, "Do I have to pay educational tax if it is free?" This bill says it is free. I suggest to you that my colleague's private member's bill definitely says it should be part of the educational program and the school boards will establish the programs and they will be funded through school taxation.

The best way we have found to educate our children in Ontario is through the portion of the municipal tax base for school purposes and the grant system. I see nothing wrong with the amendment put forward by my colleague. I think it is a reasonable amendment. It just says "without payment of fees," so there is a clear understanding of what the word "free" means in the bill.

If that is left in the bill, you can rest assured it will be a lawyers' field day. If that word is left in there, that is what will happen. Everybody will be going to the courts to argue that there is no cost for education for any children in the province. It would be great to go that way. There would be no municipal taxes for anybody, but I suggest I can see difficulties in this particular area.

For example, in the Niagara Peninsula, there is a program called NTEC, Niagara Training Employment Centre. The students there are considered dropouts from the elementary public school system. They are not accepted in the high school. The way they go about raising the money to carry out that program makes it one of the best programs for retarded, emotionally disturbed children in Ontario. It is a forerunner you might say. It is done through lotteries and fund-raising programs by different clubs and organizations. It is also funded through the Ministry of Community and Social Services, which I disagree with, since it should be funded under the Ministry of Education.

Hopefully, the intent of this bill is that it will be part of the educational system and will be paid for by all taxpayers without this group of people, dedicated as they are, going out and trying to raise funds through lotteries, gambling, or whatever you want to call it.

I suggest it is a good bill, and the amendments put forward by my colleague from Kitchener-Wilmot are reasonable. I hope the minister will accept them.

Mr. M. N. Davison: Mr. Chairman, I feel moved to comment on this con being pulled by the member for Erie. One assumes he has looked carefully at the amendment put forward by his colleague from York, Mississippi, or wherever, which handily deals with five or six items in this section of the bill and in the minister's amendment.

The member for Erie has chosen to focus on only one element as his reason for supporting it, never mind what other damage is done in his colleague's amendment. He has hooked on to the word "free" and has found some objection to it. Through the most incredible sophomoric arguments about having

to support our educational system through lotteries, he has decided he is going to oppose the bill as it was sent back by the social development committee.

What we are really talking about here, and what I think is the most important element in the debate on this section, is the question of sheer power and who it is that is going to make decisions on behalf of the people in the province. Is it going to be the legislative assembly of the province which has been elected as a constituent assembly by all the people in the province, or is it going to be the honourable minister and her friends in the cabinet and her friends in the bureaucracy?

That is what is really at stake. Are we, as legislators, going to go forward and support the position brought forward by the social development committee where the Legislature makes the decisions, and the people elected by everyone in Ontario make the decisions, or are we going to hand over that power to the Minister of Education and her friends?

We have seen the lack of sensitivity that the minister and the Tories have dealt out to kids with special needs over the past number of years in this province. That's what we will be doing if we support the Conservative amendment and the Liberal subamendments.

I want to come back to the question of the words "free" and "without payment" raised by the member for Erie. If that is the honourable member's concern, I would hope the member for Erie would support an amendment that would simply alter those words. We are quite prepared to negotiate something reasonable on that basis. He doesn't have to buy all the items brought forward by his colleagues, if that is his concern. There can be an accommodation on this side. We don't have to turn all the power over to the minister so we can be satisfied with one word.

If the member looks at some of the other things that are in his colleague's amendments he will see some of the problems. The report, as brought back by the social development committee, refers to "all children in Ontario." The minister comes back with an amendment that redefines "all children" very narrowly as "exceptional pupils." Then the Liberal speaker, not to be outdone, redefines it further as "exceptional children" as opposed to "exceptional pupils." The entire Liberal amendment is in that tone and I don't see any reason why we should support it.

I've already mentioned the aspect of the costs but, if we go to the third element, the social development committee reported back the phrase "emphasizes special education programs and services that meet their unique needs." It was talking about the needs of the children. The minister comes back and perverts that into "special education programs and special education services" with absolutely nothing about them being tailored to meet the needs of the kids.

**Hon. Miss Stephenson:** That's in section 1. Does it need to be repeated?

**Mr. M. N. Davison:** Oh, yes. This is the way the minister is going to interpret everything. I can see it now, as the minister and her fuzzy friends sit down to see what they can do by way of interpretation of this bill in the future. The Liberal Party amendment does nothing to rectify that. They don't relate it back to the unique needs of the children. There is no question of tailoring.

I think the real issue here—the money and the unique needs of the kids aside—is the question of power. Are we as legislators going to take the responsibility to establish the parameters and guidelines of this program or are we going to turn it over to the minister?

During the social development committee hearings the Liberals decided they would take the power to themselves as legislators and try to arrive at some kind of process and fashion it in the Legislative Assembly. They fulfilled their responsibility as legislators. Now they are shirking it and handing that power over to the minister. That is wrong and I don't think we can trust the government with that kind of power. We would just welcome abuse, abuse not only of legislation, but abuse of kids who have special needs in this province.

**Mr. Sweeney:** Mr. Chairman, the question was raised a little earlier by the honourable minister as to whether it would be more appropriate to have the reference to an appeal mechanism where it currently is under section 3 of the bill or under section 2. I would say to the minister at this point that in my judgement, and responding to the concern expressed by many parents, it would be more appropriately placed in section 2.

Then without any question we could clearly state that they would have an appeal mechanism available to them at every single stage along the way. Whether their perception is correct or not, there is genuine concern that the first stage—the decision by the placement and review committee of the board—may not, as the act is worded at present,

give them an appeal mechanism at that level. That is not my perception.

However, I would repeat for the minister's benefit that we are genuinely trying to hear what people are saying and to structure this legislation in such a way that it would meet their needs.

8:50 p.m.

I understood the minister to say it made no difference to her whether it was here or in section 3. It would certainly make a difference to others that it be here rather than in section 3. It would more precisely say to them that even at the placement stage—and the minister would notice that I specifically indicated in my amendment the word "placement," which is the first step—they would have the right to appeal that step. Therefore I would prefer to have it in section 2, where the amendment now stands, rather than in section 3.

On that basis, Mr. Chairman, I would once again say that the terms "appropriate" and "without payment of fees" and with the appeal mechanism built into this section of the bill, we are clearly saying to the parents of those children who have had negative experiences in the past that we have heard what they are saying and that we are moving in this legislation to respond to their concerns. For that reason I would ask the minister to support these amendments.

I would go one step further. It was drawn to my attention that I had a slight oversight with respect to the third part of my amendment; that is "without payment of fees." It was suggested to me that "by parents or guardians resident in Ontario" is an appropriate addition to my amendment. I can well understand the need for that and I would certainly go along with that.

So if it is appropriate at this time I would add, under the third part of my amendment, "by parents or guardians resident in Ontario." Surely we are talking about the special education needs of Ontario children. I cannot personally conceive of a situation where it would be other than that, but I appreciate the necessary restriction that we would be placing here and I would support that.

**The Deputy Chairman:** I would ask you again to put that in writing and send it up to me.

**Mr. Cassidy:** Mr. Chairman, I also rise in sorrow over the question of section 2. I am sad because the Minister of Education has not understood what happened over the course of the committee hearings this summer, when what was effectively a bad bill was turned into a good bill because of the



work of the member for Bellwoods and other members of the NDP caucus, when a bill that began as utterly faulty in implementing the principles the honourable minister put forward was changed to put into legislation the principle that the minister had said earlier in the year the government intended to support.

In reality we know the minister was not giving a correct story at the very beginning, and that was demonstrated with this legislation as it came forward. The right to special education for kids in the province was not put into the bill. It was so hemmed around with regulations and the power to make decisions by bureaucrats and so on that the right was not there.

What has happened now, though, is that not only has a Conservative minister decided to try to go back to where she began in terms of watering down the principles of the bill, as contained in section 2, but she is now being joined by the Liberal Party which at one point seemed to be prepared to stand with the principle—which they had said was the principle they subscribed to for many years.

I have here not just one bill but three bills that were presented by the member for York Centre: in 1976, Bill 192; in 1977, Bill 23, and in 1978, Bill 66. That said quite explicitly that the bill he proposed guaranteed to every child of compulsory school age a right to an education, with specific reference to special education. There were no ifs, ands or buts. There were none of the endless qualifications that are being proposed now by the member for Kitchener-Wilmot, the education critic for the Liberal Party.

I took the trouble to go back to the debate we had in June of this year to see exactly what the Liberal spokesperson had to say at that time. There were no qualifications then either. The member for Kitchener-Wilmot said he was pleased with the two basic principles the government said it subscribed to in the legislation. The principles were that every child in the province now has the automatic right to be admitted to a school, and has the automatic right to expect a program meeting his or her special needs to be prepared for him or her—no ifs, ands or buts, no qualifying clauses such as “in accordance with the act and the regulations” which the minister has reinjected into the bill, and the member for Kitchener-Wilmot, on behalf of the Liberal Party, is now prepared to accept. This is where the somersault has taken place.

The government says, “We will make special education a right so long as it is in

accordance with the act and the regulations, and we will define what that is going to be.” The minister says, “Before we get the bill to proclamation, we will let you know what the regulations are going to be.” But certainly she is not going to give to this Legislature the power to determine those regulations. No, she will leave it to her bureaucrats, to her officials, to determine what in their wisdom is going to be correct for the special education needs of kids of the province, whether or not that effectively implements the principles to which this party certainly subscribes.

Back in June the member for Kitchener-Wilmot said the principles of the bill of the member for York Centre were exactly that: Every child has the automatic right to expect that a program meeting his or her special needs will be prepared for him or her. But that is not what is entailed in the Liberal amendment. They backed away from that.

The member for Kitchener-Wilmot said he rejected the principle of exclusion. He said he did not believe there should be an exclusion principle anywhere in the legislation. But as I read it, that is effectively what he is endorsing with the amendment here right now. I want to point out the difference between the positive way we have put the rights of children, in the amendment accepted by the social development committee, and accepted by the Liberal Party at that time through their representatives on the committee downstairs, and what they are rejecting right now.

We say the minister shall ensure that all children, not just some children, should have available to them a free and appropriate public education. We say that for exceptional children education shall emphasize special programs and services that meet their unique needs. We say the rights of exceptional children and their parents and guardians shall be protected, and the minister shall ensure they are protected. The member for Kitchener-Wilmot says it is not a matter of protecting the rights of exceptional children and their parents, it is a matter of giving them an appeal process, whether or not that appeal process is actually going to do the job.

We say positively, “Protect those rights.” They say negatively, “Well, you may have to hammer on the door because you may be excluded, but you are going to have an appeal process that may or may not be effective.” The rights to education that the education critic for the Liberal Party said his party endorsed look pretty sorry by the time the Liberals have diluted them in the amendment we have before us.

**Mr. Nixon:** How are you going to vote? Why don't you quit playing cheap politics?

**Mr. Cassidy:** I am not playing cheap politics. The Liberal Party is playing cheap politics in the province, backing away from the needs of children who should have the right to special education with no ifs, ands, or buts and no qualifications.

Interjections.

**The Deputy Chairman:** Order, please. The member for Ottawa Centre has the floor.

**Mr. Cassidy:** Mr. Chairman, I quote the member for Kitchener-Wilmot who said on June 17, "some word or description that says it is not enough just to have special education; it must be of a particular quality." He said, "Don't just put the words 'special education' in the bill and hope people will understand what that is." Now they reject what we have suggested here, which attempts to respond to the need to define special education and to indicate that the special education program and services provided in the province should be such that they meet the unique needs of kids. God knows there are unique kids and there are unique needs in the province.

9 p.m.

A week ago I had a phone call from a parent in North York who has been fighting bitterly with the North York Board of Education to get education for his seven-year-old child. The child has now been put into a private school with funding from the ministry, but only after a year or a year and a half of desperately anxious fretting by this parent. The parent was educated and had the ability and the resources to fight the system, and in this case perhaps to win. This child is beginning to benefit.

But what the North York Board of Education said was, "We know what is appropriate. We are going to put your child back in the class he was in last year" and that is the appropriateness of what was going to be provided to him. They knew from the experience of the child, they knew from the way the child was acting up, they knew from the way the child was depressed with the education he was getting, but that was not appropriate. Yet that would still be allowed to be continued under what the minister is suggesting, and what the Liberal Party is suggesting here as well.

I look at the kind of loopholes that were left in the Liberal position as early as last June, and God knows, they are driving through them right now. The member for Kitchener-Wilmot said we must not raise

expectations too high. He said it may be difficult to define in certain cases. He was a bit concerned about the question of funding. He also left all sorts of qualifications around what ought to be a basic and unequivocal principle.

This section comes as close to dealing with the whole principle of Bill 82 as any other part of the entire bill. That is why it is so distressing to see the Liberal Party indicating they are now siding with the minister—just using a different set of words—in her efforts to sabotage a bill which in its present form has widespread support from enormous numbers of anguished parents across the province who simply want to ensure that their kids will be able to get the education from which they are going to benefit.

**Mr. J. Reed:** Children.

**Mr. Cassidy:** Call them children or call them kids; I call them kids because I love them, I call them children because they are important. They can use whichever term they want to use. I do not care whether the Liberal Party calls them kids or children. I call the Liberal Party members to stand to the principles they stood for in June and that they stood for in the committee over the course of the summer, and to reject the amendment of the member for Kitchener-Wilmot and to support the bill in its present form and to reject the amendment proposed by the Minister of Education.

**The Deputy Chairman:** Just before we call on the member for Lakeshore (Mr. Lawlor), I now have the amendment proposed by the member for Kitchener-Wilmot.

**Mr. Sweeney** moves that section 2 be amended by deleting "pupils" in the first line and replacing it with "children"; by adding "appropriate" in the third line after "regulation"; by adding "without payment of fees by parents or guardians resident in Ontario" in the fourth line after "services"; by further adding, "and providing for the parents or guardians to appeal the appropriateness of the special education placement." I assume you have got consent to that.

**Mr. Lawlor:** Mr. Chairman, as one of the few members of the House tonight who is totally above the fray, living in some sort of sublimity—objective, unprejudiced with respect to the matter—I find what is going on here ludicrous. As a total outsider to this legislation, having not participated in the obfuscatory processes of the committee or in the initiation of the legislation, but

sitting here and listening to the proposals being made, I have never seen quite the likes of it.

It is incredible that the honourable minister, who is usually a fairly open-minded and good-hearted soul—I am trying to make an appeal to her and would go to any lengths to seduce a minister of the crown—and who pretends on occasion to have modicum of intelligence, has been persuaded in the course of committee hearings by the wisdom, efficacy and equity of a proposal made by an honourable member of this House as to what she is really after, and what the principle of this legislation really is.

She acceded to it, the whole committee bowed to it, but it has been changed in the process. It is an articulation of a central motif. Now she is betraying us, not just by watering it down but washing it out. Standing back from the issue, I have never quite seen it on this scale. Shame on the minister for participating in this particular piece of scuttling.

The member for Kitchener-Waterloo is too much of a scholastic. He parses words too nicely, playing with the word "free." One would concede his wretched "free" in this particular context. He knows as well as I do that the courts construe things contextually. They would not wipe out all municipal taxation. That is just a simulacrum of the desperation he faces in order to bring a minatory position into effect in this legislation. He sells his own cause down the river in the process.

The members still have time to change their minds and I will leave it with them.

**Mr. Bounsall:** I should have my green turtleneck and my cross of nails on tonight. The members may understand.

**Mr. Chairman,** this section is what the entire bill is all about. The rest of the bill just fills in the details as to how we are going to implement what the social development committee put in this section. It is simply the very basic right of parents of exceptional children to have those special education needs met by the boards of education in an appropriate way. This bill is about the right of parents to receive that appropriate education on behalf of their children. The rest of the bill just fills in the details of how to do it.

This is the principle and the guts of this legislation and it is incredible that the honourable minister has decided to withdraw it. This is what it is all about. I cannot understand why the minister fears to give the parents of exceptional children or pupils—it does not matter much—an absolute statutory right to have the unique, special educational

needs of their exceptional children met by special public education appropriate for them. I cannot think of any other reason why she is doing it.

What does the minister fear? If she cares to reply to that, I will defer to her at the moment.

**Hon. Miss Stephenson:** That is exactly what the whole act is all about.

**Mr. Bounsall:** That is what the whole act is all about. If one turns to a corner of the act, one finds principle laid out somewhere. With this section deleted as the minister proposes, there is no phrase one can turn to, to see what it is really all about, while the rest of the bill goes on to implement the details of it.

This section speaks to the meaning of the act as amended by the social development committee. Where does the minister stand in this? What is it that causes her to withdraw this section?

**Hon. Miss Stephenson:** I am not withdrawing anything.

**Mr. Bounsall:** The minister is putting forth an amendment that withdraws the phrase that indicates what the bill is all about, a right in legislation for the special educational needs unique to the particular child or pupil to be met in the most appropriate way. She has taken out the words in the legislation that are really meaningful and left in are the details. She has cut down the forest and all she has left is a bunch of stacked up trees. That is what she is doing when she changes this amendment and I don't understand why.

**9:10 p.m.**

All the other items that are embodied in these discussions of the amendments are trivial in comparison with what we have done here with this rights clause, and the minister, now supported by the Liberals, wishes to get rid of it. The provision for an appeal procedure is covered in section 5. In terms of the way legislation is written, it need only be covered in one place, I agree. Cover it in section 5 of the bill or cover it here; it does not need to be covered twice. If the minister wishes to cover it twice, then let her cover it twice. It is trivial in comparison with the removal of the rights clause.

Children or pupils, one can argue it both ways. I am sure in this party we really don't care very strongly whether it is children or pupils. My colleague from Thunder Bay put it in the right perspective: If this was a separate bill all on its own and not part of the Education Act, probably "pupil" would

be the appropriate word; but it is part of the Education Act, and "children" is used in many places throughout the act. In terms of the act into which it is inserted, whether it is "pupils" or whether it is "children" really does not matter. It is six of one and half a dozen of the other and it is really a case of personal choice.

If the legislative counsel has an argument as to whether one is somewhat better than another, I would listen with interest and take his advice, but I am sure, again, it is a trivial point compared to the principle involved in this part of the bill which the minister is taking out.

With respect to the amendment which the social development committee inserted as the result of the very hard work of the member for Bellwoods to replace in the amendment the word "free" by "without payment of fees," it is probably a better definition. Certainly my colleague from Bellwoods would not be at all upset and would accept an amendment which says, "Children in Ontario have available to them without payment of fees an appropriate public education," et cetera. I am sure that would be perfectly all right because that is a bit more explicit.

I agree with the member for York Centre, who just fell out of the House, on that point that it is probably a lot more appropriate, but these are all trivial matters in terms of what the minister has presented and what she has done. She has taken out of this bill a clear statutory right, now agreed to by the Liberals.

The Liberals in their attitudes are often very clear followers of John Stuart Mill and often their thinking does not go beyond the eighteenth century, but I am sure Mill is flip-flopping in his grave tonight in face of what his followers are doing in this section.

In September 1980 they were for this absolute rights phrase and in November 1980 they are not. That is what the principle is all about. If one wants to write a section in a bill, this is where one puts it—in the bill. One does not put it in the regulations. That is ridiculous and I am sure the minister is not planning to say anything about rights. The word will not appear in the regulations. The minister is not planning to take it out of the bill to put it in the regulations. That would be ridiculous and I am sure she is not going to do it. You just want it out of the bill.

Quite seriously, why? What concern is it of yours? I really cannot see the teachers'

groups in Ontario coming to you and saying, "We fear the right of our children and their parents to come to us as a right and to talk about the special educational needs of the children." I am sure they have not presented that to you. If they have I would be surprised because they so often have been forced into situations in the last four, five, six or seven years of having to stand up for some basic rights of their own. They understand what rights mean. I cannot see any teacher group in the province putting pressure on the minister, or writing long briefs to her or spending long periods of time in her office saying: "We have to get rid of this rights section in the bill. We are afraid of our pupils."

I cannot see that happening. I can see that occurring to some of the boards in Ontario. They would say, "My God, what will happen to us and our poor trustees if all of a sudden parents and children in this province have some right to come to us and demand, because they have the right given to them in legislation, some special education that meets their unique needs?" I can see some of them doing that.

This has been around for two months now. Upon reflection, I cannot see them looking at this, in a sane, rational way at this point of the game, thinking this is what they must do. That might have been the first reaction on the part of some administrators but, in looking at that reaction which they might have had in the first instance, I cannot see them holding that opinion for two months. I cannot see them fearing the parents and the pupils who have these special educational requirements in the province. If they do, I hope I do not live in the jurisdiction of one of those boards, because if a few of them still continue to hold that, they are not serious about meeting the intent of the bill.

Madam Minister, I would really like to know who got to you on this and said to you, in essence, "We must have that statutory right removed." Is it the people in your main administration office? I asked in estimates, if you recall, what is it you do up there? Is this one of the things you do? Do you get all fearful from time to time about putting a rights clause in the legislation?

I can think of much more appropriate things to get paranoid about. I would worry up there that some of the school boards were not going to take up the enthusiasm the minister has shown from time to time about this legislation and were not going to meet the exceptional needs of children. I can see them getting paranoid when you talk to man-

agement board over the years and are not able to get the funds to meet the exceptional needs that show up in the province. But I cannot really see them getting paranoid about granting a statutory right that says, "Look, you simply have the right as children and parents of children to have your unique educational needs met appropriately if you are exceptional children." This is what this is all about. Everything else in the bill pales in comparison to this.

Why have you done this, Madam Minister?

I can understand why the Liberals have done this. They have been nowhere on the amendments to this bill in committee, and for crass political purposes they are trying to carve out some area for themselves in this bill. I can see them doing that. I can see them having been out-scored, out-argued, out-debated and, in terms of placing the amendments, out-legislated. I can see them desperately trying to find a place for themselves in this whole situation by taking the minister's amendment and adding to it everything of a trivial nature they can possibly think of.

9:20 p.m.

Meanwhile they are carefully avoiding the main principle of this whole section; that is, embodying a clear right for pupils and their parents in Ontario. I can see them doing that because that is the way they have always operated. When it comes right down to it, they are never honest about anything. But that is one thing one usually cannot accuse the Conservative government of. One may disagree with the Conservatives in Ontario—

**Mr. Chairman:** Order. I was listening very carefully to the member, and I believe he accused other members of this House of not being honest.

**Mr. Bounsall:** I don't recall exactly what I said, Mr. Chairman, sometimes one gets carried away with—

**Mr. Chairman:** Will the honourable member withdraw that?

**Mr. Bounsall:** If I accused anybody in this House of anything derogatory, I will certainly withdraw it.

**Mr. Chairman:** I understand you withdrew it.

**Mr. Bounsall:** Whatever it was I said, I withdraw.

**Mr. J. Reed:** Everything to this point.

**Mr. Bounsall:** Whatever I said that displeased the Chairman, I withdraw.

In terms of the Conservative Party being a party of principle, I have never been in much

doubt of that. I may disagree with the principle, and rather heatedly at times, but I know they have taken the position from a principled point. My real question to the minister at this point is what has happened to their principles on this one?

What is it that the Conservative Party, through this minister, finds so repugnant about granting what should be a very obvious right? I really can't understand why they would give way on this one or what it is the minister or the ministry fears. I really don't think the minister—

**Hon. Miss Stephenson:** Nobody is afraid.

**Mr. Bounsall:** Explain it, please. Let the minister explain why she has cut the real guts out of this bill in terms of the principle. This is where we state it, and this is where they do not want it. They do not want it in the bill at all.

I would be pleased if the minister could tell me precisely why she, by going to all the trouble of making this amendment, does not want to have in the amendment to the Education Act a clause which very simply and very clearly gives the right to parents of pupils or children who have a special educational need to have that need met appropriately. What is wrong with that? Why is it that she cannot tolerate that? Why is it they have gone to such great lengths to ensure that the Liberals will support them on this? That's something I would really like to know.

**Mr. Grande:** Mr. Chairman, I'm not going to take a long time. I do not intend to repeat a lot of what my colleagues on this side of the House have already stated. I will not say they have done a flip-flop. I will say they have done a back flip, a 180-degree turn.

I would like to say to the Liberal critic for education, with whom I have on occasion in the past two to three weeks shared the same platform, that if he really, truly believes this amendment is going to make any difference to this bill—that it is going to give those parents who have written him letters in the last two or three weeks asking him to water down this section of the bill—if he feels this is not a watering down of that section of the bill, then I must say to him, with due respect, with all his background in education, he had better go back to school.

I want to quote what the Liberal education critic said in the social development committee, "I cannot find anything serious to object to in this amendment." We are talking about the rights amendment. At the end of his very short speech he said, "So unless the minister or one of her officials can indicate

what would be wrong with this, I would be inclined to support it." Obviously, at that particular time, the minister and her officials in the social development committee did not produce the evidence necessary for the Liberal critic to say, "I should not be supporting this amendment and this bill."

Between September 30 and tonight, the government somehow has produced that evidence for the Liberal member. I am sorry to say that tonight the Liberals are participating with the Conservatives in this province to deny rights to children who need special education, programs and services—

**Hon. Miss Stephenson:** That is balderdash.

**Mr. Stong:** You know that is wrong. You know it.

**Mr. Grande:** Thousands of parents in this province have gone to every extreme possible in the past 10 or 15 years to find an adequate program for their kids, including the private sector, because the minister has pushed them to the private sector in this particular area in order to find an adequate program for their kids. The minister has pushed these parents to go to the social assistance board to try to get some money in order to procure an education for their kids—an education which, in 1980, we should not be debating is a right.

**Hon. Miss Stephenson:** What are you talking about? The logic escapes me. Why should they be pushed to the private sector about this?

**Mr. Grande:** The reason the logic escapes the minister is exactly the reason why she is watering down this amendment.

**Hon. Miss Stephenson:** I am not watering it down.

**Mr. Grande:** The minister has never understood that logic. She has never understood the plight of parents who have not been able to get a special education program in their province.

**Mr. Chairman:** Order? Would the member for Oakwood speak to the amendment?

**Mr. Grande:** That is exactly what I am doing.

Let me say to you, Mr. Chairman, when the initial bill was presented in this Legislature the Ontario Association for Children with Learning Disabilities issued a statement saying "Special act amendment a tiger with no teeth." We worked in good faith on the social development committee. At least on this side of the House we worked in good faith with the Liberals and Conservatives in that committee to try to bring about the best possible bill that we, as legislators, could. I think we succeeded in doing that.

Tonight the minister, with the help of the Liberals, is taking the teeth out of that bill once again. My friend from Windsor wanted an explanation from the minister. Let me assume an explanation, and that is that Tories in Ontario have never been interested in giving rights to people. People have always had to scream and yell. When the time comes that it is politically attractive for that to be granted, it is granted.

9:30 p.m.

Some members have said they are saddened by what has happened here tonight. Frankly, Mr. Chairman, I am not only sad, I am angry. I am angry with the flip-flop of those people on that side of the House. I am angry with the people on the opposite side of the House, because they are the people who continuously deny rights to children with learning disabilities. Perhaps there is no way to salvage this amendment, but let me inform the Liberals about that amendment they put giving the government the opportunity or the ability to set up some kind of appeal procedure, there is already an appeal procedure when we get to section 9. However, that appeal procedure will deal only with—

**Mr. Chairman:** Order. Would the honourable member return to the amendment? The appeal comes later in the bill.

**Mr. Grande:** Mr. Chairman, I thought I was speaking to the subamendment the Liberals have put on the floor. That talks about an appeal. That is what I was referring to.

In essence, what that accomplishes is virtually nothing because the minister herself has said that in the last year only two children in the province have been excluded from attending a school. That is the only right the children have now in Ontario, the right to attend a school, a right to be physically present in the school, a right to a desk in school. There is no right to quality education in our schools. There is no right to programs that meet the unique needs of those kids. If you do not understand that, and if you do not understand that this bill does not give those children the appropriate education which they require and must have, the expenses somewhere down the road to the public purse are going to be much greater if we do not deal with those problems when the children are in the school system. We are going to pay a lot more if you want to think in terms of dollars, in terms of money, than you would be paying by making sure the children get an appropriate education.

Mr. Chairman, I think I have done enough. I think I understand where the Conservative Party stands on this issue. I don't understand where the Liberals are. In the five years I have been here, I have never been able to understand where the Liberals are

**Mr. Roy:** Mr. Chairman, I have been listening since eight o'clock to the debate—

**Mr. Bradley:** Sanctimony from the left.

**Mr. Roy:** —as one of my colleagues says, sanctimony from the members to my left. I have read the original proposal in the bill as amended by the social development committee, I have read the amendment as proposed by the minister, I have also read closely the subamendments by my colleague, the member for Kitchener-Wilmot (Mr. Sweeney), and I think it is important that things be put into some sort of perspective.

I am amazed to listen to speaker after speaker from the NDP talk about two of my colleagues, the member for Kitchener-Wilmot and the member for York Centre (Mr. Stong), people who have had an interest in this matter, whose motives are beyond question, whose sincerity and knowledge of the subject matter is something I would rely on by far. I would put far more emphasis on their judgement than on that of some of my colleagues to the left, but these members are portrayed by some of our colleagues to the left—one of them went so far as to suggest a question of honesty—as somehow having ulterior motives to take away the very principle of the bill which is to give special education to exceptional pupils.

This kind of rubbish comes from people whose background is teaching. I look at the member for Port Arthur (Mr. Foulds) who made a long-winded, passionate speech about how my colleagues had betrayed by this amendment, or how the Minister of Education had betrayed by her amendment, the very principle in this bill. I looked back and I tried to think—I read it again and tried to see—what it is about this process that has so stirred this enthusiasm on the part of the NDP and tends to misconstrue the whole purpose of the proposition, the amendments put forward by other members in this House.

This is from people who were school-teachers. I have to wonder what motivates these people. Even the leader of the NDP got up at one point and again mentioned the fact that my colleague the member for Kitchener-Wilmot talked about how he was in favour of the principle of the bill. Of course we are when we are talking about

general principles. But when we are drafting legislation sometimes wording has to be changed. It has been my experience in this House, if I am going to rely on legislative interpretation, if I am going to rely on someone drafting legislation, I have known from the past not to rely on my colleagues to my left. This is from long-standing experience—

**Mr. Cassidy:** On a point of order, Mr. Chairman—

**Mr. Roy:** The member for Ottawa Centre, Mr. Chairman—

**The Deputy Chairman:** He says he has a point of order. I will listen to it.

**Mr. Roy:** I am convinced you will rule against him. I will bet you on that.

**The Deputy Chairman:** I would like to hear it.

**Mr. Cassidy:** I just hate to see the member for Ottawa East castigating his own members on the committee who were prepared to accept the NDP's amendment a few months ago. Now he is repudiating them. While I am on my feet, I will just say I wish the electors in Carleton would see that a principle is not a principle of the Liberal Party when it comes to this Legislature.

**The Deputy Chairman:** The member for Ottawa East won his bet.

**Mr. Roy:** Mr. Chairman, do I have to emphasize my point any longer? Has he not just made it? He is confused, poor man. He has been here since 1971 and he does not even know the rules of this House. But he is going to tell us what type of legislation is going to protect exceptional children in this province.

We have heard rubbish from one member and the other. We started with the member for Port Arthur, then the member for Ottawa Centre. As I have said many times, the minute the member for Ottawa Centre takes a particular position there is an onus on this side to go the opposite way, and nine out of 10 times we are right on.

The process went on. My colleague the member for Lakeshore (Mr. Lawlor) is a nice fellow, but he has been away from the law books and the courts far too long.

9:40 p.m.

Then we move on to dear Mr. Bounsell. He is the one who is going to straighten us out on the needs of exceptional pupils or children here in Ontario. We are going to get it from him. I sat for months with that man on the committee dealing with family law. I think you were on that committee

yourself, Mr. Chairman. My God, think of the mess we would have here today had we accepted his amendments.

**Mr. Foulds:** On a point of order, Mr. Chairman: A few moments ago, the previous chairman of this committee indicated to one of the members of this Legislature that he should withdraw remarks directed towards other members. I suggest that the present speaker for the Liberal Party, such as he is, is imputing motives to my colleagues in the New Democratic Party. Surely this is against the rules of the House? It is particularly inappropriate for that member, who has said he prides himself on knowing the rules, to be abusing and contravening those rules.

**The Deputy Chairman:** The Chairman has been listening. It has been a little difficult for the Chairman to listen to everything tonight, but I have been listening and nothing that was said offended me to the extent where I thought it should be withdrawn.

**Mr. Bounsall:** On a point of privilege, Mr. Chairman: I almost brought in the matrimonial property law bill as an example in this debate. We did have a good clause in principle in that bill that we should have in this bill. I am very proud of anything I ever said and any stand I ever took on that matrimonial property law bill. If we did not have the fuzzy thinking of the member of the Liberal Party who last spoke, we would have had a decent bill in Ontario.

**The Deputy Chairman:** I wonder if we may now return to section 2 of Bill 82.

**Mr. Roy:** Mr. Chairman, do you think I am hitting close to the bone when these characters start getting up and interrupting on points of order about imputing motives? What motives could I impute? The only motives of you people I impute are ignorance and political posturing. Those are the motives I impute.

**Mr. Foulds:** On a point of order, Mr. Chairman: That remark should be withdrawn.

**Mr. Roy:** My God, Mr. Chairman, we would be apologizing all the time if we had to withdraw accusations of ignorance.

**The Deputy Chairman:** The word ignorance does offend me. However, I would ask you to keep to Bill 82, section 2. That is what we are on. Let us forget about the other members of the House, because I think a lot of them have forgotten us.

**Mr. Roy:** Mr. Chairman, if I may complete my remarks, we have the tirade and the posturing going on from one member to the next. I look at the amendment proposed by

my colleague the member for Kitchener-Wilmot. What is the terrible man doing that is so undermining the very principle of the amendment proposed by the Minister of Education; that is undermining the whole principle of this act? In one line he is changing the word "pupil" to "children." It is terrible that he should be doing that. It is extremely offensive that he should be doing that. It is so underhanded that he should be proceeding so directly to undermine the very principle of this bill.

In the next step, he is adding the word "appropriate." The member for Bellwoods said: "That is terrible, adding the word appropriate. It should be defined." We are going to be defining every word in this act if we start defining "appropriate." Why do we not define the words "reasonable" or "minister"? We should define everything in the act. I know I have limited knowledge of the English language but are we going to start defining words such as "appropriate"?

They are annoyed because he changes the word "free" to "without payment of fees." Is that the change that is made? That is a terrible amendment as well. It is extremely offensive and, again, the man has betrayed the principles he stated on second reading of this legislation.

Finally, he sets up an appeal mechanism in this section and that is, I suppose, the worst and most underhanded move of all.

**Mr. Nixon:** The NDP is going to vote against that

**Mr. Roy:** Exactly. Finally, that is the key, that is what the NDP has been so annoyed about. It is because my colleagues in the Liberal Party have taken the initiative, something the NDP forgot about. Maybe at some point when talking about special education for exceptional pupils, people may have differing views as to what is appropriate, so they set up an appeal mechanism. I would have thought the NDP would think about something like that. That is why they are so—

**Mr. McClellan:** On a point of order, Mr. Chairman—

**The Deputy Chairman:** I will listen to this point of order.

**Mr. McClellan:** The point of order is brief. It is obvious the member has never read the bill. If he had, he would see in section 7 the appeal procedure which was introduced in committee and supported by his own colleagues. I rise simply to correct the invincible ignorance of the member.

**The Deputy Chairman:** I realize the word "appropriate" is defined in section 7, but that is not a point of order.



**Mr. Roy:** I am talking about the appeal process as proposed by my colleague. It has the NDP so annoyed one can come to only one conclusion: When the NDP cannot take the initiative about a bright idea, when it cannot take credit for something, it starts doing what is called political posturing. I heard the leader of the NDP say, "I love children," as though he is the only one in the province who loves children or cares about them. My God, that has to be your motto in the next election, "We are the only ones who love children."

What rubbish we have heard this evening. When it comes to sincerity and caring about children with special problems and about education, I would just as soon rely on my colleague from Kitchener-Wilmot.

**Mr. Isaacs:** Mr. Chairman, I was moved to participate in the debate on this subamendment by the member for Erie (Mr. Haggerty) who started talking about the relationship between property taxes and free education in this province. I wonder where the Liberal Party stands on that.

Since then, I have heard quite a number of contributions that have talked about the relative merits of positions taken by both sides. None of those contributions have been as telling as the interjections from Liberal Party members which have indicated to me this subamendment is a compromise. When it comes to providing the best possible education for all the children of this province, I will not accept any compromise. I want to say to the member for Kitchener-Wilmot that I understand—

**Mr. Van Horne:** Let's talk about what's best for the kids.

**Mr. Isaacs:** Get serious about education, I ask you. I want to say to the member for Kitchener-Wilmot who moved this subamendment that, if I understand correctly, he indicated to a member from the Hamilton-Wentworth chapter of the Ontario Association for Children with Learning Disabilities just a few days ago by telephone—and that person may be in the gallery this evening—that he would not accept any amendment which weakened this bill in any way and if such an amendment came forward and he was forced to vote on that amendment he would resign. I call the member for Kitchener-Wilmot to make good on that promise and to resign as a result of his plan to weaken this bill here tonight.

9:50 p.m.

**Mr. Chairman,** I think we should look at the subamendment before us with regard to some of the comments made by some of the

lawyers and some of the barrack-room lawyers who have spoken on this tonight. Right out, the subamendment suggests we change "exceptional pupil" to "exceptional children."

We have talked about the definition of terms within the act. We have talked about how, if we do not define things properly, everybody might get sued in court. I suggest that "exceptional pupil" is at least defined in the act where "exceptional children" is not defined in the act.

We have talked about adding the word "appropriate" to the term "special education." Yet we have not properly defined, in this section, how "appropriate" is to be determined. We talked in vague terms about an appeal without specifying here how that appeal process is to work.

We have talked about "without payment of fees" as being better than "free." My colleague the member for Bellwoods has indicated we are prepared to talk about that word "free" if, indeed, there is good legal advice that it causes a problem. But, Mr. Chairman, the citizens of this province believe they have a right to free education for the children of this province. I suggest that today that belief is incorrect. But if this bill is passed without the amendment the minister has moved, and without the Liberal subamendment, for the first time the children of this province will be guaranteed a free education regardless of their situation.

It is about time we stop putting children into categories; time we stop saying, "These children need special education, these children do not," and dealing with things in that kind of partitioned way. It is about time we had in our Education Act a statement which says the minister shall ensure all children in Ontario have available to them a free and appropriate public education. Anything less than that commitment from this Legislature is totally and utterly unacceptable.

**Hon. Miss Stephenson:** Mr. Chairman, if I may, I should like to comment briefly. For the past hour and a half our ears have been assailed by the greatest collection of hyperbolic, hyperaemic, hypercholeriac hypocrisy from that side of the House that I have ever heard in my life related to this section.

No rights are being defiled. No rights are being removed. This section of the act specifically defines the responsibility of the Ministry of Education, the boards of education and the educational system to provide programs for all exceptional children in this province. There is no question about it. There is no question that is the purpose of this bill, and there is no question that is the intent

of the amendments that have been introduced.

**Mr. Foulds:** Why are you watering down the sections?

**Hon. Miss Stephenson:** There is no watering down. The vision of that party is indeed myopic. It really requires some correction at this point. It is inappropriate for members of that party to make the kinds of remarks that have been made—

**Mr. Van Horne:** Which party?

**Hon. Miss Stephenson:** The New Democratic Party, about other members in this House.

**Mr. Foulds:** On a point of grammar—

**Hon. Miss Stephenson:** The members of the New Democratic Party—

**The Deputy Chairman:** Order. Will the member for Port Arthur please be seated? There is no such thing as a point of grammar.

**Hon. Miss Stephenson:** I would be delighted to tell members that my children call the party the party of the knee-deepers. I will leave them to decide what they are knee-deep in.

There is no doubt in my mind that the amendments which have been provided will provide the framework for the responsibility—because this is responsibility legislation—to be delivered on behalf of all the exceptional children in this province. I believe the sub-amendments which have been provided are indeed appropriate as well. Therefore, we are in support of those subamendments.

10 p.m.

The committee divided on Mr. Sweeney's amendment to the amendment to section 2, which was agreed to on the following vote:  
Ayes 62; nays 29.

The committee divided on Hon. Miss Stephenson's amendment, as amended, which was agreed to on the following vote:

Ayes 62, nays 29.

**Mr. Warner:** On a point of order, Mr. Chairman, when the division bells ring they should be ringing in all the members' offices. In the north wing on the fourth floor, the division bells were not ringing. I would request the chair direct that repairs be made so the division bells can be heard in all the north wing.

**Mr. Chairman:** I will bring that to the attention of the Speaker.

The committee divided on whether section 2, as amended, should stand as part of the bill, which was agreed to on the following vote:

Ayes 62, nays 29.

On motion by Hon. Mr. Wells, the committee of the whole House reported progress.

#### SPEAKER'S WARRANTS

**Mr. Speaker:** I would like to advise the House that in accordance with the authority given me by an order of the House passed on October 28, 1980, I have today issued warrants for certain documents requested by the select committee on plant shutdowns and employee adjustment.

The House adjourned at 10:30 p.m.

## CONTENTS

---

Tuesday, November 18, 1980

|  |      |
|--|------|
| Education Amendment Act, Bill 82, in committee ..... | 4417 |
| Adjournment .....                                    | 4434 |

## SPEAKERS IN THIS ISSUE

---

Bounsall, E. J. (Windsor-Sandwich NDP)  
 Bradley, J. (St. Catharines L)  
 Cassidy, M. (Ottawa Centre NDP)  
 Davison, M. N. (Hamilton Centre NDP)  
 Edighoffer, H.; Chairman (Perth L)  
 Foulds, J. F. (Port Arthur NDP)  
 Grande, A. (Oakwood NDP)  
 Haggerty, R. (Erie L)  
 Isaacs, C. (Wentworth NDP)  
 Lawlor, P. D. (Lakeshore NDP)  
 MacBeth, J. P.; Deputy Chairman (Humber PC)  
 McClellan, R. (Bellwoods NDP)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Reed, J. (Halton-Burlington L)  
 Roy, A. J. (Ottawa East L)  
 Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
 (York Mills PC)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Stong, A. (York Centre L)  
 Sweeney, J. (Kitchener-Wilmot L)  
 Van Horne, R. (London North L)  
 Warner, D. (Scarborough-Ellesmere NDP)









# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 20, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 20, 1980

The House met at 2:02 p.m.

Prayers.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. McCague:** Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**Mr. Speaker:** John B. Aird, the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1981, and recommends them to the Legislative Assembly, Toronto, November 20, 1980.

## REPORT IN TORONTO SUN

**Mr. Williams:** Mr. Speaker, I rise on a point of personal privilege involving the defamation of my character.

I have been serving in public life for 17 years. I have come to appreciate and understand the political process. I have won political battles; I have lost political battles. I have worked in my community to serve my constituents to the best of my ability. I have had debates with my colleagues in municipal council and in this Legislature. I have had open and fair discussions, disagreements and agreements with constituents at public meetings and in other places.

I have derived a great deal of satisfaction out of being able to serve in this capacity, notwithstanding that, being in public office, one sometimes has to expect to take slings and arrows and abuses. One learns to live with those and accepts them, save with one exception.

The one exception of fundamental importance to me is that at no time during my public life would I permit a person or a group of individuals to malign me at any time or to endeavour through false statements or actions to lower the esteem in which I am held in my community by my peers, by my family and by my constituents. While I was a member of the municipal council of North York I had the unfortunate experience of being maliciously libelled by the Toronto Globe and Mail. It gave me

cause to initiate a libel and slander action, the result of which was that a public apology was made in that newspaper to myself and to my family.

On Tuesday of this week I learned that on Thursday, November 13, I was libelled in this Legislature. You may recall that on that occasion I had a resolution before this Legislature dealing with the request to limit and to better control the proliferation and indiscriminate location of adult entertainment parlours throughout the province. At that time I indicated that while this province had taken great initiatives through this government in endeavouring to bring about these controls, more could and should be done.

During the course of that debate, I learned subsequently on Tuesday of this week, one of two members of this Legislature, with intent, with calculated purpose and with malice aforethought, sent a note, a written statement to a member of the press. It was the member for Rainy River (Mr. T. P. Reid) or the member for Wentworth North (Mr. Cunningham) who sent a note to a reporter for the Toronto Sun, Mr. David Oved, maliciously alleging I had danced with a striptease artist in a strip joint in a cocktail lounge in Washington, DC, in 1976.

That libel was designed specifically to impugn my integrity. It was designed to induce that newspaper to publish a libel against me. That libel was followed this week by a slander perpetrated by both of those gentlemen through slurs and innuendoes in a statement they made to the same reporter for that newspaper.

2:10 p.m.

I have two further things to say, but first I am going to demand here and now a full apology from the member for Rainy River and the member for Wentworth North. I will accept nothing less. If that is not forthcoming, I have two further matters to discuss.

**Mr. T. P. Reid:** Mr. Speaker, I presume it is on a point of privilege the member for Oriole has risen. It is one of the few times in my life that I have seen somebody die of self-inflicted wounds.

The honourable member has accused me and another member of libel. He started out

his statement by saying it was either/or and wound up his statement by demanding an apology from both of us. I would think that as a lawyer and somebody who is intimately involved in this particular process, he might be a little more careful about his legalities and the way he approaches the matter.

I stand before this House to deny categorically that I sent any note to any reporter in the press gallery in relation to the incident the member has put forward to the House. I did not seek out any reporter and speak to him. That has never been my political style. We will beat the members over there by better policies, better government and better candidates and all the regular operations of the democratic process.

I feel now that my integrity has been impugned by the member, who has accused me and another member, and that member can speak for himself, but my integrity has been impugned in the very way that the member says his was impugned. I think he should have been a little more aware of the facts and done a little more research before he made that statement, which has slandered and libelled me in this House and before the people of Ontario.

To my mind, I read the article with some amusement, if nothing else. I think it is being blown out of all proportion. But I would repeat that I sent no message or letter, nor initiated any telephone conversation or any kind of suggestion with any member of the press in regard to this incident.

**Hon. Miss Stephenson:** What did you say to the reporter?

**Mr. T. P. Reid:** I said, and I believe I was quoted in that article, that I was not prepared to say anything about the matter because "none of us is squeaky clean." That is the quote I made to that particular reporter after he approached me. I did not approach him; I did not send any letter. I understand the member for Oriole was subsequently approached and spoke to that particular reporter.

**Hon. Miss Stephenson:** But you are one of those quoted, though?

**Mr. T. P. Reid:** In that phrase that I have just put forward.

I say to you, Mr. Speaker, I feel my integrity has been impugned. The member has suggested I tried to seek out a reporter to give him this story, if that is what it was. I categorically reject that. I deny it. I stand in my place to demand a full apology from that member.

**Mr. Williams:** Mr. Speaker, as I indicated, I stand by what I said, that both of the gentlemen in question slandered me. There were two individuals involved and only two. The newspaper article, and I will quote it, states: "The first guy I see is John Williams," one of the MPPs remembered. "I would have given \$100 for a camera that day." That is what one of the members said. It was either the member for Rainy River or the member for Wentworth North, because the other MPP said: "Williams seemed to be enjoying himself. It wasn't a classy place." If that is not a slur and an innuendo, that is slander.

I will make two further points. When I became aware of this matter, I walked over to the member for Brant-Oxford-Norfolk (Mr. Nixon) because I saw that he, the ever-smiling member for Ottawa East (Mr. Roy) and their leader were having some satisfaction and enjoyment out of the fact this matter was about to become public knowledge. I think the member for Ottawa East was pointing a naughty finger at Mr. Oved up in the press gallery at the time.

I approached the member for Brant-Oxford-Norfolk, for whom I have had, up to this point, the greatest of respect, and I asked him if his party would consider what it was doing in stooping to this new low, in condoning, with the knowledge of that caucus, that type of sleazy cheap action, which impugns the integrity not only of the Liberal caucus but of the whole of this Legislature. What I got from the member was a "Well" and a shrug.

I would have assumed these gentlemen at least, in the front ranks of the Liberal caucus, would have had the integrity to speak to those less-principled members of their caucus who had perpetrated this libel and slander. I am asking in the name of decency that the member for Brant-Oxford-Norfolk, his leader and the member for Ottawa East, together with the members for Rainy River and Wentworth, reconsider their position.

I will rise in this House after the votes this afternoon, in continuation of my point of privilege, to determine whether an apology is forthcoming. If it is not, I will be proceeding with a libel and slander action against the two named members for Rainy River and Wentworth North.

**Hon. Mr. Gregory:** Mr. Speaker, I feel I must rise on this particular issue. I was the chairman of the select committee on highway transportation and was, I suppose, in charge of the committee's trip to Washington.

I, too, read the article in question with some shock and also discussed the matter with the Liberal House leader as to the actions taken by one of two members of the Liberal Party. I find it very shocking that members of this Legislature could resort to this type of tactic. As the member for Rainy River stated earlier, the Liberal Party is content to depend on its good policies to beat this government. It certainly is not depending on its good character in this case. It certainly is not demonstrating it.

I regret very much that a committee of which I was chairman, which to this point has deserved and earned a good reputation and presented an excellent report that has been well used, has to be tarnished by this type of action because of irresponsibility on the part of the opposition.

**Mr. Nixon:** Mr. Speaker, I really must respond very briefly by simply indicating to you that I know of nothing that requires an apology, and there will not be an apology. The member for Oriole indicates his extra-sensory perception somehow in knowing what is in the minds of the people across here. If he is so sensitive that he thinks we are laughing at him, I suppose occasionally he is correct.

**Mr. T. P. Reid:** We have laughed at the member for Oriole for years.

**Mr. Speaker:** Order. The member for Oriole has risen on what he alleges to be a breach of his privileges as a member of the House by one or more other members of this House. He has made very serious allegations and used very strong language in bringing it to the attention of the House. I think it only fair that I give the other member to whom the accusations were directed an opportunity to respond. Having done that, I will judge the information to see whether there is a prima facie case.

2:20 p.m.

## ORAL QUESTIONS

### MASSEY-FERGUSON, WHITE MOTOR CORPORATION

**Mr. Nixon:** Mr. Speaker, I would like to put a question to the Minister of Industry and Tourism pertaining to the farm implement manufacture industry in Ontario but particularly in Brantford and Toronto.

Can he confirm that the principal new investor in the Massey-Ferguson situation has publicly withdrawn and that there is no new investor in sight, which means the

Massey-Ferguson situation has rapidly been downgraded to the point where we must once again look for new government initiatives to save the company? In the same connection, will he report to the House on the situation involving the White Motor Corporation, where the parent company has been purchased in the United States and the American purchaser has indicated it will not purchase the Canadian subsidiary because it is in receivership?

**Hon. Mr. Crossman:** Mr. Speaker, with regard to the Massey-Ferguson portion of the question, I would report to the honourable member that discussions are still going on between Massey-Ferguson and several potential and, I believe, fairly serious Canadian purchasers of the company. Also, Massey-Ferguson has had a great deal of success in convincing its international and Canadian investors to stay with the company. In other words, they are leaving their money in, they are continuing to extend credit in order that the company may continue to operate, and their suppliers are keeping them in a situation in which the current financial viability of the company remains intact.

With regard to the White situation, the White Motor Corporation of the United States, which was also in what is referred to as chapter 11 receivership, has now been purchased by an American corporation. In buying the shares of the White Motor Corporation, they buy the Canadian shares owned by White USA and the Canadian assets.

The purchaser has not yet filed an application to the Foreign Investment Review Agency, which will be our first indication and, perhaps more accurately, the clear and final indication with regard to what the purchaser of the White Motor Corporation intends to do with regard to the Canadian assets. I would hope that at the very least we would see a FIRA application come through. That would be some indication that there is at least that minimum position; that is, though it will continue to be foreign-owned, the people will be able to go back to work at a newly financed and repurchased White Motor Corporation.

**Mr. Nixon:** Since the continuing uncertainty in this matter is having a very serious effect on the confidence that farmers and consumers have in the two companies, and particularly if there is some indication they will not be in business perhaps this time a year from now, does the minister not feel he should make a firmer statement in

support of the government policy to keep both operations in progress? Would he not agree it is not enough to say that Massey-Ferguson's current viability is not interfered with, when there is every reason to believe its current viability will lead it to a cessation of business unless there is some new money involved?

**Hon. Mr. Crossman:** I do not think there is any secret about the fact that unless a substantial reinvestment package—that is, one of many hundreds of millions of dollars—is put together for Massey-Ferguson, the company is going to be unable to make it. It is important that Massey-Ferguson's creditors have enough confidence in the company to have left their money in it. They are aware of the fact that, as time goes on, Massey-Ferguson is not making a profit each month—in fact, it is expected to continue to lose some money—but those creditors, who are currently in a position in which their money is at risk, are prepared to leave their money at risk rather than foreclose on the company and put it into receivership.

Those creditors who are in a good position to know everything there is to know about the company are obviously satisfied that enough progress is being made that it is safe to leave their money invested and, as it were, "at risk" in the company. I think that is an important signal that those who are most familiar with the company are sticking with the company.

I suggest no further statement needs to be made at this time with regard to the government's willingness to participate in the necessary package, because we have already indicated both at federal and provincial levels the degree to which we are prepared to participate.

I do not want to attest to the accuracy of these figures, but going on the publicly talked about figures, which are in the area of \$600 to \$700 million, the federal and provincial packages would amount to about \$150 million. That is the ball park talked about in the discussions. That means the governments are substantially committed to a large portion of the refinancing. I think 25 per cent is a fairly large portion and indicates we will do anything practical and necessary if it appears it is appropriate to do that to save the company.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: Can the minister indicate at this time whether continuous consultations are going on with the federal government to ensure that, if there is a need to change the govern-

ment package for Massey-Ferguson, he is prepared to make that change?

Regarding White Motor Corporation, in view of the statements that have been circulated to the effect the American purchaser wishes to cut wages between \$3 and \$4 an hour, and in view of the fact there are possible Canadian purchasers for that operation, is the minister prepared to commit himself and his department to provide financial assistance to the Canadian purchasers to ensure that White remains in Brantford as a viable operation?

**Hon. Mr. Crossman:** Mr. Speaker, in the case of both companies, may I say this government has made it quite clear it will entertain any reasonable business proposition that will ensure the work force remains intact in Brantford. The whole purpose of our intervention and assistance proposed in the Massey-Ferguson situation is not to relieve the banks or other creditors of any potential loss, but to ensure that there is employment in Brantford and Toronto in the long term.

To that end, if a different proposition were brought to us by new potential purchasers, we would be open to any sort of proposal brought to us. That does not mean we would agree with a blindfold on to any blind proposal, nor would we give a blank cheque. However, if any good, viable business proposition is brought to us which we think will work, we would be willing to change our earlier undertaking or indication of support.

#### RADIOACTIVITY AT OHC SUBDIVISION

**Mr. Nixon:** Mr. Speaker, I would like to direct a question to the Minister of the Environment having to do with the detection of radiation at the Malvern Ontario Housing Corporation subdivision. If he wants his colleague the Minister of Housing to answer it, that will be all right with me.

However, since it seems to be technical, would the minister indicate what steps are going to be taken to correct the situation? It is reported that radiation in excess of 875 millirem per year is generally detectable in the area, while 500 millirem is the standard permitted. In fact, right at ground level, the radiation is in excess of 3,500 millirem per year. Obviously this is a matter of great concern.

**Hon. Mr. Parrott:** Mr. Speaker, I think several will answer this question. First of all, may I tell the honourable member what he perhaps already knows. The Atomic Energy

Control Board people are there and, along with our own officials from several ministries, will be doing a thorough review. Depending on that review, it will be addressed in a short period of time by either the Minister of Health (Mr. Timbrell), if it is a public health matter, or by the Minister of Housing.

(The Minister of Housing may want to add something to my comment even now.)

**Hon. Mr. Bennett:** Mr. Speaker, just so we have the most recent story regarding the Malvern situation and the hot spots, may I say that Dr. Eaton, who represents the Atomic Energy Control Board, has been there this morning along with people of the press, radio and TV media, my staff and staff of other ministries as well. To date, they have not detected any high radiation counts in the basements of the homes in the community. They have spotted some very high readings, I am told, in the backyards along the fence lines of six or seven properties.

The man from the AECB indicated in a press conference at two o'clock today on behalf of the AECB that, where difficulties are encountered, he is prepared to recommend and take action to remove the soil, similar to what was done in the Port Hope situation.

2:30 p.m.

My understanding is they are doing a very clear analysis. It is a federal responsibility. The Ministry of the Environment and the other agencies of the province have offered to give the fullest assistance possible.

**Mr. Nixon:** Malvern and the development of that property has been before the Ministry of Housing and its predecessor for many years. Can the minister explain why his technical experts were not aware of this sooner and why so many people must have been exposed to this radiation over the years of development?

**Hon. Mr. Bennett:** Yes, Mr. Speaker. This site came into the possession of both the federal and provincial governments in 1953. Neither government was aware of any contamination on this land, some 1,700 acres. It was in 1972 that the opportunity to construct homes in that community began, and the first home was sold in 1973.

It was not until 1975 that the AECB came into possession of a private firm's records that demonstrated there could be some contamination on that site. It was as a result of some work on a building on Church Street,

which had been used during the war years for the making of instruments where uranium was used in the printing on the dials. The waste from that operation was dumped on a farm that was owned by the president of the company that owned the building on Church Street.

Some spot checks were carried out on this site in 1975, as a result of the information acquired at the time the Church Street site was being renovated.

**Mr. Nixon:** That would be three or four years after they started to build.

**Hon. Mr. Bennett:** At that time, no one was aware of the fact there had been any dumping nor of any hot spots even to be detected.

In 1976 the Honourable Alastair Gillespie, who was then the minister reporting for the AECB to the federal House, tabled in the House of Commons a report indicating what were the contaminated spots across this country. Malvern was not one of those spots, as indicated in his report. It was not until this recent situation developed that we were brought on site. Throughout it all, the tests that were taken by AECB back in 1975 did not indicate contamination.

The main contaminated location we believe—and I have to preface this with “we believe”—from the reports that I have had so far this morning, was where the building on the farm was used for holding these contaminants and some fertilizer that had some of the contaminant products in it. The other part of the problem is the roadway that was used in getting to and from this building from the main highway.

**Dr. Roger Eaton** of the AECB is there today and is doing a thorough investigation. I am sure, as he said to our ministry just recently, that he will have a full and complete report. Whatever corrective actions are necessary, he assures us and the property owners in that area, will be taken at the expense of the federal government.

**Mr. Isaacs:** Supplementary to the Minister of the Environment, Mr. Speaker: The minister has been involved in a major review of industrial waste disposal sites, and it now appears the work that has been done by AECB is inadequate when it comes to identifying sites that contain radioactive waste. Given this, will he extend his testing program to make sure there are no other sites such as Malvern where housing has been erected close to dumps that contain radioactive waste?

**Hon. Mr. Parrott:** Mr. Speaker, I think the question is certainly reasonable, but I think

we have all agreed that AECB should be entirely responsible. If the member is asking if I would be prepared to discuss with them a further examination of sites and potential sites, and relay to them any of the information that we get from our in-depth investigation of our sites, indeed I will.

**Mr. Sargent:** Final supplementary to the Minister of Energy, Mr. Speaker: It is quite apparent that what the minister is doing is not adequate. The AECB are dead down there. In view of the fact that the US Senate is now appropriating \$4.1 billion to ferret out radiation toxic sites in America, why does the minister not start a system in Ontario where he will give a blanket reward of \$5,000 for anyone who can come forward with a dump that is not known to his people? There must be plenty of them around. Why does he not consider setting up an incentive system to find out exactly where those places are?

**Hon. Mr. Parrott:** Mr. Speaker, I don't think it is necessary to have an incentive system because in the last year we have had many citizens of Ontario come forward and suggest to us where there are potential sites. We have immediately gone to these sites and investigated them and they will be thoroughly investigated in the whole program of our ministry, so I don't think a payout is necessary. The people are doing it because they understand the importance of it and I think they have been very satisfied with the response of the staff.

#### NUCLEAR WASTE DISPOSAL

**Mr. Cassidy:** Mr. Speaker, I note the Premier is back in my riding again today, and I just want to tell him he is welcome any time he wants to come to Ottawa Centre. It is not going to have much impact, but he was speaking there last week—

**Mr. Speaker:** Do you have a question?

**Mr. Cassidy:** Yes, I do, Mr. Speaker. I have a question for the Minister of Energy, to whom I am sending a questionnaire prepared for the Gallup Poll about nuclear waste disposal.

Is the minister aware that the Gallup Poll questionnaire has been prepared for use in the communities of Renfrew, Cobden, Field, Sturgeon Falls and Dryden, and that the questionnaire is clearly designed to measure the extent of public resistance to nuclear waste disposal and how that resistance can be overcome? Can the minister say who is doing this poll, why that poll is being undertaken, whether the province has

been informed the polls being carried out by Ontario Hydro or by the federal government, and will he give an assurance that the results of the poll will be made public?

**Hon. Mr. Welch:** Mr. Speaker, I assure the honourable member that this is the first time I have seen this material; so, obviously, I welcome the opportunity to review with my officials and with Ontario Hydro any information they might have about this and to report back to the House. I have not seen this before.

**Mr. Cassidy:** Since the Gallup Poll was most likely carried out by the Canada-Ontario waste management committee, which is concerning itself with nuclear waste disposal in Ontario, can the minister tell me whether there are plans to dump nuclear waste in any of those five sites—that is, Renfrew, Cobden, Sturgeon Falls, Field or Dryden—and if there are no such plans, can he explain why it is that a poll clearly directed to that question is being carried out in those areas?

**Hon. Mr. Welch:** Obviously no decision has been taken with respect to the ultimate disposal of nuclear waste. At the moment, I do not think they are past the flyover or general observation stage.

As regards whoever has commissioned the poll, I go back to my answer to the original question. I will have to get further information, which I will be glad to share with the honourable member once I have consulted with some of the parties named in the questionnaire.

**Mr. Speaker:** The minister, in effect, has taken it as notice. I will allow one brief supplementary from the member for Halton-Burlington.

**Mr. J. Reed:** Supplementary, Mr. Speaker: Is the minister apprised or briefed on a regular basis as to the activities of the federal-provincial agreement application? If he is briefed, would he not have been informed that such a poll was being undertaken if, as the leader of the third party says, it was in connection with that federal-provincial agreement?

**Hon. Mr. Welch:** Mr. Speaker, I suppose it is reasonable to assume, if that is the committee that commissioned the poll, that would be information my officials would have, but that is the very point I am now being asked—whether that particular committee or group has retained Gallup Poll for that purpose. As the Speaker has indicated, I have simply said in response to all three

questions that I have not seen this before but I will get the information.

2:40 p.m.

### AUTO PRODUCTION

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Industry and Tourism. Is the minister aware of the Science Council of Canada's study of the auto industry which appeared this week and which once again documents that the problem with the Canadian automobile industry is a structural problem and not just a short-term problem of declining sales, and that the Big Four auto makers will not give Canadians a fair share of auto and parts production if they are left on their own, despite the assurances we have had from the Premier?

Can the minister say what new strategy the government intends to follow to ensure the Canadian auto and parts industry does get a fair share, not just of production but also of jobs?

**Hon. Mr. Grossman:** First, Mr. Speaker, I remind the honourable member that a great number of recommendations have been made in that report, which I should begin by saying we have just received and I am still analysing. From our preliminary analysis, we have found a fair number of things the science council has reported are things we reported to this House, and to other places, quite some time ago.

Second, for some time we have advocated many of the things that report advocates. If the member looks, as I know he has, at the remarks I made to the Automotive Parts Manufacturers' Association last April, I talked about moving to an averaging-out formula which would provide some of the flexibility that is required to get our production-to-sales ratios into the kinds of ratios we need that would encourage light car production.

I also said in that speech that it is time the automobile manufacturers began to assemble enough light vehicles in Canada. I also talked of the opportunities for the auto parts industry and indicated one of the shortcomings of the auto pact was the fact it was assembly-oriented and not auto parts-oriented.

In that same speech I said we believe the Canadian value added component of the auto pact should move from 60 per cent or 65 per cent up to 100 per cent. We advocated that over a five-year period the companies should be required to be in a balanced trade situation, which again would deal with

the value and the number of cars and would be the kind of situation that would allow us to move to a situation where we were beginning to get a number of lighter, more fuel-efficient vehicles made in this country.

There was also talk in that science council report about the need for new technology in auto parts. I remind the member that the major initiative being taken in Canada in this area is being taken by this government with the auto parts technical centre we are setting up with the Ontario Research Foundation.

As the member goes through the various recommendations the science council has made, I think it will be difficult for him to find one or two instances in which this government has not dealt with in a maximum way possible for a provincial jurisdiction, the kinds of things that science council report advocates is necessary for the restructuring of this industry. In point of fact, assessing our policies and our performance in the things we have done against that single report, we have every right to be very proud of the progress we have made.

**Mr. Cassidy:** When there are 25,000 auto workers out of work in this province, and the prospects are that is going to continue long after the current decline in the auto industry is turned around, I find it difficult to see how the minister can say that he or the government is proud of what is happening right now.

Will the minister not admit that one of the major problems, and it is documented in the science council report, is the lack of leverage we have in governments in Canada in getting our fair share in auto production and in the auto parts industry? Will he not admit that what we need now is a crown corporation which can spearhead that development, which can engage in research and development, which can enter into joint ventures with the Canadian automobile parts manufacturers to get production here, and which can enter into long-term agreements with the Big Four manufacturers for the supply of technologically advanced parts that are now made almost exclusively in the United States? Is that not the way we have to go to get the leverage we are now lacking?

**Hon. Mr. Grossman:** First, in terms of pretending that this government or this country is going to be left behind, or is dramatically behind in terms of what is happening in the North American automobile industry, a quick look at the facts, in fairness, would be instructive.

In the automotive industry, for the week of November 3 to November 7, there were 184,700 workers on indefinite layoff in the United States, and 9,700 in Canada. That is in an industry where, as the leader of the New Democratic Party well knows, the ratio is about 10:1. Relatively speaking, in terms of the layoffs and adjustments that both American and Canadian industries are going through, we are substantially better off.

Second, we have never suggested there is not going to be a difficult structural change going on in this country. But in terms of how we are doing so far, in terms of assessing the performance and success we have had in getting some of the Big Three to move and to change some of their auto manufacturing, we have had some successes.

We know about the retooling that is going on in St. Catharines—I will not take the time of the House to recite it—in Oshawa and in Windsor to make key parts for the downsized cars. We know the smaller Ford vehicles are being made in St. Thomas, which is a major advance for us. We know that when Chrysler Corporation finally gets around to taking some of its investment steps in this country, it will be putting in a research and development facility—the kind the member is talking about—thanks only to the government of Ontario. We know that at that time we will have an auto parts technical centre in place, to help all the members of the auto parts industry.

The only thing the member is adding is the mystical suggestion or belief that if a crown corporation were set up, it would, to use his own words, have more success in negotiating and reaching agreements with the Big Three or the Big Four in the United States than the government and the independent auto parts people in Canada have had. I fail to see how a crown corporation, as opposed to the government of Canada, might have more success than the government or the auto parts manufacturers have to date.

**Mr. B. Newman:** Mr. Speaker, a supplementary: Has the minister looked into the concept of using the labour content or the man-hours in the auto industry, both parts and assembly, rather than simply the dollar value of the product? There may be a substantial deficit in man-hours, whereas the dollar value may be in balance.

**Hon. Mr. Grossman:** Mr. Speaker, I think that does point out a lot of the concerns we have. The science council, even in its comprehensive report, could not address that fully. There are a lot of other things that

impact. It is not only the kinds of cars being made here; it is the number and quality of the jobs. When one moves to the kind of calculation the member is talking about, I think we would not want to move away from putting some sort of value on the kinds of jobs.

Obviously the research-intensive, highly-skilled jobs are the kinds of jobs we want. We don't always want to be locked into the situation which the auto pact locked us into. We got a large number—more than we would have got otherwise—of lesser-skilled jobs, because they are assembly-oriented. Perhaps we are talking about a lower number of more highly skilled jobs.

We want an adequate mixture of both. I am leery of developing formulae that tend to get us into the kind of 1965 auto pact situation, where we found ourselves in a chronic situation that could not have been anticipated when we struck what seemed to be a reasonable formula at the time.

**Mr. Laughren:** Mr. Speaker, is the minister not aware that the report by Mr. MacDonald from the science council indicates there is a shortfall in skilled jobs for Canada; that is, in the United States, 75 per cent of the jobs are skilled and in Canada only 50 per cent are skilled? Furthermore, is he aware that in the investment intentions, there is going to be a \$2.6-billion shortfall in this country in the next five years alone which will also exacerbate the problem that the skilled jobs are in auto parts manufacturing as opposed to assembly?

Why does the minister not come to the realization that the private sector has had all these years to turn it around and is simply not going to do it because it is not in the best interests of the automobile firms in the United States? Therefore, he simply must create a crown corporation and get on with the job to ensure that we get our fair share, which, after all, was the intent of the auto pact in the first place.

2:50 p.m.

**Hon. Mr. Grossman:** Mr. Speaker, I understand that the member for Nickel Belt believes, unlike everyone else who studies the industry, that all we need is a crown corporation to solve the problem. There is no point in us taking the rest of the afternoon to decide whether a crown corporation is the answer to our problems.

I just remind the honourable member that at one time his party believed the auto pact should be ended and totally renegotiated. Of course, reality has set in during the past



year and his party has come to the realization that what we need are alterations to, not abandonment of, the auto part.

**Mr. Laughren:** No, no.

**Hon. Mr. Grossman:** Oh, yes; it is true.

Secondly, the honourable member and his party have long been advocating a Canadian car: "Let us build our own car here in Canada."

**Mr. Laughren:** Why haven't you?

**Hon. Mr. Grossman:** The fact is, the MacDonald report clearly disagrees with that and disposes of that as a viable alternative.

### SCA PIPELINE

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of the Environment. Will the minister assure this House that he will consult immediately with officials in New York state to reopen hearings on the SCA Chemical Waste Services pipeline, which is expected to dump 100 million gallons of treated liquid waste into the Niagara River each year? Will the minister recommend against this proposal in the light of the following facts?

Extremely explosive impure TNT has been found on the site which is as explosive now as when it was buried decades ago. CBC radio has reported today that not only are the nuclear wastes in a silo 400 metres from the TNT, but also there is low-level nuclear waste that was shipped in from the nuclear waste site in Nevada in 1948, and that there is a possibility that the mixing of radioactive and hazardous waste could lead to increased leachability and hazards to human health.

This information was contained in a brief submitted to the SCA hearing officer on September 25 of this year, but the Minister of the Environment seems to be unaware of it or to be ignoring it.

**Hon. Mr. Parrott:** Mr. Speaker, if the question is whether I would do it immediately, I must tell the honourable member I did it yesterday. If I might, I would like to read a copy of the telegram I sent—

**Mr. Kerrio:** I finally got you moving, eh?

**Hon. Mr. Parrott:** No.

**Mr. Kerrio:** It is a little late.

**Hon. Mr. Parrott:** Maybe the member did not hear. I said I did it before the question. May I read it into the record, please?

**Mr. Kerrio:** Please do.

**Hon. Mr. Parrott:** "The apparent presence of TNT at the SCA waste site in Lewiston,

New York, requires immediate clarification. The existence of such high explosive adjacent to a chemical treatment facility is obviously a matter for grave concern to Ontario. While we have been able to accept the proposed technology for SCA's operation, this new information creates doubt as to the stability of the site. As this new information relates to US government activity, we urge that immediate clarification be sought by Ottawa from Washington."

I sent that to the Honourable John Roberts and I have his reply, which I would also like to read into the record. It was sent on his behalf: "On behalf of the Honourable John Roberts, I wish to acknowledge receipt of your minister's November 19 telegram requesting that immediate clarification be sought with regard to the possible presence of TNT at the SCA site in Lewiston, New York. The minister is aware of your request and will give this matter his prompt attention."

I have also called the state governor's office and indicated to him our concern. I have not been able to speak to the governor, but I will be speaking to Commissioner Flacke. This is a matter of very serious concern, and we will take a good deal of time and effort to clarify it with the officials in New York state. It could lead to a whole new dimension on that proposal and we will follow it with a great deal of care.

**Mr. Kerrio:** Is the minister also aware that toxic wastes dumped by Hooker Chemical have already contaminated portions of the Niagara River and the Niagara Falls, New York, treatment plant—this is an area other than the Love Canal area—and that New York state officials claim that chemicals found in the intake system include toxics known to cause or suspected of causing cancer, birth defects and mutations? Those toxics not going into the intake are going down the Niagara River, past the area where residents of Niagara-on-the-Lake get their water supplies. I have some concern about the water supply of Niagara Falls, Ontario.

Reinforcing a point I made last Friday in this House, the US chairman of the International Joint Commission, Robert Sugarman, stated that he could not understand how any government, federal, state or provincial, could recommend the SCA pipeline.

**Mr. Speaker:** Now that the honourable member has admitted to repetition, we will allow the minister to answer.

**Mr. Kerrio:** I have just one word left, Mr. Speaker. How can the minister have any

credibility if he will not get into this picture and clear it up?

**Hon. Mr. Parrott:** I do not understand how the member opposite could not understand what I just read into the record. It seems a bit strange to me.

**Mr. Bradley:** It's a bit strange.

**Hon. Mr. Parrott:** Did the member say his colleague was a bit strange? I have to agree.

I want the member for Niagara Falls to know I raised that very significant issue with the commissioner. I am surprised the member did not understand the significance of that treatment plant some time ago and why it was not working and how it was not working.

**Mr. Kerrio:** I understood a long time ago. The minister didn't understand.

**Hon. Mr. Parrott:** No. With respect, the member ignored that. This is a far more significant, far greater volume. We have made a very forceful presentation to the commissioner, saying we want that done as soon as it is humanly possible to do so.

May I also say I think the member raised an unfair worry for the residents who are getting their drinking supplies. We test that water on a continuous basis. I say to the member that water is safe. We will continue to test it on a continuous basis and we will be the first to set the record on what is or is not in that stream, if it is necessary. We will not deal with conjecture. It is a very important issue and, as I said earlier, we will follow it very carefully.

**Mr. Kerrio:** I will see to it.

**Hon. Mr. Parrott:** No, he will not have to. I am ahead of him.

#### SKF CANADA PLANT CLOSURE

**Mr. R. F. Johnston:** My question is for the Minister of Industry and Tourism concerning the SKF closing, Mr. Speaker. Is the minister aware that for the past few years and until very recently, SKF Canada has been importing the 6200 bearing series from the United States of America, which bearings used to be produced in their entirety and in the hundreds of thousands in the company's Scarborough plant?

Is the minister also aware that, in addition to this deindustrialization policy of the company, these bearings coming from the US in two parts are stamped in the United States, "Canada SKF," implying that they are made in Canada, whereas, all the SKF plant that used to produce these does now

is to grease them, clamp that on to it and then ship them out as made in Canada?

Does the minister condone this practice, and does he still feel that SKF is closing because of market problems in Ontario, or is it really part of a systematic rationalization of which Canadians are being made victims?

**Hon. Mr. Grossman:** Frankly, Mr. Speaker, I would appreciate it if the honourable member could send those over to me so that I could see them. As well, my seven-year-old's two-wheeler is missing a couple of bearings and I might be able to use them, provided they are made in Canada.

May I indicate to the member it is not my responsibility, even by the furthest stretches of his imagination, to monitor the production, importation and stamping of products made by SKF or anyone else in the province. I would appreciate if he could send them over anyway.

**Mr. R. F. Johnston:** In response to me on October 17, the minister gave the reason for the closing as problems with Massey orders and that sort of thing. Is the minister not aware that the annual report of SKF indicates that sales in Canada are up 33 per cent and they include this series, which is one of their largest sales components? Will he not ask the federal department to investigate this to see whether it is illegal? If it is not illegal, it is a questionable practice. Will he not commit himself to investigating this before they try to pull out of Scarborough?

**Hon. Mr. Grossman:** If the member will send the bearings over here, I will give one to my colleague the Minister of Consumer and Commercial Relations (Mr. Drea), who I am sure will send one up to Ottawa, where I am sure they will be pleased to investigate that situation.

3 p.m.

#### GO TRAIN FIRE

**Mr. J. Reed:** Mr. Speaker, I have a question for my constituent the Minister of Transportation and Communications. I am sure the minister is aware of the incident that occurred on the GO Train last night at rush hour when an eastbound train pulled into the Port Credit station on fire.

Can the minister tell us whether his officials have been able to determine if the operators of the train at that time were aware of the fire before they pulled into the station? If so, was the fire under control? If not, was

there any danger to the passengers who were disembarking at that particular time from a westbound train?

**Hon. Mr. Snow:** Mr. Speaker, I do not have the information regarding that particular incident. I will look into it and report back as quickly as possible.

**Mr. Speaker:** It is being taken as notice. Is there anything else the member would like him to look at?

**Mr. J. Reed:** Yes, please, Mr. Speaker. I just wonder whether the minister will also inquire, if there was knowledge that this fire was burning as the train pulled in, why it would not have been prudent to stop the train outside of that crowded station somewhere in the country at either side.

**Hon. Mr. Snow:** Certainly I will inquire as to that additional question as well. As I am sure the member knows, the train crews and the signalling and operation of the trains are under the jurisdiction of the CNR. I will have to get a report from them to answer those questions.

#### DISPOSAL OF PCBs

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of the Environment. Why has his ministry not been at all encouraging with regard to the testing of the diesel engine process for disposal of polychlorinated biphenyls?

Given that the preliminary testing has suggested that the process is 99.998 per cent efficient, does he not believe that it would have been of benefit to the people of Ontario to have the testing completed here so that, if it is proven to be as good as it appears from the preliminary tests supervised by Environment Canada, we might have had future development and marketing of the technology carried out here in Ontario?

**Hon. Mr. Parrott:** Mr. Speaker, I do not think the member is correct. We have done those things required of us with regard to assessing the proposal. We did not spend any particular amount of money on this proposal; however, the federal government did. I am sure the member would not want to see it double-funded; there is no need of that. They have done their assessment of it, as have we.

I want to say also we have spent a lot of money on the destruction of PCBs in other areas. I think it is a clear case of where one government has chosen, with co-operation from the other government, to assess a particular method of destruction of PCBs, while we ourselves have chosen another area in

which to do research. I think that is a very responsible way to address what is obviously a significant problem.

**Mr. Isaacs:** Is the minister aware that the frustration of D and D Disposal Services with regard to his ministry's failure to assist the project with further tests has resulted in a development contract being signed with a major equipment manufacturer in the United Kingdom, which contract gives that UK company substantial rights for the marketing of the equipment in Europe and across much of the world?

Does he not think it is sad when frustration with his ministry's officials means that we lose the possibility of a new technology that could make us a world leader in a very important area?

**Hon. Mr. Parrott:** I would almost assume the member was always supportive of these kinds of activities and would not want us to do in-depth assessments of them. We are not prepared to do haphazard approvals or any other kinds of approvals unless we are certain in our own minds they are done properly.

If the member thinks in this instance that the gentleman does not also write letters to suggest that our ministry does an excellent job, I can assure him he is wrong. I will be glad to supply that information. We frequently hear both sides from that particular firm. Sometimes it is very complimentary; sometimes it is not. I can assure him it is more frequently complimentary of our staff than the contrary, and I wish he would understand that point of view. It would be helpful.

**Mr. Hall:** Supplementary, Mr. Speaker: With regard to the answers the minister has given on the subject so far today, do I take it his ministry is not actively pursuing the diesel engine technique; that he is out of that one and is counting on other systems? Alternatively, is he really saying he is continuing to evaluate that method as well as others? He has not left it clear to me.

**Hon. Mr. Parrott:** Mr. Speaker, fair enough. We are interested in that method, but we are not funding it; we think there are better methods. For instance, the plasma arc is a better technology and, as the member knows, we have spent a lot of money and will continue to spend more on that one.

On a nontechnical assessment of that diesel engine project, I think the member will agree it was a very limited amount of fuel that was put through the machine, and my staff tell me they have real concern about the possibility of this being successful.

However, we are not in a position at this time to say there is no chance of success. If they wish, with federal aid, to pursue that method of destruction of PCBs, and if it is successful, that is great. We think there are better alternatives, and that is where we are putting our money, but only on an assessment basis.

#### WELLAND CANAL BRIDGE

**Mr. Haggerty:** Mr. Speaker, I have a question for the Minister of Transportation and Communications. Can the minister assure the citizens of the city of Port Colborne that the proposed new third bridge, located in the south end of lock eight of the Welland Canal, will be completed and in operation before the 1981 navigational season opens?

**Hon. Mr. Snow:** Mr. Speaker, I have no reason to believe that there will be any change in the construction schedule of the third bridge. I will have to doublecheck whether the date the honourable member mentions is the scheduled date and whether the process of building the new bridge by the St. Lawrence Seaway Authority is keeping up with the schedule. I will get a report for the member. I have no information that it is not on schedule.

#### OWEN SOUND HOSPITAL TRANSFER

**Mr. Breaugh:** Mr. Speaker, I have a question for the Minister of Health concerning the outpatient medication program at Owen Sound General and Marine Hospital, particularly the one for psychiatric patients.

Who do I believe? On June 9, 1978, when we raised this matter in the House, the minister agreed there was a problem but they were not terminating that program. If I may quote from page 3327 of Hansard for that day, "By the terms of this agreement a condition exists which states that the hospital shall not delete, remove or modify any existing program unless instructed to do so by the province or unless prior consent is obtained in writing from the province." Yet the director of psychiatric medicine, in a letter to his staff, dated October 21, says: "Since that time, we have diligently and discreetly continued the phasing out of this program." Which one of them is lying?

**Hon. Mr. Timbrell:** I beg your pardon. Would the member like to repeat that, Mr. Speaker? I am sure he would.

**Mr. Breaugh:** Which one is lying?

**Hon. Mr. Timbrell:** I can assure you, Mr. Speaker, no one on this side is lying. I will look into the matter. In fact, I will be visiting that hospital in about 10 days' time on another matter, and I will look into that. The agreement is exactly as I described it in June.

**Mr. Breaugh:** While the minister is there, perhaps he can ask him about this remark as well. The administrator said, "I am entirely prepared to instruct the medical staff to stop the program immediately." Does that fall in with the agreement which the minister has with that hospital?

**Hon. Mr. Timbrell:** The honourable member asked about the agreement. The agreement is exactly as I have described it. If the agreement is being abridged, I will take that up with the chairman of the board, who is responsible for that hospital.

3:10 p.m.

#### SALES TAX ON UPHOLSTERY

**Mr. Peterson:** Mr. Speaker, I have a question for the Minister of Revenue. Noting that he acquiesced to the great upholsterers' lobby in this province yesterday, I believe, I would like to ask him how he justifies the existence of the following regulations. He has now removed sales tax on upholstery orders of more than \$250. For orders of \$250 and less, sales tax is charged on material only. When one buys material, one should specify the use and should pay sales tax but, according to his own officials, most customers do not specify use and therefore do not pay the tax. This brings into question the whole enforceability of his regulations. If one provides one's own material, one does not pay tax on the labour. How can the minister possibly sit there with such a screwed-up set of regulations and be happy?

**Hon. Mr. Maeck:** Mr. Speaker, I do not think I indicated I was happy about it. However, the member has correctly described the rule under which we have administered the retail sales tax on upholstery. Up until this time; retail sales tax was charged on material up to \$250 if they were separately billed.

We have run into this in other areas of administration as well. For example, people who install mufflers, who give a total price rather than a breakdown of the material and the labour, also pay full sales tax. It is administratively impossible to break it down any other way. We encourage the retailers to break it down so that we can identify the material put in.

To go beyond the \$250, what we have said there was that we consider it to be a manufactured piece of goods rather than just a repair job. Therefore, the retail sales tax was charged totally on that article, the same as it would be if one bought a new chesterfield or a new piece of upholstered furniture. Being consistent with that ruling, we have now changed the exemption on sales tax, in the new program that was announced in the budget, so that the same criterion applies. In other words, if there is \$250 or more on the cost of an upholstery job, we consider it to be a manufactured product rather than just something that has been repaired; therefore, there will be an exemption on that part of the program.

**Mr. Peterson:** Because they are almost incomprehensible, even to the ministry, because they are virtually unenforceable, as admitted by his officials, and because they invite dishonesty and cheating by fooling around with the bills, why does the minister not just get rid of retail sales tax on all upholstery jobs and material to make it far less confusing?

**Hon. Mr. Maeck:** My function is to collect revenues, not to get rid of them. It is pretty obvious that any tax we take—

**Mr. Peterson:** You just got rid of part of it.

**Hon. Mr. Maeck:** Yes. But we are trying to be consistent with the program that was in place before.

**Mr. Peterson:** Consistent depending on who lobbies you.

**Hon. Mr. Maeck:** We will look into it; let us put it that way.

#### INDIAN SALES TAX EXEMPTION

**Mr. Wildman:** Mr. Speaker, I have a new question for the Minister of Revenue. Can the minister explain why he did not consult with the chiefs of Ontario before notifying Indian retailers on reserves that, to prevent non-Indians from taking advantage of the Indian sales tax exemption, effective December 1, 1980, treaty Indian store owners on reserves will no longer have the exemption under the Tobacco Tax Act from requirement to obtain sales tax vendors' permits? Why is he treating Indians this way because of a problem with non-Indians?

**Hon. Mr. Maeck:** Mr. Speaker, this ruling applies to all Ontario citizens and all retailers. To sell cigarettes, one must have a retail vendor's permit. It costs nothing to

have a retail vendor's permit. All one has to do is apply for it. The reason for that is very simple. Wholesalers are not permitted to sell cigarettes to anyone who does not hold a vendor's permit.

But I realize there is a problem there, and I have extended the time of implementation of that. As the member knows, it was to be immediate, and I think we have extended it until December 1 or the end of December—I forget which.

**Mr. Wildman:** Is it not correct that, until now, treaty Indians who owned stores on reserves have not had to get sales tax vendors' permits? If that is the case, why did the minister take this move unilaterally without consulting the Indian organizations? Will he now further extend the deadline from December 1 until April 1 next year, so that he can consult with the Indian organizations to work out a compromise method of dealing with his enforcement problems and not raising the whole question of provincial jurisdiction on federal Indian reserves?

**Hon. Mr. Maeck:** Mr. Speaker, my legal advisers tell me we are within our legal rights to do what we are doing. I have already indicated that we have extended it beyond the first time limit we put on. I will be meeting with my staff either tomorrow morning or the beginning of next week and we will be discussing the very request the honourable member has made. I already have a request from the Union of Ontario Indians in that regard. In fact, I offered to meet with the Union of Ontario Indians and they rejected it.

**Mr. Swart:** They are in Ottawa now.

**Hon. Mr. Maeck:** I know; but it seemed a very urgent matter until I suggested we meet. At the moment, they are not ready to meet me. I am prepared to discuss the whole thing with my staff and see whether some accommodation can be made.

**Mr. Nixon:** Supplementary, Mr. Speaker: One of the accommodations to be considered would be not to have them registered at all but to allow them to proceed as they have since the grass started blowing—I mean growing—and the wind started blowing.

**Mr. T. P. Reid:** What kind of grass have you been blowing?

**Mr. Nixon:** Brant county gold. In other words, why does the government not leave them alone?

**Hon. Mr. Maeck:** Mr. Speaker, I think the member for Brant-Oxford-Norfolk knows very well we are having enforcement prob-

lems in the collection of tobacco tax. Some of the problems start at the Indian reservations where purchases are made without paying any tobacco tax. Some of these cigarettes are now getting into areas other than Indian reservations. We are trying to tighten up on this situation, and I hope the members opposite will give me some support in trying to resolve the problem of a possible loss of tax dollars in the amount of millions.

#### ASSISTIVE DEVICES

**Mr. T. P. Reid:** Mr. Speaker, I have a question of the Minister of Health, and perhaps the Provincial Secretary for Social Development (Mrs. Birch), in regard to my long-running questions about prosthetic, orthotic and assistive devices for the physically handicapped.

I last asked a question on April 3, 1980, as to what the minister intended to do in regard to providing these devices and whether he would table in the Legislature the report of his eternal committee that has been dragging on for some years as to the provision of these services. What is he going to do about it, particularly with the International Year of Disabled Persons coming up?

**Hon. Mr. Timbrell:** Mr. Speaker, the matter is under very active review by the ministers in the Social Development field. I anticipate they will be making a statement of policy on that matter for the beginning of the International Year of Disabled Persons.

**Mr. T. P. Reid:** The minister will appreciate that I am a little cynical, since I have been hearing this for a couple of years.

How does the government square finding an extra \$4.7 million for consultant fees over and above the original contract price, yet having delayed this long in providing any kind of program for these devices in Ontario when they are available in almost every other province in Canada?

**Hon. Mr. Timbrell:** If it were a very simple, straightforward matter without any complications about long-term effects from the use of the devices, their replacement and cost, the member would have a valid complaint.

With respect to the other matter, it is one the member should take up with the Chairman of Management Board of Cabinet. It is a one-time matter, whereas what we are talking about here is the development of a program that, once begun, will be ongoing, permanent and extremely expensive.

#### LIQUID INDUSTRIAL WASTE

**Mr. Swart:** Mr. Speaker, my question is to the Minister of the Environment and again concerns the Walker Brothers dump site. Is the minister aware that some 75 to 85 additional drums were excavated at that site yesterday and the day before? They found liquid industrial waste in those drums and siphoned out some 1,500 gallons of it to be sent back to the suppliers in the Toronto area.

In particular, is the minister aware that Mr. Grant Mills, who is the director of the environment in that area, acknowledged publicly that this was a violation of Walker Brothers' certificate. Is the minister now prepared to lay charges against Walker Brothers, and will he take this into consideration in his statement next Tuesday relative to proceeding or not proceeding there with the solidification process?

3:20 p.m.

**Hon. Mr. Parrott:** Mr. Speaker, the answer to most of those three or four questions is yes and, if the honourable member would like, I will deal with the question he raised the other day. Do I have your permission, Mr. Speaker?

**Mr. Speaker:** Yes.

**Hon. Mr. Parrott:** The honourable member was on the same subject matter, which was the Hydro geological report. It is quite significant he has been asking for that, but I have been absent for the last two days and I really think he does not quite understand the nature of that particular report. I am not being argumentative when I say I think it would make the honourable member jump to some conclusions that are not necessarily valid. That report was to determine the suitability of the stockpile of strip overburden, which would eventually be used for the clay pad and liner for the proposed fixation site.

As part of normal, quarrying operations that area had been receiving the fines. We think at this time that it was calcium carbonate slurry that appeared in the borehole which the honourable member has questioned about.

Surely he also appreciates that there is a full investigation of that particular site and that the matter he raised, along with a myriad of other questions on that particular site, will be dealt with in the full environmental assessment hearing that is proposed.

I think that is a more appropriate time to come with all the information on not

only the question the honourable member raised but also what is in those particular materials, which of course must be answered in detail. We think at this time it is calcium slurry, but that will be determined at a later date.

Mr. Swart: Supplementary to that—

Mr. Speaker: The time for oral questions has expired.

## REPORTS

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Cureatz from the standing committee on general government reported the following resolution:

That supply in the following amount and to defray the expenses of the office of the Ombudsman be granted Her Majesty for the fiscal year ending March 31, 1981:

Office of the Ombudsman program, \$4,750,000.

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Philip from the standing committee on administration of justice presented the following report:

Your committee met on Wednesday, November 19, 1980, to consider the annual report of the Ministry of Consumer and Commercial Relations for the year ending March 31, 1980, referred to the committee on Tuesday, November 18, 1980, on a petition of 20 members pursuant to standing order 33(b).

Your committee adopted a motion requiring the Minister of Consumer and Commercial Relations (Mr. Drea) to produce to the committee certain documents with respect to Carlo Montemurro and his related companies. The Minister of Consumer and Commercial Relations failed to produce the documents which your committee requested.

Your committee therefore requests that the House authorize Mr. Speaker to issue his warrant, as provided in section 35 of the Legislative Assembly Act, requiring the Minister of Consumer and Commercial Relations to produce to the standing committee on administration of justice all correspondence, interdepartmental memoranda, memoranda to file, application forms, notes, files and other such documents that are in the possession of any agency, board, commission, registry, branch or division of the Ministry of Consumer and Commercial Re-

lations relating to Carlo Montemurro and his related companies, particularly C and M Financial Consultants Limited, Re-Mor Investment Management Corporation, Canadian Metal Recycling Labs and Astra Trust Company.

Mr. Philip: Mr. Speaker, before moving the adjournment of the debate in accordance with standing order 30(c), I would like, by way of a brief statement, to point out to you and to members of the House that this is a matter considered to be of the utmost importance by the standing committee on administration of justice.

Your committee has been charged with the responsibility to inquire into the activities of Carlo Montemurro and his related companies, particularly C and M Financial Consultants Limited, Re-Mor Investment Management Corporation, Canadian Metal Recycling Labs and Astra Trust Company. To do this, our committee requested by way of motion that the minister produce certain documents as without these documents the work of the committee would be frustrated. The Minister of Consumer and Commercial Relations (Mr. Drea) has failed to produce the documents in the time stipulated by the committee.

Today I received a letter from him stating it was his understanding that I would not make a report in the House until the Attorney General (Mr. McMurtry) had made a representation to the committee this afternoon. This is simply not the case, as any reading of the transcripts of yesterday's justice committee deliberations will clearly show. I pointed out to the minister, through a call to his office at approximately 12:02 p.m. today, that this was not the case. It is clear to me and to other members of the committee that the minister was requested to produce the documents by 11:10 a.m.

I am mindful of the importance of the constitutional debate this evening and of private members' public business this afternoon. However, at a House leaders' meeting today, my leader sought a commitment from the government House leader (Mr. Wells) to have this matter debated and voted on following routine proceedings tomorrow. The government House leader would give no such guarantee.

This is an urgent matter that demands immediate attention. Standing order 30(c) requires the following: "After moving the adoption of a report, the chairman may make a brief statement and then shall adjourn the debate." Technically, therefore, I have no recourse but to follow the procedure set out.

I would however, ask members of the assembly to join me in voting against this motion of adjournment.

My colleagues and I realize that if the debate is adjourned today we may not have an opportunity to deal with this important matter in this House before adjournment. I feel the legitimate inquiry by the standing committee on administration of justice, of which I am the chairman, must not be stifled. The public has the right to know.

Now, as is my responsibility under standing order 30(c), I do hereby move the adjournment of the debate.

3:30 p.m.

5:35 p.m.

The House divided on Mr. Philip's motion for the adjournment of the debate, which was negated on the following vote:

Ayes 48; nays 56.

**Mr. Speaker:** The question now before the House is the motion for adoption of the report of the justice committee. Shall the motion carry?

**Some hon. members:** No.

**Mr. Speaker:** Does anyone wish to speak to the motion?

**Hon. Mr. Wells:** Mr. Speaker, I would like to put a couple of points on the record at this time. The real vote that has just gone on, of course, has not been on the substance of that motion or that report. We have really established a new interpretation at this time of what many of us thought were the rules of this House.

We had always believed, and it certainly is the interpretation I have received from people on the various committees who wrote these rules, that the intent was that reports from committees that contained substantive motions should be introduced with short remarks from the chairman of that committee and then adjourned. The understanding was that they would be adjourned.

Mr. Speaker, I agree with you that the rule says they shall be adjourned, and of course the way that is done is through a motion of adjournment, but it has always been my understanding that this would be a unanimously agreed adjournment.

I draw the House's attention to a report on October 6 moved by the member for Humber (Mr. MacBeth) from the select committee on constitutional reform. He moved the report be adopted when it came in here. We had agreement at that time of all the parties in this House to adopt

that report and you said, Mr. Speaker, "I will hear the member for Humber, but I must remind the honourable member that a routine motion like that is usually best handled by a simple motion by the government House leader." That was the first point.

"If you are asking for us to approve what is contained in a committee report, the normal procedure is for the chairman to move the adjournment of the debate and for it to be recorded for debate on a later occasion.

"You do cause the chair some difficulty. However, I will hear what you have to say, and if we have the unanimous consent of the House to put the adoption of that report at this time, I will do so, but you know that we ran into considerable difficulty on a previous occasion."

I draw the attention of the House to this, Mr. Speaker, because—

**Mr. Sargent:** Why did you not say this before the vote?

**Hon. Mr. Wells:** I would have said this if I had had the opportunity. I just want to put very clearly on the record that our vote on this particular matter has nothing to do with the substance of this matter or any of those things concerned with this particular matter. What we have always understood in this House is that reports would be adjourned so they could be studied by the House. The reason for that I would submit is that this report contains a substantive motion.

Rule 37(a) says a substantive motion is a number of things and a motion for returns. This, in effect, is a kind of motion for returns. If this had been a substantive motion, it could not be moved in this House without notice. In effect, we are now being asked to vote on a motion from a committee without notice of the members of the House. It is a motion, I suggest, that most members, except those on the committee, do not even have in their hands.

What I am saying is, it is very difficult for the members of the House to speak in a debate and to vote on a motion at this time without even having that motion before them. In fact, that defeats the essence and substance of the motion on substantive motions.

5:40 p.m.

**Mr. Speaker:** Order. I must remind the government House leader that there was an opportunity before I put the question to the House for the adjournment of the



debate. I heard no one who wanted to express an opinion on the validity of the motion that was before the House. As members well know, any motion to adjourn the debate or to adjourn the House is not debatable.

Interjections.

**Mr. Speaker:** It's not debatable.

Interjections.

**Mr. Speaker:** Order. A motion to adjourn the debate or to adjourn the House is clearly not debatable. If the government House leader wanted to get up on a point of order prior to my putting the question, he had an opportunity to do so. The question that is before the House now is whether the House wants to adopt the committee report. I recognize the minister and he has the floor, but he will have to speak to the substance of the motion, which is whether the House wishes to adopt the report of the committee.

**Hon. Mr. Wells:** Mr. Speaker, I certainly respect what you say. I understand that you did not see me. I tried to get up before the vote was put.

Interjections.

**Hon. Mr. Wells:** My friends can talk like that. I even had the courtesy to send the Speaker the reference I quoted from before. I thought Mr. Speaker himself might interrupt these proceedings to remind the House again of the rule. However, I recognize it is not his duty to do that. I also recognize that once a motion to adjourn is put it is not debatable and it must be voted upon. The point is, Mr. Speaker, I suggest either you, the House leaders or the standing committee on procedural affairs should look at this, because we have now changed what was a pretty clear understanding—

Interjections.

**Hon. Mr. Wells:** I really think my friend the House leader of the New Democratic Party is wrong. We have changed and we are now in another man's land as far as committee reports are concerned. That is the essence of my argument on this particular point about why this report should not be adopted today. The House is being asked to adopt a report which is a substantive motion that is not even in the hands of the members of this House to debate. I submit that is wrong, and the rules substantiate that; they say substantive motions must have notice given. Therefore, I would suggest the members should not pass this motion.

Let me also say the member for Etobicoke (Mr. Philip) indicated I said we would not

debate this tomorrow morning. That is quite correct from the House leaders' meeting. But he left the impression that, if this report were adjourned, it would never be debated again in this session of the House. That is completely erroneous. That impression was never left. The record we have of debating these reports is a good one. We have always debated all of them. Even Nakina will be debated in due course, I am sure.

Speaking on the substance of this and further substantiating the point I have made—and I want to underline that—the vote we have just taken was a vote to uphold what we think are the rules of this House and the way this House should be administered, and not on the substance of this.

On the substance of the motion and the matter, the Attorney General indicated to the standing committee on administration of justice committee that he would appear this afternoon and fully discuss this matter.

This is a matter of great concern. It is a matter involving civil rights and the rights of everyone. It may be construed to involve only those who have been charged, but it is basically a matter that involves the rights of everyone in this province, our whole interpretation of the sub judice rule in this House and many other things.

We are being asked to pass a report and do something affecting such fundamental things in this province without prior notice or in any way knowing what is in this motion, without the Attorney General having been given an opportunity to appear fully before the justice committee. The Attorney General came this afternoon not expecting to sit here and wait for a vote but to be down in the committee discussing this important matter. That has been frustrated.

I am willing to suggest a compromise in this situation. Having voted that we are going to debate this now, this House should debate it now. But considering the import of what this motion deals with, considering the members have not had a full chance to discuss it, considering the Attorney General is ready, willing and wants to go before the justice committee and discuss the matter, after discussion in this House we should adjourn adoption of the report asking for a warrant from you until the Attorney General has had an opportunity to discuss the matter fully before the justice committee. Then I will give assurances to this House that, as government House leader, I will call the matter again and bring it to a vote at that time. If my friends are not willing to accept

that procedure, I suggest we will have to vote against the adoption of this report.

**Mr. Breithaupt:** Mr. Speaker, there was only one point I particularly wished to raise in this debate this afternoon, and that is with respect to the events of yesterday. The committee, in its wisdom, passed a motion about 11 o'clock yesterday morning dealing with this particular matter. The Attorney General was kind enough—and I think that is the proper word to use—to appear with the Deputy Attorney General and a law officer at a few moments after one o'clock in the afternoon. We were able to hear the Attorney General explain at some length his particular concerns in this matter.

It was somewhat difficult to proceed, however, because there was not one Conservative member of the committee present, and there were only three other opposition members besides the chairman—it being very late in the afternoon, and the Attorney General's presence being, I think, unexpected at that point.

However, having made its motion, and there being no alternative, without a quorum, to deal otherwise with the matter, the committee was bound by the earlier ruling, which is why the motion, I believe it is fair to say, was put today by the chairman of the committee; he had no alternative but to bring before the House, at the earliest opportunity, the motion that had been passed.

Perhaps, if the attendance had been otherwise, the matter possibly could have been reversed at that point and the law officers of the crown could have been heard this afternoon, as I had suggested would have been a way to resolve the problem. However, in the absence of members of the committee, virtually nothing else could be done but to proceed in this fashion, with the hope that, if the Attorney General and his advisers were able to appear before the committee, possibly some other report would come forward from the committee that might reverse a step that had otherwise been made. But I put it to you, Mr. Speaker, that we had no alternative at that point but to reverse the earlier ruling. This is part of the difficulty in which we find ourselves.

5:50 p.m.

Interjections.

**Mr. Breithaupt:** The proposal having been made, if there had been one Tory present in the committee, we might have got somewhere. There was not one Tory present; so, as a result, we are here this afternoon and the Attorney General has the opportunity to

speak to this issue. I wanted to put that matter before the Speaker so that we would know why we got into this circumstance, and I hope the Attorney General will speak to the report.

**Hon. Mr. Pope:** What a bunch of garbage. Adjourn the debate now and go downstairs.

**Mr. Speaker:** Order. Every member should have an opportunity to be heard.

**Mr. Foulds:** Let the Attorney General speak now.

Interjections.

**Mr. Martel:** Mr. Speaker, this afternoon at the House leaders' meeting, I volunteered to have the report debated tomorrow, which would have allowed the Attorney General to be present at the committee downstairs this afternoon. I have to remind the House that it was the government House leader who did not want to do it that way. Now we are into a hassle.

Interjections.

**Mr. Martel:** Do not barrack; that is factual.

In fact, I even volunteered to postpone it until Monday, if need be. We were not happy to do that. The House leader for the Liberals indicated he would prefer to do it sooner, but we were prepared to debate it tomorrow. If the government House leader and his party chose not to go that route and decided they wanted to resolve it this afternoon, that is their decision. But we were prepared to accommodate the Attorney General and allow him to appear this afternoon and then debate the report tomorrow. If I heard the government House leader correctly, that is what he just volunteered to do. We would not have gone through this hassle if he had accepted my proposal this afternoon.

If I could turn for a moment to the rules that my friend spoke to, the rule was not brought into the House for the reason he suggested. The government House leader, who continuously had to adjourn debate when reports were presented, did not want to be in the untenable position of appearing to be the person who put off all debates on all reports. So the new ruling was devised whereby the chairman of a committee would move the adjournment of the debate, after having an opportunity to make a few remarks, thus giving members of the House an opportunity to review the content of any given report. That is how that rule came about.

I think we have a problem yet. That is, unless there is agreement on a report, there

is no guarantee that we can get a report back to the House for discussion. Up until this time it has worked well, save for one report which we are having a bit of a problem on. I think my friends from the Liberal Party and I are nervous about that one because we have attempted to have it brought forward on a number of occasions and there has been a little bit of reluctance—

**Mr. Nixon:** Nakina?

**Mr. Martel:** The Nakina one.

There is no mechanism to get it back to the House. If we are going to look at a mechanism that should be devised, once a report is tabled there should be a mechanism that says under certain circumstances or after an extended period of time this report must be called. In that way one has the assurance that a report is going to get back before the Legislature. It now rests totally with the government as to whether a report comes back. That is our concern with this one. If it had been adjourned this afternoon, there is no guarantee that we could ever get it back to be debated.

So except for one case, there has been no problem with that. But there is still not a real way of resolving it. Maybe that is the thing, in terms of the rules, that should be reviewed. If there were a time limit under which it must come back to the Legislature for debate, we would get ourselves out of this.

We had an easier way today—which I proposed and the government did not accept—and that was to debate it tomorrow morning.

**Hon. Mr. McMurtry:** Mr. Speaker, I would like to give some additional background in relation to this motion that is before the House, if I may. Certainly, in talking with a number of the members both from this side of the Legislature and across the aisle, it is very clear that many are not yet aware of the issues involved in this matter.

First of all, I would like to turn to the resolution that was passed by the committee because, as my House leader pointed out, this has not been distributed. With respect and not in any sense of criticism, I believe the majority of members are not aware of what this issue is really all about. I will quote from the proceedings the substance of the issue before us:

“Mr. Bradley moved that all materials relating to Carlo Montemurro and his related companies, particularly C and M Financial Consultants Limited, Re-Mor Investment

Management Corporation, Canadian Metal Recycling Labs and Astra Trust Company, be produced to the committee, such materials to include all correspondence, interdepartmental memoranda, memoranda to file, application forms, notes, files and such other documents that are in the possession of any branch, board, agency, commission, registry or division of the Ministry of Consumer and Commercial Relations.”

This motion, which was duly carried at some point by the committee, was made known to law officers of the crown and senior law officers of the Ministry of the Attorney General relatively shortly thereafter. The law officers of the crown were in possession of many of these documents as they pertained not only to an ongoing criminal investigation but also to criminal charges that had been laid. In relation to these criminal charges, as I will be discussing in a moment or two, there is actually a preliminary hearing scheduled to commence on Monday.

The law officers of the crown, having heard and being concerned about the proper administration of justice in this province and the extent to which this was going to firstly prejudice, undermine and potentially seriously interfere with an ongoing criminal investigation, and secondly, at the very least if not in fact, interfere with the proceedings that were before the court, brought it to my attention. As soon as I could, I attended—

**Mr. S. Smith:** Criminal?

**Hon. Mr. McMurtry:** The preliminary hearing on the criminal charges, yes. I will give more details of that in a moment. As soon as this was brought to my attention, I decided I should go forthwith to the committee—which I did, as has already been noted by the member for Kitchener (Mr. Breithaupt), with the Deputy Attorney General and Mr. Howard Morton, the director of the crown law office, criminal division—to inform the members of the committee as fully and completely as we could of the issues involved.

You have been asked, sir, to issue a warrant. In the final analysis it is your discretion that will be applicable, because section 35 of the Legislative Assembly Act states that upon request you may issue such a warrant. I felt the members of the committee were entitled to all the relevant information we could divulge without ourselves interfering with the ongoing criminal investigation.

I want to stress at the outset that I was personally only familiar with the general details with respect to the nature of the investigation. Yesterday I appeared before

the committee and I said in part that representations had been made in relation to the notices that have been issued and served with respect to civil proceedings. I do not want to dwell too long on those.

6 p.m.

My senior law officers of the crown who have been advising the Ontario Provincial Police, particularly with respect to the criminal investigation, are very concerned about the Speaker's warrant in relation to the integrity of the ongoing investigation. In our view, the investigation could be seriously prejudiced by any issuance of a Speaker's warrant.

I was going to ask Mr. Howard Morton, who I have already introduced, to address members in relation to this issue, because he is more familiar with the details of the investigation than I am. Given the fact that there were a number of members of the committee who had voted on the original motion who were then present, I was quite prepared to have Mr. Morton address the committee at that time or, at the discretion of the chairman and the members of the committee, when there was, in the words of the member for Kitchener, "a larger audience."

I thought it was agreed. I do not want to get preoccupied with what was agreed, but it was my understanding—

**Mr. Speaker:** Order. I want to remind the Attorney General we have reached the time when we usually break for the dinner hour. Would this be a convenient point for him to break off his remarks and continue at eight?

**Hon. Mr. McMurtry:** Yes, it would, Mr. Speaker.

**Mr. Speaker:** I want to remind the House and the government House leader that the provisions of standing order 30 were not breached this afternoon. The chairman who brought the report in moved the adjournment of the debate. That was quite in order. He did move the adjournment of the debate. It was taken out of my hands by the House, which is supreme and which decided it did not want the debate to adjourn.

I want the government House leader to differentiate between this instance this afternoon and the one he quoted covering the member for Humber, who is the chairman of the select committee on constitutional reform. There is a distinct difference.

The House recessed at 6:05 p.m.

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**CONTENTS**


---

Thursday, November 20, 1980

|   |      |
|---|------|
| Transmitting supplementary estimates: the Honourable the Lieutenant Governor .....                                      | 4439 |
| Point of privilege re report in Toronto Sun: Mr. Williams, Mr. T. P. Reid, Mr. Gregory,<br>Mr. Nixon .....              | 4439 |
| Massey-Ferguson, White Motor Corporation, questions of Mr. Grossman: Mr. Nixon<br>Mr. Makarchuk .....                   | 4441 |
| Radioactivity at OHC subdivision, questions of Mr. Parrott and Mr. Bennett: Mr. Nixon,<br>Mr. Isaacs, Mr. Sargent ..... | 4442 |
| Nuclear waste disposal, questions of Mr. Welch: Mr. Cassidy, Mr. J. Reed .....  | 4444 |
| Auto production, questions of Mr. Grossman: Mr. Cassidy, Mr. B. Newman, Mr.<br>Laughren .....                           | 4445 |
| SCA pipeline, questions of Mr. Parrott: Mr. Kerrio .....  | 4447 |
| SKF Canada plant closure, questions of Mr. Grossman: Mr. R. F. Johnston .....   | 4448 |
| GO train fire, questions of Mr. Snow: Mr. J. Reed .....   | 4448 |
| Disposal of PCBs, questions of Mr. Parrott: Mr. Isaacs, Mr. Hall .....  | 4449 |
| Welland Canal bridge, question of Mr. Snow: Mr. Haggerty .....  | 4450 |
| Owen Sound Hospital transfer, questions of Mr. Timbrell: Mr. Breaugh .....  | 4450 |
| Sales tax on upholstery, questions of Mr. Maeck: Mr. Peterson .....   | 4450 |
| Indian sales tax exemption, questions of Mr. Maeck: Mr. Wildman, Mr. Nixon .....  | 4451 |
| Assistive devices, questions of Mr. Timbrell: Mr. T. P. Reid .....  | 4452 |
| Liquid industrial waste, question of Mr. Parrott: Mr. Swart .....   | 4452 |
| Report, standing committee on general government: Mr. Cureatz .....   | 4453 |
| Report, standing committee on administration of justice: Mr. Philip .....   | 4453 |
| Recess .....  | 4458 |

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**SPEAKERS IN THIS ISSUE**

---

Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Bradley, J. (St. Catharines L)  
Breaugh, M. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Cassidy, M. (Ottawa Centre NDP)  
Gregory, Hon. M. E. C.; Minister without Portfolio (Mississauga East PC)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Hall, R. (Lincoln L)  
Isaacs, C. (Wentworth NDP)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Martel, E. W. (Sudbury East NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
(Dufferin-Simcoe PC)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Sargent, E. (Grey-Bruce L)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Williams, J. (Oriole PC)



No. 118

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 20, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.

Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 20, 1980

The House resumed at 8:01 p.m.

## CARLETON BY-ELECTION

**Hon. Mr. Gregory:** Mr. Speaker, on a point of privilege: It is a privilege for me to announce from Ottawa, that, out of 249 polls, 212 heard from, the NDP has 3,179 votes, the Liberals have 7,279 votes, and the PCs have 10,240 votes.

## REPORT IN TORONTO SUN

**Mr. Williams:** Mr. Speaker, prior to the recess I had asked for the right and you had extended to me the privilege to speak further on my point of privilege.

I had raised the question. In fact, I had made the statement with regard to the libel that had been committed. It had been perpetrated either by the member for Rainy River (Mr. T. P. Reid) or the member for Wentworth North (Mr. Cunningham), and that particular libel pertained to the notice sent up to the member of the press. That was a totally malicious and untrue statement.

I think I am entitled to have the member for Wentworth North here to answer to this matter. On the basis of the advice I have received from my discussions this afternoon with legal counsel, he must be entitled to answer to that. I am prepared to stand down until that occurs. But by the same token, because my reputation is at stake and it is a very serious matter, I ask that you exercise whatever you can in the way of influence, along with the leaders of the Liberal Party, to bring the member for Wentworth North before the House at the earliest moment to answer these charges. I must have an answer, Mr. Speaker.

**Mr. Speaker:** As I reminded the honourable member this afternoon when he first raised the issue, it is only common courtesy that any person who is named as violating another member's privileges has to be given an opportunity to respond. I do not have it within my power to command him to be here at any given point in time. When he does arrive, I am sure the honourable member will avail himself of the opportunity to express his point of view. I do not have the

authority to summon anybody at any particular point in time. No doubt, in due course the honourable member will be here to respond to any allegations you have made.

**Mr. Williams:** Mr. Speaker, I ask the deputy leader of the Liberal caucus whether it is within his knowledge if the member for Wentworth North intends to be in the House tomorrow.

**Mr. Nixon:** It is not.

**Mr. Williams:** I did not hear the answer.

**Mr. Speaker:** You are not entitled to an answer. All you can do is put your point before the House. I am sure the honourable member to whom you refer will hear your remarks and, when he is here, he will respond to them.

## REPORTS

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

(continued)

**Hon. Mr. McMurtry:** Mr. Speaker, as I recall when the House adjourned at six o'clock this evening, I was referring the members to certain extracts from the proceedings that took place before the standing committee on administration of justice yesterday. It was clear that some of the members indicated they would like to hear Mr. Howard Morton, the director of the crown law office, criminal division, because of the importance of these proceedings.

Although I am not familiar with everything that was said in the justice committee prior to the passage of the resolution which invites you, Mr. Speaker, to issue a Speaker's warrant, from what I have been able to learn and from what I recall as having been said yesterday, several members were totally unaware that criminal charges had been laid, that the matter was before the court and that there are accused individuals who are about to appear at a preliminary hearing.

In such a vital matter, I would like to think that even members who find it difficult at the best of times to demonstrate the most basic, elementary courtesy to this House should appreciate that this is an issue that

affects the rights of every individual in this country. Regardless of what we may think of them personally, individuals who are charged in our courts have a right to a trial in a properly constituted court of law, not in this Legislature and not in a committee thereof.

I honestly believe the overwhelming majority of members on both sides of this House appreciate the importance of these fundamental principles. With respect, I am trying to direct my remarks in a nonpartisan vein. I cannot speak for certain but, as I indicated earlier, I doubt the majority of the members who voted on that resolution were aware of the criminal proceedings and the ongoing criminal investigation. I do not know to what extent the Minister of Consumer and Commercial Relations (Mr. Drea) was aware of the criminal proceedings.

In any event, as was suggested by the member for Kitchener (Mr. Breithaupt) and as appeared to be the view of other members of the committee, they invited me, as Attorney General, to return this afternoon and appear before the justice committee in order that they might hear Mr. Morton, the director of the crown law office, who was there yesterday and was again to be here today and Mr. Blenus Wright, the assistant deputy minister in charge of the civil branch of the ministry.

As I indicated to the members of the justice committee yesterday, I was not personally familiar with all the details of the investigation. It should not come as a surprise that the Attorney General cannot keep himself apprised of the day-to-day workings of any particular investigation.

Certainly on that occasion the members wanted very much to hear from Mr. Morton, and it was my understanding that he was going to be given an opportunity to address certain remarks to the committee today in relation to the nature of the investigation and what was involved. I want to indicate at this time, that, if the justice committee had proceeded as I thought was the intention of the members at that time, Mr. Morton's concerns would have been expressed to them.

8:10 p.m.

I am reading a statement prepared for me, at my request, by the director of the crown law office, as he is most familiar with the details of this investigation.

My major concern, and the concern of the senior law officers, with respect to the justice committee's resolutions, is that if adopted by this Legislature they will impair

a very important and complex ongoing criminal investigation. Since early spring of this year, the Ontario Provincial Police have been conducting a criminal investigation with respect to the financial affairs of Mr. Montemurro; prior to that time, the Ontario Securities Commission had been conducting a similar investigation into C and M Financial Consultants Limited. As a result of the securities commission investigation, Mr. Montemurro and two of his associates have been charged with conspiracy to defraud the public, fraud, conspiracy to commit theft, and theft.

The preliminary hearing into those charges is scheduled to commence next Monday, and it is entirely possible—of course, I cannot speculate—that counsel for Mr. Montemurro may very well wish to adjourn these proceedings in the event that a Speaker's warrant is issued. While I am not suggesting any of our provincial court judges are going to be influenced by a debate that goes on in this House or in a committee of this House, what we, who are truly concerned about the administration of justice, are concerned about is the appearance of a man who is on trial at a preliminary hearing having the very issues related to his trial debated in a committee of this Legislature. Surely this is not a result that is desired by any responsible member, at least, of this House.

A much broader OPP investigation is still under way, and I am advised it will be some time before the decision is made as to what, if any, further charges will be laid. I might add that a very experienced counsel from the crown law office, criminal division, has been assisting the police from the outset of this investigation. Approximately 50 search warrants have been executed, and more than 50 boxes of documents have been seized. Accountants have been retained, and they are in the process of assisting the OPP in their investigation.

Although I am not prepared to hamper an ongoing criminal investigation by having a public debate at this time with respect to the details of the investigation, I am prepared to state that the substantial portion of the investigation centres on Re-Mor Investment Management Corporation and Astra Trust, the very companies named in the committee's resolution.

As Attorney General, I must impress upon you, Mr. Speaker, that in my view a Speaker's warrant to produce the documents set out in the justice committee's resolutions will

seriously impair the integrity of a very important ongoing criminal investigation. In fact, it may impede it, or it may even grind it to a halt. As chief law officer of the crown, with public responsibilities that flow from that position, I cannot idly stand by and permit that to happen.

In addition to what I have already said, I would only add that, were a Speaker's warrant to issue, there is a very real risk that the three accused persons whose preliminary hearing starts next Monday will be prejudiced with respect to their right to a fair trial by virtue of the publicity which, I might say, has already been generated by the justice committee's resolutions. The right of any accused person to a fair trial is a right I am not prepared to compromise.

I remind the members of the House that, apart from the responsibilities some of them obviously are unwilling to discharge, they have a responsibility to you, too, sir.

Reading section 35 of the Legislative Assembly Act, which perhaps is not familiar to some of the members: "When the assembly requires the attendance of a person before the assembly or a committee thereof, the Speaker may issue his warrant directed to the person named in the order of the assembly requiring his attendance before the assembly or committee and the production of the papers and things as ordered."

It appears quite clear that it was the intent of the Legislature in passing this section to vest in the Speaker the discretion with respect to whether or not to issue such a warrant. I think—

**Mr. Warner:** You only give half the story. Why don't you try subsection 1 of that?

**Hon. Mr. McMurtry:** The honourable member will have his opportunity to participate in the debate. He is always telling people to resign almost every hour on the hour. He is masquerading as the justice critic for his party. Why does he not smarten up for a change?

**Mr. Warner:** And you're masquerading as Attorney General. Read subsection 1 of that.

**Hon. Mr. McMurtry:** I would think, Mr. Speaker, even the members of the third party would have enough respect for your position not to ask you to have to exercise that very difficult decision. I would have thought the members of the Legislature would have more respect for the position of Speaker than to put you in that very difficult position.

The other matter that has been considered, I think it is fair to say, is not of as crucial importance as the matters I have been discussing, but they are matters related to the administration of justice. I am addressing myself to the issue of the civil proceedings that have been commenced. The advice I have from the senior law officers of the crown in the civil division of the ministry is as follows: I think again this may be of assistance to the members, and I am speaking about the majority of the members who want to know these facts.

**Mr. Martel:** You don't want to assist; you want to insult.

**Hon. Mr. McMurtry:** Perhaps some of the honourable members over there might learn again the most basic elements of courtesy and just allow the other members to hear these submissions.

**Mr. Martel:** Don't talk down to us.

**Mr. Makarchuk:** We've had enough of your sanctimonious claptrap.

**Hon. Mr. McMurtry:** The people of Carleton have told the people of Ontario what they think of the NDP today.

**Mr. Martel:** That's because you blew in with every goodie possible to give in a by-election.

**Hon. Mr. McMurtry:** Mr. Speaker, the first notice of a potential claim in this matter was served on our office in June 1980. We have now received a total of 32 separate notices of claim delivered on behalf of approximately 300 claimants. Ten separate writs of summons naming the crown as a defendant have been issued and served on our office.

In addition, we are aware of three other writs of summons issued on behalf of a total of 83 individual plaintiffs. Mr. I. B. Weinstein, who at the material time was the registrar of mortgage brokers, is named personally as a defendant. A number of other writs of summons may have been issued but not yet served in which the crown or Mr. Weinstein or other individuals are named as defendants. No statements of claim have, as yet been delivered in any of the actions.

8:20 p.m.

In every notice of claim and in every writ of summons we have seen so far, the specific issue raised is the decision of the registrar to grant a licence as a mortgage broker to Remor Investment Management Corporation, which is exactly the issue sought to be discussed in this House or in committee. In my

view, any discussion of this matter, either in the House or in committee, would be premature while the lawsuits are pending as it could tend to create a prejudgement in the minds of the public, or in the minds of the litigants, as to the issues involved in the litigation. It would also set up this House, or the committee, as an alternative forum for the trial of the issues.

It is my view that this, in turn, would constitute a serious prejudice both for the rights of the registrar of mortgage brokers and the rights of the plaintiffs in the various lawsuits. In addition, because of the danger of prejudgement of the issues based on incomplete information or on an inadequate understanding of its effect, it also could create a serious prejudice to the administration of justice in this province.

For these reasons, it was our advice to the Minister of Consumer and Commercial Relations to advise this House that the matters in issue are sub judice and we advised him not to produce the files and documents of the ministry with respect to the matters in issue in the litigation.

Finally, it was my respectful view and, I believe quite frankly, the view of a number of the members opposite, that the proper forum to deal with this issue, if it is required to be dealt with further, would have been the justice committee, where the members could have heard not only from the Attorney General or members of this Legislature but also from senior law officers of the crown who are much more intimately and better acquainted with the facts of these matters than I am. The members of the committee would have had the opportunity to benefit from the views of these senior law officers of the crown whose sole responsibility in this matter is to protect—

**Mr. M. N. Davison:** To protect the minister.

**Hon. Mr. McMurtry:**—the integrity of the administration of justice in this province. I hope that remark was not meant to be heard by anyone other than the person who uttered it. Suggesting that senior law officers of the crown have any other goal—

**Mr. M. N. Davison:** I am suggesting that it is the Attorney General's.

**Hon. Mr. McMurtry:**—than to protect the integrity of the administration of justice in this province—

**Mr. Sargent:** They do what they are told by the Attorney General's office. I will prove it to be the minister in a minute.

**Hon. Mr. McMurtry:** I say to the member for Grey-Bruce, that is beneath contempt. It really is.

I would have thought the committee would have been the proper forum to have heard from these law officers. I still think, on this very vital and crucial debate as far as the interests of individual citizens of this province are concerned in relation to proper law enforcement and the administration of justice, and before we risk allowing it to be ground down into a lot of mindless partisanship, the members of the Legislature should consider the possibility of allowing the justice committee to consider this matter further and to deliberate on it rather than placing you, sir, in a most invidious position in exercising your discretion in a matter that is of such fundamental importance to the administration of justice in this province which bears directly on the rights of every single citizen in our province.

**Mr. T. P. Reid:** Mr. Speaker, it is with somewhat mixed emotions I rise to speak on this matter. Having heard the position put forward by the Attorney General, one of course has to think very deeply about it.

However, I would bring to the Attorney General's attention a ruling that was made on July 8, 1977. It was a ruling made by the then Speaker Rowe in regard to Hydro contracts and the whole subject of sub judice. I put this to the committee yesterday morning before the Attorney General came in.

The Speaker was making a ruling on a question put by the member for Brant-Oxford-Norfolk (Mr. Nixon) in regard to Hydro contracts. The Speaker referred to a study that had been done at the federal level in regard to the sub judice rule. I want to emphasize this point in particular. Speaker Rowe said this, "May I first say as strongly as I can that I know of no authority by which any court can prevent free discussion in this chamber." He re-emphasized that later on.

That is the first and most fundamental point. It is perhaps somewhat ironic that I should be quoting that particular section and bringing to the attention of the Attorney General this evening that this assembly has the authority for free discussion and free speech, when I personally have been the butt or recipient of a diatribe by the member for Oriole (Mr. Williams), which I think the Attorney General would agree would constitute libel and slander outside of this chamber. But he has that right as a member of this Legislature, and he has exercised that right perhaps a little further than most of us

would like. I say to the Attorney General that this assembly as a whole has the right of free discussion of any matter that it sees fit. That is the first point.

On the general matter of sub judice, this federal report went on to state, and I quote from section 22: "In the view of your committee, the justification for the convention has not been established beyond all doubt, although it would not go so far as to recommend that it be totally abolished. Your committee believes, however, that any modification to the practice should be in the direction of greater flexibility rather than stricter application."

Further, Mr. Speaker—and I am sure you have the reference—I quote again: "On no account should the convention which has been applied infrequently in years past come to be regarded as a fixed and binding rule. It is not reasonable, for example, that Parliament should be any more limited in this debate concerning judicial proceeding than is the press in the reporting of such proceedings."

There is more, Mr. Speaker. As you well know, it also says, "Your committee recommends that the Speaker should remain the final arbiter in the matter."

The point remains that the whole sub judice rule is a vague one. It has been used on occasion in this assembly and in others as an excuse for not providing information or not taking action. I am concerned about this matter. I refer the Attorney General to the question put on November 13 by the member for Kitchener (Mr. Breithaupt). I remind him of that question to the Minister of Consumer and Commercial Relations (Mr. Drea) in regard to the documentation and memorandum concerning the registration of Re-Mor after C and M had been put into receivership.

I find it somewhat strange, quite frankly, that the Attorney General should have come into the committee at the point he did yesterday—I happened to have come back into the committee—with a law officer of the crown, and attempted to explain to the committee at that point why he felt the way he did.

I would have thought at the very least it would have been incumbent upon the Minister of Consumer and Commercial Relations at the time he received that brief paragraph from the law officers of the crown to give a much fuller explanation than, in fact, was given.

**Hon. Mr. Drea:** In fairness, that concerned a civil matter. The discussions that Mr.

Morton attempted to bring to the committee yesterday, as I said, were unknown to me.

**Mr. T. P. Reid:** I appreciate that, but the minister did stand in his place the other day and say he could not reply to the request of the member for Kitchener because of the ruling of the law officer of the crown. With all due respect, and perhaps with some cynicism over the years, that is not sufficient. We have to have valid reasons why these matters should be considered sub judice.

8:30 p.m.

I find it difficult to understand how the production of these documents is going to prejudice or affect these cases. The justice committee, having received the documents—which it is entitled to under the rules of this House—will proceed with them in the way it best sees fit. It has that authority and that responsibility, as the committee charged with this matter, to proceed in the best way it knows how.

I was also concerned that the Attorney General put a new twist on the whole sub judice rule. It was my understanding that, vague as the rule has been in the past, at least it referred primarily and specifically, if not completely, to criminal actions in the court. The Attorney General shakes his head. Perhaps I have been under some misapprehension in that regard but I have not yet, until tonight, heard the argument that the sub judice rule also applied to ongoing or potential criminal investigations.

It seems to me, if we carry that argument to its logical conclusion, there is little if anything we can discuss in this chamber if that is a valid argument. I do not think it is acceptable to us as an argument to use the sub judice rule for closing off debate and discussion on this matter. I quoted the ruling of your predecessor, Mr. Speaker, on July 8, 1977. I fail to see how the production of these documents for the justice committee will have any prejudicial effect on these matters and we would hope the motion and report would carry.

**Mr. Renwick:** Mr. Speaker, with the indulgence of the House, I want to vent my anger for about 60 seconds and then I want to try to deal with the substance of the matter. It is incomprehensible to me that the suggestion made by the House leader of this party to the government House leader that this matter be debated tomorrow morning was not accepted. That would have given the opportunity, as the record of the proceedings of the justice committee shows, to

have heard the Attorney General and anyone the Attorney General wished to bring to the committee this afternoon.

My anger is not about that matter. My anger is that the private members' public business has been totally eliminated for this week. My anger is also directed at the fact that the third reading of the debate on the select committee on constitutional reform is not going to take place or only in truncated form.

In addition, it is a personal concern of mine as a member of the assembly that the failure to have maturity about the proceedings of this House disrupts the work of each member of the assembly. In this particular instance, I have had in my appointment book for well over two months an obligation to attend a meeting about lead pollution in my riding from 5:30 p.m. to 6 p.m. today and to attend the annual meeting of the South Riverdale Community Health Centre this evening. I am prevented from participating in those events because of the immaturity displayed today about this matter, although I was able to be there briefly during the dinner recess this evening.

Having said that, let me try to deal with the issue before us, which is the question of whether we should adopt the report of the justice committee in the light of the comments made principally by the Attorney General and his concern about it.

My remarks are addressed to allaying his concern by bringing to his attention what the justice committee is about, what the proceedings of the justice committee were dealing with yesterday, and not just to inform the Attorney General, because I believe my colleagues in the assembly who were not in that committee should have an understanding of what is being asked.

First of all, let me clarify as best I can what the process was at the end of the committee yesterday, not because I was present, but because there has been some confusion that in some way the committee was creating this difficulty. The committee did not create this difficulty. I quote from near the end of yesterday's Hansard with respect to the committee hearing, after the Attorney General had been there and spoken, when the question arose of whether there were sufficient members present to deal with the matter that had been raised and all the other matters that had been raised. My colleague the member for Brantford (Mr. Makarchuk) made these remarks almost at the end of the meeting:

"My feeling on this matter is that it proceed as it is right now, which still gives us

time tomorrow when the committee meets. Mr. Morton can still make his statement. If the committee decides to withdraw the warrant at that time or requests the Speaker not to execute that warrant, that procedure can be followed. We have the time to follow that process. As the motions are at this time, I would suggest the proper procedures be carried out. The committee still has the option to change its mind on the basis of the evidence we will hear tomorrow and prevent the execution of the warrant. That time is still available to us and I suggest we will leave things as they stand at this time."

The member for Kitchener intervened, "Then we will hear Mr. Morton first thing tomorrow afternoon." There were a couple of other interventions and my colleague the member for Hamilton Centre stated: "If, in fact, the committee is given a warrant, the motion is granted and the warrant is obtained, then there is no problem if something should come forward that convinces us we should not do it by asking the Speaker to stay the execution of that warrant. It is not going to happen instantaneously. Nothing ever does."

The member for Kitchener then concluded: "We have no choice in the matter, in the absence of the withdrawal of the motion, and we do not have a quorum to continue with the placing of a new motion other than the one that would embarrass the chairman. I believe, Mr. Chairman, we have no alternative but to adjourn and to hear Mr. Morton tomorrow afternoon."

Mr. Chairman said: "We stand adjourned. Will the Solicitor General be free tomorrow afternoon?" The Attorney General replied, "Yes, I think we are scheduled to be here." Then the committee adjourned at 1:30 in the afternoon. I simply read that to indicate quite clearly that the normal adjournment hour for the committee was one o'clock. There was no quorum present at the time this discussion took place. There was no authority in the committee to rescind or alter or vary in any way what had been passed when the committee met in the morning.

What did the committee do when it met in the morning? It dealt with the procedural matters. There were four motions put before the committee. I do not intend to read them at length. They are in the proceedings. Three of the motions were put by the member for St. Catharines (Mr. Bradley). The fourth motion, the one relating to the request for the Speaker's warrant, was put by my colleague the member for Hamilton Centre.

It is because of the substance of the matter in issue that I am very much concerned with

the great, broad cloak the Attorney General spread about the matter in the House tonight. I do not yield, and no other member of the House yields, to the Attorney General on the question of the integrity of the administration of justice in the province. He happens to carry the ministerial responsibility in this House. We all share that responsibility and no one can impute by direct words or otherwise a greater concern to some members of this House than resides in other members.

8:40 p.m.

I get concerned when the Attorney General smothers or attempts to smother that issue on the basis that somehow or other he has sole responsibility. He only has sole responsibility in the sense that he is responsible to this House. It is important for the Attorney General, when he comes before the House to ask that a matter related to one of the committees of the House be aborted, that he stand in his place and understand what it was that the committee was about.

I suggest the Attorney General's remarks tonight showed at least an ignorance about what the committee was saying yesterday. I do not want to repeat the motions because they tended to be put in formal terms. Three of them were put by the member for St. Catharines.

The first motion, which was the formal gut motion before the committee, was expressed in formal terms and then explained to the committee by the member for St. Catharines. He said, "Through this particular motion, we would like to examine the role of the Ministry of Consumer and Commercial Relations." That was the matter the committee was asked to consider.

Before I go on, let me express that this House, under its rules, on a petition signed by 20 members, referred the report of the Ministry of Consumer and Commercial Relations to that committee to carry out its instructions. The problem, and I want to make this very clear, is that the committee's mandate will continue. The committee has no alternative as a creature of this House but to continue its investigation into the matters with which it has been charged.

The problem will be that if the argument of the Attorney General is accepted, the committee will be unable to do its work in the way in which this assembly must expect it to do its work and that is ably, well and efficiently.

I want to emphasize that the purpose of the committee, in the words of the member for St. Catharines who moved the motion

which was passed by the committee, is, "Through this particular motion, we would like to examine the role of the Ministry of Consumer and Commercial Relations." He then went on to particularize the nature of the inquiry into the role of the ministry. Because we were not engaged in something called a fishing expedition, it was very clear as to what the responsibility of the committee is in that investigation and examination.

Again, quoting the member for St. Catharines, ". . . and, in particular, the registrar of mortgage brokers in relation to the issuance of a mortgage broker's licence to Re-Mor Investment Management Corporation. We would also, through this motion, like to examine the role of the Ministry of Consumer and Commercial Relations and, in particular, the registrar of loan and trust corporations, in relation to the denial of a provincial trust company charter to a trust company to be incorporated by Mr. Carlo Montemurro and the subsequent registration and monitoring by the registrar of Astra Trust Company; and also, the role of the Ministry of Consumer and Commercial Relations and, in particular, the Ontario Securities Commission, in relation to investigations pertaining to C and M Financial Consultants Limited, Re-Mor Investment Management Corporation, Astra Trust Company and other related companies."

I do want to emphasize, so it will not be overlooked, that that is the mandate of responsibility which the standing committee on the administration of justice has before it. We are now being told that to investigate the role of the ministry in some way is going to prejudice the rights of individual citizens because of certain civil matters and certain criminal matters which are outstanding before the courts. I want to say there is nothing whatsoever in the role of the committee in this matter that will in any way prejudice anyone in any trial in any court arising out of the defalcations which have damaged so many people.

I want to impress on the House we must have confidence in the committees and we must have confidence in this committee. If this matter is proceeded with and the warrant is issued, as I hope and trust it will be, and if that committee is aware in any way during the course of its investigation that it will interfere with those rights of individual citizens before the courts, the confidence of this House in that committee is such that the committee will respect the integrity of the administration of justice. To say at this point that the committee will run roughshod over the rights of people shows, in my judgement,

a total lack of understanding by the Attorney General of the functioning of committees of the House and a lack of respect for the integrity of those committees.

**Hon. Mr. McMurtry:** Why did you not want the law officers of the crown to have an opportunity to discuss it?

**Mr. Renwick:** Perhaps a little later I will come back to the point my House leader made this afternoon and to the point I made about the process that will take place in the committee that will give the Attorney General the opportunity to make whatever statement he wants to make.

I simply want to make the point that the committee is not only entitled to respect, but this House would be most unwise not to respect the work of that committee. The committee is made up of members of this assembly who are alert to the kinds of concerns we all share about the integrity of the administration of justice.

My colleague the member for Brantford said so in expressing it. My colleague the member for Hamilton Centre at the end of the desultory talk yesterday indicated quite clearly what the position would be. That is not a particular bar.

I want to draw clearly to the attention of the House the two matters which relate to something called this vexed rule of sub judice which is before us, one relating to civil matters and one relating to criminal matters. Let me say right at the beginning that during the course of the proceedings of that committee yesterday morning, when the four motions were put, three by the member for St. Catharines and one by the member for Hamilton Centre, we were talking about the civil litigation that was the subject of questions on the preceding day to the Minister of Consumer and Commercial Relations by members of this assembly. That is what we were directed to.

I want the Attorney General to understand that, yes, on Wednesday morning the Minister of Consumer and Commercial Relations indicated and recalled to the House for those who had not recalled it that there were outstanding charges. It was in the minds of the members of the committee that there were outstanding charges when they went to pursue this course. That is not because we were saying we do not understand or do not appreciate that what we are doing is not to prejudice the people who are standing trial in the province in these matters. That was not it, but they were aware of it and the purpose, as I said, was

to investigate the role of the Ministry of Consumer and Commercial Relations in respect of the three matters outlined by the member for St. Catharines.

8:50 p.m.

I want to draw to your attention, not so much because it is a matter of your ruling at this point, Mr. Speaker, because it is a motion before the House for the adoption of a report, but as it is in essence a question of the sub judice rule, and I want to put clearly on the record what the rules of the House say about that matter:

"In debate, a member shall be called to order by the Speaker if he refers to any matter that is the subject of a proceeding (i) that is pending in a court or before a judge for judicial determination, or (ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature."

Both those headings are qualified by the following clause: "where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding."

I listened carefully to the Attorney General, and I want to say that in no way will this create a real and substantial danger of prejudice to the proceeding. If there are those who want to prejudge the matter at this time and say, "Oh yes, it will," then I say let us await the event.

Let us have the courtesy to give the committee of this assembly what it is entitled to: the respect to understand that in anything they do, whether it is related to the warrant which is one of the matters in the report to be adopted or whether it is simply in the course of other proceedings before that committee, they will be fully aware of their responsibility with respect to that kind of prejudice. To say at this point that it would be at least to prejudice. In my judgement, so far there has been no indication by the Attorney General that there is any real substance to the allegation he has made that we have no concern for the administration of justice and he is the only one who can be entrusted with this operation.

**Hon. Mr. McMurtry:** Mr. Speaker, on a point of personal privilege: I did not impute that motive to the committee. I invited the members of the committee to avail themselves of the opportunity of further deliberations with law officers of the crown to attempt to sort this matter out. I did not say, "You are not entitled to any documents whatsoever," nor did I impute that the members of the



committee were all dedicated to running roughshod over the rights of individual citizens. I indicated that their responsibility to the administration of justice would demand that at least they make that attempt. That is quite different from the remarks attributed to me by the member for Riverdale.

**Mr. Renwick:** Mr. Speaker, I did not mean to provoke the Attorney General in the matter. I want to deal further with the present wording of the sub judice rule we have in our rules.

Interjection.

**Mr. Speaker:** Order. I heard an interjection there that was clearly unparliamentary and I ask the member for Sudbury East to withdraw it.

**Mr. Martel:** Mr. Speaker, it was just a name I called him, but I will withdraw it.

**Hon. Mr. Grossman:** What did he call him?

**Mr. Speaker:** It is not a part of the record. The member for Riverdale will please continue.

**Mr. Renwick:** Mr. Speaker, the rule we now have in our standing orders book on the doctrine related to matters of sub judice has evolved over a long period of time. I believe, along with my colleague the member for Rainy River (Mr. T. P. Reid), that the statement made by the Speaker's predecessor, Mr. Rowe, on July 8, 1977, is a very adequate statement of the present position under which we act with respect to the rule we have before us. I want to quote only portions of it, but I want to emphasize those particular portions.

I quote from the ruling of Mr. Speaker Rowe at that time, "May I first say as strongly as I can that I know of no authority by which any court can prevent free discussion in this chamber." Within that context, Speaker Rowe then went on and quoted from the study made by the House of Commons of Canada about this convention of the sub judice rule, and he concluded his remarks by saying, "I can see no reason why similar principles ought not to guide the members of this House."

At this point, I am not going to deal with one portion of that House of Commons report with respect to the matter of questions to the minister and a minister's claim, in response, not to answer the question because of sub judice matters. That is dealt with in one of the conclusions of the House of Commons report. I do want to read the one that I believe is pertinent to the work of the com-

mittee, because I think it will assist us in solving the dilemma we are in tonight:

"Your committee has given consideration to the role of the Speaker in the application of the convention. It is submitted that while there can be no substitute for the discretion of the chair, in the last resort all members of the House should share in the responsibility of exercising restraint when it seems called for. A member who feels that there could be a risk of causing prejudice in referring to a particular case or inquiry should refrain from raising the matter. Additionally, a member who calls for the suppression of discussion of a matter on grounds of sub judice should be obliged to demonstrate to the satisfaction of the chair that he has reasonable grounds for fearing that prejudice might result. Should a question to a minister touch upon a matter sub judice . . ." and so on and he deals with the question matter which I do not want to touch upon.

Then it goes on:

"Your committee is of the opinion that precise regulations concerning the application of the sub judice convention cannot be evolved and it would be unwise to attempt to do so. Your committee recommends that the Speaker should remain the final arbiter in the matter, that he should retain the authority to prevent discussion of matters in the House on the grounds of sub judice but that he should only exercise this discretion in exceptional cases where it is clear to him that to do otherwise could be harmful to the specific individuals. In exercising this discretion your committee recommends that when there is a doubt in the mind of the chair a presumption should exist in favour of allowing debate and against the application of the convention. In the view of your committee prejudice is most likely to occur in respect of criminal cases and civil cases of defamation where juries are involved."

That is the present statement, and to relate it to what we are about in this assembly, all the House is being asked to do is to adopt a report of the committee, one element of which would be that a Speaker's warrant be issued for the production of certain documents. The production of the documents to which the committee was referring was the production of the documents within the ministry. It was drawn in such a way as to indicate quite clearly that it is not a request for the 40 or 50 packing cases or crates of documents that have been seized by the Attorney General from these various companies or from any of the people who are being charged. It is a request for the produc-

tion of the documents related to the investigation which the committee is charged to carry out about the role of the ministry.

Materials we would be calling for to be presented to the committee would be all the materials relating to Carlo Montemurro and his related companies, particularly C and M Financial Consultants Limited, Re-Mor Investment Management Corporation and Astra Trust Company. Such material shall include all correspondence, interdepartmental memoranda, applications, forms, notes, files, and so on, in the possession of any branch, board, registry or division of the Ministry of Consumer and Commercial Relations.

9 p.m.

Again it is carefully constructed so that it is the responsibility of the committee to deal with what is in the possession of the ministry, having to do with the very serious concerns that exist in this House about the role of the ministry in the matters referred to by the member for St. Catharines (Mr. Bradley).

The other aspect, with respect to the witnesses to be called, detailed the persons who were to be called. The persons to be called were the minister, the deputy minister, the executive director of the business practices division, the deputy director of the enforcement branch of the Ontario Securities Commission, the chief investigator of the investigation section, and Mr. M. A. Thompson, executive director of the financial institutions division of the Ministry of Consumer and Commercial Relations.

As you will see, Mr. Speaker, the matter was carefully constructed and carefully constructed by the member for St. Catharines and the member for Hamilton Centre (Mr. M. N. Davison) to specify very clearly the precise limitations of the investigation they were going to carry out. That had nothing to do with civil suits by individual citizens against the ministry or any of the officials of the ministry under the Proceedings Against the Crown Act. It had nothing whatsoever to do with the questions relating to evidentiary matters to be brought in at a preliminary hearing on the basis of conspiracy to defraud, fraud, conspiracy to steal and theft or whatever other charges are before the preliminary inquiry which, I understand from the Attorney General, is to start this coming week.

I cannot conceive that there is any judge anywhere who would so misunderstand his responsibilities as to grant an adjournment on the basis of any of the matters we have been trying to deal with, subject to the problems

we have run into this afternoon in the standing committee on administration of justice.

Let me also state that there is nothing in the limited role of the standing committee on administration of justice in this matter as required by this House which will affect the ongoing police investigation in any way. The police can go about their business and we will go about ours. This idea that somehow or other there is a tandem and an "after you Alphonse" operation is totally wrong. We have our responsibilities and the police have theirs. Those two matters are not in collision. They can go along in tandem or in parallel or any other way. The committee is always open to be spoken to at any time by any member of the Attorney General's staff to make a case that a particular matter being considered is a matter directly related to those trials or those matters and to make the argument about prejudice.

To make a blanket argument, however, that the ongoing police investigation or the preliminary hearing is in some way going to be—and I think I quote the Attorney General correctly—something like "impaired if not ground to a halt" is a ridiculous argument to put to the assembly about the work of one of its own committees.

I have gone on at some length because, more than anything else, I was anxious to explain, to the members of the assembly who were not sitting on the committee, the course of events, the limited nature of the responsibility that committee has under the rules of the House and the responsibility for its continuing inquiry. The particular motion that is causing the concern is limited to the documents and the information that are in the hands of the Ministry of Consumer and Commercial Relations. It is their documents, it is their witnesses we are calling, and it is for the purpose of investigating their role. It has nothing whatsoever to do with the civil actions that have been brought against the minister or other members. It has nothing to do with the criminal matters that are now before the court and certainly there is nothing that would indicate in any way that an ongoing police investigation is an automatic signal for this House to cease and desist from carrying out its basic responsibilities.

I made the point because I was intrigued by the argument that a sub judice rule, which had its origins long before the crown was subject to suit at all, is now called in aid of the crown against a committee of the assembly for a ministry that is responsible to the assembly. Talk about the inherent con-

tradition in other matters, but that inherent contradiction is one that simply defies me. There is no way this assembly can be diverted from its responsibility to carry out an examination of the role of the Ministry of Consumer and Commercial Relations in the matters which were put before the assembly by my colleagues the member for St. Catharines and the member for Hamilton Centre.

Because the Attorney General again raised the matter when he made an interjection a while ago, let me end where I started on this matter. It was the specific request made by the House leader of the New Democratic Party to the government House leader, to have this matter brought before the assembly and debated, that would have given the Attorney General the opportunity this afternoon to have put his position. I regret that did not take place. That is not our responsibility.

I expressed my concern at the beginning of my remarks about the immaturity of what took place in disrupting the private members' public business and disrupting the debate that was an order of business of the House. I will never understand that lack of understanding by the government House leader in this matter.

Nothing I have heard from the Attorney General says that there is any prejudice to anybody under any rule of this House by an adoption of this report that would see the orderly process of an examination by the standing committee on administration of justice of the role of that ministry. It would not be anybody else's role. It would not be a fishing expedition. It would be a carefully limited investigation of the role of that ministry. It is there on the record. If we were to permit the interpretation put by the Attorney General to prevent the adoption of this report then on matters of urgency in the public interest, this House will not be able to fulfil its function.

I urge my colleagues in the whole House to have confidence in the standing committee on administration of justice. I urge them to understand that the committee is well aware of its obligations under the rule with respect to sub judice and that the chairman of the committee is charged with the responsibility in a committee of enforcing the rules of the House with respect to sub judice. The committee will always be open to representations on any issue about this ongoing examination from the Attorney General, or from anyone whom he deposes to come before the committee making any of the allegations in specifics that he has made in such broad

general terms tonight. I simply say, on that basis, let us agree to adopt the report of the chairman of the standing committee on administration of justice, which will let that committee get about its business. Let us have confidence in that committee to abide by the rules of the House on the matters of sub judice.

I am certain that will be the outcome and they will be able to get on with their business, and the matters can be resolved in a way that is quite amicable.

9:10 p.m.

**Hon. Mr. Drea:** Mr. Speaker, very briefly, a few remarks: I want to place on the record very firmly and very concretely that the Minister of Consumer and Commercial Relations, from day one in this matter—

**Mr. Sargent:** Speak into the mike. I can't hear you.

**Hon. Mr. Drea:** The microphone is on.

**Mr. Sargent:** I couldn't hear you.

**Hon. Mr. Drea:** The member must be having a problem. I'm sorry. From day one in this present matter—

**Mr. Sargent:** Now we can hear him.

**Hon. Mr. Drea:** Is something the matter now?

**Mr. Sargent:** Go ahead.

**Hon. Mr. Drea:** Thank you.

I believe it was a ministerial statement concerning certain criminal charges that were laid that began day one in this matter. I want it clearly placed on the record that I personally, as the Minister of Consumer and Commercial Relations, was prepared at all times to provide any information asked of me, either in this House or in committee. In the spring half of my estimates, I discussed a great many matters, even though a number of people who now have become suddenly interested in the matter were not there and sometimes choose not to recall that when the questions were asked of me in the House. I want to set this very clearly on the record because of the events of yesterday; because Mr. Morton did not have the opportunity to go before the committee, I want to set a sequence of events entirely—

**Mrs. Campbell:** Whose fault was that?

**Hon. Mr. Drea:** It was not my fault. The committee said they could not hear him.

**Mr. Renwick:** Mr. Speaker, on a point of order: There was no quorum in the committee at the time the matter was before it.

**Hon. Mr. Drea:** Mr. Speaker, I was there, and I was perfectly aware of how many people were there.

**Mr. Makarchuk:** Well, was there a quorum?

**Hon. Mr. Drea:** No. There was not a quorum. You read the record. I said because the committee could not hear him. It has been told over and over again tonight why the committee could not hear him. If the member wants me to parrot all his mouthings, I will be glad to do so.

**Mr. Makarchuk:** You might be able to say something intelligent if you parroted my mouthings.

**Hon. Mr. Drea:** I would become—never mind what I would become.

**Mr. Speaker,** when the question by the member for Kitchener was asked Thursday last, it pertained solely to the file of the Re-Mor company and to files of the registrar. It was limited in scope. At that time I said I would bring back a report. I received the advice of the law officers of the crown to read a statement, which I did. That has been discussed fully.

At that time there was some confusion in the House. I have been assured by honourable members who raised interjection queries that they were not questioning my integrity or my honesty in stating there were writs out. Those matters have been put forward very clearly by the Attorney General tonight. But obviously there was some confusion as to the exact status of particular aspects of civil litigation, particularly if writs, rather than notices, had been served.

I trust the Attorney General's statement earlier tonight, where he outlined a sequence of notices and writs, has answered and clarified that question. Even though that matter dealt with Re-Mor, I assure the House that as late as 12:30 p.m. yesterday, Wednesday, I was not aware of the full scope of the criminal investigation which is under the direction and supervision of Mr. Morton. When Mr. Morton arrived at the committee there was another bill in process. I spoke to Mr. Morton outside. Mr. Morton informed me the entire Astra and Re-Mor matter was under active criminal investigation. I knew the C and M Financial Consultants matter was under investigation, as did every member of the House, because I announced it back in the early part of the spring session. In that statement back in the spring session I said there would be ongoing investigations into Re-Mor.

I want to make it perfectly clear that the practice in this province is that, in a criminal investigation, those in charge of the criminal investigation at the public prosecutor's level, at the actual field level of the police or, indeed, at the level of investigatory people of

the Ontario Securities Commission, they do not report to the minister as to their day-to-day progress, lack of progress or development in a matter, notwithstanding it may be information that originated from a ministry or a minister and notwithstanding that the investigatory staff of a commission that reports through this minister to the Legislature may be involved. That is a very important tradition and practice to uphold.

If there is a culmination either in the filing of information for criminal charges or in the determination by those in charge of the criminal investigation that there is not sufficient evidence for a charge to be laid, it is only after one of those two events takes place that the minister is informed.

The reason I have dwelt at some length on when I first found out that all of Astra Trust and all of Re-Mor were criminal is that obviously the question is going to be raised, "If you knew on Monday it was criminal, why did you merely convey the instructions of the law officers of the crown regarding this civil matter?" Those instructions were conveyed because the law officer of the crown who issued that advice was not privy to the matters in the criminal investigation.

It was my feeling that Astra Trust was entirely in federal jurisdiction and was being investigated by both the federal Department of Insurance and, to the best of my knowledge, the Royal Canadian Mounted Police in assistance to that federal department. While we were supplying and for many years had supplied information or corroboration, that was primarily in the federal sphere so that, indeed, the file on Astra in possession of the ministry—

**The Acting Speaker (Mr. MacBeth):** Mr. Minister, I wonder if you will wait a moment to see if we can get a little order in the House. There are a fair number of private conversations going on and it is difficult for me to hear what the minister is saying. I am sure it is difficult for the rest of you. I would ask, if you must carry on your conversations, to keep them very quiet.

9:20 p.m.

**Hon. Mr. Drea:** Mr. Speaker, I was pointing out that I was unaware Astra and its documents were no longer in the federal sphere and had become a matter of criminal investigation in the province. Until 12:30 p.m. yesterday I regarded them as civil or regulatory proceedings under federal jurisdiction. I hope that clarifies the sequence of events for the honourable members, since Mr. Morton informed me of these details.

Had Mr. Morton spoken—and he cannot speak here tonight—he was going to explain.

I want to put it firmly on record that I am prepared to deliver those files, circulate them and hand them to the press. I am not suppressing or hiding anything. As a matter of record, there has been considerable turmoil between me in my position, which is one of constant openness, and the advice I have had to accept as a minister of the crown. I want to put those things clearly on the record.

I am perfectly prepared to abide by the rulings of this House, as naturally I would be, but I hope this assembly will understand my position. I must accept the advice and instructions given to me by the law officers of the crown. If this assembly wants to override that advice and those instructions, as a minister I shall certainly comply.

10:20 p.m.

The House divided on Mr. Philip's motion for the adoption of the report of the standing committee on administration of justice, which was agreed to on the following vote:

#### AYES

Blundy, Bolan, Bounsall, Bradley, Breagh, Breithaupt, Bryden, Campbell, Cassidy, Charlton, Davidson, M., Davison, M. N., Di Santo, Duksza, Eakins, Epp, Foulds, Gaunt, Grande, Haggerty, Hall, Isaacs, Johnston, R. F., Kerrio, Laughren, Lupusella.

MacDonald, Mackenzie, Makarchuk, Mancini, Martel, McClellan, McGuigan, McKessock, Miller, G. I., Newman, B., Nixon, Peterson, Philip, Reed, J., Reid, T. P., Renwick, Riddell, Ruston, Sargent, Smith, S. Stong, Swart, Sweeney, Van Horne, Warner, Wildman, Worton, Ziemba.

#### NAYS

Auld, Ashe, Baetz, Belanger, Bennett, Birch, Brunelle, Cureatz, Davis, Drea, Eaton, Elgie, Gregory, Grossman, Havrot, Henderson, Hodgson, Johnson, J., Jones, Kennedy, Kerr.

Lane, Leluk, Maeck, McCaffrey, McCague, McMurtry, Newman, W., Norton, Parrott, Pope, Ramsay, Rotenberg, Rowe, Stephenson, Timbrell, Turner, Villeneuve, Watson, Wells, Williams.

Pair: MacBeth and Edighoffer.

Ayes 54; nays 41.

Mr. Speaker: Are there any more reports?

Hon. Mr. Grossman: Eleven thousand votes for us.

Mr. Speaker: That's not the kind of report I'm referring to.

## MOTION

### SUPPLEMENTARY ESTIMATES

Hon. Mr. Wells moved that the supplementary estimates of the Ministry of Agriculture and Food be referred to the standing committee on resources development, to be considered within the time allocation for the main estimates of Agriculture and Food.

Motion agreed to.

Mr. Sargent: On a point of order, Mr. Speaker: Over the years the Premier has come in the back door, but tonight he came down the main aisle. That's great showmanship.

Hon. Mr. Davis: Mr. Speaker, I really wanted to find out what it was like to come in or go out the same route as the member for Grey-Bruce.

### ANSWERS TO QUESTIONS ON THE NOTICE PAPER

Hon. Mr. Wells: Mr. Speaker, I wish to table the answers to questions 277, 300, 334, 344 and 381 standing on the Notice Paper. (See appendix, page 4479.)

### BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, pursuant to the standing order, I would like to indicate to the House the business for next week and the rest of this week.

Tomorrow we will consider the estimates of the Ministry of Northern Affairs.

On Monday, November 24, in the afternoon we will begin the estimates of the Ministry of Government Services, and the House will sit Monday evening and continue considering the estimates of the Ministry of Government Services.

On Tuesday, November 25, in the afternoon, we will handle any third readings that are on the Notice Paper and then continue with committee of the whole House on Bill 82, the special education bill. In the evening, we will have complete consideration of Bill 169, followed by Bill 168 and second reading and committee of the whole House on Bill 182 and Bill 192.

On Wednesday, November 26, four committees may meet in the morning: general government, resources development, administration of justice and plant shutdowns. Three committees may meet in the afternoon: social development, general government and plant shutdowns.

On Thursday, November 27, we will consider the private members' items that were not dealt with today, items 35 and 36

standing in the names of the member for York Centre (Mr. Stong) and the member for Parkdale (Mr. Duksza). In the evening, the House will debate the report from the select committee on Ontario Hydro affairs on fuel waste.

On Friday, November 28, the estimates of the Ministry of Government Services will be continued.

The debate on the report of the select committee on constitutional reform, which was not held tonight, will have to be re-scheduled in one of the remaining weeks before the House prorogues.

**Mr. Speaker:** Under standing order 28, a motion to adjourn is deemed to have been made. I will listen to the member for Port Arthur for five minutes.

### PCB SPILL AT SCHOOL

**Mr. Foulds:** Mr. Speaker, I want to make some straightforward, if simple, points in this debate with the Minister of the Environment (Mr. Parrott):

1. Polychlorinated biphenyls are environmentally hazardous when they are in the air, when they are in the food chain and, in liquid form, when they come in contact with the skin. As the report from the occupational health and safety division of March 1978 stated, toxic effects of human exposure to high doses of PCBs have been known for years. They include an acne-like skin eruption, abnormal pigmentation of the skin and nails and swelling of the eyelids. Digestive disturbances and burning of the eyes have also been reported. Low-dose effects of PCBs in animals have been studied recently; liver damage, malignancy and reduced ability to reproduce have been recorded.

2. The PCB spill at the Isabella Street School in Thunder Bay seems not to have caused serious environmental effects. It seems not to have been a dangerous one, and I think that should be stated at the outset.

3. The spill did cause considerable anxiety amongst people in Thunder Bay, particularly amongst the parents of children at the school there.

The sequence of events, as I know them, is that the transformer ruptured at approximately 3:40 p.m. on October 8, 1980. Because the school lost its electricity supply, the school officials notified Thunder Bay Hydro. It came and repaired the transformer that evening. Power was restored, I believe, at approximately 9:30 p.m., but neither the school officials nor the Ministry of the Environment were informed that the trans-

former was a PCB transformer at that time. At about 8 a.m. the following morning, Thunder Bay Hydro notified the Minister of the Environment that PCBs were involved. The Ministry of the Environment, and possibly the medical officer of health, at 3:10 p.m. on October 9, notified school officials that PCBs were involved in the transformer spill. That was some 24 hours after the event.

The most outstanding and simple question the minister needs to answer is, if he is not happy that his ministry was not informed, what is he doing about making damned good and sure that whenever a PCB transformer ruptures near a private or public institution he is notified and can take steps to rectify the situation?

10:30 p.m.

Thunder Bay Hydro says it made a judgement call that in retrospect was possibly not the right one. What is the ministry doing to ensure that all institutions in the province do not, in the future, make such a judgement call when public health could be at stake?

I have forwarded to the minister 10 questions that I believe are outstanding. If the minister fails to answer these questions satisfactorily this evening, I shall file those questions in written form tomorrow. I want to mention a couple of them of which he has had notice for a week now:

1. What steps is the ministry taking to ensure that delays in reporting to it from owners of PCB transformers don't occur in the future?

2. Why did Ministry of the Environmental officials not notify school officials as soon as they knew of this PCB spill at least to alert them to the potential danger?

3. How could the ministry be sure that the PCB material was not a hazard to the school children when the officials are quoted as saying, "Readings were erratic," and when the minister himself in his reply to me, as reported on page 4192 of Hansard, "We wanted to make sure that there was no danger," was unconditionally so?

Another question is, what does the discovery of an unexplained and unusually high reading of PCBs about six feet below ground level indicate? Does it indicate there was a previous transformer rupture that was not reported and a spill? Is there any way of determining that? Is there an estimate of the amount of PCB liquid spilled? How can the minister call it a small amount when 250 barrels of PCB-contaminated earth were accumulated by Thunder Bay Hydro in the cleanup?

A week ago, the minister stopped me outside in the hall and said he did not understand why I was dissatisfied with his answer. My dissatisfaction stems from two factors. The minister does not seem to understand his responsibility to protect people and the environment from actual and potential hazards. In this case, if there was no harm done to the children of Isabella Street School and to the environment, it was more by good luck rather than by good management.

The procedure for reporting PCB transformer spills must be as foolproof as is humanly possible, and this one small incident proves that was not so. Why, therefore, does the minister not take and insist on more preventive measures? One small step would be to have all PCB transformers publicly identified on the outside, not on the inside.

**Mr. Speaker:** The honourable member's time has expired.

**Mr. Foulds:** If I might, Mr. Speaker, just one more sentence.

Finally, what I think we need is a Minister of the Environment who takes his responsibilities seriously. He should be a protector of the public good and he should be seen as the protector of the public good. He should not be an apologist for cautious inaction, for procrastination or for uncertainty. He should do all in his power to protect the people of this province.

**Hon. Mr. Parrott:** One is tempted to respond just by not answering the questions, Mr. Speaker. There were some other statements made which I will not respond to, other than to make one simple statement. This ministry, myself and my predecessors have done and are doing far more—this jurisdiction is so far in the lead of other jurisdictions in this country and in the United States—that by any comparison we are so far ahead the honourable member does not even understand how big that gap is. He is so far out in left field on this that it is not even funny. Make some comparisons—

**Mr. Laughren:** What about Darlington?

**Hon. Mr. Parrott:** Yes, what about Darlington? Darlington D was cleaned up to the satisfaction of everyone there, if the honourable member wants to check with the mayor.

It took me five months and no more—

Interjections.

**Hon. Mr. Parrott:** The honourable member should check with the people in that area, if he is not scared to.

Interjections.

**Hon. Mr. Parrott:** The honourable member should check with the mayor and he will hear quite a lot of testimony about what we did.

I would like to get as much information on the record as possible. I would like to point out that the delay in reporting this spill in this case was the exception rather than the rule. We usually get splendid co-operation. In this case, a letter of reprimand will be sent to Thunder Bay Hydro, and we will ask them for a copy of their procedures and an assurance that all staff are aware of them. As a precaution, the region will remind all other public utilities in the area of their responsibilities.

School officials knew about the incident on the morning of October 9, 1980. In fact, the custodian of the school was present when Hydro officials removed the back of the transformer to reveal the label, which indicated it contained PCBs.

The member was concerned why we would regard the material spilled as not being a hazard. I want to assure him staff made this judgement based on the amount spilled, the location, the isolation of the transformer and the fact the whole spill was extremely well contained and the children could not get near it. A barricade was erected on the evening of October 8 following the spill. It covered an area of approximately 50 by 100 feet, and staff discouraged children from coming within 200 feet of the site.

In regard to the TAGA, it is a highly sensitive device which costs in the neighbourhood of \$400,000. It is installed in a large van and, as such, obviously cannot be available all over the province. Even if we were able to have one in each regional office, geographical considerations make it unlikely that the TAGA could be made available immediately at the scene of any incident.

The new-tech system that was utilized in this instance is a satisfactory means of measuring PCBs. I want to assure the member we always endeavour to use the best technology. I think the quality of our laboratory operations will bear this out.

With respect to the labelling of transformers, Ontario Hydro has carried out a labelling program for all its PCB-containing transformers. I am pleased to have a copy, which I will send across the floor to the honourable member. The federal government is also undertaking a labelling program for these transformers not covered by Ontario Hydro.

There was evidence in this case that a label had been removed by a person or persons unknown from the outside of the transformer.

In addition, the school board had a list of PCB transformers owned by it at its schools but, since this particular transformer was owned by Thunder Bay Hydro, it did not appear on the school board's list. Regional offices have listed the PCB transformers in their areas and the locations of same.

The member was concerned about the fact that a high level of PCB was found unexpectedly in ground below the transformer. We have no way of determining the cause of this for sure but it was probably due to a previous leak in the transformer. I know he also questioned why, if the spill was fairly small, we would remove so much soil. I would like to point out to him that was a precaution. We just kept digging until our read-

ing showed the soil was clear of PCBs. In other words, a lot of soil we dug up was only very slightly contaminated and possibly a fair amount of that was not contaminated at all. We just wanted to be very sure what was left behind was clear.

I know the member was interested in the recommendations of the health and safety branch of the Ministry of Labour. This dealt mainly with the questions of spills of PCBs and safety in the workplace with respect to PCBs. I understand the Ministry of Labour will comment directly to the member for Port Arthur on that particular item.

I trust this information is sufficient for the member's concerns.

The House adjourned at 10:38 p.m.



## APPENDIX

(See page 4475)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## DRUG INGREDIENTS

277. **Mr. Cunningham:** Would the Minister of Health advise the country of origin for component drug ingredients for 20:12 Coagulants and Anti-C. for Dicumarol, Heparin, Nicoumalone, for Phenindione, for Phenprocouman, for Warfarin? Also Macu-

mar, Athrombin-K, Coumadin, Warnerin, Danilone, Sintrom, Hepalean, Dufalone, Dicoumarol and Warfilone? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** Our response to Order Paper question 277 is as follows:

The following information has been compiled with respect to those preparations listed in the Drug Benefit Formulary/Parcost Comparative Drug Index:

| Drug          | Brand name  | Manufacturer     | Country of origin<br>active raw material |
|---------------|-------------|------------------|--|
| Dicumarol     | Dicoumarol  | Abbott           | USA                                      |
|               | Dufalone    | Frosst           | Germany                                  |
| Heparin       | Heparin     | Allen & Hanburys | USA                                      |
|               | Heparin     | Harris           | Canada                                   |
|               | Heparin     | Organon          | USA                                      |
|               | Heparin     | Abbott           | USA                                      |
| Nicoumalone   | Sintrom     | Geigy            | Switzerland                              |
| Phenindione   | Danilone    | Frosst           | UK                                       |
| Phenprocoumon | Marcumar    | Roche            | Switzerland                              |
| Warfarin      | Coumadin    | Endo             | USA                                      |
|               | Athrombin-K | Purdue-Frederick | USA                                      |
|               | Warnerin    | Parke-Davis      | Canada                                   |
|               | Warfilone   | Frosst           | Sweden                                   |

## LEGAL AID GUIDELINES

300. **Mr. Warner:** Will the Attorney General table any and all policy guidelines of the Ontario legal aid plan respecting eligibility for legal aid certificates of applicants whose financial eligibility has already been established, including but not restricted to those policy guidelines for (1) divorce, (2) criminal injuries compensation and (3) workmen's compensation cases? (Tabled October 9, 1980.)

See sessional paper 302.

## LEGAL AID CERTIFICATES

334. **Mr. Warner:** Will the Attorney General provide figures on the number and percentage of persons awarded legal aid certificates in the York region of the Ontario legal aid plan in each of the last 12 months who: (i) were required to make a financial contribution to their legal expenses because they were deemed (a) to have financial resources of their own or (b) to be dependants of another person with financial re-

sources; (ii) had such certificates withdrawn or discontinued because of inability to meet such financial requirements; and (iii) were as a consequence of such withdrawal or discontinuance obliged to proceed to trial without legal representation? (Tabled October 15, 1980.)

**Hon. Mr. McMurtry:** The reply to this inquiry is based upon a sampling of 120 files of contributing clients spanning the complete 12-month period.

The sample size was 6.25 per cent and the results of the sample were applied to all contributing certificates issued in the 12-month period under review.

When a certificate is withdrawn or discontinued, for whatever reason, our file is then closed and we therefore have no statistics as to whether or not a former client would proceed to trial without legal representation.

The results of the sample, as applied to the total population of contributing certificates, are reflected in the attached schedule. (See schedule A).

SCHEDULE "A"

|              | Contributing certificates |  | Own financial resources<br>(based on sample) |                             | Dependants of person<br>with financial resources<br>(based on sample) |                             | Certificates cancelled<br>nonpayment<br>(based on sample) |                             |
|--------------|---------------------------|--|--|-----------------------------|---|-----------------------------|---|-----------------------------|
|              | Total<br>number           | Per cent of all<br>certificates issued | Number                                       | Per cent of<br>contributing | Number contributing   | Per cent of<br>contributing | Number contributing                                       | Per cent of<br>contributing |
| October 1979 | 171                       | 7.5                                    | 94   | 54.5                        | 77  | 45.5                        | 16  | 9.1                         |
| November     | 175                       | 7.9                                    | 125  | 71.4                        | 50  | 28.6                        | 25  | 14.3                        |
| December     | 161                       | 8.6                                    | 146  | 90.9                        | 15  | 9.1                         | 15  | 9.1                         |
| January 1980 | 198                       | 7.9                                    | 162  | 81.8                        | 36  | 18.2                        | 18  | 9.1                         |
| February     | 189                       | 7.6                                    | 118  | 62.5                        | 71  | 37.5                        | —   | —                           |
| March        | 193                       | 8.4                                    | 177  | 91.7                        | 16  | 8.3                         | 16  | 8.3                         |
| April        | 145                       | 7.6                                    | 124  | 85.7                        | 21  | 14.3                        | 31  | 21.4                        |
| May          | 125                       | 6.8                                    | 111  | 88.9                        | 14  | 11.1                        | 14  | 11.1                        |
| June         | 151                       | 7.5                                    | 124  | 81.8                        | 27  | 18.2                        | 27  | 18.2                        |
| July         | 137                       | 7.9                                    | 105  | 76.5                        | 32  | 23.5                        | 8   | 5.9                         |
| August       | 120                       | 7.5                                    | 120  | 100.0                       | —   | —                           | —   | —                           |
| September    | 156                       | 7.9                                    | 117  | 75.0                        | 39  | 25.0                        | 39  | 25.0                        |
| Total        | 1,921                     | 7.9                                    | 1,523  | 79.3                        | 398   | 20.7                        | 209   | 10.9                        |

### WINTARIO GRANT AUDITS

344. **Mr. O'Neil:** Will the Minister of Culture and Recreation advise if the internal audit reports on Wintario grant recipients are open to the public for inspection? (Tabled October 16, 1980.)

**Hon. Mr. Baetz:** Once the Freedom of Information Act is in place it is my ministry's intention to open up all Wintario files for public inspection and such inspection would include the right to examine any internal audit report which was prepared in relation to such files.

### DIAMOND SHAMROCK PLANT

381. **Mr. Isaacs:** What hazardous industrial liquids are stored at the Diamond Shamrock plant in Hamilton? What liquid industrial waste does this plant produce? (Tabled October 28, 1980.)

**Hon. Mr. Parrott:** The Diamond Shamrock plant in west Hamilton handles a wide range of animal, vegetable and mineral oils along with petroleum solvent-type chemicals. Some of these are sulphonated for use in manufacturing defoaming agents, surfactants and oils for the tanning industry. The

materials present varying degrees of fire hazard. The Hamilton-Wentworth Fire Department has visited the plant and is fully aware of this potential hazard.

The plant also manufactures butylated hydroxytoluene, (BHT), an antioxidant widely used in foods to maintain freshness.

Waste waters from this plant are discharged in accordance with the regional municipality of Hamilton-Wentworth sewer-use bylaw. The discharge is monitored by the regional municipality to ensure compliance with the sewer-use bylaw. We are advised by the region that the discharge meets the requirements for the two main parameters that are of concern; that is, BOD and ether solubles.

The ministry has the information concerning the chemicals used by this company but is bound by section 87 of the Environmental Protection Act to preserve its confidentiality.

For reasons intended to avoid information concerning the formulation of the products becoming available to competitors, the company will not disclose a detailed list of chemicals it uses. We cannot require that the company disclose this information publicly.

## CONTENTS

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Thursday, November 20, 1980

|   |      |
|---|------|
| Point of privilege re Carleton by-election: Mr. Gregory .....   | 4463 |
| Point of privilege re report in Toronto Sun: Mr. Williams .....   | 4463 |
| Report, standing committee on administration of justice: Mr. Philip, continued .....                            | 4463 |
| Motion to adopt report, Mr. Philip, agreed to .....   | 4475 |
| Motion re supplementary estimates, Mr. Wells, agreed to .....   | 4475 |
| Tabling answers to questions 277, 300, 334, 344 and 381 on Notice Paper: Mr. Wells                              | 4475 |
| Business of the House: Mr. Wells .....  | 4475 |
| Debate re dissatisfaction with answer to oral question re PCB spill at school:<br>Mr. Foulds, Mr. Parrott ..... | 4476 |
| Adjournment .....   | 4478 |
| Appendix: answers to questions on Notice Paper:   |      |
| Drug ingredients, questions of Mr. Timbrell: Mr. Cunningham .....   | 4479 |
| Legal aid certificates, question of Mr. McMurtry: Mr. Warner .....  | 4479 |
| Wintario grant audits, question of Mr. Baetz: Mr. O'Neil .....  | 4481 |
| Diamond Shamrock plant, questions of Mr. Parrott: Mr. Isaacs .....  | 4481 |

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**SPEAKERS IN THIS ISSUE**

---

Campbell, M. (St. George L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Foulds, J. F. (Port Arthur NDP)  
Gregory, Hon. M. E. C.; Minister without Portfolio (Mississauga East PC)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St Patrick PC)  
Laughren, F. (Nickel Belt NDP)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
Makarchuk, M. (Brantford NDP)  
Martel, E. W. (Sudbury East NDP)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Reid, T. P. (Rainy River L)  
Renwick, J. A. (Riverdale NDP)  
Sargent, E. (Grey-Bruce L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Warner, D. (Scarborough-Ellesmere NDP)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Williams, J. (Oriole PC)





Ontario

No. 119

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Friday, November 21, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



## LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 21, 1980

The House met at 10 a.m.

Prayers.

### MEMBER-ELECT FOR CARLETON

**Hon. Mr. Davis:** Mr. Speaker, on a matter of personal privilege: I would like to draw the attention of the members of the House to the presence of a distinguished public servant sitting in your gallery. He is Mr. Robert Mitchell, a former deputy reeve of Carleton and a public servant in the Department of National Defence for some two decades. In case some members opposite do not recall, he is here at the request of the voters of the great riding of Carleton who dispatched him here in our democratic process last evening to represent the interests of all of the people of that constituency and the people of this province.

I would like to make the day for the acting leader of the Liberal Party this morning by saying, as I look at the figures, the Liberal candidate did better in 1975 than he did in 1980.

**Mr. Nixon:** Before you start the clock on the question period, Mr. Speaker, I want to join with the Premier in congratulating Mr. Mitchell. I hope he will have a pleasant six months here until the general election. He looks like he will fit right in, so when the writs are returned we will see what he can do for the people. He will have the same opportunity as the rest of the back-benchers to influence policy.

### ORAL QUESTIONS

#### NORFOLK TEACHERS' DISPUTE

**Mr. Nixon:** Mr. Speaker, I would like to put a question to the Minister of Education. Did she by any chance see a letter written by Mrs. Jackie McMann to the editor of the Port Dover Maple Leaf, dated November 14? I quote the second-last paragraph:

"I would like to know exactly when, in your opinion, does the continuance of a strike place in jeopardy the successful completion of courses of study by the students affected by the strike? Obviously, not even the Sudbury strike, which lasted over three months,

jeopardized anyone's education. They were all given their credits. Great system we have."

Since that reflects the view that I myself have put to the minister, would she not feel that since the strikes in Norfolk and in Bruce county are now going into their eighth week she should be prepared to make a statement to the House as to how this is going to be brought to an end and what in her view constitutes jeopardy, other than a reference to her commission which under the law has to advise her when the students' education is in jeopardy? That is something which they have never seen fit to do.

**Hon. Miss Stephenson:** Mr. Speaker, I think the honourable member is wrong in that final statement, because I do believe such a decision was made by the Education Relations Commission in 1976. I am sorry, but I have not seen the Port Dover newspaper and I have not seen that particular letter to the editor.

**Mr. Sweeney:** Doesn't the minister read that newspaper?

**Hon. Miss Stephenson:** I am sorry, I have not received a copy of the Port Dover Maple Leaf. I gather that is what it is called. I would be very pleased to see the newspaper, but it is a little difficult to see it if it is not delivered.

It is fortunate that the honourable member has raised this today, because there are things happening in both the Bruce and Norfolk areas at this time. Negotiations are being pursued in Bruce right now which I think will have a potentially happy outcome in the relatively near future. In Norfolk, I am aware that there has been a great deal of discussion this week and I am optimistic there will be a reasonably negotiated settlement in that situation as well.

The definition of jeopardy is one which I suppose is rather difficult to make because it depends on one's assessment of the length of time of separation from the school system that a student may undergo. There are those who believe that one day's absence may be jeopardy. There are obviously those who believe that a longer period of time can be compensated for through intensive

effort on the part of teachers, principals and students after even a relatively prolonged period.

I wish I did have an easy definition. I do not, but it is something we must consider very seriously in our review of the responses to the Bill 100 external review committee.

**Mr. Nixon:** Could the minister be clearer as to what steps are being taken to bring this matter to a successful conclusion bearing in mind that having had the schools closed for seven weeks, the people in the community are feeling that these extraordinary steps might very well have been taken during the first week, since the employees of the ministry are using their undoubted persuasive efforts to have both sides leave their communities, at least in the one instance, and settle down and try to come to some conclusion?

Why should this be treated just like any other strike rather than bearing the interests of the community and the children in mind? Why does it have to be allowed to go on to the point where even the minister is saying that the students' education may be in jeopardy?

**Hon. Miss Stephenson:** I am not sure how the honourable member, who obviously must have had some experience, having been in this Legislature for such a long time, would determine that the labour-management relationships within a school board situation should be treated differently from any other public service situation, or indeed from any other labour-management dispute. It would appear that the appropriate mechanisms that are undertaken within such disputes have been pursued in this one. They have been pursued vigorously and appear at this point, at the beginning, I believe, of the thirty-seventh day of one of the strikes, likely to bear fruit in the near future.

10:10 a.m.

I would hope the member would understand that for the benefit of the students there can be no doubt that a settlement which is negotiated amicably between the two parties is by far the best solution in any such situation. One which is imposed is less than likely to provide for the kind of atmosphere which will be conducive to the continuing education process of the students.

**Mr. Laughren:** Supplementary, Mr. Speaker: Can the minister assure me, as a member who lives in a community that experienced a long strike in Sudbury earlier this year, that she has a strong mediation team

at work in those communities? Further, does she think that threats of a legislated return to work, as implied by the question from the Liberal House leader, aid in the process of a negotiated settlement or just encourage the two parties to dig in and wait for that inevitable date which the Liberals would impose on the settlement?

**Hon. Miss Stephenson:** Mr. Speaker, the answer to the first question is yes, we do. The answer to the second question is I think that is a debatable point. I really fully believe there are those who probably would be extremely happy if they felt the Legislature was going to impose a settlement because it would absolve those negotiators, those members of the groups, of any responsibility which they have both demanded and both assumed under Bill 100, which I would remind the members was not something which was inimical to the member for Brant-Oxford-Norfolk (Mr. Nixon). It is my understanding that he was supportive of this when that legislation was introduced. The results of that legislation have been that there has been a reduced number of disputes within the educational system. Unfortunately, they seem to have been prolonged in a way which I find unsatisfactory.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: Why is it that young students who want to take correspondence courses find they cannot because they are registered in school?

**Hon. Miss Stephenson:** Mr. Speaker, I am sorry, I could not hear that question.

**Mr. Speaker:** Other members were interrupting their own colleague. Would you please repeat the question?

**Mr. G. I. Miller:** Mr. Speaker, why is it that students who want to take correspondence courses are finding out they cannot take those courses because they are registered in school?

**Hon. Miss Stephenson:** Mr. Speaker, correspondence courses are provided for students who are registered in the schools if the program is one which cannot be delivered within the school in which they are registered and if the principal agrees they should have the benefit of the correspondence course in addition to their school program.

These students are registered, and it has been the policy when there is a strike that the correspondence mechanism is one which is less than appropriate for the maintenance of the educational program of those students. This is something, however, which I believe has to be reconsidered.

### ENERGY TAX CREDIT

**Mr. Nixon:** Mr. Speaker, I would like to direct a question to the Premier to give him an opportunity to expand in his usual Friday morning manner. Now that the federal government has indicated it has no plan to participate in a shared-cost program with this province or other provinces in an energy tax credit program and since the mini-budget indicated clearly that the province was going to go ahead by itself if it did not get this co-operation, can the Premier indicate what the plans are for such a program? Will it be available for this heating season and what will be our cost involvement, approximately?

**Hon. Mr. Davis:** Mr. Speaker, the Treasurer (Mr. F. S. Miller) has been away for the past few days. I will be discussing this with him next week, but we have not really given up in our efforts to persuade the government of Canada to show a more enlightened approach to this situation. I really think, given some time, the government of Canada might not be as adamant. To me, it is a very logical and realistic approach to the situation. With the increased flow of revenue to the government of Canada, primarily from the energy field, we feel this is as legitimate a use of those funds as many other programs they have suggested.

I can assure the members of the House that the Treasurer, when he returns, and perhaps even myself, will be discussing this further with the government of Canada, because I really think to share with the provinces this sort of credit for people in terms of home heating fuels is a logical position for them to take.

**Mr. Nixon:** Recognizing the government of Canada owes the Premier of Ontario and his government a considerable amount of gratitude for their continuing support of its position, will he still not recognize that the federal Minister of Energy, Mines and Resources has flatly refused to participate in such a program, and might it not be realistic for this government to expect the undoubted persuasive powers of the Premier to be successful in this one instance? If that is so, might we expect the time table enunciated by the Treasurer that the first payments in such an energy assistance program would be due in the spring of 1982 will continue to be the government's program and, in fact, nothing will be done until that time?

**Hon. Mr. Davis:** I think, as the Treasurer explained and the Minister of Energy (Mr. Welch) would explain, the more significant impact of the increase, in say home heating

oil, will actually take place in the winter or spring of 1981. I think if one looks at it on the basis of a tax credit, it would be on the basis of expenditures in that period, but the credit then would take effect in the year 1982. I think a taxpayer would be able to calculate what might be anticipated, as he can with other parts of the credit system.

I want to assure the House we have not given up in our suggestions to the national government, but if the decision is to move ahead on our own, the program could be announced and in place. I want to make it clear the credit, because of the nature of the taxation year, would appear in 1982 but the home owners would, in fact, know in 1981 just what degree of credit they would be receiving, as they do with property tax credit and other matters.

I am delighted the acting leader of the Liberal Party really was this morning—I say this quite objectively—far more gracious in his reception and acceptance of the results yesterday than was his leader. I really want to thank him for that here this morning.

**Mr. Laughren:** Supplementary, Mr. Speaker: Will the Premier assure us any energy tax credit program which comes in to ease the cost of home heating fuel will be related to not only consumption but will also be related to income so those people who need the help the most will receive it?

**Hon. Mr. Davis:** I seem to recall that most of the tax credits are related to income.

### EXTRA BILLING BY PHYSICIANS

**Mr. Cassidy:** Mr. Speaker, I had a question for the Minister of Culture and Recreation (Mr. Baetz) but he seems to have disappeared for a minute. I hope he could be found and could come back.

I have a question for the Minister of Health arising out of the commitment he made last year, in an agreement reached with the doctors of the province, which indicated that in future in every public hospital in Ontario the patient would have a choice of access to physician services at Ontario health insurance plan rates.

Will the minister examine the pamphlet I am sending to him which is currently being used by the anaesthetists at St. Michael's Hospital and which informs patients getting elective surgery in that hospital they will be extra-billed while making no mention of the patient's right to receive services at opted-in rates? Is it the minister's position such prior notification complies with the 1979 agreement

when it makes no indication of the patient's right to receive the care at the OHIP rate, and is it his view that acceptance of that pamphlet constitutes agreement by the patient to pay the anaesthetist's opted-out rates?

**Hon. Mr. Timbrell:** Mr. Speaker, if one looks at the bottom part, it says, "Accordingly a bill may be sent to you." I think it is well known generally by the public that the services are available. I remember an instance of a hospital in downtown Toronto a year ago when one of the members got up and talked about the fact that all of the anaesthetists were opted out. When we checked into it we found 70 per cent of their bills are opted in. I will check this with Sister Mary, the administrator of St. Michael's, but I would think if the member looks at it carefully, it makes it clear that it is not a universal thing with every patient.

10:20 a.m.

**Mr. Cassidy:** Is the minister saying it is not the responsibility of the opted-out doctors to indicate clearly that people have the choice? Does he expect that people who are sick will know automatically that when they go to hospital they have to ask and they have to insist? Is that the position he is taking?

Can he tell the House how his alternative of getting anaesthetists on some kind of a direct payment plan is going to work when all of the anaesthetists are currently opted out in hospitals like St. Michael's? Through the Ontario Medical Association's fee committee they are now being told to consult the OMA before agreeing to any plan such as the minister is proposing. They are also being warned that their committee does not believe physicians are prepared to give up their economic freedom as that kind of plan would cause them to.

**Hon. Mr. Timbrell:** First of all, I would ask the member to look again at what he just sent me. It points out that in most cases the patient will be visited beforehand, and it is at that point the discussion usually takes place about the billing. It goes on to point out the use of words—

**Mr. Nixon:** But they are sedated.

**Hon. Mr. Timbrell:** No, before surgery. Not like Friday morning in the Legislature, sedated. It says a bill "may" be sent.

With respect to the question of the alternative mechanism, we are in discussion with a couple of groups on that. We already have one group at the Northwestern General Hospital who are on the alternative payment mechanism for anaesthetic services.

Third, I would remind the member that less than eight per cent of the physicians' services in this province are currently extra-billed, a significant drop from where it was a year and a half ago.

Fourth, I would remind the member that one of the ways we brought that about was in the last round of negotiations with the medical association. In those we paid particular attention to a number of specialties, especially family practice where their increase was in the order of 15 or 16 per cent. I think anaesthesia clearly has to be one of our primary focuses in the next round of negotiations which are about to begin in the next month or so.

**Mr. Nixon:** Supplementary: Can the minister assure the House that anaesthetic services are available at OHIP rates in every public hospital in Ontario?

**Hon. Mr. Timbrell:** I believe I can, Mr. Speaker. I have the co-operation of the boards of the hospitals and the medical staffs that nobody will be denied these services by reason of the physician being nominally opted out. Again, I would point out the example—I guess it was the Leader of the Opposition (Mr. S. Smith) who raised it a year or two ago—I think it was the Toronto Western Hospital where he—

**Mr. Nixon:** We are not talking about charity cases.

**Hon. Mr. Timbrell:** I am not talking about that either. He was pointing out that 100 per cent of the anaesthetists were opted out in that hospital, as the member for Ottawa Centre is trying to say about St. Michael's. When we checked into that case, we found they opt in 70 per cent of their business.

**Mr. Warner:** Mr. Speaker, I have a supplementary question regarding the phantom agreement and whether or not the minister intends to enforce the so-called agreement—an agreement which, by the way, we have never had tabled in this Legislature.

A constituent of mine was extra-billed. When she inquired she was told by Dr. Lamont, who was speaking on behalf of a group of Scarborough anaesthetists, and I quote from his letter, "At present it is ethical and perfectly legal for doctors to charge the OMA tariff without prior notification of patients." I ask the minister again, will he make sure that the agreement is upheld? If it seems, as it would appear, that either there is no such agreement or that the OMA chooses not to honour the agreement, will he stop the charade and end the extra billing in this province?

**Hon. Mr. Timbrell:** Mr. Speaker, I would say on the whole the agreement and the understanding between the ministry and the medical association is working very well. There are cases from time to time—I think in the last year maybe six cases have come to my attention—where, for one reason or another, there have been difficulties. On the whole, we have been able to get those resolved.

I think I know the case the member is talking about where unfortunately we were not able to get it resolved, even using the good offices of the Ontario Medical Association. There are bound to be some exceptions from time to time, but when you consider that by the time today is out, 250,000 claims will be filed on the health insurance plan for services rendered to the people of Ontario, the incidence of nonadherence to the agreement is extremely rare.

**Mr. Warner:** So you will not enforce the agreement; is that what you are saying?

**Hon. Mr. Timbrell:** The honourable member is darned right. I am not going to follow his policies, which would destroy our system.

**Mr. Speaker:** A new question, the member for Ottawa Centre.

**Mr. Cassidy:** I would like to say, Mr. Speaker, in welcoming my former colleague from the Ottawa regional council, that things are a good deal more heated up here than they were in the regional council. I suspect Mr. Mitchell may find after a few months here that he wonders why he came down, particularly given the frustration that those of us who are Ottawa members have always had trying to get any action from the government which he intends to support for a while.

At any rate, I welcome him here and congratulate him on his victory. Maybe it is something to do with the ministers from the Ottawa area, so maybe Mr. Mitchell could—

**Mr. Speaker:** Do you have a question? Please put it.

### STRATFORD FESTIVAL

**Mr. Cassidy:** Yes, Mr. Speaker. I have a question for the Minister of Culture and Recreation arising out of the continuing hard line which is being taken by the members of the board of the Stratford Festival and the indications that they are not backing away at all from the choice of John Dexter and, consequently, are continuing to precipitate a boycott which may well

keep the plays off the boards at Stratford next season.

The minister is aware that the festival board indicated it could not find a qualified Canadian to take over from the four in whom it had apparently lost confidence. Is he aware that John Hirsch, who is one of the most eminent Canadian theatre directors we have in the country, has now notified Equity by telegram that he has at no time received any official or unofficial communication from the board on any matter in the last five years? How can the festival board claim it was looking for a Canadian director if it had not even taken the opportunity to talk to John Hirsch, whose experience certainly would have enabled him to take over the artistic directorship of the Stratford Festival?

**Hon. Mr. Baetz:** Mr. Speaker, obviously I have been following the events of the last few weeks very closely with Stratford and Canadian Actors' Equity, and we will continue, as we have in the past, to work through the Ontario Arts Council to enter the negotiations with Stratford and with Canadian Actors' Equity.

I am aware that this telegram was sent. I was advised of this by the Ontario Arts Council. But I just want to assure the member for Ottawa Centre and all members of this House that the policy of my ministry and of our government will continue to be to rely on the Ontario Arts Council to serve as our agent in the negotiations that will take place.

I know this is probably contrary to the cradle-to-grave government intervention mentality of the member for Ottawa Centre, who would like to see me jump in and muscle aside all those institutions which are set up to carry out this work. I will simply not do that. I remain highly confident that Stratford, Equity, the Canada Council, the Ontario Arts Council and all the key actors in all of this are going to end up in a very suitable settlement. That is all I am prepared to say at this time.

**Mr. Cassidy:** The minister has certainly retreated a long way from a week ago when he said something is rotten in the festival up at Stratford. Now he is saying he is not going to get involved himself. He says he expects there will be some form of compromise. In fact, the arts council expected there would be some form of compromise. But then we learned to the contrary that since they met with the festival on Wednesday of this week the arts council is frustrated, the members of Equity now find

there is absolutely no give from the festival board, and they have therefore reconfirmed their boycott; and since we now face a major economic loss to southwestern Ontario and thousands of jobs will be affected by the failure of the festival to go forward, is it not time for the minister and the government to look for a new initiative which will help to find a compromise and get Stratford back on the boards?

**Hon. Mr. Baetz:** Mr. Speaker, the member for Ottawa Centre has drawn many conclusions here and has created a scenario in which it would appear we are at a total stalemate, which is simply not the case. The various sides have taken rather firm positions but the bargaining and negotiations continue. I am still confident the plays will go on in Stratford next summer.

10:30 a.m.

I want to reiterate I am not prepared at this time, nor is my federal counterpart, nor is the Minister of Employment and Immigration, Mr. Axworthy, to jump in as the member would have us do and have government take over, intervene and come up with all the right solutions. We are not prepared to do that and we will not be drawn into it at all at this particular time.

#### PUBLIC OPINION POLLS

**Mr. T. P. Reid:** Mr. Speaker, I have a question of the Premier regarding our ongoing battle in relation to public opinion polls. In the Premier's answer, I hope he will not fuzz the issue as he usually does by talking about the polls this party or the NDP takes. We are talking about public opinion polls taken at taxpayers' expense.

In view of the report of the freedom of information committee, will the Premier now give us a policy statement in the Legislature to make public the public opinion polls taken by his government—I will be flexible—a week or two after he has had them, read them and sucked them dry? Will he make them public and table them in this Legislature because they are taken with public funds?

**Hon. Mr. Davis:** Mr. Speaker, I will be delighted to give that matter some very careful consideration and contemplate giving a reply to the member some time between now and December 12. I do not say it is an unreasonable question to ask.

**Mr. T. P. Reid:** I have only asked it a dozen times.

**Hon. Mr. Davis:** Seek and you shall find; ask and you may get an answer. I certainly will not cloud the issue by suggesting the polls the opposition took at one point in time were, in fact, at taxpayers' expense.

**Mr. T. P. Reid:** They were not.

**Hon. Mr. Davis:** Oh, you used the trunk lines. That is as fuzzy a position as any the opposition has taken.

Interjections.

**Hon. Mr. Davis:** I have it here. "Chretien won't release details of \$61,000." Why does the member not ask Jean to release that poll? I would be kind of interested in seeing it myself.

**Mr. Ruston:** Why don't you ask him yourself? You are in bed with them in Ottawa.

**Hon. Mr. Davis:** I have to tell the member for Essex North the only poll that counts was the one that was counted at seven o'clock last night. That was the poll that counted. Does the member know what his Liberal leader said about that? He said, "If we do not win it, it will be a disaster." Obviously, the disaster has struck. Where is the Leader of the Opposition this morning? Do members of his party know what I think he has done? I suspect he is applying for the job as artistic director in Stratford as we sit here this morning.

**Mr. T. P. Reid:** I appreciate that the Premier is going to give me a definitive answer by December 12. In the meantime, would he consider tabling next week the polls that were taken in the last year, particularly last spring and summer, in regard to constitutional matters and the feelings of the people of Ontario in regard to those matters?

**Hon. Mr. Davis:** These questions have all been on the Order Paper. We have tabled a number of polls. I will certainly consider this. I am not personally familiar with any specific polls in this regard, but there may be some. I will give it some thought.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: In view of the fact it became quite obvious in the public accounts committee that public funds were used to obtain polls which could have been used for political purposes or partisan purposes, does it not bother the Premier that he is indulging in what is essentially a sleazy practice?

**Hon. Mr. Davis:** I would not want to say the member for Brantford was reflecting what might be his own approach if given public responsibility. I would not make that

observation except that I am always concerned when people make that sort of statement to me. I have never tried to hide the fact that as a political party we conduct some polls. They are more extensive on some things than on others. I suggest the member's own party does the same thing. Maybe they even use the telephones.

But I make this statement, and I make it categorically: Everything we do as politicians is political, but the polls we conduct for government are not done for partisan purposes, and they are not used for partisan purposes. That is the very real distinction.

#### STRATFORD FESTIVAL

**Mr. Duksza:** Mr. Speaker, I have a question of the Minister of Culture and Recreation. I realize the Stratford Festival board is semi-autonomous, and I realize that the Ontario Arts Council is semi-autonomous, but as the Minister of Culture and Recreation, he is the major paymaster. I would like to know his attitude towards this major Canadian festival, whether he believes the festival should be run by Canadians, and if he believes that not only the actors but also the directors should be Canadians?

He has never specified whether he actually believes that the director of the Stratford Festival should be a Canadian. If he does, what is he doing, secretly or otherwise, to make it certain?

**Hon. Mr. Baetz:** Mr. Speaker, I can only repeat what I said earlier. The agency that operates with the Stratford Festival is the Ontario Arts Council.

**Mr. Duksza:** May I ask very specifically what the minister believes, what is his attitude towards having a Canadian director for a Canadian festival?

**Hon. Mr. Baetz:** I may have a personal attitude on this, but I do not think the minister or the government at this particular time should say they are either all for Mr. Dexter or all opposed to him. The minute we state that, we are doing exactly the kind of thing the member for Ottawa Centre would want us to do, and I think that would be a very inappropriate stance to take at this time. I will not be drawn into that kind of a controversy.

**Mr. Cassidy:** Supplementary, Mr. Speaker—

**Mr. Speaker:** The Minister of Transportation and Communications—

**Mr. Cassidy:** Supplementary, Mr. Speaker—

**Mr. Speaker:** This question is going nowhere. The Minister of Transportation and Communications has the answer to a question asked previously.

#### WELLAND CANAL BRIDGE

**Hon. Mr. Snow:** Mr. Speaker, yesterday the member for Erie (Mr. Haggerty) asked me a question regarding the scheduling of the construction of the third bridge at Port Colborne. I have checked into this and I am pleased to advise that as far as we know, this contract, which is a federal contract being carried out by the federal government through the St. Lawrence Seaway Authority and being shared on a 50-50 basis with the province, has been awarded. As far as we know, the intention is to have it completed and opened next year.

My staff is still attempting to check final details with federal officials to determine if any changes in the schedule are anticipated.

The approach roads to each side of the new bridge are being constructed under a contract by the regional municipality of Niagara at provincial expense, and these approach roads are substantially completed at the present time.

#### GO TRAIN FIRE

**Hon. Mr. Snow:** Mr. Speaker, I also had a question yesterday from the member—my member—for Halton-Burlington (Mr. J. Reed), who is obviously not here today. I would like to say that his question was regarding what he termed a fire on the Go train coming into the Port Credit station.

On Wednesday evening, November 19, the crew of an eastbound GO Transit train of empty equipment being returned to the Willowbrook maintenance facility was advised by radio from a passing westbound train that an abnormally heavy amount of smoke was visible from the running gear. You will know all about this, Mr. Speaker, being an old railroader.

**Hon. Mr. Davis:** Well, not an old railroader. A young railroader.

**Hon. Mr. Snow:** A young railroader.

**Mr. Speaker:** A knowledgeable railroader. A railroader on leave of absence.

**Hon. Mr. Snow:** A knowledgeable railroader on leave of absence. The crew of the equipment train had already noted the situation and attributed it to brakeshoe smoke. On receipt of the report from the other train, they decided to stop at the Port Credit station

at 5:55 p.m. for a more thorough investigation. The inspection confirmed that the smoke was, indeed, caused by the heat buildup between the brakeshoe and the wheels which occurs normally as a result of brake application. Occasionally, oil or grease on the wheel surface will give rise to heavier than normal smoke during braking, as was the case in this instance.

10:40 a.m.

There was never any suggestion that there was a fire or a hazard to persons close to the train. The final passengers on the westbound train were leaving the platform at the time the eastbound train arrived. In fact, to have stopped the train at a remote location, as the member for Halton-Burlington suggested, would have obliged the crew to perform an inspection on the uncertain footing of the railway ballast, and in the dark immediately adjacent to the other mainline track where trains could pass at a high speed at any time.

By deciding to move the train to Port Credit station where a proper platform and lighting were available, the crew recognized that a safer and more thorough inspection could be made. We are satisfied that the matter was handled safely and competently by the train crews involved.

#### PUBLIC SERVICE GRIEVANCES

**Mr. Van Horne:** Mr. Speaker, I have a question to the Chairman of Management Board of Cabinet. Is the minister aware that public servants must wait for excessive periods—over a year and a half in one particular case that has just been brought to my attention—before they can have grievances heard by the Crown Employee's Grievance Settlement Board? Would the minister not agree that justice delayed this long is obviously akin to justice denied, and would he take steps to expedite the hearing of these grievances?

**Hon. Mr. McCague:** Yes, Mr. Speaker, that action has already been taken. As the honourable member probably knows, we were without a chairman for a period of time. There was one appointed back in August. There is quite a backlog. We and the union are working to clean up that backlog, and I believe there will be some 200 scheduled for hearings in January, February, March and April.

**Mr. Van Horne:** A supplementary: Given the phone call that was made very recently to the Grievance Settlement Board indicating

that the backlog would demand extra staff beyond the chairman, is the minister planning to add staff to accommodate that huge backlog?

**Hon. Mr. McCague:** We have already gone from eight to 26. I think that should take care of it.

#### LIQUID INDUSTRIAL WASTE

**Mr. Swart:** Mr. Speaker, my question is to the Minister of the Environment. First, I would like to send him 30 letters from a school in Thorold expressing the opinions of the students there relative to the proposed solidification plant.

The minister knows, does he not, that there was a closed meeting held between the principals of Walker Brothers and the chairman of Niagara region and, subsequent to that, there was another closed meeting held between four mayors of the area and Walker Brothers? The city of Thorold has now learned from the minister's office that he is meeting with the principals of Walker Brothers on Monday. Will the minister tell this House whether that meeting with Walker Brothers will be open to the media, and what will be discussed between him and Walker Brothers?

**Hon. Mr. Parrott:** No, Mr. Speaker, it will not be open to the media and I will make the appropriate announcement at the appropriate time.

**Mr. Swart:** The minister also has a request from the city of Thorold for a meeting with him before he makes his statement on Tuesday. I understand they have not had an answer to date but it was stated by the minister's staff that he probably will not have time. Would it not show a very high degree of distortion of priorities if the minister met with the representatives of Walker Brothers, which has grossly violated the environmental laws, and then did not meet with the elected representatives of the city of Thorold? Will the minister meet with them prior to next Tuesday, when he is going to announce his decision?

**Hon. Mr. Parrott:** No, I am afraid I will not be able to meet with them before Tuesday. I am more than pleased to meet with them. I also want to put it on the record that I think it is rather important to bear in mind that it is all right for the member to pass a judgement of guilt or no guilt in this House. He can get away with that. I am afraid he might not have that same privilege outside the House. He is fortunate to be



doing that in the House. But I will let him worry about that. He can look after his own bailiwick.

### SEX AND VIOLENCE ON TV

**Mr. McGuigan:** Mr. Speaker, my question is for the Solicitor General. Is he aware of the various studies in Canada and other countries that show the depiction of violent sex has a significant antisocial effect on the attitudes of the viewer? Has the Solicitor General advised his officials to lay charges under the Criminal Code of Canada against television stations that broadcast obscene films? I am speaking specifically of a film called *Prime Cut*, shown on CFPL-TV London at 11:45 p.m. on Friday, October 31.

**Hon. Mr. McMurtry:** Mr. Speaker, I am not familiar with the film the honourable member mentioned. I think many of us are familiar with the studies that have been done which indicate violence as entertainment is a very significant problem with respect to crime in society generally. The late Judy LaMarsh headed a commission dealing with violence in the entertainment industry. The studies the Royal Commission on Violence in the Communications Industry did would indicate this is an issue about which all society should be concerned. When we look at the rising crime rates, particularly in relation to violence and young people, there is no question violence as entertainment is something our society has not shown a great deal of responsibility about in continuing to tolerate it to the extent we do.

For example, while I do not have any particular views with respect to films dealing with explicit sex as such, I do not happen to think it is nearly the problem that violence is as entertainment. I am advised that in Europe most of the people in positions of responsibility are very concerned and much tougher than we are in relation to the whole matter of violence as entertainment, as opposed to portrayals of explicit sex.

As far as prosecutions are concerned for any offences related to the Criminal Code, this is a matter for local police authorities and, in our system of justice, individual citizens also have the opportunity at least to attempt to prefer charges if they are of the view the Criminal Code has been breached.

**Mr. McGuigan:** Would the minister have his authorities review that film? I would point out that in the film a scene of cattle pens was clearly shown. I thought this

would be very interesting to show how a modern cattle pen operates. I was amazed to find they were not selling cattle in those pens; they were selling women. Also, two gangs were warring against one another in the film. One gang member was made into sausages. These sausages were presumably sold as human food. How can we stomach such a thing?

10:50 a.m.

Interjections.

**Mr. McGuigan:** There was no marketing board involved either. Would the Solicitor General have his officers request a viewing of that film and if they feel as I do, lay charges?

**Hon. Mr. McMurtry:** I will be happy to bring the member's concerns to the attention of the proper authorities.

### UNICEF CHRISTMAS CARDS

**Ms. Bryden:** Mr. Speaker, I have a question for the Minister of Revenue. Is it true that the retail sales tax is applicable to handling, shipping and postal charges for Unicef Christmas cards as is indicated on the order forms sent out by Unicef this year?

**Hon. Mr. Maeck:** Mr. Speaker, I have no knowledge of it. I will certainly look into it and get back to the members.

**Ms. Bryden:** Supplementary—

**Mr. Speaker:** The question has been taken as notice. When the minister responds there may be time for a supplementary.

### REFILLABLE MILK CONTAINERS

**Mr. Gaunt:** Mr. Speaker, I have a question of the Minister of the Environment. Could the minister state why he directed the waste management advisory board, through its chairman, to inform the president of the Ontario Dairy Council that the introduction of a multitude of refillable milk containers in Ontario, in different shapes and sizes, will be allowed?

Since this action comes before the final decision has been made by the industry task force on fluid milk containers in Ontario, would the minister not consider this action inappropriate? Would he not also consider reversing that advice to the dairy council, at least until the task force has reported?

**Hon. Mr. Parrott:** Mr. Speaker, I do not recall offhand having so directed in a formal communication, but I could be in error on that. I am not saying I did not.

**Mr. Gaunt:** It was a letter dated November 5, actually.

**Hon. Mr. Parrott:** All right. I would like to look at that if I might and have an update on it before I respond to the question.

**Mr. Gaunt:** I can certainly provide the minister with the communication. Would the minister not consider that action inappropriate since we have been trying to encourage uniformity in pop bottles and avoid a proliferation of various types of pop bottles? Why would the same not apply to milk containers?

**Hon. Mr. Parrott:** I think to a marked degree it does. At the same time I think the member, knowing of his great interest in the dairy community, wants to be very sure that the best beverage in the world—agreed?—

**Mr. Gaunt:** Agreed.

**Hon. Mr. Parrott:** —is in the most environmentally sound containers. We must be very careful that we deal with both issues, namely, the sanitation of the product and the maintenance of the quality of that product, plus the impact on the environment if inappropriate containers are used.

I will be glad to take another look at that. But I hope we would agree the maintenance of the product itself is of paramount importance.

#### WINDSOR HOUSING AUTHORITY

**Mr. Bounsall:** I have a question of the Minister of Housing. Having created the situation with the Windsor housing authority board which led to the resignations of six persons because of the minister's appointment of a chairman who had no previous experience with that board, what is he doing to resolve that situation?

**Hon. Mr. Bennett:** Mr. Speaker, I have received two out of four resignations so far which have been submitted to the Ontario Housing Corporation. To answer the question very simply, I am in the process of making some new appointments.

**Mr. Bounsall:** Since it is quite important that the board be able to meet in the next few months because of the economic and unemployment situation in Windsor and the increased need for geared-to-income housing, has the minister contacted the federal and municipal governments, requesting them to fill their vacant appointment positions as soon as possible, and what date is he looking towards to having all those vacancies filled so that board may function properly?

**Hon. Mr. Bennett:** There are no municipal vacancies on that particular board to the

best of my knowledge. The vacancies that occurred were those of the federal representation and one provincial appointment, the chairman, whose term had expired.

I made the selection of a new provincial member and I also selected him as the individual to chair that particular board. I want to indicate to this House that we have selected many individuals who have been appointed chairmen the first time they served on a board. The new chairman of Ontario Housing Corporation is a gentleman who had not served on previous boards. We appointed him to the board and made him chairman at the same time. I think we pick people with the competence, understanding and capabilities of one who is trying to direct a housing authority, whether in Windsor, Ottawa-Carleton or anywhere else.

I have already made one provincial appointment in the last few days. Going to the cabinet in the next few days will be the additional appointments as far as the province is concerned. I await the recommendations for appointments from the federal government, which we have already notified of those vacancies.

#### NURSING HOME INSPECTIONS

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Health concerning nursing home inspections. As the minister is aware, two nursing homes within the city of St. Catharines, Tufford Rest Home and Chatelaine Villa Convalescent and Nursing Centre, denied access to a public inspection panel, not from the ministry. This right to refuse the inspection was upheld by Judge Kovacs on Tuesday in St. Catharines. Since these homes are indirectly supported by the Ministry of Health through OHIP payments, which are heavily subsidized through government funds, is the minister contemplating a change in legislation which would bring about the kind of definition which would compel homes of this nature to accept public inspections?

**Hon. Mr. Timbrell:** Mr. Speaker, the legislation under which these grand juries operate does not come under the Ministry of Health, as I think the member acknowledged. I am not sure whether it comes under the Solicitor General or Attorney General.

Secondly, even with those institutions which are subject to and are regularly visited by these public inspection panels that regularity is once every few years. It is not any more frequent than that. The inspections

which are carried out by my staff in the inspection branch of the Ministry of Health are very frequent. Certainly they are all inspected annually with respect to environmental safety, fire safety, nursing, nutrition and the like.

Every complaint we receive, be it from a patient or a family member, is followed up by an inspection as well on that particular complaint. I do not know that there is the need to amend that legislation. I think we have an adequate number of inspectors and an inspection process including, as the member may know, team inspections, which I instituted a couple of years ago, in the case of homes about which we are receiving an inordinate number of complaints. We go in as a team to see what the problems are and get them cleaned up.

**Mr. Bradley:** Since other institutions are subjected to inspections by the public inspection panels, despite the fact they are inspected by ministry inspectors, does the minister not feel it would still be an advantage to give them the right to go into those institutions, as average citizens, to do an inspection, as the minister says, on an infrequent basis?

**Hon. Mr. Timbrell:** Mr. Speaker, the public inspection panels go into public hospitals which are totally funded from the public purse, but we in the ministry do not inspect the public hospitals. There is not the same inspection process for the public hospitals that exists for the nursing homes. It is a totally different situation. In addition, the nursing homes, like the hospitals, are subject to inspection by the local fire departments and by the public health departments with respect to infection control, so that by comparison on balance I would have to submit to the members that the nursing homes are inspected more frequently and more intensively.

11 a.m.

**Mr. Speaker:** The honourable the Premier has the answer to a question asked previously.

**Mr. T. P. Reid:** He has a reply, not an answer.

**Hon. Mr. Davis:** I do, I have an answer.

#### SOUTH CAYUGA LAND DRAINAGE

**Hon. Mr. Davis:** Mr. Speaker, on November 7 the member for Haldimand-Norfolk (Mr. G. I. Miller) asked me a question regarding some test drilling which was being carried out on properties in the South

Cayuga area: I apologize, I was here a couple of times with the answer and other matters intervened.

I have been advised that the test drilling in question is being carried out by the Ministry of Government Services for the purpose of refining the Ontario Land Corporation's knowledge of the hydrogeological nature of the site. That is a very definitive answer. I have been informed that all affected residents in the area were notified that this drilling would be taking place, and also of the reason for the drilling. In fact, the member sent me a photocopy of a letter sent to a resident from the supervisor of western town sites providing to the resident—and to the member, incidentally—the information I have just presented to the House: a hydrogeological study to determine the hydrogeological nature of the site. How can one be more definitive than that?

**Mr. G. I. Miller:** I did ask the Premier a supplementary question also, pointing out that it is class one and two land. What is the policy of his government as far as the use of that land is concerned?

**Hon. Mr. Davis:** I think they are two separate questions. One is the question of the land use, the second is why was the drilling and why is the drilling taking place.

**Mr. Nixon:** Because it is being associated with using it as a dump site for the Ministry of the Environment.

**Hon. Mr. Davis:** No one is suggesting in any way that there are no surveys going on in many parts of the province; but the honourable member asked me what the purpose of the drilling was, and the purpose of the drilling is to determine the hydrogeological nature of the soil.

#### HAMILTON COURT FACILITIES

**Mr. Mackenzie:** Mr. Speaker, I have a question of the Attorney General. Can he tell this House why, in spite of his own admission that we have a serious problem in terms of delays in the courts in Hamilton—which is adversely affecting the administration of justice in that city and in that area—absolutely nothing has been done about a situation which he himself admits is a serious one; and why, when the other Hamilton members and I met him today for the second time in five weeks, he could not give us an update on the Turner situation when we had specifically requested such information be part of the information available to us at the second meeting?

**Hon. Mr. McMurtry:** I think there may be a misunderstanding between myself and the honourable member, Mr. Speaker, as to precisely what the nature of the conversation was going to be today. I indicated I did not have a recent update of the Turner investigation. But with respect to the matter of trial delays and court facilities respecting the administration of justice in Hamilton, it is quite true that we are very concerned about the problems in that area.

I do not think it is fair to say that nothing has been done about it, because it has been the subject matter of frequent discussions with our members of crown attorney staff in that area as well as with the court administrators and the local police department, to expedite the trial of some of these matters. While we have not come up with any totally satisfactory solutions, I think we have made some modest progress at least. But I am of the view that additional resources, both judicial court and crown attorney resources, are required in relation to the administration of justice in Hamilton. We are hoping to be in a position to provide them.

**Mr. M. N. Davison:** Supplementary, Mr. Speaker: In view of the fact that the Attorney General has been expressing deep concern over this matter since he arrived in the Legislature five years ago, and in view of the fact that, clearly, the time for an expression of his deep concern has long since passed and the time for action has arrived, will he not give a guarantee to this House to get the city of Hamilton two more courts as quickly as possible so that we can do something to deal with this backlog that has been the creation of his inability to administer the justice system in the city to the benefit of the people?

**Hon. Mr. McMurtry:** Mr. Speaker, additional resources have been added during my tenure as Attorney General for this province and the situation has been improved somewhat. As I indicated to the honourable members from the NDP caucus this morning, we are looking for additional courtroom space.

**Mr. M. N. Davison:** Let's have a guarantee.

**Hon. Mr. McMurtry:** Of course, I can give no guarantees in relation to the additional courtrooms about which I spoke. It is our expectation and certainly our desire to acquire those additional resources.

**Mr. Speaker:** The time for oral questions has expired.

**Mr. Nixon:** Mr. Speaker, I thought this might be an appropriate time to bring to your

attention and to the attention of other members, the presence in the gallery of the former member for Hamilton Centre, Mr. Norman Davison, with his grandson, another Mr. Davison.

## MOTION

### ESTIMATES

**Hon. Mr. Wells** moved that the estimates of Management Board be referred to the standing committee on general government for consideration, following the estimates of the Ministry of Housing.

Motion agreed to.

## INTRODUCTION OF BILLS

### ONTARIO UNCONDITIONAL GRANTS AMENDMENT ACT

**Hon. Mr. Wells** moved first reading of Bill 199, An Act to amend the Ontario Unconditional Grants Act, 1975.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, this bill will amend the Ontario Unconditional Grants Act. It revises the current provisions relating to special assistance in order to enable the ministry to provide assistance in circumstances which would result in an undue increase in property taxes in certain municipalities.

In addition, it contains measures which serve to complement the proposed Municipal Boundaries Negotiation Act. More specifically, it generalizes the circumstances in which the ministry could provide financial assistance related to municipal annexations or amalgamations. It also provides authority for the ministry to phase in the areas affected by reorganization towards a common municipal mill rate.

## REGIONAL MUNICIPALITY OF PEEL AMENDMENT ACT

**Hon. Mr. Wells** moved first reading of Bill 200, An Act to amend the Regional Municipality of Peel Act, 1973.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, this bill has two amendments. The first would effect a minor boundary alteration in the mutual boundary of the cities of Brampton and Mississauga at the request of the two cities in the regional municipality of Peel. The amendment draws the boundary to coincide with the southerly limit of the northern link of the parkway belt west design area.

The second amendment would permit the region of Peel to establish a special transportation system for the handicapped without jeopardizing the right of area municipalities in the region to continue to operate public transportation systems. At present, the act provides generally that if the region establishes a transportation system, no area municipality shall establish such a system.

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 201, An Act to amend the Legislative Assembly Act.

Motion agreed to.

11:10 a.m.

Hon. Mr. Wells: Mr. Speaker, this bill provides that the differential in accommodation allowance for the Leader of the Opposition (Mr. S. Smith) and the leader of the third party (Mr. Cassidy) will be maintained. It makes some minor changes in the way the accommodation allowance will be calculated.

#### EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 204, An Act to amend the Executive Council Act.

Motion agreed to.

Hon. Mr. Wells: Mr. Speaker, this bill provides the same differential in accommodation allowance that I just indicated would apply to the Leader of the Opposition and the leader of the third party, for members of the executive council who reside outside of Metropolitan Toronto.

#### DENTURE THERAPISTS AMENDMENT ACT

Hon. Mr. Timbrell moved first reading of Bill 205, An Act to amend the Denture Therapists Act, 1974.

Motion agreed to.

Hon. Mr. Timbrell: Mr. Speaker, as the honourable members are aware, denture therapy is a relatively new practice that is governed by an appointed board. However, there are several members on the board who are coming to the end of their appointments. Under the Denture Therapists Act, 1974, they cannot be reappointed because of a six-year membership restriction.

Since the present members are so familiar with the issues that affect the practice of

denture therapy, I am introducing an amendment to the act to permit members to serve for more than six consecutive years and be reappointed for one, two and three-year terms. We believe this amendment will enable the board of denture therapists to continue to discharge its responsibilities in an effective and knowledgeable manner.

#### REDEEMER COLLEGE ACT

Mr. J. Johnson, on behalf of Mr. Ashe, moved first reading of Bill Pr48, An Act to incorporate Redeemer College.

Motion agreed to.

#### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, MINISTRY OF NORTHERN AFFAIRS

(concluded)

On vote 704, regional priorities and development program:

Mr. Bolan: Mr. Chairman, I would like to take up the matter of regional priorities with the ministry. Under the heading "tourism development," he lists a number of activities his ministry has considered or is considering. I would like to speak for a few minutes about the ski agency that has been developed in the North Bay area.

I think the minister is familiar with it. In fact, he and I cut a ribbon last year. His presence was quite suspicious on that day because it was the first day we had sufficient snow to ski. However, his largess with respect to the falling of snow did not last very long; we had one of the more miserable winters as far as ski conditions were concerned. I hope that is not a reflection on his ministry.

In any event, as the minister knows, for two years in a row his ministry has provided seed money for the maintenance of trails, which have grown to have international recognition. In fact this year during the Christmas festivities we have some charter flights coming in from South America, as well as from Europe, which will be spending one week to 10 days using the trails. Perhaps the minister would like to come into my area at that time and bring with him the same good luck we had last year with respect to snowfall.

I point this out to the minister to show him how important it is to look at the programs, and how important it is for the government to get involved in them. When

he considers the amount of money his ministry did put into the ski agency, it really is relatively small when one considers the tremendous benefits the entire region obtains from it.

My purpose in raising the matter of the ski agency with the minister is that as a result of the tremendous traffic that has come about, the local roads board in the township of Phelps has been under tremendous pressure to maintain the road that leads from Highway 69 into the ski agency area.

The local roads board has only so many dollars to maintain the road, and there was tremendous pressure put on it by the city of North Bay, by the residents in the area, and by the ski agency as well to keep that road in good condition, particularly on the weekends when the traffic is most heavy.

The attitude of the local roads board—and it is the proper attitude—has been that we simply do not have the funds to expend to better the facilities for the ski agency. There is such a tremendous usage of it, it requires much more funding than is made available to it.

I had several people from southern Ontario who spent considerable time and money coming up there to ski only to have their charter bus go off the road. The next 24 hours were spent in frustration, getting tow trucks and pulling the bus out. We did manage to solve some of the problems, but nevertheless I think it is an area the Ministry of Northern Affairs should look into.

I would ask ministry officials to contact the local roads board of the township of Phelps with a view to coming to some agreement with it to provide additional funding for the maintenance of that road. I don't know how the ministry would do this, but I leave it in the minister's good hands. I am sure he has a sufficient number of competent administrators in his ministry. A relatively small amount of money would be involved to assist the local roads board in providing better service for the people of southern Ontario.

11:20 a.m.

They are the ones who are coming up weekend after weekend. If we are not going to have good access for them to get to the ski site once they arrive at North Bay, then they are not going to come back. It is going to be sour grapes and that is very poor advertising. I put that to the minister, as the member for that riding as well as a person who is very much interested in the development of what I think is a tremendous idea,

a tremendous agency. Believe me, the north is really benefiting from it.

**Hon. Mr. Bernier:** Mr. Chairman, if I could respond to the member for Nipissing, I would first express my appreciation for his very complimentary remarks in respect to our efforts to promote tourism in the North Bay area.

I, too, was most impressed with the attitude of the young people who had taken on that responsibility, the accomplishments of the community college itself, Canadore College in North Bay, and the efforts they went through to really get something going in the North Bay area that was the continuation of a good summer tourism economy into a winter tourism economy.

I am sure the people who read our comments and maybe those people in the gallery who want to do some cross-country skiing will look to North Bay as one of the finer places in northern Ontario to enjoy that kind of recreational experience. I must say I was most impressed to learn that X number of miles of the cross-country ski routes were lit by night. That was a very impressive sight and certainly those people in charge were to be and are to be complimented because they are fulfilling a need for something we can do up there. Certainly, I appreciate the member's remarks.

We will be following their successes very closely. We are prepared to co-operate with them right to the fullest because I think we have something going that we should continue. Following on that it is obvious, in response to the member's concern about the roads and access roads into those areas, that they must be maintained. It seems a little ridiculous to promote something and then not be able to get to it. I am going to ask my staff to meet with the local roads board and to meet with the tourism promotion people in North Bay to see if there is some way we can help.

I think there is. We have done it in the past. We have the regional priority budget designed for that type of assistance where it does not fall into a regular, normal program—it falls in between the slots, so to speak. We can come along, with the co-operation of the local services board, and I can assure the honourable member that we will look at that problem.

**Mr. Wildman:** Mr. Chairman, in that vein, I had not intended to raise this but I am glad to hear the minister make those comments because, as he may know, I sent him a letter—I do not know whether he has re-

ceived it as yet—regarding the question of infrastructure for the King Mountain project.

Obviously, there is a possibility of a great influx of people if that project goes ahead, and there is some concern in that area on the part of the local roads board and some of the local people about first, how the infrastructure could be provided and upgraded, and second, how it could be maintained subsequent to the project being completed.

I would like to know if the minister could respond to whether or not that kind of funding is being looked at by his ministry. If so, is it independent from or is it related to the current discussions with the federal government with regard to the Department of Regional Economic Expansion subagreement on tourism?

The particular issue I wanted to raise this morning, however, deals with developments in Blind River. As the minister knows, related to the expansion at Elliot Lake, Blind River has become a bit of a boom town, which is quite a change from what it was a few years ago. There is a tremendous amount of expansion going on—residential, to be sure—with people commuting back and forth to the mines in Elliot Lake, but it is not only residential.

There has been a spurt of commercial development, tourist-related, service-related and small-retail-related. The municipality is very anxious to attract small secondary industry so that it will not be just a bedroom community but a community with diversification of employment opportunities within its boundaries.

On the whole issue of Granary Lake Road, one of the reasons the government has said it does not wish to go ahead with that construction at this time is related to cost, of course, but also it does not want Blind River to be a bedroom community. If that is the case, I would think the ministry would be doing all it can to ensure there is a possibility for the development of other types of small industry and business in the community to provide employment opportunities. In that regard, the municipality has had discussions with the Ministry of Northern Affairs, the Ministry of the Environment, the Ministry of Housing and the Ministry of Industry and Tourism for assistance in the expansion of an industrial park.

I understand the minister wrote to the municipality just last month, after his discussions with the other ministries of the government, indicating the provincial government would not be providing additional assistance

for the rehabilitation of the sanitary sewer system and the provision of services in the industrial park area. Municipal officials were most disappointed with the response. Apparently, the main reason for the denial of funding was that municipal service charges in Blind River are lower than in a number of other northern communities with similar population and assessment; in a way, this seems to be saying that if the municipality does well fiscally it will be penalized, in that it will not be able to get special funding when faced with a great deal of expansion and it has to expand services. We have the unfortunate example of some other communities in northern Ontario which have not done well fiscally, and the provincial government had to come in and bail them out and provide the necessary funding to enable the community to provide the services it needs without greatly increasing the mill rate and taxes for local residents.

I wonder if the minister is prepared to meet with representatives of the municipality again to discuss this very important matter and to hear their views. In a way, it seems he is denying his policy of not wanting Blind River simply to be a residential area with commuters. I hope the minister is prepared to meet with the municipal officials, who indicate they would like to arrange a meeting convenient to him. I hope I can get a response and that the government will take another look at assisting Blind River. After all, extensive assistance is being provided to Elliot Lake, and it is largely the same expansion that is leading to the need for expansion of services in Blind River.

**Hon. Mr. Bernier:** Mr. Chairman, replying to the question of the member for Algoma regarding the infrastructure for the possible King Mountain development, it is certainly obvious to the government—and I say that in a general way, because we are strongly sympathetic to that development—that it would be an economic development for the north-eastern part of the province, an area that really needs it from the point of view of economic activity and, I suppose, the magnetic attraction for tourists from the United States would be outstanding.

**11:30 a.m.**

I know the member for Sault Ste. Marie (Mr. Ramsay) has been vocal on this issue. I had the privilege of flying with him in a helicopter about a month and a half ago during the height of the fall season when the colour was at its best. I guess the most

beautiful colour on the North American continent is around Sault Ste. Marie in the fall. It was beautiful to see. To look at King Mountain at that point in the season and that time of the year was a real experience.

The location, as far as I am concerned from a layman's point of view, is an excellent one. The hills are great. The countryside is just gorgeous. It is untouched. It has reasonably good access. The member is quite right in saying the infrastructure requirements would be rather significant—roads, sewers, water and that type of thing. That would be part of the Ontario government's interest if we moved with the King Mountain development.

It is, as the member knows, a major private development. Until the Ontario-DREE tourism package is finalized or at least some direction is given to that package, I suppose we will have to do it as one big unit, but I can assure the member that is one area we will be sympathetic to.

The town of Blind River, as the honourable member correctly points out, has had an economic lift with the Eldorado refining facility being moved from Port Hope to northern Ontario, where I suppose it lends itself to the development very handsomely, as uranium is mined 40 minutes away from Blind River now. Is Elliot Lake about 40 minutes away from Blind River?

**Mr. Wildman:** It is 40 minutes to an hour depending on the weather.

**Hon. Mr. Bernier:** Yes, it depends on the weather. The whole Blind River area is going through some real upheavals and changes now. We have been active in the Blind River area with the assistance we have given out of the regional priority budget. We have put up \$1 million for their treatment plant. They have had some real infiltration problems, as we are all aware.

I think the community is aware that, when we put the money into the treatment plant, the agreement was they would look after their own upgrading. I understand they have been doing that very well this year with their own forces. For that they are to be complimented.

The question of the industrial park is still around. I met with Mayor Gallagher. He was in about a week or 10 days ago. We discussed that problem in the east lobby of the main building here. We indicated to him at that time that he should go back to the Ministry of Industry and Tourism with respect to that request because the whole question of industrial parks is now under

active review by that ministry. It is standing back and looking at its accomplishments, seeing how they are funded and the results of the efforts to date. It would be very timely if he went to Industry and Tourism with that formal request for some enlargement and improvements to his own industrial park. He said he certainly would do that.

With regard to the Granary Lake road, there is no change on the Granary Lake road. I think it is fair to say the feeling now is they are 40 minutes away from Elliot Lake by a fairly good road and that is sufficient for their immediate requirements. The expenditure of \$12 million or \$14 million—I am sure it is up to that now—to shorten the distance between Blind River and Elliot Lake would mean maybe five or 10 minutes in travelling time.

**Mr. Wildman:** I will come back to that when we get to northern roads.

**Hon. Mr. Bernier:** Okay, but it was very difficult. There has been no change. I do not think there is that much demand. Mayor Gallagher did not make it an issue when we met with him last week.

**Mr. Wildman:** The Elliot Lake chamber of commerce wants it, but that is a different vote.

**Hon. Mr. Bernier:** I have not heard from them.

You questioned our decision with respect to some assistance to Blind River and our examination of their local tax load. I think in all the assistance we give on the regional priority budget, that's one area we do look at. I think it would be unfair if the local taxpayers were not carrying their full equitable responsibility as it relates to adjacent communities.

The mayor or the reeve and the council of that community may say: "We will have a very low tax burden here and we will go after the federal and provincial governments to take our responsibility," which, by right, is theirs. So we look at that comparison and we point out they are lower than other areas and that to be fair and equitable to the other communities they may want to raise some additional funds, which would improve their borrowing capacity.

I think, Mr. Chairman, that responds to the inquiries of the member for Algoma. If there are any further questions I will be glad to assist.

**Mr. Kerrio:** Mr. Chairman, the minister is carrying a very heavy burden over there all by himself.



**Hon. Mr. Bernier:** Oh, I've got some good staff over here with me.

**Mr. Kerrio:** Mr. Minister, I have a genuine interest in this area we are discussing as it relates to the tourist aspect of northern Ontario. I come from a very successful part of Ontario, Niagara Falls. We happen to be within reach of many people who visit our area—some 15 million every year—so that transportation is really left up to the individual. The very successful people in the area do a great deal of advertising, as does the Minister of Industry and Tourism (Mr. Grossman), which actually reflects on the kind of business that happens down there.

The reason I wanted to talk on this subject today was because I have had firsthand experience. I spend a good deal of my leisure time in the north. I have taken on myself the task of representing our party in the north from time to time and so I know of what I speak.

I have a concern, and the concern is shared by the government, that transportation is very difficult in the north—and that's proven. The government has reacted on licence fees and in keeping gasoline at an equitable price with southern Ontario so that northerners can avail themselves of a bit of advantage to get from place to place.

My concern is that unless we provide some really meaningful transportation to the north, we are going to have difficulty getting people interested in spending time there. The reason I pose the question is because I have taken the Ontario Northland Railway from Toronto right through to Moosonee to hunt geese on James Bay at the Harricanaw camp, which is run by the Ontario Northland. I find this is a unique experience.

The train itself is one of the finest modes of transportation you will find on rails anywhere in the world. The difficulty I have with it is that very often on a weekend you cannot be accommodated on that train. If that is the case, without putting forward any new initiatives to get more people to travel, unless we have a more flexible means of handling the Ontario Northland Railway, unless we can add a considerable number of cars or more facilities, we will never expand that mode of transportation.

11:40 a.m.

As I have suggested before, I know personally some of the people who are involved in the operation. I am very pleased about the functioning of the railway but the limits of it are obvious. Unless you take the initiative, there is little point in doing some of

the things I would suggest should be ongoing in the northern parts of Ontario, such as preferential reforestation that has consideration for the animals as well as the pulp and paper mills up north. We should consider stocking our northern lakes, where the lakes are considered safe, so that our young people and our residents, as well as visitors from south of the border, can be assured they are going to come into northern Ontario and expect good fishing.

Doing things on the ski slopes and all over northern Ontario that will encourage people to travel there will all be for naught, unless we can prove we have the necessary kind of transportation. I mean an advanced thinking in transportation; I do not mean to keep pace with some other jurisdiction. I mean to take the initiative and say, "You can come to Ontario and leave your car parked. We will take care of you from point A to anywhere you want to travel for whatever you might like to do in northern Ontario."

A high priority in your responsibility as Minister of Northern Affairs is to encourage that railway to put forward a two-year, three-year or four-year plan that will ultimately say we have a tourist attraction where one can leave one's car at home and save fuel and go into the far reaches of the north, come snow or what have you. In the case of places as remote as Minaki or Moosonee, places that everyone in this great country of ours should be able to travel to, I do not think we will be able to exploit those visitors and give them the exposure they need unless transportation becomes a very high priority in the ministry's involvement in northern Ontario.

**Mr. Chairman:** I believe the member slipped down into item 4.

**Hon. Mr. Bernier:** Mr. Chairman, I appreciate the involvement of the member for Niagara Falls in these estimates. I am very familiar with his love of the north and his desire to spend more time up there. I would extend a very warm welcome to him to visit us on a regular basis in all seasons—spring, summer, fall and winter. There are glorious opportunities to enjoy the things that many people in southern Ontario do not have the opportunity to do and to really get a feel for what is happening up there, not only for the wilderness aspect of northern Ontario, but the beautiful urban areas we have.

We have a beautiful city called Sudbury. I would encourage you to visit that beautiful city because there is a new mood in

Sudbury. Recent ads have come out that they want to develop a new convention centre.

**Mr. Kerrio:** The only problem you have in the north is some of the members.

**Hon. Mr. Bernier:** I will get to that point next spring. First things first. I was interested in the comments from Sudbury about their community and how proud they are. They want a new convention centre established in Sudbury. They want to change the attitude of people in southern Ontario towards that particular area. It is most encouraging to go into Sudbury and see the greening of the rocks now coming on. I know the member for Nickel Belt (Mr. Laughren) is anxious to get into the estimates, to elaborate on the developments going on in the Sudbury area and to tell us about the great things that have happened in his particular community.

Getting back to transportation, I just want to tell the member that we have some excellent services into the northeastern Ontario corridor per se with the Northland train and the Northlander, to which you made reference, with Air Canada making regular trips into North Bay, Sudbury and Timmins and with the excellent sleeper bus service we have now which operates in that entire corridor. You can leave Toronto, go up to Tobermory, get on one of the most modern auto ferries anywhere in the North American continent, take a nice trip across to South Baymouth on Manitoulin Island and continue on up to northern Ontario.

I think you touched on a very sensitive area when you mentioned Minaki Lodge. I am sensitive about the way the rail transportation facilities into that particular area are regulated by the federal government and the CNR, which goes through there. We have a lot of work to do with the CNR because the attitudes to which you refer are not showing up in the Via Rail operations as much as I would like them to come forth. They do a lot of talking about getting people back on the rails, but in my estimation they have not made any great strides or changes. I know it takes time and I am one of those who are willing to wait until they can get their house in order, get new equipment and get on with the job of bringing people back to the rails. That is the way it has to go.

I want to compliment my colleague, the member for St. David (Mrs. Scrivener). As you know, she is chairing a rail task force. The interim report has just come down and my own deputy minister, Mr. Herridge, has

literally spent hours working with that committee. I hope you have had the opportunity to read the interim report. I understand in her final report, or at least the report with all the recommendations as it relates to rail service in this province, she has gone beyond the provincial responsibility, which was part of her terms of reference, to look at the province as a whole and the need to improve rail services in this province. With the energy problem we have now, it is obvious that is the route we have to move in.

I encourage honourable members to read the interim report of that task force and to digest in great detail the recommendations when they come out later next year, because I think it will have some real effect on what the future holds for us in northern Ontario.

I am particularly proud of our services on the Ontario Northland Transportation Commission, and I want to touch on the norOntair operation. When you get to North Bay, you can jump on the greatest little airline on the North American continent, the norOntair operation.

**Mr. Kerrio:** I have to get to North Bay first.

**Hon. Mr. Bernier:** Well, we have excellent service to North Bay. Right now we are serving 21 communities. Just last week we added Cochrane and we hope to add another four or five in the next short period. We also hope to add to our fleet. As the member knows, we have put in the first orders for two Dash-8s—I get mixed up between the Dash-7s and the Dash-8s; I think it is the Dash-8. It is a 30-passenger, twin-engine aircraft—

**Hon. Miss Stephenson:** And started the flood of orders.

**Hon. Mr. Bernier:** And started the flood of orders, certainly. The orders are up to about 100 now that de Havilland will build.

The transportation requirements of northern Ontario have been addressed in the past five or 10 years as they have never been addressed before. The highway construction program, which I am sure we will get into, has enabled you to drive across northern Ontario now. The passing lanes, the paved shoulder program and the improvements to the main highway are things that we, as northerners, expect, and rightly so. We are not asking for anything we are not entitled to, but that has been accelerated.

This year alone, with the funds that will flow out of our construction program, about \$55 million, and what we add from this par-

ticular vote, the regional priorities budget, along with what we bring into our access road program, the Ontario North and Transportation Commission's budget and the forest access program, which flows through the whole package, all that comes to about \$92 million. That is a big increase, and much of it comes from this regional priorities budget, which was established to look after the very special needs of northern Ontario where there are vast distances and usually high costs that we don't encounter here in southern Ontario.

We are very cognizant of the transportation needs of northern Ontario. It is something we are not going to relax on; I can assure the honourable member of that. I appreciate his sincerity and his desire to improve transportation, and I can assure him I share that feeling and I intend to go that way.

**Mr. Laughren:** Mr. Chairman, in the hour or so remaining, I want to divide my remarks into things that the Ontario government is doing well in the north and things it is not doing well. I think the northern service is a very nice service for the north. The one thing I like very much is the northern service for the small communities. Now I would like to get on to the things the government is not doing very well.

11:50 a.m.

Mr. Chairman, a mini-budget was brought down very recently in this province. There was a day when no budget, mini or otherwise, would have been brought down without some reference to the north and its particular needs. I do not think the recent mini-budget mentioned the word "north" once in its entirety. It is an indication of the shifting priorities of this government and the lack of status which the Ministry of Northern Affairs has held in that cabinet. There was a day 10 years ago, perhaps beyond that and even a couple of years since then, when it was understood by cabinet that they had to address the particular problems of the north.

That is no longer the case. We never hear this government talking about the particular needs of the north except when the Minister of Northern Affairs cuts a ribbon or hands out a grant. Much of the money in the regional priorities budget, as the minister knows full well, is from other ministries, and that money would be there anyway. There are all sorts of examples in which the presence of the Minister of Northern Affairs has done nothing but clutter up the process. He has become a barrier in many cases to the proper functioning of the other ministries. There is no

better example of that than with the Ministry of Transportation and Communications.

I invite you, Mr. Chairman, to talk to the people in the Ministry of Transportation and Communications and to ask them what they think of the role of the Ministry of Northern Affairs in the apportioning of the budget in northern Ontario. They will look at you and the first thing they will ask you is whether their remarks are on or off the record. They are very unhappy with what this minister has done.

I invite you to come to Sudbury, Mr. Chairman, and ask the people of Sudbury what they think of the Minister of Transportation and Communications (Mr. Snow). They will say to you: "I think he is a good fellow. We have had a fair number of new roads in the Sudbury basin in the last few years." Then you will say, "What about the Minister of Northern Affairs?" They will say, "Well, everything the Minister of Transportation and Communications has done, the Minister of Northern Affairs is trying to undo."

I will give you a very specific example from his regional priorities budget. The Minister of Transportation and Communications approved a northeast bypass which would join up Highway 17, west of Sudbury, and Highway 144, north of Sudbury. That bypass was promised by the Minister of Transportation and Communications as a result of public hearings. It was promised because the majority of the business people in that area did not want the bypass; they wanted an expansion of the existing route. I happened to support the bypass. To the credit of the former Minister of Transportation and Communications, I believe he listened to the public at large and did the right thing; he built the bypass.

But one of the things that was promised to the people in that community, to the business community in particular, was, "Support us on building the bypass, and we will put a link over to Highway 144 so the traffic will come over this way coming down from Timmins to Toronto, and going from Toronto up to Timmins or from the Sault up to the Timmins area." That promise was made to the community, that they would proceed with that bypass, that link between the two roads, with some dispatch.

In the community the municipal councils and regional councils were proceeding on the assumption that, as Highway 17 was expanded to four lanes and the bypass built, the link would then fall into place. We were given every reason to believe that. Then, suddenly this fall, the Minister of Northern Affairs

descended out of the far north into Sudbury and said: "Maybe priorities have shifted. We need an updating of the data." What a lot of nonsense! There is no updating required. The promise was made.

Another reason the minister said they would build a bypass there is that at the present time there is no link between those two roads except to go into Sudbury. We were pressing to have another road. From each highway a road went part way in but they were not joined. There is a private road, owned by Falconbridge, called the Lockerby Mine Road. The minister said, "No, we are not going to join that and make a bypass through there, because we are building a link over the bypass in question, the link between Highway 17 and 144." So people, including me, said: "All right, we agree with you. Build that link between the two highways and then we will not push for this other road to be joined up, because it makes more sense to have a proper link."

There were all sorts of holdups with such things as building a shopping centre, until an exact route at the intersection of Highway 144 was determined, and so forth. Then the Minister of Northern Affairs in his wisdom shifted priorities around. Perhaps he could tell us today what became a higher priority. Was it Ontario North Now, down at Ontario Place? Is that where the funds went? Did it go to the northwest? Where did those funds go? Those funds were committed. There is no doubt about that.

The Minister of Northern Affairs had best not show his comely features in Sudbury these days or, if he does, he had better have the Minister of Transportation and Communications with him as a bodyguard, because he is going to need one.

That is one area in which the Ontario government and the Ministry of Northern Affairs are failing to do their job in northern Ontario.

A few moments ago, the minister talked about rail service. There is what is called the Budd car service, which runs between Sudbury and White River and back. It is a neat service that stops at all the small communities along the line. Hunters can throw a moose on and can send packages in and out. It is a boon for the tourist operators and the people who live in the communities. I use it myself to go to some of the more remote communities. I used to be able to go in the morning and come out in the afternoon.

Within six months of every federal member elected in northern Ontario being a

Liberal, the Canadian Transport Commission cancelled the Budd car service. The people in northeastern Ontario are not missing that message one iota, not a bit. They cancelled the service for the Budd car, imposing a hardship on those communities.

I wrote to the Minister of Northern Affairs and said:

"Dear Mr. Minister: In view of the fact that the CTC is being so insensitive to the needs of the northeast, and in view of the fact that you are the Minister of Northern Affairs, why don't you join with us in battle and get the CTC to reverse that incredible decision?"

The minister said, "I agree with you; we shouldn't cancel it." I said to him: "That's not much of a commitment. If the CTC persists, why don't we get the Ontario Northland Railway to operate the Budd car services?" "Oh no," said the minister, "that is a federal responsibility."

That is some commitment to northern Ontario. Thanks to the pressure of everybody except this minister, the CTC has now agreed to hold public hearings in some of the communities.

**Mr. Wildman:** He wrote them a letter.

**Mr. Laughren:** Yes, the minister wrote a letter. Now isn't that a major commitment on behalf of the people of northeastern Ontario?

I ask the minister to read the latest headline in the Chapleau Sentinel which explains why there are now going to be public hearings, whereas there were none before. The proper credit is given in that story.

There were two basic reasons. My federal colleague in the House of Commons, the member for Regina West, Mr. Les Benjamin, has done a truly excellent job. He is a member from Regina and he is doing more to preserve rail service in northeastern Ontario than the Minister of Northern Affairs has even attempted to do. The member for Regina West pointed out to the CTC there are two basic reasons why the Budd car service should be maintained.

He said: "Cross-Canada travellers cannot be adequately served if the train is stopping to do local work. It makes more sense to supplement the Transcontinental with a local train than to stop a 16-car train every four or five miles to pick up a trapper or drop off a parcel."

The second reason is: "The Canadian transcontinental train will not carry express. Of the 19 express stations currently served by the Budd car, two will be served by

interline truck, six will be served once a week by way freight, and 11 are left with no confirmation of service."

Perhaps I can expand on a couple of those points. It is so stupid to ask a transcontinental service to go from coast to coast and stop at communities every four or five miles apart—that is no exaggeration—communities some of which have 10 people, some 50 people and some 200 people. It is simply outrageous.

How can we ever have a crack transcontinental service if these trains are stopping at all these small communities? It is absolutely stupid.

#### 12 noon

Secondly, the Canadian will not carry express. Do members know what the CTC told us? It said: "Your concern regarding the service changes impact on Chapleau's fur, tourist, and mineral exploration industries is appreciated." And here comes a critical sentence. "However, please be assured that the CTC has ordered Via to provide the same service on the Transcontinental as was formerly offered by trains 185 and 186. In that respect, all freight responsibilities previously provided by trains 185 and 186 in transporting supplies in and out of Chapleau will now be carried out by the Transcontinental during the off-peak months. The only exception to this will be hunters' game, which will be transported by a Canadian Pacific truck express service."

I ask the minister, how is a truck going to get into these remote communities, the only access to which is rail, and carry out the moose? I hope every hunter up there who shoots a moose waves down the Transcontinental and lugs his moose on to one of the passenger cars. Those are the kinds of silly statements that are coming out of the CTC. The Minister of Northern Affairs should have been involved in this issue. He sits there like a pussy cat and writes a letter to the CTC, telling them he thinks that is not a very nice thing to do.

I know the minister is very happy to have federal Liberal members representing northern Ontario. It makes him feel nice and comfortable and he can then blame them for the problems in northern Ontario. But he has an obligation to do something about their stupidity. He sits there and does virtually nothing about it. The whole thing has become absolutely ludicrous. All I can say is, thank goodness, my colleague Mr. Benjamin was able to prevail upon them to hold a public meeting.

They talk about express service. The express costs for shipping in and out of Chapleau by truck have doubled. Mr. Peter Gjoni owns Northern Pottery up there, a very nice and successful operation. He has received assistance from this government in the past. He knows from experience that his costs for shipping out are double. That is not going to make him nearly as competitive as he once was. We should be encouraging those kinds of businesses in northern Ontario. What is the minister doing? Not very much.

The CTC says they must provide the same service. Not too long ago someone went into the station in Chapleau and said, "I would like to ship this plywood to mile so and so up the track." He was told: "Oh, no, we won't accept that. You have to ship it by truck." As I said earlier, there is no road to that community, yet there is the CTC assuring us that the service will be provided to the same degree as was provided by the Budd car service. That is total nonsense.

I hope that as the public hearings take place we will see the Minister of Northern Affairs there making the case for Ontario and for those small communities in north-eastern Ontario. Do I have that commitment from the minister?

**Mr. Wildman:** He will be there but he will say he will live with whatever they say.

**Mr. Laughren:** Yes. I hope the minister is unequivocal in his position at those hearings, and not like he was in his letter to me, where he was more or less shrugging his shoulders and saying that is a federal responsibility. I do hope I have made some impression upon the minister about the need to maintain the Budd car service.

Another area that bothers me, when I think of the minister's responsibilities under the regional priorities budget, is the need to create new jobs and maintain existing jobs in the north. It is not too long ago since I spent a day at Jarvis Clark, a very aggressive, healthy mining machinery company in North Bay owned by CIL. They are expanding into world markets and are really flexing their muscles. They have the money behind them to do it.

I went there because I had heard a rumour that Jarvis Clark was expanding its operations in southern Ontario. Sure enough, they are. They have bought a plant in Burlington for warehousing purposes and God only knows what else down the road. When I went to visit Jarvis Clark and spent some time there, touring their plant, meeting the president

and so forth, they impressed on me a couple of things. First, there is a shortage of skilled tradespeople they need there. I do not know why they would need skilled tradespeople in a warehouse; nevertheless, that was a problem, they said. Secondly, they were going into export markets and they wanted to be down here.

More fundamental than that is that the company has no sense of obligation to expand in the north. The reason they have no sense of obligation is that, although they know they started there and that is where they became healthy, there is no regional plan into which they can plug. There is nothing. The company in northern Ontario operates, makes a profit, does its thing; they don't feel part of any northern Ontario strategy.

That is part of what I was talking about at the beginning when I said there was a day when no budget would have been brought down here without talking about regional development in northern Ontario. Communities in northern Ontario have no reason to stay in the north and expand if it is more convenient for them to do so in southern Ontario. That is the responsibility of the Minister of Northern Affairs. I would have thought that is why he has a regional priorities budget, yet it is as though there were no regional priorities.

Falconbridge Nickel Mines in Sudbury is another example. They have been there almost 50 years. To this day they have no refinery. They do the dirty and dangerous work in Sudbury, namely, the digging out of the ore and the smelting, and they ship the ore to Norway for processing. The minister was formerly Minister of Natural Resources; he knows the story well. To this day not only is Falconbridge allowed to ship its ore to Norway but, to add insult to injury, it can also write off the processing costs in Norway against its operating profits in Ontario. That is a crazy policy on the part of this government. Creating a refinery there would create jobs and give us something to which we are entitled. That is not a favour; we are entitled to it.

I never hear the Minister of Northern Affairs talking about freight rates in northern Ontario. We know that is a deterrent to the development of the north. If this government were as angry about things on which they disagree with the federal Liberals as they are cozy with items and issues on which they agree, we might accomplish something in this province. When this government agrees with the Prime Minister, my goodness,

the embrace is something to behold; but when they disagree, they are a bunch of pussycats. That is what has to change. The government has to say, "We agree with the federal government on certain issues and support you there, but when we disagree, we are going to make it very uncomfortable for you." The Minister of Northern Affairs has not made it uncomfortable for the federal government in northern Ontario. The federal Liberals have done virtually nothing for northern Ontario all the time they have been in power. Does the minister agree with me? Of course he does. He is nodding his head. Yet I never hear him saying that.

Interjection.

Mr. Laughren: That's right, but Mr. Rodriguez is not there any more. When Rodriguez was there he got public hearings when they tried to cut back the service of the CN. Now Rodriguez isn't there, the federal Liberals are saying nothing. They are mute on issues in northern Ontario that are important.

Mr. Nixon: The Minister of State for Mines, Judy Erola, is a northerner.

Mr. Laughren: That's right.

Mr. Nixon: And she's a great minister.

Mr. Laughren: She has done nothing. She has no mines either. She is known as the mineless minister.

There is another issue the Minister of Northern Affairs was strangely silent on, and that had to do with the iron ore mines. National Steel in Capreol, north of Sudbury, was closing down. They made \$6 million the previous year—a profitable operation—and they closed down. The minister looked the other way, embarrassed, and said virtually nothing. There was no reason for that closing at all.

I think of this minister's potential to develop northern Ontario and compare that to what he is doing and it riles me. There are some other examples I want to mention to the minister. They are not as sweeping as the ones I have talked about so far, but one is the whole question of a little community called Gogama. Gogama is a nice little community. Citizens have formed themselves into different organizations. They have raised money locally; they have taken a real interest in making that a better community in which to live. They are in the process of forming a local services board now, one of the first in the province.

12:10 p.m.

I hope the minister has noticed that two of the first service boards in the province are

in the riding of Nickel Belt and the very first one was in the riding of Nickel Belt.

**Hon. Mr. Bernier:** And you weren't there to honour the event. Very nice.

**Mr. Laughren:** Foleyet, yes. The night that local service board was honoured by the minister—and I was really glad he was able to go there and do that—was the same night they brought down the mini-budget. I regret very much I could not be there.

**Hon. Mr. Bernier:** A funny coincidence.

**Mr. Laughren:** I do not really think they, knowing I am the treasury critic, did it that way on purpose. I am not paranoid, but even paranoids have enemies.

**Hon. Mr. Bernier:** They are going to remember that.

**Mr. Laughren:** They may remember it.

To get back to Gogama: People there have really worked hard to make their community a better place in which to live. They applied last year for a grant. They built a firehall. They have an ambulance and a fire truck there. The Sudbury District Health Unit says: "This is a public place. You wash your vehicles in there. You hold public meetings in there. You had better have washroom facilities." So they apply for a grant for building washroom facilities to help them out with the field grant and so forth. Northern Affairs told them it was okay to go right ahead. The grant is \$8,303. They are given every reason to believe they would get that grant. I was given every reason to believe it. I phoned the minister's executive assistant, who said: "It looks like that grant is going to go through. There is just a holdup here; I will straighten that out."

It was straightened out all right: They were told they were not going to get the grant. I think that was handled in a very shabby way. Now the people in Gogama are being told the application goes beyond the provisions of basic community services. Isn't that beautiful? The facilities in this public building go beyond the basic community services. I think the minister should reassess the rejection of that grant application for some \$8,000. The community was prepared to put some money of its own in as well.

I should remind him it was the Ministry of Natural Resources which originally approved it. There was a freeze on the lot; they approved taking the freeze off to allow the building to be built in the first place. So I think there is an obligation on the part of the Minister of Northern Affairs to review the rejection of that grant application. I think it was not done in a very nice way.

If the minister wants to make it clear to all communities that a grant like that is not appropriate, then he should send out some kind of notice to all the local service boards and the community organizations so they know. They did not know that. They were given every reason to believe, and they proceeded under the belief, that they were going to get their money. That may not seem much to the minister when he is talking about \$90 million for his regional priorities budget, but \$8,300 to a small community like Gogama really does mean something.

The last point I want to raise has to do with the Chapleau airport. I do not know whether the minister has been involved in this dispute yet. Chapleau is under supervision and, as such, all expenditures must be approved by the Minister of Intergovernmental Affairs (Mr. Wells).

They applied to have an airport manager. The airport there is served by northern Ontario and there are quite a few small private planes in the Chapleau area owned by tourist operators, the lumber barons in the area and so forth. They applied to hire an airport manager and were turned down by the Ministry of Intergovernmental Affairs. The airport commission feels very strongly that the manager should be hired, because they can no longer run it like a shoestring operation. There is the sale of fuel to worry about, ticket sales, clearance of the runway and weather forecasting. All those things are going on there, and it should not be run by a part-time person any more. It has become too sophisticated, and there is an obligation on the part of the Ministry of Northern Affairs to help out there.

In his response, I hope the minister will tell me whether other municipalities have airport managers in small communities. Quite frankly, I do not know. If so, will he tell me roughly what kind of salary are they receiving, what are their duties and why is he not—or maybe he is—prepared to move in and help out Chapleau in hiring an airport manager and talking to the Ministry of Intergovernmental Affairs? Because they are under supervision does not mean they do not have to get on with the daily business of running a community and a local airport. I would hope the minister will respond to some of the points I have raised.

**Hon. Mr. Bernier:** Mr. Chairman, I welcome the honourable member's contribution to the examination of the estimates of this ministry.

**Mr. Laughren:** I did say something good, too.

**Hon. Mr. Bernier:** Yes, he said a little more than he did a few years ago. There has been a slight improvement. When I first came to Queen's Park several years ago as a novice, as one from the backwoods of northwestern Ontario—I was elected in a by-election in 1966—I sat here that first year—because there was a general election in 1967—and I listened to the member for Nickel Belt at that time—

**Mr. Laughren:** I was not here then.

**Hon. Mr. Bernier:** His attitude was the same.

**Mr. Laughren:** I was elected in 1971.

**Hon. Mr. Bernier:** But the attitude is the same. I would go back to my hotel room at night and I would think: "God, things are terrible in this province. They are really terrible. I cannot believe how terrible things are in this Legislature." Yet I would go home on the weekend and people were so grateful; things were happening in northern Ontario, all over northern Ontario and all across this province.

In fact, it was so bad I said to my wife one night, "Things are so bad, this government will never get re-elected." That was 1966. We are still around. We are still doing great things for the people of this province, from Kenora right clean through to Ottawa. I say that as a matter of interest, because the attitude is the same. I hope that the member for Nickel Belt will go to Saskatchewan and get on the government side of the House. I think he has been too long in opposition.

**Mr. Laughren:** I agree.

**Hon. Mr. Bernier:** He has become so cynical, so critical, it is built into his lifestyle. I feel sorry for him, because he is missing a way of life. There are so many great things happening around him and he has closed his eyes to them. Just last week—

**Mr. Laughren:** Does the minister think I have raised legitimate problems?

**Hon. Mr. Bernier:** Yes, but the member forgot a lot of them, though—a lot of the good things. That is what I am saying.

**Mr. Laughren:** My job is to raise legitimate problems.

**Hon. Mr. Bernier:** I know. That is the point I am getting to. I have some sympathy for the member, and I feel sorry for him. Just last week I had to be in Ottawa; then the next day I flew to Sudbury. What a beauti-

ful day it was. The weather was great. The attitudes were great. There we were, opening up a brand-new, \$12-million provincial building. And who was there? The member for Kenora was there, the Minister of Northern Affairs was there, period.

**Mr. Laughren:** I rise on a point of privilege, Mr. Chairman. The minister is distorting the facts and misleading us all by saying that, because he knows full well that a plane left here in the morning with the member for Sudbury (Mr. Germa) on it, who was attempting to get there for that opening—along with the Premier (Mr. Davis), I might add. The minister had better retract that statement.

**Hon. Mr. Bernier:** He did not arrive. Nobody arrived. But, as a member for northern Ontario, I have a responsibility and I made sure I was there. I made sure I was there to look after the member's interests and the interests of this government, and it was a real pleasure and a real honour to officiate at that official opening ceremony.

Bouquets were prepared and tossed out to the Premier of this province and to the government of this province by the municipal leaders—in fact, they had prepared texts; all the texts were prepared and written out, and they read them verbatim. It was very pleasant from my point of view and of course I thanked them profusely. They even recognized the great contribution that 2001 had made to the—I know the member does not want to touch on that, but the mayor of Sudbury literally made reference to it; the member may want to comment on that.

12:20 p.m.

Then, of course, I went on to Foleyet. I regretted that the honourable member was not there, because it was an historical occasion. As I said to the people in Foleyet, "This is the first local services board in the world." It was a gala event. The pride displayed by the people of Foleyet was something I will long remember. It was a sight to behold. I was pleased and I made mention there of the contribution all political parties have made to the LSB bill itself—yes, I did. In fact, it is such a good bill that all political parties want to take credit for it.

Getting back to the priority-setting for the highway construction program, I want to correct an earlier figure I gave. I said we had \$92 million in road construction programs in northern Ontario in the 1980-81 budget. That figure should be \$96.5 million. It is a very handsome figure, one that people in northern Ontario are very grateful for.



I went to Sudbury and had a very pleasant lunch with the regional chairman, with the mayor of Rayside-Balfour, the mayor of Walden and a couple of others. We discussed the north-south bypass. I said to them at that time, "What is all the fuss?" One of them said to me: "Look, there was a municipal election. We could not get any ink. Really we had to say something. We had to get the pot boiling a little bit." I said: "The Minister of Transportation and Communications made the announcement. When a member of this cabinet makes a public statement, it is a commitment of this government. That commitment will be lived up to."

**Mr. Laughren:** You are holding it back at least a year.

**Hon. Mr. Bernier:** No, we are not. The Minister of Transportation and Communications had indicated it would be in the 1982 budget.

**Mr. Laughren:** In 1981.

**Hon. Mr. Bernier:** In 1982. It is in the 1982 program, and there is no change.

**Mr. Laughren:** You promised 1981.

**Hon. Mr. Bernier:** I said I would like to see a start maybe in 1981. I said that in Sudbury. We are going to try to do something to see if we can get something going in 1981.

**Mr. Laughren:** That is really shabby on your part.

**Hon. Mr. Bernier:** No. It was announced for 1982 as part of a program that has to be examined. The land acquisition is all complete. The environmental assessment is nearing completion. The design work is practically complete. Everybody knows it was in the 1982 program. It was accepted; so I do not know what the fuss is. It is there, it is a commitment and this government honours its commitments.

**Mr. Laughren:** You have delayed it a year.

**Hon. Mr. Bernier:** No, we did not.

**Mr. Laughren:** You made a commitment that construction would start in 1981.

**Hon. Mr. Bernier:** I could not make a commitment like that. I do not even know what my 1981-82 budget will be. The Treasurer gives me my allocation and we work out the budgetary process for the next year. I said that in Sudbury. We are as anxious to get on with that access as anybody else.

Getting back to the Budd car, I was pleased the member brought that issue up because I failed to mention it in my earlier remarks. The Budd car is a burning issue with us in the Ministry of Northern Affairs. We made

our feelings known to the federal government. I am pleased the member made representation to his federal Liberal colleagues, because they sat very quietly.

So often the federal government does things and we are called upon to rattle the chains and to beat the drum for northern Ontario and we are going to continue to do that. We have done it for television. We appeared at the hearings in Geraldton and the recommendations we made at the CRTC hearings in Geraldton with relation to television have been accepted by the CRTC. We are waiting for the federal government to get on with it, to accept those as recommendations that will improve that. Our presence is very real and is there. We will be at the public hearing with regard to the Budd car. I say that sincerely. We will be there and we will be as vocal as we know how because we have the responsibility, as you correctly point out, to look after the interests and the needs of that great vast area of northern Ontario.

**Mr. Laughren:** Why didn't you do that with CN? You said you would accept whatever decision they made.

**Hon. Mr. Bernier:** No. We fought them all the way along and we will continue. We are even fighting them now with regard to Minaki, for God's sake.

**Mr. Laughren:** You said you were opposed to it, but you would accept any decision they made. So they went ahead and made it.

**Hon. Mr. Bernier:** I will not accept anything from them. If it is a decline or a lessening of the service to the people of northern Ontario, we will be in there fighting for them. That has been our attitude. That has been the feeling of this ministry and we will continue that.

Getting on with Gogama, as the member has correctly pointed out. Gogama has applied for local services board status. That is progressing very well and it will be announced and should be in place very soon.

I am prepared to look at that isolated communities assistance fund grant again. I think our responsibility has to be to the priority requirement of the community, and possibly a washroom area for firemen may not be that, in somebody's opinion. But I am prepared to have another look at that.

**Mr. Laughren:** The washroom area?

**Hon. Mr. Bernier:** Yes, the washroom area; we will have a look at that.

I was not aware of the problem in relation to the Chapleau airport. As you know, we

have put about \$1.8 million into that facility under the regional priority budget. It is an excellent airstrip; nor Ontario goes in there now. The Ministry of Transportation and Communications does have a program to assist municipalities in cost sharing the maintenance of the airports that are municipally owned. The town of Sioux Lookout, which is comparable in size to Chapleau—about 2,500 people—has an airport manager. So I think there must be a way that they could come up with some program. We really have to take a look at that.

I think, Mr. Chairman, that answers all the members' very constructive criticism.

**Mr. Laughren:** Except for the regional developments in the north like Jarvis Clark.

**Hon. Mr. Bernier:** Mr. Chairman, the Jarvis Clark issue was one that bothered us and I would like to share that feeling with you. When we heard they were going to Burlington we made our feelings known to the Minister of Industry and Tourism. We felt very strongly that it should be an expansion to the plant in North Bay. We are very proud of that plant. It employs something like 400 people now and they are exporting mining equipment—

**Mr. Bolan:** There are 500 there and 100 in Sudbury.

**Hon. Mr. Bernier:** Yes, and they export right across the world. I understand they are getting into a different field as they come down to Burlington. As you correctly pointed out, they wanted some skilled labour; they want to be close to the market. I think one of the comments that came to me was they did not want all their eggs in one basket. That did not really wash with me. We have made our feelings known and we will continue to make that attitude known to these companies that move out of the north.

**Mr. Laughren:** It is always after the fact.

**Hon. Mr. Bernier:** No, we have been involved since day one and I can tell you right now, they are not finished yet.

**Mr. Bolan:** Again under the heading of tourism, there are two points I would like to raise. That should just about finish off my portion of the estimates.

I believe you sold Moosonee Lodge. Moosonee Lodge was sold in what year? The reason I am asking you is that I have a profit and loss statement for the Ontario Northland Railway operation for the period ending November 30, 1979. That would leave another three months to run on what-

ever their period is. On their expenditures they have Moosonee Lodge for which they had budgeted a deficit of \$8,485 whereas the actual deficit, as of the end of November 1979, was \$133,007. I am having some difficulty in understanding these figures. My information is that the lodge was sold before that, so why are we still carrying such a deficit of some \$8,000 when as of the end of November 1979 the actual deficit was \$133,000? I am sure there is an explanation for it and I would like to have it.

12:30 p.m.

**Hon. Mr. Bernier:** They are getting the figures now.

**Mr. Bolan:** Fine. There are two more points I want to make. On the Ontario Northland Railway, I would like to know the monthly cost of repairs for the Northlander. I will not go into the whole history of it as you know when it was acquired. It has been with us now since June 10, 1977. I understand it ran into all kinds of difficulties during the first while with respect to maintenance and service repairs—not just service repairs but actual mechanical breakdowns.

I would like to know if you have a figure on what the monthly repair cost is for the Northlander. When I speak of the Northlander, I mean all of the units. I believe there are four or five units. You might want to provide me with that figure as well. I am told it is as high as \$125,000 or \$150,000 a month. That seems astronomical. I do not know, but I want to find that out.

While those figures are being obtained, I would like to bring to the attention of the minister a petition which was forwarded for his attention a year ago. It was a petition from the River Valley Citizens' Association to do with a road, Highway 539 and 539A. It was signed by some 250 people. Their concern was the condition of the road.

As a result of the poor condition of the road, there was a period of half-loading there. Half-loading put a major portion of the work force on unemployment or welfare for anywhere up to three months in a year. School buses, which transport the children to and from their schools, go over it twice a day. Most residents of River Valley have to travel to Sturgeon Falls for health, legal, banking and commercial services. The road in question is about 10 miles long.

You did acknowledge receipt of this petition under letter of February 13. You did say there was some construction going on to improve the road. You said: "The resi-

dents of River Valley will benefit from some improvements in the driving conditions upon the reconstruction of the bridge over McCurdy Creek, five miles northwest of Field. This work, which includes reconstruction of about a half mile of road on either side of the bridge, is scheduled to take place during 1980-81." You then said you regretted you were unable to tell them when the remainder of the road would be rebuilt.

As I say, this was six or seven months ago. I have been over that road and, believe me, it is a sad sight. These people have a very legitimate complaint. I would like to obtain from you at this time an undertaking that further road construction will be done on this highway with a view to making it easier for not only the residents of River Valley, but people who travel with logging trucks back and forth. They are running at half-loads and it costs just as much for them to run at half-loads as it does with a full or three-quarter load. The reason they have to run at half-loads is the condition of the road. Perhaps I could have some response on that as well as on the items which I raised about Moosonee Lodge and the cost of repairs on a monthly basis to the Northlander.

**Hon. Mr. Bernier:** Mr. Chairman, in answer to the member's earlier inquiry with respect to the Chapleau problem of the airport, I have just been informed that my deputy, Mr. Herridge, will be in Chapleau on Tuesday. He has already had some discussions with Reeve Howard with respect to the airport itself. We have been in touch with the Ministry of Intergovernmental Affairs with regard to the financing and the airport matters. We can assure you nothing will be done that will affect or even close the airport. We want to assure you that will not happen under any circumstances. That can be passed on to them. There is no fear of that happening.

In connection with the operation of the Northlander, I would advise the member the actual operating subsidy for 1979-80 was \$4,658,000, and in the 1980-81 plan it is \$4,672,000. As you know the engine conversion for the Northlander was done in the North Bay shops where the very able staff of the Ontario Northland Transportation Commission installed Canadian-made diesel units in these Swiss-manufactured locomotives. The cost of that engine conversion in 1979-80 was \$770,000 and in the 1980-81 plan it was \$850,000.

I am just waiting for the information on the Moosonee Lodge, and on Highway 539.

**Mr. Bolan:** When was the lodge sold?

**Hon. Mr. Bernier:** The Moosonee Lodge was sold in 1979 for \$133,000. I am advised the loss on disposal was approximately \$90,000. That is the difference between the book value of approximately \$224,000 and the amount received for the sale of the lodge, which was \$133,000. Accounting rules require that this loss on disposal be shown in the financial statement. That is the figure to which the member refers.

**Mr. Bolan:** How was it sold? Was it sold by public tender? I see Mr. Herridge nodding.

**Hon. Mr. Bernier:** Yes, it was sold by public tender. The idea of selling the Moosonee Lodge had been floating around for a considerable time. It was felt it could be operated much more efficiently by the private sector.

I think the initial idea of getting it going and keeping it operational until the private sector was strong enough to take over was a valid one. Now that it has taken over, it seems to be going very well.

In connection with Highway 539-539A, the member correctly points out that the work that was promised was done. McCurdy Creek bridge will be advertised for tender on January 21, 1981. We will be calling tenders for the construction of that bridge in January for completion in the summer of 1981.

**Mr. Bolan:** What about the rest of the road?

**Hon. Mr. Bernier:** I will get the information on that for the member. I do not have it right at my fingertips. If I don't get it before the estimates are over, I will make sure the member gets it in the mail.

**Mr. R. F. Johnston:** Mr. Chairman, it may seem strange for the member for Scarborough West to be getting up on something that has to do with the Ministry of Northern Affairs. It is because of the close relationship I have with Mr. Wildman. We have considered swapping our jurisdictions, one of the reasons being that the encroachment by Northern Affairs into Metro—which is my responsibility—has become obvious of late with Ontario North Now coming into Ontario Place. It is to do with Ontario North Now that I wanted to ask a couple of questions of the minister.

I visited the exhibition at Ontario Place for the first time this summer with a friend of mine from France who is a unilingual francophone. He is a forestry student in France, by the way. We went there because I thought

the forestry side of things would interest him and I also thought this would be a way of showing him part of the French culture of Ontario and part of the role francophones have played in opening up Ontario and in developing the north.

I presumed this would be one area in the whole of Ontario Place where I might be able to find something he would be able to understand in French, maybe even be able to hear a slide show in French. I thought he would at least be able to have some comprehension that this province is not just made up of anglophones and that a special part of our province has been opened up in a great many respects by francophones and Franco-Ontarians.

12:40 p.m.

I was very disappointed to see not one word of French in the whole place. There was mention, certainly, of the French community but it was mentioned in English. In the slide show, there was not one word of French involved. There were many displays with many plaques on the walls, all in English. There was a major pamphlet display at the very end with information on all the northern municipalities, put together, as I understand it, by the northern mayors. There was not one word of French, not one pamphlet in French in the whole place.

I became very upset about this and wrote to the Premier asking why this had occurred. His response to me indicated that the reasons, outside of oversight—to which he did not admit—were lack of time, lack of money and a lack of space in the exhibit.

**Mr. Wildman:** Aurele Gervais was involved in that—a francophone himself.

**Mr. R. F. Johnston:** That is right.

I was very upset to see that. I asked for some action and I know that there is more than this ministry involved; the Ministry of Industry and Tourism is involved. I have had a reply from Omer Deslauriers to say that he has raised this with the mayors of the northern municipalities and he is hopeful that some action will be taken in the coming year.

I would like to know from the minister's point of view—I think the minister was present at the opening, the ministry was certainly involved in the development of this project—why it was that such an important showcase was not developed with some francophone inclusion, with some French somewhere in the whole place.

It is important for Franco-Ontarians to feel that they are recognized for their role in northern Ontario, and this was certainly the

place to do that, to show them off, to show the kinds of things that had been done in the mining industry, the pulp and paper industry and in plain pioneering through the clay belt by Ontario francophones. It was not done. There was a huge opportunity there to do it.

Aside from those people, there are a large number of people who go to Ontario Place who do speak French, not just my friend from France—which would be kind of unique, I would presume—but a number of Quebecois go there. There are 100,000 French-speaking people in this city who go there, I would presume, on a regular basis. What an opportunity to miss. I find it shameful that that is the case. This is at a time when our country is going through all sorts of turmoil.

It is not a matter of forced bilingualism, by any means. Even the Premier might have trouble stretching that one, I would think, to say that this would be shoving French down people's throats. This was the perfect time to take some action, to show that Ontario thinks as immediately of its French-speaking population as it does of its English-speaking population. Instead, what gets reflected is that they are not thought of, that it is bypassed. Somehow, a lack of money, in terms of having two languages on a sign, or of space, in terms of thinking of that as part of the design, are just not valid reasons to hold up to people in this province.

I would very much like to hear the minister's comments about why that occurred, number one; and number two, can we expect some very quick action so that by next season that is rectified and they are given their proper place in that spectacle?

**Hon. Mr. Bernier:** Mr. Chairman, I want to thank the member for his contribution and his interest in and awareness of the northern Ontario showcase at Ontario Place. I am pleased that he took the time to bring his people down there to show what the north is all about and to share with us, in northern Ontario, a real northern experience.

I want to point out that the concept of Ontario North Now is one that has been accepted right across northern Ontario and across this province; that is, that we would have a northern Ontario showcase right here in the heart of the most populated area of this province.

**Mr. Laughren:** Who were the architects?

**Hon. Mr. Bernier:** We asked for tenders from five. We got five proposals and the Association of District Municipalities are the ones who selected the architects.

Before I answer your question, I want to put on the record that we built a very unique showcase at Ontario Place, one which had the involvement of this province, this government, and the municipalities, not in a way that their local taxes were reflected in that development, but the involvement and direction of the displays themselves in the nine pavilions was the responsibility of the Association of District Municipalities. That takes in all the municipalities from Kenora to North Bay, headed by Aurele Gervais of Iroquois Falls, assisted by Tommy Jones of Dryden. The involvement of the municipalities was very real. It was there because we strongly felt we did not want to take the route on our own. We did not want it to appear to be another government initiative taking something away from the municipalities or regions. They had to be involved to get the real flavour of northern Ontario.

In addition to that, we strongly felt the industries—the private sector—in northern Ontario had a responsibility. They wanted to show their industries off in a light that was complimentary to what they were doing in northern Ontario. They were very co-operative and contributed handsomely. In excess of \$700,000 came from the private sector for the displays which are located in Ontario North Now. All this was done in a very short time frame of about nine months. Many people said it could not be done. It was done and I think the staff of the Ministry of Northern Affairs, particularly Sheila Willis, with Don Obosawin's assistance in the latter part of the program, did a fantastic job in going across northern Ontario getting the interest and support which was really required to make the thing a success. It is in place. It will be a permanent showcase for northern Ontario. The member points out some of the weaknesses which I am very much aware of and which I accept.

During the course of the three-week entertainment period many French-Canadian groups from northern Ontario were present. In fact, opening night we had two French groups, one from Hearst, I recall quite well because it was an excellent group. The guides were all selected from northern Ontario. Many were chosen because they were bilingual.

**Mr. R. F. Johnston:** There wasn't one the day I was there.

**Hon. Mr. Bernier:** There should have been, because they were selected with that in mind. In connection with our native culture, we made sure the native people were

present to provide the native flavour we are so familiar with in northern Ontario. They did it exceptionally well. They too were directly involved.

Through the Ontario Arts Council we made inquiries right across northern Ontario for groups to give us information about the francophone community. Regrettably, it was not forthcoming. We have had meetings since the closure of Ontario North Now with the various francophone groups and we have their assurance they will be there in full force next year. Some of the weaknesses in our signing will be corrected so I think the concerns you have expressed will be rectified. We will make sure all those things are done when the pavilion opens up this spring.

**Mr. Wildman:** Would it be in order for us to pass this vote and go on to northern roads?

**Mr. Chairman:** Shall item 1 carry?

**Mr. Bolan:** Do you have an answer to those other matters I asked about?

**Hon. Mr. Bernier:** I thought I gave that to you. The operating subsidy in 1979-80 was \$4,658,000 and in 1980-81 it was \$4,672,000. The engine conversion cost was \$770,000 in 1979-80 and in 1980-81 it was \$850,000. That is where we actually changed the diesel units in the Northlander trains at the North Bay shops. We put in Canadian-made diesel units as they had been the European type. We must compliment the staff of the Ontario Northland Railway for doing an exceptionally good job.

**Mr. Wildman:** I would like to raise a number of things in terms of northern roads budget. The minister mentioned briefly, in response to my earlier comments, his views on the Granary Lake road and the lack of necessity to spend the dollars to make a shorter, more direct route between Blind River and Elliot Lake.

12:50 p.m.

I just want to point out two things to him. With the construction of Eldorado on the west side of Blind River, the minister may be aware—I think I have written to him about it—that Eldorado sends waste acid which is moderately radioactive to Rio Algom for reprocessing. As it looks now, that acid is going to be transported right through the middle of Blind River and up Highway 17 to Highway 108 and then up to Elliot Lake and right through Elliot Lake to Rio Algom.

I just wonder if it is worth looking at, in relation to the Granary Lake road, the devel-

opment of some kind of bypass system where you are not going to be trucking this stuff right through these two communities. We have had spills in the area. Just a few weeks ago there was a major oil spill on Highway 108. These are dangerous materials and I think we should be looking seriously at doing something about it, especially when you consider the weather conditions that we have in northern Ontario.

One of the long-standing arguments against this road is that you did not have the agreement of both communities. I am looking at an article that appeared in the Elliot Lake Standard on October 8, where it states, "The Elliot Lake and District Chamber of Commerce says construction of a road between the uranium capital and Blind River should be given top priority." The reason for that is that with the expansion of residential development in Blind River I guess a lot of the business men in Elliot Lake are hoping to be able to have those people travel easily to Elliot Lake to shop.

There are two other highways in my own area I would like the minister to give me some indication about when they might be going ahead. We have had extensive discussions and correspondence about the Searchmont highway. That is even more important now when you consider that one of the main reasons for Searchmont is the ski hill. If the King Mountain project does go ahead they are going to have some competition there. It would seem to me if we are going to put provincial money into the King Mountain project we should be doing all we can to ensure that the access to Searchmont is as good a road as possible so that they will be able to compete. There are new owners for the ski operation in Searchmont now and they have done all they could to make that a more competitive operation.

The last one is Highway 631 between Hornepayne and Highway 11 which is in terrible shape. There have been a number of accidents there. The Ministry of Transportation and Communications, on that highway as well as the Searchmont road, is carrying out what they call aggressive maintenance, whatever that is. I would like to see this aggressive maintenance turn into aggressive reconstruction.

To finish off the estimates, I do not like to finish off on a negative note, but I want to give the minister the opportunity to respond to this. The minister may have seen an editorial that appeared in the Thunder Bay Times-News on Tuesday, November 4. It is entitled, "And This is Dedicated To—"

It says: "Provincial Tories engaged in a heap more of tacky campaigning when they flurried into Ear Falls last week for a round of ribbon cutting, beaming in the spotlight and claiming credit for bringing goodies to the north. Transportation minister James Snow and Northern Affairs minister Leo Bernier flew in and were greeted by a throng of 500 residents and school children out early for the occasion and doubtless herded to the site by party organizers.

"The ministers first shared in slicing a ribbon to pieces as part of a six-member official cutting team dedicating a \$1 million airport paid for by the people of Ontario. Then came the speeches, and Snow outdid his mossbacked cronies, who, after decades of government in this province, have grown very accustomed to the role. He urged the crowd to acclaim Bernier in the next election and turning to pal Leo, remarked, 'After all you have done for the Kenora area, Leo, I think they should call you king of Kenora.' Then they go on, 'Thanks, Jim, we will stick to regular elections for now.'

"Then the party unveiled a plaque on the wall of a mobile home being used temporarily as a terminal building. A mobile home as a terminal building? Looking closely, one might have seen the ministers jotting reminders to have an opening later for a permanent building, and maybe a closing for the temporary one, too. Then they were off to unveil a monument commemorating last year's area rocket launchings for a solar eclipse study. Then they were away to a fire hydrant where apparently Bernier helped to turn a wrench to spout out some water for a post signalling extension of the community's water supply, thanks to a \$78,000 boost from the people of Ontario.

"Such horn-blowing forays are outdated and wasteful. If our high-priced elected representatives can't confine themselves to more productive activities for the people of Ontario, perhaps it's time some guidelines were established."

I hope the minister will take this to heart and will look at the particular projects I have raised with him and not look at them in the way of more of this outdated horn-blowing but rather as a way of serving the needs of the people of the north.

**Hon. Mr. Bernier:** Mr. Chairman, I am sure that if we accomplished all the things in his riding the member for Algoma would like, he would join me with enthusiasm at every ribbon-cutting ceremony. He was disappointed he could not be at Hornepayne, Wawa and Blind River on the same day,

three major accomplishments in his riding. He chose to go to Blind River which was the largest one, I admit. I say to the member, when we open up the Hornepayne town centre complex he will not be in Wawa or in his home town. He will be there with me and the Premier. He will be there with the Premier and he will be taking the glory like all the other politicians who have been involved in that project.

But I share the humour the member advances. I think it is right that members of this House recognize the accomplishments in those small communities. I think they like to see one up there to share with them the joy and the pride of moving ahead and improving the quality of life in northern Ontario. The things you recited are all part of the things we enjoy doing on this side of the House and we invite you to share with us the joy and pride of opening up those facilities.

**Mr. Wildman:** I would like to join you in opening up the Granary Lake road.

**Hon. Mr. Bernier:** Okay. In connection with the problem of dangerous waste, this is a concern to us in the ministry because of the great distances and, in many instances, the main highway goes through the centres of those small communities. Bill 189, the Dangerous Goods Transportation Act, 1980, which my colleague the Minister of Transportation and Communications now has before the House will, I hope, address some of those problems in a regulatory manner along

with the federal authorities. It had not been known, let's be honest, but since the Mississauga issue that need has arisen in a very real way and I would hope it will address some of the concerns you have. We obviously won't be able to put a bypass around every community for the hauling of waste but I hope these regulations will be tight enough to alleviate any concerns.

In connection with your inquiry about the highway programming, I will be meeting with my own staff and the MTC staff within the next two or three weeks to set the priorities for next year's highway construction program and I will certainly make it a point and a commitment to get back to you in writing on those two projects.

Vote 704 agreed to.

**Mr. Chairman:** That completes the estimates of the Ministry of Northern Affairs.

**Hon. Mr. Bernier:** Mr. Chairman, I will just take a moment to thank my critics on the other side of the House in both the Liberal Party and the New Democratic Party for the constructive criticism they advanced during the course of the examination of my estimates and the co-operation they have shown in passing these votes within a time frame that will allow us to get on to other things in the Legislature. I appreciate it very much.

On motion by Hon. Mr. Bernier, the committee reported certain resolutions.

The House adjourned at 1:01 p.m.

## CONTENTS

---

**Friday, November 21, 1980**

|   |      |
|---|------|
| Point of privilege re member-elect for Carleton: Mr. Davis, Mr. Nixon .....                                 | 4487 |
| Norfolk teachers' dispute, questions of Miss Stephenson: Mr. Nixon, Mr. Laughren,<br>Mr. G. I. Miller ..... | 4487 |
| Energy tax credit, questions of Mr. Davis: Mr. Nixon, Mr. Laughren .....                                    | 4489 |
| Extra billing by physicians, questions of Mr. Timbrell: Mr. Cassidy, Mr. Nixon,<br>Mr. Warner .....         | 4489 |
| Stratford Festival, questions of Mr. Baetz: Mr. Cassidy .....   | 4491 |
| Public opinion polls, questions of Mr. Davis: Mr. T. P. Reid, Mr. Makarchuk .....                           | 4492 |
| Stratford Festival, questions of Mr. Baetz: Mr. Dukszta .....   | 4493 |
| Welland Canal bridge, question of Mr. Snow: Mr. Haggerty .....  | 4493 |
| GO train fire, question of Mr. Snow: Mr. J. Reed .....  | 4493 |
| Public service grievances, questions of Mr. McCague: Mr. Van Horne .....                                    | 4494 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. Swart .....  | 4494 |
| Sex and violence on TV, questions of Mr. McMurtry: Mr. McGuigan .....                                       | 4495 |
| Unicef Christmas cards, question of Mr. Maeck: Ms. Bryden .....   | 4495 |
| Refillable milk containers, question of Mr. Parrott: Mr. Gaunt .....  | 4495 |
| Windsor housing authority, questions of Mr. Bennett: Mr. Bounsall .....                                     | 4496 |
| Nursing home inspections, questions of Mr. Timbrell: Mr. Bradley .....                                      | 4496 |
| South Cayuga land drainage, questions of Mr. Davis: Mr. G. I. Miller .....                                  | 4497 |
| Hamilton court facilities, questions of Mr. McMurtry: Mr. Mackenzie, Mr. M. N.<br>Davison .....             | 4497 |
| Motion re Estimates, Mr. Wells, agreed to .....   | 4498 |
| Ontario Unconditional Grants Amendment Act, Bill 199, Mr. Wells, first reading .....                        | 4498 |
| Regional Municipality of Peel Amendment Act, Bill 200, Mr. Wells, first reading .....                       | 4498 |
| Legislative Assembly Amendment Act, Bill 201, Mr. Wells, first reading .....                                | 4499 |
| Executive Council Amendment Act, Bill 204, Mr. Wells, first reading .....                                   | 4499 |
| Denture Therapists Amendment Act, Bill 205, Mr. Timbrell, first reading .....                               | 4499 |
| Redeemer College Act, Bill Pr48, Mr. Ashe, first reading .....  | 4499 |
| Estimates, Ministry of Northern Affairs, concluded: Mr. Bernier .....                                       | 4499 |
| Adjournment .....   | 4517 |



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**SPEAKERS IN THIS ISSUE**

---

Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)  
Bolan, M. (Nipissing L)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Bradley, J. (St. Catharines L)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Dukszta, J. (Parkdale NDP)  
Edighoffer, H.; Chairman (Perth L)  
Gaunt, M. (Huron-Bruce L)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
(Dufferin-Simcoe PC)  
McGuigan, J. (Kent-Elgin L)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Reid, T. P. (Rainy River L)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Van Horne, R. (London North L)  
Warner, D. (Scarborough-Ellesmere NDP)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)





No. 120

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, November 24, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 24, 1980

The House met at 2 p.m.

Prayers.

## SUPPLEMENTARY ESTIMATES

**Hon. Mr. McCague:** Mr. Speaker, I have a message from the Honourable the Lieutenant Governor, signed by his own hand, which replaces the message of Thursday last as there was a typographical error in the estimates accompanying that message.

**Mr. Speaker:** John B. Aird, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1981, and recommends them to the Legislative Assembly, Toronto, November 24, 1980.

## REPORT IN TORONTO SUN

**Mr. Williams:** Mr. Speaker, I must speak now to the further point of privilege regarding the defamation of my character. I have carefully read Hansard of November 20 and I have now determined that a further slander has been committed against me since November 20. For this reason, I must speak further to this matter here and now, even though the member for Rainy River (Mr. T. P. Reid) and the member for Wentworth North (Mr. Cunningham) are not in the Legislature.

Before I proceed, I would point out that numerous interjections were made while I was speaking to my point of privilege in this Legislature last Thursday. What I thought I heard on a number of occasions disturbed me greatly. In reviewing Hansard, I found none of the interjections was recorded. I will not tolerate the attempt by any member of this Legislature to ridicule or embarrass me further on this matter. If there has to be a libel and slander action, I will not hesitate to add further names to the style of cause in the action.

I am asking you, Mr. Speaker, and I am directing the members of Hansard to report in particular any interjections and to identify the authors thereof. I direct the Hansard reporters in particular to that area of the

Legislature where the member for Hamilton Centre (Mr. M. N. Davison) is sitting.

There are seven points that I must have you consider in this matter so that there will be no question of my position in this matter.

First, the false portrayal of my behaviour arising out of my attendance with fellow colleagues of this Legislature in a cocktail lounge in the city of Washington four years ago, while a member of the select committee of the transportation of goods committee, has done irreparable damage to my character and reputation, and it has been of great public embarrassment to me, my wife and my family. I have been humiliated before my family and friends.

My anger on last Thursday was so great, Mr. Speaker, that I did not give you the benefit of having before you the basic facts of the incident surrounding the false and malicious charges that have been made against me. It is, therefore, absolutely essential that I set the record straight.

The establishment which the member for Wentworth North, the member for Rainy River, the member for Algoma-Manitoulin (Mr. Lane) and I attended in Washington four years ago was a cocktail lounge. What became a private embarrassment to the member for Algoma-Manitoulin and me at that time was that after the waitress had served us our drinks, she left our table, walked to the dance floor, removed her top and started to dance. It had to be degrading to the girl. It was certainly embarrassing to the member for Algoma-Manitoulin and me. He and I finished our drinks and left the premises.

Second, the libel contained in the note sent to the Sun reporter alleging I was dancing with a stripper in the Washington cocktail bar was a malicious, blatant and total lie. Not only must I have a total and absolute apology from the guilty member, I must have his admission that he deliberately lied about me.

Third, with regard to the first slander made in the Sun article, which said, "The first guy I see in the bar is John Williams. I would have given \$100 for a camera that day," any reasonable person would interpret that slander to mean that I was involved in

some gross impropriety, that I was doing something inconsistent with good moral conduct, that I was doing something other than enjoying a drink with my friend, the member for Algoma-Manitoulin. I demand the apology and an acknowledgement that there was no impropriety.

Fourth, the other slander was that "Williams seemed to be enjoying himself. It was not a classy place." From this innuendo, any reasonable person would conclude that I went to the cocktail lounge for the express purpose of seeing a nude performance, and that the establishment was not the type of place a reputable person would visit. I demand an apology for both those slurs.

2:10 p.m.

Fifth, on Thursday, the member for Rainy River admitted to the members in this House that he was the author of the slur, "None of us is squeaky clean." At that time, the member complained that I accused him of seeking out a reporter to speak to him on this matter. I tell the member, and he will have to read it in Hansard because he is not here, to read Hansard carefully. He will find no such statement made by me. He alone made that suggestion.

On Thursday, the member for Rainy River also said he had read the article in the Toronto Sun with "some amusement." I suggest to Mr. Reid that before he shoots off his mouth again, he have a long, hard talk with his lawyer. The general, all-encompassing nature of that slur, within the context of all of the charges made against me, makes it perhaps the most serious slur of all. It was clearly designed to give credence to the libel and the other innuendoes. Any reasonable person could conclude from the inference that John Williams would be likely to commit those indiscretions. I remain resolute in my demand for an apology for this slur.

Sixth, on Friday, November 21, I was further slandered, specifically by the member for Wentworth North in the Sun newspaper of that date on page five, in an article dealing further with this matter. The member was quoted as saying, "The place—" meaning the cocktail lounge—"was so sleazy you would want to flush with your foot, but I do not begrudge anyone going to a place like that."

The clear implication is that everything about the establishment was so bad that no self-respecting citizen would want to go in, certainly not four persons in public life, four members of the Legislature of Ontario,

and that it is the type of place not even a skid row bum would want to frequent. The irony of that slur is that the member for Wentworth North and the member for Rainy River were both in the bar in question, sitting two or three tables away from the member for Algoma-Manitoulin and me. In fact, they were still there when he and I left the establishment.

I demand an apology from the member for Wentworth North for this most vicious of slanders.

Seventh, the integrity and privileges of all members of this House must be protected from unprincipled personal attacks of defamation by any other member of the Legislature.

Mr. Speaker, you must discharge your duty in this regard. If you do not demand the apologies and admission of false statements on my behalf, and if those apologies and admissions are not forthcoming before I walk out the door of this Legislative Assembly, when I walk out that door I will be instructing my lawyer to initiate an action for libel and slander against the member for Wentworth North and the member for Rainy River in the Supreme Court of Ontario.

Mr. Speaker: First, I want to remind the honourable member that it is not his responsibility or his prerogative to direct Hansard to add anything to or subtract anything from the official record of this House. That will be done in the normal manner as the editor of Hansard sees fit and that will continue to be the policy of Hansard. I want the honourable member to disabuse himself of any authority that he thinks he might have with regard to directing Hansard to do or not to do anything.

Mr. Williams: Mr. Speaker, on a point of order—

Mr. Speaker: No. Order. I have been very patient and very tolerant of the member and allowed him to put whatever it was he thought he must put on the record.

The second thing I want to remind the honourable member is that anything that is said in this House is privileged and can't be used as an action outside this House.

The third thing I want to remind the honourable member of is that I have heard one side of the story from the honourable member on three different occasions. One of the members who is named in the allegations made by the member has had an opportunity to respond. The other member has still not appeared in the House. I will await

his arrival to hear what it is he has to say about it and decide at that time whether or not any action is deemed appropriate by the chair.

**Mr. Williams:** Mr. Speaker, may I ask a question?

**Mr. Speaker:** Order. No, I am not listening to you any more. You have had an opportunity to put your case on the record and that is it.

**Mr. Williams:** I wish to ask a question of you, Mr. Speaker.

**Mr. Speaker:** No. I am not in a position to answer questions. That is the prerogative of the ministers.

#### SPEAKER'S WARRANT

**Mr. Speaker:** I beg to inform the House that even though the Legislative Assembly Act makes it discretionary with the Speaker as to whether or not he should issue a warrant, I feel that in view of the clear direction of the House on Thursday last, the warrant should issue. It will, therefore, be served this afternoon.

**Hon. Mr. McMurtry:** Mr. Speaker, if I might, I'd like to rise on a point of order about the matter of direction. I think it is important, and I think we would all agree, that this be done in the most orderly way possible.

I have had discussions with the chairman of the justice committee dealing with the process in the event that you made the ruling that you have, sir. In view of the fact that we have a number of issues to be concerned about—and I won't trouble you with all the details now, but for example, the security of the documents being one principal concern, and there are others—it was understood between the chairman of the justice committee and me that we possibly would have some discussion today and that he would, in turn, deal in committee with the matter with respect to the process—the mechanics of the execution of the Speaker's warrant.

I thought it would be important to acquaint the members with the understanding because I think once the warrant is issued, the manner in which the documents are delivered and the manner in which they are dealt with are, of course, very important. It may be that the delivery of the documents could await the deliberations of the justice committee on Wednesday, but I think it is important that we have some understanding about that.

**Mr. Philip:** Mr. Speaker, on the point raised by the Attorney General, the committee is sensitive to the problems of security, in particular, and to obtaining these documents in an orderly way. I instructed the clerk of our committee this morning that should the Speaker make the decision which he has now announced and issue the warrant, the clerk, immediately on hearing this, should contact the Attorney General and the Ministry of Consumer and Commercial Relations to discuss those methods whereby security and the orderly transfer of those documents may be made to the committee.

I have no doubt that he is in the process of doing that at this very minute. Of course, I will be happy to meet with the Attorney General or the Minister of Consumer and Commercial Relations (Mr. Drea) to see if I may be of any assistance in this matter.

On the other matter of the scheduling, I have asked that the steering committee of the justice committee meet tomorrow, and the clerk is sending out notices of that to that committee. The Attorney General and any other member who is interested will be kept informed of our proposals. We will present a proposal on Wednesday morning for the scheduling of the committee for the rest of this session.

2:20 p.m.

#### STATEMENTS BY THE MINISTRY

##### ITALIAN EARTHQUAKE

**Hon. Mr. Davis:** On behalf of the government of the province, I would like to express to the House our deep sympathy for the victims of the massive earthquake that struck southern Italy during the weekend. The first reports indicate that several hundred people were killed, many more injured and extensive damage occurred in at least 29 cities and towns.

This new tragedy causes special concern and anguish in this province, for a large number of residents are of Italian origin, many of them with relatives in the region affected by the earthquake. May I remind the House that in 1976, after the Friuli earthquake in northeastern Italy, the Ontario government, in conjunction with local Italo-Canadian organizations, played an important role in the large aid project for the reconstruction of the area destroyed.

The Ontario government is now following closely the situation in southern Italy and the Minister of Intergovernmental Affairs (Mr.

Wells) is keeping in constant contact with the appropriate organizations with a view to obtaining detailed and updated reports. We are prepared to give immediate emergency relief assistance to the citizens of this stricken region as needs unfold. We are already working closely with the Canadian Red Cross to do what we can to help in this tragic situation.

To their families, particularly those resident in this province, we extend our sincere condolences.

**Mr. Mancini:** Mr. Speaker, I would like to associate the Liberal caucus with the comments that have been expressed by the Premier. Being a person of Italian origin and having been born in that country, I can well imagine what this terrible event is doing to the small villages and towns of southern Italy. I wish to commend the Premier for his quick action. I sincerely hope that the Ontario government moves quickly in order to approve funds for food, medical supplies and clothing and possibly any other staples that might be necessary in this type of emergency.

**Mr. Di Santo:** Mr. Speaker, on behalf of the New Democratic Party, I would like to express my sympathy and feelings and associate myself with the Premier and the member for Essex South in their remarks.

The earthquake that hit Italy yesterday is the worst in the last 70 years and certainly the worst disaster since the Second World War. Cities, towns and villages have been destroyed and wiped out. The death toll, as announced at this point, is 792. The Ministry of the Interior of Italy announced that two towns have been completely wiped out. If that is the case, the toll can go as high as 5,000 people dead.

I would like to express to the Italian people, to the relatives of the victims and to the thousands of Italian-Canadians who live in Ontario and in Canada and who come from the area hit by the earthquake, my sympathy and condolences and a sense of solidarity at this time of grief and sorrow. I am sure I express the feelings of all the members of the assembly.

I would like to say we are close to the populations who have survived such a tragedy. I want to thank the Premier for his action. I am sure it will be as generous as it was in 1976 when a similar tragedy occurred in the northern part of Italy.

#### DEATH OF JULES LEGER

**Hon. Mr. Davis:** Mr. Speaker, I would like to express on behalf of the government our

very deep regret at the passing of the former Governor General of this country. The Honourable Jules Leger was one of the very great public servants, known to a number of the members of this House in a personal way, I am sure. He was a gentleman who really dedicated the bulk of his public life to endeavouring to do his best to further the interests of this country, both at home and abroad.

I would extend in a particular way our sympathies to Madame Leger, also chancellor of the University of Ottawa, a very distinguished Canadian who, I know, speaking for many of us, made us feel very much at home in her presence.

I had the privilege of being with both Jules Leger and Madame Leger here a few days ago in what was, I guess, their last public appearance in the city of Toronto. I can recall the warm words expressed by so many at that gathering about the contribution he had made to the public life of our nation.

In very simple terms, he was a great Canadian. I extend my particular sympathy to his wife, who shared those responsibilities with him for so many years and who, in her way, has done so much for this country as well.

**Mr. Nixon:** Mr. Speaker, on behalf of the official opposition I want to extend our sympathies to Madame Leger and the family on the death of the former Governor General.

The Premier has indicated some people in this House knew him reasonably well. Unfortunately, I was not one of those, but shortly after he became Governor General I did have an opportunity to have dinner with him, along with the other members of the Legislature and a number of government officials, at a very special event which was hosted by the government of Ontario.

I am sure everyone will recall the dignity with which he and Madame Leger conducted themselves that evening. His remarks made it clear to all of us that we had as our Governor General, an outstanding citizen, a man of great intellect and moderation, but as well and perhaps just as important, a man of good humour and breadth of understanding. It is a great loss indeed that, for a part of his tenure, his illness prohibited him from being as active in his responsibility as Governor General as I know he would have wished. This is very much to be regretted.

We were all delighted at his recovery, but during those years Madame Leger assisted him in very special ways which were obvious to anyone seeing them in action performing official duties. I know on one occasion she



even read the Speech from the Throne in Ottawa.

I want to join with the Premier and other members of the House, on behalf of my colleagues, in saying we sense the loss of a great Canadian, a man whose career must be an example to all of us.

**Mr. Cassidy:** De la part du Nouveau Parti Démocratique, j'aimerais joindre mes hommages destinés à M. Léger, ancien Gouverneur général et homme dont tous les Canadiens peuvent être fiers.

Mr. Speaker, I would like to join my voice, on behalf of the New Democratic Party, in paying tribute to Jules Leger and in expressing our sympathy to Madame Leger, two great Canadians. In the case of the Honourable Jules Leger, he was a Canadian who came from the most modest of backgrounds in a small town on the fringe of Ontario and New York state in western Quebec. He had modest beginnings, yet came from a family that gave not only a man who became Governor General of Canada, but also his brother who we all know as Cardinal Leger, another distinguished Canadian.

I took part in the recent banquet of the conference of the Canadian Council of Christians and Jews where an award was given to the Leger family. There was a great deal of emotion at that time because of the distinguished contribution this family has given to our country over so many years.

Jules Leger was originally a journalist. He was an ambassador. He was a civil servant. He was Governor General of Canada. He spoke throughout for Canada. He expressed in the finest and highest ways what we want to achieve in Canada, the melding of our two founding peoples, the French and English people in Canada. Jules Leger in his years as Governor General displayed exceptional courage in overcoming a debilitating stroke, the second of which took his life this weekend, and in continuing to serve his country through an entire term.

I had looked forward to the chance of making closer acquaintance with the Legers because, when they retired, they moved into my constituency just a few blocks from where I live in Ottawa. That will not be, but on behalf of all of my party I join in the tributes that are paid to him and in paying thanks to him for his contribution to our province, to our country and to the world.

2:30 p.m.

## POLLUTION CONTROL

**Hon. Mr. Parrott:** Mr. Speaker, on behalf of the ministry and this government, I would like to acknowledge a compliment paid to this province today by the United States Interstate Legislative Committee on Lake Erie.

The committee's chairman, representative Roy Wilt from the state of Pennsylvania, presented a resolution today to Premier Davis. I have it here and a copy is attached of the statements I have sent to the other parties. In this resolution, the committee commended Ontario for our achievements in urban air pollution control, air quality monitoring and an air quality alert system.

The resolution mentioned specifically our sharp reduction of both sulphur dioxide and particulate matter in the air of Metropolitan Toronto and other major industrial centres. It also commended our clear identification of acid rain as a priority, our action program and my ministry's efforts to seek Canada-U.S. accord on a strategy to deal with this problem on a continental basis.

I appreciate the endorsement and the support that was offered by this committee, representing as it does four of our neighbour states—New York, Ohio, Michigan and Pennsylvania. While we have observer status rather than membership in the committee, I am pleased we have been able to co-operate in resolving policies on offshore drilling in Lake Erie, in finding common ground on regulating wastes from pleasure craft, in phosphorous controls on detergents and in a number of initiatives in controlling toxic substances on both sides of the border.

I would like to express Ontario's appreciation of this gesture of support and the sincere environmental commitment of these, our neighbour states, and to wish the committee every success in the issues it is dealing with during its meeting here today and tomorrow in Toronto.

I would like the members of the Legislature to join me in welcoming, and to recognize in the Speaker's gallery, Chairman Wilt and the members of the interstate legislative committee, our fellow legislators from New York, Ohio, Michigan and Pennsylvania.

**Mr. Speaker:** I would like to draw the attention of all honourable members to the presence of yet another distinguished guest in the Speaker's gallery, the Honourable Ken MacMaster, who is Minister of Labour

in Manitoba. Would members also welcome him to our assembly.

### RURAL ELECTRICAL RATES

**Hon. Mr. Welch:** Mr. Speaker, I am tabling later this afternoon a report with respect to rural residential electrical rates received from Ontario Hydro in response to the request made by the Premier (Mr. Davis) on April 10.

Members will recall Ontario Hydro was requested to prepare proposals to reduce the differential between the retail rate for electricity paid by rural residents and that paid by urban residents.

Ontario Hydro has recommended that the target differential be set at 15 per cent above the weighted average municipal hydro utility rate at a monthly consumption of 1,000 kilowatt hours. Two options are recommended in order to provide the funds for reducing the differential. These are as follows—I quote from the report: "The government provide an annual operating grant to Ontario Hydro for this purpose or the funds be obtained by separate and distinct charge to the bulk power costs."

As the members are aware, the Treasurer (Mr. F. S. Miller) in his wisdom, in his budget statement of November 13 advised the House that the province will provide a \$20-million grant to Ontario Hydro during the coming fiscal year, so that Hydro can provide a direct discount to its rural residential customers.

This operating grant to Ontario Hydro will reduce the differential between the average municipal retail rate and the rural residential rate to about 20 per cent for the year 1981; I point out that without that grant the differential would have been about 30 per cent.

Effective January 1, 1981, some 525,000 rural and farm residential customers, using 250 kilowatt hours per month or more, will receive a discount on their electrical bill. The grant will not be available to intermittent occupancy cottages and chalets, and will not cover commercial or industrial customers.

As members are aware, the rural retail system is only one part of the total hydro system. The majority of the power consumers of Ontario, some 2.1 million customers, receive their electrical service from 325 municipal electrical utilities. As well, there are some 100 large industrial customers, which while small in number, use more than 15 per cent of the electrical energy consumed in the province.

In its preparation of the report tabled today, I am advised that Ontario Hydro dis-

cussed the rural rate differential issue and obtained the views of these two major customer classes. Their letters are contained in the report I will be tabling this afternoon.

The 30 per cent reduction in the rate differential announced by the Treasurer, measured against the goal recommended by Ontario Hydro, is an interim measure pending further action for the year 1982. The precise way subsequent reductions in the rate differential will be made is still under discussion.

It is anticipated, however, that in the coming months further discussions will be held with the municipal hydro representatives and industrial customer representatives, with the objective of making another adjustment in the rate differential for the year 1982. The change for 1982 will take into account the proposals now before these customer groups for the change in rate structure, and will attempt to achieve the dual objectives of an equitable rate structure and a reduced rural municipal differential.

**Mr. Nixon:** Pretty weak.

**Hon. Mr. Welch:** I thought that line was pretty good, to tell you the truth.

**Mr. Nixon:** I have a story I want to tell the minister about it.

**Hon. Mr. Welch:** English was never a strong point for the member. He should remember that.

As the members of the House know, Ontario Hydro is also reviewing its rate structure as a result of recently concluded hearings of the Ontario Energy Board and currently has proposals before its customer classes for changes in the basic rate structure for 1982. The interim reduction in the differential between the rural residential rate and the municipal retail rate should not be confused with this ongoing review of Ontario Hydro's rate structure.

That is put in for the benefit of the member for York South (Mr. MacDonald).

Similarly, it is not appropriate to confuse the general rate increases announced for 1981 by Ontario Hydro with this special grant, as the member for Renfrew North (Mr. Conway) has been reminded recently.

The bulk power rate increases, which are approximately at the level of inflation or below, are applicable to both urban and rural rates. However, the special discount is applicable to rural residential customers only, so as to reduce the rate differential between urban and rural residential electricity customers. The interim measure is a first and significant step in achieving that particular goal.

In summary, whatever the 1981 electrical rates for rural Ontario and for municipal utilities may be, the differential at a consumption of 1,000 kilowatt hours between the average rural and urban bills will be reduced by 30 per cent as a result of the progressive measures taken by this government.

## ORAL QUESTIONS

### RURAL ELECTRICAL RATES

**Mr. Nixon:** Mr. Speaker, I would like to direct a question to the Minister of Energy relating to the statement he has just completed.

First, why would he have rejected the concept of equality of rate structure and opted for the goal of 15 per cent, which will continue to penalize our rural hydro users as opposed to the rural users in many other jurisdictions? It will still leave us with one of the higher rate structures.

Second, why is it that he would permit the chairman of Ontario Hydro to announce an 11.2 per cent increase in rural rates, effective January 1, and then come out with this \$20-million handout to the farming community, which is going to go into effect just after that? Does it not occur to him that the \$20 million is even less than the government is investing in Minaki Lodge, and that it is an insufficient step to improve the inequality that has burdened the farming community for the past 36 years?

2:40 p.m.

**Hon. Mr. Welch:** Mr. Speaker, I suppose one should be somewhat appreciative of the persistent attempts of the House leader of the official opposition to strive to continue to confuse this particular issue.

**Mr. Nixon:** Is there anything I have said that was incorrect?

**Hon. Mr. Welch:** Absolutely. It is quite clear from the statement that the member is confusing an annual exercise that started some months ago in determining 1981 rates, to which reference was made in the statement. That is a process about which the member has all kinds of information.

I do not recall reading that the member attended the Ontario Energy Board public hearings to make any representation with respect to the general rate consideration. In due course, the increase was reviewed by the Ontario Energy Board and subsequently announced by Hydro. Hydro, of course, has some obligation to notify customers with

respect to the adjustments to become effective on January 1.

The municipal utilities commissions' addition to the bulk rate has hardly increased—perhaps at the rate of inflation or below. As the statement says, they add their cost of distribution to the municipal system; so, therefore, there are these adjustments. We are talking here about the differential, whatever it may be.

One point has to be made particularly clear. Regardless of the rate increases to all customers in 1981, the differential between the weighted averages will be reduced by 30 per cent. No matter how many times the member tries to confuse the issue, that is what the rural customers are really entitled to know, namely, that the differential in 1981 between their rates and the weighted average municipal rates, because of this transfer agreement to Hydro, has been reduced in this first year by 30 per cent.

**Mr. Nixon:** Why would the minister think that I, or even my colleague, should attend the rate hearings held by one of the government boards when our responsibility is to do what we have done, that is, repeatedly bring it to the attention of the Premier, who no doubt told the Minister of Energy what to do about this matter. It was the pressure of the farm lobby, if one wants to call it that, present right here at Queen's Park, that prompted the Premier to pull a sorry situation that he found himself in back into a little bit of limelight when he promised he would do something about the rates.

Is the minister implying that anything I have said is incorrect when I simply put to him that he and the chairman of Hydro, the good friend of the Premier, have allowed the rural rates to go up by 11.2 per cent on January 1 and then balance it—

**Hon. Mr. Welch:** And the urban rates are going up as well.

**Mr. Nixon:** They go up by less than 11.2 per cent. They even increase the disparity.

**Mr. Speaker:** Would the member ask his question?

**Mr. Nixon:** Mr. Speaker, would the minister not agree that it would be unfair if he did not agree with me that the \$20 million, being less than what is spent on many of the piffling programs that the minister and his colleagues are supporting elsewhere, is not sufficient to meet the needs for the electrical costs, which have been unfairly high for the farming community of

this province, and in fact really does not require any support from us?

**Mr. Speaker:** The question has been asked.

**Hon. Mr. Welch:** Mr. Speaker, I have three observations. When the Premier rose in his place on April 10, he read from a statement indicating that the government was committed to this and that I had received instructions as to what can be done to reduce the differential. The statement is there to be read; it is quite clear. It is in Hansard.

Secondly, there is an ongoing process every year with respect to reviewing rates and power at cost. That process was going on and adjustments will be made as of January 1, 1981, reflecting those increased costs. What we are talking about now is addressing ourselves to the differential. The member makes reference to the target percentage which, I remind him, is simply a recommendation from Hydro. The government has not responded definitely with respect to this report. It has taken step number one for 1981 and made \$20 million available from the consolidated revenue fund of Ontario to reduce the differential between rural and urban rates in this province by 30 per cent.

**Mr. MacDonald:** Supplementary, Mr. Speaker: There has been considerable confusion out in the public as to whether the objective in the government's new statement of policy is to reduce or to eliminate the differential.

My question to the Minister of Energy is this: Does he accept Hydro's target differential, in other words a permanent differential of 15 per cent between rural and other rates? If so, is it his intention to take money out of the public treasury and subsidize Hydro in order to bring it down to that 15 per cent or lower? Or, as an alternative, is he going to suggest to Hydro by a policy statement, which presumably it must abide by, to do here in Ontario what has been done in four other provinces—that is, to pool the revenues from the three different kinds of customers and equalize rates at least between residential and rural?

**Hon. Mr. Welch:** Mr. Speaker, in keeping with the spirit of the statement, the government has not as yet accepted the report from Hydro. I am tabling the report today. Second, as an interim measure for 1981, we have gone the consolidated revenue fund route and are making available to Hydro \$20 million to reduce the differential. What happens for subsequent years is referred to in my state-

ment—we want time to further consider the implications of reaching some target with respect to the rate differential. We must keep in mind that we have some obligation to consult with the municipal utility organization and other users of hydro because of some of the implications that are involved.

In summary, the report is here to be considered and we are not committed to it as yet. In 1981 the answer is a direct grant to Hydro for the 30 per cent reduction in the differential. What happens in 1982 and subsequent years will be the outcome of discussions and consideration of this report, and the attitudes of other customers of Hydro.

**Mr. J. Reed:** Supplementary, Mr. Speaker: I wonder if the minister could explain, if he has backtracked to the point today where he said that the objective was to reduce the differential, could he explain the statement in the mini-budget on page 16 that says "the government has decided therefore to instruct Hydro to eliminate" the undue differential between rural and urban electrical rates by 1982.

**Hon. Mr. Welch:** Mr. Speaker, I leave it to the House to decide whether or not "to reduce" or "to eliminate" the undue differential mean the same thing. I direct the member to the Premier's statement on April 10 which talked in terms of reducing the differential.

#### HOUSING AUTHORITIES' MEDIA RELATIONS

**Mr. Nixon:** Mr. Speaker, I would like to put a question to the Minister of Housing. Can he confirm to the House that a special training program began on October 16, 1980, involving his housing authority managers, in which they are supposed to be taught what elements reporters are looking for in a news story and to give suggestions on the handling of bad news?

**Hon. Mr. Bennett:** Mr. Speaker, in the course of running the housing authority—

**Mr. Conway:** Are you taking the course too?

**Hon. Mr. Bennett:** No, but I suggest that honourable member should try it.

**Hon. Mr. Grossman:** What are the members opposite doing about Carleton? Was that bad news?

**Mr. Riddell:** Greatest fabricators of the truth you would ever want to run into.

**Hon. Mr. Bennett:** Boy, you have been working with great teachers from Ottawa in your party.

**Mr. Speaker:** Order. I see that one of the perpetrators is moving. If the other one will join him behind there, we will get on with the business of the House.

**Mr. Conway:** I would not be seen with that minister after some of his remarks.

**Mr. Speaker:** Order. The member for Huron-Middlesex made a statement that I am sure, on reflection, he would want to have removed from the record.

**Mr. Riddell:** Mr. Speaker, reflecting on the type of information that came out of the Carleton by-election—

**Mr. Speaker:** I don't want you to do that. I want you to reflect upon what you said in the House, which was clearly unparliamentary. Would you please withdraw it?

**Mr. Riddell:** Very reluctantly.

**Mr. Speaker:** You will withdraw it?

**Mr. Riddell:** I will withdraw a statement which I firmly believe to have contained more fact than fiction.

**Mr. Speaker:** It is not what you believe, but what you are allowed to say in this House.

**Hon. Mr. Bennett:** Mr. Speaker, in the course of trying to serve the public and keep them informed on the running of housing authorities, whether it be in the Windsor area or the Ottawa area and so on, what we have been trying to do is offer to our chairmen and members of the various authorities some opportunity to understand the way they should be dealing with the press in answering specific questions. In no way has it been to try to flavour or colour their stories. But obviously some of the chairmen—

2:50 p.m.

Interjection.

**Hon. Mr. Bennett:** Margaret, if you would sit and listen for a while you might just improve your knowledge. You are not the fount of knowledge in this great province.

**Mr. Speaker:** Order. It may help if the Minister of Housing would speak to me.

**Hon. Mr. Bennett:** Yes, Mr. Speaker. I agree with you. If the member for St. George would speak to you too, I would not have that problem.

Very clearly, when people are going into some of the chairmanships and various memberships of the boards of directors, they do not have the understanding of how they are going to face the questions of the press. What we have very simply tried to do is

show them how they should cope with the situation and be able to answer the questions the press asks. In none of our housing authorities have we a thing to hide or colour or flavour. We give exactly what goes on within those authorities.

**Mr. Nixon:** Supplementary, Mr. Speaker: The interjection from my colleague, the member for Essex South (Mr. Mancini) is a good one. Why are they not just instructed to tell the truth and give the information as requested? Why would it be necessary, for example, in trying to convince the press of the efficacy and usefulness of John White's vision in Townsend, after spending \$50 million to develop a town site in which only 14 lots have been sold, for the minister to have his managers in so that he could persuade them and teach them to convince the press that that was some sort of a good thing and not just a ridiculous bad judgement that has been a burden on the taxpayers for all these years?

**Hon. Mr. Bennett:** Mr. Speaker, very frankly, I do not accept the acting Leader of the Opposition's remark that our people have to be brainwashed or fed, or would indicate to the press something that is not correct. Through our housing authorities and through our staff in various areas of this province, we have always given to the press exactly what they have asked for as clearly and concisely as possible, because we realize they are the communicators to the public and it is the public's money we are spending wisely and soundly.

#### BOYCOTT OF ONTARIO GOODS

**Mr. Cassidy:** Mr. Speaker, I have a question for the Premier. Has the Premier received a letter from the group of Alberta oil companies that committed themselves to boycotting Ontario goods? Did the Premier take the opportunity this weekend to discuss the matter with the Premier of Alberta when they were sitting a seat or two away from each other at the Grey Cup game, and specifically ask the Premier of Alberta to ensure that Alberta does not try to take out its anger on a federal Liberal budget by boycotting goods manufactured in Ontario?

**Hon. Mr. Davis:** Mr. Speaker, I was in fact one seat away from the Premier of Alberta. The intervening seat was occupied by a very dedicated loyal Ontario fan, cheering vigorously for the Hamilton Tiger-Cats with some measure of futility—

**Mr. Nixon:** Great girl.

**Hon. Mr. Davis:** That was my wife who was—yes, a great lady.

**Mr. Peterson:** Did she get hit at all between you two guys?

**Mr. Speaker:** Order. Just ignore the interjections.

**Hon. Mr. Davis:** But he was getting very personal, Mr. Speaker.

**Mr. Peterson:** No one else would put his wife through that. Why would you?

**Hon. Mr. Davis:** Listen—

**Mr. Speaker:** Order. Anybody who watched the game yesterday knew who was sitting between you and the Premier of Alberta, but the question has nothing at all to do with that.

**Hon. Mr. Davis:** With great respect, Mr. Speaker, it did. The question very clearly said—

**Mr. Speaker:** No, not who was sitting between you and the Premier.

**Hon. Mr. Davis:** “—when you were sitting close to or near the Premier of Alberta,” and I wanted to clear up for members of the House just how close that proximity was on Sunday. The member for London Centre asked how my wife could tolerate being between the two of us, and I was just replying—

**Mr. Speaker:** Order. That was not the question I heard. I heard an interjection that I ignored totally and I want you to do the same.

**Hon. Mr. Davis:** Mr. Speaker, I did not actually see the Sunday edition of the Toronto Star until after the game was completed. I left fairly early on the Sunday morning, at least for me, and I must say I had not seen the story. I think it originated in the Sunday Star; anyway I had not seen it.

I have not raised it yet with the Premier of Alberta. I certainly did not yesterday because I was not familiar with it during the Grey Cup game itself or the festivities preceding it.

I would make the general observation, because I have been asked by one or two others, that in spite of the story I have read, this government would not and will not adopt any policy that precludes the free operation on a competitive basis of business within Canada.

In this province we have not limited our procurement policies, nor have we given instructions to agencies or other areas in the general government service to buy solely

Ontario goods or not to buy goods from some other province of Canada. No matter what the provocation may be, that will continue to be the policy.

I think it is fair to state we are going through a period of some controversy. Quite obviously, there are people in our sister provinces—perhaps including Saskatchewan, I do not know—who are upset about the directions of the government of this country, partially related to the recent budget, obviously in the energy field.

I spoke in Ottawa on Thursday with respect to some of these issues, suggesting it would be wise to try to reduce some of the rhetoric and to make it clear these are important issues that must be resolved. Nothing will be served, in my view at least, by further exacerbating the situation by increasing the rhetoric or making threats of “we will do this if you do that,” et cetera. To me that is not a solution, nor is it the route we should go at this time.

On Thursday, I repeated the messages I sent to both the Prime Minister of this country and the Premier of Alberta, that I believe it would be in the national interest for them to sit down once more to see if they can negotiate an acceptable solution to the present energy debate. I would hope both those gentlemen would consider this very seriously as being the best route to go.

I want to make it clear that I regret the point of view expressed by, hopefully, a small group of people in the business community in Alberta and that this is the approach they are taking. I think it is a negative approach, quite frankly. I do not think that sort of thing produces positive results in a political or economic sense. I would only add this to it, in case there is a supplementary, that I think for most Canadians, at least, this kind of approach will not provide the kind of solutions we are looking for.

I think it is fair to state that with some companies, at least, the shareholders or even the boards of directors might start to take a modest interest because, if steel happens to be one of the products they may be considering boycotting or what have you, I would suggest those who are interested in the business activities of those organizations really would question the judgement whereby they would be importing Japanese or West German steel. With the amount of differential in money at this time, and knowing the efficiency of, say, the steel industry in this country, I think shareholders and boards of directors would have to be a little

careful about saying, "We are prepared to spend substantially more on a given product," knowing that would reduce the economic viability of those organizations for which they have responsibility.

**Mr. Speaker:** That answer took five minutes.

**Mr. Cassidy:** Given that energy investments in western Canada will approach \$100 billion over the next 10 or 12 years, and given the need to recycle oil and gas revenues in western Canada back to the rest of the country if we are not to get a completely lopsided economy, when the Premier discusses this matter with the Premier of Alberta, will he seek to have Alberta introduce Canadian content requirements for the oil industry to ensure that the benefits of those investments in western Canada are spent in Canada and not elsewhere and, therefore, to ensure that Ontario benefits in a major way from the investments being made in the oil industry?

**Hon. Mr. Davis:** I think the history up to this time has been by and large very positive. It is something I keep reminding people about in this province. When another Syncrude plant is committed, the Ontario economy is the beneficiary, not only from the standpoint of steel and other goods being provided to the development of these major undertakings, but also in the long-term objective of sufficiency of oil supply. There is a very positive impact on the economy of this province.

I think it is fair to state—and the Minister of Industry and Tourism (Mr. Grossman) can correct me if I am in error—that while there may not have been any written or stated policy, there has been a recognition that the marketplace is somewhat relevant, that in the marketplace Canadian suppliers have been very competitive and that we have had our fair share of supplies to the oil industry in Alberta.

3 p.m.

The Minister of Industry and Tourism can correct me if I am wrong, but I think that is factually the case. I would be very optimistic when we get through the next short period of time, with hopefully the two governments sorting out the policies at present in conflict, that that will continue to be the policy. I see no benefit for anyone in not having it the policy.

I might have reservations if we were not as competitive. In the steel industry in particular, we can compete with any offshore

supplier in terms of quality and price. I have no reluctance in making that observation because those happen to be the facts.

**Mr. Peterson:** Supplementary, Mr. Speaker: Before the events we are reading about escalate to the point where they become unsalvageable or at least very difficult for the respective parties to back down from, would the Premier consider leading a delegation to the west to do the best he could to be an honest broker in this situation and, in the process, as best as he can, protect the interests of the manufacturing sector in Ontario?

**Hon. Mr. Davis:** Mr. Speaker, one would like to convey messages. I intend to be in Vancouver a week this Friday and have some observations to make. I think there are some things that can be stated and can be said. One thing that would give me some difficulty is that when I say some of these things, I am always confronted with people saying, "What does the leader of the Liberal Party of Ontario say? We recall a few months ago he said that Alberta producers should not get another nickle." Have the Liberals once again changed their policy on energy, so that if I say some of these things, I can speak on their behalf as well?

**Mr. Nixon:** That is terrible.

**Hon. Mr. Davis:** That is true, that is exactly what he said.

The honourable member asks me, why don't I be the broker. We have made a very genuine attempt to resolve some of these—

**Mr. Nixon:** You are making a mess of this.

**Hon. Mr. Davis:** People have to be accountable for what they say. The honourable members are always very reluctant to accept the responsibility for what they say, and when they are reminded of it, they do not like it.

#### NUCLEAR WASTE DISPOSAL

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Energy. Last Thursday, I asked the minister about a Gallup poll on nuclear waste disposal that was taking place in a number of Ontario communities. We have since learned that the poll was carried out by Atomic Energy of Canada Limited and it was conducted in August and September of this year.

Would the minister explain how this poll, which was clearly designed to help AECL soften up resistance to nuclear waste dis-

posal, could be conducted in Ontario without the knowledge of the ministry and apparently without the knowledge of the joint Ontario-Canada committee which is supposed to oversee all research into nuclear waste disposal in this province?

**Hon. Mr. Welch:** Mr. Speaker, surely the honourable member does not find it unusual for a lot of things to be going on that would not necessarily be specifically brought to the attention of any particular minister.

In fairness, the honourable member will remember that as he was asking me that particular question last week, he sent the document across and asked me if I had seen it. I said honestly that I had not seen the document. I undertook, as I am sure he found out later, to find out who had prepared these questions for a regular Gallup poll survey.

As I did my follow-up, it is my understanding—and I apologize to the honourable member for not reporting the next day—that that particular survey was the sixth survey of an ongoing series done by the federal commission and these results are made public and are part of their report. I suppose eventually we would have access to the information that is made public as part of the publications of the commission.

**Mr. Cassidy:** Perhaps the minister could say what is going on. He does not know that polling is taking place, but it turns out there are six polls by AECL that have been done up until now. Is the minister aware as well that AECL has now gone into the area at East Bull Lake near Massey, west of Sudbury, without informing the local council or consulting with them, in order to carry out research into using that area as a nuclear waste disposal site?

Does the fact they are polling and not telling the minister, and the fact they are now contravening their previous policy and going into potential waste disposal sites without telling the local council, mean there has been a change in their policy of consultation with the province or with local communities? What are the changes in the consultation program and why have they not been announced?

**Hon. Mr. Welch:** I do not think the member is being fair in suggesting I indicated I did not know anything about polling going on. I remind him once again that he sent across to me a particular set of questions and asked me if I was familiar with those questions. I said I was not and he has subsequently confirmed that fact.

General polling going on to get certain public attitudes on the part of the commission is another matter. The member once again is confusing the fact that there are five centres about which Atomic Energy of Canada Limited announced particulars, in unorganized territories, where they were, at least at this stage, simply doing flyovers and walkovers. That was the only aspect of the program they were doing. The five areas publicized in their news release indicated that. The information was quite public at the time in those organized territories.

**Mr. J. Reed:** Supplementary, Mr. Speaker: I wonder if the minister could explain what was meant by the statements made by AECL to the select committee on Ontario Hydro affairs when they told us they would not enter an area without local approval. Indeed they said that if they could not get that approval, they would not go into those areas.

**Hon. Mr. Welch:** Mr. Speaker, I don't think I am accountable for the activities of AECL. However, I do point out once again by way of emphasis that the five areas we are talking about now are all unorganized territories; AECL announced what their plans were with respect to flyover and walkover and that has been completed. It is my understanding there was some consultation with federal and provincial members of Parliament in whose ridings the unorganized territory was located—and I repeat, the unorganized territory. They are the five we are talking about at the moment.

**Mr. MacDonald:** Supplementary, Mr. Speaker: During hearings of the Hydro committee, the minister indicated he was postponing any effort to renegotiate the Canada-Ontario agreement with regard to developing an acceptable waste disposal management program until he got a copy of our report. The minister has a copy of that report and he has had it now for some time.

On page 29 of the report there is a recommendation that the governments of Canada and Ontario should establish, under joint ownership, a nuclear fuel waste management agency that would have an overall responsibility for the Canadian program, et cetera. Is it the government's intention now to move to establish that agency in order to take away from AECL the overall political management of the program and leave them to do what they are capable of doing and equipped to do—namely the research work? What is the minister's reaction to that recommendation?

**Hon. Mr. Welch:** Mr. Speaker, as the member notes, the minister attended before



the committee and indicated he wanted to see the report, he is quite correct in that regard. That report has not yet been debated in the House and we are soon to debate that. The minister wants the benefit of that debate, and the government's intention with respect to the recommendations contained in that report will be made in due course, following the completion of that debate.

### SALES TAX EXEMPTION

**Mr. Eakins:** Mr. Speaker, my question is for the Minister of Revenue, and I ask it on behalf of a constituent of mine who is a double amputee.

Will the minister give consideration to expanding the retail sales tax exemptions to give greater coverage for the purchase of special vehicles for those who are handicapped? On the purchase of a van, for instance, the rebate is given only for special controls and/or a wheelchair lift. Will the minister consider expanding this rebate to include other installations to assist in the comfort of those handicapped people who must often spend a longer period of time in their vans and require these installations for medical reasons?

**Hon. Mr. Macck:** Mr. Speaker, as a matter of fact I directed my staff a month or more ago to look into the very type of situation that the member has brought up. There are many people in the province who may not require a modified vehicle but may need special options—for instance, power steering, power brakes or an automatic transmission that they would not need under normal circumstances. We are looking into that situation at the moment and hopefully some solution can be found to it.

**Mr. Eakins:** Will the minister give special consideration to medical reasons for the equipment of a van? I am thinking of couch facilities or toilet facilities which many amputees require.

**Hon. Mr. Macck:** That would be part of the overall package. Any special equipment that would be required or special option that would have to be ordered is being considered.

**Ms. Bryden:** Supplementary, Mr. Speaker: Since the cuts in the retail sales tax were designed to improve purchasing and employment in this province, would it not be a sensible approach to make this change when the bill to put in the sales tax cuts that were in the mini-budget is going through?

3:10 p.m.

**Hon. Mr. Macck:** Mr. Speaker, I do not believe it is necessary for me to bring in legislation for this purpose. I think it can be done by regulation. I believe the rules we are working under now, which deal with vehicles that have been altered, are by regulation rather than legislation. I do not think the fact that the legislation is before the House or not would have any bearing on it.

### HOSPITAL FUNDING

**Mr. Philip:** Mr. Speaker, I have a question of the Minister of Health. Has the minister seen recent statements by Robert Ferguson, the administrator at Humber Memorial Hospital, in which he states, "Humber Memorial Hospital receives the smallest Ministry of Health annual allocation of all the west suburban hospitals," and, "Were it to receive even the average received by other west suburban hospitals, it would have received an additional \$1,428,482 for this year"? If so, does he agree with Mr. Ferguson's figures? Does he feel this is equitable? What action is his ministry taking at present to remedy the situation at that particular hospital?

**Hon. Mr. Timbrell:** Mr. Speaker. I have not seen the particular quotes to which the member refers. I have met several times in recent months with the entire board of that hospital, most recently about four weeks ago, at which time we discussed their present operational plans and the 1980-81 budget situation. To the best of my knowledge, any problems they were forecasting are being addressed.

**Mr. Philip:** I wonder if the minister would help me to understand why the hospital has been underfunded from the time it opened, as alleged by Mr. Ferguson. Why has this one particular hospital been so underfunded historically?

**Hon. Mr. Timbrell:** Mr. Speaker, at the last meeting with the board we established that it has not. The hospital had a significant addition in 1972 or 1973, for which the hospital projected certain operating costs, which projections the hospital exceeded significantly. That has led to a battle of words from time to time between the administrators of the hospital and my own civil servants over whether the original forecasts were accurate or whether there was a difference that had to be settled.

At that very meeting I submitted to the chairman and members of the board that that meeting should be considered the meeting at

which we resolved that matter once and for all. I believe we have.

#### PALMERSTON PROPERTY TAXES

**Mr. Epp:** Mr. Speaker, I have a question of the Minister of Intergovernmental Affairs. The minister is probably aware of recent public revelations concerning the town of Palmerston where the records showed that up to 70 per cent of the property owners were in default of paying their property taxes. Since municipalities are the creatures of the province and since the province is supposedly the watchdog over municipal actions, why was his ministry not able to detect the great discrepancy between what was actually paid by the residents and the amount recorded by the clerk-treasurer, a shortfall of several hundred thousand dollars in a budget of \$1 million or \$2 million for a population of 2,000 people?

This theft has probably been going on from three to 10 years, and neither the town's auditors nor his ministry officials detected anything wrong during this period. In fact, it was left to one of the councillors of the town of Palmerston to detect that it involved 70 per cent of the property owners, a figure which is about 10 times the provincial average. What steps are being taken by his ministry to correct this particular problem in Palmerston and, secondly, to try to detect it before it might happen again in the province?

**Hon. Mr. Wells:** Mr. Speaker, the best way I can answer the question is to say, first, we do a computer printout and make it available on the percentage of tax arrears to levy. Therefore, as a ministry we know and are able to tell the various municipalities, if they do not know or if the figures they have are different from those we have.

The Palmerston situation involves criminal charges. Criminal charges have been laid against the clerk-treasurer of that municipality. I understand he subsequently submitted his resignation. There is a new audit firm coming in to do an investigation. Hopefully, after that has been completed, we will have more detailed information as to how the various events occurred in that area and what steps can be taken to prevent them from occurring in other areas.

In view of the fact the matter is before the courts and charges are pending against this person, I really do not think there is anything else I can say about the matter at this time.

**Mr. Epp:** Does it not appear odd to the minister that, in a municipality the size of Palmerston, the rates would go up from 10 to 15 to 30 to 50 to 60 to 70 per cent and no one in his ministry would think it odd these percentages were that high, that people were not paying their taxes? Up to 70 per cent of the people in Palmerston were suspected of not paying their taxes, 10 times the provincial average. Did nobody think it was odd?

**Hon. Mr. Wells:** I certainly do think it is odd and it did occur to us it was odd. For that very reason the ministry asked the crown attorney about the matter and he asked the police to investigate. Subsequently, the charges were laid.

#### SCHOOL TRUSTEES' ALLOWANCES

**Mr. R. F. Johnston:** Mr. Speaker, my question is for the Minister of Education. As the minister is aware, many school board members now carry out the job full-time. Since there has not been a major review of the allowances for some time, for people who are trying to do the job on a full-time basis the present allowance is clearly inadequate. Does the minister have any intention of introducing an amendment to section 164 of the Education Act to increase the allowance to members of school boards across the province, an allowance now fixed at a maximum of \$7,200 even for large metropolitan areas such as Toronto?

**Hon. Miss Stephenson:** Mr. Speaker, I am sure the honourable member is aware that, up until this date, the role of the school trustee has never been considered philosophically to be one that required full-time activity. However, it is becoming obvious some trustees are making the job a full-time activity, in spite of a fairly massive increase in the administrative staff employed to administer the schools under the jurisdiction of the board.

There has been a request from the Ontario School Trustees' Council that we consider this matter. As the member is probably aware, or he may not be if he has not read Issues and Directions, there is at present a thorough-going review of the role of the school trustee and his relationship to the roles of others within the structure of education in Ontario. This is an integral part of that examination.

**Mr. R. F. Johnston:** Is there consideration in that review of the establishment of a new formula that is not based on enrolment, like the present formula, but is more in terms of the duties performed?

**Hon. Miss Stephenson:** I have not considered a new formula. The philosophical base upon which the whole process is established is what is being examined at the present time. There may be any number of ways to determine the appropriate level of remuneration.

**Mr. Sweeney:** Supplementary, Mr. Speaker: Does the minister have any records or statistics to show where in Ontario trustees are performing their jobs on a full-time basis?

**Hon. Miss Stephenson:** No, Mr. Speaker. I am sure we could do a survey asking trustees. We have the public statements of certain members of school boards that they consider their jobs to be full-time. I am very aware that, in the vast majority of boards, the role is still considered to be a part-time rather than a full-time activity.

#### CHILDREN'S AID SOCIETY FUNDING

**Mr. Blundy:** Mr. Speaker, I have a question for the Minister of Community and Social Services. Is the minister aware of the precarious financial situation of the Lambton Children's Aid Society and the concern by the board of that society that it will go broke by the end of the year? According to the write-up in the paper, the director says, "The CAS is going broke by the end of the year." Apparently the funding situation is that it is not able to provide the funds for the work load of this children's aid society. Is the minister aware of this and, if so, what is he planning to do about it?

3:20 p.m.

**Hon. Mr. Norton:** Mr. Speaker, I cannot claim to be intimately familiar with the details of the financial situation of that society. I can assure the honourable member, though—as has been the case throughout this year when we moved into the new funding approach with children's aid societies—that any society experiencing financial difficulty or projecting a deficit situation at any point during the year has been urged to notify the ministry immediately.

We have a group of staff who will work with the society in what we are calling a special circumstances review. If, as a result of the work done with the society, it becomes evident that it is facing a financial situation as a result of unforeseen circumstances and the only solution is to look at the possibility of additional funding, then we will do that. But the first step, of course, is to look at the total budget situation and

to make recommendations to the society of ways in which it might otherwise cope.

In the case of the Sarnia society, I am not sure whether there has been a special circumstances review at this point or not. I would have to check with staff to find out.

**Mr. Blundy:** I do not believe such a review has been held. Apparently the great increase in the case load of juveniles in the system is one of the things contributing largely to the substantial deficit of the board. I would like to know whether the minister will look into this matter and take whatever steps are necessary.

**Hon. Mr. Norton:** Mr. Speaker. I will certainly check with staff to see if there has been a request for a special circumstances review from that society. If there has not been a communication from the society, I will certainly ask staff to check with the society to see what the situation is.

I do think, though, it is important to recognize that in many instances where the special circumstances reviews have taken place, they have resulted in finding a resolution to the budgetary difficulty the society perceived itself to be facing. In fact, in one case, a society was projecting a deficit of \$160,000. As a result of the review, working with our staff, it agreed it was able to reduce that projected deficit to something like \$25,000 and would be able to eliminate it by the end of the fiscal year.

**Mr. McClellan:** If memory serves me, Mr. Speaker, there was a royal commission inquiry into the Sarnia Children's Aid Society. I believe we have been waiting some three years for the report. Does the minister have some explanation as to why there has not been a report as a result of that royal commission?

**Hon. Mr. Norton:** Mr. Speaker, to the best of my knowledge, His Honour Judge—

**Mr. McClellan:** You have forgotten his name.

**Hon. Mr. Norton:** It has been a long time. Judge H. Ward Allen, I believe, has been writing the report for some time now. I have not received the report. I do not know precisely when it will be received. I have been expecting it for months now.

**Mr. McClellan:** Years.

#### DRUG PRESCRIPTION RECORDS

**Mr. Breagh:** Mr. Speaker, I have a question for the Minister of Health concerning the practice known as double doctoring. We

have now had court cases in regard to the practice of double doctoring, whereby drug addicts identify which physicians in any given community are either extremely loose in their keeping of records or extremely loose in giving out prescriptions for drugs and feed their habit in that manner.

Does the ministry have any accurate records on precisely who these physicians are? Is the minister condoning the practice known as double doctoring? What steps is he taking then to correct that problem?

**Hon. Mr. Timbrell:** We certainly do not condone it. We are in the position that we are dependent, to a great extent, on the co-operation of the federal government, which gains after the fact—and sometimes quite a while after the fact—access to the records of whoever is prescribing which narcotics. Based on that information, usually through the auspices of the College of Physicians and Surgeons, and sometimes of the police, we are able to follow up on these cases. The ministry does not have a direct line to all the prescribing habits of every physician. That would be nigh unto impossible.

**Mr. Breaugh:** Since it appears that drug addicts on the street, federal law enforcement agencies and local police forces know who these physicians are, it should not be that difficult to find out—from the minister's point of view—who they are. What steps is the minister taking to correct the problem?

**Hon. Mr. Timbrell:** I have been in discussions with the college. My officials have been discussing the situation with the federal officials. At this point I don't have any particular remedy to suggest, but as the member indicates, clearly the police authorities are aware of it and they do lay charges with our full co-operation where they are able to obtain the evidence.

**Mr. B. Newman:** Supplementary, Mr. Speaker: May I ask the minister if his ministry operates a data bank into which is inserted information concerning doctors who seem to prescribe an unusual quantity of drugs, as well as individuals who have purchased a substantial quantity of drugs?

**Hon. Mr. Timbrell:** Mr. Speaker, as I indicated in answering the initial question, the federal government does maintain a record of the dispensing habits with respect to narcotics, which is the area of concern here.

**Hon. Miss Stephenson:** All scheduled drugs.

**Hon. Mr. Timbrell:** The Minister of Education reminds us it records all scheduled drugs, but particularly narcotics, which are

the problem. We are reliant on that data bank, which exists in the federal government.

## LABOUR RELATIONS BOARD RULINGS

**Mr. Van Horne:** Mr. Speaker, I will direct this question to the Provincial Secretary for Resources Development in the absence of the Minister of Labour (Mr. Elgie). With your permission, I will put the question and a supplementary because I am sure he will take it under advisement.

I would like to know from the minister if he agrees with the perverse and ludicrous ruling of the arbitration board in the case of Graham Cook, whose appeal for being unfairly discharged was upheld by the Ontario Labour Relations Board. Further, I would like to know what steps the minister is taking to protect the public interest in the light of the often apparent interest of the labour relations board to protect only the interest of the worker?

**Hon. Mr. Brunelle:** Mr. Speaker, I am not familiar with the case and I will be pleased to get the information for the member.

## NURSING HOMES

**Mr. R. F. Johnston:** I have a very general question for the Minister of Health, Mr. Speaker, regarding the nursing home situation in the province. Given the amount of controversy surrounding the situation in nursing homes in the province, is he going to undertake a major review of his policies for nursing homes in Ontario, especially in terms of how the profit motive in nursing home care may be affecting the quality of care, specifically in terms of the use of physical restraint and drug abuse in those institutions?

**Hon. Mr. Timbrell:** Mr. Speaker, only six months ago we revised the regulations under the Nursing Homes Act. I may say that I think in the last four years we have been very successful through a variety of means, including changes in methods of inspection of our branch, in bringing about some salutary improvements in a few of the homes that were giving us trouble two or three years ago. I think we are now in a position where more than half the nursing homes in the province are new; that is, they have been built since the new act became effective in 1972.

I do not believe the profit motive inhibits the quality of care. I do not believe there are grounds to suggest other than that belief.

With respect to drug abuse, one of the changes in the nursing home regulations made clear the responsibility of a consulting physician for each nursing home. Unless the member has some specific questions in that regard or specific concerns, it is very difficult to respond, except to say we have placed in the new regulations a greater responsibility on the physicians to be responsible for the courses of treatment they are prescribing for their patients.

**3:30 p.m.**

**Mr. R. F. Johnston:** There are any number of specifics that could be raised, Mr. Speaker. The reason I asked the general question was because I thought it was important.

I guess the way to raise this in a question is to ask the minister how he reacts to a case where a woman is restrained in a wheelchair in an institution and is drugged to the point where her speech is slurred and her eyes are glazed. This is on one day. The next day somebody from the outside gets that individual out of the home and has her performing kitchen duties for a volunteer organization in the community. The day before she was restrained physically in a chair and was drugged to the point where she was slurring her speech. She came out the next day and, after being out eight or nine hours, was able to participate as a regular functioning human being.

**Hon. Mr. Timbrell:** Mr. Speaker, if the honourable member is suggesting that there is some professional misconduct here, that somebody had mistreated the individual—

**Mr. R. F. Johnston:** The same thing happens all the time.

**Hon. Mr. Timbrell:** Mr. Speaker, with respect, the member makes these kinds of generalizations, but let us be fair. I know the member does not have any use for anybody who believes in profit, no matter who they are or where they are, but let us be fair. If he wants to give me the specifics so I can have a medical consultant look at that and see if there is something untoward, I will be glad to do so; but he should not make those ridiculous generalizations.

**Mr. Conway:** Mr. Speaker, supplementary to the member's very general question about government policy with respect to nursing homes: I note in the minister's current tender call for an additional 300 nursing beds for the city of Toronto he makes mention of heavy nursing care. However he does not spell out in the tender, nor have I seen it spelled out elsewhere, what he imagines to

be heavy nursing care. Recognizing the extreme importance of this category, does his ministry have an operational definition for heavy nursing care? Second, is he now prepared, or does he expect to be shortly, to fund to an additional level, or fund and recognize as a special category, the increasingly important area of heavy nursing care?

**Hon. Mr. Timbrell:** Mr. Speaker, I indicated when I released the report of the review on Metropolitan Toronto that one of the things we are looking at is the possibility of revising our regulations so as to require the holding of a certain number of beds for persons needing heavier nursing care.

It is a difficult area to comment on because what is heavy nursing care to one may not be to another. To be covered as an extended care patient, the patient must require a minimum of 90 minutes nursing per day. There is no maximum indicated. Some of the operators and some of the reviewers of needs in certain parts of the province have commented that there seems to be a heavier level of nursing care being required than was the case five and 10 years ago.

I think one might argue that some of those patients should properly be in chronic hospitals if their needs have become that heavy. That is one of the things we are looking at, and if we do that we would have to amend the criteria for extended care. Then it would become part of the general negotiations with the nursing home association, which are carried on annually with respect to the overall per diem rate. Even those who are covered now as extended care patients have varying needs of nursing care.

#### FIRE SAFETY IN NURSING HOMES

**Mr. Nixon:** I would like to put a question to the Minister of Health about his nursing home policy. Is he familiar with the situation in the village of Ohsweken in the Six Nations Indian reservation, which has been well provided with hospital and later nursing home care in the same building, known as the Lady Willingdon Nursing Home, which has become old and I believe probably offers some fire danger? I do not want to over-emphasize that but it obviously is a matter of concern for the local Indian council.

Does he recall receiving a letter from the Minister of Community and Social Services (Mr. Norton), being a copy of a letter to me, bringing the matter to his attention? If he does not recall that, will he get somebody

to dig that out and give us some information about what should be done to co-operate with the government of Canada to build a proper nursing and chronic care facility without too much delay?

**Hon. Mr. Timbrell:** Mr. Speaker, I do recall it. My staff are looking into it. I may say that in a related matter, namely the provision of institutional care for the native people, I was disappointed recently in discussions with the federal minister to find that apparently they will not participate in any way in funding facilities that they consider to be nursing homes.

It was indicated to me by the federal minister that they would consider sharing in the funding of "what they consider to be hospital facilities" but not nursing homes. So it is related and it could be an additional problem. Our staff are looking into it.

**Mr. Nixon:** Supplementary: This community, as the minister knows, has a population of 9,000. There is every justification for a modern facility and I do not believe the minister is incapable of putting it to his federal colleagues in such a way that they could not turn him down. This community has to have a proper facility and since nobody else is taking the lead, I believe we should take the lead.

**Hon. Mr. Timbrell:** The honourable member may recall—perhaps he did not see it—that last week my colleague, the member for Cochrane North (Mr. Brunelle), and I issued a press release dealing with the beginning of planning to replace the two hospital units of the James Bay General Hospital at Attawapiskat and Fort Albany. It was specifically with respect to those two units that I put to the federal minister that the assistance of the federal government in funding would be helpful. I was told in no uncertain terms that they consider those to be nursing home units, not hospital care, and they would not consider participating.

I will be glad to take this matter up further with the federal minister, but having been turned down once I am not all that optimistic that she is going to change her mind. If, in fact, the need is for a nursing home as such, then in the absence of any federal assistance, the money would have to be raised privately, as it is for new construction at all nursing homes in the province.

**Mr. Warner:** Supplementary, Mr. Speaker: I am wondering if the minister has any intention to introduce changes to the Nursing Homes Act as a result of the recommenda-

tion from the coroner's jury at the inquest on the fire that occurred in Mississauga.

**Hon. Mr. Timbrell:** We have had that now about five weeks and we are working on it. In fact, I have the first draft of an analysis my staff are working on now.

Most of the recommendations have to do with staff training and with the question of smoke detectors versus closure devices and various other things. I think it is a little early for us to comment until we take the matter up with the fire marshal's office, but it is under review. I will be making a statement at some point in the next couple of months once that review is completed.

**Mr. Speaker:** So as not to establish a dangerous precedent, I would like to advise the House that that was not a supplementary.

**Mr. Warner:** But it was an important question.

**Mr. Speaker:** Yes, but not a supplementary.

#### OHIP COVERAGE

**Mr. Conway:** Mr. Speaker, my question is also to the Minister of Health and it concerns a comment in Mr. Justice Emmett Hall's review of our national medical program. Reading from page 46, I quote Mr. Justice Hall as saying:

"During the public hearings I was surprised at the wealth of complaints regarding the numbers of persons reported by community groups and by medical and hospital spokesmen as not being insured in the three provinces of Alberta, British Columbia and Ontario, which still levy premium taxes."

Can the Minister of Health for Ontario indicate whether he has evidence to indicate, and to assure this House and the people of Ontario, that as of this month not less than 95 per cent of the people of Ontario are enrolled in our medicare program as it is defined and described in the Medical Care Act of Canada?

**Hon. Mr. Timbrell:** I do not receive monthly reports on the percentage of the population enrolled. I can tell the member, though, that the numbers on premium assistance are up this year over last. Currently, approximately two million people in the province are receiving some form of OHIP premium assistance, be that full assistance to the elderly or to those of extremely limited income, or partial 25, 50 or 75 per cent subsidization. I do not receive a monthly report on the actual percentage coverage unless

there is a problem, and to the best of my knowledge there is no problem.

**Mr. Conway:** Could you give me an assurance to find out?

**Hon. Mr. Timbrell:** Sure.

#### REPORT IN TORONTO SUN

**Mr. M. N. Davison:** Mr. Speaker, earlier today the prurient-minded member for Oriole (Mr. Williams)—or Topless John as he is known in some quarters—drew attention to some alleged and purported problem with Hansard's recording of interjections and took the opportunity to name me specifically in that regard.

3:40 p.m.

He stated this afternoon in the House, "I will not tolerate the attempt by any member of this Legislature to ridicule or embarrass me further on this matter." Surely the honourable member does not need any help from me in his bizarre and twisted penchant for self-abuse.

He did go on to say, "If there has to be any libel and slander action, I will not hesitate to add further names to the style of cause in the action." Regarding this rather bizarre threat, if there is any doubt in his mind or the mind of any other member of the House, let me say I think the member for Oriole is a moralizing little twerp and I invite him to sue me.

#### REPORT

##### ELECTRICAL RATES

**Hon. Mr. Welch** presented a report entitled Reduction of Electrical Retail Rate Differentials in Ontario.

#### MOTION

##### SUBCOMMITTEE MEETING

**Hon. Mr. Wells** moved that the subcommittee on agenda and procedure of the standing committee on the administration of justice be authorized to sit on Tuesday, November 25, in the afternoon.

Motion agreed to.

#### INTRODUCTION OF BILLS

##### EMPLOYMENT STANDARDS AMENDMENT ACT

**Mr. Martel** moved first reading of Bill 206, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

**Mr. Martel:** Mr. Speaker, the purpose of the bill is to prohibit an employer from requiring an employee to work more than five consecutive days without a day's rest.

#### RESIDENTIAL TENANCIES AMENDMENT ACT

**Mr. Philip** moved first reading of Bill 207, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of the bill is to require a landlord who obtains vacant possession of a rental unit for the purpose of making repairs or renovations to the unit to apply to the Residential Tenancy Commission for an order determining the rent that may be charged for the repaired or renovated unit.

#### RESIDENTIAL TENANCIES AMENDMENT ACT

**Mr. Philip** moved first reading of Bill 208, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to authorize the Residential Tenancy Commission to conduct an inquiry on its own motion to determine whether a tenant has paid an amount of rent in excess of the amount permitted under the act.

#### ORDERS OF THE DAY

##### ESTIMATES, MINISTRY OF GOVERNMENT SERVICES

House in committee of supply.

**Hon. Mr. Wiseman:** Mr. Chairman, I would like to make some brief introductory remarks concerning my ministry before we proceed with the discussion of the various votes and items in the 1980-81 estimates.

The general mission of the Ministry of Government Services is to provide accommodation facilities and a wide range of goods and services in support of government programs. The operations of the ministry are organized into three major programs of service: accommodation, supply and services, and communication and computer services.

The accommodation program has responsibility for the provision and maintenance of accommodation for ministries and agencies of the government.

The supply and services program involves the provision of a wide variety of centralized

services and facilities to achieve efficiencies and economies in the supply of purchased goods and services as well as certain commonly used government support services.

The communication and computer services program is responsible for the supply and promotion of computer processing services as well as the provision of local and intercity telephone service for government use.

The ministry's annual report for 1979-80 provides information on the achievements of all ministry programs and also provides complete information on tenders and contract awards. The 1980-81 estimates are within the target established by the government and are in accordance with the government program on expenditure restraint.

This concludes my introductory remarks and I will be pleased to answer any questions concerning the estimates of my ministry.

**Mr. Ruston:** Mr. Chairman, to start off on the estimates of the Ministry of Government Services, this ministry covers a wide-ranging area of responsibility, much more than a lot of people probably anticipate, with the number of buildings involved, with leasing and supplying services to the government in other ways, with purchases and so forth.

I thought I would make a few remarks this year with regard to the overall leasing and ownership of buildings of the ministry, especially in Metropolitan Toronto. I know it has buildings in many other cities and towns throughout Ontario, but I have had a cursory look at the buildings and some of the leasing in Metropolitan Toronto and I must say it is a hotchpotch of a number of areas leased, parts of buildings leased and four or five floors in some buildings taken over. One ministry moves to another area, and so forth.

I think it would almost take a royal commission or a select committee of the Legislature really to look into all the leasing and owning of buildings in Metropolitan Toronto if one wanted to delve into it thoroughly. If it is not too much trouble to the ministry and its officials, I would like at some time to have a complete list of all the buildings, parts of buildings or property leased in Metropolitan Toronto, the owners of each building and the cost per square foot of that property. In the past we have had some information to that effect to some degree, but it could probably be updated without too much trouble.

3:50 p.m.

However, in the last few weeks I have looked around at some of the property we have. The other day I went to 77 Bloor Street

West, where the Ministry of Culture and Recreation is located. They have leased many floors in that building, as have the Ministry of Revenue people.

The Ministry of Agriculture and Food is located on the very elegant corner of Yonge and Bloor. It is, I suppose, one of the most elite corners of Metropolitan Toronto. When you say "Bloor and Yonge" to people outside Metropolitan Toronto, they figure that is the corner. We talk of Bay Street, where the financiers are located, but most people are more familiar with Bloor and Yonge in Toronto. That is where the Ministry of Agriculture and Food is located.

Many people, farmers in particular, would wonder why it is necessary to have the Ministry of Agriculture and Food officials on the corner of Bloor and Yonge streets where the asphalt and pavement are pretty thick. Those people would probably think the ministry should be located in an area where there is a little green grass around, or the odd field of wheat, or where tomatoes or soybeans are growing and blowing in the wind. It would give a little better feeling to those officials who are looking after the farmers and the ministry might have a little better outlook on what is going on, especially if there was a driving rain or a flood and they could not see the soybeans for the water lying in the fields. They would then have a little more sympathy for them when there is a little trouble in the farming community.

I suppose the same could be said with regard to the Ministry of Natural Resources. Their offices are across the street from here. I understand they would like to get into a larger building into which they could move all their people. That would probably be on the corner of Bay and Wellesley streets, where the ministry has a fair-sized piece of property. I believe I read in an article that they have about 18,000 square feet in either that area or on Grosvenor Street. Maybe some of their staff who deal with day-to-day operations in Northern Affairs should be in the great city of North Bay. It is still all part of Ontario.

I realize that when one starts moving offices, one runs into problems such as the Ministry of Health is having in regard to moving the Ontario health insurance plan to Kingston. One of the promises was that it was to be moved. Of course, that means a lot of people have to move with their jobs. That is a real problem. If one were going to make a policy of decentralizing government, one would have to make it over a long-range



period in order to avoid those problems with employees who would have to sell their homes and move. That is quite understandable. However, this government has been in power 37 years, three months and 21 days. I have a feeling they created their own problems and they keep trying to solve them.

This is not directly related to these estimates, but I am sure you will not rule me out of order, Mr. Chairman. When I was the critic for the Ministry of Correctional Services, they used to have problems when they tried to replace some of the old jails through the assistance of the Ministry of Government Services. They had systems in Correctional Services 15 or 20 years ago that many people thought were pretty good.

As the change in government policy came along, it had to become more modern so it did away with all the facilities having any livestock or any gardens or any farms around the jails. They made a great statement about it, but I will be darned if the Minister of Correctional Services (Mr. Walker) is not bringing it all back in. That is the problem with the democratic system. When we have one party in power so long, we lose a little bit of that democratic system. They resort to repeats and change their minds and do not have a complete new look at where we are going. It is just a rehash of the old.

There are buildings scattered in different places. I know they are probably leased and rented on the basis of "we can't be building new buildings all the time." That is right; sometimes it is cheaper to lease. We have Consumer and Commercial Relations at Yonge and Wellesley. I believe a portion of Northern Affairs is across the street at 10 Wellesley. We have the Minister of Housing at Bay and Wellesley at the new Sun Oil Building. Downtown, the Ministry of Labour has large offices on University Avenue. The Attorney General's massive offices are on King Street East.

As the lease was going up on the property where the Ombudsman was located, that office is moving to the corner of Bloor and Avenue Road into the Massey Building. I believe it is part of the university and it is being refurbished. The building apparently has been vacant for some time. From what I gathered when I was in the estimates of the Ombudsman last week, the lease seemed to be fairly reasonable. It was \$10 a square foot.

However, there is a lot of proper floor space that might be a bit of a problem to use. I understand the hallways are very wide and he said that by using low partitions and

so forth he could use some of the hallways for office space. The lease is quite reasonable compared to leases in most areas, especially when one considers the corner of Bloor and Avenue Road is another prime real estate property. I understand they are going to take the top two storeys. It is only a three-storey building. A bank would be going into the lower floor. There again, we are scattered around considerably.

I suppose some would say the Ombudsman shouldn't be located in a government building or around the Legislature here because he is independent—an arm of the Legislature itself and not of the government. Perhaps we would agree that he should be in a place outside the government buildings.

Then there is Correctional Services. Some of its offices are located out on Eglinton East in the Scarborough area.

One has some reservations about all this. I think probably it has come about as government has grown so much over the last 20 years. We have taken over many functions that were done previously by—the capitalist system, I guess. For instance, the health care system is a big business with government—hospitals and OHIP and all that—so naturally we have a great many employees; we have expanded in other areas. This, I suppose, was never planned by the government as to where they were going to put all the people.

They built some new buildings, of course—we are well aware of the ones to the east of these buildings where some of them have been named after the Premiers and so forth. We are well aware of the buildings that are close by and are serving a good purpose. Also there is Ontario Hydro, which is not really a part of this ministry, as we are well aware. But in a way it has probably one of the choicest pieces of property in Ontario, on the corner of College and University Avenue.

I think anyone who ever comes to Toronto and drives down University Avenue would have to say it is one of the nicest streets in any city on the North American continent. I think whoever laid it out, and the people of Toronto who have kept it the way they have, are to be commended because it is a beautiful street. We have the massive Hydro mirrored building on the corner. There again, I am sure Ontario Hydro could have been located in many other places in the province than on the corner of College and University. However, I think that was thrashed out before in this Legislature a few years ago.

4 p.m.

They have other buildings next door. I was down a few weeks ago and was given an opportunity to go through their two adjoining buildings. Since we are looking for space, the province is looking for space, and the members here are looking for space so as to be housed in proper offices, I went down to look into the Ontario Hydro buildings. The building directly south of the new tower has, I think, only two floors not leased out yet. The executive suite on the top floor, of course, is not leased out. I do not know who will take it. It is a very sumptuous place with nice high ceilings and built-in panelling and, I suppose, it is a little more difficult to lease out. The building is in good, satisfactory condition.

I went into the adjoining building built around 1915 or 1920, apparently, the Historical Society of Toronto has named it as a historical building. What to do with the building now is a real problem as far as I am concerned: if I own a building and someone designates it as historical, what I am going to do with it? In the case of that Hydro building, the cost of rebuilding it and making it usable for offices and so forth is really more than that of having it torn down and building a new building. This is a concern to me.

I am not sure about that building—and I suppose I would ruffle a few feathers of some of those in heritage and historical groups. I believe in our history as much as anybody, but I do not think one needs a lot of buildings restored so that we will know our past. I question the case of that building, when one looks at what it is going to cost to have it refurbished and rebuilt. The stairways and elevators are all on the same hallway; of course, that is against all fire regulations. An addition would have to be built on the back end to allow for stairways. Of course, the elevators have to be all closed in with hallways around them to avoid spaces where a fire would go up.

I have great reservations about that building when I understand that Hydro is going to have to pay \$55 or more per square foot to refurbish it, and then have to look for tenants to whom to lease it out. I think we have had some problems there, and I think that was some space that probably could have been taken over by the government prior to Hydro's doing anything with it to use it for future space. It certainly is close to here. I just wonder if that is a possibility. However, I do realize there are those who feel the front does

look like a historical building. I know there are some beautiful historical buildings in Toronto. I notice between here and downtown there are a number. I am not sure that we need to reserve them all for posterity.

As far as members' accommodations here go, we have had many discussions and meetings with regard to this. I know there are other people in this Legislature who are more familiar with the situation than I am, as far as having meetings with regard to it is concerned. I find it very difficult as a whip, whenever the bells ring, to find out where everybody is located because we have them situated in about four different parts of the building. I suppose the only way to solve that is to win the election, to have them all in one place, and let everybody else do with the best they can find.

I am sure it is a problem for all the members and all the caucuses, and is something that is going to have to be dealt with as soon as possible. Some of the members have very small quarters. I myself had very small quarters for some time but, somehow or other, I happened to be near an area that had a very large room and happened to be there at the right time. Now, I must say, I have ample room.

However, everyone is not in the same position. It just happened that the rooms were there and a number of us were in that corner where four or five of our caucus members are, and we now have ample space. It is much nicer to work in than before. I find myself more content and more willing to stay in the office when the House is not sitting than I was when I had a hole in the wall. It was about eight feet by eight feet and had no windows and there was material piled all around. I know we talk about whether there should be an addition on the north side, and whether this should be torn down or that didn't look very satisfactory. The property the government owns east of Bay, as I mentioned previously, is something that needs some consideration.

I don't envy the minister his position with all the leasing he has to do. He leases floors on one street, and maybe five miles away he has another couple of floors leased out. I can see the problems that creates. I just wonder whether we should take a new look to see whether in the long range we should be having some staff and some of the offices located in areas other than downtown Toronto.

The Ministry of Transportation and Communications has most of its facilities on High-

way 401. It seems like a good logical place for the highways department to be located, more or less on the outskirts, but I wonder whether there are other offices, other ministries such as Agriculture and Food or Northern Affairs that should be looking at locating closer to areas where they are actually working, and dealing with people and problems in connection with their offices. That is something I have concern about.

I really don't have anything else right now, other than that I will be asking the minister some questions with regard to telephones and some of the contracting, et cetera, that I have run across in public accounts. That is all for right now, Mr. Chairman.

**Mr. Warner:** Mr. Chairman, it is my privilege to participate in the opening statement on these estimates. I want to say at the outset that I consider this ministry to be very important, although it is one which I suppose is very quiet in terms of public perception. When you think of government you normally think of the large ministries of Education, Health and Transportation and Communications and so on. The ministry of public services is perhaps left behind in terms of being considered to be very important, but it is an important ministry because it delivers a lot of services.

As we go through the estimates I would like to deal at some length with some of the services, such as providing courtroom space. The Ministry of Government Services is involved whenever there is talk of a new courthouse or trying to get courtroom facilities. That is an extremely important role in this province. There are quite a few other important areas I intend to raise as we go through the estimates. I would like to give the minister my list of things I would like to deal with and perhaps we will have an opportunity to discuss them as we go through the estimates.

I am curious about the status of the east of Bay project in Toronto. The whole area of the project has been spoken about at some length. Many of us are not sure about the future of that entire area. We would like to know what role Government Services will have in that project and when the minister believes there will be a final determination of the status of that project.

I wish to discuss the future of several courthouses, starting with Hamilton, of course, because there is a very serious shortage of courtroom space in Hamilton. I think the shortage is the equivalent of at

least two courts. There are other areas too, of course. The Cartier Square development in Ottawa is still under discussion. If the minister can unravel some of the mysteries of that, I would certainly be most grateful.  
4:10 p.m.

In connection with that, and I am hoping the minister will see the connection, I would like to know the ministry's involvement with historical buildings and whether the ministry has had an active role in attempting to identify historical buildings for possible use as courtrooms, or other government offices if they are not suitable for courtroom space. As the minister well knows, not every building is suitable for a courtroom, but as we are now going through this phase in Ontario of taking a closer look at our buildings before we decide to demolish them—and, where we can determine their historical significance, we are having a second or third guess at what the building should be used for—that is a very healthy exercise and I, for one, am pleased to see that.

It suggests to me there is not always the need for a restaurant, that sometimes a historical building can serve a good function as office space or perhaps commercial space or, in some instances, as a good location for some government services. I am wondering how active the government is in pursuing those historical buildings in various parts of our province, particularly, of course, if they can be used for courtroom space.

I think we need to have some discussion about the future of this building, the future of the Legislative Building here at Queen's Park, particularly the north wing, which has been under some discussion. The government has—

Interjection.

**Mr. Warner:** If we put the Liberals into the north wing, it would definitely qualify as an historical building housing artifacts.

The government has a legislative building expansion presentation. At the appropriate time, I would like to deal with that submission because the government brought forward three particular alternatives with respect to the accommodation which will be needed in the future. Part of it hinges on whether, following the 1981 census check, the Legislature decides in its wisdom to expand the membership of the Legislature. If we follow the Camp commission reports, then we are looking at a sizeable increase in the number of seats in the Legislature and, with that, the attendant space which would be

required by members. Even if we accept the status quo of 125 seats, but accept another recommendation of the Camp commission, that members be entitled to one researcher plus an assistant, then obviously we again have a space problem. From that come the various suggestions as to what should happen with the north wing. As I say, at the appropriate time I would like to go into detail on that.

Along with that, I would like to know from the minister what he has been doing and what his thoughts are on a residence for the Lieutenant Governor. The subject crops up from time to time as to whether the Lieutenant Governor should have separate residence outside of this building. If I understand my history properly, this was the situation at one time. Those who are much older than I, such as the member for Brant-Oxford-Norfolk (Mr. Nixon), could probably enlighten us on that point. I would like to know if the ministry has followed that up and whether it has any specific suggestions.

I would like to talk about procurement policies, whether the government has what I would think is a more enlightened procurement policy than has been the case in the past with respect particularly to small business in Ontario, that is, small business owned and operated by Canadians. I would like to know whether there is a preferential procurement policy with respect to Canadian-owned and, I would hope, Ontario-based small business and what the ministry is doing to try to promote such a procurement policy, obviously in an effort to aid small business endeavours in Ontario involved in manufacturing and processing.

I would also like to discuss something which has come up from time to time—I think the standing committee on members' services has dealt with it intermittently—and that is the split jurisdiction which exists within the Legislative Building between the Speaker and the Ministry of Government Services. The minister is no doubt aware that, under the previous minister, we had a prolonged discussion about the future of the part of the building which still comes under Government Services and the reluctance to turn it over to the Speaker.

If we believe the Speaker represents a neutral position with respect to the Legislature and the functioning of the Legislature, all the space within the building should come under his jurisdiction and all members, no matter what party they belong to, whether in government or opposition, should be treated in an equal and fair way when they

come to the Speaker with requests for use of a portion of the building. I would like to know this minister's feelings. We are well aware of the previous minister's feelings on the subject, but I would like to know if this minister is perhaps a bit more flexible than the previous one.

Mr. Chairman, perhaps I am at your mercy here, but I have had some difficulty in raising this matter with other jurisdictions, so I am going to try the Ministry of Government Services. It seems to me that within the building all members should have the same treatment with respect to hearing the debates and with respect to the ringing of the division bells. I understand the government members have been equipped, I presume by way of Government Services' action, with individual bell systems in their offices to acquaint them that a division has been called. I think the same should be available to all members of the Legislature.

Similarly, the nice little squawk box I have in my office, placed there because of my position as caucus whip, whereby I can work in my office, listen to the debates and then come down here at the appropriate time, should be available to all members of the assembly. I think that is legitimately a function of the Ministry of Government Services. If I am wrong, I am sure either the minister or the Chairman will correct me.

Those are the topics I wish to discuss. As I said at the outset of my opening remarks, this ministry is important because it can take an active role. It can take a leadership role in the issues, whether it is a courthouse facility which is needed, whether it is a procurement policy or whether it is protecting this historic building in which we are situated now. Regardless of which issue, it can take a leadership role and can provide good, efficient service to the people of Ontario, but we need to know from the minister whether he is prepared to take that leadership role. Those are the kinds of questions which I and my colleagues will be asking as we go through the ministry estimates.

Hon. Mr. Wiseman: Mr. Chairman, I would like to make some brief comments on what the member for Essex North (Mr. Ruston) had to say in his opening remarks. I would like to start by saying how pleased I am he took the time to go around and look at the different buildings. As the minister, I am always pleased when my critics or other members want to go around and look in a constructive way at what we rent and lease. We are only too pleased to have them go

there. I was only sorry I could not go along with the members when they went to look at the old Ontario Hydro building, but I am sure they were well looked after by my deputy and those who attended from the ministry.

4:20 p.m.

That shows the interest of the member for Essex North and I am pleased about that. The member did mention the number of leases we have in the city. We ourselves own 8,966,338 square feet of space in the downtown area and we lease 3,290,325 square feet, made up of 220 leases in 150 separate buildings. From the comments the member made, if we do come forward in the future with a building and find the capital to do it, I hope this means he will be supporting us for the east-of-Bay property. From the remarks he made, I am sure he would.

I am sure the member will agree also that in order to change a lot of that leased accommodation in downtown Toronto, we would need a considerable increase in our capital. We all know that in time of constraint capital is not forthcoming as fast as some of us might like.

I was pleased that members, including the member for Sudbury East (Mr. Martel), went down to look at the old Hydro building. No doubt he will comment on it when his time comes around. The member commented that the money would be a lot better spent tearing it down and rebuilding rather than putting it back into good repair, taking into consideration energy conservation and the utilization of space on the floors.

Perhaps I could answer both the member for Scarborough-Ellesmere and the member for Sudbury East at the same time when they talked about accommodation for the members. We did make a proposal to the Board of Internal Economy. At that time, we had three proposals. The first was to take out the top and put one storey on the west wing. We found the cost of that to be quite high. I was hoping to have the cost here for you. Perhaps when we talk about it again later on, I will have those figures for the member for Sudbury East. The cost was high and it still would not give us the space we feel we need to meet the Morrow report and others in the future as far as more members of the Legislature are concerned.

The second proposal was one my predecessor brought forward. It was to tear down the back section and rebuild it with parking underneath. I have those figures here. For the first proposal I mentioned, taking off and adding one floor to the present north

wing, the cost would be just under \$13 million. It would be 15,600 square feet and the cost would be \$828 per square foot. For any of you who have anything to do with cost of construction, that would appear to be away out of line.

The demolition of the north wing and the addition of the new project my predecessor mentioned would give us 147,000 square feet of usable space, but would cost \$44 million plus. The third proposal was to carry on the way we are and build a building east of Bay, between Grosvenor and Bay, to use the land up between where the YMCA has purchased and on out to Bay Street. This would be 297,500 square feet, and the estimated cost would be reduced to \$153 per square foot, which would put it in line.

I believe the member for Essex North mentioned relocating some of the ministries. I think one he zeroed in on was Culture and Recreation. Another one was Natural Resources, where all their offices in Metro Toronto could probably be together east of Bay, and then we could renovate the Whitney Block. It was not the member for Sudbury East, as he would have us believe, but my ministry that suggested that if five or six or seven different groups of people moved to the Whitney Block, this building then could be used for the members. We would then have enough space around in the main building for the members that would meet their needs for some time in the future.

The member for Scarborough-Ellesmere suggested that we should go beyond the 300 square feet per member to accommodate researchers and so on in the future. On this, a lot of people say, "Go back to the drawing board again," but I would only say to the members that there is a limit to what we can do. Rather than just saying, "Go back to the drawing board," I would hope some constructive ideas come in on that as well.

The member for Scarborough-Ellesmere asked about the east of Bay project. He can see that we are looking into the future with the possibility that that is how we might be able to work to get a building there that would accommodate the members in this building eventually. We have a planner who is working with all the interested parties and we expect a report soon.

As to Cartier Square in Ottawa, it is coming along reasonably well. We hope some time early in the new year we will have a model we can show to the interested city officials and the National Capital Commission planners and all who attended the meetings

up until this point and we hope to have a meeting after that time with the public.

When we have the model there, that probably will show, at least on the outside, something of the concept of the new building, how it is going to sit on the lot, et cetera. It will be better understood by the lay people, in my opinion, than showing them all the drawings we have at the present time. That is basically where that stands, and it seems to be going along relatively well.

4:30 p.m.

The member also asked what we were doing with our heritage buildings and suggested they could perhaps, be used for courthouses. I would suggest to the member that the Attorney General (Mr. McMurtry) sets out the priorities for courthouses in his ministry. If the member for Victoria-Haliburton (Mr. Eakins) were here, he would have to agree that the training school we converted into court facilities in his area has worked out fairly well. We are not finished, but in just a few months we were able to move in the courts which are now located there, with the alterations our people were able to do.

Both members mentioned space for the members. I think I have covered that before. The Lieutenant Governor's residence has been talked about but, at the present time, it is felt it is perhaps best to leave it in this building. On the possibility of having bells or chimes in all members' offices, I am told that when I was in this building not all offices had them. You could usually hear them. I do not know whether it is a plus to have them in your office, or better to have them somewhere in the hall if they happen to ring as long as they did last Thursday night. The member noted what happened a week or so ago when he mentioned to the Speaker about not being able to hear the bells. I believe it was one of his members who had a bit of a problem, as I do myself, with hearing. An extra bell or chime was installed almost immediately. That member came over and thanked us for doing that.

Those are some general remarks for the two leadoff speakers. I am sure we will have more questions as we get into the votes.

On vote 501, ministry administration program; item 1, main office:

**Mr. Martel:** I have been sitting on the select committee on plant shutdowns at the present time, Mr. Chairman, but I have a couple of comments I want to put on the record with respect to the building.

Let me begin by saying to the minister I will recall the day the three proposals as

outlined were put before the Board of Internal Economy. I turned to my friend the member for Brant-Oxford-Norfolk (Mr. Nixon) and I nudged him as we got to the third proposal. I said to him, "That is it. That is the one he wants. He is presenting it with such relish and such delight that I am sure that is the one the government wants." Sure enough, it was. It was not to accommodate members. The new proposal was to build a new building on Bay Street to house some civil servants across the way.

I have been in this building 13 years and it has been a struggle, so help me, even to get half-way decent accommodation for members of this Legislature.

**Mr. B. Newman:** You are lucky compared to the days before you came.

**Mr. Martel:** I want to tell the member I was here a short time after him. I do not recall writing letters in this Legislature, but I certainly well recall five of us in an office that now houses the Sergeant at Arms. There were five desks all one against the other. Space and accommodation for members have always been wanting in this place save, of course, in the last five or six years. If one is a government member, the choice is much better than if he happens to be on this side of the House. That still applies. As the minister knows since he visited my quarters—and I speak on behalf of the New Democratic Party—there are 70 or 80 of us on the second floor in the north wing. There are still members who have piddly little offices.

**Mr. Worton:** Piddly?

**Mr. Martel:** Piddly, yes. It is a little puddle.

I want to go back to the proposal because there is something rotten in the state of Denmark. I listened to the three proposals. We went along a little better than two years ago with your predecessor. We said we were prepared to wait until the government was prepared to demolish that north wing and make accommodations big enough to accommodate members and the services offered.

I looked at the three proposals, and I grant the first one is out of whack. It is far too costly at \$12 million or \$13 million to put one floor over there. I am the first one to accept that. What bothers me is that number three becomes so attractive. Whatever you are going to put up over there, you could well put up here, depending on the design, and house as many people.

In fact, I suggest as a positive suggestion to the minister, for a change we should

lease some of our buildings to somebody in the civil service. We might put the Ministry of Northern Affairs, which is one of the offices being contemplated, up on the seventh floor instead of over on the corner of Bay and Wellesley. In other words, the additional space that would be left over we could give to the various government offices that require it, but this building is to serve the Legislature. That does not mean taking out part of the library, as is now being considered. In fact, at the Board of Internal Economy last Monday, we had difficulty in ascertaining where part of Dr. Land's new group of people are going to go, because we cannot find space for them across the way in the Whitney Block. There is no space available there now and he needs it.

The library space is inadequate. Somebody should tell you it is totally inadequate. It does not house the people who are there, nor is it going to house the complement of people who are at present being hired as we expand the service of the library to bring it into a first-rate library system similar to the one in Ottawa. We are moving towards that end. There is not sufficient space now for them at this very moment, I say to the minister. They are looking for space and they haven't got it.

To suggest we should remove other services is crazy. I checked with the Hansard people. I went to Ottawa. The select committee went to Ottawa. There is some difficulty with it. I say anybody who is going to utilize this building in this way to serve the needs of this Legislature must stay here. As you go through the list, tell me who does not serve the Legislature in this building?

As I sat there on that auspicious day when the thing was unfolding, I knew what would happen. I turned to the member for Brant-Oxford-Norfolk (Mr. Nixon) and said, "This is the one they want." I must say I did not stay to the end to see if that was the one they were going to propose, but that was it. The member for Brant-Oxford-Norfolk can come in later on and verify that. From the way it was being presented, it was a totally different ball game.

I say to the minister that his responsibility is to serve the needs. There are some things that have to go on in this building. They talk about too much space left over in option two. We know from a select committee, the Morrow report, that the existing building has to be brought up to standard. As we bring this building up to standard, we will have to take from the fourth floor right

down to the basement and lop a third off. For a year at least that is not going to be serviceable. Then we will go to the east end and will lop off a third there and go right from the top to the basement. Then we will do the remaining part of the building, which is going to take roughly another year. You are going to have to house people from this building in the extra space you spoke of that was going to be surplus space which you did not know what to do with. You are going to have to house the very people who are here if you are going to bring the rest of the building up to any standard.

4:40 p.m.

One just has to look behind the curtains in this building to find wires that are illegal in the rest of Metropolitan Toronto. In this building they are all nailed into the frame because the cost to refurbish the building is going to be so great. My friend from St. George and I sat on the select committee and we know. I believe the cost then to bring this building up to standard was over \$20 million. It has further deteriorated.

I ask the minister, where are you going to house that one-third you do not have space for now when you start to do this building? Are you going to shove us over to the Whitney Block? That is totally crazy.

**Hon. Mr. Wiseman:** If we take the second proposal, you have to move out for three or four years.

**Mr. Martel:** Right. You will tear that down and build a new one, but then you can refurbish the rest of this building. If we take your first proposal, we will be out for ever.

**Mr. Ashe:** Hear, hear.

**Mr. Martel:** The member for Durham West won't have anything to do with it. That cannot be overcome. You are going to have to do that anyway. It was recommended in 1975 or 1976 that we start to renovate this building. It has not improved since then. You are going to have to find accommodation. The easiest way, of course, is to tear that old section down and start from scratch.

Build a little extra space and then take the Ministry of Northern Affairs out and put it on the eighth floor. Then take another small ministry and put it on the seventh floor because that is putting the priorities where they belong. If you want to put an eight-storey building over there, put it here and serve the Legislature's needs first. I am sorry, but that is not being considerate.

The standing committee on members' services had an opportunity to look at this

several weeks ago and it is not happy either. I think it said, "Go back to the drawing board." That might not be a bad idea. You might take into consideration that you are going to lease the remainder on a lease-back arrangement to some ministry. It is as easy to put the Ministry of Northern Affairs on the eighth floor here as it is to put it over on the corner of Bay Street. I would suspect it is simpler because the minister just has to come down the stairs and into the Legislature to vote. I suspect that option has not been considered. Somebody is going to tell me: "The design of the building is such that we cannot do it. There is that rock outside, which is a different type of rock."

We all know that if we tell an architect to design a building that complements the existing structure, it can be achieved. I am no architect, so I will not tell you how it can be done, but I can tell you architects who can do it. We have looked all around us and have seen old buildings renovated and added on to that come out very well. The north wing is totally inadequate.

Speaking about a little additional space, shall I remind the minister there are six members of my party who sit in little offices that are vastly too small? Forgetting the members for a while, I have a woman's co-ordinator who is in an office six feet by seven feet. I can show you staff who are overcrowded, and not just there. I was invited once to the Premier's office where I recall one of his staff showed me where some of them were working. They were in an old vault. They still are in an old vault. Can you imagine the working environment?

**Hon. Miss Stephenson:** They are not females.

**Mr. Martel:** It is not right for either of them. That is why it is not right for a female in my office to have a six foot by seven foot space. We talk about providing space for the civil servants. To hell with it. It is time the minister said, "No, we are going to look through this whole shack and we are not going to allow people to work under some of the conditions that exist in this building."

The conditions are deplorable. To try to cook the books a little bit to doctor this building isn't going to work. We all know what Morrow recommended and we are moving towards it. Your predecessor recognized it because in his drawings he had space for a researcher for each member of the Legislature. That is coming as sure as I stand here. Society is getting more complex. It is more difficult to deal with any problem and

members are going to need researchers. Where are we going to put them? If we are talking of about at least 80 members in this building and probably 90, exclusive of the cabinet, we are talking about an additional amount of space. When they look at the space the Legislature is going to require, I would like to go over it item by item with whoever designs it because there is something wrong in the state of Denmark.

I don't think we can even start to consider taking any of the library services out of here. In fact, we should enhance them. I don't think we can take Hansard out. Mr. Brannan can't keep up with today's demands of the Legislature. It is impossible. He is being ordered from pillar to post to produce yesterday's Hansard for today's considerations of a select committee. It is totally impossible. That service is going to expand.

I say it is unrealistic and the books have been cooked to make it appear as though we need that building over there and that in this one our needs are not that great. Well, they are. I am prepared to argue with the minister. I am prepared to go over the figures and, in fact, I will bring in my own architect, if he wants to go over the figures. I have found that over the years—and this is my fourteenth year in this Legislature—the last to be served around here have always been the members. The minister shakes his head. I want to tell him that even to get a tape recorder at one time was difficult around this place.

Last week I said to the staff when they were looking into the bells, "Instead of that stupid bell that make so much noise it drives all of us crazy, could you put in a chime?" They said, "Oh, no, we can't put in a chime." I said, "Why can't you put a chime in the main corridor?" "We just can't do that," they said. I said, "Why can't you?" They answered, "It has always been done like this."

**Hon. Mr. Wiseman:** If someone can't hear the bell, how is he going to hear chimes?

**Mr. Martel:** The bells can't be heard when they are not ringing.

**Hon. Mr. Wiseman:** It was not working.

**Mr. Martel:** You tell me why. This place is so bound in outdated tradition. He complains because he couldn't hear the bell. The bell wasn't working. You can't hear it if it is not working.

Interjection.

**Mr. Martel:** You could do then as you do for cabinet ministers. You could put a chime in every office. I will tell you an interesting story. When I first became House leader, I



was wandering around the premises with Bob Fleming. I don't want to take his name in vain but I think I saw him come in a few moments ago. We happened to be in the government House leader's office. There were a number of other people with him from Government Services. I don't want to make him feel uncomfortable. I said, "Do you know there is a refrigerator in Mr. Welch's office? He is a House leader and I am House leader. Do you think I could have a refrigerator?" he said, "Why certainly, Mr. Martel. What colour?" My colleagues don't have a refrigerator.

**Mr. B. Newman:** Have you got one now?

**Mr. Martel:** Yes, I have one now. That is all it took. If you can find someone at your level in this place, you can get anything you want. Within days there was a refrigerator in my office. When aren't my colleagues entitled to a refrigerator?

**Hon. Miss Stephenson:** What for?

**Mr. Martel:** The government House leader had one. I thought if he were entitled to one as House leader, I would be entitled to one too and, lo and behold, I was. I had a refrigerator. Isn't that magnificent? That is the way things are done around here. Nothing changes on merit. It is a question of who you can catch with his finger in the cookie jar. If you catch somebody with his finger in the cookie jar and you are at the same place, you too are entitled.

4:50 p.m.

I well recall when Sidney Handleman was on our select committee. He never used to be able to get the equipment he wanted. He went to the cabinet and then came back. We still couldn't even get a portable Stenorette; it was impossible, it was a horror. Other people had them. They came to the Board of Internal Economy and, lo and behold, those who wanted could get a portable machine. There has been no great run on them.

It all used to come in a book from Government Services. If you were at this level in government, you had an office that was big, if you were down one notch, you had one that was a little smaller. As you got further and further away, they just kept getting smaller and smaller. It is part of getting up there.

But we never even fit in that book. Members of the Legislature didn't fall into any category, from the lowest to the highest. We weren't even included. When you wanted something it was a battle royal to get it. Slowly within the Board of Internal Econ-

omy, we are cleaning out some of that problem. When members have a requirement, they can now get the equipment they require through their caucus office. But the battle to get it was insurmountable for a while. It is funny what minority government does.

The same applies to this building. This should be the most important building in the province. I was in three legislatures this year and none of them was the dingy, drab facilities that we see here.

**Hon. Mr. Wiseman:** Which ones?

**Mr. Martel:** We saw those in British Columbia, Saskatchewan and Quebec. I suppose I am being selective. Then I went to Prince Edward Island where they are now refurbishing theirs after 105 years. I can understand why theirs has fallen a little behind.

Where else can you walk into a building where the rug is kept down with Scotch tape or binding tapes? Go to the other quarters, the wing I come from, and the whole rug looks as if it has been sewn together with bands of masking tape—that is the word I am looking for. All along the floor it is held together. Before the stairs were repaired, I think I had five assistants who fell on them. Finally, they tore the whole rug out. It's nuts.

I use those silly little examples to show that the priority in this building has never been for the people who occupy it. I, for one, am fed up with the nonsense that goes on with respect to it. It is obvious the government's intent now is to dabble with this building, move some of the people out of the Whitney Block eventually and give that to the members of the Legislature.

I remind the minister we are the ones who are here until nine, 10 and 11 at night and we are the ones who are in our offices when the House is sitting from nine in the morning. It is time this building was for members. Don't get me wrong. I am not talking about plush living quarters or anything like that, but decent services and decent accommodation to work with the people we all have to work with in here. That includes offices for cabinet ministers.

I have been trying to kick cabinet ministers out but only for one reason—lack of space. I think one cabinet minister surrendered her office a number of years ago because she hadn't been in it. I believe that was the Minister of Education if I am not wrong. She said someone else could use it because space was at a premium. Those offices should be there to do the business of

this province appropriately. I get offended every time I turn around and see they are going to try to hijack another building for civil servants over on Bay Street.

**Hon. Miss Stephenson:** The Whitney Block is not that far away.

**Mr. Martel:** But the Whitney Block has problems. One only has to witness what went on here last Thursday. One can't divide the services. One cannot take one half of the library from here and slough it over to the Whitney Block. That is within the plans and that is unfair.

**Hon. Miss Stephenson:** Move the members over there instead of the library.

**Mr. Martel:** That poses a real problem. It poses a problem for your whip and my whip. It poses a problem for members who want to come in and who have scheduled an hour or an hour and a half to get in and out. Why should we be the ones walking over there?

**Hon. Miss Stephenson:** I have to go over to the Mowat Block, which is farther away.

**Mr. Martel:** It is crazy. I say to the minister that the services in here are for the members. They are not for anyone else. I am hard-headed about it; I really am. Even at the Board of Internal Economy this very week, I am sure the members' services committee will be looking at a couple of other problems, one of which deals with closing down the lounge for the members. We are going to close that down. We can close that. It is a dungeon; it is the most unattractive place in Toronto. I would not say it was sleazy, mind you, but it is an unattractive place.

The bill they gave us to make a few repairs was \$80,000. I am not the world's greatest carpenter, but for \$80,000 I could make just about any type of room you want down there. I know enough about it. The things we suggested down there would not cost \$80,000.

I suspect that the same high-jinks are being played with respect to the building. If we can make it so costly, \$340 per square foot, then how in the world could anyone in his right mind say yes.

**Hon. Mr. Wiseman:** It is \$300.

**Mr. Martel:** Even \$300 per square foot. How could anyone in his right mind say we were going to go for \$300 when they are offering us double the space somewhere else for half the price? Somebody is going to have to convince me of that too, unless you are telling me it is going to cost \$100 million

to tear that place down. That is what it boils down to, because you say for \$3 million more than the cost of rebuilding, you are going to end up with double the space. That means it has to cost over \$100 million to take that building down.

I have some friends in Sudbury who do a lot of mining. They are real experts. They can blow as much as they want, just a little bit, or a little more, without damaging anything else. If you want me to bring one of them down, we can get rid of the building in a hurry. I do not believe it can be that much. I simply do not believe that for \$3 million you are going to get double the space. I find that unacceptable, unless you are telling me the difference is going to be in tearing this building down. I think Green-spoon Brothers Limited could tear it down in a hurry.

I recall saying to my friend, the member for St. George, when we were doing the Morrow report that it was strange, even at that time, we could not get the money for this building. But we could find \$28 million, for what? Some building down the way. We found how many million for Hydro? Everybody found money in those days. We cannot even find money to fix this building up appropriately.

**Mr. Warner:** The ceiling has fallen down. It almost killed one of the employees.

**Mr. Martel:** That is right. The place looks like a zoo.

**Hon. Miss Stephenson:** I was there when it happened.

**Mr. Martel:** Did it hit the minister? I will bet if it had, we would have a new building under construction right now.

**Hon. Miss Stephenson:** It did not almost kill anyone.

**The Deputy Chairman:** Order. The member for the Sudbury East has the floor.

**Mr. Martel:** I am prepared to let anyone in, Mr. Chairman.

**The Deputy Chairman:** I know, but I am not.

**Mr. Martel:** That is up to you. I will continue in my place.

**5 p.m.**

The minister has to tell me the costs have not been cooked. I want to know how you can get double the space for only \$3 million more. The only way I can assess it is that the cost of demolition is certainly going to be high. Also, I want to know precisely what

services there will be. The minister gave a whole list in that rundown. What services are not involved with the Legislature and the ongoing operation of this building? Perhaps John Thatcher can help you on what services are not required in this building. The first one that is off the list as far as I am concerned is the library. You cannot split it. Dr. Land is having trouble right now trying to find a place. Finally, there are all the other lists. Perhaps you can tell me how they do not fit into the everyday workings of this building and what goes on and how we are going to overcome that little problem.

I leave that for a moment to deal with one other minor problem—Burwash.

**Mr. Ruston:** Good old Burwash.

**Mr. Martel:** It used to be Burwash; it used to be Government Services. The goats are gone. You and I knew about a year ago when we visited Burwash that it was just a matter of time for the goats to go with Schaffernicht. He is now in Algoma-Manitoulin trying to pester the member for Algoma-Manitoulin (Mr. Lane), thank goodness. The legacy he left behind is a debt of about \$112,000. That has gone.

I am pleased this minister came to Sutton and took the time to look at that accommodation. He was involved in the second study of the utilization of Burwash. It boiled down to a point where we have to agree on how we lease. I think in the final assessment it is a case of leasing. As I understand it, the ministry would like to lease the property to the regional municipality of Sudbury and the regional municipality would like to lease it, but not in one shot.

In other words, if they take over Burwash as of now, the cost to the region would be about a half-million dollars, give or take a few bucks, to provide the services and do the maintenance work. The region certainly is not in that kind of position any more than the province is. The province would like to get out of that half million they spend annually for nothing.

I suggest to the minister he might approach it this way, that Burwash be divvied up in such a way that when the region leases a portion of it, the region should bear the responsibility of maintenance for that portion. As I understand it, the first portion under active negotiation would deal with a training centre sponsored by the Labourers International Union of North America. Ultimately, a whole range of training could go on there, including the Canadian Union of Public Employees people who are in need of training

for operating heavy equipment in municipalities. That is the first phase.

If the second one were to be turned over to Dr. Newbury and the native group from Laurentian University working with native people—and the member for Algoma-Manitoulin is interested in this—and if that took eight or 10 per cent of the operation, then the region would be responsible for the maintenance of eight or 10 per cent or whatever it is. Bit by bit, as the region moved in and took over a portion, they would bear the responsibility for the upkeep and maintenance of that portion. Ultimately, we hope the whole thing could be taken over by the region, but no region can afford a clout of half a million dollars just for maintenance with nothing in return.

In addition to that, the other thing the minister could do is have the region look after it and maintain it. He knows what the costs have been over the past four or five years. They could maintain it for the ministry and bill it. As they took over more and more of it, the billing to the province would diminish. For example, if they took 20 per cent in the first year, the cost would be roughly \$400,000 to the ministry and \$100,000 to the region. That sort of lease arrangement could be carefully worked out. I think the region would be receptive to it. I would hope the government and this ministry would be responsive to that sort of approach so we could take it over bit by bit, reducing your costs and increasing ours as we start to lease sections of it for various programs.

I would mention a program that is of interest to my friend from Algoma and myself, which we have been talking about for two or three years. It is a program for the native people as they come out of institutions. They could go there and be helped get back into society properly with some sort of skill they could carry on and make a livelihood from. Certainly they are close enough. If we ever get that road over through the park, they will be within an hour's drive of the island.

**Mr. Lane:** It is just a matter of time.

**Mr. Martel:** Just a matter of time. Certainly there are other programs. We lost one, by the way. The region was going to train people who were on welfare so that we could get them off welfare, but the discussions were so long and ongoing that they leased an old school in Sudbury. I believe the son of the member for St. George (Mrs. Campbell) was involved in that. They are

now leasing premises in the city of Sudbury and have started to retrain people.

It is particularly difficult for the women in the Sudbury area to get any type of retraining, but they are doing it. They could have been there and possibly they will end up there. I am not sure how long a term their present lease is. Until we get the basis resolved as to how we can work that out, I cannot see any regional municipality jumping in to take it off the government's hands when it is going to have to expend \$500,000 before it even tries to utilize any part of that facility.

Certainly the government wants it off its hands. The longer we leave it there the more it deteriorates. I appreciate what the minister has done to date, the second report and so on, but the sooner we get a solution to the leasing arrangement, the greater the possibility is that we will start very quickly to lop it off into sections and see people utilizing it. I would hope the minister could give me an indication that he is prepared to enter that type of leasing arrangement with the region.

**Hon. Mr. Wiseman:** Mr. Chairman, in answer to some of the questions the member for Sudbury East has raised, I will get back to the building here. It would appear from the member's comments he supports the second proposal. I am pleased to hear there is someone to whom we have made those three proposals who has supported one of them. This is a move in the right direction.

There are some costs that the member should know about. I think he knows me well enough to know I don't cook the books or do those sorts of things.

**Mr. Martel:** I didn't say you were.

**Hon. Mr. Wiseman:** Nor do my honourable staff do them.

The construction costs for phase two are estimated to be \$37.8 million. As you know, we would have to move. The member mentioned moving the members across to the Whitney Block, as if it were a long piece away. If we followed proposal two, we would have to move the members—probably the closest accommodation would be the Whitney Block—for a period of up to four years.

5:10 p.m.

**Mr. Martel:** That is only interim; the other one is in perpetuity.

**Hon. Mr. Wiseman:** Not really. There is construction for \$37.8 million, the lease, which is, I should tell you, \$5,537,000, and the leasehold alterations of \$823,000. That is

how we come to the figure of \$44.16 million. That is how we arrived at that. I should just mention we are looking at a need for 32,000 square feet in this building. With option two, we would have 147,000 square feet if we tore down the north wing and put up the building the honourable member is suggesting.

What the member for Essex North mentioned earlier would indicate that perhaps he was in favour of putting some of those ministries in one of our own buildings rather than having them scattered all over. It would be interesting to hear his comments on that.

As far as the members who have the inner offices are concerned, the honourable member knows we did go around with our interior decorator to try to improve that situation. It is hard. You cannot put windows where there is no outside wall but we could have, in all fairness, brightened up those areas for those people and improved it in some way in the meantime.

It was said by the honourable member that he visited three legislatures throughout our country. I visited two this summer. When I visited our rich relatives in Alberta, I visited the members' offices. I can say they are more crowded than when I came here in 1971 and about seven of us occupied what is now the government caucus office with about two secretaries among seven of us. They are really crowded out there. That is Alberta, even with its heritage fund and all the rest.

I saw the same thing in Manitoba. I did not see anything like the offices we have. I suppose you could compare theirs with the seven inner offices that we have for some of the Liberal caucus and some of the NDP. I believe the breakdown is three and four. Even out there they are not as well off as we are. That does not mean we should not be looking after our members, and I think we have been.

I was interested to hear the member for Windsor-Walkerville say how things have improved since he came. I only know that in the nine years I have been here things have sure come a long way since the day seven of us spent some time in that one office with only two secretaries. Again, that is not to say that is what everybody should be back to.

As far as Burwash goes, the honourable member made some comments about our friend who raised the goats. I am sure the day we were there both of us wondered if that could ever make a profit. I know I did as a part-time farmer. I think I made that statement to my colleague, the member for Algoma-Manitoulin, and to the member for Sudbury East. I think we all agreed on that.

What the honourable member has said is along the lines of what we have been discussing with the region, as far as Burwash goes. We have had discussions. I was in one of the meetings with a representative from the region. I believe that person has had meetings after that with my staff. We were waiting for the results of the meeting of the region.

As early as today, I heard—perhaps the member for Algoma-Manitoulin and the member for Sudbury East have heard as well—that the region is going in on Wednesday with the chairman of our citizens committee, Ross Smith, to look at Burwash. I believe there are some new councillors in the region and they have not had an opportunity to see it. I hope they are able to view it without a lot of snow on the ground. I know I enjoyed seeing it. It is a lot better than looking at it on paper and I was pleased the two members I mentioned earlier came along with me and my staff at that time.

I am hopeful something can be worked out with the region. I believe the region is in a better position than we are, to be the landlord of that, as we're so many miles away. But I am sure the honourable member will be keeping in touch with us as to what happens after they meet on Wednesday and perhaps have a full meeting of the region to discuss it further.

**Mr. Martel:** If I could just speak to the minister on one more point before I go back to committee. Would the minister be prepared to meet with the members' services committee with all the figures, not just the quick presentation that was given to us several weeks ago, and possibly the Board of Internal Economy? I do not want to get us into more reasons, but to go over that.

I am not convinced yet, Mr. Minister. You tell me we only need 32,000 square feet. I find that hard to accept. For example, I do not have a room that my caucus can meet in, save a huge caucus room which has four pillars running through it.

**Mrs. Campbell:** Be our guest.

**Mr. Nixon:** Let's have those removed.

**Mr. Martel:** Yes. If we want a small meeting with seven or eight people, I do not have a room unless I kick the member for Brantford (Mr. Makarchuk) out of his office. That does not happen.

[Applause.]

**Mr. Martel:** You can pound your desks. It is the only way you are going to get your jollies, because he is coming back.

We cannot even hold small meetings, so when we say 32,000 square feet, I want to know if that includes a proper caucus room. Does it include a caucus room like the one that members on that side have down in room 229, that they took over from the kitchen? It used to be a cabinet office and was neatly seconded by the whip for Tory gatherings. Would you be generous enough to lend it to me whenever I ask? We do not have a room like that. In fact, the Tory whip's office is about a quarter of the size of all the other space I occupy. You need a tour guide just to get through it.

I want to extract a commitment from the minister that he is prepared to sit down with us and show us where they got the figure of 32,000. Will he show us where all the bodies are going to go and just how he has arrived at this proposal, before any major commitment is undertaken? I dispute some of it and most of all I dispute that requirement of 32,000 square feet. Maybe he has it and I am prepared to be convinced; but I am not prepared to be convinced just by someone telling me that is it. I guess I am from Missouri. Show me.

5:20 p.m.

I hope the minister is prepared to meet with the standing committee on members' services with all the facts and figures to convince us and then to show us we are not going to take people out of this building who meet the needs of the members and have them scattered about.

I realize if we fear that down we are going to have to find other space. I accept that, but that is only an interim measure. He still has not answered what he is going to do when he repairs the main part of the building we are in now. It is going to have to be closed off, possibly including this chamber, a whole third at a time, for a prolonged period which is going to stretch over a number of years. There is just too much left hanging. I would like to extract from the minister a commitment to meet with the Board of Internal Economy if it requests it, with all the figures. I do not mean a short half-hour meeting but a meeting where we can go through it brick by brick.

**Hon. Mr. Wiseman:** I do not know whether all of us have the time to go through it brick by brick but I would give a commitment that we would review it with you. The indications from my ministry staff who have worked on this are we need 17,000 square feet immediately. For future needs, they estimate we need 22,500. They are going on

the assumption that practically all these estimates are a little on the heavy side and they have taken off 20 per cent of that, bringing us down to what they feel is a more realistic future requirement of 32,000 square feet.

**Mr. Martel:** Does that include a little heavy on the costs as well?

**Hon. Mr. Wiseman:** I would not think so, because we are able to base that on what it is costing us for other buildings, as I am sure the honourable member will realize. We would welcome a meeting some time in the near future with the Board of Internal Economy and the members' services committee as well.

**Mrs. Campbell:** Mr. Chairman, I will be brief. I would like to draw the attention of the minister to some of the debate we have had in the members' services committee which prompted us to send your proposals back, requesting that you go back to the drawing board.

I think the member for Yorkview, who is probably one of the most highly respected members in this House, put the matter clearly when he said we could not go on with patching off or the little-dab-will-do-you approach to accommodate members and the services relating to them without some major proposals. It was, of course, the proposal in part from the members' services committee that we should look, not to tearing down the north wing—I do not think that is what we felt, although we will be discussing it further on Thursday—but rather looking at a building to the rear of this building which could be designed in keeping with the nature of this building so we could accommodate, not only present needs but future needs, if we are going to require a redistribution five years down the road.

As far as we were concerned, with the legislative library, for example, if you have ever looked at the stacked—

**Hon. Mr. Wiseman:** Where would you put that building, back of the parking?

**Mrs. Campbell:** Back of this building. For the purposes of staff, we do have underground parking over in the Whitney Block. It should not be such a difficult thing to get the parking underground. Let us have a building which will accommodate the needs of the people who work in this building, namely, in priority, the members. It has been a difficult thing for all of us to get through to various Ministers of Government Services the whole idea of the precincts of this House. I think it is time you got your staff together and told

them what the purposes are because I really don't think they understand.

You had previous staff who regarded this building as essentially for the government side—that was clear in some of the discussions we had with the Morrow committee. The whole philosophy has to change. They have to learn, maybe step by step, maybe in an overall review, that this building is a legislative assembly building and belongs in priority to the members elected, all of them by the same route, to sit in this place.

When we were going over this booklet, to which my friend the third party House leader referred, we saw in very clear and carefully specified terms what a deputy minister had to have by way of office: size, equipment, support staff and other things. At that point, Government Services was of the opinion that if you were in the opposition you didn't even need shelving. It wasn't in the book, nor was anything else for the rest of us.

Over the years since I have been here a bitterness has developed because of the lack of understanding of what this building is all about. It is not a building for the Tory party. It is a building for all the members equally. Certainly, as you know, we advised the minister not to waste money painting windows on blank walls. Give our members at least what middle management in the bureaucracy here is entitled to. We have never had that.

We talk about costs with reference to this building and to any extension, but we never talk about the costs of building east of Bay. Where is the commitment? The commitment is not to the members in this building. The commitment is to further office extension in an area which seriously disturbs the people of my particular riding. We begged that the then Minister of Government Services would look at the old Hydro building with a view to holding that for purposes of relocation from this building in a set of three phases. No way would anybody listen to us.

5:30 p.m.

I frankly welcome the attitude of this minister in trying to cope with what are serious problems. The philosophy is interesting, though.

The members' lounge is in really one of the most inaccessible parts of the building now that we have members scattered throughout the building. It wouldn't occur to the minister or his staff to suggest that perhaps we could have the members' lounge where the cabinet lounge is, where it would be closer to the members as they are engaged in this House. Oh, no! You lose money in

the north lounge, so you cut off the members' lounge. It is the only thing you or your staff can think of, and it worries me.

I know the cost of the stewards and the rest are a matter for Mr. Speaker, but it is exactly the same kind of problem. Mr. Speaker can't move the lounge up here because you won't surrender it to his need to service the members. It gets back to that old tug-of-war. Surely your staff has enough to manage that they don't have forever to hang on tenaciously to this building. Let the Speaker look after this building for the purposes of the precincts of this House.

I suppose that will come in the year 2000 or so, but I say to you it is wrong. When you refer to the various assembly buildings, I can say I was in the assembly building in Whitehorse. I was not in members' offices. I saw very modest cabinet offices and I also saw modest staff provisions so that at least there wasn't that difference among the minister, his deputy, and the private members in this House. That is a comparison that we see. It is all very well to talk about what members have in other places, but we have to look at the corresponding provisions for staff. That is where it is totally out of gear here. I beg your pardon. I'm sorry, I didn't catch what the minister is saying.

Interjection.

**Mrs. Campbell:** I am of the opinion the cabinet ministers are entitled to some reasonable offices because of their position and because of the people with whom they have to meet, but I resent the fact that staff should be more important than members in the assembly. I think that is the comparison I am making. I wish that something could be done about the simple day-to-day efficiency of this particular ministry.

I drew to your attention my request, made I believe in February or perhaps in March, to have someone come to tear down these hanging strips that your ministry sticks in my window every year to keep the wind out. There has been no action. So when some of your ministry people were before members' services, I asked again. Do you have several branches? Do you have one branch in your ministry that looks after a westerly window and another branch that looks after a southerly window? I wonder if perhaps there is some regulation. It seems to me, as a very simple soul, if they come in to tear the strip off one window they might do the other window at the same time. But they can't do that. They did one window and I climbed up on a credenza finally to take the stuff off the

south window because I could not stand looking at it any more.

It is the same thing with exterior lights at both side doors. We have steps which are themselves dark. In the wintertime, it is hard to see those steps. It seems to me the lights should be cleaned and should have sufficient wattage to cast light and not shadow on those steps.

I am not pointing this out to be picayune; I am pointing it out to say I believe we could increase the efficiency around this place. But I would like very much to have the minister once more go over the meaning of the assembly, go over its purposes and go over what is meant by the precincts of the House and the protection of the privileges of members in this place, so that he would understand and perhaps teach those who do not know what this place is all about.

If we could get the philosophy accepted, if we could get the Speaker properly in charge, as he is for the most part in this country, then it seems to me we could work together. There would be that force speaking out on behalf of the members, and not always on behalf of what people in the ministry consider to be good enough for members other than their own.

**Hon. Mr. Wiseman:** Mr. Chairman, I would like to reply to some of the remarks made by the member for St. George. Perhaps the member was not in the House when her colleague mentioned earlier that he had been down, along with a couple of other colleagues, to visit the old Ontario Hydro building. His comments, I believe, were that it probably is close to a heritage building, but it would take a lot of money to restore that and give us the energy conservation that we look for in a building today, the utilization of floor space and things like that. I think the member said it would probably be cheaper to tear it down and start from scratch than it would to do the renovations necessary on it.

**Mrs. Campbell:** I was just looking at it as temporary accommodation. You could take one third out, then another third out and then the middle third out.

**Hon. Mr. Wiseman:** There were a few remarks by the member for St. George and the member for Sudbury East (Mr. Martel) about the east-of-Bay property. But, first, there is another point I would like to make to the member for St. George. There has been a study going on by a planner for the east-of-Bay project, taking into consideration possible users with the city, with our own

people and so on, and that study will soon be forthcoming.

**Mrs. Campbell:** Can you tell me how many studies have been done?

**Hon. Mr. Wiseman:** This was one that is quite neutral. It is being done by an outside firm and we are all looking forward to reviewing that report to see what it has.

**Mrs. Campbell:** But this is not at all the type of local autonomy that is used by this government.

5:40 p.m.

**Hon. Mr. Wiseman:** There have been some comments by a couple of speakers suggesting that it looks as though we are trying to steer everybody east of Bay Street to get some added space for civil servants, forgetting about the members. I do not look at it that way. Part of my job is to give accommodation to the ministers and to try to do it in the way that is most efficient.

I gave a commitment a while ago to the member for Sudbury East that we would go over the costs with the Board of Internal Economy and the members' services committee. If you were in my position you would see a building costing \$153 a square foot compared to at least \$300 for the one the member for Sudbury East recommends. I am pleased he recommended one because until this point, after our presentation, it looked as if the presentation had fallen on deaf ears and we were not getting a response other than to go back to the drafting board.

I have a responsibility to get space, where I can, that is reasonable. Earlier this afternoon your colleague mentioned we had ministries in different places within the city. I think he was looking at putting them closer together or together rather than having them spread out.

The member for St. George mentioned the taping around her windows and asked whom you should call about it. We have a director, legislative services branch, in this building, Mr. Cameron, whose responsibility it is to look after the members. If you have a problem like that, I am across the floor from you every question period or as close as the telephone.

I would say to the members that next year we are anticipating changing the windows in the building. We will not do them all in one year. We realize we are losing energy through the windows and that you are getting drafts. We will be changing the windows. Tenders will go out early in the new year, probably for half of the windows.

The second half will be done the following year.

We hope inconvenience to the members can be minimized. We may have to move a member out of his or her office for a day or two because we are going to take everything right out. Hopefully, before they take one out they will have the new one ready to go in. However, we will be disrupting your offices, probably for a day or two. The windows will be fixed. I did follow through on the lights the member mentioned. I followed it through the next day and I thought that had been corrected.

There was some indication—at least I got that indication—that we were not doing anything around this building. To do what some of the members have said and cut it off the building in wings, while we are doing each section, would be costly. We are doing renovations and trying to upgrade the building. You can see the Amethyst Room and you can see the second floor which we have carpeted. We have done the elevators in the last year, which I am sure is good for everyone. Anyone who has walked across through the tunnel knows the improvement there. As members, we saw improvements to the ante-rooms outside the Legislature. That has been a welcome change. We even have a ramp for the handicapped to get into the Legislature. We are making changes and we will continue to make changes.

I would like to ask the member for St. George if she would give me a little bit more of an idea of what she had in mind for behind the building because we would want something there that did not distract from the present building. If we tore down the present building under option two, we would try to save as much of the stone as possible from that. We are trying to get additional stone that will match the Legislature, although we haven't got any yet. We would have to keep as much of that as we could, veneer it and cut it in two so that it would cover more of the new building and would be in keeping with the age and character of this building. I would be interested in what the member has in mind back there, either now or when we meet with the members to go over the three proposals.

**Mrs. Campbell:** Mr. Chairman, to respond to the minister, I did say that the members' services committee will be meeting on Thursday. I have sent out a copy of the minister's letter to all members, asking them to come forward with their proposals in writing, if they could make them. I trust by



that time we will have a firmer position as to just what is requested by the committee as a whole.

My suggestion was simply as a result of a preliminary meeting when all of us felt that the proposals did not meet the needs of members and, therefore, we are prepared to discuss it. The minister shall have that as soon as we have completed those discussions.

**Ms. Bryden:** Mr. Chairman, as a member of the members' services committee, it comes home to me very clearly that we have outgrown this building. That is understandable over the years since I believe we are approaching the centenary of this building.

We do have members in very substandard accommodation, in rooms even without windows. My colleague to my right is one of those. We do have very many members who have not what is considered adequate office space for their operations. If we get to the stage, which I hope we will very soon, where members are provided with very necessary assistance in the form of research persons, we will not have space for those research people as part of the members' offices. It is obvious we have outgrown the building and if we want to operate as a modern, efficient Legislature, we do have to look at new proposals.

The members' services committee had three proposals from Government Services and it rejected all of them. The main reason they rejected them is that it appeared they were contemplating a patchup and renovation job. I don't believe a patchup and renovation job can answer the modern needs of members. That is what has been going on in the past. We moved a few civil servants out of this building or out of an adjacent building; we took over space that was designed for completely different purposes; and we tried to patch it up to suit members' needs.

It seems to me if we are going to spend money on new buildings—and one of the proposals was a new civil service tower east of Bay—it should be a tower designed for members, to meet our specific needs and to provide us with efficient office space. I don't see why it should be impossible to design such a tower and at the same time have a building that is compatible with this building. I don't think any of us want to destroy the park-like setting in which this building is located, but it should be possible for an architect to design a tower that could be attached to this building or connected by a tunnel which would fit in with the contours of this building.

In Europe one finds legislative buildings with many additions that have been built over the centuries and, somehow or other, they do harmonize. One does not necessarily get the same colour of stone, but one can get buildings that harmonize.

5:50 p.m.

It seems to me if the ministry does not have architects with enough imagination to develop an east block, a west block or maybe an east and a west block to add to this building, or a single tower that could be compatible, perhaps it should have an architectural competition and get us a building of which we could really be proud. It might be a good idea to have the architectural competition over the next year, so when a new government comes in after the election we will have designs for a building that is designed to meet members' needs. I hope we have that kind of government after the next election.

**Mr. Conway:** Mr. Chairman, as a member of some five years' standing in this assembly I would like to comment briefly on some of the issues being dealt with here by the minister and the members for St. George and Beaches-Woodbine.

I have been surprised from time to time, and shocked more recently, at the condition of this building in some respects. I happen to be one of those people who was within a couple of minutes of the collapse of the ceiling underneath the main staircase. I noticed, coming up the other day, there is another big crease down the centre of the new plaster. Presumably, that does not betray any weakness in the renovation. But it struck me on that occasion just how in many ways we in this assembly have allowed this building to deteriorate in some significant measure, notwithstanding the improvements that have been made, which the minister has drawn to our attention. I think it important that everything be done to highlight the architectural and other aspects of the historic and working facility.

This summer and fall I spent some time travelling in western Canada and elsewhere in the country. I was impressed by the relative condition of many other legislative chambers. It seems to me our building does not stand the comparison very well. But that is, I suppose, secondary to my main point, which is this continually intolerable condition whereby the jurisdiction for the assembly of the legislative building is shared between the Minister of Government Services and the Speaker of the House. When you think about

it, that is ridiculous, untenable and unfortunate.

I think it a first principle that a legislative building should be under the complete, the absolute and the undisputed jurisdiction of the Speaker of the assembly. To me, that is a transparent, unchallengeable reality. That it is not so in this jurisdiction says a lot about the independence of this Legislature. As I look around and see the changes that have occurred here in the past number of years, there is no doubt that because of the shared jurisdiction there continues to be a very determined and quite successful attempt by some to make this not a legislative building so much as an executive office building controlled by the ever-burgeoning first minister's domain, the lower centre of which is located in the second floor of the east wing.

When I think about the proliferation of the executive branch, not in terms of jurisdiction and influence, which is quite a story in itself, but in terms of the physical plan here relative to the principal, prime intention of serving members of the Legislature, I am quite appalled. We have seen a growth in that executive branch here in this building which I think is unacceptable in terms of the amount of space now required to feed the apparently insatiable appetite of the executive branch.

Let me say as well that I do not dispute the right of any minister to have facilities in this building. I think that is a right which must be granted to the Minister of Government Services, to the parliamentary assistant, to the Minister of Energy, to the Minister of Transportation and Communications or whatever. I think they should have an opportunity to find physical space to meet their legislative requirements here in this building. That does not mean to me that under that umbrella they can justify all or most of the ministerial and executive traffic which some see, with some considerable success to effect.

I'm shocked when I look at the condition of some offices of members who have served here for 20 or 25 years—the shabby, shoddy, dysfunctional corners of the north wing—and also the offices of their staff. I am a relatively junior member here, but I think the conditions which the members of my staff and the staffs of the members for Haldimand-Norfolk (Mr. G. I. Miller) and Rainy River (Mr. T. P. Reid) share in that corner of the first floor of the north wing are just intoler-

able. That members of the Legislature of any party and their very limited staff should be relegated to such a humiliating and, as I said, dysfunctional environment is totally unacceptable.

As one member of the Ontario Legislature, I resent the implication that this assembly might be compared with its equivalent in Prince Edward Island or Tasmania or with Perth county council. We are, as I see it, an important legislative assembly. We have an extremely important role to play in terms of our province and as full-time members with full-time staff assistants. I am shocked at the conditions in which many members find themselves, members of all parties and many with considerable seniority and standing. That they should be driven into near hovels in the north wing, I find totally objectional. At the same time, the burgeoning empire of the executive branch, in its multi-tiered, carpeted splendour, sprawls ever widely across the entirety, it seems, of the east wing. I think we are not doing justice to the prime function which is a legislative assembly building.

**Hon. Mr. Wiseman:** Have you told the other members that?

**Mr. Conway:** I speak as a private member in this debate and I think the Minister of Government Services would do well to realize that. But I find unacceptable the suggestion that members of the assembly should be packaged off to the Whitney Block or some new complex on the corner of Bay and Wellesley or the old Hydro building downtown, while hundreds of bureaucratic minions reside in the legislative building itself.

Speaking as a private member, I want to reiterate my concern about the continuance of the shared jurisdiction here between the Minister of Government Services and the Speaker of the assembly, a jurisdiction which I believe should not be shared. A jurisdiction over this building should be exclusively in control of the Speaker. I believe the sharing of that has facilitated in a physical sense the unacceptable growth in the executive branch in this facility.

I just wanted to take this opportunity as one private member to express, if nothing else, my resentment over a trend which I think has worked against the better interests of individual private members.

The House recessed at 5:59 p.m.

## CONTENTS

---

Monday, November 24, 1980

|  |      |
|--|------|
| Transmitting supplementary estimates, the Honourable the Lieutenant Governor .....               | 4523 |
| Point of privilege re report in Toronto Sun: Mr. Williams .....                                  | 4523 |
| Speaker's warrant .....  | 4525 |
| Italian earthquake; Mr. Davis, Mr. Mancini, Mr. Di Santo .....                                   | 4525 |
| Death of Jules Leger: Mr. Davis, Mr. Nixon, Mr. Cassidy .....                                    | 4526 |
| Pollution control, statement by Mr. Parrott .....  | 4527 |
| Rural electrical rates, statement by Mr. Welch .....   | 4528 |
| Rural electrical rates, questions of Mr. Welch: Mr. Nixon, Mr. MacDonald, Mr. J. Reed .....      | 4529 |
| Housing authorities' media relations, questions of Mr. Bennett: Mr. Nixon .....                  | 4530 |
| Boycott of Ontario goods, questions of Mr. Davis: Mr. Cassidy, Mr. Peterson .....                | 4531 |
| Nuclear waste disposal, questions of Mr. Welch: Mr. Cassidy, Mr. J. Reed, Mr. MacDonald .....    | 4533 |
| Sales tax exemption, questions of Mr. Maeck: Mr. Eakins, Ms. Bryden .....                        | 4535 |
| Hospital funding, questions of Mr. Timbrell: Mr. Philip .....                                    | 4535 |
| Palmerston property taxes, questions of Mr. Wells: Mr. Epp .....                                 | 4536 |
| School trustees' allowances, questions of Miss Stephenson: Mr. R. F. Johnston, Mr. Sweeney ..... | 4536 |
| Children's Aid Society funding, questions of Mr. Norton: Mr. Blundy, Mr. McClellan .....         | 4537 |
| Drug prescription records, questions of Mr. Timbrell: Mr. Breaugh, Mr. B. Newman .....           | 4537 |
| Labour Relations Board rulings, question of Mr. Brunelle: Mr. Van Horne .....                    | 4538 |
| Nursing homes, questions of Mr. Timbrell: Mr. R. F. Johnston, Mr. Conway .....                   | 4538 |
| Fire safety in nursing homes, questions of Mr. Timbrell: Mr. Nixon, Mr. Warner .....             | 4539 |
| OHIP coverage, questions of Mr. Timbrell: Mr. Conway .....                                       | 4540 |
| Report, electrical rates: Mr. Welch .....  | 4541 |
| Motion re subcommittee meeting, Mr. Wells, agreed to .....                                       | 4541 |
| Employment Standards Amendment Act, Bill 206, Mr. Martel, first reading .....                    | 4541 |
| Residential Tenancies Amendment Act, Bills 207 and 208, Mr. Philip, first readings .....         | 4541 |
| Estimates, Ministry of Government Services, Mr. Wiseman .....                                    | 4541 |
| Recess .....   | 4560 |

## SPEAKERS IN THIS ISSUE

---

Ashe, G. (Durham West PC)  
Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Blundy, P. (Sarnia L)  
Breagh, M. (Oshawa NDP)  
Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)  
Bryden, M. (Beaches-Woodbine NDP)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Conway, S. (Renfrew North L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Di Santo, O. (Downsview NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
Eakins, J. (Victoria-Haliburton L)  
Epp, H. (Waterloo North L)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Johnston, R. F. (Scarborough West NDP)  
MacBeth, J. P.; Deputy Chairman (Humber PC)  
MacDonald, D. C. (York South NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
(Dufferin-Simcoe PC)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Riddell, J. K. (Huron-Middlesex L)  
Ruston, R. F. (Essex North L)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Van Horne, R. (London North L)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Williams, J. (Oriole PC)  
Wiseman, Hon. D. J.; Minister of Government Services (Lanark PC)  
Worton, H. (Wellington South L)







No. 121

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# Legislature of Ontario Debates

Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, November 24, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

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MONDAY, NOVEMBER 24, 1980

The House resumed at 8 p.m.

## ESTIMATES, MINISTRY OF GOVERNMENT SERVICES

(continued)

On vote 501, ministry administration program; item 1, main office:

**Hon. Mr. Wiseman:** Mr. Chairman, the member for Beaches-Woodbine (Ms. Bryden) asked a couple of questions before the House recessed at six o'clock.

We have looked at her suggestion regarding space out in front of the main building. In our opinion, there is not enough space to put two buildings in a horseshoe around the park at the front and still have the Legislature look proper as one comes up University Avenue.

She also mentioned the possibility of researchers. I am told that the space I mentioned earlier this afternoon, the 32,000 additional square feet that were needed for this building, did include every member having 500 square feet, which would give enough room for a researcher as well.

The member for Renfrew North (Mr. Conway) mentioned a few different areas. One was the plaster on the ceiling going out to the north wing. I live in a plastered house myself, and I don't know how from seeing the odd crack one can tell when it is going to fall down. It is pretty difficult. But I am sure he would agree that we try to eliminate a problem before it becomes a disaster as that could have been. The member said he was just a couple of minutes away from being there at the time.

When I first heard of this I asked my deputy if anyone had been hurt. We can repair the building; the main thing was to ensure that no one was hurt in the accident. As far as a crack going into it since it has been up, we will have a look at that. But, having lived in a plastered house, I know it is pretty hard to eliminate those kinds of cracks. I am sure the member must see the odd crack when he visits a friend of mine, as he does occasionally, who lives in a beautiful old home in the town of Perth. I am sure the judge's wife and family aren't afraid that

plaster is going to fall down because they see a crack.

I was pleased the member mentioned the county council chambers in Perth. I know we don't have the fanciest in the world, but I would ask the member some time to go and have a look. They did fix it up, but it is not as fancy as some other county chambers I myself have seen. I don't think he really meant some of the things he said about the condition of this building when he mentioned that he had visited other legislatures across the country, as I mentioned earlier this afternoon that I had. Maybe I am prejudiced, but I think our Legislature can stand up to most of them.

Some of the designs are a little different from ours but, as I walked through the ones I visited, I thought they could take a few lessons from us. For instance, the way we have our art displayed, from a visitor's standpoint as he comes through the building, I think is very interesting and educational for all our visitors to see. When I was in the two legislatures I mentioned, they seemed cold. There were very few pictures, very few things on the wall that would interest visitors, other than a lot of marble and so on.

When it comes to members' accommodation, as I said earlier this afternoon, I feel we do not have to take a second seat to the ones I have seen. That is not to say that in the case of the seven members we have in inner offices we should not try to eliminate those conditions as soon as we can. I believe that is what we are trying to do with the three proposals we brought in. Whenever we get discussing those again with the Board of Internal Economy and the members' services committee, I hope we will end up with some constructive ideas to add to our own and get on with the job of providing additional space for members.

**Mr. Conway:** The minister has drawn my attention and the attention of the House to a couple of things which I think deserve to be responded to very briefly. I would appreciate some comment from him because what he had to say, for example, about art is of some interest to me.

Not too long ago it was mentioned to me that the rather splendid art collection, which

is now publicly housed in the halls of this particular building, is in considerable jeopardy and threat as a result of little or no control. I was told by one person, whose judgement on these matters I would normally respect, that the process by which these very valuable, important and attractive paintings are allowed to hang in the hallways in the worst of Toronto's summer humidity without very much climate control will very seriously and negatively affect the quality of the art work over time. Since the Minister of Government Services brought that to the attention of the House, I wonder whether he has a view on the prospect of problems in that connection.

I want to say as well that he commented about the Perth town chambers. It was a fault on my part. I was simply suggesting the Lanark county chambers by reference, only to suggest that we here in this legislative chamber have an extremely important mandate and jurisdiction. To compare it with other less immediate points of reference does not serve a very useful purpose as far as I am concerned.

I do not agree with him and I just want to reiterate my feelings about the building. I was surveying my own empire back in the north wing over the dinner hour. I know that my assistant would be angry if she knew I was in one way or another invoking her for part of this debate, but the conditions in which those three assistants are forced to manage in that particular part of this building are intolerable.

One imagines the executive washroom at the ministry as being more spacious than the entire ante-room of the three members in question in the north wing. I have to reiterate my disgust at some of the conditions that are prevalent here as far as members are concerned and to reiterate my unhappiness about the very successful, skilful and determined efforts by some to render this legislative building not so much as a place for private members as legislators as in the first instance an executive office building to meet the ever-growing requirements of the first minister.

I want to conclude my remarks by simply saying again that I think much could be served if the split jurisdiction of this building could be ended in the very near future and the Speaker of the assembly, representing each and every one of us, could be given complete and absolute control over a building which in most other cases and most other jurisdictions, as I understand it, is indeed the

unchallenged preserve of the Speaker as well.

8:10 p.m.

**Hon. Mr. Wiseman:** Mr. Chairman, in regard to the member's remarks on climate control and the protection of our art, I think we are all concerned about that. We have spent a lot of money over the last few years restoring it. We have an art consultant who has done a good job placing it and seeing that it is properly refinished. As we said this afternoon, for us to put in central air conditioning and do some of the things my predecessor had mentioned would necessitate three phases within the building itself and involve quite a heavy cost.

Wherever we are renovating at the present time, we are putting in a better system of air conditioning than window units. Millions of dollars would have to be invested, and there would be a lot of inconvenience to the members here if we went the other route. If we follow the proposal the member for Sudbury East (Mr. Martel) made this afternoon, proposal number two, and have extra—I believe it is 147,000 square feet, when we predicted we need 32,000 to look after the members—we will have some room to move around, if that suggestion is supported by the members of the Legislature and cabinet.

**Mr. Conway:** On that point, Mr. Chairman, I wonder aloud whether or not any analysis or any cost benefit has been done by the ministry to see whether the cost of a partially or more significantly ruined art collection has been determined as compared to the cost of making this building what it is now being asked to become, that is, an art gallery. It seems to me if we are going to display what I assume are hundreds or thousands or millions of dollars worth of art here in this building, then we have to at least consider the improvements that go along with an art gallery structure.

Recognizing the cost factor, and I think we are all sensitive to that, has any analysis been done about the impact and the cost of a partially or otherwise ruined art collection as a result of long-time exposure to conditions that are very deleterious to the quality of the materials?

**Hon. Mr. Wiseman:** If I could briefly speak to that, Mr. Chairman, this afternoon for about two and a half hours I heard that my number one concern should be for the members in this Legislature. I said a little while ago if we were to do this it would mean a three-stage construction and members would be uprooted. I know our art collection is important to us, but I think we are really talk-

ing out of both sides of our mouths if we say, in this case, the art is more important than the members. Maybe I didn't hear that right. They are both important, but I think this afternoon the message I got was the members are number one.

**Mr. Conway:** Don't misunderstand me. I just wonder aloud whether you have any understanding or any feeling for the impact of displaying very valuable, important and historic Ontario and Canadian art collections over time in a facility that is not constructed for that kind of display. I am not at all suggesting that you rush out immediately and spend vast sums of money. What I am wondering about is the potential impact of ruining the art collection by housing it in a place that is not constructed for such a display.

**Hon. Mr. Wiseman:** We will look into the member's suggestion.

**Mr. Warner:** Mr. Chairman, I have just a couple of things. Perhaps I missed it along the way, but I am wondering whether the minister said he is now prepared to relinquish those parts of the building at present under the control of the Ministry of Government Services to the Speaker of the assembly. Is that what you mentioned in your response?

**Hon. Mr. Wiseman:** No.

**Mr. Warner:** Is there any particular reason why you are not prepared to do that?

**Hon. Mr. Wiseman:** I feel very much like my predecessors. I feel it is working quite well the way it is. Some members don't agree but I happen to feel it is. I guess it really boils down to your view against mine, but I think there are pros and cons and I think the members are well looked after with the Ministry of Government Services looking after the portion as at present.

**Mr. Warner:** I understand clearly now. The double standard will prevail: the higher standard for the government members and particularly ministers, and the lower standard for the rest of the members of the assembly. I object to that and I will continue to object to that. Only when all of the building comes under the direction of Mr. Speaker will each of the members of the assembly be treated equally.

In my opening remarks, Mr. Chairman, I said I would like some discussion on procurement policy and the minister perhaps hasn't had a chance to respond to that. I was wondering if he could open up that discussion on what he has done in terms of a procurement policy, particularly as it relates to Ontario-based small businesses.

**Hon. Mr. Wiseman:** Mr. Chairman, it might be of interest to the members to see where the additional space went after my predecessor talked about space, some of the secretariats were moved out downstairs and I became Minister of Government Services and was moved over to the Whitney Block. We have broken it down in percentages. The Legislative Assembly got an increase of 181 per cent; the Legislative Library got 23 per cent; the assistant clerks to the Clerk of the House got 31 per cent; the Progressive Conservative caucus got 39; the Liberal caucus got 30 per cent and the NDP got 25 per cent. I wonder, in the light of those percentages, if the honourable member would be better looked after having someone else look after a larger portion of the Legislature.

**Mr. Warner:** Come and visit our little closets in the north wing.

**Hon. Mr. Wiseman:** I visited there with your House leader, the member for Sudbury East (Mr. Martel), and I did make a commitment that we would try to improve the look of those offices. I went back and talked two or three times with our interior decorator about getting the work done on those seven inner offices and we didn't get very much support for doing it. I know we can't put outside windows where they are, but I think in the meantime, when we are talking about possible extra space for members, we should have got some co-operation to make those offices a little better for the seven members. To my knowledge we didn't get that.

**Mr. Conway:** How do you propose to give them a window?

**Hon. Mr. Wiseman:** That will be in the future, but a lot of improvements could have been made with just a little bit of help from our interior decorator and so on.

As for a purchasing policy, we don't have a buy-Ontario policy but we do have a buy-Canada preference of about 10 per cent. We do not have one province to province.

8:20 p.m.

**Mr. Warner:** Mr. Chairman, I think perhaps the minister misunderstood my question. What I wanted to know is whether the ministry has a firm policy with respect to small businesses situated in Ontario; that is, do they get preferential treatment in any way? Do you make sure the first opportunity for tendering for a Ministry of Government Services project goes to Ontario-based small businesses, ahead of foreign-owned companies or large corporations? That is really what I was asking. Do you have some guideline,

policy or some preferential treatment for Ontario-based small businesses?

**Hon. Mr. Wiseman:** Mr. Chairman, any small business that writes, which is not already on our list, asking to tender when tenders come up is added to the list. Many of the members opposite have written to me asking if So-and-so could be put on our tendering list, and this has always been done. In that way we try to include the small businesses. As you know now, we have even gone to paying interest. We hope there are not too many overdue accounts, but to help all businesses, not just small businesses, if there is a case where we have not paid in the allotted time, we pay the interest on that account. They do have a chance to take a business approach. Being a businessman myself, you have to put your own foot forward and at least apply and say you are interested in government work, if and when it comes up, and that you are willing to tender for it.

**Mr. Warner:** There seems to be a little communication problem, Mr. Chairman. If I am correct, in the United States of America there is a policy of the federal government in the country that a certain percentage of government contracts which go up for tender will be restricted to small business operations by their definition of small business. What I would like to know is whether or not this government has a policy that a certain percentage of the work that it puts out for tender from the Ministry of Government Services will be designated for small business, preferably Ontario-based, but beyond that, Canadian-based. In that way there is some guarantee that the small businesses, by our definition of small business, will be guaranteed some percentage of the business with the Ontario government.

**Hon. Mr. Wiseman:** Mr. Chairman, 55 to 60 per cent of our purchases are made from small businesses. This happens because out in the regions the directors up to a certain level can buy locally, and do. So again being a small businessman, that percentage looks pretty good to me.

**Mr. Warner:** But there is no guideline.

**Hon. Mr. Wiseman:** I do not know. I have met with my federal colleagues and my other provincial colleagues. I have had the opportunity to meet with them twice, in New Brunswick last year and this year in Winnipeg. Many of these things were discussed, but I do not recall any of them ever saying they had guidelines similar to what you have mentioned. Perhaps they do, but I am not aware that they ever spoke about it.

**Mr. B. Newman:** Mr. Chairman, I would like to make a few comments to the minister and elicit his consideration of the recommendations or suggestions I would make to him.

In the first instance, Mr. Minister, have you given any consideration at all, in the period you have been the Minister of Government Services, to updating the method of voting in this House? We rise, we bow to the Speaker and we go through that tortuous routine. Maybe it is not tortuous; maybe it is good for us from the physical fitness point of view.

When one goes to the various states in the United States and sees the method they use in their legislative chambers, one wonders whether we are going to stay in the fifteenth century or whether we are going to move into the nineteenth century and hopefully the twentieth or twenty-first century.

**Mr. Chairman:** I have been listening to the honourable member and I feel this comes under the standing orders rather than this particular ministry.

**Mr. B. Newman:** If you want to rule me out of order, Mr. Chairman, that is quite all right. I will make a different type of comment.

It concerns improvements to the building itself. Is the minister considering the provision of an area in the building for the fitness of members? I can recall being on a committee that looked into it years ago when the Minister of Agriculture and Food (Mr. Henderson) was the Minister of Government Services. Also, in the last several years, the member for Armourdale (Mr. McCaffrey) chaired a committee that looked into the provision of fitness facilities for the members. What has happened to the studies and recommendations made concerning that?

May I have your answers to the few questions I have asked?

**Hon. Mr. Wiseman:** I am told my predecessors looked into that and checked it out with the Management Board of Cabinet, but we were never able to get financing for that. I know the honourable member exercises regularly himself. Perhaps, as we look across and see we all have a little tighter fit to the suit, something like this would be really good.

Over the supper hour, I was talking to one or two of the staff who jog every day. My deputy minister does his regular exercises. I do not know whether he is trying to tell me that as minister I should be doing the same.

It would be nice to have that to keep us all fit but, at the present time, I am told,

Management Board has not seen fit to grant us the money for that. The other reason may be space in the building. Perhaps when we get settled on where we are going as far as the three proposals are concerned, something like that might be looked at in the future.

**Mr. Chairman:** Is the member for Windsor-Walkerville finished?

**Mr. B. Newman:** That is all. I cannot get answers anyway.

**Mr. Lawlor:** I would like to put my spoke into the wheel on that same subject for a moment or two. The number of pear-shaped individuals around here is atrocious. It is difficult to contend with this. As far as I can see, there is hardly a single healthy or Atlas-like figure in the whole lot.

While I do not think I will be here to enjoy it, you, as minister, can do a great service to this assembly by having some relatively inexpensive room in the building for that purpose with a couple of machines and a bicycle. We do not need a track or a pool; we just need a few contraptions. You supply them in abundance to every high school in the province, but we do not seem to be able to get one here.

We could take an hour or two off or slip in between committee meetings, et cetera, and have a spurt of exercise. It is enormously valuable, stimulating and even makes the brain work on occasion.

As I remember, there were gestures towards Hart House at the University of Toronto for all of us to take out membership in those facilities. Some members of this House already belong and play squash and other games there. In our caucus, I remember signing a document in a sense petitioning for this particular scheme. I think it was found to be unduly expensive, taking out that kind of membership for all members of the House, particularly when some might not use it, so it came to naught.

8:30 p.m.

There is a lot of emphasis on health and health facilities these days with people being toned up and the sight of all the walkers on the landscape. None of them are colleagues of mine, so far as I can see. Very few of them even take bicycles, like certain former mayors of Toronto, as a kind of exemplary exercise to show us what a bunch of slouchers we are.

In the future, while I fall into desuetude and begin to decline into a sedentary life, as I trust it will be, I think you can give some stimulation to this place—God knows, something is necessary—and open a small

gym in a room downstairs somewhere. Surely there are areas in that basement which are not being utilized. It may even have the beneficial effect, instead of them talking so much, of actually getting rid of some of that excess energy in a purely positive way, lifting all our burdens including that of the flesh.

**Hon. Mr. Wiseman:** Mr. Chairman, I would say yes right off the bat if I was sure the last statement from the member for Lakeshore was correct. I refer to the remark that if we had regular exercise in the gym, it would get rid of a lot of the extra talking—we would wear it off in the gym instead of in here or other places. Even although I look a little overweight I try to get exercise on weekends so I am not opposed to it. We will look at it, although we can't move very far without money from Management Board. But we will look into it and see what can be done.

**Mr. Lawlor:** There is just one further sentence: I always used to think the most beneficial thing about election campaigns was the loss of avoirdupois at the end of the campaign. We can always lose 20 pounds, so the more campaigns the better.

**Mr. B. Newman:** Mr. Chairman, I would like to pursue this problem. The first speech I ever made in this House back in 1960 was based on fitness. The government promised to act on that but never has.

I cannot understand where we would spend \$600,000 to try to convince people not to smoke and then we ourselves, as members, cannot convince the minister and his government to put aside some small portion or some small area in this building and the minimum amount of equipment. I just don't understand what is wrong with you people. Is the minister not concerned for the health and welfare of his own colleagues?

**Mr. Chairman,** can I have an assurance from the minister that he will pursue this with his cabinet colleagues so that maybe in the twenty-first century, if not in the immediate future, something will be done in here?

**Hon. Mr. Wiseman:** Mr. Chairman, I think I said I would look into it. I am just as concerned as all the members in the House and as my colleagues over there. I like to see those smiling faces on the other side too. Perhaps if we exercised, from what the member for Lakeshore said, we would have a happier, healthier House. We will look into it—perhaps for the clerks as well.

Mr. Isaacs: Mr. Chairman, I guess as a pear-shaped contraption who has come here a little more recently from the world outside, I would like to return briefly to the state of this building. I get a fair bit of exercise running around the north wing of this building.

Certainly, there are very serious space problems, and some of those have already been touched on. They are space problems to the extent that when a parliamentary intern decides she wishes to come and work in my office for two or three months we literally have to find room in a broom closet because there is nowhere else. The space problem is so serious that when, simultaneously, a social work student from my riding wants to spend as little as one day a week working in my office to find out how this place works and what we do here, there is absolutely nowhere for her to sit except by sharing a desk with my assistant.

But space problems aside, the back end of this building is positively seedy. It is so bad it would not be accepted in any business, nonprofit organization, local government or anything else. It would not be accepted anywhere else.

To start from the bottom and move up, we have a carpet that has holes in it. It has patches of black plastic stuck over it to repair the holes. There are cigarette burns all over the place. Last week, along every join in the carpet, were little strips of invisible Scotch tape. It is invisible when you put it on paper but it looks terrible when you put it on the carpet. This week they put strips of the black plastic Scotch tape you buy from Canadian Tire along every join in the carpet.

Then we move up to the walls. The walls are yellowing. I should not say this with my colleagues around but I guess I have become used to offices that do not have windows. I am prepared, temporarily, to put up with the fact that there is not a window in my office, but when you look at the dirty, yellowing walls that have nail holes, pin holes and everything all over them you have to wonder what kind of place this is.

Then you look at the furniture. The method by which your ministry provides furniture to members opposite, Mr. Minister, is just incredible.

I do not know whether you ever tried to get a bookshelf, but three weeks ago, because of the burgeoning volume of paper in my office, I decided it was appropriate to try to obtain another bookshelf in order to hold some of the paper. It might have been better to throw some of it out but I decided that a little bit of what the government puts out is worth keeping so we can throw it back at you

when the time comes. Mr. Minister, you would not believe the hassle you go through. The bookshelf arrived right enough, but the shelf that goes in the middle was two inches too short. After some phone calls and the like, they took it away and brought another one that is three inches too short. To this day I have a bookshelf with a centre shelf that is three inches too short, and it won't stay up. It is useless.

That is just one example, Mr. Minister. We have tried from time to time to get bits and pieces of furniture repaired or replaced when problems arise. There are always those kinds of problems.

Then we come to the ceiling, which is yellowing. Around every one of the air vents in the ceiling there is a big black mark where the soot that has come out of the air ducts has deposited itself on the ceiling.

I am prepared to accept that we do not need plush offices like those of the chairman of Imperial Oil, or even plush offices like those of some of the aldermen in the city of Hamilton. But I do think there is a responsibility on the government of the province to make sure the place does not look like a dump, so that when our constituents come to see us—some of whom may not even be our supporters; Tories do come and talk to me occasionally—and they look at the surroundings, they won't have to think to themselves, "What kind of a place is this?"

I hope you will really try to find a way of at least cleaning up the area that is there now so we can feel comfortable in it, instead of feeling we have to cower in the corner and keep blaming the mess on your government.

8:40 p.m.

I want to touch on one other matter that relates to the building. That is the problem of energy conservation. Does the minister know that every single night of the week in the north wing the janitor comes around, opens all the doors, turns on all the lights and leaves those lights on from 6 p.m., when he comes around, until 11 p.m. or midnight when he comes around to lock up the doors? Every single night, every office light in the north wing is burning regardless of whether the member is in the building. I have talked to him about this and he is a very reasonable and likeable man. He assures me this is the instruction he has received, that he is required to come around every night and to turn all the lights on and to leave them on for the entire evening.

I see other examples as I walk around this building in the evenings, where lights are left on unnecessarily, where energy is wasted un-

necessarily. I hope the minister will look into that and find a way whereby we in this House can set an example in energy conservation, instead of being seen to be wasting it in an unnecessary and inappropriate fashion. I say to him, please make this place a little more habitable than it is now.

**Hon. Mr. Wiseman:** Mr. Chairman, many of the areas that the honourable member has mentioned really come under the jurisdiction of the Speaker and the Board of Internal Economy. I think if he talks to his representative, his House leader, the member for Sudbury East and mentions the furniture and this sort of thing, he will probably get it corrected.

As to the paint, when work needs to be done in that area, if we are requested to do it, we will. We try on a rotating basis to paint the different areas. I did say earlier this afternoon, perhaps the member was not here, that in regard to the seven inner offices, I made a commitment when I went around with his House leader and I believe—maybe not the leader of the Liberal Party, but some representative was there—

**Mr. Nixon:** To paint windows on inner offices.

**Hon. Mr. Wiseman:** I mentioned that, not to make windows, but to put in artificial windows or something to spruce them up a little for you. At that time, we did not receive, or our interior decorator did not receive, very much co-operation.

The member was talking to me about all those cigarette burns. I do not smoke, but it must be people in the offices who tramp them into the floor, or visitors. I am sure it is not the Minister of Government Services who is doing that. Perhaps a little discipline within the area would get away from those cigarette burns.

As far as the lights go, when I was in the north wing there was quite a hullabaloo, even by myself when I came in at night. Whether the House is sitting or not, most members still work in their offices, at crazy times maybe, or so our constituents would think. Some of them think we have very short hours, but we all know they are quite long. You can come over here at different times and see members using those offices.

I think the lights are on to make sure those members who are coming in or are there are not having to walk out through the halls in the dark, or come into a dark office. After all, we do have some ladies in all of our caucuses, and it may not just be the ladies who are nervous in the dark. Some of the rest of us cannot find our way around as well. I know

when I was there, somebody would turn the lights off and you would hear a holler from one of the offices, "Turn those lights on," and a few adjectives sometimes that did not fit the occasion.

For the honourable member to know what we are doing in energy conservation or other areas, we are trying to help. I think he was out of the House this afternoon when I mentioned that next year we will be starting out on changing all our windows in the building and it will be a two-year program. As some of the honourable members mentioned, a draught is coming in around some of the windows. In the north wing you have a newer section so it is not as draughty as in some other parts in the front. We will have the windows replaced next year and in the following year.

I think I have covered most of the areas. The member should approach his House leader and the Board of Internal Economy about some of the problems he mentioned.

**Mr. Isaacs:** Mr. Chairman, I wish to respond to a couple of items. With regard to artificial windows, forget that. I really don't need to be fooled, thank you very much.

On the matter of lights, I recognize there may be some members who would prefer to come into lighted offices if they know they are going to be coming back later in the evening. But it really irks me to leave my office at 5:30 p.m. or 6 p.m., deliberately to turn the light out, as I always do, only to come back later in the evening and find the light has been turned on because the janitor or security person has been instructed to turn all the lights on.

That seems to me to be an absurd waste. I would draw the minister's attention to the "Save" program that has been implemented by the University of Toronto, one of whose offices I used to occupy. There the "Save" sticker, put on a light switch, means, "Don't turn it on unless you need it turned on." It is a very good program, one I would commend to the minister's attention for possible implementation in this building.

There was one other matter I intended to mention but which I forgot as I talked about the state of the building. I will be very brief. It relates to the state of the windows, particularly the very large window located on the north staircase of this building, at the far north end over the north door. Every time I go out of that doorway I look up and look out through the window, seeing the sun, or the stars or the clouds and every time my immediate reaction is that it is snowing outside. That window hasn't been

cleaned in 37 years and there is a large population of pigeons living out there. It's a real mess. Perhaps the minister could take a look at that too.

**Hon. Mr. Wiseman:** I have lived and still live on a farm. I'm sure the honourable member opposite knows pigeons do gather and, if that window is washed on Monday, by the weekend it could be that way again. I can say without even checking that it has been washed in the last 37 years, but we'll check it again.

We did have a problem at the front of the building. We think we have corrected that.

**Mr. Makarchuk:** They've all moved to the back.

**Hon. Mr. Wiseman:** One would think they were taking target practice.

On the matter of lighting, I listened all afternoon to people telling me whom I should be putting first—and that was the members. Is it more important for a member to come into his or her office and have it lit than to have what the member for Wentworth mentioned? I heard this afternoon from someone that one of his staff had tripped or fallen. I think it was over a rug, but it could have been in the dark.

I've been through the building fairly late at night at different times and it is seldom that as one comes in the east door one does not see that there are a fair number of members here, even on weekends.

We can look into it, if that is really the member's wish, but I have been told again this afternoon to look after the members and that is what I feel we are doing in this instance.

**Mr. Nixon:** I know you would agree with me, Mr. Chairman, that this is a very stimulating debate. Almost every comment back and forth makes one think of something one would like to contribute.

I was actually afraid that, in the temporary absence of the member for St. George (Mrs. Campbell), who is busy about the affairs of her constituency this evening, her point of view would not be adequately put forward. Having heard the member for Renfrew North, I need not have feared. I had not actually realized his accommodation was so bad. I had the office right next to it, which was a bit bigger than his, since I was a bit senior. I can see it would be inadequate under many circumstances.

8:50 p.m.

But I tell you, I have difficulty in supporting my colleague, and not just the member for Renfrew North but others who have

spoken about office accommodation. I will have more to say about it, but my experience here is, the better the offices, the fewer people participate in this House. I am not sure what the correlation is but when you have an air-conditioned office, and they are air-conditioned in the north wing, and you have easy telephone access to your constituency, which is not true for all constituencies but is for some, there is a tendency to make what you call "one more call."

Mind you, even an important subject, a gripping subject of provincial importance of the type we are discussing tonight, you can see does not command the attendance and attention of the number of members one would expect. Even on the government side there are a few empty seats on an occasion such as this. It has to concern us. Frankly, it does concern me, I say most seriously, when we have the kind of debates where any reasonable person would expect all members to attend if possible. I am talking about the inauguration of constitutional debates and certain of the estimates and certain bills that really are of provincial importance. Still, we have somehow conditioned ourselves that other things, whatever they are, are important.

It is almost like employees who have two jobs. It never works because they are never at either place and each boss expects they are at the other job. I do not make that very clear, but when we defend ourselves against the criticisms that come from the gallery, when our friends and constituents come in and say, "I did not see you in your seat," or, "My God, there were a lot of empty seats and there was even one member reading a newspaper,"—of all heinous things to do—we have to explain to everybody that we are extremely busy. As the member has already said, we work far into the night and often on the weekends there are a number of committees functioning. We all know how valid and invalid those reasons are.

In my view, the excellence of office accommodation leads members more and more to become servants of their constituents, which obviously we are, rather than legislators, which too few of us tend to be. While we all pride ourselves in being able to contribute to a debate such as this, even without elaborate preparation, still it seems to me we tend to forget that our first responsibility is to be in here arguing about different points of view and putting forward an alternative on a political basis. I think that has to be the most important thing. After all, we are provided with constituency offices and secretaries here and there and all our phone bills



are paid. We have people to deal with a good many of the routine matters.

A lot of the very wise members, particularly those who have survived, know when they deal with those matters themselves and it is their voice on the phone and their signature on the letter, with copies to all and sundry who might even be remotely interested in the subject, that that is the way to maintain the kind of service that all people really appreciate.

So I return to the point: the more elaborate our facilities are as individual members to do that part of the work, the more our duties as members in this House suffer. I simply put that point and I find I am a bit torn. As the honourable minister knows and the member for Renfrew North knows, I have a satisfactory office, very close to the House. It is not that big but it is big enough. As I look out through the enormous window all I can see is the new headquarters for Ontario Hydro. If you know anything about my political background, you know it keeps me humble.

I am well provided for and many members are reasonably well provided for. Whoever built and designed the north wing, except for its façade or outer structure, did not do us a service. The fact that they even put it on a different level with the original plan was a mistake—I will not say a stupid mistake, because there might have been reasons—but we feel we are going up and down stairs all the time. The honourable member talks about the crummy carpet and dirty walls. All those things are true. A few years ago there was a massive renovation, but the place looked third rate right away.

I worry about that a little bit, but I also worry about the grand luxury of ministers' offices. I don't know whether it ever occurs to you, when you wade through the broadloom and sink in the executive vibrating chair with the big back that almost curls around your ears, that it is really a bit much, a bit ridiculous. I just put it to you. I don't spend a lot of time in ministers' offices, thank goodness. When I get into one, of course, I will have it replaced with nothing but sackcloth and ashes, and I look forward to having the opportunity to do that, but I do think you and your colleagues, in competing one with the other for the very last word in luxury and services, are becoming a little bit close to the border of the area marked "ridiculous." I just advise you, that is one member's opinion.

I want to say something about the building and particularly this chamber. I think this is a gorgeous chamber.

**Mr. Haggerty:** Except for those television lights. Shoot them out.

**Mr. Nixon:** Well, there are a few things that bother me, but it really is a grand chamber. I don't think anybody ever comes in here but that he or she feels it is an impressive and suitable centre for the meeting of this assembly. It is much lighter than it used to be, the paintwork and so on is all good, the lighting has been improved, but those of us who do spend some time in here find even these lights get a little bit bothersome at times.

I, for one, would look forward some time to a rearrangement of the interior. Nobody agrees with me on this but I do want to put it forward. One of the recommendations made by the Camp commission on the future of legislative representation was the substantial increase in the number of members. We would have smaller constituencies and the redistribution would be more fairly implemented, but the numbers would be much greater. Of course, they can add more desks. I was interested to see the minister's officials provided us with a plan with a bit of a fourth row over there—that would be for Mickey and a few others—and it was a little bit longer in the ends and so on, so you can add numbers to this.

It is very difficult to make the number of members smaller. Former Premier George Henry did this as an economy measure in 1933. He reduced the House from about 120 members to 90. I believe there were close to 30 seats made redundant. You can imagine the carnage in the Conservative caucus when that came about and the blood-letting in all parts of the province when it came to nominations in the election. It turned out to be all academic because that was the election in which Mitch Hepburn came forward and all the Tories were slaughtered anyway, just as we are going to do in 1981.

The concept of having more members here does not bother me too much. I think it would be an excellent idea.

I would also like us to consider some time, particularly if we are going to have individual offices, as we have and we will have—and they are going to get better because I know the minister is going to respond to the complaints from a number of members, valid as they are—that perhaps we do not need the individual sort of seat and desk, individual microphone and individual everything that we have. It is obviously redundant most of the time, irrelevant, unnecessary, because there is nobody here. For a debate like this, I almost feel we ought to

go down to a committee room and we could have a much easier discussion without using all of these grand facilities. But it is nice to be in here. We are elected as members of this House and we like to participate.

I would like to see this all done away with and replaced by benches à la Westminster. I suppose certain areas are reserved for the leadership in the government and the opposition, but essentially all the members are equal. If there is not a big crowd, you gather close to the table and the debate takes place, instead of having somebody dozing in the back and somebody reading at the end. I think it would be far better for all sorts of reasons if we could simply make it a better debating hall. You can imagine there would be plenty of room for more members and on grand occasions it would be even grander than it is now.

9 p.m.

I am aware that nobody agrees with that concept, but having had an opportunity to examine the system at Westminster for a period of time, I was extremely impressed with the different attitude and the different qualities that are possible in that other system. As the arguments go on over the years, there might be an opportunity for us even to consider that.

When I was a boy and sitting in this gallery, these desks were arranged in a U. There was no public address system at all and it seemed to be easier for the individual members to communicate without a PA system. They didn't bother with such fancy frills as Hansard or anything like that in those days. We have come a long way since then, until every word that is uttered is taken down like a great pearl of wisdom, as it sometimes is, and preserved for all time.

**Mr. Conway:** Even some of the interjections.

**Mr. Nixon:** Yes, although not all.

I would agree with the comments that have been made about using all the facilities of this building for the members. Yet since this building is seen in the eyes of everyone, and in my own mind, as the seat of government, I believe the Premier (Mr. Davis) and his office and his ministers have every right to be here. Frankly, if I were to think of myself as one of those some time in the not too distant future, while I would have great respect for Mr. Speaker, I still feel our system calls for His Honour's chief advisers to have the power to recommend to His Honour that they be provided with the facilities they feel they need. The members of the House, through their spokesman, have the right similarly to be

provided as they see fit with the facilities they need.

I am not one of those who feels Mr. Speaker has to have complete jurisdiction over everything in the Legislative Building. I think the cabinet ministers still have some rights. If we lose the next election, I might change my mind about that and push you right out, but I do feel that way.

As a matter of fact, it has changed dramatically. In the early days, the former member for Brant used to say, there were no offices for private members at all but the cabinet ministers had apartments in the building. They would bring the wife and family down and the wife would be cooking flapjacks in the morning. This building was far too big for the necessities of government as recently, let's say, as 1919, which is just the day before yesterday in the chronology of history.

We have come a long way since then. I do believe the way to find enough space in this building to house and serve the private members adequately is to persuade some of the cabinet ministers and some of the legislative officers to give over some of the space they use. Somebody pointed out, and it struck me as a good analogy, that we don't need three or four offices full of busy little beavers up the hall on the second floor addressing next year's Christmas cards for the Premier, and performing all those important duties that go on, when they could very well be elsewhere doing the duties that the Premier and his executive officers require.

Of course, I believe the Premier has to have his office. I don't blame him for having a cabinet meeting here and the important offices around him. But as I walk up and down the hallways of the east wing, I think he has too much space; I really do. I think it's a waste when we are looking with such difficulty for just a few extra square feet to provide properly for private members.

I think a reasonable discussion is all that is needed, and you are the man to do it. Take the Premier aside and explain to him that you will provide for his acre and a half of ladies who are addressing Christmas cards and answering all that great mail he gets. Tell him they could do it somewhere else. I really think that is so.

**Mr. Conway:** Let the record show that the minister is laughing.

**Mr. Nixon:** He's laughing at the prospect of telling the Premier something; that's for sure. He may not disagree entirely with the concept.

I also want to say something about the art that has got my colleague from Renfrew

North in such a furore because the humidity is just not right. It's an interesting argument, but I am really delighted that you or somebody has pulled those old chestnuts out of the gallery. I do not really think it is great art. Maybe it is, particularly now that representational art is a bit more in vogue.

I see you have even taken that monstrosity down at the end of the second floor. There is only one other monstrosity to take down and that is the portrait of John Robarts. I would be willing to move in this House that we allocate \$40 or \$50 for a new portrait just to replace that terrible thing that is sitting there. When I take my friends there, even though they are great Grits, they do not think we have done John Robarts a great service by hanging that terrible painting. He looks like the President of Egypt looking over the great pyramids. It really is terrible.

The one you must finally remove is the one across the hall. It has to be about 35 square feet of crimson paint with a yellow line that looks like nothing more than a nude lying on her back in the sand. You just pull it out some time. Of course, some people have more imagination than others.

There is one minor complaint and it has to do with a very fine painting that hangs out on the NDP side of the lobby here. It is of turkeys. Was there something in mind that made your art expert decide to hang the turkeys in the NDP lobby? It is a very fine painting, mind you, and they are a hell of a lot better turkeys than the ones sitting in the chairs.

Actually some of those pictures are absolutely excellent. My favourite of all is the one that is opposite the door of the gentlemen's retiring room at the end of second floor. It is enormous and it is entitled *The Foreclosure of the Mortgage*. If anybody has not seen that, just spend some time down there because the story will break your heart. There is a little baby in the crib and the poor old daddy is absolutely done in. He is in bed, the ladies are around, and it is game over in a way that could not be portrayed in any other way. I do not know what that painting is worth, but if it ever goes up for auction—I well might bid on it; I like it just where it is.

Continuing in a serious vein, the most valuable paintings we have, in my view, are the portraits of former Lieutenant Governors. There are a lot of good ones of Speakers and Premiers, but the most valuable ones are the ones hanging in the music room of the Lieutenant Governor's suite. Every time we go in there to have a glass of sherry with His

Honour when he is giving royal assent I always like to go around and look at those portraits. They are truly excellent and I am sure they are valuable. Of course, we are not concerned because their great value is that they are here in this building.

I also think the portrait just outside the door to the left of John A. Macdonald and the other one of George Brown—and they are very properly placed so they can glare at each other a bit—are also the best portraits of those worthy gentlemen I know of anywhere. They are absolutely outstanding. I want to congratulate whoever had that initiative; I do not recall its being called for from the opposition side, but it should have been. Whoever had the initiative to do that really did something, in my opinion, that was worth while.

The member for Scarborough-Ellesmere was saying he felt the government should consider establishing an appropriate residence for His Honour. I want to be sure my views are known on that just so there is no mistake. I think it would be a very serious mistake for Ontario to undertake that.

Most of us in the course of our various responsibilities have visited other provinces and have been impressed with the majesty and the largess of the governments and taxpayers over the years in all of the provinces except this province. I do not think our Lieutenant Governors, except for a few exceptions, have publicly indicated they were concerned about this.

I was quite pleased to hear our present Lieutenant Governor, when he was sworn in, indicate that he wanted to provide a maximum of service with a minimum of pomp. I should not paraphrase his words, but that is the way I understood them. I think that being the gentleman he is, he certainly would not suggest we should provide him with anything other than the respect we all agree the office deserves.

9:10 p.m.

The last Government House in Ontario was constructed in 1917 and was called Chorley Park. It was built on a beautiful piece of property in Rosedale and, beginning about 1919, the Lieutenant Governors lived there until approximately 1936 or 1937. It was a political issue of the day. Naturally, it was built at the initiative of the Conservative government in office before 1919 and the building was said to have cost a little over \$1 million. This seemed to be an extremely large amount indeed, particularly when it was undertaken during the war years.

Looking at some of the old political comments I have had a chance to read over in the last year or two, it was a singularly important issue. The opposition parties in particular somehow got themselves conditioned against the concept of Government House by criticizing the government for such an unwarranted expenditure in those times. That may be why some Liberals tend to react negatively even today to such a suggestion.

When the Liberals took over the seals of office in 1934, it was clear they did not want to continue with the fairly large expenditures associated with the office. The first indication came when the traditional dinner held at Chorley Park by His Honour for the returning members and their wives was boycotted by the Premier and also, under his instruction, by the cabinet. Although the dinner was planned, it was cancelled at the last moment since all the Lieutenant Governor's advisers had indicated by their attitude they did not want it to proceed.

As the war approached, the Lieutenant Governors tended to move away from some of the pomp that had been formerly associated with the office, and since the government was particularly concerned about cutting costs, the trappings of the office tended to be somewhat reduced. During those years, Chorley Park became a hospital. I understand after the war, and I did not research this the way I should have, the condition of the building was such that it was considered wise to have it taken down. That was the end of Government House in Ontario.

There was a time when a well known, well-to-do citizen, Sigmund Samuel, who donated a beautiful museum just across the road, also wanted one of his residences to be donated free of charge to the government for use as a Government House. On examination, it was found that the tax involvement in this regard meant it would cost, in a capital way, a good deal of money. It was decided by the Conservative government of the day, I believe it was Mr. Drew—

**Mr. Worton:** No, John Robarts.

**Mr. Nixon:** Robarts was not Premier when Sigmund Samuel was trying to give them the house.

It was decided by the government of the day that it was not going to proceed in that way.

My own feeling is that respect for the Lieutenant Governor in this House and this province has never been at a higher level. People understand the decisions and the power of government are all enacted in the name of the Lieutenant Governor and still

the power lies with the people through their elected representatives. Frankly, I get a bit sensitive when I hear the Premier reaffirming his commitment to the concepts of the British tradition and the Queen herself.

**Mr. Makarchuk:** Is this part of Government Services?

**Mr. Nixon:** It is difficult even to object to that. On the other hand, since the New Democratic Party already raised the matter of Government House when the member for Brantford was not in attendance, aggrandizing the concept of the office is one we should not seriously consider.

We should provide for the expenses of the Lieutenant Governor, of course, and whatever else is necessary. As much as I believe the apartment the Lieutenant Governor now uses is a beautiful place—I am always impressed when I go in there—essentially, if it became completely necessary, that apartment, which used to be the Speaker's when the Lieutenant Governor was elsewhere, could be turned over for the use of the Speaker, and through him, for the use of all members.

I want to conclude by saying I know the minister and his predecessors have been fooling around for quite a while with property to the east of Bay Street. The government owns that whole block south of Wellesley. It is not one of the finest blocks in the city by way of the buildings there now. It is just a matter of time before one of the ministers gets up the energy, or the nerve, I suppose, to convince his cabinet colleagues to level that block and put up another huge edifice for whatever purpose.

(The needs and requirements of Government Services are never fulfilled. The minister will find the needs and requirements of the members of this House are never really fulfilled and satisfied, but they do continue to improve. We do have buildings around here that can be used. If services must be moved out of this building, and I believe they must, we have buildings already extant close by, not to be used by the members but by those people at present occupying space here who could very well perform their services without being directly in this building.)

I simply want to draw to the minister's attention again that the old Hydro building is even closer to this centre of government than the block he wants to build on the other side of Bay Street. It may not be the kind of building you are looking for, but I notice Hydro has a sign outside saying, "Will remodel for tenant," or something like that. I am sure we could have it made over into whatever we require for those people and

and offices that might be moved out of here into that other building. It would be cheaper than levelling that big block east of Bay and putting up another huge building.

I would like to see most of that property kept in park land, if possible anyway, but I know this is going to be developing over the next few months and years. I do believe we can provide for the proper and growing requirements of the members of this Legislature without ripping everything down and without the expenditure of the kinds of funds the minister is talking about when he talks about the new building east of Bay.

**Mr. Ruston:** Mr. Chairman, if we could, I would like to get into each individual vote. I think we've had a pretty good discussion on the needs of members. I was looking over the total expenditures of the minister's budget and it is \$287 million. We have been talking for about three and a half hours mostly on this building, which of course is a very important building because of its location and because of the use made of it.

I was going to ask a couple of questions about this building too, about the general construction of the roof and its present condition and what you are going to have to do to maintain that condition. I haven't looked over it completely, but I have made a cursory examination of it and talked to some people around here. I am wondering about the present condition of the building, especially the roof and the supports to it, and how much remodelling it is going to have to have over the next few years. Is the minister aware of that?

**Hon. Mr. Wiseman:** Mr. Chairman, the roof on this main building has to be replaced. I was just asking my deputy if we had an estimate of the cost of replacement, but we have not at the present time. It would be quite costly. I am familiar with a large building near Cartier Square in Ottawa—the armouries, if anyone is familiar with it—where the federal government put a new copper roof on. It cost about three quarters of a million dollars, I understand. With the design and architecture of the roof here, I would imagine it would be quite expensive. At the present time, I would have to say we do not have an accurate estimate of the cost, but it will have to be done soon.

9:20 p.m.

**Mr. Ruston:** Mr. Chairman, could we go to vote 501 and then start down? I know some members want to bring up a couple of items on vote 502. I want to get into leasing, if I can.

**Mr. Chairman:** Shall I put the question, shall item 1 carry? No? On item 1, the member for Grey.

**Mr. McKessock:** Yes, Mr. Chairman. I think personnel services would come under vote 501.

**Mr. Chairman:** Shall item 1 carry or does the honourable member have something under item 1, main office? The member for Huron-Bruce.

**Mr. Gaunt:** Mr. Chairman, I would like to make a very brief comment concerning the building. We dealt with the various aspects of the building during some of the considerations in committee with respect to the Camp commission report. The commission was appointed by this Legislature to look into various aspects to do with the building. We did do some research and spent considerable time with respect to this particular building. Frankly, as far as I am concerned, I think it should be a legislative building, that is, a building that houses the chamber, the offices of the members and all the support staff who go to make up the legislative process.

Members' offices have been mentioned. That was one of the considerations in that particular report. Certainly, I think a lot of them are inadequate. The member for Brant-Oxford-Norfolk talked about his office and some of the other offices, and the fact that attendance in this House sometimes is not all that great and is proportional to the grandeur of one's office. If my attendance in this House was conditional on the grandeur of my office, I would be here all the time because my office is not all that great. It is functional, mind you, but barely so. However, I never really complained about that.

It has not been an impediment to me in making one last call; I am always able to do that and carry on my work in the normal course. But I think it would improve the working conditions if one had more space, and if the circumstances surrounding the office were just a little better. I think a little more improvement is needed in that respect. All things come to him who waits so perhaps those things will come in the next little while.

I want to mention the lights, which were discussed previously. It seems to me there is a great waste in terms of lighting in this building. I do not come in often on the weekend—very seldom as a matter of fact, because I am not here; I am in my riding—but on occasions I do come in on the weekend when I happen to be in the city for one reason or the other. It seems to be very good

on weekends. The control of the lighting is quite good, but it is not so good during the week.

When I leave my office at night I turn off the lights. My experience is somewhat similar to that of the member for Wentworth. I come back in later at night and he lights are turned on. I think the minister makes a point, but there is no reason the lighting in the halls cannot be left on while the lighting in the members' offices is turned off. After all, when you come in from the hall, the light switch is right inside the door. One should not be stumbling around in the dark if one is in full possession of one's faculties. I think there could be something done there to have instructions left with the supervisory people to make sure the lights in the members' offices are off after normal working hours. That would be a great energy saving.

I have another matter, Mr. Chairman. I think it really comes under the second vote, but if the minister wants to have me deal with it now I will certainly do so. It would save me getting up again.

**Mr. Chairman:** We have spent a considerable amount of time on item 1.

**Hon. Mr. Wiseman:** Mr. Chairman, a couple of members have mentioned the lighting. I will undertake to look into that. It was my understanding that what I mentioned earlier was the reason for the lights being left on, but if the members feel they should be turned off we will investigate and see what we can do. We are all energy conscious.

I should just mention while I am on my feet, that the Ministry of Government Services has in three years accomplished a 16 per cent saving in energy, which represents many millions of dollars of savings to our taxpayers, which is what we are all interested in. I just wanted members to know that our ministry is doing its part on energy conservation and has very heavy goals to meet in the next two or three years to even further that saving.

Item 1 agreed to.

Items 2 and 3 agreed to.

On item 4, personnel services:

**Mr. McKessock:** My point under item 4 pertains to when government personnel are transferred from one area to another. It is my understanding that if their house is not sold within a period of time, either they are paid for it or the ministry takes on the job of selling the house.

I know of a case recently where three Ontario Provincial Police officers and one employee from the Ministry of Natural Re-

sources were transferred from the small town of Markdale. The point I wish to bring up is the government lists these houses, I believe it is with National Trust which then sublets them out to real estate firms. The firm is in Owen Sound and the houses I am referring to are in Markdale, which is 20 miles away. It seems to me—and I have had real estate firms contact me on this point,—it would be more logical for the government to give the listings to the real estate firm in the municipality where the houses are rather than have them listed with a company in Owen Sound, which then phones the real estate companies in Markdale to find out the prices of the houses and the Markdale firms do the work on it and yet do not have the listing for the houses.

A similar situation has happened under Canada Mortgage and Housing Corporation in the federal government. At that time, I was also contacted by a real estate firm asking if, instead of having them listed with a firm in Owen Sound, they could be listed with the local firm. I contacted the federal minister in charge of the CMHC and they made that change. They have now listed them with the local firm rather than in the larger centre miles away from where the houses are for sale.

My question is, could the minister do the same thing as CMHC did in that regard? If personnel are leaving from any small municipality that has a real estate agent or firm in it, could these houses be listed with them rather than with a real estate firm many miles away?

**Hon. Mr. Wiseman:** Mr. Chairman, for the many cases that we have where employees are transferred from one place to another, we have very few complaints about this. What happens is they both get appraisals done and, providing the appraisal is accepted by both, they would have 90 days for a real estate firm to sell that at that price or higher. If one happened to come in at \$50,000 and the other at \$52,000, they would probably accept \$51,000, using that as an example. If the owner of the house could sell it at \$53,000 or \$55,000, so be it. He would be ahead of it.

9:30 p.m.

After the 90 days we would guarantee him the \$51,000, as I used in the example. He and his wife would then be able to go out and purchase a new home in the area they were transferred to, as well as getting their relocation expenses out of that. Then we would try to sell that house for the \$51,000 we paid the person who was transferred.

The member mentioned National Trust. In a high percentage of the cases we do get the appraised value for the house through National Trust which at this time is our agent. There are a few cases where, when we pay, say, the \$51,000, conditions change. Maybe it is higher interest rates or employment in that area. In a few cases we have to have a reappraisal and have to accept something other than the \$51,000 we paid the employee. All the cases where we do not get what we paid the employee for his or her home have to be submitted to cabinet for approval.

It seems to be working quite well. One I have spoken to seems quite happy. There seems to be a problem sometimes trying to get a house when a person moves from one area to another. I had someone in Brockville who was transferred to an area where he had to pay a higher cost for the same house. To get an equivalent house where the chap was being transferred to was probably going to cost \$15,000 more. Those sorts of conditions I think will always happen. I don't know how we get around it. For the most part it is working well.

**Mr. McKessock:** I am sorry if I did not explain it well enough, but the minister has missed my point. I am speaking for the real estate agent in the small town where the houses are for sale. The agents are complaining to me, asking why the government does not list with them rather than with a real estate agent in Owen Sound. The Owen Sound company calls Markdale to find out what the price of a house is and the Markdale company is really doing the work but it is the Owen Sound company that has the listing. What the local real estate company is saying is it would like to have the listing.

The same thing happened with Canada Mortgage and Housing Corporation, as I mentioned previously. It was listing its homes for sale with a company in Owen Sound and one of my small towns contacted me and asked if the government could not list with it, instead of with a firm 25 or 30 miles away. At that time I wrote to the federal minister in charge of CMHC and he made that change. Instead of listing in Owen Sound, it now lists with Dundalk, Markdale or Flesherton. If the town has a real estate agent they will list with them rather than taking it 30 miles away.

My question is: Will the minister consider doing the same thing? Rather than have National Trust contact a firm in Owen Sound, if the houses are for sale in Markdale have them contact the agent in Markdale or Dun-

dalk or wherever and list them there rather than 30 miles away.

**Hon. Mr. Wiseman:** Mr. Chairman, we do. Right now I mentioned we are using National Trust, but we do put that out for tender. It is usually the trust companies that get into this because it requires a fair bit of money on their part to carry this. Some of the smaller firms would not be able to do it. I understand they split the commissions with the real estate agents out in the areas. But I am told they have to be tied, in, in some way, with National Trust.

You ask if we would be willing to look at what the federal people are doing. As I mentioned, I think this is working quite well and I feel we should carry on the way we are doing it. I have not had any complaints other than where they go from one district to another where the cost of an equivalent house may be \$10,000 to \$15,000 more. They have been living in a three-bedroom modern bungalow and they want something the same in another district but the cost is higher. I have some sympathy for that, but I do not know how you would get around it. It is working well and I would not want to give a commitment that we go the same route as the federal people at this time.

**Mr. McKessock:** Mr. Chairman, I just want to make one further point I know it is working well as far as the personnel are concerned. It is the real estate companies that are upset. Another point is that the keys to the house are in Owen Sound—25 or 35 miles away—and yet there are real estate firms right in that town where the houses are that do not have access to the houses.

They are on a multiple-listing service, that is right. They will split the commission if they sell them, but they feel they should be listed in the local towns where the houses are for sale. As I say, CMHC was doing the same thing you were doing up until this year. After I contacted the federal government and the minister in charge, giving the same presentation as I am giving to you on behalf of the real estate agents, they did make that change. They now list in the local municipalities where the houses are for sale. I would ask if you would consider doing that as well.

**Hon. Mr. Wiseman:** Mr. Chairman, if the member is having a particular problem in his area regarding that, if he were to put it down in writing and send it into us we will see what we can do to try to correct this situation. But I would not give the commitment at this time that we will go the same route as the federal people have done.

Item 4 agreed to.

Items 5 to 10, inclusive, agreed to.

Vote 501 agreed to.

On vote 502, provision of accommodation program:

**Mr. Ruston:** Mr. Chairman, in your program administration, do you have any different attitude or changes in policy with regard to purchasing or lease buy-back? You are still in the lease buy-back system? I know in one building in Windsor you are leasing it back and at the end of 25 years you own the building. Are you still following that in some areas?

**Hon. Mr. Wiseman:** Mr. Chairman, we have three ways of providing accommodation for ministries and agencies of the government: outright lease; lease purchase, the one the member is talking about; and capital. One only has to look at how much capital we have had in the last few years. Perhaps the member was critic when the capital in our ministry was much greater than it is today. We have had to go to lease purchases on some of our buildings. We have found lease capital the best way to go and lease purchase very close to it.

9:40 p.m.

We probably have the Kingston building on a lease purchase and the Oshawa building for Revenue is a lease purchase. Those are the only two new ones we have on lease purchase this year. There may be one or two in the future that will go to lease purchase, if Management Board agrees. With the limited capital we have, I think the member will agree we will either have to go that way or to straight lease. But lease purchase is better than straight lease.

**Mr. Isaacs:** Mr. Chairman, first of all, could I confirm that this is the appropriate vote with regard to the provision of courthouse accommodation? Given that it is, I would like to raise some questions with the minister about the provision of courthouse space in the city of Hamilton for the entire judicial district in Hamilton-Wentworth.

From time to time, my colleagues and I have been assured by your colleague the Attorney General (Mr. McMurtry) that he has been pushing as hard as he is able for additional court space in Hamilton because of the seriously overcrowded accommodation that exists at the moment. Particularly, there are simply too few courtrooms available for the use of the judicial system in Hamilton. I wonder how loudly those pressures from your colleague have been reaching your ears

and whether you have been able to respond to them, whether you can respond to us tonight about the need for court space and about your ministry's intention to provide that court space in the very near future.

**Hon. Mr. Wiseman:** Perhaps I should explain that we now have a five-year forecast we are trying to follow. In order to get a priority we have it go through the policy fields. Each policy field decides what capital projects are going to be brought forward in that field. That is not to say if something very important comes up that needs to be done one cannot be stood down and another brought up in its place.

I believe the tone at the end of your statement was, "What is Government Services going to do about it?" We seem to have been the people who got it in the neck, so to speak. Now it is up to the policy fields to decide and help us in our five-year forecast as to what they want and what their priorities are within that field.

Knowing that, and having been in the ministry for 15 or 16 months now, I know the demands on added court facilities and changes to our present courts are not just limited to Hamilton. Changes need to be made in a lot of areas. We all know within the ministry that we could probably spend all the capital we have just meeting that one ministry's request of us. But it is really their responsibility to tell us what their priorities are and then we try to meet that priority for them. As far as Hamilton itself is concerned, I will have an answer here for you in a minute, about what priority that is given. Just bear with me for a minute and maybe we could go ahead with another member and then come back to that.

**Mr. B. Newman:** Mr. Chairman, while the minister is discussing court facilities and so forth, he is certainly aware of the Windsor situation and Windsor's need for additional court space. I did communicate with him and he replied to me by letter dated October 20 that he was going to provide additional court space in the provincial public building located directly across from the provincial courts building in the city of Windsor.

I think the legal profession in the community does not look upon it as a pro tem measure. They look upon the solution to the problem as requiring permanent space and that is why I did mention to you the possibility of leasing the Steinberg building that is directly across from the provincial courts building. The city would be willing to buy the building if you would be willing to rent space in that building because they could



use the building for other purposes. Also, the new facilities would have substantial room for expansion, as we anticipate expansion will be necessary in the not too distant future.

Have your officials looked into the possibility of leasing one portion of the Steinberg building—not the whole building because it is not needed at all, but one portion of it so that courtroom facilities could be established there on a permanent basis? It struck me as strange that you were going into the provincial public building when the various offices in that building seem to be clamouring for additional space and apparently you must have dislocated several of the offices in there to provide that space as a resolution to the problem for additional court space in the city of Windsor.

**Hon. Mr. Wiseman:** Mr. Chairman, we were just discussing this. The Attorney General has a backlog in the city of Windsor, as you know, and we are making this space available. It was provided in the Ontario government building. I think it is good to use up our own building at this time when this space is available and is surplus. At such time as we need it for the other ministries that are in that building, then perhaps a suggestion similar to what you have just made would be in line. I think it would be false economy for us to have space in our own building that was not being occupied and go out and rent additional space, but we will keep your thoughts in mind, regarding the building you mentioned and others, for such time as we need more space or have to move them out of our government building there.

Just while I am on my feet, I understand that in Hamilton, if the member is listening, we have had no request, as I understand it from staff, to go ahead with additional courts in the Hamilton area. That is all I can say at this time.

**Mr. Warner:** On a point of order, Mr. Chairman: Did the minister say that there was no request from the Attorney General for additional court space in the city of Hamilton?

**Hon. Mr. Wiseman:** I am sorry, I will rephrase that. We have had no requirements given to us from the Attorney General's department. That is not to say—I should correct myself—perhaps he needs the space, but we have not had any requirement saying how many courtrooms or whatever are required, if I can just be corrected on that.

9:50 p.m.

**Mr. B. Newman:** In my questioning of the minister concerning the court space in the

Windsor area, I understood there was not sufficient space in that provincial public building. In talking to various people working in the building, they all tell me they are cramped for space in the building. If there is space in there, all well and good. I would not, by any stretch of the imagination, suggest renting other facilities if there are facilities available right in one of the provincial buildings. But my understanding is there was not sufficient space in there. If there is, as you or your officials say, then that is all well and good, but I am fairly positive you are still going to be pressured by the legal fraternity because, from my discussion with them, the amount of space there would not be sufficient for their needs.

**Hon. Mr. Wiseman:** Mr. Chairman, my staff tells me we do have extra space in the Ontario government building in Windsor where we hope to put in this extra courtroom to take care of the backlog. In the Windsor area we are asking the Attorney General to confirm his needs. When we get that information, we will be in a better position to say if any additional courts, besides the one in the Ontario government building, are needed.

**Mr. B. Newman:** I hope you will not delay in developing those facilities, because the backlog just continues to grow in numbers. Where justice is delayed justice is denied.

**Hon. Mr. Wiseman:** Mr. Chairman, that is why we are going ahead with one courtroom in the Ontario government building at this time, to look after some of that backlog, but we will be looking for a report from the Attorney General as to his exact needs for that area.

**Mr. Isaacs:** Mr. Chairman, I am just a little taken aback by the minister's reply on the Hamilton situation. I am not in any sense being critical of the minister, but my colleagues and I have been assured over the months and over the years by the Attorney General that he recognizes there is a serious problem in Hamilton with regard to lack of accommodation for the courts. Indeed we have had very recent acknowledgement, certainly in my interpretation, from the Attorney General that he is aware that the administration of justice in Hamilton-Wentworth is being frustrated by the lack of space.

Yet we hear tonight the Attorney General has not taken the trouble to put together a requisition for space, or whatever the request is, to go to the minister in order to rectify that. That just horrifies me, and I wonder if you could explain a little more what the process might be. What should the Attorney

General have done in order to bring to your attention the need for space? Those of us who have the concerns of Hamilton-Wentworth at heart might be able to do something the Attorney General has failed to do, despite the fact he has given us repeated assurances that he is aware of the problem.

I find it quite incredible that there is a situation where there are very serious crime problems in parts of the city, very serious problems recognized by a lot of the lawyers and a lot of the assistant crown's, where there are too many remands and the courts are just not properly dealing with cases that come before them, not because of any inability of the courts themselves, but because they just do not have room to set up sufficient hearings and to deal with justice in a proper way. Then we learn tonight that the Attorney General has been sitting on his hands, that nothing is happening.

**Mr. Gaunt:** He is out there chasing all that hockey violence.

**Mr. Isaacs:** Hockey violence may be a problem in some places, but I have to tell the member for Huron-Bruce that hockey violence is not the greatest concern in the city of Hamilton when people are murdered at Hamilton Place. Violence is a serious concern and we need something done about it. It is the view of the police, the legal profession and many of those intimately involved in the administration of justice that one of the serious problems is a lack of court facilities in Hamilton. The courts are overcrowded, they are trying to push too many cases through the physical space that now exists and the problems in dealing with the criminal elements could be overcome, at least in part, if we had more courtrooms.

I hope the minister will initiate something along this line so we can begin to see some progress in dealing with Hamilton's crime problem. I am horrified to learn the Attorney General is not moving in that direction when he has been telling us for so long that he recognizes the problem.

**Hon. Mr. Wiseman:** As I mentioned earlier, the Attorney General could probably use our complete budget as far as capital goes in a lot of areas in the province, including the great county of Lanark. We are usually law-abiding citizens, but we could use another courtroom as well.

I believe it comes down to which is a greater priority. The member for Windsor-Walkerville was talking about the problems they are having in his area. We know what the problems are in Ottawa and other areas.

There are a lot of priorities, and in fairness to the Attorney General, he has to try to put them in some sort of perspective.

For the benefit of the member for Wentworth, I have been given a note that says Mr. B. McLoughlin has been in Hamilton today. He is the accommodation person with the Attorney General's office. He was there looking over the situation as late as today. One has to keep in mind that the Attorney General has a lot of demands made on him and has to put them in their priorities. On any of these two, there would have to be Management Board approval. That has not been sought yet because we have not had the demands.

**Mr. Warner:** We understand what a priority is. What is so deeply disturbing is to learn the Hamilton court space is not even on the list of priorities. The Attorney General clearly indicated to us he understood the situation in Hamilton and that at least two extra courtrooms were needed.

The problem of violence in Hamilton has been brewing for some time. It is deeply disturbing to the community at large. The minister may or may not be aware of the murder that took place at Hamilton Place. As a result of that murder, the police were urged to crack down on the Parkdale gang and some of the other thugs in the community to try to restore some law and order to that community.

In so doing, we discovered there was a tremendous backlog of cases in the courts in Hamilton. The Attorney General acknowledged in a meeting we had with him that what would help in the Hamilton situation was the establishment of two more courts to try to clear the large backlog that existed.

We now discover he has done absolutely nothing; otherwise, the extra court space would be on your priority list. Maybe it would be at the bottom of the list. Of course, there are courts needed around the province. We all understand that, but at least he should have taken the initiative to forward the request for extra court space in Hamilton to your list of priorities. He should have done that months ago; yet he has done nothing. I am quite shocked.

10 p.m.

I want the Minister of Government Services to understand I am not directing my frustration at him. I am hoping that message gets through to the Attorney General because the situation in Hamilton should not be tolerated any longer; it really should not. The people in Hamilton deserve much better.

**Mr. B. Newman:** Is the Windsor situation all clear as far as Management Board approval is concerned? Will you be using the provincial public building in setting up the additional courtroom facilities? The city would like to know that you will follow up on this rather than waiting for Management Board to come along and give or not give its approval.

**Hon. Mr. Wiseman:** What we are doing in Windsor is a little different from the Hamilton situation. We have to take the Hamilton situation to Management Board when we get the requirements. On the Windsor one, I am told, we do not. The one courtroom I mentioned to the member will be finished and in operation as soon as possible to get rid of the backlog that is there.

**Mr. Makarchuk:** Mr. Chairman, while we are on court houses, everybody has a problem with courthouses. This possibly speaks to the quality of the administration of justice in this province because it is a problem that seems to be common everywhere with the exception of the county of Peel.

As I understand it, the minister has had his officials down at the Brant county courthouse. We don't want a replacement, although perhaps at some time in the future we can use a new one. We do have a nice building with some historical significance to it which fits in well with the landscape in the square next to Victoria Park and so on. The building itself, however, is totally inadequate for the purposes it is supposed to serve in terms of facilities for the female staff, facilities for the judge, air conditioning, matters of security or storage of records. Anything you name, we ain't got it.

I was advised some time ago that your people have been down and certain architects have been hired and plans drawn up and all the things that were supposed to be done were on the road. Could the minister indicate at this time what stage he is at in this matter and when we may see some carpenters, builders, masons, plumbers and electricians on site and the building being renovated?

**Hon. Mr. Wiseman:** Mr. Chairman, the Brant county people have asked us to look at purchasing that building and we will be down to look at it in the future. We have had a lot of requests from different counties about buying the court facilities, because in most cases we take so much of the county building they feel we should take the whole operation. In some cases where they are looking for expansion of the courts that would

mean we would need almost 100 per cent of the occupancy of that building.

We are going to have someone go down and have a look. If memory serves me correctly, they were not looking for an answer right away, but they could put it in their long-range forecast for something down the road, to know whether or not we were interested in a possible purchase of that facility.

**Mr. Makarchuk:** Whatever the situation is—and it seems to change from day to day, or new council to new council—I think initially they wanted something done to the section of the building used for the administration of justice. There were plans in the works that the ministry is going to do some work there. In effect, if you had a safety committee in that building it would probably condemn the building and say the working conditions are dangerous and the facilities, particularly for the female staff, are totally inadequate. Some arguments could be made in terms of health, and so on, where the operations would not be in line with the requirements of the various Ministry of Labour regulations.

I think the county council is interested and perhaps frustrated because it has been waiting for a long time to see what you are going to do with the building. The county chambers are not adequate for them so they want either you or them to take it over completely. I suppose their wish is that the county chambers could be moved into another building or possibly a new downtown redevelopment could be fitted in there. So there are various things down the line.

However, the building itself should be preserved and could possibly be renovated for total use as a court building. As I understand it, what is in the plans is that you are going to discuss purchasing the building and possibly renovating it. Is that the rumour right now, or is there something reasonably concrete on that matter?

**Hon. Mr. Wiseman:** Many of the old court buildings would probably not meet the Ontario Building Code standards today. We all realize that. Living in an old town as I do, probably my own in the county would not meet them all. You should be aware that the major improvements in the courthouse would be the responsibility of the county. The lease type improvements, the inside furnishings and so on of the courts, would be ours. That is the way it is broken down. It is too early yet to say whether we are interested. We have not had the money to buy county buildings since I took over the Ministry of Government Services. We have not had the

money to purchase these. There were one or two purchased in the past.

We did agree to go down and tell them our intentions of what we would try to do in the future so they could plan. I suppose they would like to know whether we are interested in buying it all out. It may be that they will not go ahead with the improvements if they are going to sell it to us. They will let us do it when we get it. I am only guessing at things like that, but that is probably what would happen.

**Mr. G. E. Smith:** Mr. Chairman, as the minister may be aware, several years ago his ministry, in co-operation with the Ministry of the Attorney General and the Solicitor General, built a new court facility in Orillia on a leaseback arrangement. At that time, when the plans were being discussed, representatives from your ministry's property branch as well as from the Attorney General's department met with the then mayor of the city of Orillia. I had the privilege of sitting in on the meeting, along with some other people involved with the court facility.

It was indicated at that time, because of the location on Front Street, which is a very busy thoroughfare, that the government would consider a second entrance off a street running parallel to the back of the property. This satisfied the needs of the city council and those at the local level. As a matter of fact, there was property available at the time but I gather, because of the cost of the property and I suppose because of limited budgets, the ministry never went ahead with the second entrance or exit. It is still causing some real problems of heavy congestion. The property in question is no longer available; it has been used for other purposes.

10:10 p.m.

What I am leading up to is how do you or your ministry staff propose to resolve this problem? It would seem, despite what your staff says, there is not really adequate parking on court days when the police are there with their cruisers bringing the prisoners in from Barrie. It is really a tight situation. I think you should be looking further down the road to resolve this problem if you are not already doing so.

I suppose this leads into another proposal that has been given to me. As you are likely aware, there are a number of provincial offices in Orillia, the sales tax office which is using the existing building, the Ministry of Industry and Tourism regional office, maybe half a dozen of them. While I am certain the landlords who rent the space to the various

ministries are very happy with it, from time to time people come to me and say, "Why does the government not have a long-range plan to locate all the provincial offices in one building?"

I know this is done in some areas. I am not necessarily recommending it at this point in time, but do you have any policy or any long-range planning, maybe three or five years down the road, that there might be a provincial building in the city of Orillia to house all the government offices? Perhaps you could give some indication of just what your plans might be in the foreseeable or a little more far distant future. I would be interested in your comments.

**Hon. Mr. Wiseman:** Mr. Chairman, I understand the court facilities in Orillia are in leased premises, not lease-purchases.

**Mr. G. E. Smith:** I am sorry, I meant leased. I did not indicate that you were going to purchase it eventually.

**Hon. Mr. Wiseman:** My staff tells me we have looked into the parking there and there seems to be concern among some of the users that there is not adequate parking space. Our formula or criterion for arriving at how many spaces should be available has been met. It is something we can look into and monitor a little more closely. It is in keeping with the formula we use, so many parking spaces for the number of people using them.

I think at most courts on a particular court day, using my own area as an example, you are lucky to get within two blocks in any direction of the court. Again, that is not to say we have a lot of bad people in Lanark county. We will look into the parking area situation.

We have not looked at the consolidation of different ministries in Orillia because we did not think it was large enough yet to do that. We are trying to do it in areas where it seems feasible. As members know, we just opened a new Ontario government building in Sudbury a couple of weeks ago. I believe we have 14 ministries located in that building. It is something we are working towards. It has its pros and cons. Many of the people we lease from at the present time are, I think, providing a good service to us. When you consolidate, all those people are looking for new tenants.

One of the good parts about it is that everyone knows where it is and it has a high profile in the community. They are not spending a lot of time looking around for one particular ministry or the other, such as they would do if you find one ministry here and

another somewhere else. That is one of the good things about it. We are doing it where the numbers seem to warrant and where funds are available, or where we can get someone to take it on a lease-purchase.

**Mr. G. E. Smith:** Just to clarify a point, I was not really suggesting that the minister build a government building. I was thinking of looking at expanding the leased facilities, if they were available in that particular area. I was passing on comments I have received from local people that there would be some convenience to have them in the area. It might be at this point that there would not be additional space in that general area, but I just draw it to the minister's attention that it has been suggested to me that there would be some convenience, particularly where we do have a number of offices in the area.

Certainly it provides some return on investment for some of the smaller landlords in the area and it might prove a hardship to them. I am not recommending it at this point. I am suggesting that perhaps even on a leasing arrangement, you might be taking a look at consolidating the offices in one area.

I am not really that concerned about parking. As you say, you do work on the formula. I do feel that from a safety standpoint, you should continue to monitor the exits and entrances—the one exit which goes out into a busy street—and perhaps be looking at some point in the future to following up the original suggestion that was made that there would be a second entrance and exit. I will leave it with you.

**Mr. Deputy Chairman:** The member for Huron-Bruce is on a list that Chairman Edighoffer left with me. I have others, so I am not asking you to speak. I am just trying to follow the list which was left for me.

**Mr. Gaunt:** I have a matter on the second item of the second vote.

**Mr. Deputy Chairman:** We are on vote 502. I think we can look at the whole vote together.

**Mr. Gaunt:** In that case, I am on the list. I just wanted to find out what the ministry has done with respect to the former Grandview Training School. I think it is about two miles south of Highway 401, on Highway 24, near downtown Galt.

I did have some communication with the ministry a number of months ago with respect to this particular property. I know the city of Cambridge came and conferred with the minister. I gather a number of other people came in at the same time. I think the regional police commission has taken up some

of the property. I think there were a number of other organizations interested in some of the property. I am wondering how it sits at the moment.

Have we made any progress with respect to this particular property? Will the city of Cambridge actually get control of that property and then make their own deal as best they can with other interested parties? What is the situation? What will the price be? I gather it will be market value price, but I am wondering what has been accomplished in the seven or eight months that this matter has been on the minister's platter, so to speak. Have we made any progress? If not, when?

10:20 p.m.

**Hon. Mr. Wiseman:** Mr. Chairman, just about a month ago, or less, I signed the agreement of sale for the regional police force to buy the front part of the lot next to the highway or the main street. As the member is probably well aware, my predecessor and myself met many times with Her Worship and members of her council. My predecessor mentioned, as I have mentioned, that there was no way we could sell that property for one dollar. Her Worship came back again and again, after we had said we could not accept that offer, with the dollar.

I told her there was no use in us continuing the discussion, if that is what it was. We told her we would look at something other than market value. I believe my deputy had discussions with one of the planners or someone from her staff and had come in with a price that would be for limited recreational use for the balance of the property after the regional police force area was sold off. That price was considerably less than market value, with a stipulation in it that if they wanted to use the property for other than the limited uses, they would have to pay market value at that time.

We have had other people who are interested in it. One group that approached me, if it were to purchase it, was interested in turning the area into small apartment building for senior citizens or some other people—they were apartments anyway.

I understood the mayor was going to make a submission to cabinet about it. That is where it stands at present. I would like to do something with it as soon as possible, because it has been sitting there for a considerable length of time. If we do not do something with it soon, I suppose the provincial auditor will be mentioning it, even though we are trying to work with everyone concerned to come to a suitable solution.

**Mr. Gaunt:** As I understand it, the regional police have taken the front seven acres. You are still negotiating with the city of Cambridge for the remaining part—the price of which has not been exactly determined. It is something less than market value. Is that the state of the nation?

**Hon. Mr. Wiseman:** That is basically what has happened. But I understand there was a submission that came in after—and I have a copy of it—we had said we would take something less than market value. The fact now skips my mind but it was quite a bit under the market value. Then the mayor and council saw fit to try to go around Government Services again and make a direct appeal to cabinet for the dollar. So until cabinet deals with that, I do not know where it stands.

As soon as it is dealt with and cabinet agrees that the Ministry of Government Services will handle it then I would be prepared—if they are not interested and still appear to be, in my words, playing around with us on it—to put it up for public auction.

**Mr. Worton:** Mr. Minister, on Friday of last week I had delivered to my residence correspondence and a report made by our chief of police to the board of police commissioners, to the crown attorney, to the city administrator, to the judge and to myself the information I have forwarded to the Attorney General with a copy to you, Mr. Minister. Briefly, it contains the concerns expressed by the chief to those people mentioned in regard to the lack of detention cells at the county court in Guelph.

While we were all pleased last week to participate in the opening of the new provincial jail, the removal of that provincial jail from the rear of the county buildings has now left us without any facilities close at hand for persons coming before the courts for trial. There have been instances in the past year that have caused the chief of police and the Ontario Provincial Police concern for the safety of the judge, court officials and the public.

You are aware of the good co-operation you have had with the county. You have treated them very fairly with regard to the county buildings and the old police building. They are at present renovating some of their offices and perhaps now would be an appropriate time for your staff to work out some arrangement whereby adequate detention cells or accommodation could be brought into being for the use of that county court.

After receiving the correspondence, I talked with the chief. I know him well enough to know he does not become alarmed easily and he only reacts when there is justification or need for something in the way of detention quarters. I would appreciate very much if you would have your staff and that of the Attorney General act on this matter as quickly as possible. In talking with you personally, you indicated that situations of a similar nature happen in other jurisdictions. When we now have something which is a matter of public knowledge, I do not think we should hesitate too long before doing something, because of the seriousness of the matter.

**Hon. Mr. Wiseman:** Mr. Chairman, I would like to thank the honourable member. He did give me the correspondence earlier this afternoon during question period. I will discuss it with the Attorney General and with the Minister of Correctional Services (Mr. Walker), who will be involved in it as well. Last Tuesday we did have the privilege, with the member of opening the new detention centre in Guelph. It seemed like a pretty good centre, as those kinds of holding areas go. We will look into it and get back to the member.

**Mr. Worton:** I appreciate that consideration. One of the places I visited quite often was the county jail. It will be something out of the ordinary now on Sunday morning, on my way to church across the road, not to get called to the jail to discuss some matter about some person who feels he should not be in jail. He calls on me to tell me his story. I will now have a little farther to go to do that.

While it is taking away from my original intent, I must add we are well pleased with the new facility for these people in our area who do occasionally get off the track and into trouble.

**The Deputy Chairman:** What is the wish of the committee? I note the hour is 10:30. I have the member for Haldimand-Norfolk on my list yet.

**Mr. G. I. Miller:** Mr. Chairman, I think we will resume the review of the estimates on Friday.

**The Deputy Chairman:** I do not know what day they will be on again.

**Mr. G. I. Miller:** Whenever it is, I will leave my questioning until that time.

On motion by Hon. Mr. Wells, the committee of supply reported progress.

The House adjourned at 10:30 p.m.

## CONTENTS

---

Monday, November 24, 1980

|  |      |
|--|------|
| Estimates, Ministry of Government Services, Mr. Wiseman, continued ..... | 4565 |
| Adjournment .....  | 4586 |

## SPEAKERS IN THIS ISSUE

---

Conway, S. (Renfrew North L)  
 Edighoffer, H.; Chairman (Perth L)  
 Gaunt, M. (Huron-Bruce L)  
 Haggerty, R. (Erie L)  
 Isaacs, C. (Wentworth NDP)  
 Lawlor, P. D. (Lakeshore NDP)  
 MacBeth, J. P.; Deputy Chairman (Humber PC)  
 Makarchuk, M. (Brantford NDP)  
 McKessock, R. (Grey L)  
 Miller, G. I. (Haldimand-Norfolk L)  
 Newman, B. (Windsor-Walkerville L)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Ruston, R. F. (Essex North L)  
 Smith, G. E. (Simcoe East PC)  
 Warner, D. (Scarborough-Ellesmere NDP)  
 Wiseman, Hon. D. J.; Minister of Government Services (Lanark PC)  
 Worton, H. (Wellington South L)











No. 122

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, November 25, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

## LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 25, 1980

The House met at 2 p.m.

Prayers.

### REPORT IN TORONTO SUN

**Mr. Williams:** Mr. Speaker, on the point of privilege that we were discussing yesterday regarding the defamation of my character, I see the member for Rainy River (Mr. T. P. Reid) and the member for Wentworth North (Mr. Cunningham) are now in the chamber. You wished to give the latter an opportunity to respond.

**Mr. Speaker:** I am quite capable of looking after the affairs of the chair myself.

**Mr. Cunningham:** Mr. Speaker, this is the first occasion I have had to respond to the member's matter of privilege raised on several occasions in the House. I have read with some interest the article which appeared in the Toronto Sun of November 19 and to which the member for Oriole has referred on a number of occasions. To the best of my recollection, the facts as stated in that article in the Toronto Sun are accurate.

**Mr. T. P. Reid:** Mr. Speaker, in view of these recent events, I feel it incumbent upon myself to relate certain incidents that happened in the last week and make a clean breast of things here in the Legislature.

On Friday last, I went downtown to have lunch with a number of other people to what I considered was a respectable place. I was in a room with a number of other people waiting for lunch to begin, and it looked like a fairly respectable place. I was sitting there minding my own business when all of a sudden these people in funny white suits came out. I was not sure whether they were some rejects from the Gong Show or some people auditioning for Snow White and the Seven Dwarfs, because I thought I saw Sneezy and Dopey and Sleepy in the crowd.

They had some entertainment that I was not aware they were going to have. One fellow got up and did his old imitation of Ed Sullivan, and then we started to have lunch. At that point, some ladies in various states of dress and undress got up and started dancing and, I think, singing. I can report to

you, Mr. Speaker, that I do not think any of them was my waitress because my waiter had a moustache and I do not think he was among those on the stage.

In any case, I was quite surprised to be innocently involved in such a display, and I said to my companion, Chesty Morgan: "That is enough of this nonsense. This is shabby. Let's get out of here right after this performance is over."

I say to you, Mr. Speaker, that in view of the recent events, I wanted to put that on the record before it appeared in the National Enquirer or anywhere else.

**Mr. Speaker:** I have heard the explanation of an alleged breach of privilege by the member for Oriole. We had an earlier denial of that by one of the accused, namely, the member for Rainy River, and we have now heard from the member for Wentworth North, who confirms that what was in the newspaper story is an accurate reflection of what transpired between the member for Wentworth North and the person who is responsible for the article that was written.

The communication that no one seems to deny was not a part of the record of this House. That is, I am in no position to say what was in the article or what was not in the article; therefore it was not a part of the official record of this House, and therefore it is not something upon which the chair can rule. Never at any time was the communication aired in this House, other than portions of it referred to by the member for Oriole.

Under the circumstances, I feel there is nothing that transpired in this House that can be seen as a breach of the member's privileges as a member of this House. While one always regrets it when something of this nature arises, when it does cast some reflection upon the conduct of a member of this House, erroneously or otherwise, it is most regrettable that something like this involving members of this House should have to arise.

The member for Oriole has asked for an apology from the member for Wentworth North. The latter has not tendered such an apology. I am going to give him an opportunity to do so if he so desires. However, if he desires not to, I would have to inform

the member for Oriole that he will have to take whatever action he deems proper, in consultation with others more knowledgeable in this field than I am, outside this House.

**Mr. Cunningham:** I have nothing further to add, Mr. Speaker.

**Mr. Speaker:** There is nothing further I can add to this incident. I have said all I am going to say on it. I declare the matter closed unless I get some direction from this House to the contrary, that is, other than what I have already stated.

**Mr. Williams:** Mr. Speaker—

**Mr. Speaker:** Really, I have given you ample opportunity to discuss this thing. I have consulted with my advisers. Will you please take your seat. I have gone over the record on numerous occasions since the honourable member raised the matter last week. I have discussed it with my advisers; I have studied it on my own. I have come to the only conclusion I can reach, given the information that has been placed before me. I consider the matter closed.

## STATEMENTS BY THE MINISTRY

### HUMAN RIGHTS CODE AMENDMENTS

**Hon. Mr. Elgie:** Mr. Speaker, later this afternoon I shall be introducing a bill entitled, An Act to revise and extend Protection of Human Rights in Ontario. It is in substance and effect an entirely new human rights code and represents the culmination of the work begun some four and one half years ago by the Human Rights Code Review Committee under the able chairmanship of Thomas H. B. Symons.

While I do not wish to overdramatize the situation, I believe this is an especially important occasion, not only for those who have worked so tirelessly for human rights reform in Ontario, both within government and elsewhere, but also for the people of the province as a whole who, because of their tolerance, basic decency and respect for the rights of others, contribute so significantly to the quality of life in Ontario.

Before turning to the highlights of the bill, I should like briefly to review the history of human rights legislation in this province. Ontario was the first jurisdiction in Canada to enact a comprehensive code on human rights some 18 years ago. Important revisions have been made from time to time, but until now there has not been a comprehensive review of the code.

In its report, Life Together, delivered to my predecessor in August 1977, the Human Rights Code Review Committee urged that such a comprehensive revision be undertaken. The committee's specific recommendations, which resulted from meetings and deliberations with groups and individuals across the province from all walks of life, covered a broad range of issues.

**2:10 p.m.**

The bill I am introducing for first reading today addresses most of these issues, as well as some others not included in the committee's report. Apart from important structural changes to the code, which now establishes in part I a clearly defined charter of rights, there are some 23 new provisions falling into three broad categories: first, expansion of the code to cover new groups or classes of persons; second, expansion of the code to protect against types of conduct not previously prohibited, and third, miscellaneous provisions relating in the main to the administration of the code. Some of these are procedural, some have to do with the structure of the commission and some are related to expanding remedies for contravention.

If I may, I should now like to turn to the highlights of the bill. As to the expanded coverage, the following additions are being proposed:

Protection in all areas—employment, accommodation and the provision of goods and services to mentally and physically handicapped, and that is very broadly defined in the act. This will also protect the victims of past injuries, including those who have received workmen's compensation benefits;

Alteration of the lower limit of protection from discrimination on the grounds of age from 40 to 18 years of age—and I shall return to the question of age later in my statement;

Protection in all areas of coverage to persons because of their family status, subject to certain exceptions in the case of accommodation to preserve legitimate lifestyle preferences;

Protection in employment to those who have been convicted of offences under the law, but who have been rehabilitated, subject to certain bona fide and reasonable qualifications;

Protection on the basis of marital status, broadly defined in all areas, subject to certain exceptions in the case of owner-occupied and limited-size accommodation;

Protection in accommodation for those in receipt of public assistance, and

Protection in employment for domestic workers.

Turning to the second category, that is, the added areas or activities that will be governed by the new code, the following are the highlights:

Protection against discrimination in the equal enjoyment of goods, services and facilities is broadened by removing the limiting phrase "available in any place to which the public is customarily admitted." Protection is added against discrimination in contracts, including the buying and selling of property. Protection from sexual harassment is made explicit.

[Applause.]

**Hon. Mr. Elgie:** Thank you very much.

Reprisals by persons in authority against those refusing or rejecting sexual solicitations is prohibited. Tenants and employees are given specific protection against harassment because of any prohibited ground of discrimination by landlords, fellow tenants, employers and fellow employees. Indirect or constructive discrimination is expressly prohibited, and discrimination because of association with members of a protected group is also prohibited.

The third miscellaneous category covers a number of significant administrative, procedural and structural matters. For example, the human rights code will bind the crown and will have primacy over all future legislation and over existing legislation two years after the new code comes into force, unless the legislation expressly states that it excludes the application of the code. Provision is also made to exempt public or private affirmative action plans or programs legitimately designed to benefit particular classes of persons.

The commission's powers are expanded and clarified. In particular, the commission will have the power to recommend the implementation of affirmative action plans or programs to rectify systemic discrimination. Recognizing the need to continue to promote racial harmony, the new code creates a race relations division of the commission, headed by a race relations commissioner.

The commission will be given the power to refer complaints to boards of inquiry for resolution, with the responsible minister having authority to appoint such boards. The commission will be required to give written reasons where it determines that a board will not be appointed. In addition, persons whose complaints are rejected by the com-

mission will have the right to request that their complaints be reconsidered.

Provisions are included in the new code designed to expedite hearings by boards of inquiry. Under the new provisions, proceedings must be commenced within 30 days of the board's appointment and decisions must be issued within 30 days of the completion of hearings.

The remedial powers of the boards are expanded to permit boards to issue orders requiring landlords and employers to take appropriate action to prevent future harassment of tenants and employees by fellow tenants and fellow employees; to award damages for mental anguish in appropriate cases, and, in appropriate circumstances, to make orders for access to premises and facilities following findings of discrimination contrary to the code. The new code makes it a condition of every crown contract and subcontract that the contractor or subcontractor will not discriminate in employment.

I believe the bill addresses the major human rights issues fairly and compassionately. It does not represent the end of reform, but rather a new beginning. It will be apparent that some substantive issues discussed in Life Together have not been dealt with.

One that has given me and my colleagues particular difficulty is the upper limit of the definition of age. Members will recall that the member for York West (Mr. Leluk) recently introduced a private member's bill dealing with this issue. The government appreciates that there are persuasive arguments for raising the age limit to 70 or beyond and is very sympathetic to the concept of extending the age of mandatory retirement. We have great sympathy for the views of those who contend that healthy and able-bodied employees should not be forced into retirement against their wishes simply because a particular employer may have rigid, inflexible and universally applicable rules for the retirement of all employees.

On the other hand, there are arguments against appearing to encourage personnel policies and practices that would delay the benefits, financial and psychological, of retirement for our older workers. In addition, there are other complex labour market ramifications of extending the definition of age under the code, including the effect that might have on younger members of the labour force, where rates of unemployment are chronically the highest.

The findings and recommendations of the Royal Commission on the Status of Pensions

in Ontario, which I believe will soon deliver its report to the government, I hope will shed some light on the effect of a change in the age at which employees may be compulsorily retired. I think it would be unwise to propose any change on the eve of the royal commission's report on this important topic, but the government wishes to make it very clear at this time that pending further discussions of the issue before the standing committee, where it should be given first priority, it is prepared to introduce appropriate amendments.

In addition, following receipt of the royal commission's report, I will be announcing the appointment of a special adviser or advisers to review the entire matter and to make recommendations to me. An informal consultative process similar to the one adopted by Professor Weiler in his recent workmen's compensation study may be appropriate.

As I have said, in the evolving field of human rights there can never be an end to reform. I have characterized this as a new beginning in both substantive and symbolic terms. I have described the substance of the proposals. The symbolic importance of these revisions cannot be overemphasized. I hope the people of Ontario will recognize that the new code represents this government's re-dedication to the elimination of the corrosive effects of discrimination in our society.

Ultimately, of course, the success of laws, especially in this sensitive area, depends on the goodwill, tolerance and maturity of our people. While human rights laws are essential, we are dealing in the profoundest sense with matters of conscience and of the heart, some of which will always remain beyond the reach of any man-made law.

The other day I had the privilege to hear a distinguished visitor from the United States speaking about a related topic. He referred to the words of the ancient philosopher Mencius, writing 2,500 years ago to the following effect:

"The men of old, seeking to clarify and diffuse throughout the empire that light that comes from looking straight into the heart, first set up good government in their own states. Desiring good government in their own states, they first organized their families. Wishing to organize their families, they first disciplined themselves. Desiring to discipline themselves, they first rectified their hearts."

2:20 p.m.

I hope that as we deliberate on this important bill in the weeks ahead we can maintain this sense of perspective, and appreciate that

whatever we finally enact will depend for its effectiveness on the rectification, as Mencius so eloquently put it, of our own hearts.

### LIQUID INDUSTRIAL WASTE

**Hon. Mr. Parrott:** Mr. Speaker, as I indicated in the House two weeks ago, I have received the MacLaren report, which recommends options on permanent liquid waste treatment facilities. I have had an opportunity to examine the recommendations thoroughly and I would like to table this report at this time. The appendices will be tabled as soon as they are printed.

As the members will remember, I referred the issue of liquid industrial waste to the standing committee on resources development in November 1978. As a basis for discussion, I put forward a seven-point program which represented our plan of attack on the liquid waste problem. After an intensive review of our proposals and the problem it would address, the committee submitted its report. At this time, I would like to remind the members once again how closely we have taken their advice in implementing our seven-point program. It is part of the addenda to our report.

There were 47 recommendations by that committee in that report. A total of 38 of those 47 either have been completely implemented or are in the planning stages of being implemented. The rest are under active consideration. Obviously the committee's report was of great assistance to us and we have taken great direction from it.

There were five specific options proposed for establishing facilities. In the initial stage of our plan for short-term facilities, we accepted the third option—joint public-private ownership of sites and facilities. We accepted the committee's view that we assist companies to establish new technology.

We have accepted its views and yet it is with concern and regret that I find deliberate attempts to halt implementation of those options. I need not outline for this House the litany of events which have frustrated our efforts to proceed with rational hearings. Certain actions have only intensified the public's focus on the not-in-my-backyard syndrome. Lost in that approach is the very crucial argument that the treatment proposed is the only way to guarantee the safety that the public so earnestly desires.

It is obvious from the amazingly consistent response we have received in every location, and experience throughout North America demonstrates, that we are encountering a kind of social phenomenon. My one goal is to stop



the landfilling of untreated liquid waste. That is not only a strong commitment from me, but of this government. But quite frankly, the controversy surrounding each proposal has meant it has taken too long to implement what I am sure everyone agrees is a legitimate objective.

However, that interval has been used productively. There has been time for the completion of the MacLaren report, and it clearly indicates the pressing need for an immediate solution. Two weeks ago, I announced the freeze on ministry activities and participation in our short-term proposals. I wanted time to assess our other options and to weigh MacLaren's recommendations. In reaching today's decisions I have relied heavily on the standing committee's option of government ownership and control as well as on the MacLaren report.

In its first report, MacLaren outlined basic criteria for assessment of site. It was apparent there would be extreme difficulty in obtaining one site to meet all criteria. One MacLaren engineer said: "Under the criteria agreed on, we eliminated all areas in southern Ontario within five miles of any city, town or village, provincial and urban parks, all Indian reserves, conservation authority land, flood plain land, ecologically sensitive land and class one and two agricultural land. When we got through there wasn't much of the province left."

In early June I requested MacLaren to assess two additional sites: crown land in the South Cayuga area and land at Camp Borden previously suggested by the federal department, Environment Canada.

Besides a lack of suitable sites, it was clear that the public, as well as members of the House, feel that only government control and ownership will guarantee the safety of those facilities. Today's report recommends the province acquire one or more sites on which it would be possible to construct waste management facilities. It concludes that land in South Cayuga and five other areas has potential for such a site; those are in Huron county, Lambton county, Bruce county and two locations in Simcoe county.

The two sites preferred by MacLaren are the one in Huron and the one in the South Cayuga area. Both are considered "viable locations for the proposed facilities, subject to their geological suitability being confirmed by field studies." MacLaren states Cayuga offers an additional advantage because it is close to waste generators. I believe the fact that the government already owns much of the land is another major plus. This allows

adequate government control of the site, a buffer zone can easily be achieved and there will be a minimal disruption in terms of existing land use and to any residents as well. The assembly of privately owned land in the other areas would result in massive expropriation and considerable cost to obtain the needed properties.

Before a decision could be made, we carried out soil tests in Cayuga. The engineering firm of Morrison Beatty Limited was retained. Its report states "the site appears to be ideally suited" for what we propose. Based on these factors, I have decided that land in the South Cayuga area will become the province's permanent liquid industrial waste treatment facility. It will have the best available technology and operate under the highest standards.

One important aspect of the government ownership means we can and do fully accept the responsibility as a government for the operation of such a site. The site itself will be run by a newly formed corporation with a board of directors of two representatives from the general public, two members from the local community, two technical experts and a chairman appointed by the government. They will be responsible for overseeing the development of the facility.

Called the Ontario Waste Management Corporation, this company will be incorporated immediately. I will shortly introduce legislation to set up a crown corporation and it will assume management and development responsibilities. To handle short-term needs, construction will begin as soon as possible on the secure landfill site, a solidification plant, a complete lab and special storage facilities. The site will ultimately contain an incineration unit and other treatment facilities.

I have accepted the MacLaren recommendation that the site itself will be 100 acres in size with a buffer zone of 640 acres. Additionally, we are developing a further control zone of approximately one mile on all sides from the boundaries of the facility. Within the buffer zone around the site no residence will be permitted. In the outer control zone we will welcome farming on a leaseback basis to demonstrate the suitable co-existence of the site and the normal activity for the area.

I have advised the co-proponents at Thorold and Harwich that we are withdrawing our participation from the short-term proposals. This new site will replace the interim storage proposal for PCBs in Middleport as

well. We are, of course, prepared to meet all our legal obligations. The South Cayuga site will be designated to handle the bulk of Ontario's liquid wastes.

2:30 p.m.

Other points I would like to draw to your attention for this new facility are:

First, the waste management corporation will assist and supervise around the clock; that is, 24-hour-a-day security.

Second, with the lab facilities in place, no wastes will ever enter that site before the contents are fully known.

Third, there will be no radioactive material accepted.

Fourth, the province will assume the cost of upgrading and/or construction of the necessary roads to reduce transportation risks to the absolute minimum.

Fifth, the Ministry of the Environment will continue to fund research into alternative technologies, these to be incorporated within site when appropriate.

Sixth, the site will be operated on a break-even basis. The user fees will act as an incentive to encourage industry to reduce, recycle or reuse their wastes. The board will also investigate other ways to reduce waste volumes and encourage waste exchange programs.

Let there be no doubt of the urgent need for this facility. Our health and that of the environment depend on it. Because of that need I have come to another difficult decision. Since the final decision on site location and initial solidification technology is made, no hearing will be held under the Environmental Assessment Act or the Expropriations Act on the few properties the government does not yet own.

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, I will make only one interjection in my statement to reply to all those from the other side. It is rather interesting that the complete attempt to destroy the hearing process has gone on now for nearly a year. The decisions have been made on those sites well in advance of the hearing process. There is absolutely no one on that side of the House who can wave a finger at our not doing the hearing process. They have shortchanged it on every possible opportunity.

Much work must still be done to develop this facility, but I felt it was necessary to inform the public as soon as it was possible to do so.

The cost of this facility is estimated at approximately \$60 million. That is certainly

high, but the government feels cost should not be the limiting factor when what we need is the best technology it is possible to establish.

Unfortunately, we are not able to look to other jurisdictions in Canada for any guidance whatsoever, because there is no facility. There is no plan in any other jurisdiction in Canada. However, as soon as the board is in place, I intend to tour the facilities in Europe with the board so that it can copy or, where appropriate, improve the facilities, so that Ontario will have the best facilities in the world.

It is with some pride that I note the leadership role Ontario is taking in tackling this serious issue, and I fully intend to keep it that way.

**Mr. G. I. Miller:** On a point of privilege: is the minister telling the House today that he is going to go ahead with this project without a hearing before the province—

**Mr. Speaker:** Order. That is not a point of privilege; it is a question and you will be allowed to put it at the appropriate time.

Interjections.

## ORAL QUESTIONS

### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** A question on the South Cayuga matter for the Minister of the Environment, Mr. Speaker: Does the minister not recognize what a farce is being made of his own environmental assessment process, if he is willing to apply it for a number of important but relatively minor situations, and yet unwilling to apply it to what is to be, in his view, in many ways the most important environmentally sensitive project, a matter that will include all the liquid waste generated in the industrial portion of the province? Does he not recognize he is making an absolute farce and a travesty of his own otherwise reasonable legislation, in trying to exclude a hearing process in this very important matter?

**Hon. Mr. Parrott:** Mr. Speaker, I recognize that two years ago the opposition critic on that occasion made what was an obvious and clear commitment that this was a matter of crisis importance. I recall that discussion and I am sure he does as well. I do not think anyone questions the amount of activity the committee has put forward and how it has suggested what we do.

**Mr. Gaunt:** Not only did I say it, the NDP critic said it and so did the minister.

**Hon. Mr. Parrott:** No one has argued that. I was not putting it forward as an argument. I simply put it forward as the member's statement, which I agree with. It is a matter of great urgency. This committee report makes that same point.

We have attempted with a great deal of effort, and rightly so, to follow those recommendations. As I said in my statement today, we are now in the process of implementing 38 of the 47 recommendations. I think if the members of this House would take this statement, the committee report—it is rather a small one—and read that report in detail, and I hope they will, they would find that an unbelievable number of accomplishments have occurred in two years.

I am glad to recite that, but when the Leader of the Opposition says to me that somehow or other we have short-circuited a system of hearing processes, I know place after place in this province where the members opposite have consistently refused even to let the concept go to a hearing. They have made their decision before the hearing. They do not even want to hear the review. They make their decision and as soon as there is a bandwagon on which they feel comfortable to hop, they hop on to it regardless of whether or not they come to grips with the very urgent problem of treating our liquid waste.

It is extremely important that we do so, and I make no apologies whatsoever for attacking what is one of the most serious social problems in this province and getting on with the job. We are protecting the area residents by putting them on the board. I think that is the way to go and I am proud of taking that forceful action.

**Mr. S. Smith:** Does the minister not recognize that without a proper hearing under his own legislation it is going to be very difficult for him or anyone else to convince the people of Ontario that South Cayuga turns out to be the one most suitable site in this entire province for liquid industrial waste, when it was not even one of the 17 sites looked at originally by the MacLaren people when they did their interim report, and when it is obvious and well known to everyone that the main reason South Cayuga is being used is because it represents a huge political embarrassment in the fact that the government finds itself in possession of that expensive land at this time?

**Hon. Mr. Parrott:** I think there are many things that recommend the South Cayuga site. I will be glad to discuss those in detail

any time the House should so wish. More particularly, I think we should recognize that a \$425,000 report was presented to the House just this day to outline, to inform, to tell as much as is humanly possible about why a site is chosen and what is necessary for this province. That, I say, is what the report is all about.

I must conclude that comment by saying there has not been one, not one, positive, constructive suggestion by the members opposite of where a site should be located; not one on the basis of any recommendation whatsoever except perhaps a casual remark, "Why don't you locate it in South Cayuga?" That happens to be the recommendation of one of the members of the Liberal Party in our committee hearings. They have not addressed the problem; the MacLaren report has, and I think we should act on it.

2:40 p.m.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Could the minister now explain how the people of the province can have any hope of believing that the minister believes in consulting the public, when the announcement that the South Cayuga site was being considered came only on October 27, just under a month ago, and yet the minister says in this statement that since that is now a firm decision there will be no further opportunity for the people in the area or the people of the province to consider whether that is an appropriate decision or to know whether the South Cayuga site is acceptable on environmental grounds? When the people of the province have the MacLaren report, which says it is neither an optimal nor a minimal site, why should they put credence in the word of the Minister of the Environment who issued a political dictate to the MacLaren report?

**Hon. Mr. Parrott:** May I remind the leader of the third party that the crown corporation is being established. This facility is not going to be run by the Ministry of the Environment, nor by the province; it will be run by a crown corporation. Two out of seven of those people on that crown corporation will be from the local community itself, a rather unusual but, I think, justifiable decision to make, so that the local people will have tremendous input into how that site is run. I think it is extremely logical and appropriate that the local people will have that kind of input.

I think it is also the guarantee the people of this province want, that a crown corporation will run the facility, because I know the

people of Ontario are saying: "We want a facility and we want it now. The health of this province, the health of the people of this province are dependent upon having it," and they don't want the procrastination the member seems so interested in.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: The report to the government, Treatment and/or Disposal Sites for Liquid Industrial Wastes and Hazardous Wastes, dated August 1979, indicates that using criteria, candidate regions were identified in figure two, with the optimal areas, shown in dark green, excluding agriculture land in classes one to four; and in the map that is provided in that report there is no indication that South Cayuga was even identified. Can the minister explain to this House how he can select it at this time, how he can justify using class one and class two land?

Of that 12,503 acres, 90.8 per cent is class one and class two under the old classification, and, under the new classification, from class one to class four is 93.3 per cent. Can the minister justify using good agricultural land for this type of use? What is the policy of this government as far as agricultural land in Ontario is concerned?

**Hon. Mr. Parrott:** Mr. Speaker, I think there is a slight distortion of the figures on the amount of land that will be used.

**Mr. G. I. Miller:** The distortion is not there; it is in this book.

**Hon. Mr. Parrott:** There will be a site using 100 acres of land. There will be a buffer zone around that using—

**Mr. J. Reed:** Just another 100 acres, so don't worry about it.

**Hon. Mr. Parrott:** Read the report. I do not know whether the member has had a chance to do so yet. He has had it all of 20 minutes. If the member will look at the report he will find 100 acres for the site, 600 acres of a buffer zone around it—

**Mr. G. I. Miller:** Six hundred.

**Hon. Mr. Parrott:** That's right. It can and will be used for farming.

Interjections.

**Hon. Mr. Parrott:** Will be used for farming.

**Mr. Riddell:** Why don't you give up 100 acres to be a horse pasture?

**Hon. Mr. Parrott:** Will be used for farming, let me repeat as often as necessary. Last night I went to the community of South Cayuga and explained this concept—

**Mr. Roy:** You didn't explain. You dictated to them.

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, it is a little difficult to be heard. Last night I went to the area of South Cayuga and explained to the people of that community how the buffer zone around it will not only be used for farming, but will also demonstrate the coexistence of farming and other activities. Indeed, the council asked whether other activities would be possible and of course they will be. We will use all of that land. We intend, with the Ministry of Agriculture and Food, to demonstrate that not only can the land be used for its normal activity of farming as it is now, but that it can also be enhanced and improved. This will be a very modern facility that will coexist very well in that farm community.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Given that the Minister of the Environment is claiming he is providing the best facility to the people of Ontario, why has he ignored the statement on page 3-17 of the MacLaren report that says Huron is preferable to South Cayuga environmentally? Why has he allowed political considerations to get involved with his selection of the best possible environmental site?

**Hon. Mr. Parrott:** Mr. Speaker, I am not quite sure whether the members for Huron-Bruce (Mr. Gaunt) and Huron-Middlesex (Mr. Riddell) want to associate themselves with that remark. But let me treat that comment rather seriously.

**Mr. Gaunt:** The going price is \$100,000 an acre.

**Hon. Mr. Parrott:** You mean there is a price you would accept? Is that what you are saying?

**Mr. Speaker:** Would you get on with your answer?

**Hon. Mr. Parrott:** Yes, I would like to, Mr. Speaker. I think if the member would do the House the favour of reading on, and putting it on the record, there were some other rather significant circumstances the report also talks about.

One of those is the fact that it will reduce the transportation mileage a great deal—a very significant factor to be considered when we choose between two sites. I would not argue for a moment that the Huron site was declared environmentally preferable to the South Cayuga site. But to counterbalance that and indeed add to the advantages of South Cayuga, there is a much reduced

transportation distance; that is a very significant factor. Also, if we went to the Huron site it would mean we would have to disrupt hundreds, perhaps thousands, of people, which we will not have to do in the South Cayuga site. When you put all the factors together, there is no doubt in my mind that the South Cayuga site is the best possible site in this province.

**Mr. S. Smith:** A new question on the same topic to the same minister, Mr. Speaker: Would the minister explain why it is he feels confident to choose this site without a proper environmental assessment hearing, when in fact the Dillon report, in looking at the same site for the possibility of disposal of PCBs, pointed out that the site is adjacent to an ecologically significant area along the Grand River, pointed out that instead of minimizing surface water or wetlands at risk that site crosses Holmes Creek, and pointed out that instead of minimizing incompatibility with surrounding and adjacent uses that site is "not compatible with agriculture and scattered residential surrounding the site"?

Given that the Dillon study found this was not a suitable place for PCBs, why has the minister now decided, without benefit of a proper hearing, that this is a suitable site not only for PCBs but for all the liquid wastes in the province?

**Hon. Mr. Parrott:** Mr. Speaker, the MacLaren report is very comprehensive, and it deals with all those factors. I think, in summary, it does say the South Cayuga site, all things considered, is the best site. It also makes it very clear, as I said in my statement, that no one site meets all the parameters. We are well aware of that. One cannot find the perfect site, so one chooses and uses the best site it is humanly possible to find in Ontario. The \$425,000 the government spent to do that search, I think, has answered the question in full detail. They conclude the South Cayuga site is by far the best.

Let me refresh the member's knowledge of this particular survey, all things considered. The original MacLaren report was done from a map survey; no one set foot on any land. Indeed, sites were chosen—and I think the critic for the Liberal Party on one occasion drew to my attention where a site, supposedly a good site, really was not. I know the member for Chatham-Kent (Mr. Watson) identified the same kind of error in the first MacLaren report. The reason was that no one went out and did field tests. They took a survey of the province and tried

to generalize about the areas they should look at in greater detail. I do not think MacLaren would argue that they did more than that.

**2:50 p.m.**

On that basis, we then did the obvious thing—narrowed it down to fewer sites. The executive summary is a very small part of this comprehensive report. The total amount of work that has gone into searching for this site is enormous. The most exhaustive search that is humanly possible has been carried out by this government.

**Mr. S. Smith:** Is the minister now suggesting there will be no need or any project anywhere to undergo an environmental assessment hearing as long as there are one or possibly two reports done by some consulting engineers? Is he saying that as long as those reports are presented there is no need to go through the process of cross-examination of other experts with contrary opinions presenting their point of view? Will local citizens have no opportunity to question the findings of given consultants, wise as those consultants might be? Is the minister now suggesting there is no need for that cross-examination and presentation of contrary evidence, which is the basis of the appeal process, on any further environmentally considered site? If not, why has he chosen this one to eliminate this all-important concept?

**Hon. Mr. Parrott:** There is no doubt that is not the precedent being established here today at all. I think it has been said by many in this House that the matter of dealing with liquid wastes in this province is of great urgency. I accept that. I think it is important for all of us to understand how important that is, not only to protect our environment but to protect our health.

So often the statement has been made, "Not here." Around the province, one finds it is always the answer, "Not here." As I said in my statement, that misses the very significant point that as long as we keep saying "Not here" all of us have a real problem. We are living in jeopardy. We must treat our wastes and we must do it immediately. The urgency of this matter cannot be underestimated; we must proceed. Today I have outlined what I believe, and I think this government believes, will provide the greatest protection to the people by establishing a crown corporation that will have one purpose in mind. It will not only see that site is extremely well run but that the

controls on it are extremely tight, that we get on with the job and we do it immediately.

**Ms. Bryden:** Supplementary, Mr. Speaker: The minister stated the opposition had opposed environmental assessment hearings and I would like to ask him to document any instance in which the opposition has opposed the application of the Environmental Assessment Act to waste disposal sites. Also, he says that not one constructive suggestion has come from the opposition, but he has adopted 38 out of the 43 recommendations of the committee, including our proposal for a crown corporation.

**Hon. Mr. Parrott:** Mr. Speaker, I am glad to know the member has recognized that I have accepted a lot of the recommendations of that committee, and I appreciate having that on the record. But where the committee has not been positive, where it has not made any constructive suggestions, is where to locate the site. It is great to go through the rhetoric that we need one, but the bottom line is where it will go. The committee has never indicated that it feels MacLaren has done a good job on that search, nor has it said anything to indicate it has a better knowledge of where to locate a site.

It is easy to talk about it, but on this side of the House we have to do something. That is why we are on this side of the House and why we will stay on this side of the House—because we will do something.

**Mr. Kennedy:** Supplementary, Mr. Speaker: Could the minister advise when he anticipates work might commence on this project, when it might be fully operational; the order of the receiving and some order of the waste products it will handle?

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, I did not hear quite all of the last part of that question.

Interjections.

**Mr. Speaker:** Order. I can fully understand why the minister would not have heard all of it. I did not myself. Would the honourable member like to repeat it?

Interjections.

**Mr. Speaker:** Order. Everybody has to have ample opportunity to be heard in this House. It is just a common courtesy. The member for Mississauga South.

**Mr. Kennedy:** Mr. Speaker, the minister said he would be doing some studying with this commission in preparation for the commencement of the development of the site. Would he advise when he expects develop-

ment to commence, when it might be partially operational, fully operational; and what the order of the receiving of the various waste products might be?

**Hon. Mr. Parrott:** Mr. Speaker, I will be pleased to try to do that. Obviously, some of these dates are the tentative dates we hope to be able to meet. First of all, we would expect the corporation to be formed early in the new year and the appropriate director to be named. Once they are named, then I think the only place the corporation members could go to view the appropriate facilities would be to Europe. I expect they will do that early in the new year.

We have already taken one member from our ministry staff who will be available on a full-time basis to assist the members of the corporation. That having been said, I would believe all of the necessary expropriation procedures can be completed, because they are very few in number, by the end of June. That means we feel we could start on this facility in early fall of 1981. We would like to get on with this facility immediately. I think it will take that much time to give the appropriate notices to the present tenants to acquire the options on the land, but I do believe we will be partially operational in the fall of 1981 and certainly fully operational in the year 1982.

#### NUCLEAR WASTE DISPOSAL

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Minister of Energy with respect to the disposal of nuclear waste in northern Ontario, a matter which seems to be handled almost as irresponsibly as the disposal of liquid industrial waste in southern Ontario.

A few months ago, before embarking on its program of nuclear waste disposal research in the area of Forsberg Lake, the joint Canada-Ontario committee sought and got approval from the nearest organized municipality, the municipality of Atikokan, before it could go ahead. In comparable circumstances at East Bull Lake near Massey, that prior approval is neither being sought nor being given, but the research into nuclear waste disposal in the area is already under way.

Does this mean the procedure for approving research on sites as nuclear waste dumps in the north has been changed so it no longer requires approval from the local elected people in the nearest organized area? If so, has that been agreed to by the pro-

vincial government through its membership on the joint committee?

**Hon. Mr. Welch:** Mr. Speaker, just to clarify the issue, with respect to the particular interest of Massey, there was some correspondence when the announcement of the Atomic Energy Control Board was made with respect to the flyovers and the walkovers of five particular unorganized areas. There was an inquiry from the town which I felt was satisfied when they were assured at this stage of the game that all that was being done at this time was the flyover and the walkover.

I think the member perhaps exaggerates the matter. At the moment, that is all that has been done. It was quite public; there was consultation—in so far as those five particular areas were concerned—with the elected members, both federal and provincial, at this stage for the flyover and the walkover. The town of Massey, if that is the particular municipality in which the member is interested, was provided with the information which it requested for purposes of clarification with respect to that activity.

**Mr. Cassidy:** Are we to take it that the joint committee, of which Ontario is a member and which in the past worked by unanimous decision, has abandoned its policy of seeking municipal approvals prior to undertaking research on nuclear waste disposal sites in northern Ontario? If the minister has abandoned this approach, why is he no longer carrying out the commitment to ensure that northerners will be consulted before decisions are made as to where nuclear wastes will go in their areas?

3 p.m.

**Hon. Mr. Welch:** As I said in response to the comments of the member for York South (Mr. MacDonald) yesterday, we will have an opportunity to discuss the report of the select committee on Ontario Hydro affairs with respect to this subject. It is unfair and unreasonable to assume the consultative process has been abandoned. We are talking, at this stage, of walkover and flyover. As to the process and all other steps that will be taken before any final determination is made with respect to the disposition of waste, that is another matter. On the basis of that, as the member knows, the area has been confined to those five sites.

**Mr. T. P. Reid:** Supplementary, Mr. Speaker: Would the minister not give us a commitment that local residents in a place like Atikokan for instance, where Atomic Energy of Canada Limited is already doing test

drilling, will have the final say as to whether they will accept nuclear waste in that community or in any other community across the province? Are we going to find ourselves in the same situation where the ministry is going to go through the process and, at some point, the Minister of the Environment (Mr. Parrott) or this minister is going to say: "You people are going to get it. Never mind the environmental assessment, never mind what the local people want, you are going to be stuck with it"? Will the minister give us the commitment that the local people will have the input and will make the decision as to whether they accept this stuff?

**Hon. Mr. Welch:** Mr. Speaker, as I mentioned when I was before the select committee, I have no difficulty in assuring there is a full consultative process in place with respect to these sites. I stop short of indicating there is going to be any veto on the part of any particular community. That was addressed to me at the time of the hearings. Certainly, there has to be a full consultative process and, ultimately, a decision will be made taking into account all the facts that are made public during that process.

**Mr. Foulds:** Supplementary, Mr. Speaker: Does this in effect mean the provincial government and the Canada-Ontario waste management committee has determined that the waste management disposal site will be in an unorganized territory? Second, is the minister not aware that AECL has given a guarantee to a municipality in Manitoba that the emplacement site for waste disposal will not be put there just because that municipality has agreed to research at that site? If that is applicable to Manitoba, why is the Ontario government not fighting for the same kind of application in Ontario?

**Hon. Mr. Welch:** Mr. Speaker, it is too early in the process to indicate a final decision has been made with respect to any of these five sites. That is the whole point of doing the experimentation and studies on site suitability. How would the member, at this stage of simply a flyover and a walkover, jump to the conclusion that any decision has been made with respect to any particular site?

**Mr. Foulds:** You are changing the rules. You are weaseling out of the commitment.

**Hon. Mr. Welch:** I made no commitment and you know it. Let the record show that is incorrect.

Interjections.

**Mr. Speaker:** Order.

### CONTRACTED-OUT SERVICES

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Labour. The minister is aware of an Ontario Labour Relations Board decision early this month which upheld the right of the owners of the Kennedy Lodge Nursing Home in Toronto to contract out housekeeping and janitorial services even though 16 members of the service employees' union at that nursing home lost their jobs as a result. Does the minister not agree that the right of employers under the Labour Relations Act, as it now stands, to decide unilaterally to contract out and lay off workers as a consequence is a fundamental threat to the job security that workers should have when they have a collective agreement? Will he, therefore, undertake to make that kind of action by employers illegal through the Labour Relations Act?

**Hon. Mr. Elgie:** Mr. Speaker, what the decision dealt with at the Kennedy Lodge Nursing Home was partially what the member reported. What the Ontario Labour Relations Board said was that following a long line of National Labour Relations Board hearings and decisions in the United States and, indeed, in this country, the practice of contracting out was acknowledged to be a usual and conventional business practice in North America.

What it then went on to say was that if there was evidence of activity that this was being used to discriminate against the union or to escape the union in any way it would have come to a different decision. But in the absence of such evidence it did not feel that such an approach was inappropriate in the light of the practice in North America.

**Mr. Cassidy:** Given the fact that 16 workers have been put out of work in that particular case because of contracting out at the Oakridge Villa Nursing Home, St. Raphael's Nursing Home and Heritage Nursing Home in Toronto, does the minister not agree that to give an employer the unfettered right to lay off organized workers through contracting out at a time when the workers have no remedy, either through the arbitration route or by exercising the right to strike, is a one-sided application of the labour law, that it is wrong to have the law so one-sided and that it is time we ensured through legislation that employers cannot take workers' jobs away and lay them off by use of this process of contracting out during the life of a contract?

**Hon. Mr. Elgie:** Mr. Speaker, first of all, the member knows full well that the issue of

contracting out comes up in many contract negotiations, so the parties do have an option to discuss this issue well beforehand. Second, I can only reiterate that contracting out of business is a normal business practice in North America. If the leader of the third party is saying to this government that we should change that practice in North America, I have to tell him that is not something we can do. But the Labour Relations Board clearly says—

**Mr. Cassidy:** In the middle of a contract, when the workers are defenceless—

**Hon. Mr. Elgie:** Just listen for a minute. The labour relations board clearly said that if there was any evidence that a company is doing this to escape its union then it would find differently.

**Mr. Cassidy:** Does the minister not understand that his function as the Minister of Labour, among other things, is to review the decisions of the labour relations board, to review the way that case law and practice develop with respect to the rights of employees and employers and, where a situation emerges which is one-sided or in which the workers are as defenceless as the workers at the Kennedy Lodge Nursing Home have found out that they are, to even the balance and to come in with legislation that protects those workers? Why should workers be compelled to try to negotiate a contract which their employer will not grant them, and why can they not have protection under the law so they are not put into the impossible position of these 16 workers who have lost their jobs through the negligence of this government and the Minister of Labour?

**Hon. Mr. Elgie:** I do not accept that nonsensical statement about negligence on the part of this government. There is a practice of contracting out in North America, and that exists in this province. The mere fact that there was a case before the OLRB confirms the fact that in some instances, namely in the instance of trying to escape a union, redress is possible.

### LIQUID INDUSTRIAL WASTE

**Mr. McGuigan:** Mr. Speaker, my question is to the Minister of the Environment. I would like to ask how he could make a proposal for Harwich township based on the report that, by his own admission, there were no visual inspections of the 17 sites, and cause the Harwich township council to spend an estimated \$100,000 in defence of this ill-conceived proposal? Is the minister



willing to reimburse the taxpayers of the township of Harwich for up to \$100,000, as he was willing to do for Browning-Ferris Industries?

**Hon. Mr. Parrott:** Mr. Speaker, again I think I covered that point relatively well in my statement. I said we would accept all legal responsibilities.

#### NELSON CRUSHED STONE

**Mr. Di Santo:** A question to the Attorney General, Mr. Speaker: Is the Attorney General aware of the letter he received on October 20, from driver-owners who are working for Nelson Crushed Stone, in which there are very serious allegations against the management? Will the Attorney General tell the House if he is taking any action?

**Hon. Mr. McMurtry:** Mr. Speaker, the honourable member delivered a copy of a document dated October 20 to me yesterday, which indicated that a number of driver-owners in the service of Nelson Crushed Stone believe their rights have been infringed. They are alleging discrimination, instigation and provocation and abuse of power and management. There are no particulars of the allegations whatsoever.

3:10 p.m.

When I received this yesterday, I asked my staff if they had any information in the ministry to assist me in knowing what the allegations are. I have not had a report back from them so I simply say to the member, if he has any additional information which particularizes the allegations not particularized in this document, I would be happy to have it.

**Mr. Di Santo:** I am amazed that the Attorney General asks me to initiate an investigation. In view of the fact that the Attorney General received the letter on October 20, in view of the fact the practices of the employer in question were questioned in this House during the strike that occurred last June, in view of the fact the allegations are most serious, and in view of the fact the Ontario Provincial Police have been involved, will the Attorney General—

**Mr. Speaker:** Please put your question.

**Mr. Di Santo:** If the Attorney General had the decency to listen, Mr. Speaker, I would go ahead with my question, but since he does not want to listen, I refuse to go ahead.

#### FEDERAL AID TO TRANSPORTATION

**Mr. Ashe:** Mr. Speaker, I have a question for the Minister of Transportation and Com-

munications relating to a rather lengthy story in yesterday's Globe and Mail entitled "Ottawa Always Shortchanging Ontario on Transportation Aid."

Interjections.

**Mr. Ashe:** Keep it up, you are using up the time.

Mr. Speaker, knowing that sometimes the press takes a little poetic licence, could I ask the minister to substantiate whether it is fact that the federal government has reneged on a commitment for transit aid funding previously made to the minister, and whether it is fact that the federal government is committed to spend \$40 million additional funding over and beyond the urban transportation assistance program in the Montreal area? Is it fact that the Liberal government in Ottawa has been shortchanging Ontario on its transportation assistance needs?

**Mr. Eakins:** I am glad you asked.

**Hon. Mr. Snow:** Mr. Speaker, I was surprised someone from the other side of the House did not ask a question about this yesterday. Obviously the members of the Liberal caucus would not be interested in Ontario being shortchanged by the federal government.

I will try to recall the questions in the member's question. I would have to say the federal government definitely reneged on numerous commitments for transportation assistance within the province. I read a press clipping this morning relating to questions in the House of Commons in Ottawa yesterday where Mr. Pepin stated Ontario was getting \$68 million a year in transportation funds and could do with it what it wished. I believe he would be fairly correct if he said the \$68 million was over a five-year period. Under UTAP, Ontario gets about \$16.25 million per year, which has to cover grade separations, railway relocations, transit and such. If Mr. Pepin wants to increase that to \$68 million a year instead of \$16.25 million, perhaps I can withdraw some of my criticism.

There was a commitment received. Mr. Pepin in a telex says there is nothing in his files to indicate a commitment by Mr. Mazankowski of the Clark government to additional funding to assist in the Milton-Streetsville-Mississauga GO line. Unless my filing system is a lot worse than I think it is, I am sure I can find a copy of the telex that was received from Mr. Mazankowski.

**Mr. Kerrio:** He was out of office when you got the answer.

**Hon. Mr. Snow:** No, he was not out of office when I got the telex, but very shortly after he was out of office, Mr. Pepin sent me another telex which I am sure I can find a copy of.

**Mr. S. Smith:** He sent it to you at Fort Lauderdale, if I am not mistaken.

**Hon. Mr. Snow:** Nothing wrong with Fort Lauderdale. A beautiful place; I wish I was there.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Snow:** In fact, about 32 days from now, I hope to be there.

**Mr. Speaker,** I guess the part of the situation that I feel most annoyed about is the fact that although Ontario has been turned down in every instance for funding of Union Station, and the Bathurst Street grade separation project where there was a \$35-million commitment, and although the additional \$30 million promised by Mr. Mazankowski was withdrawn by Mr. Pepin, now a commitment of \$50 million has been made for the transit system in Montreal.

Interjections.

**Mr. Speaker:** One of the members who does all the yakking about wasting time in question period is the member for Renfrew North (Mr. Conway).

Interjections.

**Hon. Mr. Snow:** Mr. Speaker, the thing that concerns me the most is something in addition to the special \$50 million over and above UTAP funding that Mr. Pepin has promised to Montreal and the province of Quebec. He has also said that if Quebec will assign, say, \$20 million of UTAP funds for transit—remember these are federal funds to start with—he will double that in addition. So he says, in other words, "If you will use \$20 million of my money to build transit, I will give you another \$40 million."

**Mr. Breaugh:** How come you can't get a deal like that for Ontario?

**Mr. Wildman:** How come Levesque gets more money than you do? Is he a better negotiator?

**Hon. Mr. Snow:** That is worse than playing the slots. It is difficult to understand the rationale in the decisions that are made out of Transport Canada.

#### AIR QUALITY LEAD CRITERIA

**Mrs. Campbell:** Mr. Speaker, my question is to the Minister of the Environment. Could

the minister advise us, having in mind this government's often-repeated commitment to local autonomy, what was the result of the discussion in the ministry when the communication was received from the special studies branch of the Ministry of Labour? It recommended no changes or additions to the existing air quality lead criteria regardless of the recommendations made by the Toronto board of health in this area.

**Hon. Mr. Parrott:** Perhaps the question might be more appropriately directed to either the Minister of Health (Mr. Timbrell) or the Minister of Labour (Mr. Elgie). We do look to those two ministries for the expertise in making decisions on health matters. I thought the question was, what was our internal response. I will be glad to get that and reply to the member more fully on a later occasion.

**Mrs. Campbell:** Supplementary, Mr. Speaker: I wonder if the minister, when he is looking into the matter, would table in this House all the pertinent information upon which any decision to ignore the Toronto board of health was taken with reference to lead criteria?

**Hon. Mr. Parrott:** I will look at all that information and I will make a further report. I am not prepared to say any more than that at the moment.

3:20 p.m.

#### ANIMAL TRAINING COLLARS

**Mr. Philip:** Mr. Speaker, a question to the Attorney General and Solicitor General, in his capacity as the cabinet minister responsible for laying charges under section 402 of the Criminal Code of Canada which deals with cruelty to animals: Is the minister aware that certain pet shops are selling training collars, which really could be called torture collars? These collars have prongs on the inside which dig into the animal's skin. The one I have was purchased by Tom Hughes of the Ontario Humane Society. Does the minister feel that shopkeepers who sell these devices might be charged under section 402 of the Criminal Code of Canada?

**Hon. Mr. McMurtry:** I note the member for Etobicoke is holding a device in his hand. On the basis of his question and on the basis of what I am able to see from this distance, quite frankly, Mr. Speaker, I am really not in a position to judge whether or not this would warrant a charge under the Criminal Code.

**Mr. Foulds:** If the minister promises to wear it, he will send it across.

**Mr. Speaker:** Order.

**Hon. Mr. McMurtry:** That sort of instrument might be appropriate to keep the member's colleague, the member for Scarborough-Ellesmere (Mr. Warner), under control.

I assume and I appreciate the question has a serious motive, and I will certainly discuss the matter with Mr. Hughes of the humane society.

**Mr. Philip:** Since, it is very difficult, as the minister would admit, to successfully obtain convictions under that section of the Criminal Code, and since it is the opinion of the Toronto Humane Society that a majority of cases of abuse with this collar go undetected, and assuming he comes to the same conclusion as the Toronto Humane Society that this is a cruel device which is not needed for training purposes, will the minister, possibly in co-operation with the Ministry of Consumer and Commercial Relations, consider banning these hideous torture devices from sale in Ontario?

**Hon. Mr. McMurtry:** Mr. Speaker, I am not just sure at this moment what avenues may be open to us in this respect and what might be required legislatively or otherwise to ban the sale of such instruments, but I will certainly look into the matter and advise the member accordingly.

#### DARLINGTON NUCLEAR POWER STATION

**Mr. Cureatz:** Mr. Speaker, a question to the Minister of Energy: Is the minister contemplating the possible stretching out or the possible stopping of the construction of the Darlington Generating Station, which I know the mayor of Pickering and the new mayor-elect of Oshawa support, and which I am sure the member for Oshawa (Mr. Breaugh) also is supportive of?

**Hon. Mr. Welch:** Mr. Speaker, there certainly are no plans at the moment to alter the construction schedule as far as Darlington is concerned.

**Mr. Nixon:** The minister has indicated no change in the timetable is expected. Is he not aware that the predictions of energy load increase from Ontario Hydro have been completely thrown into a cocked hat, since the load has not grown in 1980 and it appears that instead of Darlington not being needed until the year 2000, it may very well be a decade later than that before Darling-

ton's output will be needed, unless it is the intention to phase out the coal-fired burners?

**Hon. Mr. Welch:** I can only repeat that there are no plans for changing the timetable. Certainly it is too early to come to any conclusions with respect to some of these preliminary figures. I am sure the board will want a little more time to consider some of the long-term implications.

As far as I am concerned, I am getting plenty of advice and encouragement from people who can resist the temptation of partisan opportunism to encourage this government to become very positive with respect to the tremendous opportunities this province has with respect to its energy future because of its electrical capacity, and we should see this as a plus at the moment.

#### TOXIC HAZARD TESTING

**Mr. Van Horne:** Mr. Speaker, I have a question for the Minister of Labour. It has recently been reported that 10 hospitals have been selected for toxic hazard testing by commercial firms which will report directly to the ministry. This seems to be a little bit of a breakaway from the intent, as I understand it, of the Occupational Health and Safety Act, and I am wondering if the hospitals' joint health and safety committees will be involved in this process. Also, other than the air testing, which apparently is the only thing that will be done, will the minister consider testing in such other hazardous areas as radiation and chemicals?

**Hon. Mr. Elgie:** Mr. Speaker, we are beginning some studies in the area of the hospital industry. Radiation, as it relates to workers in the exposure area, is already dealt with under the radiation protection branch of the ministry. As to the details of exactly what stage that program is in, I would be glad to look into it and advise the member.

**Mr. Van Horne:** I am wondering if the minister would inquire at the same time if the occupational hygienist newly retained by the Ontario Hospital Association might also be involved in such a study.

**Hon. Mr. Elgie:** That will be up to the occupational health and safety division to decide whether there would be any assistance rendered by such persons.

#### FOREST FIRE REPORT

**Mr. Foulds:** Mr. Speaker, I have a question for the Minister of Natural Resources. Can the minister confirm reports of the

Thunder Bay media that he has now had in his possession for 10 days the Hughes report, a review of the past disastrous forest fire season in northwestern Ontario? Can he tell us when he plans to table the report in the House and make it public? Can he tell us if he has read it, and can he assure us that he has not locked it in his safe in order not to spill the beans?

**Hon. Mr. Auld:** Yes, Mr. Speaker.

Interjections.

**Mr. Foulds:** Supplementary: That is the shortest answer on record from the Minister of Natural Resources

**Mr. Speaker:** The supplementary is supposed to be the result of the answer to the original question.

**Mr. Foulds:** Now that the minister has confirmed that he has had the report in his possession for 10 days, can he tell the House why he has not made that report public to this House and when he will do so?

**Hon. Mr. Auld:** Mr. Speaker, I think I may give the same answer I gave to Mr. Baughman of the Lakehead newspaper: that I wanted to read it. I have read it. I want my staff to comment upon it and I want to make a statement when I release it, which I hope will be in the next couple of weeks, indicating those recommendations we propose to follow and any other comments that seem appropriate at the time.

#### FORT ERIE RACETRACK

**Mr. Haggerty:** Mr. Speaker, I would like to direct a question to the Minister of Consumer and Commercial Relations. Is the minister aware that it was almost one year ago that the matter of the Fort Erie racetrack was debated in this assembly, and that the Ontario Jockey Club has indicated that if there is no A meeting in August 1981, there will be no B spring meeting, which essentially means the track will be closed, causing severe economic hardship in the community? Has the minister or the cabinet arrived at a decision as to what financial assistance is to be generated to enable the Fort Erie racetrack to remain in operation for the 1981 meet and the ensuing years?

**Hon. Mr. Drea:** Mr. Speaker, first of all it is a misnomer to say the Fort Erie racetrack issue has ever been debated here. I welcome the honourable member's interest in the future of the Fort Erie racetrack. It is encouraging that someone from the area other than my colleague, the member for Brock (Mr. Welch), is interested.

I am relatively confident and optimistic, as I always am, that the Fort Erie racetrack will function in 1981 and in 1982, in regard to both a B meet and an A meet. But unless the mountain comes to Muhammad—and I have a communiqué from the mountain, Mr. Whelan, which I have not been able to read yet; I do understand he wants to meet with me, which is an unusual change of events and not his normal attitude towards me—beyond 1982 there is no one who can guarantee the fate of Fort Erie because the only way that track will be viable is through offtrack betting.

3:30 p.m.

**Mr. Haggerty:** I believe the date would be December 13, 1979, when the matter was debated here in a dialogue between the minister and myself. I am well aware of the minister's long-term solution of offtrack betting, but my main concern is inter-track betting by telephone from one track to another. Can he assure me that the Fort Erie racetrack will remain open under the federal scheme for thoroughbred racing?

**Hon. Mr. Drea:** Mr. Speaker, I cannot speak for Mr. Whelan's proposals. I suppose the best description of what he has proposed would be a form of offtrack betting that will be of no benefit to the racing public, because one would have to put amounts one could draw upon into a non-interest-bearing deposit account all over the place. Personally, knowing something about the racing industry, I do not think the federal government intends to proceed with what it has outlined. Rather, I think this is a preliminary offer to provide for offtrack betting.

Coming back to the business of Fort Erie, I want it very clearly on the record, because I answered it, that I am optimistic Fort Erie will open for the B meeting and then the A meeting in 1981. It opened in 1980 because of the minister. In 1982, the same thing will happen. But beyond that, it is all in the hands of the mountain.

#### SUDBURY NURSING HOME

**Mr. Germa:** Mr. Speaker, I have a question of the Minister of Health. Now that the nursing home inspection branch has confirmed that at least on six occasions Sudbury Nursing Home had breached the regulations, a fact he is aware of, is it his intention to lay charges against Sudbury Nursing Home as contained in the regulations?

**Hon. Mr. Timbrell:** Mr. Speaker, the member will acknowledge that I sent him a very lengthy letter as a result of inspections at

the nursing home. It is my custom to send members full reports. It was based on the infractions or deficiencies noted and the action taken to date to correct them. There are no plans to lay charges.

On the question of the making of monthly charges for laundry services, as a result of that inspection an audit is being made of all 15 Extendicare nursing homes to see if that practice is current in their entire chain. If so, measures will be taken that are appropriate to the degree that it is happening.

**Mr. Germa:** Is the minister not aware that the same situation has pertained at Sudbury Nursing Home in the past and that without getting their attention and putting a penalty on them, the situation is not going to be corrected on a permanent basis?

**Hon. Mr. Timbrell:** I have no qualms about using the prosecution tool where that is appropriate. We have used it in my time as minister probably as frequently as or more frequently than at any point in the past. All I am saying is that where that is appropriate and where we cannot get co-operation in any other way, we will use it. In this particular case we got co-operation and got the correction of deficiencies, and it is not appropriate.

**Mr. Conway:** Supplementary, Mr. Speaker. For the information of the members, can the Minister of Health indicate in his three years and some odd months as Minister of Health how many times he has initiated prosecution and legal action against offending nursing home licensees?

**Hon. Mr. Timbrell:** Off the top of my head, no. In some cases, just calling in the owners to meet with the administrators and our legal branch is sufficient. Threatening is also very effective.

## MOTIONS

### COMMITTEE SITTING

**Hon. Mr. Wells** moved that the standing committee on general government be authorized to sit on Monday night, December 1, 1980.

Motion agreed to.

### TRANSFER OF BILL

**Hon. Mr. Wells** moved that Bill Pr48, An Act to incorporate Redeemer College, be transferred from the standing committee on social development to the standing committee on general government.

Motion agreed to.

## INTRODUCTION OF BILL

### HUMAN RIGHTS CODE

**Hon. Mr. Pope** on behalf of **Hon. Mr. Elgie** moved first reading of Bill 209, An Act to revise and extend Protection of Human Rights in Ontario.

Motion agreed to.

### MOTION TO SUSPEND NORMAL BUSINESS

**Mr. Isaacs:** Before the orders of the day, Mr. Speaker, I have already given notice to you of my intention to move that the regular business of the House be set aside in order that there be a debate on the matter of industrial waste disposal.

**Mr. Speaker:** Proper notice has been given. I will listen to the reasons why the honourable member thinks the ordinary business of the House should be set aside for up to five minutes.

**Mr. Isaacs:** Mr. Speaker, in view of the minister's statement, I believe it is very important that today this House engage in a full and open debate of the matter of industrial waste disposal and, in particular, the unacceptable approach that has been put before us today by the minister.

The minister is blaming the people of this province for their opposition to the ministry's previous ill-conceived programs. He is attempting to punish the people of this province by totally eliminating the public participation process on the South Cayuga proposal.

The news is not all bad and that is why I think it is important that we have a debate today. We welcome the principle of a crown corporation; we welcome the concept of finding the best possible site for a liquid industrial waste treatment facility, and we welcome the minister's acceptance, at long last, that the site should be fully in government hands. But we condemn the political interference we have seen so blatantly in the site selection process.

This afternoon we cannot comment on the matter of the disposal process because the second volume of the MacLaren report, or at least the executive summary we have been provided with today, leaves more questions unanswered than it provides answers to, as to what is going to happen on the site that is finally selected by whatever mechanism.

The minister has his approach totally wrong. I want to cite two examples to illustrate why that is the case.

In February of this year, a report prepared by the hazardous waste management committee in Alberta put, as its number one recommendation, that any proposal to build a treatment and storage facility should be accompanied by a comprehensive public involvement program conducted by the proponent, and approved and monitored by Alberta Environment. The minister has totally and utterly ignored his own legislation, his own boasting about public participation, in coming forward with the proposal today.

The second example I wish to mention is a paper presented by David Estrin, a prominent environmental lawyer, to the twenty-seventh Ontario Industrial Waste Conference on June 16 of this year. The paper is entitled *Siting Hazardous Waste Disposal Facilities—How to Prevent Lawsuits and the Not-in-My-Backyard Syndrome*. The paper is full of excellent proposals the minister could have followed to avoid the not-in-my-backyard syndrome.

Unfortunately, the minister has gone about this initiative in a manner that totally ignored the challenge that he himself recognized last year, and that is the need to gain widespread public acceptance of the existence of disposal facilities and the great need for new facilities.

3:40 p.m.

The minister has implied that we face a crisis, but he has chosen the approach that makes the crisis worse. He has chosen a site before all the facts are in. The Morrison Beatty report he tabled today makes it very clear that the safety of the South Cayuga site for a liquid industrial waste facility has not yet been established according to engineering standards. Twelve months more work is needed before we know whether it is a suitable site.

If we have this debate this afternoon, I believe we can put proposals before the government which will help get us on the right track instead of up a dead-end siding that will lead to more problems sooner or later. The government has cut out the public participation process. We need a full and open debate of this matter in the House today so that we can try to prevent further waste of time and money on inappropriate proposals and so that the minister might be able to come back within days with a revised proposal that meets with approval from all sides of the House. I hope there will be support from all sides for just such a debate because it is a matter of overwhelming public concern in this province today.

**Mr. S. Smith:** Mr. Speaker, we support the need for a debate at this time on the matter. Surely it must be apparent that what is happening today is the repudiation by the government of its own highly trumpeted legislation, the Environmental Assessment Act, which has been hailed by many, especially by members of this government.

I can understand why the minister would want to leave at this time, I can well appreciate it, but given the way in which he has trumpeted the Environmental Assessment Act as the leading act of its time, today is an historic occasion. Today we heard that the act is to be set aside because of the alleged urgency of a problem which the minister himself has apparently been resolutely unable to deal with over the past many years. Members on this side of the House perceive the problem. Today we are told its urgency is of such a kind we can set aside the legislation of Ontario, we can set aside the Environmental Assessment Act so that the minister can go ahead and place a liquid waste disposal facility in a publicly owned area.

It is very interesting, when asked why he wants to set aside the Environmental Assessment Act, he tells us it is because of the urgency of the matter, because of the delay of the other procedure. The reason for the delays in the other procedures has been that the other sites selected by the ministry all turned out to be selected for reasons that were ill-conceived. Presumably, the minister himself is admitting that by withdrawing those applications. It was not a geological survey that decided on Harwich township; it was the fact those poor folks did not complain about an existing dump, so maybe they would not notice a slightly different kind.

The same goes with most of the selection procedures. Walker Brothers Quarries is another example. Maybe since they are already letting waste into the place, nobody will complain too much if some more gets in there. Because the government has adopted those criteria, the local people have understandably demanded the full due process of law and have received that so far. Similarly, I point out that one of the reasons things have taken so long is that the ministry itself has been so long in recognizing the problem.

When Colin Macfarlane, who has now been made head of the entire waste management branch of the ministry, was told of the waste being imported into the Upper Ottawa Street site in Hamilton, he chose

to do nothing about it, saying the evidence came in Coke bottles. That was four years ago when much could have been done. So the delay of which the minister complains, and which he claims is the one reason for setting aside the legislation of Ontario, is of his own making. It reminds me of the person who kills his mother and father and then throws himself on the mercy of the court on the basis he is an orphan. The delay which is being used by the minister to justify this extraordinary move, this amazing and dismaying move to set aside the Environmental Assessment Act, was all of the ministry's own making. If people did protest, it was because they did not trust the ministry, the same ministry that presided over the magic box in Hamilton, the same ministry that pretended it knew nothing of what was going on in the Walker Brothers Quarries and then said a week later, "Oh, sorry. Yes, it does appear as though we did know what was going on in the quarry."

No wonder people have objected. There is no reason at all to set aside the Environmental Assessment Act. In addition to that, the people of Ontario are not stupid. They know perfectly well that it is too much to say a coincidence has occurred by which the very piece of land which is a huge political embarrassment to the government just by chance turns out to be the one place that is optimal in the whole of Ontario to put liquid waste into.

Nobody could believe a thing like that, and certainly the MacLaren people who did the report do not believe it either. They didn't even choose it as one of their 17 sites to look at. The ministry is fooling absolutely no one. Because the ministry is constantly putting these liquid wastes and PCBs in places like Middleport in Brant-Oxford-Norfolk riding, Smithville in Lincoln riding, Harwich township in Kent-Elgin, South Cayuga in Haldimand-Norfolk and also in Walker Brothers Quarries in St. Catharines riding—or at least partly in that riding—and because the second choice, if we reject this, is in Huron-Bruce riding, I am not going to suggest that they were chosen because they are Liberal ridings. I would merely point out that the chance of all those ridings being chosen just at random without political consideration at all is one in 16,000.

**Hon. Mr. Wells:** Mr. Speaker, the remarks of my friend the Leader of the Opposition have helped to substantiate the case that this debate should not proceed this afternoon. While he may feel his remarks are well meaning towards some subjects, exception can be

taken to them and exception will be taken to them by the minister. They do not deal with the substance found in this report. I submit to you, Mr. Speaker, that rule 34(c) says, "The matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration."

I think all of the procedures in this House are geared towards meaningful debate and to make this House a meaningful institution. That meaning is achieved by notice being given and people being able to prepare. Let me state first that no notice was received of this particular motion by this party and by the government until about 1:50 p.m. this afternoon.

I would submit to you, Mr. Speaker, that is not the kind of thing that most of us would see as an emergency in the sense of something that is gripping the minds and hearts of the people of this province immediately through the media and elsewhere, or as one of those kind of matters they would believe should be debated in this Legislature as is the case of the special education bill which was due to start at this very time and which is not now going to proceed because I assume we will proceed on this particular matter.

To protect the integrity of this House all I am saying is that a report has been presented, an appendix has been presented and other appendices are still being printed. Moreover, we are being asked to engage in a special debate on a subject which has been debated in this House. It was debated for half the question period. It has been debated in the estimates. It is a subject which is of concern to the people of Ontario but which is not of an emergency nature that it needs to sweep aside, without adequate notice, the business of this House, particularly important business such as the special education bill which was due to be debated this afternoon.

Mr. Speaker, I merely put that case to you. We have a rule that calls for emergency debates, and that is a very necessary procedure. Believing in the rules and standing order of this House and believing in meaningful debate for all members, I would have to submit that to proceed with an emergency debate of this nature now, with most members not even having a copy of these reports, is not a meaningful discussion. While this is a very important matter, it is not the kind of emergency matter the people who struck these standing orders saw in rule 34(c).

3:50 p.m.

Interjections.

**Mr. Speaker:** Order. I have listened with great interest to the presentations made by the three members. I would have thought the motion put forward by the member for Wentworth (Mr. Isaacs) was based on some information, anxiety or apprehension he had prior to the introduction of the comprehensive and detailed statement made by the minister, so I would have to say his request for an emergency debate was based on other considerations.

On that basis, I know of my own knowledge this matter of the disposal of liquid waste has been discussed over the past several months on many occasions by the Leader of the Opposition and many others in the House. By the minister's own admission it is of great urgency and it is something that obviously affects a good many people, particularly in southwestern Ontario. However, the motion, which I was given notice of at 10:15 a.m., obviously did not take that into consideration. It took into consideration the general problem with regard to the disposal of liquid nuclear wastes. I would have to say on that basis, it does not fit four-square within the rules of standing order 34.

### THIRD READING

The following bill was given third reading on motion:

Bill 167, An Act to amend the Chiropractic Act.

### ORDERS OF THE DAY

House in committee of the whole.

**Mr. S. Smith:** Mr. Chairman, on a point of privilege, I would like to correct the record, if I might.

**Mr. Chairman:** In what regard?

**Mr. S. Smith:** Earlier this afternoon I stated the chances of a Liberal riding having been picked at random for some of these environmental matters was one in 16,000. On closer calculation it is approximately one in 4,000. The odds are about 4,000 to one against it happening by chance. I wanted to be correct in my figures.

### EDUCATION AMENDMENT ACT

(continued)

Consideration of Bill 82, An Act to amend the Education Act.

On section 3:

**Mr. Chairman:** Mr. Sweeney moves that section 3(1) be further amended by adding after "pupils" in the seventh line "with pro-

visions for parents or guardians to appeal the committee decision."

**Mr. Sweeney:** Mr. Chairman, this is to correct an oversight in terms of our discussions last week on the appeal mechanism. It was drawn to my attention that the appeal procedure is restricted or—maybe this is a better way to put it—could be interpreted to be restricted to a student whose placement was in question. Of course, we have to realize that initially a decision has to be made by the placement committee to identify a child as an exceptional pupil. The only purpose of this amendment is to provide a parent or a guardian with the opportunity to appeal a committee decision which may or may not have identified the child as an exceptional pupil.

It is fairly clear that until that particular decision is made the rest of the legislation does not have any impact on a particular pupil. Therefore, it is important that we provide the parents, right at the beginning of the activity, with an opportunity to say whether they agree or not with the committee decision, and that the minister make provision, as in my amendment, for the parent or guardian to appeal that committee decision.

**Hon. Miss Stephenson:** Mr. Chairman, is this an amendment to subsection 1 or 2 of section 3?

**Mr. Chairman:** Subsection 1.

**Hon. Miss Stephenson:** Where is it to be placed?

**Mr. Sweeney:** Mr. Chairman, I just used the line numbering. If we refer to the printed version of the bill, then we just simply count down, as I have in my amendment, to the seventh line of section 3(1). It is the first line of paragraph 5(iii). The amendment would then read: "committees to identify exceptional pupils with provision for parents or guardians to appeal the committee decision and to make and review placements of exceptional pupils."

In other words, the inserted clause would relate to the committee's task of identifying the exceptional pupil. The rest of it would flow from that.

**Mr. McClellan:** Mr. Chairman, once again we are in the realm of the bizarre because the bill, as it is before us and as it came out of the social development committee, already has a comprehensive appeal procedure in it, and that comprehensive appeal procedure is section 7.

Section 7 of the bill, as it stands now and as it was passed in the social development



committee, contains provisions for appeals against the three statutory powers of decision-making of a local board of education placement committee. Those three areas of decision-making are to review, first, the decision of whether a child is an exceptional pupil and, secondly, what specific special education program or special education service an exceptional pupil shall receive from the local board of education. The third area of statutory power of decision with respect to this bill has to do with the designation, hard-to-serve child, and whether a board is able to provide a service for a child so designated.

The appeal procedure in section 7 of the bill, as amended and as before us, covers all those three powers of decision. Why the Liberal Party is now moving amendments dealing with material already covered in the statute is beyond me. Well, it is not really beyond me; it is because they want to eliminate section 7 as it stands now and replace it with something that is substantially weaker. What they are doing here is saying, "We will add a section to the regulation that will empower the minister to set up some kind of appeal procedure with respect to the first of the statutory powers, the designation, exceptional child."

4 p.m.

I made the arguments last week and I do not intend to repeat them at length. The point is very simple. When an act confers a statutory power of decision on some other body, the statute should also spell out what the appeal procedures are in the statute. It is not the minister that is giving the statutory power of decision to a local board of education; it is this Legislature. It is our responsibility to give the appeal procedure in the act and not leave it to the minister through regulation.

Finally, if I may say why I am unwilling to leave the development of an appeal system to the minister by regulation, I would simply refer to Ontario regulation 704-A, which is the existing regulation that gives the so-called appeal to parents against decisions of the local placement committee. It is not an appeal system. During the hearings the minister was calling this an appeal procedure, an appeal mechanism, but it is not.

Let me read the operative part of the regulation that the minister characterizes as an appeal system. "The parent or pupil may at any time apply in writing to the chief executive office of the board," that is, the local board of education, "or to the secretary of

the board for a review of the placement of the pupil by a committee, and shall state in his application the reasons for requesting the review." All that happens is the matter is reviewed.

That is the kind of appeal system the Minister of Education has put into regulation now. I say it is utterly irresponsible to place the appeal procedure into the regulation section of the act. It has to be spelled out in the statute. As a matter of fact, it is spelled out in the statute in section 7.

I want everybody to be very clear about this. I intend to vote against any and all amendments to Bill 82 this afternoon because, in so doing, I am voting for the bill as it was passed by the social development committee. That is the procedure we are required to go through here this afternoon. In order to vote for the victories that were obtained in the social development committee, we have to vote against the minister's amendments and the amendments of the Liberal Party. In so doing we are voting for a comprehensive appeal system that covers all the areas of decision-making without any fudging or fooling around. It provides a remedy if somebody wins an appeal, rather than the kind of nebulous, go-back-to-square-one proposals we have had before us.

Before it is too late, I wish my colleagues in the Liberal Party would stop what they are doing this afternoon and go back to the position they took in the social development committee with respect to special education—in fact, with respect to all decisions of the local boards of education placement committees. There needs to be an appeal procedure enshrined in the statute. It is there now. Let us please keep it in the bill.

**Mr. Stong:** Mr. Chairman, I would like to address this section. I suppose if Bill 82 is reduced to its most basic fundamentals, there are three actions. One, there is the identifying of an exceptional pupil. Two, there is the placement of the exceptional pupil and, three, there is the service of the hard-to-serve pupil. This section, as amended by my colleague from Kitchener, does nothing more than clarify a situation that is already existent in the act. Should our amendments not pass and should the bill as it came from the social development committee pass in this House this afternoon, then the most that could happen and the most that could be said about my colleague from Kitchener's amendment is that it is redundant or superfluous, but it is not inconsistent. In fact, if our amendment should pass, then it is neces-

sary to indicate as early as possible in this bill, as was done in section 2, that the appeal procedure be set out.

The minister has powers under regulation to set procedures. The purpose of the regulation is to administer, to organize and establish. The power to appeal comes from another section of the act later on. But the section, as it reads in Bill 82 now before us and before amendment by my colleague from Kitchener, indicates the committee can identify exceptional pupils but, in dealing with placements of exceptional pupils, this section allows the minister to set up a review procedure.

This section can be interpreted as being silent in view of the sections that are to come later on and with which we will be dealing, particularly section 7. This section is silent with respect to the review of the identification process. My colleague from Kitchener addresses himself only to that and it is only with that we are concerned at this time—that the identification process be subject to review and that the placement be subject to review.

Should this section be subject to interpretation in a court of law some day, it could easily be read that the identification process is not subject to review as is set out. We are addressing only that, and it is important later on perhaps. If it is not important later, it becomes superfluous but not inconsistent with the tenor of the bill.

**Mr. McClellan:** If the member had not deleted the statutory rights provision last week—

**Mr. Stong:** You did not vote for that, you clown.

**Mr. Chairman:** Order.

**Mr. McClellan:** Mr. Chairman, would you ask the member to withdraw the unparliamentary remark?

**Mr. Stong:** I withdraw, Mr. Chairman.

**Mr. Chairman:** The honourable member has withdrawn it.

**Mr. McClellan:** Yes, in such a graceful manner too.

The point is that under section 2 of the bill, which was changed last week, there was a very tough statutory rights provision that would have been the basis of any litigation beyond the appeal tribunal, so the member is simply backfilling.

**Mr. Foulds:** Mr. Chairman, let us be very clear about what is happening here. Last week this bill was gutted and the strong provisions in the previous clause were

watered down so that the bill no longer is a bill that ensures the rights of children to a mandatory education commensurate with their abilities.

In the subparagraph we have before us in section 7, we have an attempt to establish a wishy-washy kind of appeal rather than the appeal system that is already strongly built into the bill in this section. Perhaps the introduction of the amendments by the Liberal Party last week and the amendment that is before us is unparliamentary in the sense that we already had that provision in the bill. It happened to be numbered 7 rather than 2 or 3 but it was there. It was a very strong and tough legislated appeal procedure.

It was clear that under that appeal procedure in section 7, just as in all legislation, there would have to be some regulations devised. But those regulations would be dependent entirely upon the statutory authority embedded in the bill. What we have here is an attempt to recover some weak ground that the Liberal Party threw away last week.

I regret that because I think in the long run—certainly in the short term but in the long run as well—what we are doing in the House now is scrambling to find a modified appeal procedure that will not, unfortunately, serve the disabled learning children of this province as well as the provision that had been passed and well thought out by the social development committee previously. Therefore, I will join with my colleague from Bellwoods in voting against this provision. By the time we get to section 7 of the bill, the Liberal Party and the Conservative Party will have built their case for gutting the bill once again and weakening it by deleting section 7 or some such action.

I cannot in conscience vote for a weakening of the legislation as it was initially presented to the committee of the whole House.

4:10 p.m.

**Hon. Miss Stephenson:** Mr. Chairman, it was my understanding that last Tuesday at the suggestion of the member for Kitchener-Wilmot (Mr. Sweeney) we passed an amendment to section 2, which enshrined in that section a mechanism for appeal of the actions taken within the function of a committee. That was in addition to an amendment that had been introduced during the hearings of the social development committee, introduced by my colleague, the member for Mississauga South (Mr. Kennedy),

which is section 3(2) and is numbered 5a in the reprinted bill. I am sorry that there isn't a date on it, but it was reprinted as amended by the social development committee. It does outline that there will not only be an appeal mechanism, but there must be regulations developed in order to ensure the participation of parents and guardians in that appeal mechanism for the placement of children.

I can easily accept the amendment that the identification process be a part of that review and appeal mechanism most wholeheartedly, but I am wondering whether it is appropriately placed, as the member has suggested, in section 3(1) as paragraph 5(iii) or whether it should be in section 3(2) as paragraph 5a as in the amendment introduced earlier in the committee.

**Mr. Grande:** Mr. Chairman, I would simply like to make two points regarding this amendment. The minister states this is not an appropriate place because it was placed under section 3(2) last Thursday. I suggest to the Liberal Party and the Liberal member who got up a few minutes ago and said this amendment was redundant and superfluous—those were his words—if the section 7 we already have in the bill stands, that we in the Legislature, both opposition parties, have the power to ensure that section 7 of the bill stands. All we need to do is vote against the amendment to section 7 that the minister will bring forth in this House. Vote against it and we have section 7 of the bill as it came out of the social development committee.

Therefore, since you strongly believe that section 7 should stand and if this amendment is redundant and superfluous, I don't understand why you are putting it forward. May I suggest to the Liberal member for Kitchener-Wilmot and to the member for York Centre what they need to do is withdraw the amendment. It is indeed redundant and superfluous. Withdraw the amendment and then stand firm on section 7 as you have done in the social development committee. Anything less than that is going to be seen to be what it is, a watering down of the position you as a party took in the social development committee.

Let's stop playing games. We know what the legislation is about. We know what the minister intends to do through this legislation and by gutting this legislation. Don't be accomplices to what the minister wants this bill not to be. All we are saying to you is to stand firm. We have a good section in this bill which will ensure the right to an appeal

procedure at all the different levels where decisions are made, whether it be a decision on programs, or a decision on whether a child is going to be called an exceptional child, or whether it would be obviously a decision to a tribunal, to the Ontario special education board. We have the best appeal system that can be set up. Take heart on that side of the House. We have a good appeal process. Let us not try to water it down by adding redundant and superfluous clauses to this bill.

**Mr. Sweeney:** Mr. Chairman, the minister suggested that the spirit of my amendment might perhaps be better placed in paragraph 5a of section 3(2) of the bill. When I was considering the amendment, I realized it could have been put either place. If it were to go in 5(a), we would probably have to put the word "identification" either before or after "placements" on the second line so there would be no doubt whatsoever that the right of appeal would be at both the identification and the placement level.

As I indicated at the beginning of my comments, I am attempting at this time to leave no doubt in the mind of anyone who has to interpret this legislation that it is at both those levels we want the right of appeal. I can accept that it would be equally effective in 5(a) and, if that is what the minister is suggesting, I am quite prepared to agree to that. I will write that out unless we can accept it simply on a voice vote.

**Hon. Miss Stephenson:** It is simply the addition of two words so that it would read, "governing procedures with respect to parents or guardians for appeals in respect of identification or placement of exceptional pupils in special education programs." That is inserting "identification and/or." It could be both.

**Mr. Sweeney:** If the minister is prepared to make that amendment, I would be prepared to withdraw my amendment.

**Hon. Miss Stephenson:** I would be willing to move that amendment.

**Mr. Chairman:** Mr. Sweeney has withdrawn his amendment. Any further comments on section 3(2) of the bill?

**Mr. McClellan:** Mr. Chairman, what is the amendment that has been withdrawn and removed? Would you read it back to us please?

**Mr. Chairman:** I can read what has been withdrawn but that is all that has taken place so far. I have nothing in writing before me. The member for Kitchener-Wilmot has withdrawn the amendment.

**Mr. McClellan:** I had one question that does not have to do with the amendment. I am sure the minister can deal with it. It is simply a question of factual information. I had inquiries from a number of local associations for the mentally retarded asking if it is possible for a local board of education to purchase service from an association for the mentally retarded developmental centre, either under the existing provisions of Bill 82 or under regulations that would be promulgated, presumably under this section.

**Hon. Miss Stephenson:** I would have to clarify that specifically but I believe it is possible at the present time and should continue to be possible although there is a great deal of activity going on in discussions with the Ontario Association for the Mentally Retarded at the present time about the way in which those programs will be provided.

**Mr. McClellan:** If I could just pursue this point, I am anxious to have the power in the bill that a board of education could purchase service from an association for the mentally retarded developmental centre. Would the minister undertake to have her officials advise us where that power rests within Bill 82 so that we can be reassured on that point.

4:20 p.m.

**Mr. Stong:** Mr. Chairman, in keeping with the withdrawal of the motion by my colleague the member for Kitchener-Wilmot, and in view of the remarks of the minister, I had tabled an amendment to this subsection earlier this afternoon that is in keeping with what the minister had said. So I move that section 3(2)(5a) be amended by adding—

**Mr. Foulds:** We are still on section 1.

**Mr. Stong:** I am sorry. I am moving an amendment to subsection 2, if it is in order.

**Mr. McClellan:** Rather than hold up proceedings, I am quite willing to return to the question, if I can have an assurance from the minister that if that power is not in the bill, whatever action is necessary to put it in would be taken.

**Hon. Miss Stephenson:** I was concerned about the amendment which we were—

**Mr. Chairman:** This is on subsection 2.

**Hon. Miss Stephenson:** That is what we were discussing.

**Mr. Foulds:** We have not reached the introduction of that yet.

**Hon. Miss Stephenson:** Pardon me. Yes.

**Mr. Chairman:** Shall subsection 1 carry?

**Mr. McClellan:** Subject to coming back to that one point, yes.

Subsection 1 stood down.

On subsection 2:

**Mr. Chairman:** I have two amendments. I think they are very similar. One is by the member for York Centre and one is by the minister.

**Hon. Miss Stephenson:** In response to the question of the member for Bellwoods, while there are co-operative activities that go on voluntarily, at present boards are not able to purchase services from an association for the mentally retarded under the act. There is now much discussion being carried out in order to determine the most appropriate ways in which co-operatively to provide services, and I cannot at this time define the capability of a board to purchase a particular service from a voluntary agency.

**Mr. McClellan:** This represents a major problem then. I think a number of people, myself included, and certainly a number of the people within the associations for the mentally retarded, are really concerned about the capacity of local boards of education to develop programs for developmentally handicapped children. Secondly, a great many local associations for the mentally retarded have developmental centres in place and are providing a very excellent program for developmentally handicapped children.

Our concern is that this bill not place things in a state of confusion or jeopardy. It seems to me it would be sensible for the minister to remedy what I feel is a defect in her policy, and to make provisions, even if it is on a transitional basis, so that a local board is able to purchase service from the local branch of the OAMR. Are there policy objections to the purchase of service from the local OAMR branch, or what?

**Hon. Miss Stephenson:** Mr. Chairman, the policy at present is that the service is purchased or is provided by the Ministry of Community and Social Services programs which are available within those communities, and which may co-operate and work with the OAMR, but not through a specific institution established by OAMR. In fact, most of the co-operative service carried on is in the opposite direction; that is, that educational program is provided through a local board to an OAMR facility through agreements which are reached under the Education Act.

**Mr. Foulds:** I think we do need to clarify it. Is there a statutory inhibition in the present Education Act that prevents a school

board from purchasing services from a local association for the mentally retarded? Do they have the authority at the present time to purchase such services? If that is in the present act, then I think we do not have difficulty. If it is not in the present act, then I believe my colleague is asking that an amendment be put in this bill, which is simply an amendment to the Education Act, so that authority clearly is in the Education Act and in this bill.

**Mr. McClellan:** Mr. Chairman, if I may, I would submit that the authority is probably in the act under a broad interpretation of the regulation sections and it becomes a policy decision and, in a sense, an administrative decision as well for the ministry to decide whether it will permit that to happen in those circumstances and situations where it is warranted.

I do not intend to belabour the point: I simply wanted to raise it and find out what the situation was. It would be a money amendment at any rate and not within the purview of the opposition to move, but I commend that particular course of action to the ministry so at least that capability is there. It may not ever have to be exercised, but on the other hand, it may, and that flexibility should be afforded the ministry.

**Hon. Miss Stephenson:** Mr. Chairman, if the member is suggesting that a local chapter of the Ontario Association for the Mentally Retarded should be capable of providing educational program for handicapped children under the purview of a board of education, I would express to him my concern that the very purpose of Bill 82 is to ensure that school boards themselves will have the capability of developing and providing the appropriate educational or instructional program for those handicapped children. In co-operation with OAMR, through all of the discussions which are going on, I am sure that is what is going to happen.

If the member is suggesting that boards would not have to develop that capability but could rely on a local voluntary agency to develop an educational program, then I think you are missing the intent of the bill completely.

**Mr. McClellan:** That is not what I said at all and there is no possible way that anybody could take that interpretation from what I said. I am talking about transitional, and where circumstances warrant—and I have no idea whether circumstances ever would warrant it. I am simply saying that is a flexibility that ought to be afforded and I am

raising it at the request of a number of representatives from associations for the mentally retarded.

Yes, I understand the purpose of the bill. Thank you.

Section 3(1) agreed to.

On section 3(2):

**Mr. Chairman:** Honourable Miss Stephenson moves that paragraph 5a of subsection (1) of section 10 of the act as set out in section 3(2) of the bill be amended by adding the words "identification and/or" after the word "of" in line two and before the word "placements" in line two.

**Hon. Miss Stephenson:** The expert on legislative drafting in the Liberal Party has just informed me that one cannot use and/or with an oblique between them in legislation. I stand corrected. Whatever is the appropriate form to ensure that either or both might be included, I will accept.

**Mr. Stong:** I tabled an amendment this afternoon dealing with this very section, in keeping with what you are suggesting, using the words "identification of and" to be placed before "placements."

4:30 p.m.

**Mr. McClellan:** Mr. Chairman, the amendment does not scan. It would read, "in respect of placements of identification and/or exceptional pupils." Is that right?

**Hon. Miss Stephenson:** No, it is in line two, "appeals in respect of identification and/or placements of exceptional pupils in special education programs."

**Mr. Stong:** In my respectful submission, the amendment as offered by the minister does not conform to proper drafting in the use of the words "and/or." I would offer an amendment to the minister either using the word "and" or "or." You have to use one or the other but you cannot have both. May I amend it to say "and"?

**Mr. Chairman:** Will the minister who made the amendment adjust that?

**Hon. Miss Stephenson:** Yes. I have just been handed by legislative counsel—thank you—the appropriate amendment.

**Mr. Chairman:** Honourable Miss Stephenson moves that paragraph 5a of subsection 1 of section 10 of the act as set out in section 3(2) of the bill be amended by inserting after the word "of" where it appears for the first time in the second line, "identification and."

**Mr. McClellan:** I again say how superfluous the amendment is. If you look at section 7 of the bill dealing with section

34(10)(a) of the act, it says very clearly: "The board shall hear and determine appeals by parents and pupils from any decision of the placement committee." It is already in the statute. The game here is to move it into the regulation.

**Mr. Stong:** Lest by my silence I be read to acquiesce in my friend's last comments, just let it be said it is not yet superfluous.

**Mr. McClellan:** It will not be superfluous once they delete section 7 and replace it by the Mickey Mouse, watered-down version.

**Mr. Chairman:** Order. Shall the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 3(2), as amended, agreed to.

On section 3(3):

**Mr. McClellan:** Do the regulations require payment of the cost of education at elementary and secondary schools by pupils, or is it optional?

**Hon. Miss Stephenson:** I beg your pardon?

**Mr. McClellan:** We are talking about a number of children identified here. These are children admitted to a centre, facility, home or hospital. My question is what do the regulations require with respect to this group of children?

**Hon. Miss Stephenson:** I am not at all sure this is within the regulation, Mr. Chairman. It is my understanding that it is the responsibility that the provision of the educational program will be made under the Education Act, which means it is based upon a contribution of tax funds.

**Mr. McClellan:** This is the regulation section. This subsection permits you to make regulations with respect to the payment of the cost of education for these children.

My only question—I am sorry I put it so badly—is, is this optional or is it a requirement that the cost be paid?

**Hon. Miss Stephenson:** It is not optional in terms of the educational program for those children.

**Mr. McClellan:** So it does require you to make a payment?

**Hon. Miss Stephenson:** Yes.

**The Deputy Chairman:** Any further discussion on subsection 3?

Section 3(3) agreed to.

Section 3, as amended, agreed to.

Sections 4 to 6, inclusive, agreed to.

On section 7:

**Hon. Miss Stephenson:** Mr. Chairman, last week I had introduced to the House proposed amendments to section 7 which would have deleted the entire section 7 as it appears in the reprinted bill and replaced it. I would ask the Chairman's permission to do the same this week.

At this point, I should like to move that my previous amendments dealing with section 7 of the bill be withdrawn and the following inserted in lieu thereof—thereafter follows five pages of amendments, which pages are in the hands of the members opposite.

**The Deputy Chairman:** The chair has no amendments before it at the present time. I think those amendments should be read into the record. You say that the critics have those. I think they should be read and moved.

Honourable Miss Stephenson moves that section 7 of the bill be struck out and the following substituted therefor:

7. (1) Section 34 of the said act is repealed and the following substituted therefor:

"34. (1) In this section,

"(a) 'board' includes the Metropolitan Toronto School Board;

"(b) 'hard-to-serve pupil' means a pupil who, under this section, is determined to be unable to profit by instruction offered by a board due to a mental handicap or a mental and one or more additional handicaps;

"(c) 'school' includes a pupil or class for trainable retarded pupils.

"(2) Where a principal considers that an exceptional pupil who attends his school is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction, or where the parent or guardian of a pupil considers that the pupil is, because of a mental or a mental and one or more additional handicaps, unable to profit by instruction, the principal shall refer the matter to the appropriate supervisory officer who shall refer the matter to the board, and the board shall appoint a committee of three persons, consisting of a supervisory officer, a principal and a legally qualified medical practitioner who has expertise in respect of the mental or other handicap of the pupil, none of whom is a person to whom the matter has been previously referred.

"(3) The committee referred to in subsection 2 shall,

“(a) in accordance with subsection 4, inquire into the alleged inability of the pupil to profit by instruction;

“(b) determine whether the pupil can profit by instruction or determine that the pupil is a hard-to-serve pupil,

“and the committee shall make a written report of its findings and of its determination to the board and to the parent or guardian of the pupil.

“(4) The committee shall, for the purposes of its inquiry, study all existing reports in respect of the pupil, hear the teachers, the parent or guardian of the pupil, where reasonably possible the pupil, and any other person who may be able to contribute information bearing upon the matter and may, with the consent of the parent or guardian of the pupil, and of the pupil where he is an adult and capable of giving such consent, obtain and consider in respect of the pupil, the report of an assessment conducted by a person considered by the committee to be competent for the purpose.

4:40 p.m.

“(5) Any costs incurred in respect of an assessment or examination under this section, or in respect of the obtaining of other evidence required by the committee under subsection 3 or under subsection 6 shall be paid by the board referred to in subsection 2.

“(6) Where the parent or guardian of a person in respect of whom a determination has been made under clause c of subsection 3, or the person, where he is an adult,

“(a) believes that by reason of improvement in the condition of the person or other cause the person has become able to profit by instruction; and

“(b) furnishes to a supervisory officer of the board in whose jurisdiction the person resides, evidence or information to establish such belief,

“the board shall appoint a committee constituted in accordance with subsection 2 that shall review the determination in respect of the person last made under this section and confirm or alter such determination and for such purpose the committee has the powers and duties of a committee under subsection 3, which subsection applies with necessary modifications to such a review.

“(7) Where a committee under subsection 3 or subsection 6 determines that a pupil is a hard-to-serve pupil, the committee shall so notify the board and the board shall consider the recommendation and determine that the pupil is a hard-to-serve pupil or that the

pupil is considered to need placement in a special educational program, as the case may be, and shall notify the parent or guardian of the pupil in writing of its determination.

“(8) Where the board determines that the pupil is considered to need placement in a special education program, the board shall refer the matter to the appropriate committee established under subparagraph (iii) of paragraph 5 of subsection 1 of section 10 that shall determine, designate or design an appropriate special education program for the exceptional pupil.

“(9) Where the board determines that the pupil is a hard-to-serve pupil and the parent or guardian of the pupil agrees with the said determination, the board shall assist the parent or guardian to locate a placement suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

“(10) Where,

“(a) the board determines that a pupil is a hard-to-serve pupil and the parent or guardian of the pupil disagrees with such determination and believes that the pupil is able to profit by instruction; or

“(b) the board locates a placement under subsection 9 and the parent or guardian disagrees with the placement,

“the parent or guardian of the pupil may, within 15 days of the receipt of the notice under subsection 7 or at any time prior to the implementation of the placement under subsection 9, notify the board in writing of the disagreement and the board shall forthwith refer the matter to the secretary of a special education tribunal establishment under subsection 1 of section 34a, by forwarding all the documentation outlining the special education programs and special education services that have been provided to the pupil and all existing reports and relevant material in respect of the pupil.

“(11) The board shall reimburse the parent or guardian for any expense he incurs in connection with the referral to and subsequent hearing by the tribunal referred to in subsection 10, provided that such expenses are approved by the tribunal.

“(12) The special education tribunal shall consider the referral and, after a hearing and review of the report of the committee referred to in subsection 3 and the determination of the board, shall find that,

“(a) the pupil is a hard-to-serve pupil;

“(b) the pupil is considered to need placement in a special education program; or

"(c) that the proposed placement under subsection 9 is or is not suited to the needs of the pupil

"and so notify in writing the parent or guardian of the pupil, the board and the minister.

"(13) Where the tribunal finds that the pupil is considered to need placement in a special education program, the board shall provide a special education program and special education services for the pupil and the board shall, within 60 days of receipt of the notice under subsection 12, inform the minister of the special education services that have been provided for the pupil.

"(14) Where, under subsection 12, the tribunal finds the pupil is a hard-to-serve pupil or that the placement under subsection 9 is not suited to the needs of the pupil, the board shall assist the parent or guardian to locate a placement or a new placement, as the case may be, suited to the needs of the pupil and reimburse the parent or guardian for any expenses incurred by the parent or guardian in locating such placement.

"(15) Where, pursuant to an application by the board or by the pupil or on his behalf for judicial review under the Judicial Review Procedure Act, 1971, the finding of the special education tribunal is set aside, the determination of the board under subsection 7 shall be referred to a special education tribunal for a new hearing conducted by members of the tribunal other than those who first heard the matter if the board or the parent or guardian of the pupil, as the case may be, makes application therefor to the secretary of the special education tribunal by registered mail within 15 days after the date of the order of the court setting aside the finding of the special education tribunal and the provisions of subsections 11, 12, 13 and 14 apply with the necessary modification in respect of a hearing by the special education tribunal under this subsection.

"(16) A placement of a hard-to-serve pupil under subsection 9 or 14 shall be made in Ontario, except where no placement suited to the needs of the pupil is available in Ontario.

"(17) Where a hard-to-serve pupil is placed under subsection 9 or 14, Ontario shall pay the cost, if any, of such placement.

"(2) The said act is amended by adding thereto the following section:

"34a (1) For the purposes of subsection 10 of section 34 the Lieutenant Governor in Council shall establish one or more tribunals known as special education tribunals and appoint a secretary of such tribunals.

"(2) The Lieutenant Governor in Council may by order,

"(a) establish the procedures that shall apply; and

"(b) authorize special education tribunals to fix and assess costs, with respect to matters dealt with by special education tribunals."

Did the member for York Centre have a comment?

Mr. Stong: I was going to ask a question, Mr. Chairman, but the minister covered it by including in her amendment subsection 2.

The Deputy Chairman: May the chair ask two questions? If the minister would refer to page 3 of your amendments the last paragraph with the last heavy number of lines, after "subsection 7," 10 lines from the bottom—

Hon. Miss Stephenson: Mr. Chairman, do you mean in section 10 at the bottom of page 3?

The Deputy Chairman: Yes, that is right.

Hon. Miss Stephenson: Receipt of the notice under subsection 7?

The Deputy Chairman: Yes. Now what are the next two words after "notice under subsection 7"?

Hon. Miss Stephenson: "Or any time prior to the implementation of the placement under subsection 9."

The Deputy Chairman: When you were reading it, you read, "or at any time."

Hon. Miss Stephenson: I am sorry.

The Deputy Chairman: Then on page 4, in the third line of section 11, it reads, "to and subsequent." Is that "any subsequent" or "a subsequent." That is line 3 on page 4.

Hon. Miss Stephenson: It reads "with the referral to and subsequent hearing by the tribunal."

The Deputy Chairman: All right, so "and" is correct there.

Hon. Miss Stephenson: Yes.

Mr. Sweeney: Mr. Chairman, in order to put our debate on this section in some kind of perspective, I must go back to the committee hearings of September 30, since our participation in those particular committee hearings has been referred to a number of times by other members of this House. I must say that the references to those committee hearings have not always been put in total perspective.

First of all, let us realize that right from the very beginning, going back to last May and June when this bill was first introduced, I have made it very clear that there were



two aspects of the then current section 7 of the bill that troubled me greatly and that would have to be changed before it could get my support. I said we would have to eliminate the exclusion clause. I made it very clear that there was no way that we could say, on the one hand, that this legislation was designed to serve every single child or pupil in this province who had a special need and, at the same time, have an exclusion clause.

I made it very clear that, in my judgement, what we needed to say instead was that the school board had a responsibility to every single child admitted to its jurisdiction either to provide a program to meet that child's needs itself or to find an alternative program someplace else. Quite frankly, it does not matter where else it is, as long as it meets that child's needs. That was the exclusion concept.

4:50 p.m.

The other part of section 7 I insisted had to be changed in some way was to provide for an appeal mechanism for parents because we spoke at that time of the number of parents in this province with children, particularly with severe learning disabilities and the experience they had with their particular school boards. In many cases, they tried but simply were not able and, in some cases, in my judgement, they did not try hard enough. In many cases, they did try but simply were unable to meet the child's needs, and we had to use such mechanisms as the vocational rehabilitation service of the Ministry of Community and Social Services. Those were the two essentials. There were a lot of other things we talked about, but they were the two essentials we still had to deal with.

Next I want to go to the standing committee on social development hearing of September 30, in which on at least three occasions I clearly indicated to the minister that I was still concerned about these two concepts. I introduced amendments which, in my judgement, would speak to that concern and would have corrected what I felt was a flaw in the legislation. For any number of reasons those amendments were not accepted.

I am looking at page 47 of the committee Hansard of September 30, in which I specifically plead with the minister and say in effect, "If you cannot accept my amendments and you know what it is that I am concerned about, please go back and make an amendment of your own that will speak to

these concerns." I note in here particularly, "that there are children who are capable of being educated but who are not going to get what they need, who are going to be shunted off and who are going to be excluded in other ways. That is my concern."

On page 48, I refer once again to the amendment that was then before us which was presented to the committee initially by the Justice for Children association and then later, more directly, by the member for Bellwoods (Mr. McClellan) as an amendment of his own. I made reference to that and I said to the minister I felt this particular amendment was too rigid, just too tight. I used those exact words. I said I would hope that we could deal with this issue in some more moderate way.

I once again appealed to the minister to take the legislation back and to bring in an amendment that would speak to the concerns. I pointed out, however, that if the minister was unwilling to do so, then I would be left with no alternative—and that was very clear from my words—but to support the amendment proposed by Justice for Children. In fact, that is what happened on September 30.

We are now faced with a different set of circumstances and that must be recognized. We are now faced with an amendment to section 7 which the minister has introduced and in which she has made some considerable steps forward. I clearly indicated on September 30 that if the minister was willing to move forward on this, if the minister was willing to recognize the concerns that had been expressed and make some changes to the section, I would be prepared to co-operate and to make the bill on those lines.

We have not yet gone all the way, but we have come a long way. We clearly have eliminated the exclusion clause, and for that I offer my support and co-operation to the minister. That is what we were asking for; the minister has recognized it and it is gone.

We clearly have a defined appeal mechanism. As the minister will note in some further amendments my colleague and I will make, we want to go a little bit beyond it. But the situation we are dealing with here today is a significantly different one than what we were dealing with on September 30. We now have a version of section 7 of this bill which is clearly different, which is clearly an improvement over what the minister had presented to us on September 30 and prior to September 30. To suggest that the only version of this bill we are looking at or that we should look at is the amended one that came out on

September 30 is a distortion of the possibilities that are available to us.

First of all, I want to draw to the minister's attention a comment she made at a public forum to the board of education for the borough of York on Thursday of this week. There are a number of very good comments in that, but there is one in particular I would draw her attention to on page 6, and the minister will recognize it. She is referring to the new legislation and she says: "Many exceptional children with special needs just have not been able to have those needs met adequately in our publicly financed schools."

That was another way of the minister saying we needed something like Bill 82 to meet that very obvious need. She was saying that to the extent to which school boards in this province had done as much as they could, to the extent that school boards in this province have the financial and the human resources to meet all the needs of special education children in this province it was clearly not effective enough. She was saying we needed a piece of legislation that was going to do that, and we have come a long way in that.

Last week I introduced four amendments dealing with the broader interpretation of hard-to-serve pupil in this legislation. Instead of limiting the hard-to-serve pupil to "one who is unable to profit by instruction," I added words to make it read "unable to profit by instruction offered by a board." That was done with care and consideration. The point I want to make here now is that we have under the jurisdiction of the boards of this province children who, for whatever reason, simply are not getting an adequate education as offered by their boards.

The implementation of this bill over the next five years will go a long way towards relieving that. If the implementation of this bill goes, as the minister has stated it should and as she believes it should go, then we will probably be in a situation where every single school board in this province will meet the needs of every single student in its jurisdiction. That is the hope; that is the promise; that is the vision. I sincerely hope the minister is right, because that would be my promise. It would be my vision as well that we could in the public schools of this province meet the appropriate needs of every single child.

5 p.m.

However, despite our best intentions, despite our best efforts to put enough money into it and to put enough human resources

into it, there is the distinct possibility there may still be some children whose needs cannot be met under the jurisdiction of a board. Those children are going to be defined as hard-to-serve children. Section 7 speaks to them. By adding the words, "offered by a board" after "instruction," what I am clearly referring to is any child for whom the board has done the best it can, but for whatever reason is simply not able to meet that child's needs, whatever those needs might be, whether they may be needs of care or educational needs. Therefore, that is the specific purpose of adding those words. I would suggest it is a significant addition. It is not just put in there for fluff.

The other amendments I had proposed previously concerned two different places—subsection 9 and subsection 14. In both cases, in the version the minister gave us last week, those sections did relate to placement of a child someplace else, either by a board or by the tribunal. The purpose of my amendments was to clearly indicate that either the board or the ministry would have to fund those placements. In the amendment the minister has given us today, she has responded to that in section (7) 17. It now says: "Where a hard-to-serve pupil is placed under subsection 9 or 14, Ontario shall pay the cost." I am pleased to see the minister has incorporated that section of my amendment.

A third point I attempted to make in my amendments was to draw attention to the fact that a child's needs may not be able to be met within the province. Therefore, I asked that the words "in Ontario" in subsection 9 and in subsection 14 be deleted. The purpose of that was to allow the child to be placed outside Ontario if the best efforts by school boards, the tribunal and the ministry could not meet the particular needs of a child within Ontario. Under this legislation, the tribunal or the board would not be prohibited from going outside the province to find what the child needs.

I notice in the minister's amended version in subsection 16 that she speaks to this as well. The minister says in the amendment: "Where a placement of a hard-to-serve pupil under subsection 9 or 14 shall be made in Ontario except where no placement suited to the needs of the pupil is available in Ontario." That speaks to the same point I am making once again. I will indicate clearly to the minister I will support that.

I made a fourth amendment with respect to the rights of the tribunal. Here I was referring to subsection 10, in which case it was not just the determination of a hard-to-

serve pupil, but also the decision by the board to place a hard-to-serve pupil and that the parent or guardian, through the tribunal, would have the right to appeal both the identification of a hard-to-serve pupil and also the right to appeal the board's decision to place that pupil.

The minister, through the amendments given to us today, has made that change in subsection 10 of this section where in 10(b) the minister now has "the board locates a placement under subsection 9 and the parent or guardian disagrees with the placement." Once again, the minister has recognized the amendment I placed last week and has incorporated it into her own legislation.

I can say that the amendments I made available to the minister which were intended to broaden the definition of what a hard-to-serve pupil is and clearly to indicate who was going to pay the cost, where the service could be obtained and, finally, to insist that the placement decision of a hard-to-serve pupil should also be open to appeal, and not just the identification of the hard-to-serve pupil, have all been brought forward. I will most certainly support those sections of the amendment.

In the interval, as I read over the version of the amendment the minister made available to us last week, I realize there was an internal inconsistency by adding the words "offered by a board" in subsection 1, but not also adding them in subsection 2 and 3 where they appear again. Therefore, at this time I am introducing a further amendment which I believe the Chairman has in front of him. Actually, it will be an amendment to my amendment because part of it has already been done.

What I am referring to is my first amendment under section 7. I had moved that the minister's amendments be further amended, as she has done, by adding "offered by the board" after "instruction" in the sixth line of section 7(1) of the bill being section 34(1)(b) of the act. That has already been done. I would then go on in the fourth and seventh lines of section 7(2) and in the fifth and ninth lines of section 7(3).

I would draw to the attention of the Chairman and the minister that those are added only to be consistent with the change the minister has already accepted in section 7(1) of the bill. There is no hidden intent there whatsoever. I am assuming that since the minister has accepted the concept in section 7(1), she will equally accept the same concept in subsections 2 and 3 of adding "offered by a board."

At this time, I would like to state an understanding and to have the minister, at some point before the afternoon is over, assure me that my understanding is correct. We are speaking here of a piece of legislation which is not intended to be fully implemented until 1985.

First, it is my understanding the minister made known to us that school boards across the province would be expected—and there would be some kind of monitoring going on—to be implementing in a phased-in procedure as much of this legislation as they are able each year between now and 1985. In other words, between now and 1985 we are talking about a transitional period before the bill becomes fully implemented and fully effective. However, during that period of time, school boards do not have the choice to ignore this legislation. The school boards are bound by this legislation to the degree they have both the financial and human resources to implement it. The minister is going to monitor it to be sure they do that. That is my first understanding, if the minister would confirm it.

Second, my understanding is during that transition-implementation period, the provision now available to parents and guardians in this province to go before the vocational rehabilitation board and ask for assistance for their children with special needs will be continued. As part of it, I would understand that any child who by 1985 was in the process of being assisted by the vocational rehabilitation board would certainly have that continued understanding, if the minister would clearly identify that.

5:10 p.m.

At this point, I will let my amendment stand. If the minister wishes at this time to correct anything I have said or to add to it, then I wish she would please do so.

**The Deputy Chairman:** I would direct a word to the member for Kitchener-Wilmot. The clerk has before us some amendments which I think you tabled some time ago. You have not moved them yet. Since this is such a long and rather complicated amendment that the minister has put forward, my proposal would be to move it section by section.

**Hon. Miss Stephenson:** If I may, the member for Kitchener-Wilmot had produced some subamendments to the amendments which I introduced last Tuesday. In discussing these, it was felt it would be less confusing for the members of the House if those areas in which we could agree were incorporated

into an entirely new amendment. This was the reason I suggested earlier that it would be my position that I would withdraw the amendment I introduced last Tuesday and introduce the new amendment to section 7 which incorporates all but one of the amendments the member for Kitchener-Wilmot suggested. He suggested this afternoon that his were additions, made after perusing the new amendment we introduced, in order to provide for consistency.

**The Deputy Chairman:** Since we did not get to section 7 last week, your amendment was not formally put. Therefore, there is no need to withdraw it. I simply have before me now the amendment you put today.

**Hon. Miss Stephenson:** Mr. Chairman, if I may, the list of amendments which the member for Kitchener-Wilmot introduced last week no longer applies because they have been incorporated into the amendment which I introduced this week, except for the additional words, "offered by a board" in two other places.

**The Deputy Chairman:** I don't know whether the member for Kitchener-Wilmot agrees that this is the case. If he does not, I am asking him to hold the amendments he may want to make until we come to the appropriate sections of this amendment.

**Mr. Sweeney:** Mr. Chairman, it might be simpler for everyone if I made it clear, as I attempted to do in my overview of what has happened in the last couple of months, that I now recognize that the second, third and fourth amendments I have before you are no longer applicable because the minister has included them in her new amendment. Therefore, I withdraw those three.

However, I have indicated that the second and third parts of my first amendment are still applicable. I think the simplest thing for me to do for your benefit is to cross out what is no longer applicable, and to leave what is applicable there. I will do that now.

**Mr. McClellan:** Mr. Chairman, while the honourable member is writing, I would like an opportunity to speak both to the amendment and to any subsequent subamendments. I will concede that the Minister of Education has moved a considerable distance with respect to the so-called hard-to-serve child who is unable to profit by instruction. When we were in committee, the Minister of Education was insisting that the language of the old section 34 of the Education Act be retained and that children not able to profit by instruction would be excluded and virtually dropped.

Interjection.

**Mr. McClellan:** I interpret the language; "the board will assist to locate" as meaning "dropped." The minister has moved some distance and, regrettably, so has the Liberal Party but in the other direction.

**Mr. Foulds:** The minister's advance is the Liberal Party's retreat.

**Mr. McClellan:** That's right. We have an amendment before us and, regardless of what the member for Kitchener-Wilmot will do, it only deals with one particular situation. That is the situation of the child who is designated a hard-to-serve pupil who, because of a mental handicap or a mental or one or more additional handicaps, is unable to profit by instruction. We are still talking only about one group of children; we are still talking about those children who used to be excluded under section 34 of the Education Act. That is all we are talking about. We are not talking about a comprehensive appeal system that covers all areas of decision-making of a local board of education placement committee. We are only talking about decisions that are made with respect to children who are designated hard-to-serve pupils.

I will concede that the refinements that have been made in the area of an appeal procedure for hard-to-serve children have been substantial, so that we appear at this time to have an appeal mechanism that could result in the end in a child actually getting a program. I still have concerns that the procedures aren't spelled out with respect to what happens when one goes before this tribunal, but at least most of the areas that were silent have been filled in so that the dots have been completed.

The main problem for us remains that it is an utterly partial appeal system. There is still no appeal provision within the amendments being put forward by the Liberals and Conservatives that deals with the question of who is an exceptional pupil and who is not. There is still no appeal provision in the statute as proposed by the Liberals and Conservatives with respect to what kind of special education programs and special education services an exceptional pupil will get.

All we have is an answer to the question of what happens to the hard-to-serve pupil who is unable to profit by instruction because of a mental handicap. That is what it says and that is what it is. Don't try to pretend it is something it isn't. That is the game that is being played here this afternoon and it is absolutely infuriating because a fraud is being

perpetrated when you try to say an appeal system covers everybody when it doesn't. The reality is in the language.

Before one can appeal under what is before us, the board of education has to determine that a pupil is a hard-to-serve pupil. That is the only group of children that can appeal under what is in front of us, that is, children who have been designated by a board of education as hard-to-serve pupils. That is the reality. That is what the statute says, and a hard-to-serve pupil is defined. It is not an exceptional pupil and it is not an exceptional pupil who is entitled to special education services. It is a pupil who is determined to be unable to profit by instruction offered by the board due to a mental handicap or one or more additional handicaps. That is a very restrictive definition. It is very clear what that will mean in terms of the operation of the appeal procedure. Let us not have any nonsense about this being comprehensive or universal because it isn't. It is restricted to that one group of children.

It is important that at least that replaces the old exclusion provision and, as I said, I am pleased that the minister has moved that far. But she has not moved to provide an appeal for the question: "Who is an exceptional pupil?" The local board of education will define that.

**Hon. Miss Stephenson:** Sections 2 and 3.

**Mr. McClellan:** Those are regulation sections. If you don't understand at this time the difference between an appeal procedure that is in the statute and one that is left to your discretion through regulation, I don't intend to go through it again. I have gone through it three or four times already.

5:20 p.m.

We have seen your appeal procedure in regulation 704-78 under the Education Act I referred to earlier. You called it an appeal procedure when we were in committee. You did not call it a review procedure; you called it an appeal procedure. You insisted it was an appeal procedure until it was pointed out to you what a sham it was.

I think it is our responsibility to put a genuine appeal procedure into the statute. That is precisely what the existing section 7, which we passed in the social development committee, does. It covers all three areas of decision-making: who is an exceptional pupil, what kind of special education programs and services a child should get and, finally, how to deal with the so-called hard-to-serve child. We have covered all

three areas of decision-making in the bill. It is right in front of us. It is eminently supportable.

I regret very much the other two parties do not intend to support section 7 as amended by the committee. Rather, they intend to try to pass off this very limited appeal system as somehow covering all of the areas which require appeal. If we in the Legislature are prepared to give such enormous powers of decision-making to any outside body, we have an obligation to provide a means of redress to the citizen against wrong decisions. Surely we can all accept that principle.

We say simply that human beings are not infallible. Bureaucrats are not infallible; they make mistakes. They are likely to make a mistake with respect to whether some child in this province is an exceptional pupil or not, and if they make a mistake that child will not be eligible for special education. Some official of a local board of education may make a mistake with respect to which special education program a particular child should be receiving and, unless there is an appeal procedure, that mistake cannot be corrected. It is as simple as that.

As I said, we have dealt through the amendment and the subamendment with hard-to-serve kids, but in the process we are wiping out the appeal system on the other two questions. It is a nonsensical retreat on the part of my colleague the member for Kitchener-Wilmot, however nicely he wants to put it. The minister simply is as intransigent as ever.

**Mr. Stong:** Mr. Chairman, when Bill 82 was originally introduced in the House, it was debated in principle. That principle was to meet a need which existed in society and that was a need which existed in children who had special needs in the educational process. In addressing that principle, this entire House unanimously passed Bill 82 in principle. In other words, we wanted to come up with a bill which met and satisfied the special needs known as exceptional needs in this bill.

The committee was set up and the bill was sent to committee. The committee reviewed the bill clause by clause. In committee, amendments were made to the bill as an indication to the House what the committee wanted and as a direction to the House. The matter is now back before the House for reconsideration on a clause-by-clause procedure.

Last week we considered the rights section. The rights section, as it has been dubbed by the party on the left, dealt with issues concerning all children. This was clearly inconsistent with the principle of the bill because the bill was passed in principle to deal with exceptional children with exceptional needs. So the rights section was amended by this House in committee of the whole last week to meet and satisfy the principle of the bill. In fact, written into that rights section was that the bill dealt with exceptional children. We as a House on the whole met with the principle and reviewed and amended the bill to conform to the principle that this House unanimously passed.

Not only that but last week, pursuant to the amendments by this party, we included words such as "appropriate program." We included the fact that there should be no extra cost to the parents for the appropriate program and we also enshrined in that rights legislation a guarantee of an appeal, which I might say without referring at great length to it, the party on my left voted against.

We now have before us section 7. An amendment to section 7 was moved by the minister. At the outset, in recognition of the need that existed in society, and perhaps because of the lengthy delay and the problems parents of children with exceptional handicaps were experiencing, confidence probably was eroded and parents no longer had the same trust or expected the same treatment. They did not enjoy the same confidence in the ministry as they would otherwise have done.

Now we have a bill before us in its present form from the committee that deals with three fundamental procedures. Number one is the identification of a student as an exceptional student, and we also have a definition in the present bill of what an exceptionality is. Not only does the present bill from the committee deal with identification, but it also deals with placement in section 7. Not only that, but it deals with the hard-to-serve student whose needs cannot be satisfied in the present system.

The minister has moved an amendment to that section which, in my respectful submission, is almost a 180-degree deviation from what the committee had recommended for this House's passage in committee of the whole House. In so far as that deviation occurred and in so far as the amendment we are now considering deals with the one problem that is before the House, that is, setting up an appeal mechanism for the hard-to-serve children, the amendment is accept-

able and applaudable, but it is lacking in two very significant areas.

First, it is lacking in the area of identification, setting up an appeal procedure and guaranteeing that appeal procedure, independent of the minister's discretion, for the parents of the child who are not satisfied with the placement. Second, the section, as amended by the minister, does not deal with the placement and the review of placement of any other child except the hard-to-serve child. The hard-to-serve child is looked after very well and the bill is extremely fair in that regard. Because this amendment is a matter of a complete turnabout, so to speak, we almost have to deal with it in principle as opposed to going through it section by section and clause by clause.

In the light of the remarks that were made by my colleague from Kitchener-Wilmot (Mr. Sweeney), I have amendments I want and intend to offer to this clause. As the clause is set up, it deals with and serves only the hard-to-serve pupil. The thrust is directed toward that segment of our school population that falls within this definition. It sets up identification; it sets up a committee for review; it sets up going back to the board; it sets up a special educational tribunal. Even from the educational tribunal, one can appeal to a judge who can refer it back to the tribunal for reconsideration. This is all to deal with the hard-to-serve pupil. Nothing is said in this section about the placement or the identification in terms of review. It is because this section is silent in those two regards that I have amendments to offer to the minister.

5:30 p.m.

As have other members, I have been deluged by mail, by phone calls, by telegrams. I have met with the York County Board of Education which has expressed its concerns to me. Their first concern is that in its present form Bill 82 is overbearing, unwieldy and perhaps unworkable. This is as it came out of the committee.

I accept the observations given to me by expert educators. I accept what they say about its implementation. It has also been brought to my attention that the appeal procedure, as set up in Bill 82 from committee, overrides the responsibility and takes away the responsibility from the Minister of Education for providing education and providing special programs. I accept that as an observation as well.

First and foremost, I accept the statement made in a letter that was written to me by the chairman of the York County Board of

Education. She said: "Let me make it clear that the York County Board of Education is not opposed to the idea of universal accessibility to an appropriate education for every child." I accept that. I accept the fact that this bill is necessary because it meets a need in society, but the form in which the minister has introduced her amendments is not acceptable to this member.

I might say that at the appropriate time—and I need guidance on this—there are two principles that section 7 does not cover that we intend to offer as amendments. We will offer as an amendment the right to appeal the identification. We will offer as an amendment the right to appeal the placement, and there is already written into this section, a right to appeal for the hard-to-serve pupil. The appeal mechanism is important. The hard-to-serve pupil, under the present amendment offered by the minister, can go to a committee, can go to a board, can go to a tribunal and can go to a court.

I accept the observations of educators and those in the boards of education who fear an onslaught. I accept it in this regard only as an onslaught of litigation. I accept it in only where the exceptionally gifted child's needs are not met. Perhaps that will be the source of most of our appeals; perhaps it will not. It is conjecture and a projection, but I accept the observations of educators when they tell me that is the quarter from which they fear the most appeals.

It is very important that the appeal mechanism for the hard-to-serve child be maintained, but it is equally important that appeal mechanisms be guaranteed and set up independently at the discretion of the minister with respect to identification and placement.

My amendments to this section, which will be tabled at the proper time, will set up an appeal procedure so that in the case of identification and placement the parent, guardian or student—the person affected if he is an adult—will have the right to appeal to the minister, will have the right to appeal to the board and will have the right to go to a tribunal. At that point, his appeal depends on leave given by the tribunal to go further only in relation to the identification and the placement of individual exceptional pupils.

I realize we cannot take out of the hands of the boards or the ministry the right to educate, the obligation to educate and the responsibility to set up appropriate programs. We do not intend to do that. Also, it is my respectful submission to this House that it is distinguishable; that in terms of the identi-

fication and placement process there is a distinction between that process and the process of satisfying a child or pupil who is hard to serve. A pupil who is hard to serve can eventually go to court as a right to determine his rights under the present amendment. It is far-reaching and the minister has come a long way. She is to be congratulated for that.

I am not proposing that a parent or a child who wishes to appeal his identification or placement be given an appeal to the court as a right, but that when the appeal procedure goes beyond the board or the committee set up by the board, it be determined by granting of leave by the special tribunal which is already set up.

It seems to me that the aspect of an appeal from identification and the aspect of an appeal from placement should be written into this section. I happen to agree with the member for Bellwoods (Mr. McClellan)—unbelievable as that is—that the sections we have passed now are procedural only and that the appeal mechanism must be set out in this section. It is my intention to move at the appropriate time those amendments to the minister's sections to guarantee the right of appeal along the same terms that she has set out already with respect to the hard-to-serve student.

Mr. Foulds: Mr. Chairman, I rise in some perplexity because of the previous speaker.

Interjections.

Mr. Chairman: Order.

Mr. Foulds: I do not know why "perplexity" is such a provocative word in this Legislature. Over the past few days we have seen a lot of provocation dealing with other matters.

First, I sympathize with the previous speaker and wish him luck in his endeavours. Regrettable though I find it, I think the easiest solution would be to vote against the minister's amendments and stick with section 7 as it exists in the bill. That is the easiest and most straightforward solution to the problem. That may very well happen.

I hope the member for York Centre (Mr. Stong) has persuaded himself to come that far because his amendments, as he is proposing them, do not really meet the needs to which he is speaking. I glanced at those amendments quickly and, although they broaden the appeal procedure, the amendments, as we have received them, do not tell us what happens with that appeal procedure. They do not tell us what recourse the parent

has if he or she is dissatisfied with the placement of the child.

However, I think the previous speaker has done the House a great service because he has eloquently pinpointed, as has my colleague from Bellwoods, the very grave weakness in the legislation as the minister is now proposing it. This is that the appeal system that is a right for the parent on behalf of his or her child is only for the hard-to-serve pupil. The principle we supported on second reading—all parties in this House—must be maintained in this legislation and must not be gutted by the minister's present amendment. That principle was that all exceptional children—gifted, mentally retarded, hard-to-serve pupils and those many pupils across this province that suffer from the many, many, different forms of dyslexia—would have the right to appeal. They do not have that right at the present time. They will not have that right if the minister's amendment is carried.

5:40 p.m.

The amendment the minister proposes is weak in one important section in legislative terms even as it refers to the hard-to-serve pupil, because, in subsection 16, it is pure hope that is to be legislated that the hard-to-serve pupil will receive a placement. There is no guarantee in the legislation that if the placement is not in Ontario, the child will be placed some place outside Ontario and the cost borne. As I read subsection 16, "a placement of a hard-to-serve pupil under subsection 9 or 14 shall be made in Ontario except where no placement suited to the needs of the pupil is available in Ontario." It is absolutely silent on where and how we place that pupil. As the minister amends the clause, it does not even legislatively guarantee an appeal procedure and a placement for the hard-to-serve pupil.

Therefore, I cannot in any conscience support the amendment as proposed by the minister because it fails in two important aspects. It fails to serve the specific needs of the specific pupil defined in the section and, secondly, the appeal system in the bill fails to guarantee legislatively the appeal for all the children this bill was meant to serve in the first place.

I would plead with my friend, if not my colleague, the member for York Centre (Mr. Stong) to realize the importance of what he said and to consider whether or not the minister's amendment, no matter how it is amended, can serve the purpose he desires it to serve because the purpose he desires

it to serve is good, worthy and laudable. Frankly, I don't care about the politics of the situation. I don't care about alienating the vested interest groups in education across the province on this issue. I don't care which political party in the province gets the benefit or the credit for introducing the amendments or the bill that serves exceptional children.

I don't want to sound particularly righteous about it, but what we should be concerned with as legislators is whether the bill serves the children we say it will serve. I don't care who gets the credit, but it is important when we are passing a piece of legislation, and it is important when we are debating the clause-by-clause sections of the bill that we stick to the purpose, as enunciated in the minister's statement when she first made it before the House and as enunciated in the principle most of us debated on second reading, that it supports the principles the social development committee argued, formulated and forged during the summer, and that it supports the rights and aspirations of the parents and children who have not been served by the educational system of this province for far too long.

Hon. Miss Stephenson: Mr. Chairman, the amendments which were introduced to section 7 provide for a very important activity within this bill. The purpose of Bill 82 is to guarantee an education program for all children within the province. If a child is found not to be profiting by instruction, it is absolutely essential that the rights guaranteed under this act be protected as fully as they possibly can.

I think we have moved a very great distance in the provision of an appeal mechanism for that section of the bill which is something all of us consider extremely important. But we have already introduced in three places, in section 2 and in two places in section 3, the provision of an appeal mechanism for identification and placement of all exceptional children.

It is my understanding that the legal strength of a program, policy or mechanism established under a regulation is equal to that which has been established under an act. It is my understanding that the appeal mechanism will be just as strong established under the regulatory capacity which is provided.

The member for York Centre (Mr. Stong) has made some very interesting suggestions which I think we should consider incorporating. The appeal mechanism, which truly bears no relationship to the review mechan-



ism, which was established in regulation 704 and which I have promised to introduce to all of the members of the House at the time of royal assent to this bill, will provide for three stages of review and appeal of the identification and placement of all exceptional children. I mean all of them, not just those who may move on to the stage which is set out in section 7.

I think this is an appropriate mechanism because it does fully involve at the very initial level the parents or guardians of the child and the child himself in the provision of information and in the provision of opinion and concept about both identification and placement. It does involve those who are responsible first at the local level for the delivery of education and establishment of educational program, and it provides for a mechanism for agreement if that can be reached. If no agreement is reached, the mechanism will ensure that the director of education, with the approval of the board, must refer that case to a further appeal mechanism at the regional level.

There is an additional interesting thought which the member for York Centre introduced this afternoon and is proposing in an amendment. I would ask him to hold that and permit us to incorporate into the regulated structure as best we can, through some consultation, to see if we can't strengthen the appeal mechanism as established in sections 2 and 3(1) and 3(2) within the bill which we have already passed.

**Mr. Foulds:** Why are you twisting in the wind like this?

**Hon. Miss Stephenson:** I am not twisting. I am perfectly comfortable with the concepts that have been introduced. I am indeed happy that the members of this Legislature are supportive of our very strong feeling that Bill 82 is an important piece of legislation which does require introduction but, in addition, requires the full co-operation of all those who have responsibility under legislation for the development and the delivery of educational programs for children.

There is no doubt in my mind that there isn't any one group within this House that has a monopoly on concern for children with exceptionalities, indeed for any children. I think that concern is shared equally and probably as deeply and is accepted by all parties in this House. But I would remind the members of the House that we do have an educational system which does, in many instances, provide a very superior program. We need to ensure that educational system will function in co-operation with the legislation

in order to ensure that those exceptional children are well served.

From all of my consultations over the past two and a half years, I feel very strongly that the kind of bill we introduced and the kind of amendments we have proposed will not in any way diminish the absolutely essential co-operation we require for the delivery of that educational program through all of the agencies involved in the educational system in this province.

5:50 p.m.

Therefore, I would ask the member for York Centre (Mr. Stong), rather than introducing his amendments, to hold them, to allow us to participate in examination of the principles included in that in order to strengthen the kind of appeal mechanism we shall be introducing in regulations and which this House will see before this bill receives royal assent.

**Mr. Chairman:** Before I recognize another member of the committee, we have a very extensive amendment before the committee and I have listened carefully to them. Some members are referring to amendments they are planning on placing to certain sub-amendments. I believe other members have suggested they may vote against the complete amendment. I just wonder if I could have some guidance from the committee as to how they would like to handle this, whether they would like to commence the amendment section by section or still continue with general debate on the overall amendment.

**Mr. Stong:** Mr. Chairman, may I just ask the chair a couple of questions for clarification? Bill 82 came from the committee. The minister has offered amendments. We have amendments to the amendment by the minister. I understand that ours are voted on first. We must have, reserved for us, the right to turn down the minister's amendments if we don't agree with them, in so far as they don't meet what we feel should be in this bill.

The difficulty is that if we go through this particular section clause by clause and one section passes, it could very well be that another section of the minister's amendments will not pass and we will be left with a hotchpotch. Because the amendments the minister has introduced are such a deviation from what the committee said and are completely acceptable, in so far as they go, it seems to me that this member at least needs some guidance as to what procedure we should follow so that we will not end up

with an amendment partially acceptable and passed and partially not acceptable and failed.

**Mr. McClellan:** Mr. Chairman, we are ready for the vote on the amendment from the minister, if that is all that is before us. If the member for York Centre has an amendment to the amendment, then he should move it. Otherwise, I think we should proceed with the vote. I have indicated what our position is. We intend to vote against amendments or subamendments in order to protect what is in the bill now in section 7.

**Mr. Sweeney:** Mr. Chairman, I believe it was you yourself, at the beginning of this discussion this afternoon, who indicated that section 7 of this bill is such a long, complicated one that it should almost be taken as a bill itself.

At this particular time, the minister has indicated that she is prepared to take my colleague's amendments and to determine the extent to which she can incorporate them into her own amendments and come back to us with an amendment which has already incorporated some of my amendments. We don't know at this time the degree to which the minister can do that. I think what the minister has said is that she is prepared to look not only at this section, but also to go back and take another look at sections 2 and 3, unless I am misunderstanding her.

Basically, I am suggesting that since it is so close to recess time now we provide the minister with the opportunity of looking at the amendments my colleague has proposed and letting us know at eight o'clock the degree to which she is willing to accept those amendments. If she means something other than that, I would be willing to hear what the minister is saying.

**Hon. Miss Stephenson:** I am sorry I obviously did not make myself clear. What I was suggesting was that we had already introduced in section 2 and in section 3(1) and (2), of this bill provisions for the development of an appeal procedure for both identification and placement that would follow the introduction of the act.

I was asking the member for York Centre to give us the opportunity to look at the ways in which we could incorporate into the regulations, which would govern that appeal mechanism, the kinds of suggestions he was making, because it is my understanding that a mechanism established under regulation has strength equal to that which is established under legislation.

Because we have introduced that requirement in sections 2 and 3, I believe there can be no doubt—and I have committed myself to the members of the House—that those regulations will be available before this bill receives royal assent in order to ensure that the appropriate mechanism—at least a two-staged and probably a three-staged appeal mechanism for identification and placement—would be introduced. It was not that I was suggesting I could incorporate them into my amendments at this stage. I am sorry that you misunderstood that.

**Mr. Chairman:** I have listened carefully to many of the members. I get the feeling from what has been said that we should go through it section by section. That gives all members the opportunity to vote against, make amendments or vote for it. If the committee is agreeable, we could now start going through it section by section. If the committee is agreeable, I will call the amendment to section 7 of the bill, dealing with section 34(1) of the act. Are there any comments on section 7(1)?

The committee divided on Hon. Miss Stephenson's amendment to section 7(1) of the bill dealing with section 34(1) of the act, which was approved on the following vote:

Ayes 53; nays 25.

Section 7(1), as amended, agreed to.

**Hon. Mr. Gregory:** Mr. Chairman, before we adjourn for dinner, I am wondering if we could have some kind of agreement from the House that after eight o'clock we stack votes until 10:15?

**Mr. Foulds:** Mr. Chairman, for procedural reasons we are willing to stack the subsections of section 7, but section 7 in total must be voted on whenever that comes before we can proceed with the rest of the bill.

**Mr. Stong:** Mr. Chairman, in order to make sense of what we are doing here, that would be a reasonable suggestion that we do stack them until 10:15 tonight, dealing with section 7 only.

**Mr. Warner:** No, Mr. Chairman, that is not agreeable to this caucus.

**Mr. Foulds:** We can only stack the subsections in section 7 until we get to the end of section 7.

**Mr. Chairman:** There doesn't seem to be unanimous agreement. I wonder if there could be some consultation over the dinner hour and I will ask the committee for a decision when we resume.

The House recessed at 6:17 p.m.

## CONTENTS

---

Tuesday, November 25, 1980

|   |      |
|---|------|
| Point of privilege re report in Toronto Sun: Mr. Williams, Mr. Cunningham, Mr. T. P. Reid .....   | 4591 |
| Human Rights Code amendments, statement by Mr. Elgie .....  | 4592 |
| Liquid industrial waste, statement by Mr. Parrott .....   | 4594 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy, Mr. G. I. Miller, Mr. Isaacs, Ms. Bryden, Mr. Kennedy ..... | 4596 |
| Nuclear waste disposal, questions of Mr. Welch: Mr. Cassidy, Mr. T. P. Reid, Mr. Foulds .....   | 4600 |
| Contracted-out services, questions of Mr. Elgie: Mr. Cassidy .....  | 4602 |
| Liquid industrial waste, question of Mr. Parrott: Mr. McGuigan .....  | 4602 |
| Nelson Crushed Stone, questions of Mr. McMurtry: Mr. Di Santo .....   | 4603 |
| Federal aid to transportation, question of Mr. Snow: Mr. Ashe .....   | 4603 |
| Air quality lead criteria, questions of Mr. Parrott: Mrs. Campbell .....  | 4604 |
| Animal training collars, question of Mr. McMurtry: Mr. Philip .....   | 4604 |
| Darlington nuclear power station, questions of Mr. Welch: Mr. Cureatz, Mr. Nixon .....  | 4605 |
| Toxic hazard testing, questions of Mr. Elgie: Mr. Van Horne .....   | 4605 |
| Forest fire report, questions of Mr. Auld: Mr. Foulds .....   | 4605 |
| Fort Erie racetrack, questions of Mr. Drea: Mr. Haggerty .....  | 4606 |
| Sudbury nursing home, questions of Mr. Timbrell: Mr. Germa, Mr. Conway .....  | 4606 |
| Motion re committee sitting, Mr. Wells, agreed to .....   | 4607 |
| Motion re transfer of bill, Mr. Wells, agreed to .....  | 4607 |
| Human Rights Code Act, Bill 209, Mr. Elgie, first reading .....   | 4607 |
| Motion to suspend normal business, Mr. Isaacs .....   | 4607 |
| Chiropody Amendment Act, Bill 167, third reading .....  | 4610 |
| Education Amendment Act, Bill 82, in committee .....  | 4610 |
| Recess .....  | 4628 |

---

**SPEAKERS IN THIS ISSUE**

---

Ashe, G. (Durham West PC)  
Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
Breugh, M. (Oshawa NDP)  
Bryden, M. (Beaches-Woodbine NDP)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Cureatz, S. (Durham East PC)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Di Santo, O. (Downsview NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Eakins, J. (Victoria-Haliburton L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Gaunt, M. (Huron-Bruce L)  
Germa, M. C. (Sudbury NDP)  
Grande, A. (Oakwood NDP)  
Haggerty, R. (Erie L)  
Isaacs, C. (Wentworth NDP)  
Kennedy, R. D. (Mississauga South PC)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
McClellan, R. (Bellwoods NDP)  
McGuigan, J. (Kent-Elgin L)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Stong, A. (York Centre L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Van Horne, R. (London North L)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wildman, B. (Algoma NDP)  
Williams, J. (Oriole PC)







No. 123

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, November 25, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

---

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 25, 1980

The House resumed at 8:09 p.m.

House in committee of the whole.

## EDUCATION AMENDMENT ACT

(continued)

Resuming consideration of Bill 82, An Act to amend the Education Act.

On section 7(1), section 34 of the act:

**Mr. Chairman:** Before the committee recessed there was some discussion regarding the stacking of the votes. Does the committee wish to deal with that now or when we come to the actual voting?

**Mr. Sweeney:** Mr. Chairman, I think the agreement has been that we will stack the votes for the various subsections of section 34 of the act as set out in section 1 and then we will proceed from there to deal with each section in turn. In other words, as the Chairman may note, there are 17 subsections to section 7. We are going to go from subsection to subsection and then stack them at the end so that we will vote on them. Instead of voting on each subsection in turn, we will make the amendments and then vote on the whole package of section 7 at the end. That is what I understand the agreement to be.

**Mr. Chairman:** As I understand it, the agreement of the committee is to stack any votes on the amendments to section 7 and vote on them at the end of that time.

**Mr. McClellan:** That is agreeable to us, Mr. Chairman. The outcome of the vote on section 7 will depend on whether we have additional amendments to offer. I think we are all anxious to try to get through this bill this evening. That sounds like a sensible procedure.

**Mr. Chairman:** I hope that is understood by the members of the committee.

On subsection 2:

**Mr. Sweeney:** Mr. Chairman, I believe you have before you an amendment which reads: "Moved by Mr. Sweeney that Honourable Miss Stephenson's amendment be further amended by adding, 'offered by the board' after the word 'instruction' in the fourth and seventh lines of section 34(2)."

**Mr. Chairman:** Mr. Sweeney moves that Honourable Miss Stephenson's amendment be further amended by adding "offered by the board" after the word "instruction" in the fourth and seventh lines of section 34(2).

**Mr. McClellan:** I would simply like to say that is not helpful if the object of the exercise is to extend the right of appeal to the decision of whether a student is an exceptional pupil or whether an exceptional pupil has the right to special education programs and special education services. The reality is that you cannot make a silk purse out of a sow's ear. You cannot turn this section into a broader section because of the definitions at the beginning. The section, as it has been put forward by the minister, is limited to dealing with the question of appeals on behalf of hard-to-serve pupils. There is no way you can broaden that.

**Mr. Foulds:** I have a question. I wonder why the member is offering the amendment. I am curious about it.

**Mr. Sweeney:** Mr. Chairman, if I may speak to it, the definition of hard-to-serve pupil in section 34(1) was expanded to include the words "offered by the board" after the word "instruction." I moved the amendment in section 34(1) and will move it again in subsection 3 simply to have internal consistency. Whenever we use the expression, "unable to profit by instruction" we simply add the words, "offered by the board." That is the reason for it.

**Mr. Grande:** I have a question of the minister. That is, if amendments are made to section 34(2), how closely are they related to the schematic visual representation the minister gave us with her first amendment? You have seen that? Where you have "PPRC," I would assume that is a program placement review committee. The decision of that placement committee would go to the school principal. If the principal agrees, then the child would be in a special education program. My question is what happens there if the parent disagrees at that stage.

**Hon. Miss Stephenson:** Mr. Chairman, the child would already be in a program, and if in that situation either the principal or the parent felt the child was not profiting by

instruction, the principal would be bound to refer that to a supervisory officer, and through the supervisory officer to the board, which must establish a committee.

**Mr. Grande:** Mr. Chairman, could the minister give me an idea of how many children in the system we are talking about at present? Are we talking about the famous two cases, whereby last year those children would have been excluded as a result of section 34, or are we talking about a larger number of children? Could the minister give me an idea of how many children we are talking about in this section?

**Hon. Miss Stephenson:** Mr. Chairman, it would be impossible to give the honourable member a specific figure. It is certainly a considerably larger number of children than the two who are currently excluded. Indeed, this bill gives the right to every child within a board's jurisdiction to be placed in a program within the school system. Obviously, it is a much larger number, but I really can't tell the member what the larger number is at this stage of the game, and I don't think the member could either.

**Mr. Chairman:** All those in favour of Mr. Sweeney's amendment to Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Amendment stacked.

On subsection 3:

**Mr. Chairman:** Mr. Sweeney moves that Hon. Miss Stephenson's amendment be further amended by adding "offered by the board" after "instruction" in the fifth and ninth lines of section 34(3).

**Mr. McClellan:** I simply repeat that this does not do any more to this subsection than the same thing did to the previous subsection. We have a complete appeal system in section 7 of the bill as it stands. This is completely superfluous and unnecessary.

**Mr. Chairman:** All those in favour of Mr. Sweeney's amendment to Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Amendment stacked.

On subsection 4:

**Mr. Chairman:** All those in favour of Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 4, as amended, agreed to.

On subsection 5:

**Mr. Chairman:** All those in favour of Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 5, as amended, agreed to.

8:20 p.m.

On subsection 6:

**Mr. Stong:** Mr. Chairman, I have an amendment that I would offer on this section. However, I have received a notice from the minister wherein she indicates to me that the principle of my amendment will be adapted—I do not know if it will be here or later. I am prepared to have it stood down at this time until I have an opportunity to view the amendments the minister intends to offer. They are not here yet; they are on their way up I understand.

**Hon. Miss Stephenson:** Mr. Chairman, the amendment will be 34a and the current 34a will be renumbered 34b. That seemed to be the most appropriate placement for it.

**Mr. Stong:** I respect that and I am prepared to wait. I feel the amendments will be acceptable to me. I have not seen them yet and I do not want to lose my position in line on this section.

**Hon. Miss Stephenson:** It is possible that we might stand down the remainder of section 7 until that amendment is available. We could proceed with the sections thereafter, about which I think there is little debate, and then return to section 7.

**Mr. McClellan:** With respect to the suggestion the minister has made, I may or may not have an amendment to the sections following section 7 depending on what happens to section 7. So if we do stand down the section, I would want to reserve the right to move an amendment to the sections following it. That would be a new section 8, and the rest of the bill would be numbered accordingly. I'll agree to this as long as it is understood that I can move an amendment to be inserted after section 7, should that be necessary.

Does the minister know how long it will be before we have the amendment?

**Hon. Miss Stephenson:** Five minutes.

Section 7 stood down.

Sections 8 to 17, inclusive, agreed to.

On section 18:

**Mr. McClellan:** This is just a factual question. I gather this is a discretionary power.

Can the minister tell us what would happen if the board of education refused to do what is set out in section 18? That is, if the board of education refused to employ and pay teachers to conduct an education program in a centre facility home, et cetera, despite a clear need and despite a sense on the part of the minister that action is required, what would happen?

**Hon. Miss Stephenson:** The boards of education have up to this point been extremely co-operative in the establishment of programs and the payment of teachers because they are encouraged to be co-operative by the funding mechanism established to provide that kind of service. We have had no difficulty in encouraging boards to participate in that kind of program in the past and I doubt we will have any difficulty in the future.

**Mr. McClellan:** Does the minister not feel there should be some kind of fail-safe provision in there, that there should be some onus on the ministry if a local board does refuse to take the appropriate action?

**Hon. Miss Stephenson:** This bill puts an onus on the ministry now to ensure all those pupils will be provided with an educational program. That is inherent in the bill. It is explicitly stated very early in the bill that the minister shall ensure that all exceptional pupils shall have a program provided for them. This part is not excluded from that assurance, nor from that responsibility.

**Mr. McClellan:** It is part of the same issue. If we had a stronger appeal procedure, if we had section 7 as it stands in the bill we would not have to worry about this. I suppose the outcome would be the same.

Section 17 agreed to.

Sections 18 to 24, inclusive, agreed to.

On section 7(1), section 34 of the act, subsection 6:

**Mr. McClellan:** Before the minister reads her amendment, could somebody arrange to have some additional copies made? I have one copy of a handwritten amendment to section 7 to be moved by Miss Stephenson. I wonder if somebody could arrange to have some additional copies made because I don't want to give my only copy to the pages while they scurry off to Xerox it.

**Mr. Chairman:** Hopefully, there will be some more available.

The committee could then go to the minister's amendment to section 7(3).

**Mr. McClellan:** We have done that.

**Hon. Miss Stephenson:** We had finished section 34(5).

**Mr. Chairman:** Are we ready to go on with section 34(6)? Oh, we are; fine.

**Mr. Foulds:** No, we are not. As one member of the House who happens to be vitally interested in the bill, I would like to have the proposed amendment in front of me in writing. I don't think that is too much to ask.

**Mr. Chairman:** Madam Minister, do you have that other amendment ready yet?

**Hon. Miss Stephenson:** I have one copy I might send to the member for Port Arthur, but that is all I have at the moment.

**Mr. McClellan:** Are your staff incapable of running a Xerox machine?

**Hon. Miss Stephenson:** No, they are not and they have been attempting to do this.

8:30 p.m.

**Mr. McClellan:** Well, they have not done it once yet. Mr. Chairman, I just want to make this point of order. I have had to send the only copy of every single amendment I received by a page-boy to have a Xerox copy made for my colleagues. Surely the ministry, with all its resources, could do us the courtesy of providing copies of amendments in sufficient quantity that the members of the assembly have them when the stuff is being debated.

**Hon. Miss Stephenson:** You have three copies of the amendments.

**Mr. Foulds:** On the point of order, Mr. Chairman: There are 125 members in this Legislature. We knew before we broke for the supper hour that there were two hours in which there was some agreement within the "Social Credit coalition" about what the amendments to the act were going to be. I do not think it is asking too much that once the decision had been reached about what the "Social Credit coalition" agreed to, the government ministry should Xerox about 20 copies of the amendments so that they would be before members of the House.

I know it is normal to give critics copies of the amendment. The standing orders ask us to have those amendments a day or two in advance. Most of the time, we in the opposition are able to comply with that standing order. We recognize the particular difficulty the minister has faced with this bill. Is it too much to ask that she be prepared for some kind of fallback position and some kind of compromise? Is it too much to ask the minister and her staff to treat this Legislature with some courtesy so that the standing orders are met?

The minister is determined to remove from the Legislature its right, with the acquiescence

of the Liberal Party, to enact in legislation certain things that this party believes should be enacted in legislation rather than through regulation. We would at least like to see the words that are being formed in the statute while we are debating it. I do not think that is an unreasonable request.

**Hon. Miss Stephenson:** Mr. Chairman, having been treated with the utmost discourtesy by the third party, which will remain the third party forever, I would like you to know we have worked very diligently with the help of legal counsel in order to draft this appropriately. It was completed, I tell the honourable member, at eight o'clock.

**Mr. Foulds:** It takes you 25 minutes to Xerox a dozen copies of three pages?

**Mr. Chairman:** Order. The honourable member has had his opportunity to speak.

**Hon. Miss Stephenson:** Mr. Chairman, all I can say is that we have done our best to comply with the rules of the House. We shall continue to do so, and we also attempt to be courteous in all situations, which is something the third party has never heard of.

Interjections.

**Mr. Chairman:** Order.

**Mr. M. N. Davison:** Mr. Chairman, I find it very offensive that the minister just adopted the attitude she has taken with regard to the discussion taking place. I think the matters raised by my colleagues, the members for Bellwoods and Port Arthur, are serious. We do, in this party, consider this to be a very serious bill. We do consider the issue before us to be a very serious matter. We are simply asking that the minister provide us with the requirements of the standing orders of this Legislative Assembly. If the minister wants to take the position that this is somehow or other against her own position, I quite agree that maybe that is true. But I do think the minister should comply with the rules of this House just as anyone else here has to do.

**Mr. Chairman:** I might remind the members again of standing order 58: "When time permits, amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is considered, and copies of such proposed amendments shall be distributed to all parties."

Interjections.

**Mr. Chairman:** Order, back to section 34(6) of the act. The member for York Centre is not moving an amendment?

**Mr. Stong:** No, I am not, Mr. Chairman, in the light of the amendments that have come into my possession.

**Mr. Foulds:** Mr. Chairman, I throw myself upon the mercy of the committee of the whole. I have before me an amendment by the Minister of Education that was handwritten. It has not yet been read into the record, is that right?

**Hon. Miss Stephenson:** No, because it does not come until the end of the section.

**Mr. Foulds:** It says here, "I move that section 7 of the bill be amended by adding thereto the following subsection 3." It seems to me we passed subsection 3. What did you do, stand it down? Did I miss that? Is a new subsection 3 being introduced?

**Hon. Miss Stephenson:** We are on subsection 1.

**Mr. Chairman:** We are on section 34(6).

**Mr. Foulds:** All right, thank you.

**Mr. Chairman:** As a matter of fact, a short time ago I asked the committee if they wanted to discuss this and they said "no."

All those in favour of Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 6, as amended, agreed to.

**Mr. Stong:** Mr. Chairman, I had indicated that I would be moving an amendment, but I will not. I withdraw my amendment. I withdraw all the amendments that I have put through for section 7.

**Mr. Chairman:** You have not actually put any.

On subsection 7:

**Mr. McClellan:** I am quite nonplussed. The member for York Centre had an amendment to subsection 7, which he hoped—

**Mr. Stong:** Subsection 6?

**Mr. McClellan:** I am talking about the amendment to subsection 7, which, at least before we broke for supper, the member indicated would somehow transmogrify this section in such a way that it would become a means for having appeals against decisions of the local placement committee of the board with respect to whether a child was an exceptional pupil and whether the placement was adequate.

**Mr. Stong:** Subsection 7?

**Mr. McClellan:** Yes, we are talking about subsection 7, right. The amendment he drafted does neither of those things, and the

amendment the minister has submitted seems to do even less. I do not pretend to be able fully to understand the amendment that the minister has submitted, for the simple reason that I cannot read all of the handwriting.

**Mr. Makarchuk:** Was it written by a doctor?

**Hon. Miss Stephenson:** It is not mine.

**Mr. McClellan:** I should hope not. It was obviously written by a doctor, though, because it is utterly illegible.

**Hon. Miss Stephenson:** Matter of fact, it was written by legal counsel.

**Mr. McClellan:** It was written by a lawyer or a doctor.

The problem remains that it is, first, an amendment to the section that talks about hard-to-serve pupils. Again, the amendment that the minister intends to move, which is a replacement for the amendment that the member for York Centre was going to move to subsection 7—

**Mr. Stong:** Now we have a new section coming up which will deal with it.

**Hon. Miss Stephenson:** Read it.

**Mr. McClellan:** We will get into the substance of the debate when the minister gets around—

**Hon. Miss Stephenson:** How can the member debate an amendment which has been withdrawn?

**Mr. McClellan:** I can make any comment that I want to make on any section of the bill, unless the minister somehow—

8:40 p.m.

**Mr. Chairman:** Order. The section before the committee is 34(7) of the act.

**Mr. Foulds:** That is what my colleague is commenting on.

**Mr. McClellan:** Correct. The problem remains, as the section stands, that it is limited to appeals against decisions with respect to hard-to-serve pupils and nothing that has been introduced, or is intended to be introduced later on down the pike, changes that.

**Mr. Chairman:** All those in favour of Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 7, as amended, agreed to.

On subsection 8:

**Mr. Chairman:** All those in favour of Hon. Miss Stephenson's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 8, as amended, agreed to.

Subsection 9:

**Mr. McClellan:** I want to make a comment on this subsection. This is the subsection that contains the language that was carried over from a previous amendment that had not actually been moved by the minister, but we did discuss it in the social development committee. The language is, "the board shall assist the parent or guardian to locate placement suited to the needs of the pupil."

I want to point out to the committee that we still have that very nebulous and ambiguous language, "the board shall assist to locate." I simply wanted to contrast that with the provision in section 7 of the bill, as amended by the social development committee, which this is intended to replace.

The Ontario Special Education Board, under Bill 82 as it is printed, would have the power to design, determine or designate an appropriate placement for a child who had been successful in an appeal before the tribunal, and that is a very substantial difference. I realize the minister has put forward objections to the power our amendment gave to the Ontario Special Education Board. Nevertheless, we feel it is really essential if there is to be a meaningful remedy out of the appeal process. I do not see it as a remedy that, having won an appeal, the matter goes back to the local board of education and the board assists the parent in locating proper placement. The emphasis is on "assist" not on "locate."

I understand there have been some changes to the minister's position and if as a result of an appeal a person is successful and a placement is obtained, Ontario will pay the cost of the placement, but there is still a measure of ambiguity with respect to whether or not a placement will be found. I still feel it makes a lot more sense to empower the tribunal with the capacity to design, determine and designate an appropriate placement upon the successful outcome of an appeal.

While I am dealing with that, I should mention in passing, as I am sure the minister and my colleagues in the Liberal Party know, that if some miracle happens and this amendment is defeated, we do intend to amend section 13, which has to do with the exercise of power of the tribunal, so that our tribunal will make recommendations to the minister and the minister will implement those recommendations. At any rate, we are very far apart on both language and concept

with respect to where the onus should lie. We do not intend to support the subsection in front of us or any amendments to it.

**The Deputy Chairman:** Any further discussion on section 34(9) of the act?

**Mr. Bounsall:** I don't wish to prolong the debate, but I would like to hear from the minister on this part. This is the part that in its various versions and now back again before us in this form, has always worried me. Can the minister categorically say that when a child is determined to be hard to serve there will never be a board in this province with which there will be a problem in having that board assist the parent or guardian to locate a placement?

When the child is designated hard to serve, the parent would like to get the child placed or find a place for that child that would best serve him, and the parent expects the board to assist in that duty. The board does nothing, except to say, "We don't know of any place. Do you? Why don't you keep looking?" Parents feel the board is doing nothing but checking periodically with them.

Can the minister guarantee that will never happen in Ontario, that there will never be a situation where a frustrated parent will say, "My child has been designated hard to serve and the board, although the act says it must assist me, is really doing nothing active to assist in placing my child."

**Hon. Miss Stephenson:** Mr. Chairman, I really do not have the kind of jaundiced view about all human beings that seems to pervade some of the members opposite. I believe that when boards are given a responsibility or are designated that responsibility or provided with that responsibility through legislation, they do carry it out. I would anticipate that all boards would do that. Some, obviously, with more enthusiasm than others, but it is obvious those given responsibility under this act will carry out that responsibility.

**Mr. Bounsall:** Mr. Chairman, I want to make it very clear I do not take a jaundiced view of this bill. I think that most boards in this province will do their level best to live up to the spirit of this bill. But we are writing legislation now that covers every contingency. I am concerned that some time, some place, somewhere, some board will put parents in this situation. What recourse in this legislation do parents have to see the board, which should know a lot more than they do, being in the business of providing education, does meaningfully search for a place that serves their child?

This is my point. When you read on to section 34(10), there is an appeal mechanism to the tribunal, if they don't agree the child is hard to serve or they don't agree with the placement. But what if there simply isn't any, or much, activity in trying to find a placement? I am not saying this is going to be the rule, but it could well be the exception. What recourse do parents have?

**Hon. Miss Stephenson:** Mr. Chairman, parents have the recourse they have at the present time about any number of situations, that is, to notify either the regional office or the minister. When that happens, of course, there is discussion immediately with the board in terms of discharging the responsibility which is legislated for the board to pursue.

**The Deputy Chairman:** All those in favour of section 34(9) standing as part of the amendment will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Subsection 9, as amended, agreed to.

On subsection 10:

**The Deputy Chairman:** All those in favour of section 34(10) standing as part of the amendment will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Subsection 10, as amended, agreed to.

On subsection 11:

**The Deputy Chairman:** All those in favour of section 34(11) standing as part of the amendment will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Subsection 11, as amended, agreed to.

On subsection 12:

**The Deputy Chairman:** All those in favour of section 34(12) being part of the amendment will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Subsection 12 agreed to.

8:50 p.m.

On subsection 13:

**Mr. McClellan:** This is one of the sections that has to do with the remedy under a successful appeal to the minister's tribunal. It is some remedy when the way the tribunal finds if the pupil is considered to need placement is that it is referred back to the board. I can foresee a kind of perpetual wheel of litigation if that is all that happens by way of remedy. It gets back to the point I made

a few moments ago. I still feel it would be useful and helpful to empower the tribunal with the capacity to determine, design and designate where the tribunal felt that was appropriate.

It is not something that would be done in every circumstance, but I think it is important to have the tribunal established with the capacity to do that if the circumstances warrant it. I point out that the Social Assistance Review Board has the power to do precisely that. The way it works in practice is it does not come up with a program out of the air or out of the blue or even really on its own initiative.

What happens before the Social Assistance Review Board is that the parents usually come before the board with a specific program in mind. The Social Assistance Review Board is given the power in the legislation to substitute its decision for the decision of the director of the vocational rehabilitation services branch of the Ministry of Community and Social Services. This is precisely what it does. It makes a determination with respect to exactly what program will be available for the child who wins an appeal. It is a major failure of this minister's amendment that that remedy is not available to the tribunal.

I say again, for the nineteenth time, that remedy is available under the appeal procedure at present printed in the bill. We intend to vote against this subsection.

**Hon. Miss Stephenson:** Surely it is reasonable to suggest that those who should be responsible for the delivery of an educational program should also be made responsible and accountable for the program which is delivered.

It would appear to me it is much more appropriate to have the tribunal hear the appeal of the parents regarding a placement for and the designation of that child to determine, on the basis of all the evidence which is provided, that the child is either hard to serve or does require placement in a special education program within the board's jurisdiction or within another board's jurisdiction if that board is unable. This act does provide for that capability on the part of boards.

If a board is unable to provide the program for a child, the tribunal, it seems to me, has the responsibility to determine where in the province there may be a board with that capability so that the child may receive the benefit of that program. But I am not at all sure that a special tribunal should have the responsibility for designing pro-

grams for children for whom it has only had the responsibility of reviewing all the information made available, without having had the responsibility of supervising that child or being in constant attendance upon that child and for whom there will be no on-going accountability.

**Mr. McClellan:** I want to point out to the minister that we are not denying local responsibility. We are acknowledging that there has been a failure on the part of a particular local board of education because this subsection deals with a situation where an appeal has been successful. That is not an acknowledgement of blame or fault, but it is an acknowledgement that something was wrong with the process in the first instance at the local level because it is a successful appeal.

All I am saying is that I prefer the language of subsection 12 as it is printed in the bill, which gives the special education board a threefold power. They can affirm the decision of the local board, if they think the local board made the right decision, or they can rescind that decision, send it back to the local board, as you have done, and tell them to make another decision. But, third, if the circumstances warrant, they can rescind the decision of the local board and determine, design or designate an appropriate program.

All I am saying is that it would be useful if the circumstances warrant and if there is a major problem at the local level, if the tribunal had the capacity to act as a fail-safe mechanism so that people are not being bounced around through an appeal system that has no real remedy. That is the concern I am trying to bring to the minister's attention. The language of the statute as printed in the bill again is preferable to the amendment before us and we intend to vote against the subsection.

**Mr. Foulds:** I have a question for the minister. What does the minister plan to do when she is informed by the board of the special education services that have been provided and if she or her ministry finds that those services are inadequate? Are you going to make that kind of judgement? Is that why you want to be informed?

**Hon. Miss Stephenson:** The reason for the requirement that the minister be informed is to ensure that the decision of the tribunal has been carried out by the local board. If there is some question about it, obviously the regional officer with responsibilities for special education will also be informed and will be continuing to monitor that situation.

**Mr. Foulds:** What remedial action can you take? You talk about monitoring and that is all well and good. But what happens if there is a child who needs education and fails to get that for the three weeks to six months that it might take to go through the appeal process? The board provides a program 60 days later. Two months later you are notified what the program is and you make a decision and get it down the pike to a regional officer. He looks at it and says it is inadequate. He can monitor it, and for three months, four months, five months or six months the child has not had an adequate educational program. What remedial action can you take?

**Hon. Miss Stephenson:** If the member will read the definitions in the early part of the legislation, he will note that "special education program" connotes inherently a continuous review of the progress of the child through the program as well. That review is going to be carried out and if the child is not progressing appropriately, a review of the program will be carried out. The entire situation can be repeated at that stage, if necessary.

**Mr. Foulds:** I find these reviews very intriguing and interesting, but I am trying to determine from the minister what remedial action, under this subsection, she can guarantee that the Ministry of Education will ensure that the child has some remedial education.

**Hon. Miss Stephenson:** We are not talking about remedial education; we are talking about special education in this circumstance. Specifically, the responsibility has been laid upon the board through this legislation. The definitions ensure that program will be established and that there will be continuing assessment and continuous review. All of the mechanisms which are currently in place in many boards where this system is now functioning will be functioning right across the province for all children within the province. 9 p.m.

I have sufficient faith in the dedication of teachers and in the dedication of members of school boards to believe they will carry out their responsibilities as they are delineated within the legislation. I know the ministry will also carry out its responsibilities; of that I can assure you. But I have to tell you that as a human being having to deal with human beings, I am not sure you could guarantee 100 per cent absolutely everything in any circumstance at any time.

If you are asking me to write legislation which is going to cover the circumstance of

one child only in the province, I have to tell you I don't think we can do that. What we are attempting to do is write legislation which will guarantee for as many children as we have within our jurisdiction who have exceptionalities the appropriate educational program. I believe the kind of legislation and certainly the concurrent activity of implementation through the pilot project system is one of the ways in which we are ensuring that remedy will be available for those children.

**The Deputy Chairman:** Does the member for Port Arthur wish to carry this same subject on longer?

**Mr. Foulds:** Mr. Chairman, with due respect, if this were question period I would file dissatisfaction with the answer supplied by the minister. My question is a fairly straightforward one. What do you do when you have reviewed a program and the ministry finds that program is inadequate for the special education required by that child as defined by the tribunal? How do you remedy that situation?

**Hon. Miss Stephenson:** In that situation, Mr. Chairman, I would consult with the special education branch of my ministry. We would review what is being provided and, as a result of that activity, there would be consultation with the board in that circumstance as there is in many circumstances right now.

**Mr. Foulds:** After the consultation with the board, how do you hope to ensure that the program your officials deem necessary is supplied by that board? Where is your authority?

**Hon. Miss Stephenson:** My authority is to review the function of the review process within the child's special education program in order to ensure that the program is being delivered.

**Mr. McClellan:** The only obligation under this section is that you be informed. What it says is "... within sixty days of receipt of the notice ..." of the decision of the tribunal, the minister will be informed "... of the special education services that have been provided for the pupil." The question is still unanswered. What happens if the program is totally inadequate? You have absolutely no remedy at all. The power lies with the local board. If the placement is still inadequate, the parents have to appeal again. What kind of a remedy is that?

**Hon. Miss Stephenson:** I would draw the attention of the members to the beginning of this bill where there is a statement which plainly provides that the minister shall ensure



that the children receiving special education programs, shall, in fact, receive them. That is a responsibility which, in our process of implementation through the pilot project, we will be determining more closely in terms of form and mechanism. That is in section 2.

**Mr. McClellan:** The bill, as I just finished reading it, is very clear. The minister will be informed and the minister has no other power under the act or the regulations than to be informed. Tell me what your powers are so that you can reassure us on this point.

**Hon. Miss Stephenson:** At the present time, I prefer to utilize the powers of persuasion, co-operative activity and consultation, rather than attempting to use a large mallet to kill a fly in many instances. I believe in this instance that kind of activity is probably going to be more productive than spelling out the kind of pejorative and punitive legal remedy, which I believe the members opposite wish to have included in this bill.

**The Deputy Chairman:** The member for York Centre tried to get my eye some time ago and I don't know whether he has a comment to make or not, but let him have an opportunity.

**Mr. Stong:** The question I had has been answered. It was on this point, but it has been answered.

**Mr. Foulds:** No one is asking you on the floor of the Legislature to design a special education program for every individual who needs a special education program in the province.

**Hon. Miss Stephenson:** Thank you.

**Mr. Foulds:** I accept the minister's thanks with gratitude that knows no bounds. I ask the minister to answer this simple question. In those rare instances, and I admit they will be rare, where you find the program is inadequate, and where you find the board, for whatever reason, is incapable of providing the program the tribunal finds should be developed for that pupil, what legislative authority do you have to ensure the program is developed either by that board or by some other board so there is either a purchase of service or a straight delivery of service?

**Hon. Miss Stephenson:** Since this act empowers the boards to purchase services from other boards, it is perfectly obvious that if they do not have the capability, or feel they cannot design a program specifically for one child, they will have the power to purchase that service from a board which has a program of that kind.

In addition to that, as I said very much earlier, it would seem to me appropriate that in making its decision about a program for this child the tribunal could, in consultation with the board if the board suggested it did not have the capacity to develop that program, recommend programs provided by other boards.

**The Deputy Chairman:** Shall subsection 13 stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 13 agreed to.

On subsection 14:

**Mr. McClellan:** We have the same comments and the same vote.

**The Deputy Chairman:** All those in favour will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Subsection 14 agreed to.

On subsection 15:

**Mr. McClellan:** I would like to ask a question out of idle curiosity regarding the new tribunal we are talking about establishing. Does the Statutory Powers Procedure Act apply to the proceedings of that special education tribunal?

**Hon. Miss Stephenson:** Yes.

**The Deputy Chairman:** Shall subsection 15 stand as part of the proposed amendment?

All those in favour will please say "aye".

All those opposed will please say "nay".

Still, in my opinion the ayes have it.

Subsection 15 agreed to.

On subsection 16:

**Mr. Foulds:** This is the subsection I spoke on when I made some remarks on the whole series of amendments the minister has introduced in this section. I put the question to her as clearly and as bluntly as I can. What is there in this subsection that allows the hard-to-serve pupil, who cannot be served in Ontario, to seek those services elsewhere and for that to be covered by the ministry? Where does that happen?

**Hon. Miss Stephenson:** By the government.

**Mr. Foulds:** What I want to know is where.

**Hon. Miss Stephenson:** It happens in subsection 17, as a matter of fact.

9:10 p.m.

**Mr. Foulds:** On subsection 9, all I find is that "the board shall assist the parent or

guardian to locate" the necessary special education. There is no guarantee in that subsection that it will be located in or outside of Ontario. When I go to subsection 14, I notice that "the board shall assist the parent or guardian to locate a placement." Then I see in subsection 16 it "shall be made in Ontario, except where no placement suited to the needs of the pupil is available in Ontario."

What I perceive here is a giant loophole. I would like the minister to allay my fears and tell me how that loophole is plugged so that a child who needs, and for whom it is determined he or she needs the services outlined in the section, can get them and can get them outside of the province. What guarantee do we have that placement will be made and the ministry will pick up the costs?

**Hon. Miss Stephenson:** In this subsection, we are speaking of hard-to-serve pupils for whom in all probability the requirements for care and treatment are uppermost and supersede requirements for an educational program. In this province we have a number of establishments, institutions and facilities to accommodate that child.

With the requirement by the legislation that each board will assist the parents to ensure the appropriate placement of children who are so designated with information, which will be provided to the boards by the ministry and by the other two ministries potentially involved—the Ministry of Community and Social Services and the Ministry of Health—in their search for the appropriate placement for a child so designated by a tribunal and with the recommendations of the tribunal given to the board as well, there is no doubt in my mind those boards will assist and that provisions 16 and 17 of the act will prevail.

**Mr. Foulds:** Provision 16, as I read the legislative language says, it "shall be made in Ontario." There is nothing I see where it says, "There shall be a placement." Quote me those words anywhere in this subsection where it says that there shall be a placement. You do not have them. They are not in the legislation.

**Hon. Miss Stephenson:** It is not specifically worded that way but the spirit of the bill, which the member chooses to ignore constantly, is that kind of assistance will be provided to parents to ensure that placement will occur.

**Mr. McClellan:** Say one wants an appeal and one invites some great spirit: "Oh, great spirit, come upon us. Thank you very

much." What kind of appeal system is that? When one goes to court and win, one wins a judgement and something consequential happens. When one goes to any of the other appeal bodies under any of the other statutes in this province and one wins an appeal, something consequential happens, something real happens. It is not some nebulous atmospheric entity, some spirit that descends upon the waters and somehow solves the problem. It is precisely this dilemma that makes your amendment unacceptable.

We have tried to come up with language, and it is printed in the bill that deals with that. The only way we could think of to deal with that—maybe there are other ways—was to empower the tribunal with the capacity to design, determine or designate a program, to recommend that program to the minister and oblige the minister to implement it.

I am not saying that is Mosaic and has to be engraved in stone. There may be other ways. I was not able to think of another way. I am sure there are other ways, but what the minister has is utterly nebulous and guarantees nothing.

**Mr. Foulds:** Mr. Chairman, the minister says the spirit of the legislation will prevail. I am reminded of the Biblical phrase about the spirit being willing but the flesh being weak. What we have had in the province for many decades is very weak flesh when it comes to the spirit of the Ministry of Education in meeting the needs of children for special education. I am sorry that the minister is such a person of faith. I find myself forced into a position of scepticism which, historically, she and her ministry have forced upon us when it comes to the matter of meeting the needs of special education.

**Hon. Miss Stephenson:** Hogwash. Absolute balderdash.

**Mr. Foulds:** Never mind privately mouthing obscenities and insults at me.

**Mr. Chairman:** Order.

**Hon. Miss Stephenson:** I do not mouth obscenities.

**Mr. Foulds:** Personal insults, that verge on the unparliamentary, let me put it that way.

What we are trying to do in this legislation, what we have constantly tried to do, is to ensure that all children in the province who have need of special education will receive it. What we have found in the three key subsections of this section that the minister is introducing, gutting and negating—section 7 that was passed by the social development committee aided and abetted

by her colleagues in the Liberal Party—is a guarantee of assistance to the parents, and a guarantee that the placement shall be in Ontario; but there is no guarantee that there shall be a placement.

I am afraid this subsection will, I hope, haunt members of the Liberal Party for years to come, because the Conservative government is going to use these loopholes over the next five, 10, 15 or 20 years. Just as they have avoided introducing this legislation—

**Hon. Miss Stephenson:** To whom is the honourable member talking?

**Mr. Foulds:** I am talking to the minister. Would you just get the wax out of your ears and listen for a change?

**Mr. Chairman:** Order. Would the member address his remarks to the chair?

**Mr. Foulds:** I am talking to the chairman.

**Mr. Chairman:** To subsection 16.

**Mr. Foulds:** Subsection 16 is exactly what I am on, Mr. Chairman, because it is subsection 16 that allows the loophole to the minister and her officials, and allows the loophole because it is referenced to subsections 14 and 19 which do not plug that loophole. That means children who are hard to serve pupils are not guaranteed the right to an education. Let us be very blunt about that. That is what this amendment by the minister does. It avoids as strenuously as it can giving that clear-cut right, assurance and guarantee to parents with hard to serve children.

**Mr. Sweeney:** Mr. Chairman, I would ask the minister to clarify this: My understanding of subsections 9 and 14 is that, in both cases, the direction is to the board: "The board shall locate a placement."

**Mr. Foulds:** "Shall assist."

**Mr. Sweeney:** Just a minute. The member has had his chance to blow off.

**Mr. Chairman:** Order.

**Mr. Sweeney:** "Assist the parent or guardian." I understand that to mean it would be in co-operation with it, rather than the board's unilaterally, all by itself, going out and locating something and saying to the parent or guardian: "There it is. Take it or leave it." That is my understanding of that.

Because there would appear to be the possibility of misunderstanding that, might I suggest to the minister that the wording be, "the board shall locate," and then, "in co-operation with the parent or guardian, a placement suited to the needs of the pupil."

It is my understanding that is what those words are intended to mean.

9:20 p.m.

But if it is possible it is going to be misunderstood in the way in which it has been described, that probably would avoid that misunderstanding. I certainly would not support a statement just saying that the board is going to do the location all by itself without any co-operation or any involvement of the parent or guardian. I certainly do not think that is appropriate.

**Hon. Miss Stephenson:** Mr. Chairman, the purpose of the use of the word "assist" was to ensure that the board would, with all of the facilities and all of the information available to it, provide help to the parent of that child to find the appropriate place. It would appear that really is the appropriate kind of language as well. I am not sure we should suggest, as the member suggested, that the board unilaterally should locate the placement. It should be something which is done in a co-operative fashion.

That is what the purpose of the wording is in this section. We thought for several weeks about this and we cannot think of a better word to connote the kind of supportive co-operation which the board is required to provide by these sections of the legislation. This legislation does require that they provide it. I really cannot think of a better way to say it.

**Mr. Stong:** Mr. Chairman, I agree with my colleague from Kitchener-Wilmot and I did not approach this bill with a jaundiced view that some people have of the operations of our educators. I also believe in the presumption of regularity in the carrying out of the terms of this bill. However, I can ferret out that there is no obligation, although it could be read that it would be subject to interpretation. I agree with the minister that the spirit of the bill points out the obligation to the board to be of assistance and to pay the costs. Taken together, if there is a placement outside of Ontario, then I feel the board would be ordered.

However, because there is room for argument in subsection 16 and because it is the minister's clear intention that where there is no placement suitable in Ontario suitable placement outside Ontario is envisaged by this act, perhaps we should make the language crystal clear to conform with her intentions. Perhaps we should consider an amendment.

It seems to me we should include in this subsection a provision that where there is no placement possibility in Ontario, placement

outside of Ontario is encompassed. That is the way I read it—however, it is arguable and to avoid an unnecessary court action over the interpretation I think we should satisfy members of the last party here and make it crystal clear.

**Hon. Miss Stephenson:** Mr. Chairman, it seems to me that is precisely what subsection 16 says: that if there is not a placement suited to the needs of the pupil within Ontario, placement will be made outside the province.

It does say that. "A placement of hard to serve pupil under subsection 9 or 14 shall be made in Ontario, except where no placement suited to the needs of the pupil is available in Ontario." That means there will be a placement.

**Mr. Chairman,** I must express a modicum of concern about this section even as it is now written and that I have grave misgivings. I recognize that until the day the province is able to provide for all of the programs necessary this section is necessary, but I do have grave misgivings about spending Ontario taxpayers' money outside of the province.

However, recognizing the limitations which may be in place obviously for the next one or two years, and may even be in place in exceptional circumstances after September 1, 1985, I think it is appropriate that this subsection be in. I do believe the section says if the placement cannot be met, if the needs of the pupil cannot be met by a placement within Ontario, that placement will occur outside Ontario.

**Mr. Stong:** In order to make this subsection crystal clear, may I suggest an amendment be offered so that the subsection would read: "A placement of a hard to serve pupil under subsection 9 or 14 shall be made in Ontario, but where no placement suited to the needs of the pupil is available in Ontario, such placement can be made outside of Ontario"?

**Mr. Foulds:** How about "shall"? How about putting "shall" in there?

**Mr. Stong:** You offer the amendment. I'll vote for it.

**Mr. Foulds:** You offer the amendment.

**Mr. Stong:** I already have.

**Mr. Chairman:** Any further comments?

**Hon. Miss Stephenson:** I am perfectly willing to move that subsection 16 be amended by including after the phrase "is available in Ontario" "a placement may be made outside Ontario."

**Mr. Chairman:** I'm sure the minister will put that in writing.

**Hon. Miss Stephenson** moves that subsection 16 be amended by adding after "in Ontario" in line four, the following, "a placement may be made outside Ontario."

All those in favour of Hon. Miss Stephenson's amendment to the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

All those in favour of section 34(16), as amended, will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 16, as amended, agreed to.

On subsection 17:

**Mr. McClellan:** That is what we were waiting for.

**Mr. Chairman:** Oh, that's what you were waiting for.

All those in favour of section 34(17) will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Subsection 17, as amended, agreed to.

9:30 p.m.

On section 7(2):

**Mr. Chairman:** All those in favour of section 7(2) please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Section 7(2) agreed to.

**Mr. Chairman:** Hon. Miss Stephenson moves that section 7 of the bill be amended by adding thereto the following subsection 3:

"The said act is amended by adding thereto the following section:

"34b(1) Where a parent or guardian of a pupil has exhausted all rights of appeal under the regulations in respect of the identification or placement of the pupil as an exceptional pupil and is still dissatisfied with the decision in respect of the identification or placement the parent or guardian may apply to the secretary of a special education tribunal for a hearing for leave to appeal to a regional tribunal established by the minister under subsection 2 in respect of the identification or placement.

"(2) Where leave to appeal is granted under subsection 1, a regional tribunal shall be established by the minister to hear the appeal of the parent or guardian.

"(3) Notwithstanding subsection 1, a special education tribunal may with the consent of the parties before it in lieu of granting leave to appeal to a regional tribunal, hear and dispose of the appeal of the parent or guardian.

"(4) The Lieutenant Governor in Council may make regulations governing the provision, establishment, organization and administration of a regional tribunal and regulating and controlling the practice and procedure before such tribunal including the costs of persons before such tribunal.

"(5) The decision of a special education tribunal or of a regional tribunal under this section is final and binding upon the parties to any such decision."

**Mr. McClellan:** This is the long-awaited compromise that is the magnificent achievement of my colleagues to the right in collaboration with the minister. At face value it is an appeal system with respect to the other two matters, whether a child is an exceptional pupil or not, and what kind of special education programs and services the child will get.

There are only a couple of minor problems. First of all, the parents need permission in order to hold an appeal. One has to get permission to have an appeal. What kind of a right of appeal is that, when some authority has to grant permission to have the appeal in the first instance?

That is not the only defect. There is no remedy. It does not say what happens if you win the appeal. What happens? Does the spirit descend on you again? Does the atmosphere somehow crystallize? Does the great cloud of unknowing somehow materialize? What happens if you win the appeal? I will tell you what happens if you win the appeal: nothing. That is the kind of an appeal system the other two parties have managed to cook up over the supper hour, and what an empty meal that is. This is a ridiculous proposition to substitute for the very clear appeal provisions in section 7 of Bill 82.

Finally, as if it was not enough that you had to beg for an appeal and you had no remedy if you won the appeal, it has a privative clause, subsection 5: "The decision of . . . a tribunal is final and binding upon the parties to any such decision."

At least the minister was gracious enough to allow an appeal to the court with respect to the disposition of hard to serve children, and here she has closed it off. I do not know why you would put a privative clause in this section. I point out to you, in case you are not aware, that your privative clause

is relatively meaningless. There would be the right of appeal through the provincial Ombudsman.

**Hon. Miss Stephenson:** There is always the right of appeal to the Ombudsman.

**Mr. McClellan:** Are you denying that?

**Hon. Miss Stephenson:** No.

**Mr. McClellan:** It is a serious defect, that you would try to put a privative clause in this section. At any rate, this amendment is the very essence of emptiness. I must congratulate my colleagues on the right—after weeks and weeks of deliberation to come up with such a significant product. But it is too ridiculous to even contemplate supporting.

**Mr. Stong:** Mr. Chairman, in so far as the present section 7 and its original introduction as an amendment to this bill went, it covered extremely well the situations involving hard to serve pupils. Regarding the two operations of the bill that were not covered by way of review, namely the identification and the placement, the minister has now introduced a mechanism for appeal. In principle, that is acceptable.

I do, however, have questions of the minister. What does she mean when she refers to a regional tribunal? There is no definition of that in the act and it was not envisaged in my principle. I would like to know what that means. I would also like to know if the amendments that I had intended to move did give a remedy. The section that is introduced by the minister does not direct the board to do anything in terms of setting up the appropriate educational program, so it is lacking in that sense. There ought to be a remedy set out in this section.

With respect, this being the final decision, we know, as has already been mentioned, there is an appeal to the Ombudsman, but there is always an appeal to the court on the grounds of denial of natural justice, so there is no quarrel with that.

My two areas of doubt concern the concept of a regional tribunal that is introduced for the first time in this section, and also there ought to be a power in the regional tribunal or the special tribunal to direct the boards to set up the appropriate program, as is done with hard-to-serve pupils.

**Hon. Miss Stephenson:** Mr. Chairman, the provisions for the examination of the problem by the tribunal would carry forward as they do in the previous section 7 for children who are determined to require a special education program. The kinds of decisions which the tribunal would make in that circumstance would prevail in this circumstance for those

children, relating to program based upon identification or placement questions.

The regional tribunal is very similar to the concept we had for the provincial tribunal. That is that there would be, perhaps at the provincial level, not just one tribunal but several sitting at a time. A member of the concerned association might be one member, a member representing the school system another, and one member of the board as chairman who would be as independent as it is possible to be, representing neither one of the special interest organizations nor the school system specifically.

It was our intention with the regional concept to ensure that there would be available within, for example, the region served by a regional office, a mechanism whereby a tribunal of that sort could be established to serve the region. Since we have six regional offices we felt that was probably the most appropriate way in which to establish the idea of the regional special education tribunal.

There is a possibility, of course, that the special education tribunal hearing a case may determine that a case is so unusual it would be unlikely that a regional tribunal would be able to find an appropriate remedy. It might make the decision to hear it themselves at the provincial level, rather than at the regional level. We thought that responsibility should be provided for the special education tribunal, given the wisdom of those individuals.

9:40 p.m.

**Mr. Stong:** On that concept, I follow the event wherein the parents, for instance, do elect to appeal the decision on the identification of their pupil. We realize it only follows the natural course that if the appeal were allowed then the previous decision is upheld and that child is either identified as an exceptional student or not; or if the appeal is overturned then the converse is true.

What happens with respect to the placement, however? There is no remedy set out here with respect to the disagreement of the tribunal on the decision as to where to place the student. What follows from this decision in that event? If an appeal with respect to identification is overturned, then a child, by virtue of that appeal, can be classified as an exceptional student and fall within the definition of the act. There is no difficulty there. Unlike other people in this Legislature, I do not find any difficulty in reading what that means. But if this board allows the appeal of the parents with respect to the placement of the child, what remedy can it impose in those circumstances?

**Hon. Miss Stephenson:** If the placement of the child is questioned and is appealed and the board determines that an appropriate placement is required, then the board which has responsibility for the child whose case is being appealed is told by the tribunal that that program will be established, or that it must purchase that program for the child from another board as it is set out after subsection 10—I believe it is 12 or 13 of section 7. Excluding the hard-to-serve pupils, the same kinds of remedies which are available to those children determined by a tribunal to require placement in a special educational program would prevail in this circumstance as well.

**Mr. Stong:** To make it crystal clear, again, it seems to me there ought to be an addition to this amendment that would indicate that the board can make an order causing the implementation of the remedies available in section 7, if nothing more than just to make a determination. I know the remedies are set out in this section but, again, to make it crystal clear that the board does have some kind of remedy and can make an order, it appears to me it ought to be incorporated in this subsection that the tribunal can make an order against the board.

**Hon. Miss Stephenson:** I suppose subsection 13 could be duplicated at some point at the end of that section, which would ensure that the tribunal, having found the pupil to need placement in a special education program, requires the board to provide that program, and that the board is required to notify the minister that that order is complied with.

**Mr. Stong:** In the light of the fact that the minister is establishing regional tribunals, and that there is no definition of tribunals, section 34a(1), which sets up the special education tribunal, ought to have it made clear that that includes both the provincial and the regional tribunals as envisaged by this amendment.

**Hon. Miss Stephenson:** Section 34a(2) undoubtedly should have added to it, "shall establish one or more tribunals known as special education tribunals, provincial or regional." Okay? The addition of those three words—

[Failure of sound system.]

**Mr. Chairman:** Hon. Miss Stephenson moves that section 34a(1) be amended by adding, after the word "tribunals" in line four, the words "provincial or regional."

**Mr. McClellan:** We have already covered that.

**Hon. Miss Stephenson:** Yes, we have.

**Mr. Chairman:** I will have to ask the committee if it is agreeable to revert to section 34a(1). Is the committee agreeable?

**Mr. Foulds:** What is the request?

**Mr. Chairman:** The request is to revert to section 34a(1) and add the words "provincial or regional" in line four.

**Mr. Foulds:** I am sorry but I can't find it in the welter of papers before me.

On section 34a(1):

**Mr. Chairman:** Any questions or comments?

**Mr. Foulds:** I have a question. I suppose one question is, where the hell are we? I have before me a sheet of amendments that the minister introduced to section 7. Under that, if we are amending the act rather than the bill, I want to know whether we are amending—

**Mr. Chairman:** Order.

**Mr. Foulds:** Are we amending this act? Are we amending the bill that is before the House or are we amending the amendments that the minister introduced, and which set of amendments is it that we are amending?

**Mr. Chairman:** To answer the member for Port Arthur's question, I asked if the committee was agreeable to revert to section 34a(1) and it agreed.

**Mr. Foulds:** The difficulty I have with that is, in the mimeographed sheet I have in front of me, section 34a(2) is the section that reads, "Where a principal considers . . ." Is there another section?

**Mr. Chairman:** Is the honourable member on page five?

**Mr. Foulds:** It is not on my page five.

**Mr. Chairman:** Any questions?

**Hon. Miss Stephenson:** Page five, which was distributed to you much earlier is section 34a(1). For purposes of clarification we should also delete from line one, "subsection 10." This section should now read: "For the purposes of section 34 the Lieutenant Governor in Council shall establish one or more tribunals known as special education tribunals, provincial or regional, and appoint a secretary of such tribunals." It does not apply only to subsection 10.

9:50 p.m.

**Mr. Chairman:** It should read, "For the purposes of section 34." Delete "subsection 10 of."

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

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Mr. Chairman:** All those in favour of section 7(2), as amended, will please say "aye."

Those opposed will please say "nay."

Section 7(2), as amended, agreed to.

In my opinion the ayes have it.

On section 7(3):

**Hon. Miss Stephenson:** Mr. Chairman, if I may, we have the addition requested by the member for York Centre.

**Mr. Chairman:** Hon. Miss Stephenson moves that section 7(3) dealing with section 34b be amended by adding the following subsection: "(6) The tribunal hearing the appeal may (a) dismiss the appeal or (b) grant the appeal and make such order as it considers necessary with respect to the identification or placement of the pupil."

Motion agreed to.

**Mr. Chairman:** Those in favour of section 7(3), as amended, will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Section 7(3) as amended, agreed to.

**Mr. Chairman:** That completes section 7. I believe the committee agreed to stack the votes and then vote. I cannot do that yet because we have two stacked votes that have to be called. I would like to remind the members this will be a 10-minute bell.

The committee divided on Mr. Sweeney's amendment to the amendment to section 34(2) of the act as set out in section 7(1) of the bill, which was agreed to on the following vote:

Ayes 54; nays 25.

The committee divided on Mr. Sweeney's amendment to the amendment to section 34(3) of the act as set out in section 7(1) of the bill, which was agreed to on the same vote.

The committee divided on section 7, as amended, which was agreed to on the following vote:

Ayes 54; nays 25.

**The Deputy Chairman:** I believe the member for Bellwoods reserved the right to introduce a new subsection if those other amendments carried. Does he still wish to do so?

**Mr. McClellan:** Mr. Chairman, I had hoped to move an amendment which would have provided for a substantial appeal procedure with respect to the remaining two items on exceptional pupils, the question of what kind of special education programs or special

education services a child would get. Instead we have the Mickey Mouse proposal the House has just passed, and my amendment would be out of order.

Bill 82, as amended, reported.

On motion by Hon. Miss Stephenson, the committee of the whole House reported one bill with amendments.

10:10 p.m.

#### ASSESSMENT AMENDMENT ACT

Hon. Mr. Maeck moved second reading of Bill 185. An Act to amend the Assessment Act.

Hon. Mr. Maeck: Mr. Speaker, I have a short opening statement. This is a bill that all members of the House are familiar with because it is an annual bill that we bring in. When I introduced Bill 185 for first reading on November 13—

Mr. Nixon: Look what the minister is doing to the House.

Mr. Speaker: Order. Order. Will the honourable members please keep their conversations down? If you are leaving, leave quietly.

Hon. Mr. Maeck: I knew this was not a popular bill, Mr. Speaker, but I did not realize they were all going to leave. I thought some would stay around.

Mr. Speaker: I want to assure the honourable minister that I am listening, if no one else is.

Hon. Mr. Maeck: When I introduced Bill 185 for first reading on November 13, I made some explanatory comments which I would like to expand upon as we begin to consider the bill in detail.

The majority of the amendments are of an administrative nature. They update and provide further clarification on certain operating provisions within the Assessment Act. However, the major thrust of the bill is to postpone until December 1981 the return of assessment rolls to full market value and to continue the section 86(3) reassessment program.

As you know, Mr. Speaker, in 1978 the government made available to municipalities the section 86 reassessment program. This bill will ensure that assessment rolls remain frozen for a further year and that the section 86(3) reassessment program is available to municipalities and school boards in unorganized territories to correct inequalities within classes of properties without allowing tax shifts from one class of property to another.

Since its introduction, the section 86(3) program has been implemented successfully

in 108 municipalities. Approximately 130 more municipalities will be reassessed under section 86(3) for 1981 taxation purposes. The interest expressed by these municipalities indicates substantial support for this program. Indeed, the Association of Municipalities of Ontario has endorsed the section 86(3) program as a valuable first step in the move to property tax reform.

Mr. Laughren: The minister should smile when he says that.

Hon. Mr. Maeck: I say to the member for Nickel Belt that this is very legitimate information.

I have no further information to offer at this time. The members are all familiar with this bill because it has been before the House, I believe, seven times. To go into further detail would probably be a waste of time on my part.

Mr. Haggerty: Mr. Speaker, I do not know if I can follow the minister's opening comments due to the noise in the Legislature.

I will address Bill 185, An Act to amend the Assessment Act, with some reluctance. It seems to be an annual event that has been going on now for about five years. I believe it is annually since 1975 that we have brought in the normal amendment to defer the market value assessment and the continuation of the section 86(3) program.

I think the seed for a market value assessment concept was planted some 10 or 12 years ago. It was widely acknowledged that the Ontario property tax assessments contained many inequities, and through government action they are, in most municipalities in Ontario, frozen at the level of the value shown on the 1970 assessment rolls. The unjust property assessment inequities continue to grow, affecting residential property taxes in almost every municipality in Ontario.

Since all assessment is the responsibility of the province there has been no noticeable improvement in municipal assessment practices, and the ability to maintain equity is a long way off.

If one accepts the voluntary program initiated by the minister under section 86(3) of the Assessment Act, the Ontario government's present policy of using section 86 to implement reassessment within classes of property based on the 1975 market value is not satisfactory. It leads to unfair shifts in property tax burdens in counties and regions, burdening some of the municipalities that have undertaken reassessment. Moreover, this piecemeal approach will not create a uniformly wide base for the proposed



grants and cost-sharing which was the main purpose of the assessment reform.

I find alarming the concern expressed by the policy statement on market value assessment issued by the Institute of Municipal Assessors of Ontario in May 1980. I quote from that statement:

"Inequities are produced by the passage of time as property values do not change uniformly across all classes of property or in all areas of municipalities. Market value assessments can be readily updated every two or three years to prevent such inequities. Consequently, market value assessments would produce assessments that would be both equitable and demonstrably fair, and would no longer be considered to be the product of an arbitrary application of some remote process.

"The Institute of Municipal Assessors of Ontario wishes to express its deep concern regarding the serious inequities that presently exist and continue to multiply as consequences of the obsolete assessment system maintained in most municipalities in Ontario. The institute therefore respectfully urges all members of the Legislative Assembly to recognize the gravity of the situation, and take all necessary steps to provide the remedy of implementation of market value assessment throughout Ontario.

"Implicit in the market value concept is the historically socially accepted proposition that municipal taxes should be based on property values which reflect long-term ratepayer investment and commitment. If public policy dictates differentiation in the tax burden as among ratepayers or classes of ratepayers, such differentiation should be apparent and not hidden.

"At the present time, the system hides the fact the tax burden is unevenly distributed. Equally important is the fact that these disparities are the result of changes in values over many years rather than a result of any stated policy.

"At the present time, due to the variety of mythologies employed, the special knowledge and subjective judgements inherent in the present assessment process, the statutory restrictions upon the disclosure of information, the lack of information available even to the assessors as the result of the age of the records and the disappearance of the authors of these records, and the further statutory restrictions upon the taxpayer's ability to compare his or her assessment with other assessments in the same municipality, the municipal taxpayer is simply unable to

determine whether he or she is being treated fairly."

That does not speak too highly of the minister's program in the deferment of market value assessment and the continuation of the section 86(3) program. I suggest that is an alarming statement. I think this is the indication the municipal assessors have been trying to bring forward to this government for, I should say, 20 years—it is 15 years anyway, that is for sure.

10:20 p.m.

It has continued since 1970, when they had great hopes of removing the inequity in municipal assessment. The previous Treasurer, Darcy McKeough, indicated over the years that some measures had to be taken to improve the assessment practices in the province. Year after year we have seen the minister bring in an amendment for further deferment of market value assessment.

I have said on previous occasions it is a rather tough area to move into, but I think it could have been done on reasonable terms and on a reasonable basis. Year after year as I stand up here I repeat, the same as the minister repeats the introduction of the amendment to the Assessment Act, if he had made the manual mandatory across the province and given it to each municipal assessor it would have been completed by now. The inequities would have disappeared. We would have had market value assessment, or revaluation or reassessment of all property in Ontario, whatever method the minister wants to apply. It is a problem that I do not think section 86(3) is going to resolve because we come to the apportioned cost and I don't believe section 86(3) touches the industrial or commercial assessment.

Hon. Mr. Maeck: Yes.

Mr. Haggerty: I thought it was just residential property within a municipality of the same nature. The minister says it does relate to industrial assessment.

I think this is one area where there is difficulty in accepting market value assessment because the approach value taken for the guidelines of the criteria established by the ministry, which assessors have to apply, is the difficulty as it relates to residential property and the shifting of property tax more on to residential property than applies to commercial or industrial assessment. That is the area the minister has encountered over the years, the matter of how one arrives at an assessment on industrial property. There is no way I know of, or that even the minister is aware of, that can actually put a true value

on industrial assessment. They are not being sold every day. Perhaps more are going into receivership now than ever. I do not know how you can arrive at a value there.

This is an area the ministry should have looked at before getting into the area of market value assessment. They used the wrong calculation some place in arriving at a fair value of industrial assessment. I suppose the minister could look at the current buildings going up and, from the construction costs, can arrive at a reasonable value on industrial assessment, but I do not think he can find a fair way to bring about older industrial assessment. I suggest that is the area the ministry should be looking at.

I suggest to the minister he can improve market value assessment. I suggested to the ministry staff it should bring in market value assessment at a different rate. There have been enough studies in this area to suggest market value should be 50 per cent of the assessed market value. Why not bring it in at 25 per cent and then phase it in over a period of five years and move in that direction? It may resolve some of the problems in the municipalities.

It is indicated there are 180 municipalities that have requested reassessment under section 86(3). There are some 600 more municipalities that would have to move in that direction. There are two now in the Niagara region that have accepted section 86(3) for reassessment, the town of Niagara and the township of Wainfleet. I tell the minister, that is going to cause a problem with the regional costs and apportionment costs alone.

I think when one or two municipalities request revaluation or reassessment in a municipality under section 86(3), it should apply across the whole region; or, if a municipality applies it within a county structure, the same thing should apply. Reassessment should take place in every municipality to remove the inequities across the whole region or county. What is bound to happen now is not going to remove the unjust apportionment costs that may follow reassessment under section 86(3).

When we look at reassessment, I think the province should be looking at another area, of revenue sharing agreements. The province should return to paying the higher share of the educational tax. That is one area, if you move into market value, in which, if you pick up 60 per cent of the costs of education instead of 51 per cent, the burden on the property tax payer will be reduced. That is another area that should be taken into consideration when one looks at property reassessment and property tax reform.

I also think there should be further consideration to be given to part of a better revenue sharing deal, modifying the existing transfer systems so as to reduce the reliance on a per capita formula, a policy that has a determined effect on those municipalities which are not growing. In many cases—to use the township of Wainfleet, for example: here is a rural municipality that is not going to have the industrial base or even the commercial base. On a reassessment under section 83, they could be penalized severely under the regional system of taxation for other costs and so on.

**Hon. Mr. Maeck:** But we do not increase their assessment rate.

**Mr. Haggerty:** Oh yes, there will be additional costs as it relates to the apportionment costs for the roads and for welfare services within the municipality, and apportionment costs for what—even library services and children's aid.

**Hon. Mr. Maeck:** We do not increase their assessment rates.

**Mr. Haggerty:** No, it is just moved from one—the factor, whatever it may be, is still maintained under the present assessment. If it is \$4 million or \$6 million, that level is still maintained. All one is doing is juggling the figures around. Someone comes along and says, "This property here may be assessed at \$1,000 too high. We will lower that and we will assess this one here \$1,000." All one is doing is exchanging the value figures on property which may not even be correct.

**Hon. Mr. Maeck:** But the total assessment remains the same.

**Mr. Haggerty:** I still do not think the inequities are going to be removed under the present system. To remove any mistrust that now exists, even under the section 86(3) assessment, if it is used in certain municipalities, I would recommend to the minister that where section 86(3) is requested by a municipal council for purposes of revaluation of property of similar nature, the minister consider contracting out the new evaluation; thus we can bring in independent property appraisers for the purpose of checking out the methodology, and for the use of provincial assessors. It is time now for the assessment practices and the methodology to be subject to the scrutiny of the public and of the provincial assessors.

In other words, let the peers—the taxpayers—be the judge of that. I suggest this is

an area wherein I would consider contracting out, under section 86(3), to see how accurate the minister's policy or criteria for assessment are in Ontario. He may find out there are a number of discrepancies within that

municipality that may be corrected by an independent appraiser's approach to it.

On motion by Mr. Haggerty, the debate was adjourned.

The House adjourned at 10:29 .m.

## CONTENTS

---

Tuesday, November 25, 1980

|  |      |
|--|------|
| Education Amendment Act, Bill 82, reported .....                       | 4633 |
| Assessment Amendment Act, Bill 185, Mr. Maeck, on second reading ..... | 4648 |
| Adjournment .....  | 4651 |

## SPEAKERS IN THIS ISSUE

---

- Bounsall, E. J. (Windsor-Sandwich NDP)
- Davison, M. N. (Hamilton Centre NDP)
- Edighoffer, H.; Chairman (Perth L)
- Foulds, J. E. (Port Arthur NDP)
- Haggerty, R. (Erie L)
- Laughren, F. (Nickel Belt NDP)
- MacBeth, J. P.; Deputy Chairman (Humber PC)
- Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)
- Makarchuk, M. (Brantford NDP)
- McClellan, R. (Bellwoods NDP)
- Nixon, R. F. (Brant-Oxford-Norfolk L)
- Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)
- Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)
- Sweeney, J. (Kitchener-Wilmot L)









No. 124

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 27, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 27, 1980

The House met at 2 p.m.

Prayers.

## STATEMENT BY THE MINISTRY

### RADIATION SITES

**Hon. Mr. Elgie:** Mr. Speaker, I would like to comment on an article in this morning's Globe and Mail headlined, "New Radiation Tests Ordered by AECB for 148 Locations."

Perhaps I might begin by saying the only law that refers specifically to the permissible limits of exposure to ionizing radiation is the Atomic Energy Control Act, an act of the federal Parliament, and more specifically, regulation P.C. 1978-1195 thereunder. However, since 1975, various provincial governments, including Ontario's, have co-operated with federal authorities in programs to guard against health hazards arising as a result of exposure to ionizing radiation.

We have taken the view that there is little purpose to be served in arguing about jurisdictional responsibilities; rather our concern has been to see that there is maximum co-operation between the two levels of government and that available expertise is shared and effectively deployed. The 148 locations referred to in the newspaper article are located across Canada. Approximately 70 of these are in Ontario.

The existence of this situation came to light in 1975, following the discovery that a building on Church Street in Toronto had high radiation levels. Subsequently the list of 148 locations across Canada was compiled by the Atomic Energy Control Board from a number of sources.

In February 1975 a group consisting of staff from the AECB, the federal Department of Health and Welfare and the Ontario Ministry of Health conducted a survey of the sites within Ontario to determine whether buildings or sites other than the Church Street location constituted health hazards. This survey did not reveal radiation levels that were likely to result in exposure in excess of the criteria permitted under the regulations enacted pursuant to the Atomic Energy Control Act.

In 1976 the AECB established a federal-provincial task force on radioactivity. In 1977 that task force published criteria or guidelines to assist in deciding whether or not decontamination should be carried out in any of the locations. These criteria or guidelines were followed in carrying out decontamination procedures at the Church Street property in Toronto, at the various properties in Port Hope, Elliot Lake and Bancroft, where work is still in progress, and at Deloro.

Questions have now arisen concerning the remaining sites in Ontario and elsewhere in Canada. These concerns have been brought to the attention of the AECB. My officials have been in close touch with the president of the AECB and his officials to determine the appropriate action to be taken. The president of the AECB proposes that the survey conducted in 1975 now be reviewed in the light of the criteria or guidelines published by the federal-provincial task force.

We are in agreement with this proposal and have indicated to Mr. Jennekens we are prepared to co-operate in such a review. I understand that within the next few days the Ontario government will be receiving a specific written proposal from the AECB as to how this review should be conducted, what further action, if any, might be undertaken, and what further remedial action, if any, might be required.

I might add that based upon tests conducted at the sites referred to in the recent newspaper articles, namely the Malvern subdivision in Scarborough and the property on Davenport Road in Toronto, there is no indication of health hazards to anyone. We shall, however, continue to co-operate in the review that the president of the AECB proposes.

## ORAL QUESTIONS

### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** Mr. Speaker, I would like to direct my first question to the Minister of Agriculture and Food on the subject of South Cayuga.

Given that the land on which the liquid waste plant in South Cayuga will be lo-

cated is among the best farm land in Canada, from the point of view of both soil and heat units, the amount of sunlight and warmth that falls upon the land, and given the resolution passed unanimously yesterday by the Ontario Federation of Agriculture demanding a full justification of the South Cayuga site and a hearing on the matter by the Environmental Assessment Board, will the honourable minister explain to this House how he can allow the matter to proceed without such a hearing and what his participation in the decision-making process was?

Did he speak up against this within the cabinet and within those places where the decision was made, or did he meekly acquiesce to let this happen?

**Hon. Mr. Henderson:** Mr. Speaker, in response to the honourable member and the resolution that passed at yesterday's meeting of the OFA, I have not had an opportunity to read the resolution or to know the actual wording of the resolution.

**Mr. S. Smith:** Come on.

**Hon. Mr. Henderson:** Mr. Speaker, I am being honest. Apparently the member has access to something I do not have, but I do not have a copy of that resolution. However, this morning I was at the OFA meeting along with several of my colleagues from cabinet. The Minister of the Environment (Mr. Parrott) took 15 minutes this morning and went into full detail. He told the group the background of the environmental hearing, the whole suggestion.

**Mr. S. Smith:** That is not the question I asked about your participation.

**Hon. Mr. Henderson:** My response to the question this morning was that we, as the Ministry of Agriculture and Food, identified the type of soil it was. We made the Minister of the Environment aware of what the conditions were. If the member would read the announcements the Minister of the Environment made respecting this, it is the intention there will only be certain types of agriculture grown around this site. They will not be agricultural products that will be consumed directly by the consumer.

**Mr. S. Smith:** What did you say about it?

**Hon. Mr. Henderson:** It was a full government decision to put this site in Cayuga. 2:10 p.m.

**Mr. S. Smith:** Since it does appear as though the minister has simply acquiesced in this particular decision, can I ask the minister to confirm what was reported in the

Chatham Daily News of August 4, 1980? Concerning the Lambton site, which the MacLaren consultants were very high on and felt was a very close second, could the minister say whether it is true, as reported in that newspaper, that "following a closed cabinet meeting it was decided not to locate the dump in the riding of Lambton." Is that a fact or not?

**Hon. Mr. Henderson:** The member was never more wrong in his life. One third of the total industrial waste of Ontario is disposed of 10 miles from my house, right in the centre of Lambton, so the member was never more wrong. He really does not know what is going on. There are dry cellars in the centre of Moore township, five miles from Sarnia, as the member for Sarnia (Mr. Blundy) can tell him. The member is absolutely wrong. One third of the industrial waste of this province—

**Mr. S. Smith:** I did not ask the minister about one third of the industrial waste.

**Hon. Mr. Henderson:** Mr. Speaker, one third of the industrial waste is disposed of within 10 miles of my house. The item is wrong; the member is wrong. He really does not know the situation. He was never more wrong in his life.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Could the Minister of Agriculture and Food explain the differing treatment of urban residents and farmers in the cases of the proposed industrial waste facility five kilometres from the town of Thorold and the proposed facility at South Cayuga? Why is it that when the ministry and the government intended to put a liquid waste disposal facility in an urbanized area in the Niagara Peninsula, the government was prepared to have an environmental assessment that would have provided some assurance to people in the area, if it went through, that the environment was protected, but when it is farmers who are involved in South Cayuga there is no such assurance because the government has waived the necessity of having an environmental assessment?

**Hon. Mr. Henderson:** Mr. Speaker, if the leader of the New Democratic Party had waited until this morning and gone down to a meeting of the Ontario Federation of Agriculture, he could have had all his questions answered. I would suggest he ask that particular question of the Minister of the Environment. Everybody at the federation this morning understood it. I will let that minister answer the question.

**Mr. Cassidy:** On a point of privilege: This is not the Ontario Federation of Agriculture; this is the Legislature and the government.

**Mr. Speaker:** That is not a point of privilege either.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: I wonder if the Minister of Agriculture and Food is aware that under the old classification, 90.8 per cent of the land in South Cayuga was classified as one and two agricultural land, and that under the new classification, 93 per cent of the land is classified as one, two, three and four. Under the honourable minister's own guidelines and the recommendations brought in for the Ministry of the Environment, development of treatment or disposal sites for liquid industrial wastes and hazardous wastes should not be using class one, two, three and four land. What is the policy of the minister's government in response to the quality of the land?

**Hon. Mr. Henderson:** Mr. Speaker, we are well aware of the classification of the land. I can point it out acre by acre to the honourable member if he wishes. This situation was judged by government and it was decided that it was a most appropriate site to serve the people of this province.

**Mr. Swart:** Supplementary, Mr. Speaker: May I ask the minister, in his answer to the initial question, do we understand—and I assume we do—that much more than 100 acres will be taken out of agricultural production and perhaps much more than 740 acres? The minister is not going to allow edible food for human consumption to be grown in quite a substantial area around that, and perhaps rightly so. My question to the minister is, how can he justify that volume of good agricultural land being taken out of production when there is an extreme shortage of class one and two land and many of the other sites are on very poor agricultural land?

**Hon. Mr. Henderson:** Mr. Speaker, it is easy to see that the honourable member has not studied the proposal. The proposal is for 100 acres of land for the actual site for the treatment plant. The area surrounding it will be growing agricultural crops—not crops such as lettuce and tomatoes, but agricultural crops.

**Mr. Riddell:** Supplementary, Mr. Speaker: Accepting the honourable minister's statement that Lambton county accepts its share of liquid industrial waste, is it not true that before the provincial government decided on Harwich township as the recipient of the dump, it had been a toss-up between locat-

ing in Harwich or expanding an existing waste plant near the town of Brigden in Lambton? Is it not true that the minister used his weight in caucus to say there was no way that was going to come to Lambton county? If the minister's staff made comments on the site at South Cayuga, would he please table any reports or comments that they made?

**Hon. Mr. Henderson:** Mr. Speaker, it is easy to understand that the honourable member really has not studied the situation. Had the honourable member been where the official critic of the Ministry of Agriculture and Food should have been this morning, he would have heard the whole explanation. He would have heard that Huron county was the first choice.

The Lambton site for industrial waste was established in the late 1960s. It is one of the more up-to-date sites in Ontario. Yes, we have had our problems with it. One has problems with industrial waste wherever one is, but about two years ago, Tricil Limited upgraded their plant. None of us likes it and there is no sense kidding ourselves, but it is doing the job. There was no interference on my part with the minister in making his decisions as to whether they would enlarge the Lambton site or whether they would choose other sites.

**Mr. S. Smith:** Mr. Speaker, I have a question on the same topic again to the Minister of the Environment.

In the honourable minister's statement on Tuesday, he referred to a new corporation to operate the disposal site. He said this Ontario Waste Management Corporation will be incorporated immediately. He then referred to forthcoming legislation to set up a crown corporation to assume management and development responsibility. Could I ask the minister, are these two different corporations, and if so, could he explain the point of having two different corporations? Could he confirm if it is correct that under his general policy, a private corporation would be exempt from environmental assessment whereas a crown corporation would not be exempt?

**Hon. Mr. Parrott:** Mr. Speaker, in answer to the latter part of that question: First, there is no relationship to that at all; it applies to government activity.

Before I answer the middle part of that question, I would like to tell the honourable members of the House that I have to put a word in to the credit of the member for Lambton and Minister of Agriculture and Food.

**Mr. S. Smith:** Mr. Speaker, don't let him wander. You don't let me get off the topic.

**Mr. Speaker:** Order. Order. The question dealt specifically with crown corporations. It had nothing to do with the previous question.

2:20 p.m.

**Hon. Mr. Parrott:** It is rather sad that the one person who has done the most to deal with the problem should even be remotely criticized. That happens to be the member for Lambton. He has really done his share.

However, on the crown corporation, one would flow from the other. It would be necessary to have the appropriate legislation in this Legislature to establish a crown corporation. It does not deny the possibility of having a corporation formed which, when the appropriate legislation was presented, would become the crown corporation with the appropriate terms of reference drawn forth.

**Mr. S. Smith:** I had trouble hearing the answer to that question. I would ask the minister when he stands again if he would accept that a private corporation would be exempt from environmental assessment whereas a crown corporation would not be exempt? I want a direct answer to that when he stands again. Specifically, could he also tell us who will be the shareholders of this private corporation? Is it to be a nonprofit corporation? Exactly how is it to be incorporated? Who will hold the assets, and what will the arrangement be in its dealings with the government?

**Hon. Mr. Parrott:** The shareholder, obviously, would be the crown, and any assets would flow to the crown. For the first part of that question, there was no thought that by establishing a private corporation it would be exempt. That was an entirely different question. I made the statement on Tuesday that dealt with the environmental assessment aspect of it. It had no relationship to whether or not it was or was not a private company. The same terms apply to both.

**Mr. Cassidy:** Could the minister say whether it is the government's intention, either through supplementary estimates or through legislation, to bring this matter before the Legislature before the House rises about December 12; or is it the government's intention, having rammed the decision on South Cayuga into consideration with the MacLaren study, now to seek to make the establishment of that liquid waste

facility a fait accompli with no consultation whatsoever with the elected representatives of Ontario here in the Legislature?

**Hon. Mr. Parrott:** I would be more than pleased to have this discussed in a committee if the members wish. If they want to refer it to a committee for a full discussion, that has been my habit ever since I became minister. I do not think the question is readily discussed in detail in the question period to the degree that a matter of such vital importance to this province can be discussed. If the honourable member is asking if I would be happy to have me and my staff go to a committee hearing, of course I would. I would go any time the members wish it.

As far as coming to this Legislature, I am here every day. The member can ask me about it any time he wishes to in question period. He knows that. I do not know why he would not respond accordingly.

**Mr. S. Smith:** Supplementary, Mr. Speaker: If the first corporation, the one the minister is going to set up right now to get things going, is to have only one shareholder, basically the crown, and that is to be followed by a crown corporation for which he will bring a bill into the House, is the only reason he is setting up the first corporation, rather than coming directly in with a crown corporation bill, simply to avoid the possibility of having a vote in this Legislature on his crown corporation?

They both, in effect, will be owned by the crown. What conceivable reason could there be for doing it in this rather odd way with two separate corporations, rather than simply having the decency and the honesty to come before the House with a resolution for the crown corporation, and a bill that we can then vote on in a democratic manner?

**Hon. Mr. Parrott:** I said no to that question three times already. When the crown corporation is to be formed it will be formed because of legislation that has been introduced in this House, where the members opposite will have their opportunity to vote on it. As soon as I am able to receive a phone call I would like to make a statement here today about the membership of that corporation, or at least a part of it. I want to have that confirmed; I believe it is correct. But I am more than happy to serve notice now about what I think will be a significant statement forthcoming in a very short period of time.

**Mr. Speaker:** If it is forthcoming we will ask for a consensus of the House to revert to statements.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Can the honourable minister assure us there will be no activities on the South Cayuga site that mean the acceptance of any waste on to that site before the crown corporation has been considered and voted on by this Legislature? Is he going to use the private company as an end run around the House—

**Mr. S. Smith:** That is exactly what it is going to do precisely.

**Mr. Isaacs:** —or will he make sure that nothing is done that involves waste until there has been a vote here on the crown corporation?

**Hon. Mr. Parrott:** It may disappoint the leader of the Liberal Party, but he will have to learn to live with the fact that there will be no activity on that site until a crown corporation is formed.

As I have said for the fourth time, that will be an act of this House. There will be no activity on the site until after June 30 at the earliest, regardless of what happens; that is, activity meaning the acceptance of waste. I think that was the reference point the honourable member made. Under no circumstances will waste be accepted there prior to June 30.

**Mr. Cassidy:** Mr. Speaker, I have a question which I want to direct to the Minister of Intergovernmental Affairs in his role as acting Premier in the absence of the Deputy Premier and of the Premier.

Could the acting Premier tell the House whether we can now take it the cabinet has approved in principle the exemption from the Environmental Assessment Act of the South Cayuga liquid industrial waste site? Can he say on what grounds it was that cabinet decided, once again, to overrule its own law which was adopted five years ago and has yet to be applied to any major environmental project of this province?

**Hon. Mr. Wells:** First of all, Mr. Speaker, I am not acting Premier. I am the government House leader and that is the position I am speaking from. I would be happy to have the member's question directed towards me, but I would answer him by saying he should direct that question towards the minister.

I think any minister of this government who presents a position in a policy statement obviously does so with the full support of cabinet. If the member wishes to have the reasons for bringing forward that policy, the Minister of the Environment is fully qualified and can effectively give him the reasons for what he is doing.

**Mr. Cassidy:** Since the Minister of Intergovernmental Affairs indicates this action of the Minister of the Environment was taken with the full support of the cabinet, can he say whether the cabinet or the Premier consulted with the advisory group set up to advise the cabinet on environmental questions, that is, the environmental assessment steering committee which is headed by Dr. D. A. Chant of the University of Toronto?

**Hon. Mr. Wells:** The same response would pertain to that question as to the first one. I think the member should refer that question to the minister.

I think I made it very clear. First of all, I am not sure where my friend studied parliamentary democracy, but when a minister of this government stands up under "Statements by the Ministry" in this House and makes a government policy statement, it has the support of the whole cabinet. I think he should be aware of that.

That minister takes the responsibility for that statement and will give him a complete answer to any kind of question such as he has brought forward, as to whom he advised and what advice he got and so forth. I think if my friend would ask the minister that question he will get an answer.

**Mr. Cassidy:** If I can redirect my question to the Minister of the Environment, could the minister tell the House, are we to take it the cabinet has now approved in principle the exemption of the South Cayuga project from the Environmental Assessment Act? Would the minister tell us on what environmental and technical data the cabinet made that approval, to railroad approval and override completely the Environmental Assessment Act of 1975?

**Hon. Mr. Parrott:** The answer, very clearly, is yes, cabinet has made that decision. Information was supplied to cabinet at great length on which it based its decision.

**Mr. S. Smith:** Supplementary.

**Mr. Speaker:** The member will have an opportunity. We have spent 23 minutes on this question. I will allow one final supplementary.

2:30 p.m

**Mr. S. Smith:** But it is on the matter of who he received advice from, Mr. Speaker. Could the minister confirm that he did not receive advice on this matter from the Waste Management Advisory Board and, furthermore, that he did not receive any advice on the matter, nor did MacLaren from the Grand River Conservation Authority? As the minister well knows there is a flood plain at

the Grand River, at least in the control area of his project. Will he confirm that he received advice from neither of those bodies?

**Hon. Mr. Parrott:** Mr. Speaker, it is a matter for the Waste Management Advisory Board to have a referral from the ministry. Basically, they are free to comment on any particular item they wish. But I think it is already understood they are primarily interested in solid waste. That was, has been and will continue to be their major role in advising us on solid waste. I did not go to the committee and ask them for their advice on liquid waste because we have a very comprehensive study doing that. Whether MacLaren went to the conservation authority, I do not know. At that stage, we were asking the consultants to make their report. It cost us \$425,000 and they have done that.

**Mr. Cassidy:** With your permission, Mr. Speaker, I have a new question for the Minister of the Environment. Can the minister say what environmental and technical information was submitted to cabinet to justify the exemption from environmental assessment of the South Cayuga project? On top of the MacLaren report, was there any other data or information? What was that data or what were those reports, and will the minister agree to make that information available to the public and to this Legislature?

**Hon. Mr. Parrott:** Mr. Speaker, I think most people know that top cabinet documents are not subject to me releasing them to this House. Of course, there were papers and information for cabinet's perusal; but they were cabinet documents and they will remain that way.

**Mr. Cassidy:** Since what the minister is saying is, "We know best on the basis of information that we have seen but that we are not going to share with the public, the Legislature and the people in South Cayuga or anywhere else," will the minister not agree that the reason he will not share it is because there are no other technical assessments of any validity on that site; he has not had the time to assess them; and the only comprehensive report he has indicates quite clearly there is a requirement for further field studies to confirm the geological data before it can be decided whether South Cayuga is an adequate site? How can the minister go forward with South Cayuga when he does not know and has not done the technical studies to justify it, and he will not publish the information he says he has?

**Hon. Mr. Parrott:** With respect, Mr. Speaker, there is the Morrison Beatty study,

which had specific information on that site. I tabled that. Surely the leader of the third party has seen that one, has he not? I know I am not permitted to ask a question, sir. It was tabled and sent to him. I will assume he saw that technical data. That report does say there needs to be further investigation. But it is also clear in my statement that the crown corporation would be charged with the responsibility of making sure that site was totally suitable for the purposes intended, and that with the public representation on that particular crown corporation they would be able to make that information available for the people.

I think we have said it often—I hope eventually it will be heard—that corporation is as open and free with its information as is possible. There are no conditions to be put on that crown corporation with regard to dispensing all—I mean all—of the technical data for that site. We have nothing to hide. We want the people to know and they will be given every opportunity to have that information. It is the responsibility of the crown corporation to make those decisions, with local people having a great deal of input into them.

**Mr. S. Smith:** A supplementary, Mr. Speaker, on this subject of documents to be tabled: The minister told us the other day there were appendices to the MacLaren report. Anyone reading the report can tell that all we got was a summary and that the meat of the report is in the appendices. Could the minister tell us, first, if he has read those appendices himself? If he has, will he make a photocopy of them and give us a copy rather than force us to wait for these to be printed, as he stated on Tuesday?

**Hon. Mr. Parrott:** Yes, Mr. Speaker. I have voluminous volumes and I will make them available as soon as printed, as I said. We are talking about a matter of days. I am not going to photocopy literally hundreds of pages when they are at the printer and will be delivered here within days, when he can have as many as he wants.

**Mr. Cassidy:** Since the minister says he has nothing to hide and that all the data will be shared with the public of Ontario, would the minister undertake to start now by tabling all of the information that went before the cabinet, including the political rationale that justified an act of crass political expediency?

**Hon. Mr. Parrott:** The answer is no.

## FOOD INDUSTRY PRACTICES

**Mr. Riddell:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. When I asked the minister on October 21 about the action he would be taking concerning the report of the Royal Commission of Inquiry into Discounting and Allowances in the Food Industry in Ontario, he replied that he would not be taking action until he got input from the whole world.

The president of the Ontario Federation of Agriculture stated at the convention that the report is completely unacceptable and has asked the government to reject it. Will the minister now assure us that he will reject this report and bring in appropriate legislation such as we proposed or the Ontario Federation of Agriculture proposed to protect the producers and the small processors and grocers of the province?

**Hon. Mr. Henderson:** Mr. Speaker, I have received one report from the Ontario Federation of Agriculture and I have received one letter from a Liberal Party member supporting the federation. I have had no other input whatsoever. I am waiting for that input.

**Mr. MacDonald:** Supplementary, Mr. Speaker: I wonder if the minister would be direct instead of dissembling. When I put the same question to him yesterday, he said the letter for rejection of that report had gone to the Premier and he was leaving it totally to the Premier. Is he still leaving it with the Premier, or is he gathering and soliciting letters before he makes up his mind?

**Hon. Mr. Henderson:** Mr. Speaker, I believe all members of the Legislature got a copy of that report from the federation. That is the letter I referred to the Premier.

**Mr. MacDonald:** Would the minister respond to the question of whether or not he is rejecting the report?

**Mr. Speaker:** He has done that in his own way.

## SOVIET INVOLVEMENT IN POLAND

**Mr. Duksza:** I have a question of the Minister of Intergovernmental Affairs. As a Polish-Canadian I rise on a most urgent matter, Mr. Speaker. In view of the massing of the Soviet troops on the Russian-Polish border and veiled threats of invasion of Poland in the USSR, and in view of the fact the changes in Polish society are a significant development towards democracy and must be encouraged, will the minister undertake to

introduce a resolution to the Legislature as soon as possible expressing the support of the people of Ontario for the socioeconomic rights of Polish people?

Would such a resolution also express the concern and opposition of the people of Ontario to the possible Russian intervention in Poland and third, in case of Soviet intervention, the intention of Ontario to exercise whatever political, economic and other sanctions it can against the Soviet Union in opposition to such invasion?

**Hon. Mr. Wells:** Mr. Speaker, I suppose traditionally it would be said that this is a matter within the purview of the federal government. However, my friend has brought up this question because of his very deep feelings about it. The position of this government and the Premier in the case of the Soviet intervention in Afghanistan is well known, and the Premier said at that time all our fellow citizens were convinced the Soviet Union had gone too far in regard to what happened there. He said that as Canadians we must stand with the free nations of the world in drawing the line and making our position known.

2:40 p.m.

As members of this House know, we put that position forward, along with the government of Canada, very vocally at that time. In fact, even before the government of Canada had made up its mind, we strongly supported and recommended the boycott of the Moscow Olympic Games.

I think all of us in this House welcome the moves that have been taken to bring more democracy to the institutions in Poland. I think that move is applauded by all of us and that all of us would deplore any interference, particularly outside interference, to cause those gains to be turned back or to cause interference with them. I think anything that caused that to happen would be the subject of grave concern and would not have our support.

However, I think it is premature to suggest that any resolution such as my friend has suggested be introduced here. Certainly, it is well that we be aware of that kind of thing but, as I say, I think it would be premature for any resolution to be introduced at this time.

**Mr. Duksza:** I appreciate and thank the minister for those sentiments but I think an ounce of prevention is better than a pound of cure. If he would accept our resolution, expressing the sentiments of all of us here, I think it would have a beneficial

effect and may stop the Russians from considering intervention in Poland. It is within the purview of the powers of the Legislature to do so, or the minister could, on the other hand, move towards sending these sentiments to the federal government, which has been somewhat at a loss to express them. It is better to do it now than regret it in bitterness later.

**Mr. Speaker:** That was really a statement, not a question.

**Hon. Mr. Wells:** I was just going to say, Mr. Speaker, I do not think this House ever passed any official resolution regarding the Afghanistan situation. I do not think there is anyone in Ontario or Canada who doubted our feeling about Soviet involvement in that particular country and I think at the present time, from the exchange that has taken place and the support that I sense in this House and that my friend senses, there is no doubt where our sentiments are and what they would be if any action were to occur in Poland.

**Mr. B. Newman:** Supplementary, Mr. Speaker: May I suggest to the House leader that he inform the federal government of the feeling of the province of Ontario with respect to the discussion that has taken place in here so it would know that Ontario is definitely opposed to the proposed actions of the Soviet government?

**Hon. Mr. Wells:** Mr. Speaker, I would be happy to communicate with the Department of External Affairs and inform it that this House certainly supports the kind of progress and progressive things that are happening in Poland and would certainly regret anything that would turn those progressive steps back.

**Mr. Dukszta:** Mr. Speaker, may I ask you something on a point of order?

**Mr. Speaker:** There is really nothing out of order. If the House in its wisdom wants to pass a resolution, it would be my responsibility to transmit it to the federal government.

**Mr. Dukszta:** May I ask a point of privilege then on a different matter?

**Mr. Speaker:** Have your privileges been abused in some way?

**Mr. Dukszta:** Yes.

**Mr. Speaker:** I will hear it, but I cannot think of any conceivable way in which your privileges have been abused since you asked the question.

**Mr. Dukszta:** I wonder if I could ask the House for unanimous consent for that resolution to pass?

**Mr. Speaker:** No, you can not.

#### FEDERAL AID TO TRANSPORTATION

**Mr. Cureatz:** Mr. Speaker, in the absence of the Minister of Transportation and Communications (Mr. Snow) I will direct my question to the Minister of Intergovernmental Affairs. Would the minister relate this question to the Minister of Transportation and Communications? As a follow-up to my colleague the member for Durham West (Mr. Ashe) would the minister assure us that he would continue with his federal counterpart to ensure the positive supply of federal funds for commuter rail traffic in Ontario? If such funds are obtained, would the minister ensure that they would be put forward for the extension of the GO train system to the city of Oshawa?

**Hon. Mr. Wells:** Mr. Speaker, I would be happy to pass that on to my colleague. I can tell you that in this particular matter my colleague, the Minister of Transportation and Communications, has the full support of all cabinet and all members of this side of the House and, I am sure, the other side, in drawing to the federal government's attention that its promises to aid urban transit have never been fulfilled. We want to see a little action in that regard. Once that action occurs, improvements will occur in the system.

**Mr. J. Reed:** Supplementary, Mr. Speaker: When the minister is conveying his message to the Minister of Transportation and Communications, will he make sure that both ends of the GO system get equal consideration?

**Hon. Mr. Wells:** Mr. Speaker, I will be happy to pass that on, but I just have to get a slight parochial comment in here. I really believe the western end of the GO system has had a lot more consideration than the eastern end out where I live. We are looking for an extension of the GO system to Agincourt.

**Mr. Speaker:** We have heard from the east and the south. Now we will hear from the middle.

**Mr. MacDonald:** Supplementary, Mr. Speaker: Is the minister aware of the fact that all these questions on urban transportation coming from the Tory back-benchers are just a parroting of what Sinclair Stevens



asked in the House of Commons the day before?

**Hon. Mr. Wells:** Mr. Speaker, notwithstanding the fact that I just had lunch with Sinc Stevens, although he was sitting at the head table and I was not talking with him—he was two or three seats removed—I was not aware they were the questions he had asked. I am not sure what the relevance of that is.

**Mr. MacDonald:** The relevance is it is an orchestrated Tory attack.

#### GUELPH TEXTILE FIRM

**Mr. Worton:** Mr. Speaker, I have a question of the Minister of Industry and Tourism. Could he inform the House what financial arrangements have been made with the former owner of the Guelph textile firm in relation to his ministry and the federal ministry? As I understand from news reports, this firm is going to re-establish effective January 1, and I would like to know what amounts of money the minister is putting into this firm?

**Hon. Mr. Grossman:** Mr. Speaker, I will have to get that information for the member. I will report in the morning.

**Mr. Worton:** I would like to know, if the minister is considering refinancing it—and the paper does indicate that—would he take into consideration as part of that refinancing, as part of the condition of this firm getting money, seeing that the former employees of that firm get their holiday pay and the employees who had NSF cheques given to them in lieu of wages get their money back?

**Hon. Mr. Grossman:** That seems reasonable. I will report to the member in the morning.

#### DURHAM REGIONAL ENVIRONMENTAL HEARING

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of the Environment concerning the environmental assessment of the proposed liquid waste treatment facility in Ajax. Can the minister assure us that the report which I understand is to be released tomorrow is the report prepared solely by the three-member panel of the Environmental Assessment Board that sat through the hearing and heard all the evidence, or had some other people who were not at the hearing some influence in the writing of the board's decision?

**Hon. Mr. Parrott:** Mr. Speaker, I have said many times that I do not give direction to

that board. They will issue the results of their hearing, and whether it is a board decision or the three-man panel that heard the matter, I do not know, nor do I have any inclination to find out. It is their business. They are at arm's length from our ministry and will continue to exist that way.

I notice that the member's colleague has already said, regardless of what the decision is he is opposed to it, and I know the member is opposed to it, another prime illustration where he demands a hearing and then makes the judgement one day ahead. The member does not wait for their decision.

**Mr. Isaacs:** It is absurd for the minister to say we are opposed to whatever the decision is. What nonsense.

Is the minister aware that if the hearing had been held under the Environmental Assessment Act the legislation would have required that no member of the board shall participate in a decision of the Ontario Municipal Board unless he was present throughout the hearings and heard the evidence and argument of the parties, but because it was held under the Environmental Protection Act, which contains no such guarantee, there is every possibility members of the board who have not heard all the evidence and who did not sit through the hearings have participated in the decision?

Does the minister not think the judge of a matter should be the judge who sat through the hearings and not somebody else who may be influenced by who knows what?

2:50 p.m.

**Hon. Mr. Parrott:** I think this is a well known procedure. It is not unusual for it to be followed by the OMB. I would like to comment on the fact that the chairman of that board was complimented extremely highly by the citizen protest group, which said it had great confidence in the chairman and in the board, notwithstanding the fact it was going to oppose it. That is the kind of comment that I think gives due credit to those in opposition. It has confidence in the board. I wish the members opposite would let it perform its function.

**Mr. Gaunt:** Supplementary, Mr. Speaker: Would the minister confirm that the chairman of the panel which heard the Ajax matter has resigned? Would he also confirm that the reason the member resigned was given as interference, in the sense that the full board reversed the decision which the panel recommended?

**Hon. Mr. Parrott:** Mr. Speaker, I will confirm the former for sure. Yes, he has resigned,

but the letter of resignation makes absolutely no reference to that at all and I would be absolutely amazed if it is true. I will be glad to table the letter of resignation from that particular chairman. It sets out very clearly why he resigned.

#### FARM BUILDING MATERIALS

**Mr. Watson:** Mr. Speaker, I have a question for the Minister of Revenue. In view of the confusion that exists at the present time with the information bulletin that went out regarding farm building materials—the document said the sales tax was to be taken off for renovating and constructing homes and apartments—can the minister tell us if materials purchased for the construction of farm buildings are exempt from the seven per cent sales tax on this temporary basis?

**Hon. Mr. Maeck:** Mr. Speaker, I can confirm all the building materials listed in the bulletin are all exempt, whether they are for agricultural farms or industrial purposes or otherwise.

**Mr. Watson:** In view of the fact constituents of mine have not been given this, would the minister's office issue some press release indicating that farm building materials are exempt?

**Hon. Mr. Maeck:** I think what the member is referring to is a small sentence in the bulletin which says, "The following building materials which are used for constructing and renovating homes and apartments are eligible for the exempting." That is what has caused the confusion. It may be that I will have to send out another bulletin to clarify that.

**Mr. McKessock:** Supplementary, Mr. Speaker: I would like to ask the minister if this change has been made since the question was asked of the Treasurer (Mr. F. S. Miller) this morning at the Ontario Federation of Agriculture breakfast?

**Hon. Mr. Maeck:** No, Mr. Speaker. I think if anyone had called my ministry a week ago he would have been given the same answer I have given today. There has been no change in this particular policy.

#### MEDICAL AND DENTAL PROCEDURES

**Mr. Roy:** Mr. Speaker, in the absence of the Minister of Health (Mr. Timbrell) I would like to ask a question of the government House leader. After his glorious foray into the field of external affairs, I wonder if he

would join me in interceding on behalf of one of my constituents, a Mrs. Isabelle Smith, who had a medical and dental procedure denied coverage under regulation 43 of the Health Insurance Act? Such a procedure was necessary, according to the medical information I have here, because she did not have a proper food intake. In other words, she could not eat adequately.

Does the House leader not feel that such a procedure is necessary for the health of an individual in order to eat adequately, and would he intercede and see to it that regulation 43 of the act is changed?

**Hon. Mr. Wells:** Mr. Speaker, obviously that question should be referred to the Minister of Health.

**Mr. Roy:** The minister is going to help me and see to it that he gets it?

**Hon. Mr. Wells:** If the member would like. Is the member not going to be here tomorrow to ask him?

**Mr. Makarchuk:** He's not going to be here on Monday either.

**Mr. Roy:** I think I am in this House more often than he is lately. My record is better than one out of four.

By way of supplementary, instead of standing up there and getting smart is the minister going to intercede on behalf of this constituent of mine? Is he going to see to it the Minister of Health gets this question and is he going to put some pressure on to amend regulation 43 of the act?

**Hon. Mr. Wells:** I really believe the duty of interceding with the Minister of Health is one of the things all of us are elected to do on behalf of our constituents, and I am sure my friend does that very well. I suggest he continue to do that with the Minister of Health.

#### URANIUM MINING MONITORING

**Mr. Laughren:** Mr. Speaker, I have a question of the Minister of Labour. Is the minister aware of the problems some of the construction workers and electricians in Elliot Lake are having when doing contract work in the area of the mine and the mill? Are they being monitored for their exposure to radiation? Can the minister tell us what arrangements are made for contracted-out workers in that vicinity to be monitored for exposure to either radon daughters or to the poor uranium or yellowcake in the mill?

**Hon. Mr. Elgie:** It was my understanding when I visited that Elliot Lake mine about a year ago the monitoring was the same as

it was with the regular work force. If that is not so, I would be glad to check on it, but I was not aware of any difference in it.

**Mr. Laughren:** I wonder if the minister could check into complaints by those workers that when they are exposed—in some cases they are in greater exposure than the miners themselves who are being monitored—the mine safety branch of his ministry tell them there is no danger. At the same time the branch will not provide them with the appropriate monitoring badges and so forth to make sure they have a way of measuring their exposure. Will the minister look after that, please?

**Hon. Mr. Elgie:** I will certainly look into it. I did not get that kind of story when I visited there a year ago about lack of inspectors and the necessity for proper monitoring procedures, but I will be glad to look into it.

#### ASSISTANCE TO CANFARM

**Mr. J. Johnson:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. In view of the fact the federal Minister of Agriculture has reneged on his commitment to financially support Canfarm, will the minister undertake to try to convince the federal government to reconsider this decision?

**Mr. Makarchuk:** What is going on? Is there an election coming up and you guys are trying to get a higher profile? Or are you trying to prove—

**Mr. Havrot:** Why do you keep yapping every day? Why do you get up and ask stupid questions?

**Hon. Mr. Henderson:** Mr. Speaker, the Canfarm operation was set up—I am not sure how many years ago—with a grant from the government of Canada. Was it 1969? But about three years ago—I do not have the exact times here—the government of Canada reduced the grant. Last year Canfarm found themselves unable to finish their year.

**Mr. Peter Hannam** retired as the president of the Ontario Federation of Agriculture and took on Canfarm in the hope he could review it and bring it back so that it would be of service. Many thousands of farmers across Canada are using this in the technical operation of their farms. Towards the end of last year I did send a cheque for \$150,000 to this operation to help it continue. Recently I received a financial statement from this company where they need a great deal of money, many times the

amount of that cheque. I believe one province has pledged support. We in Ontario are quite willing to do our share in conjunction with other provinces. We believe there will have to be assistance from the government of Canada to bring it back. We believe it is an important service for the people.

3 p.m.

The honourable member really asked me what pressure I will put on the government of Canada. I believe they are as knowledgeable about the situation as I am. I believe they are aware and I believe they are evaluating their position. We in Ontario stand by, ready to do our share.

**Mr. J. Johnson:** It is my understanding that Canfarm could continue to operate if it were to receive an outright loan or grant of \$2 million from the federal government. Would the minister work with Peter Hannam and Canfarm Co-operative and see if he can arrange to help them in some way to obtain this financing from the federal government?

**Hon. Mr. Henderson:** I will be very happy to meet with Mr. Hannam, as he is well aware. A year ago when he came to my office and put the overall situation before me, I made arrangements for the cheque to be sent out. Yes, I will be glad to meet with Mr. Hannam, but I state again that I believe the government of Canada is well aware of the problem and of the services being provided.

**Mr. McKessock:** Supplementary, Mr. Speaker: When the minister says the Ontario government is ready to do its share, does he mean on a per capita percentage basis of the farmers in Ontario?

**Hon. Mr. Henderson:** Mr. Speaker, I believe about half of the farmers using Canfarm are from Ontario, although I do not have the exact numbers. We have not turned them down. We are still appraising it. I believe Alberta has suggested—and I only believe this, it is not firm—that they will put up \$50,000. I believe that is the only commitment. I am ready to look at the usage of Canfarm as to the total service across Canada.

#### UNICEF CHRISTMAS CARDS

**Hon. Mr. Maeck:** Mr. Speaker, on November 21 the member for Beaches-Woodbine asked me if it is true that the retail sales tax is applicable to handling, shipping and postage charges for Unicef Christmas cards as

indicated on the order forms sent out by Unicef this year.

The answer is that the retail sales tax is applicable for handling, shipping and postage charges as part of the fair value where ownership transfers from delivery of goods. When ownership transfers before delivery or shipping, the retail sales tax does not apply to the handling, shipping and postage charges. The sale of Unicef Christmas cards falls into the former category and tax is properly applicable to such charges.

**Ms. Bryden:** Supplementary Mr. Speaker: Since the minister has confirmed that this government in some cases applies the regressive sales tax to shipping, handling and postage charges on mail orders, I would like to ask the minister if he might not get the Christmas spirit and bring in a total exemption for Christmas cards that are sold by charitable organizations in order to encourage this form of fund raising?

**Hon. Mr. Maeck:** Mr. Speaker, I have been known to have the Christmas spirit from time to time, as has the member across the floor and the member for St. George (Mrs. Campbell). I think she gets it once in a while too.

It would be a very confusing administrative problem to do what the member for Beaches-Woodbine has suggested. However, for her information and for the members of the Legislature, to show that we are from time to time rather appreciative of these types of charitable organizations, I think it is only perhaps a week or two ago that an order in council was signed giving a remission of over \$30,000 in sales tax to Unicef on purchases they had made in order to make the Christmas cards to sell, so they could collect the sales tax on handling and postage.

#### BENDIX CORPORATION

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Industry and Tourism. Is the honourable minister aware that John Moynahan, the president of Local 195, United Automobile Workers, learned last week that Bendix has called for return to the United States of one set of dies from Central Stampings Limited in Windsor and is in the process of asking for the recall of another set? Has the minister approached Bendix and asked it to stop such practices?

**Hon. Mr. Grossman:** Mr. Speaker, I could not give the honourable member a firsthand report on the discussions with Bendix. I expect I will be able to do that by the morning.

My staff is in weekly contact with Bendix, so I will see if it can give me an update on that situation and report to the House.

**Mr. B. Newman:** Would the minister use his powers of persuasion and let Bendix know that the withdrawal of such dies is a violation of the intent of the auto trade pact?

**Hon. Mr. Grossman:** I will be pleased to comment on that when I get a report.

#### NOTICE OF DISSATISFACTION

**Mr. Speaker:** The member for Wentworth (Mr. Isaacs) has expressed his dissatisfaction with an answer given by the Minister of the Environment (Mr. Parrott) concerning the proposed Ajax liquid waste treatment plant. This matter will be debated at 10:30 tonight.

#### PETITIONS

##### ANNUAL REPORT, MINISTRY OF THE ENVIRONMENT, 1978-79

**Mr. Cassidy:** Pursuant to standing order 33(b) of the assembly, the undersigned members of the assembly hereby petition that the annual report of the Minister of the Environment (Mr. Parrott) for the fiscal year ending March 31, 1979, which was tabled in the House on December 13, 1979, sessional paper 285, be referred to the standing committee on resources development for such consideration and report as the committee may determine.

Mr. Speaker, the purpose of that referral is specifically so that the standing committee on resources development can look into the intolerable way the Minister of the Environment is proceeding with respect to the choice of South Cayuga for liquid industrial waste disposal facilities.

#### ENVIRONMENTAL ASSESSMENT BOARD HEARING

**Mr. G. I. Miller:** Mr. Speaker, I have a petition for the Premier of Ontario (Mr. Davis). Would the Premier rescind a decision of the Minister of the Environment (Mr. Parrott) and file the province's own environmental assessment process, which includes a full environmental study under the terms of the Environmental Assessment Act and an independent public hearing by the Environmental Assessment Board before proceeding with any such facility? The petition was signed unanimously by the council of the region of Haldimand-Norfolk.

**REPORT**  
**STANDING COMMITTEE**  
**ON SOCIAL DEVELOPMENT**

Mr. Riddell, on behalf of Mr. Gaunt, from the standing committee on social development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Labour be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry administration program, \$8,682,-400; industrial relations program, \$3,499,-000; women's program \$993,000; occupational health and safety program, \$25,017,-000; employment standards program, \$3,776,-000; manpower commission, \$1,466,000; human rights commission program, \$3,090,-000; labour relations board program, \$2,918,000.

**Mr. Speaker:** The Minister of the Environment was trying to get the attention of the chair, I think, for purposes of making a statement. Do we have unanimous consent to revert to statements?

Agreed to.

3:10 p.m.

**STATEMENT BY THE MINISTRY**  
**ONTARIO WASTE MANAGEMENT**  
**CORPORATION**

**Hon. Mr. Parrott:** Mr. Speaker, I want to make a rather brief but I think very important statement to the Legislature while all the honourable members are here rather than at night.

First of all, I would like to think the debate would be better postponed for a matter of two weeks. I am not asking for that—

**Mr. Speaker:** Order. The minister is anticipating something that is going to come before the House. If he wants to make a statement he is free to do so.

**Hon. Mr. Parrott:** I would like to suggest, therefore, that I have two or three announcements to make at this time which I think are extremely important and will have a profound effect upon that consideration.

The first consideration is we would like to be able to propose the names of the people who will sit as the board of directors of the crown corporation.

**Mr. Cassidy:** On a point of privilege, Mr. Speaker: It is extremely hard to hear the minister. I do not believe we have had

copies of the minister's statement, as is the custom. Could the minister either take the marbles out of his mouth or speak into the mike?

**Hon. Mr. Parrott:** I confess to having a rather poor voice today. I have been a little preoccupied in the last 48 hours. I have been doing a fair amount of verbal communication. I will try to speak directly into the mike.

I think the quality of that board will have a profound effect on how it is seen to do its normal functions and duties.

Second, at a meeting of the Ontario Federation of Agriculture this morning, the very respected Dr. C. L. Emery, the director of the Northumberland County Federation of Agriculture was there. He is a well known and accepted authority on environmental affairs. He proposed the resolution they passed yesterday be reconsidered. The assembled delegates agreed to have that item reopened for further discussion.

Dr. Emery proposed that a concept of a crown corporation and government-owned facility as announced be endorsed, and that in his opinion the hearing process would not resolve the issues. He said what is required at this time is consultation and co-operation because of the severity and importance of these urgently needed waste disposal facilities. He then recommended an advisory committee to the corporation be set up under the aegis of the Ontario Federation of Agriculture, that it be funded by the Ontario government and that it have free access to all information in order to make public its report and recommendations. He recommended it be able to draw on whatever expertise it feels is necessary—legal, technical and medical.

I accepted the Ontario Federation of Agriculture's suggestion completely. The committee will have full and total access to all documentation and technical details. Along with the corporation itself, it will be able to hold public hearings throughout Ontario. This item was referred to the executive, which will make a decision on December 10. Needless to say, I hope it decides in the affirmative.

**Mr. Breithaupt:** What executive?

**Hon. Mr. Parrott:** The Ontario Federation of Agriculture.

Interjection.

**Hon. Mr. Parrott:** No. I would not say that in the agricultural community if I were the member. The farmers have a lot to do with protecting the environment.

**Mr. Breithaupt:** So do a lot of other people.

**Hon. Mr. Parrott:** You had better believe they have a lot.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Parrott:** I would also like to announce today that the most eminent environmentalist of our day and of our time, Dr. Donald Chant, will serve as chairman of the board of directors of the crown corporation. Dr. Chant is an extremely well respected environmentalist and current chairman of the Premier's (Mr. Davis) steering committee on environmental assessment.

After due consideration he agrees that the concept of this facility and the site selection need not be subject to a hearing under the Environmental Assessment Act. However, he also believes that hearings should be held on the merits of the technology under the Environmental Protection Act.

I have also agreed that detailed geo-technical surveys will most certainly be a part of this site development. I said that earlier in the statement today. That is the end of the statement, but I would like to table for members the curriculum vitae of Dr. Chant.

**Mr. Breithaupt:** We are not debating that.

**Mr. Speaker:** Is that the end of the minister's statement?

**Hon. Mr. Parrott:** I will table it, Mr. Speaker.

**Mr. S. Smith:** Could I have a copy of that statement, Mr. Speaker? I couldn't hear it.

**Mr. Foulds:** On a point of order, Mr. Speaker.

**Mr. Speaker:** I cannot understand why I did not hear some objection from the opposition parties. You did agree to revert to statements. However, you allowed the minister to proceed without having a copy of that statement. If I can anticipate the member for Port Arthur, is it about the lack of a copy of the statement?

**Mr. Foulds:** No.

**Mr. Cassidy:** Mr. Speaker, it is unusual to have a statement at the end of questions as we had today. It is also particularly unusual in that the statement was germane to questions that were being raised over the course of the question period. I would wonder whether the Speaker would permit perhaps one question apiece from the two opposition parties on the statement that the Minister of the Environment has just given.

**Mr. Speaker:** In the same spirit in which the minister asked the House to revert to statements so he could bring forward this very important information, and in that there was unanimous consent to allow him to do that, do I have the unanimous consent of the House for one question each from the leaders of the opposition parties having to do with the statement?

Agreed to.

## ORAL QUESTIONS

### ONTARIO WASTE MANAGEMENT CORPORATION

**Mr. S. Smith:** Mr. Speaker, since I could not hear the statement, it is difficult to know what the man said. For clarification, basically by way of my statement, could the minister confirm that what he has just said is that there will be an environmental hearing on the subject of the technology to be used on the site in South Cayuga, but not with respect to the qualities of the site itself?

Could he clarify that aspect of what he just said? Did he really say Dr. Chant feels there is no need for further consideration concerning the selection of the site? Is that what Dr. Chant said? If so, why is the Ontario Federation of Agriculture now going to have hearings, with the minister's blessing, about the selection of the site?

**Hon. Mr. Parrott:** Mr. Speaker, let me put it in these words: Dr. Chant was asked about this just yesterday, and that is why I was not able to give members an answer at two o'clock. He has thought about it very intensively because it is a very important matter for him to decide on. He has given that a lot of consideration and has said he would act as chairman of that crown corporation. He has said he thinks an environmental assessment hearing is not desirable, not necessary on the site itself in the concept of a crown corporation operating that site.

In other words, the site location is finalized. Dr. Chant believes it is best that it should be. He has viewed in those 24 hours at great depth the MacLaren report. Based on that assessment, he thinks the site discussion, the need and all of those aspects of an environmental assessment proposal, and no doubt a hearing, should be waived.

He rightly asks that the technology of that facility be subject, of course, to the scrutiny of the board. That was already agreed to. There was no question there at all. The technology will be subject to the scrutiny of the board. He wishes that the

scrutiny be done at public hearings. I agree. It can be done under the Environmental Protection Act, or some similar assistance can be given to him in having the public hearings.

He asked—and we had already agreed to that at the federation meeting this morning—that there be a geotechnical survey of that site. Again, it was obvious it would be part of the board's original and first activity.

3:20 p.m.

Those are the two conditions that Dr. Chant wanted clearly identified. He will serve as the chairman of the crown corporation. I think we are unbelievably fortunate to have a man of that great calibre serve in that very vital role.

Mr. Cassidy: Mr. Speaker, would the Minister of the Environment explain why the ministry is so obsessed with its desire not to have an environmental assessment and environmental assessment hearing on this particular project to the point that the chairman of the steering committee, who would normally recommend as to whether or not the exemption should be granted, has now been brought into the crown corporation and to the extent that the minister keeps on trying to pretend that the environmental assessment would take such a long time, when we have learned from the people of MacLaren that they could, now, with what they have in hand, prepare the environmental assessment in a matter of two or three months? In other words, the environmental assessment and the hearing could be completed by the June 30 date, before which the minister says, "Nothing is going to be done on that site."

Hon. Mr. Parrott: Mr. Speaker, I am afraid the leader of the third party does not understand the full implications of applying that act. One must look at a lot of other considerations as part of that assessment hearing. It is Dr. Emery's belief—and I thought he said it very well this morning; I am sorry some of the members of the third party did not take time out to go to the OFA meeting, or maybe one or two did, I do not know—

Mr. Riddell: Were his proposals endorsed by the OFA?

Hon. Mr. Parrott: He asked that his proposal be referred to the executive, who will make a decision on endorsing his proposals at the December 10 board meeting.

Mr. Breithaupt: You put him on the board too.

Hon. Mr. Parrott: I will come to that. The meeting appropriately, after having passed quite a contrary resolution yesterday—it is a little difficult to be heard, Mr. Speaker—obviously wanted the time to consider and wanted its executive to have the time to consider.

I think Dr. Emery, in his statement this morning, put it extremely well. I have read this statement to Dr. Emery because I did not want him to have any doubt about what was being said on his behalf. I have just finished speaking to Dr. Emery. He makes it very clear—and he made it extremely clear down there—that this is not the time to question that site; now is the time to get on with full discussions of solving that problem.

It is a very serious environmental health problem. It is not the time for the debate of hearings but for the spirit of co-operation. I will rest that verdict with the OFA. What they are proposing, Mr. Speaker, is that—

Mr. Breithaupt: What have they to do with it?

Mr. Speaker: Order. Does the minister have anything further to add to the original question? Let us just ignore the interruptions.

Hon. Mr. Parrott: Right. The question was what would the role of the federation be? They will organize that committee and then be an advisory committee, because what Dr. Emery said is so true. There will be four people on the crown corporation representing the public. I am pleased that they should make up the corporation with only two technical experts.

In their wisdom, the OFA said that what they need is more technical advice. I think that is eminently logical. Based on that, we have agreed to work in the spirit of co-operation with the federation and have them advise the corporation on all aspects of the technical considerations for that site. I think they made a very important move this morning. I endorse it and I hope it follows through.

Mr. G. I. Miller: Mr. Speaker, on a point of privilege: I think the rights of the citizens in my riding have been taken advantage of by the fact that they are being treated as third-class citizens by not being given a proper environmental assessment protection.

Mr. Speaker: Order. I have nothing to do with protecting the rights of citizens of the province. I have a responsibility to protect your rights as a member.

Mr. Foulds: Mr. Speaker, I have been very disturbed about this process of the government automatically asking for leave

to revert to ministerial statements and so on. As a private member, any time I am here for the rest of this session and the government asks for permission to revert to statements, I will object.

**Mr. Speaker:** That is an option and a prerogative that is open to the honourable member. I hope he is not suggesting there was anything irregular. I asked for unanimous consent and I got it.

## MOTIONS

### COMMITTEE SITTING

Hon. Mr. Wells moved that the standing committee on administration of justice be authorized to sit on the afternoon of Wednesday, December 3, 1980.

Motion agreed to.

### TRANSFER OF BILL

Hon. Mr. Wells moved that Bill Pr45, an Act respecting the Powers of the Jewish Family and Child Services of Metropolitan Toronto, be transferred from the standing committee on social development to the standing committee on general government.

Motion agreed to.

## INTRODUCTION OF BILLS

### DEVOLUTION OF ESTATES AMENDMENT ACT

Hon. Mr. Walker, on behalf of Hon. Mr. McMurtry, moved first reading of Bill 210, An Act to amend the Devolution of Estates Act.

Motion agreed to.

**Hon. Mr. Walker:** Mr. Speaker, I am pleased to introduce today a bill to amend the Devolution of Estates Act. Within the past year, certain problems encountered in attempting to deal with the estates of persons dying in Ontario who leave beneficiaries in the Soviet Union have been brought to the attention of the minister.

It appears that exorbitant charges by the Soviet government, or its agents, and the low exchange rate for conversion of dollars into rubles result in a beneficiary receiving less than the amount he should receive. While it is clear that Ontario legislation cannot completely rectify such problems, we should attempt to prevent such abuses to the extent this is possible.

The Devolution of Estates Amendment Act, 1980, contains a provision whereby a court

order is required before money can be paid out of an estate in Ontario to a beneficiary in certain countries to be designated by regulations before it is received by the beneficiary. This provision is based on legislation in the United States, such as section 2218 of the Surrogate Court Procedure Act of New York. Under that section, surrogate court may withhold payment of money unless it is satisfied that the claimant will have the benefit or use or control of it. The money can properly be withheld if it appears that its full value will not reach the beneficiary by reason of various fees and taxes and an unrealistic exchange rate.

A further provision in the Devolution of Estates Amendment Act, 1980, requires a person who receives property in respect of which an order has been made as agent, solicitor or assignee, to file a report with the surrogate clerk for Ontario in a form and containing such information as will be prescribed by regulation. Where the property is transferred directly to a foreign beneficiary, the personal representative must file such a report.

### INSTITUTE OF CHARTERED SECRETARIES AND ADMINISTRATORS IN ONTARIO ACT

Mr. Belanger moved first reading of Bill Pr41, An Act respecting the Institute of Chartered Secretaries and Administrators in Ontario.

Motion agreed to.

3:30 p.m.

### CITY OF KINGSTON ACT

Mr. Ashe, on behalf of Mr. Watson, moved first reading of Bill Pr50, An Act respecting the City of Kingston.

Motion agreed to.

### HAMILTON CLUB ACT

Mr. S. Smith moved first reading of Bill Pr51, An Act respecting the Hamilton Club.

Motion agreed to.

### SIoux PETROLEUMS LIMITED ACT

Mr. Breithaupt moved first reading of Bill Pr47, An Act to revive Sioux Petroleum Limited.

Motion agreed to.



### ANSWER TO QUESTION ON NOTICE PAPER

**Hon. Mr. Wells:** Mr. Speaker, I wish to table the answer to question 403 standing on the Notice Paper. (See appendix, page 4697.)

### MOTION TO SUSPEND NORMAL BUSINESS

**Mr. S. Smith** moved, pursuant to standing order 34(a), that the business of the House be set aside so that the House may debate a matter of urgent public importance, that being the statement made by the Minister of the Environment (Mr. Parrott) regarding the establishment of a toxic liquid waste dump in South Cayuga to be approved without environmental assessment.

**Mr. Speaker:** Proper notice has been given of this, and I will hear the honourable member for up to five minutes as to reasons why he feels the ordinary business of the House should be set aside.

**Mr. S. Smith:** Mr. Speaker, you will recall that on Tuesday a somewhat similar motion roughly bearing on the subject of liquid waste was presented by another honourable member of the House. But at that time you ruled, correctly in my view, that the matter had not yet been presented by the honourable minister at the time you had received the notice, and that therefore that particular subject would not have been a fit subject for the emergency debate.

This would appear to be the first opportunity that has presented itself for us to have that urgent debate on this matter, which I said then and believe now to be in the public interest—an extremely important matter inasmuch as the people of Haldimand-Norfolk are going to be subjected to this particular facility being thrust into the property that has been described in South Cayuga without proper environmental assessment hearings.

The concern we have is that there is no neighbourhood in Ontario that can consider itself safe. If the largest environmental project of its kind can be placed into one area without a proper environmental hearing, how can one justifiably demand such a hearing in any other situation which will undoubtedly be less massive than this one? We feel this decision represents an important precedent, an important milestone, and is one which should not be allowed to pass without our taking every opportunity to show the people of Ontario that what seems on paper and on the books to be good environmental legislation protects no one

when the government of the day wishes to be high-handed and wishes to impose its will on the people.

We believe that in the emergency debate we are recommending to you, Mr. Speaker, it would be important for the minister to speak first for his party to explain his point of view and also to give further clarification of some of the statements he made at the end of question period today. We feel he might even be allowed to speak more than once if there is concurrence in the House on the matter, because we believe the information he brought on Tuesday is of extreme importance and has been somewhat confused, rather than clarified, by the statements he made a few moments ago.

The fact of the matter is this: Irrespective of whether the minister has been able somehow or other to convince a prominent individual to become chairman of this particular body, and irrespective of whether some particular member of the Ontario Federation of Agriculture has accepted the job of looking at site selection, even though the site selection apparently has already been finalized according to the person who is newly appointed, the people of Ontario are not going to be totally fooled by this.

They can see as clearly as anyone else that the land in question is held by the government because of a foolish and politically embarrassing decision by this government to acquire at very high cost a large parcel of land in one of the areas of Ontario thought to be suitable for an idyllic, pollution-free housing environment just a few years ago. Left with this political embarrassment on its hands, the government has plainly decided to push ahead to try to solve its toxic waste problem.

In the old saying, if you have a lemon, you at least try to make lemonade. They were stuck with this piece of land and, to try to make the best of a bad situation, they have decided to try to push through this toxic waste facility against the wishes of the people in Haldimand-Norfolk and to do so without any opportunity for proper examination of the MacLaren report or its appendices which, after all, are terribly important. I wonder if even Dr. Chant has seen the appendices to the report. They have done it without any opportunity to see any of the hydrogeological studies that may have been ordered in other areas and, particularly, without any opportunity for contrary opinions to be expressed in front of a neutral hearing officer.

If the environmental assessment legislation in Ontario is to be set aside in this case, if it is inadequate, if the minister feels the board cannot do the job and a group from the OFA—

**Mr. Speaker:** The honourable member's time has expired.

**Mr. S. Smith:**—should do the job, I say no site in Ontario is safe from this high-handed method of imposition by the government. We must have this debate as soon as possible.

**Mr. Cassidy:** Mr. Speaker, I also want to urge that we hold an emergency debate today on what the government intends to do, not just with respect to the choice of the South Cayuga site but also with respect to the rationale that led the cabinet to endorse the Minister of the Environment's proposal and thereby to jettison the Environmental Assessment Act, as it was passed in 1975. The fact is—and this is now an emergency—the Environmental Assessment Act is effectively a dead letter today if the government is allowed to continue with the decision it announced in the House two days ago.

We are faced with a fait accompli about the choice of a site when the residents and people in the Cayuga area had no idea until a month ago they were even being considered as a site for liquid industrial waste disposal. We have seen a systematic effort by the government to dismantle all the normal procedural devices that exist to ensure there is public consideration about a project as major and all-encompassing as this one.

The cabinet has now approved the project. The cabinet has waived the process not just of a hearing on an environmental assessment, but also the environmental assessment itself. I really wonder what the government is trying to hide in this fantastic effort to avoid the process of environmental assessment, a process by which one questions whether there are alternative sites, what the technical considerations are and what the environmental consequences could be.

3:40 p.m.

We could be sitting on another environmental landmine at South Cayuga without knowing what those consequences are going to be, because the government has decided to waive these particular provisions of the act. That is what is happening right now and that is why we need to debate this as a matter of emergency.

Not only that, this is an emergency because, from the way the government is pro-

ceeding, it seems clear it is prepared to move heaven and earth to try to eliminate any public consideration through the Legislature, the Parliament of Ontario, about this particular procedure or development until it is well down the road. The government has not announced an intention to bring in legislation to set up the crown corporation before we rise about the middle of December. There is no indication it will bring supplementary estimates in before we rise at the middle of December. In other words, there is no indication it will be bringing to this Legislature, apart from an emergency debate, what it actually intends to do.

On the other side, there is tremendous concern in the area. Two hundred people turned out on November 13 in the area because they did not know what the devil was going on and they felt they had a right to know. We have a minister and a ministry whose behaviour in the past have consistently been that "we in the Ministry of the Environment know best and anybody out there who questions our expertise is simply wrong." The minister has once again repeated that particular position in the attitudes he has struck in the Legislature today.

Finally, another reason for having an emergency debate is the bizarre announcement today that the watchdog of the environmental assessment steering committee, Dr. D. A. Chant, a respected and eminent environmentalist, is now being put into the crown corporation and is therefore not in a position where he and his steering committee could objectively advise the government over whether or not an environmental assessment was to be held or not.

I know the reason for that. I suspect Dr. Chant, having had his committee's advice rejected in the case of the Darlington nuclear power plant and in the case of the Elora Gorge decision, has just simply thrown up his hands. Dr. Chant has said, "Look, if you can't beat them, I am going to have to try to join them and see whether there is not something I can do to prevent the most harmful consequences of this particular proposal."

The Morrison Beatty hydrogeological report says at least another 12 months of hydrogeological studies are required before it is possible to go forward with that proposal. The MacLaren report likewise says very explicitly: "It is recommended that the ministry undertake field studies, such as confirming geological data by a series of soil borings, et cetera, on the Huron and South Cayuga sites to confirm their suitability.

Should these sites prove to be geologically unsuitable, similar investigations are recommended for the Lambton and for the Bruce sites."

In other words, the document the ministry has offered as the proof that South Cayuga is the appropriate place to put this liquid waste disposal facility is not confirmed by the MacLaren consultants. They say there remains a possibility, which can only be explored by means of further tests, that the site will be unsuitable.

I am saying we need an emergency debate because the government should not be allowed simply to dispose of all of the devices that have been put into place to protect the interests of this Parliament, of the people of Ontario and of South Cayuga. It is time the minister agreed to have that assessment and he can get it done in good time.

**Hon. Mr. Wells:** Mr. Speaker, I argued a few days ago against an emergency debate on a matter very much related to this and, at the time, you found the case had not been made for an emergency debate based on the particular motion that was put forward. At that time, I indicated to you there were several reports which had just been received by members and which we had not had time to consider fully—the MacLaren and Morrison Beatty reports. Those reports have now been received and I am sure the honourable members have had time to consider them.

Members have also had time to consider the statement made by my colleague the Minister of the Environment. I think, in making a ruling today on this motion, several facts should be taken into consideration. The first fact is that the Minister of the Environment has made a very courageous statement and has come to grips with and brought forward a solution to a very vexing problem in this province and one which no one else seems to want to come to grips with. That is the first thing.

The second fact that must be considered is that the statement the honourable minister has made has been misrepresented by many of the people sitting opposite and that misrepresentation is carrying on out to the general public and needs to be corrected. I think the opportunity to correct that rests in a debate in this House today. In other words, what may not have been an emergency a few days ago is now an emergency because a courageous act by a minister of this government is being misrepresented in a manner that is causing it to be misunderstood by many of the people of this province.

It can be argued that the misunderstanding is sufficient to cause us to say that the minister and the members of this government should be given an opportunity—and they can do it exceedingly well—to explain all the ramifications of this decision and to challenge members opposite, if they want to criticize this particular solution to a very vexing problem, to come up with some alternative solution. They should not just argue about negatives. They should not just put roadblocks in the way of progress. They should not just belittle names of people. They should just sit there and come up with some positive solutions as to what they would do.

Because we have had an opportunity to consider the reports, because this is now a matter of public knowledge, because there is misunderstanding about it, and because there is legitimate concern in some quarters that can be very adequately cleared up by the minister and other members of this party during this debate, we would not oppose this matter being considered. In fact, we believe that a case can be made for us to debate this today and that it does fall within the parameters of rule 34(a).

**Mr. Speaker:** I have listened with great interest to all the members who have spoken. There is unanimous accord that it is of urgent public importance. I think it is quite obvious that due to the nature of the debate, it has province-wide implications. It deals with a specific incident of recent occurrence.

Lest I be accused of being inconsistent in the light of the fact that I turned down a similar debate, the specific request to set aside the business of the House was with reference to a specific occurrence that did not have the obvious implications it does now, since members have had 48 hours to discuss the implications of the statement made by the Minister of the Environment. I am going to say that it does fall within the four walls of standing order 34.

Now the only question before the House is, shall the debate proceed?

Motion agreed to.

**Mr. Speaker:** The debate will proceed. I want to remind honourable members that each one who wishes to speak will be limited to 10 minutes and the debate will conclude without any motion before the House at six o'clock.

**Mr. S. Smith:** On a point of order, Mr. Speaker: I would be very glad to hear the minister first if he cares to say anything or add anything, and also to hear him wind

up. If not, I will be happy to start. It is up to the minister, I just want him to have that privilege if he wishes it.

**Mr. Speaker:** It is normal procedure that the honourable member who moves the motion will speak for 10 minutes and, unless there is some agreement to do otherwise, we will be guided by past practice.

3:50 p.m.

### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** Mr. Speaker, we have been told repeatedly in this House that Ontario enjoys the benefits of some of the most advanced environmental protection legislation on the books anywhere. I agree that we have, on the books, the best environmental protection legislation. The problem is that we seem to have an aversion to utilizing it to protect the citizens of Ontario.

Never has there been a more blatant case, however, than this one. The minister found himself with an interim report from some consultants who had looked at some 17 sites around Ontario. They had rejected a good many other places in the province and had looked at 17 and come up with about five they thought should be further studied because they would be suitable to receive liquid waste.

Plainly the minister, or some other agent of government, then instructed the consultants to go back and look at another site. This was the site held by the government as a consequence of some exceedingly foolish and ill-considered expenditures of some \$30 million to purchase land for an alleged town that was going to be built in a district called South Cayuga. As a result of that, the consultants were put in a dilemma. They found themselves having to go back on what they had done.

The meat of this report is contained in appendices which none of us in this House has had the opportunity to examine yet. But even in the summary we have been given, they say they did not look at South Cayuga in the first place because it did not meet their criteria. These criteria included the avoidance of using excellent agricultural land.

Then a funny thing happened. They say that while processing data collected during site visits, they came to realize that none of the areas studied really met the original spirit and intent. A lot of the places they figured were grade five and six agricultural land had been upgraded from time to time and some of it was up to grade one and two

agricultural land. Conversely, some of the one and two land had fallen into disarray and disuse and was now down to five and six.

That is what they said. I don't blame the member for Chatham-Kent (Mr. Watson) for laughing; I found it funny as well. But that is what they say—it is on page 3-15. They say certain lands had been significantly upgraded by local drainage work and had become very productive while other lands had been allowed to deteriorate. Logic dictated they should not be that concerned with agricultural productivity and so they decided to forget about that and look at South Cayuga.

They had what they called revised or refined agricultural criteria, which are never explained. Using those, the Huron area was identified as the most suitable of the five, with Lambton and Bruce being the best alternatives and very close seconds. That is what they found once they ignored the agricultural criteria. But, they say, the primary constraining factor in Lambton is that there is existing agricultural use on the land.

So what they did first was eliminate agriculture as a consideration so they could look at South Cayuga. Having then looked at South Cayuga, they found Huron was the best and Lambton a very close second. They decided then to eliminate Lambton on the very agricultural criteria they had set aside in the first place to enable them to look at South Cayuga.

It is obvious the kind of backflips and somersaults being done by these consultants have plainly been done in an effort to keep whatever is left of their scientific reputation while meeting the minister's order, which is to find some way to get South Cayuga accepted as the place to dump the toxic waste.

All right. All that has been said. But, Mr. Speaker, look at the situation. We find ourselves with the environmental protection legislation being set aside by the government. So keen are they to avoid their own laws that they have created two corporations instead of one. There will be one corporation to get them through until possibly the next election, certainly until this House rises at Christmas, and then a second corporation some time in the future which the House will have to vote on.

It is evident there is no need for two corporations when one will do. Both will be owned by the crown. There is plainly not the slightest difference between the two, but the minister wishes to avoid a vote by the elected representatives of the people. Not only is he

avoiding his own laws, which apply to everybody else—and let me tell you, if you are an ordinary citizen, you cannot even expand a pig barn in Ontario without getting some environmental approval—but the minister can create this corporation and dump this liquid waste without any consideration of the kind of legislation that is supposed to be protecting all of us.

We are told today of some very interesting developments. First of all, the Ontario Federation of Agriculture condemned the ministry for its actions. Then, apparently, some particular fellow of this federation, some chap from Northumberland, undoubtedly a fine gentleman, came up with some proposal off the top of his head that said—

Mr. Cassidy: Probably a Tory.

Mr. S. Smith: We can speculate as to whom he was trying to rescue and for what political purpose, but I do not have to say that.

He came up with a marvelous idea that the Ontario Federation of Agriculture—not the National Farmers Union, not the Christian Farmers Federation, not the Ontario Federation of Labour, not any of the environmental groups, not Pollution Probe, not any of the special interest groups, not any of the conservation authorities—a particular group called the Ontario Federation of Agriculture, for which I have the greatest of respect in agricultural matters, should set itself up somehow by means of a subcommittee. This has not even been approved by the OFA; it is just the idea of one guy.

The ministry leaped at the proposal and said, "Whereas the board of experts appointed by law and the statutes of Ontario shall not be permitted to examine the matter and to have public hearings, this group of the Ontario Federation of Agriculture shall be entitled to go about the province and have public hearings of some kind."

Will it be able to compel people to testify under oath? If so, how can it possibly happen unless the members of the group are made royal commissioners? I ask the minister this. Would he kindly attend to this question for a moment? Will he listen for a moment, please? Is he intending to make the OFA group royal commissioners or, under the Public Inquiries Act, will he be intending—

The Deputy Speaker: Order.

Mr. S. Smith: I yield to the minister.

Hon. Mr. Parrott: What I have said to the federation, and I make that statement again—

Mr. S. Smith: Just say yes or no. Will they be under the Public Inquiries Act? I am sorry, I do not yield the floor.

Hon. Mr. Parrott: Does the member want the information?

Mr. S. Smith: Just say yes or no. Are they going to be under the Public Inquiries Act or are they not?

Hon. Mr. Parrott: Does the member want the information?

Mr. S. Smith: The answer is yes or no, Mr. Minister. There is no other answer.

The Deputy Speaker: Order. Has the honourable member yielded the floor?

Mr. S. Smith: No, I have not yielded the floor. I will not yield for a filibuster. We will hear when the minister speaks, Mr. Speaker. We will hear whether or not this group from the OFA will be given subpoena power, whether groups will be able to appear in front of the OFA and be funded to bring in experts and to have money to pay for these experts. We will find out whether testimony will be compelled under oath, whether they will have the power of the Public Inquiries Act or its equivalent.

We will find out when the minister speaks, and then we will presumably find out something that I am certainly waiting to hear, which is why some particular individual from the OFA is to be permitted to do what the Environmental Assessment Board is not to be permitted to do. What conceivable rationale can there be for this to happen?

4 p.m.

The Deputy Speaker: The honourable member's time has expired.

Mr. S. Smith: I finish with simply one sentence. Irrespective of whether the minister has been able to create a certain propaganda for himself by getting Dr. Chant by some means or other and for some purpose or other, by getting an environmentalist seemingly to agree—and we will wait to hear from him—the fact remains, if South Cayuga can go without an environmental assessment, no neighbourhood, no town, no piece of farm land in Ontario is safe from this arrogant group of ministers and sooner or later, preferably sooner, they will be turfed out as a consequence.

Mr. Cassidy: Mr. Speaker, the government House leader said just before we had this debate that he felt it was appropriate to have it because there had been misunderstanding of the government's position. I cannot imagine how that accusation can be made, because the public, the people I have talked to

since the minister's announcement on Tuesday, understand very clearly what has happened.

They understand this is an arrogant government; a government which is high-handed; a government which has moved from the basis of political expediency and, in the process, a government which has torpedoed a piece of legislation, the Environmental Assessment Act of 1975, which has been the mainstay of the speeches of Ministers of the Environment over the course of the last five years, in defending the environmental record of the government of Ontario.

What is happening in this regard is similar to the behaviour of the government in many other areas as well. We know what is happening with doctors opting out. We know what is happening with the financial plight of hospitals trying to serve the people of Ontario. This government has tried to pretend no problems exist. We know about the government's refusal to provide adequate day care facilities across the province. They have tried to come up with \$1 million and say that solved the problem. We know the difficulties in getting equality for women in the province. The government pretends there is no problem, it simply ignores the realities of Ontario right now. We know the problems of laid-off workers. The government comes up with a bit of papier mâché and tries to pretend that is a full and final solution, when 50,000 workers have been laid off.

We know in South Cayuga the people in that particular community had no foreknowledge at all, prior to August of this year, that their community was even being considered for this liquid waste disposal facility. They did not know for sure until October 27 that the matter had been referred to the MacLaren company for it to report upon. It was not until two days ago that they learned the finger had descended on South Cayuga and that the government had decided to put the liquid waste disposal facility in South Cayuga.

I have to say that the whole manner in which the government, both the cabinet and the Minister of the Environment, has treated this particular affair raises enormous questions in my mind about a minister, a ministry and a government which already had enormous credibility problems with respect to the matter of the environment.

The MacLaren report was meant to be an independent appraisal of what sites were appropriate for liquid industrial waste disposal across the province, but in the end, because the minister said, "I do not care what you suggested in your interim report,

you have to look at this one," it no longer can claim to have independence. It is a \$425,000 justification for the site that the minister wanted to have chosen. Even there, let us make it clear, the MacLaren report has not said it is the only site. It has not said it is the preferred site. It has said that further geological studies are required and it has said that those studies may in fact, indicate that South Cayuga is not the appropriate site to go on.

The ministry paid some more of the taxpayers' money to Morrison Beatty Limited to do a hydrogeological study on South Cayuga. They too say that another 12 months are required. The ministry, however, has taken a railroading approach through cabinet and through the community, regardless of the fact that further studies are required.

It is not just the overriding of our laws that concerns me, it is also what I feel is the very compromising approach that is being taken to a respected environmental expert, Dr. Donald Chant, in appointing him to the crown corporation. I feel extremely uneasy about what is being done.

If I can put it on the record, Dr. Chant is the chairman of the environmental assessment steering committee. That is a committee which advises the Premier, not just the minister, on questions respecting the environment and which is specifically charged with advising the Premier and the cabinet from time to time about whether environmental assessments should take place.

The government knew that in this particular case the question of the overriding of the environmental assessment was going to be a very clear issue in the minds, not just of people in South Cayuga but all across this province. What it has done is effectively to remove Dr. Chant's ability to act objectively in recommending whether the environmental assessment should take place. There is no way we can get around that. From the moment Dr. Chant was asked to take on the position in the crown corporation, he no longer could act impartially as far as the environmental assessment steering committee's functions were involved. It seems to me that is another example of this government's willingness to go to any lengths to try to steamroller over the procedure which has normally been followed in the past.

I call on the minister to explain in this debate why it is he has gone to such lengths to try to avoid the environmental assessment process. He keeps claiming it will take

year after year. The facts are that in the case of the Thorold dump of Walker Brothers Quarries, the minister had a company which was engaged in breaking the law and which has now been charged by the Ontario Provincial Police—

**Hon. Mr. Parrott:** Is that correct? Do you want to put that on the record?

**Mr. Cassidy:** The company has been charged by the OPP. The Canadian Broadcasting Corporation and others have engaged in activity which by any definition of the law—although the courts will have to decide—look like prima facie cases where the law was not being followed by that company. It has been acknowledged by the ministry that the company was accepting liquid industrial wastes in contravention of its own permit for that particular site. Down at Harwich—

**Hon. Mr. Parrott:** What company has been charged? I want to know.

**Mr. Cassidy:** The minister will have his turn.

Down at Harwich, the government got itself at loggerheads with the local council. The fact is there have been no hearings under the Environmental Assessment Act. The fact is it is not the hearing process which has caused the delay. It has been the approach of this ministry, the confrontation this ministry has consistently sought regardless of its assurances to the contrary.

The minister and the government have a credibility problem with respect to the way they are handling this particular process. Now I think it is up to the minister to explain why he is rejecting the environmental assessment process.

Does he reject the consideration of alternatives which is in that act? Does he reject the measurement of effects on the environment which is called for in the assessment required under that act? Does he reject the need to put forward plans for protecting the environment which is called for in that act? Does he reject the need to evaluate alternatives which is required in that act? Does he reject the requirement of the act that no funding and no licence shall be given until the environmental assessment process has been completed? It is clear that he does. Under those circumstances one has to ask, what good is it to have a piece of legislation if the government is never prepared to use that particular legislation?

Experience in the past where environmental assessment hearings have taken place has further put into question the capacity of

the Ministry of the Environment to get the story straight even with months of preparation. In the case of the Nanticoke project and in the case—

**Hon. Mr. Parrott:** No assessment act applied there. Get your facts straight.

**Mr. Cassidy:** All right. In the case of Nanticoke, the Environmental Assessment Board recommended against approval of the proposal. It said, among other things, that the Minister of the Environment had accepted data and figures from the applicant without inquiring fully into the validity. It indicated the ministry had neither the experience nor expertise properly to evaluate the technology which was being put forward in that case. It established that although the minister had a responsibility to evaluate the assessment, the ministry had blown its evaluation of the assessment and missed salient data which was very important and which led the assessment board to reject that application. That was the case of a proposal which went through the whole assessment procedure. I ask myself in a case where—Dr. Chant had this for a day—the cabinet had this for a period of a week—

4:10 p.m.

**Hon. Mr. Parrott:** A point of order, Mr. Speaker—

**The Deputy Speaker:** What's your point of order?

**Hon. Mr. Parrott:** I would simply like to correct the record to this point. I believe the member said it was an environmental assessment hearing for that project. Is that his statement? Was it under the Environmental Assessment Act? I just want to know whether that is being put on the record or not.

**Mr. Cassidy:** The Environmental Assessment Board under the Environmental Protection Act. The minister is picking at straws. The minister is being picky.

**Hon. Mr. Parrott:** It is an entirely different procedure.

**Mr. Cassidy:** The fact is that the ministry's own evaluation did not stand up in that case. The minister is now suggesting that the Environmental Protection Act should be thrown out the window in addition to the Environmental Assessment Act. If that is the position of the ministry, I suggest they bring in a repeal act for the Environmental Assessment Act. If that is what he wants to do, he should do it up front and not weasel around with regulations—

**The Deputy Speaker:** The honourable member's time has expired.

**Mr. Cassidy:** I was here in 1975—

**Hon. Mr. Parrott:** You just know the decision. You don't understand. It's sad.

**Mr. Cassidy:** I certainly do understand. I understand that should apply to every project, large and small, and the minister should not exempt or waive the application of the act every time there is a major proposal coming before the people of the province.

**The Deputy Speaker:** The honourable member's time has expired.

**Mr. Eaton:** Mr. Speaker, in rising to discuss this action of the honourable minister, I want to start by commending the minister for taking such action. I think we all realize the problem we face in this province in handling liquid industrial waste.

**Mr. Kerrio:** Who has been running the store for 37 years?

**Mr. Eaton:** It's a problem that probably every jurisdiction in North America is faced with at this time and one that some jurisdictions are taking action on. This minister is taking the leading action in North America to solve this problem. He is a minister who is dedicated to seeing the job is carried out properly.

Some of the actions of the opposition at times make the job almost impossible. I always felt the role of the opposition was to be critical, to put forth suggestions on what could be done in given situations. But it has become obvious the only role the opposition is playing in this province is one of obstruction. Any time there is some suggestion a site might be located in a particular area the opposition has gone in and tried to create a scare before the fact. They have utterly destroyed the process of trying to carry through on assessment hearings.

**Mr. Cunningham:** Why isn't it in Middlesex?

**Mr. Eaton:** Somebody said why not Middlesex. Middlesex was on the list in the MacLaren report.

**Mr. Cunningham:** You screamed and cried.

**Mr. Eaton:** I did not say a word against it. I took the facts as we had them and at that point there were very few facts because the MacLaren report just indicated possible sites in this province. But one of the NDP members came into the riding and created scares. The NDP came in and gave complete misinformation. They put figures at 500,000 times what they actually were, as we raised it in the estimates of the Ministry of the Environment. It was just atrocious misrepresentation of a situation.

Without the facts, without starting on any assessment in the area, they came in and suggested circulating a petition—"Let's get a petition going against having the site come here." That utterly destroys any process that can take place in assessing a problem and assessing what the impact might be, having any environment hearings, because scare tactics are carried out before any process ever takes place. This is a problem that faces everybody in Ontario and everybody has to deal with it responsibly.

It was refreshing to hear some of the people at the Ontario Federation of Agriculture this morning when they moved a resolution to try to work with the minister, to have people involved in some way so that they could know exactly what was going on in the process and exactly what was to happen. It was obvious in discussions that the minister had with them this morning they had already been fed misinformation again and someone was already trying to get a scare tactic going in that area to reject outright any location of an industrial waste plant. Before any assessment could take place or before any hearing could take place, they wanted to have people scared so they would object to having it there; yet at the same time they want the problem dealt with.

This minister is taking steps to deal with the problem. He is taking steps to work with the people, wherever the plant might be located, and there is not even an assurance at this point that it will be located at the South Cayuga site. That is the site the minister has chosen. There will be a lot of work going on before it is finally said that this is where it will be located. That scare tactic still goes on among the members of the opposition.

It is the responsibility of the opposition, as well, to try to take a look at the facts properly, to try to assess what is needed, to try to assess the technology that is going to be applied. Probably the best technology in the world will be applied to this site to handle liquid industrial waste in this province. Surely this is what we want; this is the way we want the waste handled. If we continued the way we were, with an area suggested and immediately an attempt made to block it, we would never get this technology developed in Ontario. There were certainly people at the federation meeting this morning who said, "We must get on with the job; we have a lot at stake."

The agricultural industry uses a lot of chemicals in producing food in this province. Those chemicals produce some of the indus-



trial wastes that have to be disposed of here. It is in that light they are concerned. They want to see industrial waste treated. Certainly there is going to be emotion involved in whatever area it will take place. But I think that type of suggestion today shows the responsibility, particularly of the agricultural community, and they were not limiting it to their own organization to be involved in a committee. They were suggesting they would take the leadership to promote the committee, but that lawyers, environmentalists and engineers be involved in it, people who would take a responsible look at it. Those people could then pass on their comments and their facts to the public and could deal with the public so there is not suspicion cast by the opposition that it is the government that is doing it.

It really is a belittlement by the Leader of the Opposition when he suggests that it is a political ploy of any kind on the part of the government to have people like that involved. Surely all the citizens of this province want to see people involved in it, who are interested in seeing that the job is carried out correctly. Members opposite destroy the process by the actions of people going out and starting their scare-mongering before that process can be followed through.

Interjections.

**The Deputy Speaker:** Order.

**Mr. Eaton:** This process can be a leader in North America. It can be an example for other jurisdictions to follow in treating their waste, and we need that.

**Mr. Swart:** On prime land?

4:20 p.m.

**Mr. Eaton:** I think anybody in this province should be prepared to sacrifice 100 acres of prime agricultural land to see that industrial waste in this province is treated. The importance of this treating of industrial waste far outweighs 100 acres of land. The industrial waste that is being spread around this province at this time by irresponsible people and the blocking of the process of being able to treat it by irresponsible operations could do a lot more than damage 100 acres of land in this province. It could put all kinds of acres out of production. This is what has to be considered at this time.

I would hate to see the members opposite do it because where would they put it? They would go to every community and say, "We can't put it in your community." On the basis of facts, on the basis of information, this minister is taking leadership in doing what

needs to be done in this province in regard to treating industrial waste.

He deserves the consideration and support of the people of this province to do it, and to do it in a rational way. I am sure if people look at it rationally and not just for political purposes, as some people on the other side are doing, not just for scare-mongering, this job will be done, and it will be a landmark in North America for the treatment of industrial wastes.

**Mr. G. I. Miller:** Mr. Speaker, it is with a great deal of pleasure that I rise to speak in this emergency debate this afternoon. We have come to the crossroads in the history of Ontario when we are beginning to deal realistically with our wastes and trying to manage them properly. I think that is a step in the right direction, and I would be the first to agree we should be doing it in a proper manner. We have been trying to deal with this matter ever since I came into the Legislature in 1975. Because the government would not bring forward proper policies and guidelines to deal with it, we have got into a position at this time where we are in a panic position.

We are talking about an area in the riding of Haldimand-Norfolk, along the northern shores of Lake Erie, which happens to be represented by a Liberal member at the present time. I am proud to be a representative of that area. I was born and raised there and have made my living there. I have worked with that soil from the time I was 12 years old, and I think I understand it as well as anybody in this House, and maybe as well as anybody in Ontario.

We are talking about 12,500 acres of soil that is number one and two class land as classified according to the old classification—90 per cent of it. It is a resource we can make no more of. We have no more access to it. If we do not guard it properly, it goes down the drain, never to be retrieved. As I drive from home to Toronto every day, I see the good land being utilized along the QEW. When I was a boy it was beautiful orchards, beautiful farm land. It has disappeared; it has been paved over. We have no more access to it.

The same thing could happen with this particular piece of land we are talking about in Haldimand county: 12,500 acres of class one and class two land. We have already established a steel plant in my area, which is coming on stream. They own 6,500 acres of land. They have not even got one plant there at the present time, with the exception

of Charles Jones Industrial Limited and Marsh Engineering. They have the oxygen plant. But there are 3,500 acres of land there not being utilized. If the government really wants to take a look at some place to be utilized as a waste disposal site, that land is already zoned for heavy industry. It is already being properly utilized. Why not take 100 acres of that land and put the proper equipment in and deal with it? Why should the industry of our province not take some responsibility for dealing with its wastes?

Farmers recycle their waste and put it on the fields. It makes the crops grow better. We do not ask for support. The Minister of the Environment, living in the great county of Oxford, must understand that. But he has not cared to look at it. The government has 12,500 acres of land for which it paid \$2,000 an acre. The Minister of the Environment thinks it is dear; he is getting criticized for it. Down the road a few years that land may well be worth \$5,000 an acre for agricultural purposes.

I will give the honourable members an example. In Norfolk county—again going back 50 years—one could buy all the land one could get one's hands on for \$2,500 for 100 acres. What does it cost today? I just had a call from one of my constituents who was buying 164 acres and how much was he quoted for a farm credit loan? Does the minister want to guess? It was something like \$750,000, which works out to \$5,000 an acre. I am telling the minister this because it is properly managed. If he lets them come into that area and start this plant, although it only takes 100 acres as the member for Middlesex said, what happens to the land around it? Can crops be grown around it? My understanding is that that land goes down the drain. The food cannot even be eaten.

I agree we need a bridge there. That is being held out like candy to us. I agree we need a bridge there, but do we need the bridge to get from Port Colborne to the industrial park? I have pointed out to the Minister of Transportation and Communications (Mr. Snow) many times, because we have access to an industrial park, we have access to Dunnville and we have access to Port Colborne. In the meantime, leave it as agricultural land.

They should spend \$425,000 for a drainage study to improve the drainage. I have been trying to get the Minister of Agriculture and Food (Mr. Henderson) to do just that, to put it under the Department of

Regional Economic Expansion program, because I understand Haldimand needs some improvement in drainage. It needs some special attention because they are not getting a return for their dollar. If they could get a return on the dollar from the land, they could compete with industry any time.

The minister is making a mistake. As I indicated to the Speaker today, the minister is treating the people as third-class citizens by not even providing the rights of law established in this House. He is going against that very grain.

Now he says that we are going out on the street and misleading people. We are not misleading people. I would like to read my press release:

"The government's decision to locate a liquid industrial waste site in South Cayuga is irresponsible and totally unacceptable. Any attempt to bulldoze this decision through this Legislature in the same way that regional government was forced down our throats must be fought every step of the way and I intend to do that."

As the member representing the riding of Haldimand-Norfolk, I do not just consider my riding but the rights of everybody in Ontario. The government of Ontario does not accept its responsibilities when it tries to locate those sites within Liberal ridings to its own political benefit.

I received a resolution from the region of Haldimand-Norfolk today and I would like to read it to the minister. The reason I did not put it to him in question period was because it was addressed to the Premier (Mr. Davis) and I knew the Premier was not here:

"Would the Premier rescind the decision of the Minister of the Environment and follow the province's own environmental assessment process, which includes a full environmental study under the terms of the Environmental Assessment Act and an independent public hearing by the Environmental Assessment Board, before proceeding with any such facility?"

That was supported unanimously by the council of the region of Haldimand-Norfolk. That is not mine. It is from the people who represent that area. They are just asking for justice, the same as anyone else in the province and, as I said to the Speaker, they are not third-rate citizens. We have people who live on the other side of the Grand River. We have a parcel on the Grand River which is being used by the public—a public park, run privately. Doesn't the government

think they should have some protection? How can they justify spending these hundreds of thousands of dollars to protect their own seats over there?

I think the minister is on the wrong track and if he does not reverse it, he is going to have to go to the people of Ontario and explain it, because he is wrong. The Minister of Agriculture and Food is not meeting his responsibilities to protect the land. We have asked him, in all fairness, to stand up for agriculture because agriculture is good for the steel company of Nanticoke. Agriculture is good for that hydro plant at Nanticoke. Agriculture is good for the Texaco oil refinery there. Agriculture is good for Port Maitland, which is making plans to put up holding areas for storage of our grain to give it access to the St. Lawrence Seaway.

4:30 p.m.

They are taking away from that area any possibility of developing agriculture in the future just because they paid \$2,000 an acre. It may be cheap down the road. They are going to have to stand up and take the flak. We did not make that decision. They are the ones who did and they are going to have to stand by it.

**Mr. Swart:** Mr. Speaker, I rise to speak against the decision made by the honourable minister. In doing so, I recognize he has made a couple of moves in the right direction. First, the waste is going to be handled by a crown corporation; second, the location is somewhat removed from large and perhaps even small urban areas.

What the minister has done is objectionable for two fundamental reasons around which everybody else's remarks have revolved. First, he has abolished the environmental assessment procedure, has bypassed it; second, he is locating this on prime farm land.

**Hon. Mr. Parrott:** You are the guy who, more than anyone else, destroyed it. You should be ashamed to rise in your seat and say that.

**Mr. Swart:** The reason the minister gives is that there is such urgency at the present time and that is why he must abolish the environmental hearing. There is some validity to saying there is urgency at this time but we are at this point now through the fault of his ministry and his government. There is no mistake about it. He is the author of his own misfortune with regard to the rejection his government has been getting from the public.

The minister's actions in the last two years have been totally inexcusable. First, over the two years he has ignored his own reports. He knows very well that the interim report for The Development of Treatment and Disposal Sites for Liquid Industrial Waste, which was done by MacLaren, makes specific recommendations, and the two sites he chose did not conform to any of the recommendations made in that original report. The site the minister has now chosen conforms only in part, even though that report lays out 30 to 70 other sites that do conform with the criteria listed in this report.

I think I am correct in saying—if not, the minister can correct me when he gets up to speak—that the minister stated his previous selections had conformed with section three of the interim report on liquid industrial waste of the standing committee on resources development. I say to the minister categorically—and I would like him to deal with it when he gets up—that the sites selected in Thorold and Harwich did not conform with any of the five options. The number three option, which the minister quoted yesterday, called for joint public-private ownership in operation of sites and facilities. Where was the joint public-private ownership in Thorold? Where was it in Harwich? It is totally private in Thorold. It did not conform with one of those five options.

This was put before the minister over two years ago and he frittered away those two years. Now he says he does not have time for an environmental assessment.

**Mr. Kerrio:** They are not even on the list.

**Mr. Swart:** I know. The one we have now is not even on this list.

The minister has lost the support of the public and what he has done has been rejected because of his lack of inspection.

The minister replied to a letter of mine, which I wrote last June to tell him there were not adequate inspection officers in the Niagara Peninsula, by saying—and he will recall this—that the opposition parties, including the New Democratic Party, had demanded funds for the environment be cut down. I challenge the minister now to get up in this House and name one member on this side of the House who asked that funds in the Ministry of the Environment be cut back. I challenge him to do that. He said that to me in the letter.

The minister did not do the inspection. He does not know what was going on in the area. This is one of the main reasons he has been rejected by the public.

It is the citizens who have had to police the minister's dump sites and where the industrial waste was going. This was true in Thorold. The minister did not know there were problems there or that there were problems in Upper Ottawa Street. He knew nothing until they were brought to his attention. It is no wonder the public rejects his government's attempts to dispose of industrial waste. They have every right to have such little faith in his government.

The minister's failure also has been due in no small part to the secretiveness of what he has been doing. He had a report on the Thorold site last January that told him there was liquid industrial waste in the boreholes. One of them even was reported to have had paint in it.

**Hon. Mr. Parrott:** No, it did not say that.

**Mr. Swart:** I have the report here. It certainly did say there was paint in one of the boreholes where there was not supposed to be waste of any kind.

**Hon. Mr. Parrott:** Read that into the record.

**Mr. Swart:** I have the report here and the minister knows it.

The minister's failure has been due to the inadequacies of inspection and his doctrinaire beliefs that he had to let private enterprise do the whole thing. He has now come around after two years to taking the right move in that direction, but that was what caused a lot of the problems he had.

Everything the minister has done up to this time in the disposal of industrial liquid wastes has been wrong and now it is time he did it right. He cannot do it right at this site in South Cayuga without an environmental assessment. There must be an environmental assessment.

Finally I want to deal with the issue of using prime land. I hope when the minister gets up he will say how much of the prime land in that area will be prohibited from growing crops which can go directly to human consumption. I hope he will make that comment because the Minister of Agriculture and Food did not say that.

We know there are 640 more acres taken out under the total of something like 12,600 acres. We know there are going to be about 75 million gallons of liquid waste that is going to have to be stored around there someplace after it is solidified or treated by whatever process the minister is going to be using. We know this site is contrary to the interim report that was provided to him by MacLaren. There are perhaps 70 other sites

in total, either optimum or minimum, which they first recommended before the minister told them where they should go to bail his government out of the money it has spent up there.

It is deplorable that this government, which has done nothing to date to preserve the farm land in this province—

**Mr. Eaton:** That is baloney.

**Mr. Swart:** I challenge the honourable members over there to name one single major development that has been deferred or stopped because it was to be located on prime farm land. They simply cannot do it in the Niagara Peninsula or any place else. It is full speed ahead to develop on the very best land in this province.

Even their own document that was put out, their food land guidelines, should tell them this is not the place to locate that site. It says such things as, "Lands are to be available for agricultural use"—that is the high priority agricultural land. On a long-term basis, the type of land use permitted should only include uses compatible with agriculture and so on. That thing is no more worth the paper it is written on than the Environmental Assessment Act if the minister goes ahead and breaks this at the present time.

**Mr. Turner:** Where would you put it?

**Mr. Eaton:** You don't want the job done. That is what it boils down to.

**Mr. Swart:** The honourable members on that side of the House have no concern at all about the world food prices we are coming into at the present time. They have no concern at all about the lack of self-sufficiency of food production in this province or in this nation. They shake their heads; they don't have any concern about that.

4:40 p.m.

Just two or three days ago in the paper there was a reference to a starvation alert. "The world needs to go on a global alert because its food stocks are so dangerously low, the United Nations Food and Agricultural Organization said Friday." I also have another report from the *Globe and Mail* of September 16.

**The Acting Speaker (Mr. MacBeth):** The member's time has expired.

**Mr. Swart:** It forecasts one million dead in Africa this year. Yet the government is prepared on any pretext to go ahead with the destruction of the best land in this province. It is a pattern it has followed for 37 years, and we in this party are going to do everything we can to stop it.

**Mr. Ashe:** Mr. Speaker, I am indeed proud to be able to stand up so close to a man with guts. There are really not too many people in this particular House who have the guts of the present Minister of the Environment (Mr. Parrott). It must be extremely easy to sit over there and constantly criticize until they finally convince themselves they cannot have a positive thought to save their lives. That is what goes on all of the time. They say the government is not doing this and the government is not doing that; there is liquid industrial waste being dumped here and there is liquid industrial waste being dumped there; the government is not getting on with the job; it is not solving the problem.

What happens when the government takes an action through a minister, through a ministry or somebody who does something right? The first thing they do is criticize. It really does not matter what the process is, they immediately criticize it. They immediately then use some representatives, whether they be honourable members or people retained to advise people on the other side, whether they be leaders of the opposition or others to see if they can go out and disturb the area in question.

It is a matter, I suppose, of conscience be damned, of getting on with the problem and problem solving be damned. They stand up and say, "Yes, we are all in support of a better environment but," and it is in that big "but" that the political overtones really come through. It is not a matter of saying, "Yes, we think this is good about it. We think there is a little weakness here. Yes, we would make a very positive, concrete recommendation there that might help. We will be part of a co-operative government process and part of a legislative process that will end up as the best for the people of Ontario and that will end up with the problem being solved that everybody acknowledges exists." I really have not heard anybody who does not acknowledge the problem exists. But, no, that is not what they do over there.

What happens when there are hearings? As a matter of fact, right in my riding, as many of the members in this chamber are well aware and as some of the people sitting in the galleries right now are aware, there has been a proposal put forth by the regional municipality in which I reside and part of which I represent to convert a redundant sewage treatment plant to a treatment plant to treat liquid industrial waste. That was the proposal. Some of the same people I am talking about went out and stirred up the people.

There is no doubt people have quite legitimate concerns. They want it proven whether something is right or something is wrong. We went that process. I am very pleased to say the people of Ajax were much more responsible and receptive to their natural feelings than those in some of the other areas which were being proposed for an environmental assessment.

What happens there? The people are turned off and have their minds made up before the process is even allowed to happen because things are stirred up from within.

**Mr. McGuigan:** Come down and tell the people of Harwich they are irresponsible.

**Mr. Ashe:** How can members opposite talk about the problem there is in having a hearing when they are already telling them it does not matter what the hearing says because the answer is no? Let us get on and be realistic. You cannot have your cake both ways. You cannot have your cake and eat it too. One has to be on one side or the other.

**Mr. McGuigan:** Mr. Speaker, on a point of privilege: I did not at any time tell the people of Harwich they could not have a hearing. I fought for the matter of their having funding for the hearing. I challenge the member or any member on that side to find where I said that. Until he can find that, I demand he withdraw his statement.

**Mr. Ashe:** The member must have a guilty conscience. I do not know that I was talking about him when I pointed over there, but if it makes him feel better, that is fine. I will acknowledge, I do not know if he personally made those kinds of statements. I will say categorically that some of the members over there made those kinds of statements in his area. I apologize to him personally if he did not.

**Mr. McGuigan:** I would say again, no one on our side of the House made irresponsible statements regarding Harwich. Perhaps people did from another party that came in, but not from this party.

**The Acting Speaker:** The honourable member may speak for himself. I do not see how he can speak for the entire group.

**Mr. Ashe:** It is also on the record that I feel, and I think it has been acknowledged by many, there is a process in place. How can the member, or any member in here, consciously get up and say, "We have a process, we have law, we have to live by it," and at the same time go out there and say, "We are opposed to it"? That is the same as saying, "It does not matter what the process

says. We do not even want the process to happen because our minds are made up."

The member has said that whether he wanted the process to happen or not, he made a conclusion, and the same thing has happened in many places. The answer is, the problem is still there. We have a minister who has the guts to get on and solve the problem. Let us do it responsibly and let us try to get something concrete out of it. There are even some suggestions vis-à-vis the choice of that particular site.

**Mr. McGuigan:** Mr. Speaker, on a point of privilege: I did not draw any such conclusions. I call on the minister, who was at a meeting in Blenheim in Harwich township, at which I clearly said I supported the law and I would not take part in any activity that violated the laws of this province. The minister was there and heard me say that.

**The Acting Speaker:** The point has been made.

**Mr. Ashe:** I hope the Speaker is keeping track of the time and all of mine is not being used.

**The Acting Speaker:** I have that in the back of my mind.

**Mr. Ashe:** There have, of course, also been suggestions as to the choice of that particular site. I would even suggest that some of the innuendoes that have been put out here, today particularly and I suppose to a lesser degree on Tuesday, would really impugn the integrity of the MacLaren engineering firm and the reasons and motivations that ended up in its report.

Of course, that is up to that particular organization, which I am sure has the expertise and the qualifications to defend its integrity. I am really surprised that certain members would even think that low of a professional organization. I believe they have professionals working there and they are widely recognized as being a highly professional organization.

What we are really talking about here is a problem that has to be solved. We are talking about solving it in a reasonable and responsible way. Once again, we have the rural community through some of the spokesmen opposite saying, "They do not recognize famine in the world; they are going to abuse 100 acres of land." What rubbish—100 acres. They say, "Bring it into the urban community." But those same people will go around into the urban community—again, the town of Ajax, which I represent, is exactly that; it is a relatively small urban community

—they go in there and say, "Not in the urban community; put it out in the sticks; put it out in the boondocks." They cannot have their cake and eat it too.

There were even advisers who came, for example, into my area, professional advisers who, as a matter of fact, would not even put their own professional views in front of their peers for examination. I suspect their actual motivations in that.

4:50 p.m.

Those suspicions have some validity. But some of these situations are suspect when it is a matter of you're agin it if it is here, maybe for the exact opposite reasons. However that really is irrelevant. It is a matter of always being opposed to everything and anything. I think it is nice to know that we have a minister, a government and a province that are recognizing the problem and want to solve it in a reasonable, fashionable, responsible way to the betterment of us all, to get away from the irresponsible dumping and misuse of our lands going on now in the disposal of these same products.

People do not want to comprehend that the problem does not store itself. It does not just disappear for the two or three years some members would want to add to the process. It is here, now. I would even go so far as to say there are some lands now being degraded in this province because there is no place to go. This government, through the guts of this minister, is solving that problem and it deserves the support of this Legislature.

**Mr. S. Smith:** Mr. Speaker, earlier today the Minister of the Environment stated in this House that Dr. Chant "recommends the concept of this facility and the site selection need not be subject to hearing under the Environmental Assessment Act."

That implies to me that Dr. Chant in some way endorses the action of the government in not having an Environmental Assessment Act hearing for that site selection. But the fact is I have just spoken to Dr. Chant and he makes the following statement, which I am authorized to read in the House to correct the record. He says:

"I do regret that the site selection was not subject to a proper environmental assessment hearing, but given that the government has decided that the facility is going to be in South Cayuga, I am willing to operate that facility to make certain that it is the best facility that money can buy."

I want to make it very plain that Dr. Chant does not in any way endorse the fact that

there was not an environmental assessment hearing. He simply said that given that the site is a fait accompli and the facility is to be there because the government has so decided, he is prepared to operate the facility.

**The Acting Speaker:** The opposition has been placed on the record.

**Mr. Nixon:** It concerns me that the information just put on the record by my colleague, the Leader of the Opposition does not fall directly in line with the statement made by the minister earlier today.

I was very concerned that copies of the minister's statement were not available because they were so important. The intent of using Dr. Chant and Dr. Emery, apparently a well known member of the Ontario Federation of Agriculture, to carry the argument is substantially unfair. I hesitate and do not use the word "misleading," but I feel there was at least an attempt to carry the argument by fastening it to the reputation of these men rather than having it on its own merits.

I represent a constituency right next to that of the Minister of the Environment. We have no problem whatsoever co-operating in local affairs. The question from the minister and his colleagues is a valid one: What would we do instead? I would say the best answer is that we, and they, should simply obey the law. If there is a problem with the buildup of toxic waste from industry without a reasonable procedure for disposal, I can only assign some of the blame to the present Minister of the Environment.

The blame must be shared with his colleagues and predecessors going back 15 years because the policy of the Conservative government has been to vacillate and play protective politics with an issue that they knew must be solved at some time. The chickens have come home to roost. The toxic wastes are gathering in the present minister's puddle and he must do something about it. We agree on all sides.

All sorts of alternatives have been proposed. One of the most outlandish was to store some of these toxic wastes in Middleport, the constituency of Brant. We debated that in the House and a number of questions were asked. The minister adhered to the concept of an environmental hearing in that case, which was proper. In fact, it postponed the breaking of ground for such a temporary storage facility by 18 to 24 months.

Now the minister has simply forgotten that area and I am glad, but the alternative on which he has lighted, putting the toxic

wastes in South Cayuga without an environmental hearing is completely unacceptable. I cannot accept the argument that we have no time for an environmental hearing, a concept that has been intrinsic in what the minister and other spokesmen for the government have said. Deciding once and for all the disposition of toxic wastes is an important, and I might as well say politically sensitive, matter. If the minister had the guts to which his colleague alluded in the most previous speech, he should certainly have undertaken to retain the very best independent advisers and consultants from any place in Ontario and asked them to come up with their principal recommendation for the disposal of these toxic wastes.

You know, Mr. Speaker, the South Cayuga area was not even referred to in MacLaren's interim report. The only thing that recommends South Cayuga is that the government owns it and therefore can move forward without the problems that might be involved in an expropriation hearing.

They have asked what we would do, and what should be done if MacLaren has the people who are best in this. It concerns me that their reports, which do not even show that South Cayuga should be the repository for these wastes, do not even show red or pink behind the crosshatched blue, indicating that it was considered previously as a depository. There is every indication that the suggestion came from the minister or his officials and that is what concerns me.

Surely these experts should be given the responsibility for making the recommendation and the minister should then say: "Okay. Here is their recommendation. We will have an environmental hearing and I don't give a damn if it is a Liberal, Tory or NDP riding." Frankly, I don't think he does.

I am not prepared to get on my high horse about that in spite of the odds and difficulties presented to me and my colleagues over these many months. The minister asks what we would do and the simplest and best answer is to say we would do what the government should do, and that is obey the law, which calls for an environmental hearing. To proceed in any other fashion is an indication of the fiasco which has resulted because of the way in which the minister and his predecessors have dealt with this problem over the last 15 years, not an indication of good or great political leadership.

This is what concerns me. If the minister thinks that by a show of bravado and bringing in the names of reputations of the federa-

tion of agriculture and Dr. Chant he is going to ride roughshod over the opposition, he is mistaken. He knows the special political problems he faces in this House with getting approval for any of the proposals that were a part of his announcement on Tuesday and his additional announcements today.

I can assure him, and you Mr. Speaker, that all of us, including our critic who will speak later in this debate, are deeply concerned about the mess this province has got itself into with industrial toxic wastes, liquid wastes, and what we are going to do about it. I do not accept the contention that is inherent, that there is no time for a hearing. We have wasted the last six years in the muddle of the various policies of the minister and his predecessor, but we can get the kind of co-operation in this House called for from the last speaker if the minister is to say we are in this terrible situation, toxic wastes are metaphorically rising up past our collective necks, and here is the proposal, not based on a political situation under which he has to use up land John White bought by mistake—that has already been put forward.

The area of South Cayuga has not figured in any of the recommendations from the experts who had the freedom to roam the province and come up with a proposal, but if he is prepared to allow the experts, untrammelled by political advice, to come up with the best recommendation and then hold an environmental hearing, I, for one, am prepared to say that is where the stuff goes even if it is in my backyard in South Dumfries.

5 p.m.

**Mr. Isaacs:** Mr. Speaker, I think the challenge that was thrown out by the House leader for the Conservative Party is probably the reason why it is so important that we have this debate today and why I believed it was so important that we have it on Tuesday. I don't think things have changed substantially. We have to identify the problem, we have to look for the causes, and then we have to get the agreement of the people of Ontario for the procedures and programs the government and this Legislature wish to implement.

The minister does us some credit, and indeed does my colleague the member for Welland-Thorold a great deal of credit when he accuses him of being responsible for the cancellation of the Walker Brothers proposal before the Environmental Assessment Board. I would be overwhelmed if I felt that we in the New Democratic Party had that kind of

power over the people of this province. I want to say to the minister that it was not because of our actions that the council of the city of Thorold and the people of that community and the people of the town of Harwich and the council of Harwich decided they did not want those facilities to proceed in the way the minister had proposed in his role as coproponent with those two companies. If we had that kind of influence over councils that are not even dominated by members of this party, it would be an impressive day indeed. That day will come and the day will come when we are on that side of the House.

Let us look at the problems because we have very little time in this debate. The problems are three. The first problem is that great volumes of liquid industrial waste are being generated in this province. We have approximately 9 million kilograms of PCBs in Ontario today. We have 62 million gallons a year of liquid waste being produced by industry in this province today, and this figure is projected to go to 75 million gallons by 1984. We have a situation where, if the US government were to close the border to our liquid waste trucks, we would have an immediate crisis. We recognize that problem.

The second difficulty is that the government has been totally unable to get the people of this province on its side when attempting to deal with this problem. That is because of a total lack of credibility of this government when dealing with environmental matters. I want to quote very briefly from a paper by David Estrin entitled *Siting Hazardous Waste Disposal Facilities—How to Prevent Lawsuits and the Not-in-my-Backyard Syndrome*. The paper was presented to the Ontario Industrial Waste Conference in June of this year, and I know the minister's staff was there. Mr. Estrin, who is a well known environmental lawyer, says:

"Dr. Parrott has to be congratulated for bringing to the Ministry of the Environment a fresh attitude of 'Let's get something done about this grave problem.' Unfortunately, the ministry went about attempting to implement this initiative in a manner that totally ignored the very challenge that Dr. Parrott recognized in a speech in 1979—the need to gain widespread public acceptance of the existence of disposal facilities and the great need for new facilities."

Mr. Estrin does go on further to explain how it is necessary to get public leaders, not only in this House, but out there in the community, to trust in the credibility and technical competence of the Ministry of the Environment, and also says what is so des-



perately needed is a belief among the members of the public that the ministry is willing to allow the public to participate in the decision-making process. That process includes the siting decisions.

I want to use the MacLaren report, which we got on Tuesday, at lunchtime, to illustrate the point we are making today in this House. I want to tell the minister that although he has said the MacLaren report justifies his decision, in fact it does not justify his decision. Further, I say to him we are prepared to endorse wholeheartedly the recommendations contained in the MacLaren report. I want to go through them briefly and read portions into the record.

"1. It is recommended that the ministry continue to actively encourage industrial waste generators to minimize waste volumes by such techniques as process change, recycle, waste exchange, on-site treatment or a combination of these." We endorse that recommendation.

"2. It is recommended that the province proceed as soon as practical to acquire one or more sites where it would be possible to establish the following facilities:

"(i) a secure landfill;

"(ii) a high temperature incineration complex . . .

"(iii) a physical/chemical treatment complex . . ." We endorse that recommendation. We do have some questions about what is meant by secure landfill.

"3. It is recommended that the ministry explore the feasibility of using underground facilities, such as dry mines as an alternative to secure landfilling of solid waste or for the storage of relatively innocuous wastes . . ." There aren't any dry mines in South Cayuga and I don't think the recommendation is connected in any way with what the minister announced on Tuesday. In any event, we endorse it.

"4. When the ministry has selected a site for the establishment of waste management facilities, it should consider the development of a deep well for the disposal of residual saline solutions . . ." We endorse that, but not a deep well in South Cayuga because it has been illustrated before, in the case of the Nanticoke deep well proposal, that area is unsuitable for a deep well. Yet the minister has not stated categorically there will be no deep well on that site. Indeed, by endorsing the report, he is allowing us to believe there could be a deep well on that site.

"5. It is recommended that a generous buffer strip be established around any waste management facilities and that the buffer be

used for agricultural purposes not directly linked to the food chain (e.g., sod farming, nurseries and flowering seed production, growth of Christmas trees, et cetera). Provisionally, a minimum width of 500 metres is suggested for the buffer."

That recommendation confirms exactly what my colleague from Welland-Thorold said, that the land, all 740 acres, is likely to be taken out of food production, not just primary but secondary food production as well, because there aren't any animals that eat sod, flowering seeds or Christmas trees that subsequently go into the food chain.

"6. It is recommended that Ontario finance, own and control the facilities . . ." We agree. We welcome that. The minister has made his best step yet in dealing with the problem, but it is still not good enough.

"7. It is recommended that the province attempt to establish a waste management facility on a single site . . ." We agree. We concur. We endorse the minister's grasp of that.

The next recommendation is an important one.

"8. Experience in Europe has shown that some three years may be required to design, construct and commission a comprehensive, central waste management facility. Until such time as the recommended facilities are operational, the ministry should proceed with the interim solutions which it initiated in 1979 to alleviate the current situation with respect to liquid industrial waste management, viz, establish at least one interim storage facility . . ." and "establish one or two solidification plants . . ."

We have already addressed the problem of the minister's 1979 announcement and how that too totally lacked credibility because the homework had not been done previously. Nevertheless, if the minister is suggesting to us the South Cayuga site is going to be a temporary facility, as well as a permanent facility and that there may be things done on that site which are not to be done in a permanent facility, then we have to object very strenuously indeed. It is a fact that from the minister's announcement on Tuesday we do not even know what he plans to do on that site, let alone how it is going to be done or how we can be assured it is safe.

Recommendation nine talks about a complete review of the waybill system, which is long overdue and was not mentioned in the minister's announcement.

5:10 p.m.

I want to sum up in one sentence by saying that everything in the MacLaren report is supportable. Every recommendation in there can be dealt with through the environmental assessment process and in no other way. Every MacLaren recommendation can only be dealt with through our existing legislation. Let us get on with it. Let us get the hearing started as soon as possible in the new year so it can be completed in time for the facility to be operational.

Mr. Kennedy: Mr. Speaker, perhaps this afternoon and on several occasions there has been more heat than light addressed to this issue. I have some familiarity with the county of Haldimand and know of the texture of the Haldimand clay loam that has made such a contribution to this province's agricultural production over the years. I also know that in the selection of this site, as has been pointed out but lost along the way, we are speaking in terms of only 100 acres for the site with 640 adjacent acres as a buffer zone and in addition a control zone of a mile for safety reasons.

The impact on agricultural production in the total picture is so negligible, as has been stated by the member for Durham West (Mr. Ashe), it should not occupy the time of this House in discussion. If we look at any of the recent agricultural statistics, we will see in every crop an increase per acre production across this province and the reduction, if any, in this is so negligible we can dismiss it.

Besides that, within the control zone, agriculture can be carried on. I want to say if we do not address this problem and dispose safely of our liquid and other industrial wastes, there will not be any food within the food chain free of impurities. The whole province will have this problem right across its area if we do not come to grips with the problem, gather this material together and destruct it safely.

The first NDP speaker mentioned there is a problem of credibility with the minister. This just is not so. We have in this current minister a man of integrity, of honesty and ability, a forthright individual who has devoted a great deal of time to wrestling with this problem. He has come up with a solution that should be supported by all members of this House.

Over the years we have debated disposal of industrial wastes and selection of sites. I well recall being involved in a discussion on one occasion a year or two ago where

the member for Windsor-Sandwich (Mr. Bounsall)—and I see he is here—said we cannot have this process going on in the builtup areas. He said what should be selected is a large tract of land somewhere in the less populated areas of this province. I say to that member that I followed him in his remarks and endorsed that. Now this has occurred and it behooves us to come to grips with it and support this site.

There are two issues that seem to be addressed. One is agricultural production, which can be set aside, because in the total picture it is not urgent or important. The other one has to be risk and health. The minister has pointed out in his statement that the equipment being used will engage the best technology known anywhere in the world. They are going to go and find it. There will be a process that will ensure total destruction. If it is totally destroyed—and that is what will occur—there is no risk to health. In addition, we have the buffer zone and the control zone.

If anyone thinks I do not have some appreciation of the fear of any jeopardy to the health of people, I can set his mind at rest on that issue. I have been there and I know all about it. I know that with the facility there that risk is eliminated.

The other thing that was brought up is the need for an environmental assessment hearing. The member for Brant-Oxford-Norfolk (Mr. Nixon) indicated the minister was in violation of the law by the action he has taken. This is simply not the case. That act was put together to give ministerial discretion in such situations as this and it is being applied. When that bill was put to this Legislature, there was a lengthy debate and it went through. As I recall it, it went through after a great deal of input, both from witnesses who came and from the members. It was not a bill that was swiftly put through. It was put through with all these factors taken into account and was endorsed by this House. Therefore, the minister is within the law in using this discretionary power.

The other point I want to make is the concern that there would not be involvement of the public. I can assure the members, again from experience, that there will be involvement of the public, both unofficially and officially, through the makeup of the corporation that will be conducting the affairs of the facility. In that corporation are two resident members and, as has been announced, a chairman with unexcelled qualifications to chair the corporation.

I do not know in what further direction we could go, unless we are again going to procrastinate and not do anything. If we do procrastinate we can fairly state, as is the case now being demonstrated, there will be impurities in the food produced in this province, not only animal but plant as well. Plant, animal and marine life will be affected if we do not come to grips with the situation and get this plant established and in operation.

I want to congratulate and commend a courageous minister who has not brought this forward lightly. He has been working with it since he took over his present onerous office which he handles so well. He has been receptive, open and accessible to all groups. I have heard this across the province and so have the members opposite. Not only that, if we get this plant in place, our technology without doubt will ensure that Ontario will continue—and I emphasize continue—to lead in environmental protection matters. The spinoff and the benefits from what we learn, achieve and put in place to deal with these hazardous wastes will be available to other jurisdictions, not only in Canada but anywhere else in the world. I think it is a problem that must be addressed beyond our boundaries as well.

5:20 p.m.

I commend the minister for taking this lead, for finding out all the technical information that is available and building that in, as well as any improvements we can make, to ensure the most sophisticated, safe system that can be produced. We should, in this Legislature, proceed without further delay. Certainly, the public have a right to know what is going on and that information will be available to them. As I have said, the minister shares this and will continue to do so.

I have some understanding of the concern of the member for that riding and of the people, but from the experience that I, and some others here have had, that fear—perhaps if it is a fear of the unknown that will be known—need not unduly perturb them because there is no way this government is going to do anything to jeopardize the health of its residents. On the contrary, if we do not move on this, I submit we will be jeopardizing the health of the people of this province.

Mr. Kerrio: Mr. Speaker, I rise to speak to a very important issue. I am sure that all members on all sides feel that this particular problem is one of quite long standing. I must say at the outset that the government

should accept the responsibility for the problem as it exists today.

There has never been any jurisdiction throughout the land that has been in charge of the shop as long as the government of Ontario. For some of the members to come here and suggest that we members on this side are negative and all we can do is tear down what the government puts before the House is ludicrous in the face of the fact that we would not be dealing with this problem today if this government had taken a responsible position.

The member for Mississauga South can stand in his place and suggest that he is a responsible person, but when there was going to be a test run on burning PCBs in Mississauga he vociferously opposed the research. We were not talking about some kind of involvement of long standing; we were talking about research for the benefit of the people of Ontario and all of Canada. All that member had to do was stand in his place and say, "Yes, in the interests of the people across Ontario, I think we should allow this research to go on." It is ludicrous to suggest that we on this side of the House stand in the way of progress when a member on the government side can take that position and then stand here and try to defend the position of this minister.

I have been very much involved in the concerns as they relate to the toxins going into the river at Niagara. My concern has to do with the fact that there have been many governments in many jurisdictions not caring and not doing the proper thing. Recently, SCA Chemical Services Limited was dumping in the river. We need solidification processes in Ontario so that we don't put those wastes in the river. I say the situation in Niagara-Thorold was handled so badly that the citizens of Thorold were up in arms against the Walker Brothers site, and justifiably so.

If this government had put in place some kind of ministerial group that would go down and look at the situation and properly monitor that site, we would not have had the opposition from the citizens

We are still faced with the dilemma today that with all the government money and with all their expertise, the citizens of this nation still have to band together to defend themselves against the people they put in place to do the job for them. It just isn't happening.

What happened in Niagara is a disaster. In attempting to enter an agreement with Walker Brothers to put in a solidification

process, this minister did not see to it that the Ontario Provincial Police investigation was accelerated so they could get on with the charges that were going to be laid or not laid. It is still going on. The minister and the Solicitor General (Mr. McMurtry) have not seen fit to do what the people are demanding. They have put me in an awkward position because I have been waiting for the evidence to come forth to understand what the minister is trying to do.

I refuse to sit here any longer and wait. I am suggesting if the minister had done the proper thing, if he had put in place a monitoring group at Niagara that was going to look at every dump site down there, we would not be debating this issue here today. We would have a crown agency in place that would be doing the monitoring and we would not have another fiasco like the one that happened in Niagara-Thorold with the Walker Brothers Quarries facing us today. We would not be in this dilemma.

**Mr. Laughren:** Thank goodness for the member for Welland-Thorold. It is a good job he is there to look after things.

**Mr. Kerrio:** Are there not going to be any more speakers from the New Democratic Party? I thought everyone had a chance to speak to this issue. Why do you clowns not go out and do your thing later?

In any event, Mr. Speaker, I want to tell you I am taking a responsible position. When the member stands up and suggests it is not our role as members of Her Majesty's loyal opposition to point out the inadequacies of the government, I would respond by suggesting that is the very thing we are charged to do. This is what we are doing at this instant. That government is floundering over there and refuses to listen to some of the alternatives that should be entertained and that have been put forth by the members on this side. It is unconscionable, after that fiasco at Niagara, that now we are going to go into another site, have the citizens put in the same predicament as the citizens of Thorold and the people of Niagara Falls and start this process all over again.

I wonder when this government is going to learn that the citizens of Ontario are educated. They understand the process. They only want the government to follow the rules of the game. This government has been in power so long it thinks it can take along the referee while it plays the game and changes the rules as it goes along. We are not going to be satisfied with that any longer. We are going to ask the government

to put good legislation on the floor, let this group debate it and put those regulations on the books. We will ask the government plainly to live up to the rules of the game. Let us not look to run end runs around the rules as they exist today, as the minister is now trying to do with two different corporations by circumventing the hearings as they relate to this very important site.

This site is going to be placed near the Grand River. There we go again. We are going to talk about waterways that might be disturbed. We are talking about more environmental impact on the Grand River, Lake Erie and the flow down through the Niagara River. That waterway will not stand any more pollution of any kind. The member for Welland-Thorold suggested there should not be another drop. On that score he was absolutely right. We cannot afford to have any more liquid waste get into our water courses. We must go the high road. We must make the kind of determination here and now that we are going to put in place reasonable laws and regulations and that we are going to live by them.

They were suggesting they did not have enough people to do the monitoring at Niagara. I pose this question to all members of this assembly. With all the advertising the Ministry of the Environment does, with the utter hypocrisy of the advertisements that show this beautiful girl coming out of this nice, clean lake, it is utter hypocrisy to suggest they do not have the money to properly inspect landfill sites and industrial sites. It is ludicrous in the face of the millions they are spending on these advertising campaigns. I say they should be stopped immediately and those dollars should be put in the hands of the people who need to monitor the very thing we are looking at today, that is, the pollution of our environment. That should start immediately.

The fact that the OPP investigation is still going on at Niagara speaks so well of the ineptitude of the two ministers over there who should get on with the job so we can resolve the question of whether there has been some violation of the regulations down at Walker Brothers Quarries. I think the minister has lost credibility. I do not know that we are going to allow him to go about the province in other matters whenever there is a crunch situation, deal on an ad hoc basis with it and put another site in place without environmental hearings. We may as well decide here and now that on the very first proposal the ministry is not going to be directing

those sites without proper environmental hearings.

5:30 p.m.

The last member who spoke for the NDP made mention of a couple of the recommendations by the Ministry of the Environment. I only want to read one. He neglected to complete recommendation No. 6 which reads: "It is recommended that Ontario finance, own and control waste treatment disposal facilities for liquid industrial and hazardous waste management"—he should not have stopped there; he should have read on—"and that they be built and operated by private sector contractors, using the best available technology."

I think the government has done a gross disservice to a proper blending of government and private sector involvement. It is going to put that back many numbers of years. I cannot imagine the Tories, who are supposed to be proponents of free enterprise, putting themselves in a box where they are not even going to be able to carry on with their own philosophies.

I ask the member for Durham West what is he going to do about that when he talks to the private sector? How is he going to justify his existence at all when he cannot even live up to the fundamental reason for being a Tory? I am completely surprised and disappointed.

**Mr. Speaker:** The honourable member's time has expired.

**Mr. Kerrio:** I have just about expired too, Mr. Speaker.

**Ms. Bryden:** Mr. Speaker, I am very glad we are having this emergency debate because the problem of the disposal of liquid industrial waste is equally as serious as the problem of acid rain. These are the two major environmental problems of today.

We know the problem of liquid industrial waste is a growing one as more and more toxic chemicals are used in industry. We are in great danger of fouling our own nests if we do not take vigorous action, not only to dispose of the wastes but to reduce the use of toxic chemicals and the production of toxic substances. Two years ago the resources development committee told the minister this was a serious problem, that time was of the essence and that the development of a comprehensive plan for action and for the safe handling and disposal of toxic wastes must have a high priority. What has happened in those two years? The minister has dithered with reports, dithered with pursuing blind alleys by private corporations and then, in

some cases, refused to co-operate with proposals from private corporations.

Take the one from D and D Disposal Services which asked in its most recent request through Environment Canada for approvals to conduct tests of its new diesel engine disposal method for PCBs. It could not get the minister to act on its request for approvals. It had already raised the money it needed for the tests and the building of a prototype. It was not asking for money, but the minister seemed to think that was what it was asking for and delayed giving the approvals until such time as the whole process was given to an offshore company in the United Kingdom.

As a result, a lot of the rights for this process will be given to that company. The whole European market will probably go to that company. We will not have the opportunity in Ontario to have this particular process developed and marketed from here to any great extent. Certainly, we are losing the world rights to it.

The minister's statement in this House, it seemed to me, showed it appeared he had finally, after two years, got the message of the resources development committee which was that if he is not able to find adequate disposal plans in the private sector, "It is essential that the government become directly involved." It has taken a long time for that message to get through to him. It is almost akin to St. Paul being struck on the road to Damascus that he has finally seen that a publicly operated corporation of a comprehensive nature is the only sensible way to deal with this problem, because it can monitor the whole thing without having to hire Parrott-troopers to monitor private companies.

It can engineer the whole thing itself to the highest standards, it can develop the best technologies, it can look after the question of aesthetics and of protection of any resident who may be within any distance of the plant. However, I think the criteria should be that whatever public facility is developed, it should be a considerable distance from any heavily populated area. That should be the first criteria.

The minister has seen that government involvement is essential. The one thing he has not seen is that in site selection there must be public involvement and public acceptance. For years the minister has been saying there is that not-in-my-backyard syndrome. I submit the minister has never tried to make a site selection process work. He has

never tried to make a site acceptable to the public.

**Mr. Eaton:** Not when you go out to a site and scare people before there is any.

**Ms. Bryden:** I am asking for full environmental assessment so the facts can come out.

I would like to set forth what must be done in order to obtain public acceptance. First, a series of criteria for site location must be adopted which says that no site may be close to a heavily populated area. Second, a series of standards must be adopted for design engineering monitoring and aesthetic appearance of the site. Third, complete information must be provided to the public on the proposal. Fourth, the local government must be consulted. Fifth, it seems to me that incentives for municipalities must be considered to have a waste disposal site somewhere within their vicinity but with adequate buffer zones around it. The government has never considered either incentives or easements for any property owners who might be within 10 or 15 miles of the site. We do have easements when Hydro puts through transmission lines. It seems to me those things should be considered.

There must be an adequate waybill system so we know exactly what is going into the site and can track all waste from the generator to the disposal. There must be registration of the waste being generated in this province so that we can plan the facilities needed for the disposal.

I think if the minister had proceeded along this route of developing a publicly operated, comprehensive facility that could be expanded and added to as needs developed, it would not have been necessary to ever consider the Ajax disposal operation. We have now gone through a long hearing process on that. Regardless of what the decision is, it seems to me that now we are going into a publicly-operated facility, if it was in the right place it could handle all the waste that was to be destined for Ajax.

**Mr. Watson:** What is the right place?

**Ms. Bryden:** I am telling the minister how he can determine what the right place is. He must, of course, provide a public education system on the standards that are being set and on the criteria for the site location and then he must conduct an environmental assessment to allow ecological and environmental dangers to be assessed. But also, no environmental assessment is worth anything in this province until public funding is given to citizens' groups appearing before such assess-

ment tribunals on a somewhat equal basis with the proponents.

This is one of the reasons citizens have been so suspicious of environmental assessment hearings, mainly, hearings under the Environmental Protection Act because we have not had many environmental assessment hearings. They have not been able to hire their own expert witnesses or researchers except by digging very deep into their pockets and paying with after-tax dollars.

5:40 p.m.

If the minister followed that pattern, he would not have to contemplate, as apparently his ministry is doing, putting in legislation that would set aside municipal protection bylaws. I call them protection bylaws because they are bylaws which say the minister can't have a waste disposal site in a municipality because in the past he has not enforced the regulations about such sites. He has not prevented toxic wastes from going into sites not licensed for toxic wastes. He has not monitored them adequately. He has not listened to municipalities when they said that they wanted to discuss tests before their results were put into effect, as happened in Mississauga.

I don't blame municipalities for passing bylaws of that sort. Their past experience with both the private operators of waste disposal sites and with the ministry's enforcement of the rules regarding them has been such that they have no confidence in the ministry. The minister must first build up confidence that he is going to operate a publicly-operated waste site in the interests of all the citizens of this province so that the location of any site will be acceptable to those into whose area it goes.

After all, we do have municipalities accepting factories of different kinds—

**Mr. Speaker:** The honourable member's time has expired.

**Ms. Bryden:**—airports and so on, but they are not accepted unless there is an attempt to persuade the public, to take the public into our confidence as to how they can be made as fail-safe as possible.

**Mr. Speaker:** The honourable member for Oxford. The debate concludes at 6 o'clock.

**Hon. Mr. Parrott:** I would be quite happy, if the member for Huron-Bruce would like to speak for the next six minutes, and I could conclude in 10.

**Mr. Speaker:** Is that agreed? The honourable member for Huron-Bruce.

**Mr. Gaunt:** Mr. Speaker, I will be fairly brief. The concerns expressed on this side of the House have been amply debated during the past two hours. I think it's pretty obvious that we have some very serious concerns about the ministry's action with respect to this particular site, particularly the location and the manner in which that was decided.

We feel the siting was not properly done. The site is not the best one in the province of Ontario and that belief is supported by the MacLaren report. I have been looking over the guidelines used in selecting candidate regions and on page 313, number 2 of the report, it says: "Avoid designated parks, open space and conservation areas." This site is very close to the Grand River Conservation Authority. The report also says: "Maintain a distance of eight kilometres or five miles or greater between site and urban or densely populated areas, specifically incorporated cities, towns and larger villages." This particular siting is only two kilometres from South Cayuga so the government is also violating this point.

"Avoid Canada Land Inventory lands designated as class one, two, three or four..." Thirteen per cent of the land is class three; 50 per cent is class four; quite a bit of the land in the control area is class two; so the government is violating that point as well.

"Hydrology: Avoid flood prone areas or hazard lands." Some of the control area is in an area prone to flooding.

The simple point is the government has taken the political route. It was stuck with a big chunk of land that was an embarrassment, and it simply decided that this was where it would go with the plant. The decision is not supported by the studies that have been done so far.

That raises another point. I think it was said in the House today that the government is going to undertake, through its consultants, hydrological studies to find out exactly what was going on. What if these studies show this is not appropriate? What if the tests show something is wrong with this particular site? Where do we go then? Do we start all over again?

It seems to me we have certainly got the cart before the horse in this one. I think that is why there has been so much concern expressed from the point of view of holding an Environmental Assessment Board hearing. Surely to goodness such a hearing would identify some of these concerns, would give the ministry and the other experts associated with this particular project time to advance

their evidence, if they have any, to support the selection of this particular site. To do so without an environmental assessment hearing I think is a very serious omission on the part of the minister.

That raises the other question and the other concern I have, and it is just as important, perhaps more so, than the first point. Frankly, I think we are going to destroy the Environmental Assessment Act by this action.

The Environmental Assessment Act, when it was brought into the Legislature and introduced for the first time on March 24, 1975, was proclaimed as a great new groundbreaking piece of legislation. The then minister indicated that without a doubt this bill was one of the most important pieces of legislation ever introduced into this province. What has happened? For the most part, projects have been exempted from the Environmental Assessment Act. The government, time and time again, has used the exemption clause in the act to waive any necessity for an environmental assessment hearing.

Section 3(a) of the act requires that the government submit all of the activities or enterprises undertaken on behalf of Her Majesty in the right of Ontario to an Environmental Assessment Act hearing. Section 30, however, exempts; it gives provision and power to the government to exempt if they so wish.

We had an extensive debate when this legislation was going through during which some members said that section, section 30, would indeed destroy this act and its intent if it were misused. I suggest it has been misused over the years and continues to be misused; and by its action in this case the government is going to destroy that act. I think that is one of the sad points, environmentally, with which we are going to have to deal.

I beg the minister to reconsider his position in this respect, because I think not only is the matter of this plant and the siting of this plant at stake, the Environmental Assessment Act and its intent are also at stake. If we continue like this we are simply going to destroy it; we might as well wipe it off the books.

**Hon. Mr. Parrott:** Mr. Speaker, it is a real honour to participate in this debate today, because there are few debates of more importance to the people of the province than the one in which we are engaged.

I want to start by suggesting that if there is any confusion in the remarks I put on the

record earlier, I would like them cleared. I believe the members complained a bit that they could not hear, so I have the record here.

5:50 p.m.

It says in Instant Hansard of this afternoon, 1510-3, about Dr. Chant, "After due consideration he agrees that the concept of this facility and the site selection need not be subjected to a hearing." That was the first one.

I skip down to 1515-3, referring to Dr. Chant, "He has given that a lot of consideration and he said he would act as chairman of that crown corporation. He said he thinks an environmental assessment hearing is not desirable." That is the way it reads. It should read "is not necessary." I want to correct the record for that one word, and that word only. I think that follows exactly what I said in the previous illustration.

I continue that it need not be "necessary on the site itself in the concept of a crown corporation operating that site" exists.

I think that makes it very clear.

**Mr. Nixon:** What are you reading from?

**Hon. Mr. Parrott:** I'm reading from the transcript of Instant Hansard. I don't want any shadow whatsoever on the appointment of Dr. Chant. He is by far the finest person we could find.

**Mr. S. Smith:** He says he regrets you didn't have a hearing.

**Hon. Mr. Parrott:** I am making it clear—and I am only going to deal with this one—that Dr. Chant said the site selection need not be subject to a hearing. He may very well have said he would have liked to have a hearing, but he also accepts that there need not be one.

Having put that aside, because I think it's awfully important, that board will have tremendous credibility.

They say we have done nothing right in the last two years. That's rather an interesting comment, for two reasons. We accepted 38 out of the 47 recommendations of the standing committee on resources development. Are members condemning that committee for having given me and this government such poor advice? I don't think so.

Let me put on the record just what has been accomplished in two years by this government. We have a new, updated and improved waybill system. We have a site identification study to provide a list of all the sites all over this province. We are monitoring

and testing those new sites and the old ones as well. We have a waste classification guideline. We have a new environmental police force.

We are introducing—and I will do that either tomorrow or early next week—new minimum fines. We had the most progressive legislation one could imagine in Bill 24.

We have given funds to the municipalities to upgrade their own landfill sites. We have increased enforcement. We have increased public hearings. We have a proposal for perpetual care under consideration. We are funding new technology on PCB disposal.

**Mr. S. Smith:** On a point of order, Mr. Speaker: Believe it or not, I would actually like to hear the minister. I'm having great difficulty hearing him.

I would ask the minister to kindly repeat slowly what he said about introducing certain minimum standards tomorrow. I did not hear it and I would like to hear it.

**Hon. Mr. Parrott:** I said tomorrow or in the near future I will introduce minimum fine legislation. I have already said that.

Let him pretend deafness. I think the Leader of the Opposition is deaf on many occasions.

This party and this government really appreciated the spirit of co-operation at the Ontario Federation of Agriculture meeting this morning. I do not know what the federation will decide. I do not want to infer it is going to make certain decisions. That meeting had the kind of spirit and co-operation that should be predominant in our discussions on liquid industrial waste. That's what we need.

**Mr. Kerrio:** Sure, they did it your way.

**Hon. Mr. Parrott:** The member says so many things; and it worries me that the members opposite apparently truly do not understand, with few exceptions, the Environmental Assessment Act as opposed to the Environmental Protection Act. There are great differences.

In the last year and a half, we have had 60 proposals for an assessment, but only one hearing. That is not a condemnation of the act, that is the greatest praise in the world.

What happens is a proposal goes forward. The people who make that proposal then are confronted with the deficiencies of that proposal and make the adjustments necessary to make it an environmentally acceptable proposal.

When that occurs, one has the spirit of co-operation. On only one occasion was it deemed necessary to go to a hearing process.



The Environmental Assessment Act never envisioned a large number of hearings. Why? Because that often becomes confrontation. We do not believe in that in this party, on this side of the House, in this government. We believe that one should try to listen to the people, try to understand the problem and come to solutions. That is what we are trying to do.

I have had the experience, Mr. Speaker, far too frequently—and it happened this morning in a private meeting; I said, “Why did you not let it at the least go to the proposal stage so you could see what was truly being proposed; why not wait until after the adjustments necessary in that concept became known, and then if you still want it, have a hearing?” He said, “I have to accept that I was unconditionally opposed to it; I took that position right from the very beginning and I really did not care what was said.”

That destroys the act; and in fairness, that has frequently been done in the past.

**Mr. Nixon:** Who said that?

**Hon. Mr. Parrott:** It was said at the meeting that we held with the Ontario Federation of Agriculture after the general meeting. It was there.

**Mr. S. Smith:** By whom?

**Hon. Mr. Parrott:** It matters not. It happened to be, maybe, a man from Harwich. I am not out to criticize that particular man, but it typifies what so often happens and that is the desire not to understand the proposal. That really is the essence of what we are talking about.

**Mr. Cassidy:** Who said that?

**Hon. Mr. Parrott:** It is really not important, because that, indeed, is so often what happens. Rather than listen to the proposal, rather than hear it through and then decide whether it is adequate and a hearing is necessary, they object right from square one. As the member for Middlesex said, “Let’s go out and wave the flag when there is not even a threat,” that is not the spirit of co-operation that will make this law work.

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, if you can keep those people quiet for another two minutes, I can sum up.

Mr. Speaker, I want to say to you—

**Mr. S. Smith:** There is a limit. Every trial has a prosecution and defence.

**Mr. Speaker:** Order.

**Hon. Mr. Parrott:** Indeed it has. Every person who is accused gets an examination

for discovery, then a trial and then a verdict, and you have consistently denied that opportunity for the Environmental Assessment Act. If we had the privilege on this side of the House to see that act work in Harwich, in Thorold—

**Mr. S. Smith:** Who did that?

**Hon. Mr. Parrott:** You did by your actions here of saying we are opposed. It just happens to be the case. You know it is true, it hurts and you do not like it.

**Mr. Speaker:** Order.

**Mr. S. Smith:** The hearing officer could make the decision even if he hears both sides of the case.

**Hon. Mr. Parrott:** Can you explain to me why in the community of Thorold, before the proposal even came to public knowledge, a vote was taken and the decision was 90 per cent against. Now if that is not before the trial even begins—

**Mr. S. Smith:** The hearing officer is still free to make his own decision.

**Hon. Mr. Parrott:** Yes, indeed he is, against the 90 per cent vote. The sad part about it is that we on this side of the House believe when the people speak we must listen and we do.

**Mr. T. P. Reid:** Have you heard them in South Cayuga?

**Mr. Speaker:** Order.

The time for this item has expired and this is the time at which we normally have the statement by the government House leader to indicate the order of business for the next week. With your indulgence, we will hear him.

6 p.m.

**Mr. Cassidy:** On a point of order: During my contribution to the emergency debate this afternoon I stated in error that charges had been laid against Walker Brothers Quarries. I should have said they were being investigated and mentioned the fact that the ministry had withdrawn from its partnership with that company in Thorold.

**Mr. Speaker:** That is to correct the statement. It is not a point of order.

## BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** Mr. Speaker, pursuant to the standing order, I would like to indicate to the House the business for the rest of this week and next week.

Tonight we will be continuing with any legislation not completed on Tuesday, No-

member 25, in the order of bills as shown on today's business paper.

Tomorrow we will conclude the estimates of the Ministry of Government Services and start the estimates of the Ministry of Revenue.

On Monday, December 1, in the afternoon, we will continue the estimates of the Ministry of Revenue; and in the evening we will also do the estimates of the Ministry of Revenue.

On Tuesday, December 2, in the afternoon, we will discuss any third readings of bills on the Notice Paper; then we will continue with any legislation not completed this evening, Thursday, November 27. Second reading in committee of the whole House is required on Bill 191, which is the Employment Standards Amendment Act; then Bill 187, which is the Retail Sales Tax Amendment Act; then in committee of the whole on Bill 172, the Municipal Affairs Amendment Act. Second reading and committee of the whole is required on Bill 200, Bill 199, Bill Pr36, Bill Pr18, Bill 201, Bill 204 and

Bill 177. In the evening we will continue with the legislation I have just indicated, that portion which is not completed in the afternoon.

On Wednesday, December 3, four committees may meet in the morning—administration of justice, general government, resources development and plant shutdowns. Four committees may meet in the afternoon—administration of justice, general government, social development and plant shutdowns.

On Thursday, December 4, in the afternoon, we will again schedule private members' ballot items 35 and 36, standing in the names of the member for York Centre (Mr. Stong) and the member for Parkdale (Mr. Duksza). In the evening we will debate the Hydro affairs select committee's report on nuclear fuel waste.

On Friday, December 5, we will continue with the estimates of the Ministry of Revenue.

The House recessed at 6:03 p.m.

#### ERRATA

| No. | Page | Col. | Line | Should read:                             |
|-----|------|------|------|--|
| 113 | 4299 | 2    | 14   | On the severance in question, Mr. Gordon |
| 113 | 4299 | 2    | 47   | and (e) the Simcoe County Health Unit.   |
|     |      |      |      | None                                     |

**APPENDIX**  
(See page 4671)

**ANSWER TO QUESTION  
ON NOTICE PAPER**

**PARTICIPATION HOUSE**

403. Mr. Isaacs: What is the date and amount of each and every cheque or transfer of funds made payable from the Treasury of Ontario to Participation House of Hamilton and District, or to some person or agency on behalf of Participation House of Hamilton and District, since April 1, 1980? What is the amount of additional funds provided to those agencies which have been providing temporary accommodation to residents of Participation House of Hamilton and District since the residents were moved from Partic-

ipation House? What procedures are in place to ensure that Gains-D cheques which are normally deposited to the account of Participation House of Hamilton and District are not being so deposited while Participation House is closed? (Tabled November 18, 1980.)

Hon. Mr. Norton: The following are the dates and amounts of each cheque made payable by this ministry to Participation House since April 1, 1980. Residential care budget paid two months in advance, lifeskills paid quarterly. Claims are paid to approved expenditures on residential care budget. Unexpended dollars in lifeskills program are recovered at year-end.

**PARTICIPATION HOUSE**

| Cheque number and date | Reference                              | Amount    |
|------------------------|--|-----------|
| 632744 April 9/80      | April and May advance                  | \$ 80,000 |
| 664403 May 26/80       | June advance                           | 40,000    |
| 648332 May 30/80       | April subsidy and July advance         | 50,848    |
| 699903 June 30/80      | May subsidy and August advance         | 52,203    |
| 677630 July 31/80      | June subsidy and September advance     | 54,535    |
| 747947 Sept. 17/80     | July subsidy and October advance       | 46,954    |
| 790213 Sept. 30/80     | August subsidy and November advance    | 52,077    |
| 726532 Oct. 31/80      | September subsidy and December advance | 23,092    |
|                        |  | \$399,709 |

**LIFESKILLS**

| Cheque number and date | Reference              | Amount   |
|------------------------|------------------------|----------|
| 642316 April 9/80      | First quarter advance  | \$29,733 |
| 785777 July 31/80      | Second quarter advance | 27,671   |
| 740480 Oct. 31/80      | Third quarter advance  | 28,700   |
|                        |                        | \$86,104 |

Additional funds have not been provided to agencies which are providing temporary accommodation to the residents. Residents are paying for their care from the Gains-D Allowance. In situations where Gains-D has been discontinued because of the change in living situation, OHIP is providing funds for care. Supervisory staff from Participation House have been providing attendant care support and parental relief support to other facilities and families since August 22.

Gains-D cheques are being used to cover expenses of residents in their present living circumstances. Cheques are mailed to Participation House; the comfort allowance of \$61 is then forwarded by Participation House directly to each client and the remainder is paid out to the person or facility providing care through a purchase of service agreement with Participation House.

## CONTENTS

---

Thursday, November 27, 1980

|  |      |
|--|------|
| Radiation sites, statement by Mr. Elgie .....  | 4655 |
| Liquid industrial waste, questions of Mr. Henderson, Mr. Parrott and Mr. Wells:<br>Mr. S. Smith, Mr. Cassidy, Mr. G. I. Miller, Mr. Swart, Mr. Riddell, Mr. Isaacs ..... | 4655 |
| Food industry practices, questions of Mr. Henderson: Mr. Riddell, Mr. MacDonald .....  | 4661 |
| Soviet involvement in Poland, questions of Mr. Wells: Mr. Dukszta, Mr. B. Newman .....   | 4661 |
| Federal aid to transportation, questions of Mr. Wells: Mr. Cureatz, Mr. J. Reed,<br>Mr. MacDonald .....  | 4662 |
| Guelph textile firm, questions of Mr. Grossman: Mr. Worton .....   | 4663 |
| Durham regional environmental hearing, questions of Mr. Parrott: Mr. Isaacs, Mr.<br>Gaunt .....  | 4663 |
| Farm building materials, questions of Mr. Maeck: Mr. Watson, Mr. McKessock .....   | 4664 |
| Medical and dental procedures, questions of Mr. Wells: Mr. Roy .....   | 4664 |
| Uranium mining monitoring, questions of Mr. Elgie: Mr. Laughren .....  | 4664 |
| Assistance to Canfarm, questions of Mr. Henderson: Mr. J. Johnson, Mr. McKessock .....   | 4665 |
| Unicef Christmas cards, questions of Mr. Maeck: Ms. Bryden .....   | 4665 |
| Bendix Corporation, questions of Mr. Grossman: Mr. B. Newman .....   | 4666 |
| Notice of dissatisfaction with answer to oral question re liquid industrial waste:<br>Mr. Isaacs .....   | 4666 |
| Petition re annual report, Ministry of the Environment, 1978-79: Mr. Cassidy .....   | 4666 |
| Petition re Environmental Assessment Board hearing: Mr. G. I. Miller .....   | 4666 |
| Report, standing committee on social development: Mr. Gaunt .....  | 4667 |
| Ontario Waste Management Corporation, statement by Mr. Parrott .....   | 4667 |
| Ontario Waste Management Corporation, questions of Mr. Parrott: Mr. S. Smith,<br>Mr. Cassidy, Mr. Riddell .....  | 4668 |
| Motion re committee sitting, Mr. Wells, agreed to .....  | 4670 |
| Motion re transfer of bill, Mr. Wells, agreed to .....   | 4670 |
| Devolution of Estates Amendment Act, Bill 210, Mr. McMurtry, first reading .....   | 4670 |
| Institute of Chartered Secretaries and Administrators in Ontario Act, Bill Pr41,<br>Mr. Belanger, first reading .....  | 4670 |
| City of Kingston Act, Bill Pr50, Mr. Watson, first reading .....   | 4670 |
| Hamilton Club Act, Bill Pr51, Mr. S. Smith, first reading .....  | 4670 |
| Sioux Petroleums Limited Act, Bill Pr47, Mr. Breithaupt, first reading .....   | 4670 |
| Tabling answer to question 403 on Notice Paper: Mr. Wells .....  | 4671 |
| Motion to suspend normal business: Mr. S. Smith, Mr. Cassidy, Mr. Wells, agreed to .....   | 4671 |

**Liquid industrial waste:**

|   |             |
|---|-------------|
| Mr. S. Smith .....  | 4674        |
| Mr. Cassidy .....   | 4675        |
| Mr. Eaton .....   | 4678        |
| Mr. G. I. Miller .....  | 4679        |
| Mr. Swart .....   | 4681        |
| Mr. Ashe .....  | 4683        |
| Mr. Nixon .....   | 4685        |
| Mr. Isaacs .....  | 4686        |
| Mr. Kennedy .....   | 4688        |
| Mr. Kerrio .....  | 4689        |
| Ms. Bryden .....  | 4691        |
| Mr. Gaunt .....   | 4693        |
| Mr. Parrott .....   | 4693        |
| <b>Business of the House: Mr. Wells .....</b>                         | <b>4695</b> |
| <b>Recess .....</b>   | <b>4696</b> |
| <b>Errata .....</b>   | <b>4696</b> |
| <b>Appendix: answer to question 403 on Notice Paper:</b>              |             |
| <b>Participation House, questions of Mr. Norton: Mr. Isaacs .....</b> | <b>4697</b> |

---

**SPEAKERS IN THIS ISSUE**

---

Ashe, G. (Durham West PC)  
Breithaupt, J. R. (Kitchener L)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Cunningham, E. (Wentworth North L)  
Cureatz, S. (Durham East PC)  
Dukszta, J. (Parkdale NDP)  
Eaton, R. G. (Middlesex PC)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Gaunt, M. (Huron-Bruce L)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Havrot, E. (Timiskaming PC)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Johnson, J. (Wellington-Dufferin-Peel PC)  
Kennedy, R. D. (Mississauga South PC)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
McGuigan, J. (Kent-Elgin L)  
McKessock, R. (Grey L)  
Miller, G. I. (Haldimand-Norfolk L)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Reed, J. (Halton-Burlington L)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Turner, J. (Peterborough PC)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services (London South PC)  
Watson, A. N. (Chatham-Kent PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Worton, H. (Wellington South PC)



Ontario

No. 125

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, November 27, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



## LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 27, 1980

The House resumed at 8 p.m.

### ASSESSMENT AMENDMENT ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 185, An Act to amend the Assessment Act.

**Mr. Haggerty:** Mr. Speaker, I have some further comments to make relating to Bill 185, An Act to amend the Assessment Act. I hope I can continue without repeating what I said late Tuesday evening before the House adjourned.

I had indicated to the minister and members the deficiencies that exist in local assessment practices over a number of years. In fact, I was quoting from the policy statement on market value assessment from the Institute of Municipal Assessors of Ontario which had outlined the deficiencies and inequities that still prevail.

This summer we met with the mayor and some of the council and staff in Windsor. They had problems with the resource equalization grants that applied to that community and ran into further difficulties with the assessment practices there. They found a number of inequities still existing. The mayor indicated they had to hire two additional staff members to check on assessment practices and assessment records within the city. They said they had corrected assessments amounting to a little over \$4 million that were not entered on to the up-to-date rolls within that municipality.

I won't go into the details, but there were two full pages on the areas they covered. The exemption section under the present Assessment Act was brought to my attention. For a new assessment I believe one is exempted \$2,500 and that still continues. They thought there was quite a bit of abuse in these areas because people were building garages which were not part of the residential home. If abuses are to be found in the Windsor area, I suppose they are going to be found across Ontario. They mentioned the \$2,500 figure that was frozen for a number of years. If one was renovating a home or an attic or putting on a small addition, it had to remain within that \$2,500 factor.

Inequities are still being created under the present assessment practices in the province and that creates inequities in provincial-municipal revenue sharing. This has been spelled out by the city of St. Catharines, the city of Windsor and a number of other municipalities.

The Minister of Revenue (Mr. Maeck) has adopted a new resource equalization grant program this year. I don't know how much success he is going to have with it this year, but the resource grant factors that were applied in 1979 caused an uproar in many of the municipalities throughout the province. This was particularly so in the rural communities where there was quite a shift in property tax onto small rural municipalities. That was after the equalization factors were unfrozen. I don't know how successful the present formula is going to be in the property tax reform program the government has again looked into for 1981.

I notice the minister responsible in this area, the Minister for Intergovernmental Affairs (Mr. Wells), has indicated he has now appointed another committee to study what I guess is another committee's report. I hope they are going to bring in some definite policy or criteria the government can follow to bring some equity to property tax reform. I don't know if the report is ready.

The minister indicates that report is not available. I think the minister did indicate there would be an interim report but not a final report. Can the minister say if there is anything in that area? What property tax reform is accepted by the minister responsible? I find it difficult to find out which ministry is responsible because there are three different ministries which may have some say in the matter. There is the Ministry of Treasury and Economics, the Ministry of Intergovernmental Affairs and the Ministry of Revenue.

From my past municipal experience I do not think any changes have occurred in municipal criteria. The final results of any reassessment program occurring related to municipal financing procedure rests with the municipal mill rate set by each local council, based on every \$1,000 of assessed property.

Assessment is a lot like a con game as I think I have said before in past years. We can raise the assessment to any factor we want. We can raise it to market value assessment; we can raise it to 33 per cent of market value; 50 per cent; 75 per cent. But we have to change the mill rate.

**Hon. Mr. Maeck:** We can't change it; the municipality does it.

**Mr. Haggerty:** I said municipalities. That is how they get around it. I said the municipality may, and I am sure they would, have to change the mill rate. One mill would raise \$70,000 in my municipality. The mill rate at market value could be changed to one seventh, which would raise \$10,000. In the past when councils had reassessment—and this occurred in my municipality on a number of occasions—they lowered the mill rate and raised the assessment. Then in three years they would go back up to \$70,000 again, but the taxpayer would not feel that impact in the first year. It could be spread out over several years. One could always generate additional revenue by altering the mill rate and raising the assessment. Eventually they would catch up.

Under the old principle in municipal financing, once a municipality got to a factor of \$100 as it related to the mill rate and the assessment, it was at a dangerous level. The municipality was almost bankrupt. But that means nothing today because it can be changed about. I think the former Treasurer, Mr. McKeough, was trying to change the property assessment and lower the mill rate so it would not look that bad. Once a municipality reaches a mill rate of over \$100 it is almost into receivership. This is a difficult problem but I think the government brought it on itself. There are areas in which it can go.

I would agree to two recommendations in the bill. One is that municipalities are re-defined to include localities. At one time, a police village, village, built up area or a hamlet fell under the Ontario Municipal Act. I see now localities have been included in municipalities. I suppose that includes areas with unorganized municipalities. I think that is good. The other key amendment to the proposed bill relates to the assessment on gas lines. I can see there would be some revenue going back to the local municipality and I suggest this is a reasonable approach to take. As the official opposition, we on this side of the House have always taken it as fact that market value assessment or property tax reform can be implemented if an open-door approach is available to the public.

8:10 p.m.

I want to make another reference to the policy statement on market value from the Institute of Municipal Assessors of Ontario. Here is another interesting paragraph which says: "The advantages of market value assessment to ratepayers are (a) the ability to judge equity. With the implementation of market value assessment, all property owners can judge for themselves, based upon tangible available information whether assessments are fair and equal."

That is something that is not available today to anybody who really wants to get into the area of looking at his assessment, at assessment practices being carried out and at the assessment formula. In other words, each ratepayer need only know the market value of his or her property to know whether the assessment is fair.

Then the statement refers to "(b) the ability to exercise the statutory right of appeal." That is rather important. It says: "In the absence of an open and understandable criterion, such as market value assessment would provide, the democratic rights of appeal provided by the Assessment Act are impaired."

I can recall a few years ago as chairman of county assessment that when a reassessment was taking place and completed, the taxpayer had a right to go in and look at the assessment, how it was arrived at and what method was used. We do not see that today. If one hires a high priced lawyer, one can get that information. But there is not much information available to the public or the property taxpayer today.

If we look at section 78 of the Assessment Act, we find it makes it an offence for assessors or municipal employees to provide any information that does not appear in the assessment roll itself to anyone. The only exception permits disclosure by a witness in an assessment appeal or other judicial proceedings. This section, therefore, prevents the taxpayer from obtaining any information as to the methodology used or the manner in which it has been used in determining the assessment of properties other than his own.

Section 90 of the Assessment Act prevents the comparison of an assessment under an appeal with any assessment other than the assessment of similar real property in the vicinity. The term, "similar real property in the vicinity," is not defined. In many cases there is no similar property in the vicinity and, accordingly, no basis whatsoever for comparison.

That is really interesting when one looks at that. When one applies section 86(3) of the act, I wonder what comparisons can really

be made by the property taxpayer if he wanted to take a look within a vicinity to find out just what his assessment was and what method was used in arriving at a fair assessment on that property when he is not entitled to the information required to make even a reasonable appeal or judgement on what has been carried out by the assessors.

As I have said before, the minister could well use the revaluation of property assessment—the market value concept may well be too high a criterion—set now by studies and even by the Blair Commission on the Reform of Property Taxation in Ontario at 50 per cent of market value, which can change from one day to another. He could consider lowering the benchmark to 30 per cent, then phasing in the effects of moving to market value that would parallel the equalization resources grant structures within a five-year period. I think that is one area that should be looked at.

In my opinion, that would reduce the severe impact in its earliest stages and no doubt would be more acceptable to local government and the property taxpayer. Whatever method one chooses, it has to be fair to reach a standard of uniform assessment practice across this province. It is of prime concern for property tax equity within each municipality. I suggest the minister could have moved into that area long ago.

Based upon those comments, we in this party will be supporting the bill and its amendments. I feel if we had more information we would perhaps take a harder approach to the matter of market value assessment to find out just what direction the government is heading in property tax reform in Ontario.

It has been promised for some 15 years. I do not think we are any closer to it. We are no closer to removing the inequities within this system or the deficiencies under the present system as documented here tonight and on Tuesday night, particularly in the policy statement of market value assessment by the Institute of Municipal Assessors of Ontario. I think that pretty well tells the story right there. We support the bill.

**Ms. Bryden:** Mr. Speaker, in Bill 185 we have once again the government's annual admission that it has no policy to reform our very unfair property tax; yet this is the main tax source for our municipalities. It is a tax which bears heavily on home owners. It is a tax which bears little relation to ability to pay. It is a tax which is carrying a service load for which it is ill-designed.

Property tax reform has been talked about by this government for many years. When

it took over the assessment function in 1970 from the municipalities, it latched on to the market value concept as the way to bring about equal treatment of taxpayers with similar property. But after several false starts on implementing this concept and after the expenditure of hundreds of millions of taxpayers' dollars on these false starts, the government arrived at what it considered to be a set of market value assessments in 1974. These were to go into effect on January 1, 1975.

But the government suddenly discovered that the new values, the reassessment, would result in a huge shift in the tax burden from commercial and industrial taxpayers to residential and farm taxpayers. In adopting this concept, it had failed to recognize there were several markets in the real estate world. It had failed to recognize these markets were appreciating at different rates. Residential premises were going up the fastest and, consequently, received the biggest hike in assessment. The home owner was going to be stuck with a bigger share of the tax burden; in many cases he was already over-taxed.

We had pointed out this possibility to the government when it first started the process. We had suggested it should be studying the effect on different classes of taxpayers as it was going through the process by simulation runs. The government largely ignored our proposal and bulled ahead. But when the implementation date approached, it began to see hordes of angry home owners out there facing huge tax increases and an election looming at the same time. So in 1974 it postponed implementation for what I think were mainly political reasons, but presumably to give it time to find a substitute or a modification of market value assessment that would prevent this shift to the home owner from the commercial and industrial. Its bankruptcy in the field of property tax reform is evidenced by the fact we are going through this process for the sixth time and are facing the seventh year of delay in implementation.

Our party realizes that property tax reform is long overdue. We also recognize that less reliance should be placed on this source of revenue and more on the more progressive forms of taxation such as the corporation tax. But we also recognize that we cannot eliminate property tax entirely or immediately, until we build up alternative sources of revenue through a new industrial strategy and through a reformed overall tax system. We believe an unreformed property tax means

an unfair tax system and so we must move in this area.

8:20 p.m.

We have, therefore, addressed ourselves to the development of an alternative to the government's flawed market value assessment approach. We have come up with a package of proposals which, in our opinion, will produce genuine property tax reform. It is a package that will prevent the shift in tax burden which the nervous Tories realize is unacceptable. It is a package that will protect the home owner and result in property tax reduction for hundreds of thousands of low and middle income taxpayers.

Our package includes taking over 60 per cent of the costs of education, instead of the approximately 50 per cent now covered, and a revamped and enriched property tax credit system. Our property tax credit system has not been changed for years and has now been put out of date by inflation. Our package includes assessment based on the economic value of the property, not the speculative value of the property.

My colleague the member for Hamilton Mountain (Mr. Charlton) has described the details of this tax package in this House on several occasions. What is more, he has sent the New Democratic Party proposals to the minister. So far, we do not have any reply back from either the minister or his officials that has indicated they have found any flaws in the proposal. Why then do we have this sixth postponement bill in front of us tonight, instead of a government bill adopting this proposal for a revised market value assessment system that will bring true tax reform and will not shift the burden to the home owners from commercial and industrial?

I think the reason we have not had any move from the government in this field is perhaps they fear it might cost them a little bit of money because they would have to enrich the property tax credit system and would have to take over more of the costs of education. But the property tax is not really geared to carry the cost of services such as education to a very large degree because it is not a progressive tax. It is designed more to provide services to the home owner rather than education to the nation or to the province. The cost of the NDP proposal might be a few hundred million dollars—

**Mr. Speaker:** I want to remind the member that she should confine her remarks to those principles contained in the bill rather than those that are absent.

**Ms. Bryden:** That would at least give us time to look at an alternative, Mr. Speaker. But I agree, and I will be coming back to the fact that we are having another postponement.

It looks as if the only way we will get real property tax reform is to change this timid government. It looks as if we have to reject this government, which undertaxes corporations and overtaxes home owners. The government's procrastination in this field has cost many municipalities millions of dollars. It has caused us to develop complicated equalization factors on which we have to base grant allocations. It has allowed thousands of well-heeled taxpayers and corporations to appeal successfully assessments based on ancient yardsticks and escape their fair share of the tax burden. Municipal revenues have suffered as a result.

To resort to reassessment under section 86 of the act is not a solution. It does provide additional equity within categories of property taxpayers, but it does not allow for broader tax reform. It is not a substitute for the development of a proper yardstick for measuring all property values on an equitable basis.

I would like to question whether the Liberals are in favour of market value assessment. It was not clear to me from the remarks of the member for Erie (Mr. Haggerty) whether he was or was not in favour of the present unrefined market value assessment, which treats all markets as though they were the same. It was not clear to me whether he was aware there would be this serious shift if we did adopt the kind of market value assessment that is being talked about by the Conservatives. If he is in favour of the Conservatives' version of market value assessment, he is in favour of that kind of a shift. I did not hear any proposals that he was prepared to put forward as to how that kind of a shift could be avoided.

In the absence of any government alternative to the flawed market value assessment system, we cannot help but support this bill at this time. As I say, we would have liked to have been voting on a bill that had an alternative in it, but I hope this will be the last year we will face such a bill. By this time next year, I expect we will be on the other side of the House and able to bring in our own package on property tax reform.

The other clauses in the bill, besides the postponement clause, are mainly of a house-keeping nature, and I do not object to them. However, I do object to the lateness of this postponement bill. I understand the ministry

has the assessment notices based on this postponement ready to mail with an effective date of next Tuesday, December 2. If this bill does not pass this House before December 2, all those notices will have to be re-done at a cost of perhaps \$1 million or more.

The ministry is risking \$1 million of taxpayers' money by bringing this bill in so late. The minister has had six previous versions to copy, so it shouldn't have been a difficult bill to draft. It seems to me this is indicative of the inefficiency of this government, which pretends that it is businesslike, is concerned about the taxpayer's dollar and is on top of things. The government cannot control the length of debates in this House. Therefore, it has no guarantee that this bill will go through before December 2. I think it should not have been left to such a late date.

However, we are prepared to support the bill at this time. I hope we will not see it next year.

**Mr. Epp:** Mr. Speaker, first I have a pleasant task. I notice in the audience today Mr. Jack Lettner, the assistant deputy minister responsible for assessment. I want to take this opportunity to congratulate him on his position and to wish him well as a civil servant of the crown in his new post.

Secondly, I notice that we are again at the crossroads, bailing out the government at the eleventh hour by postponing market value assessment until next year or some other year. We notice a number of other provinces—I think all nine other provinces—have had substantial reform as far as assessment is concerned. This particular government, despite the expenditure of millions of dollars, has seen fit to postpone it again.

We are in the Legislature today for something that comes regularly about a month before Christmas. The postponement of market value assessment comes as regularly as Christmas. I would hope that sometime in the near future, if by chance we don't have an election next spring or next fall, the government will have the courage and the foresight to bring in some substantial reform as far as assessment in this province is concerned.

8:30 p.m.

There are a few points I would specifically like to draw to the minister's attention. One is the fact that appeals are often being drawn to the attention of the government and being taken to the court, whether they go to the Ontario Municipal Board, before some county judge or someone else. There are appeals that are proceeded with in

Ontario. One of the unfortunate aspects of those appeals is that when someone appeals a particular assessment and wins that appeal, that assessment is good only for that year.

In other words, the government of Ontario may be overassessing someone by 100, 200 or 300 per cent one year and the person wins that appeal. The assessment is then decreased significantly for that year and the next year the property owner has to appeal it again, and spend probably hundreds of dollars in legal fees, whereas the assessment may amount to only \$1,500 or \$2,000 in taxes. Yet the individual has to go right back to the courts the next year to have that assessment appealed.

I think that is a most unfortunate inequity in assessment in this province. I know the minister is trying to do an honest job as far as the assessment of this province is concerned. I hope the minister will look favourably upon some kind of amendment that will postpone going back to that higher assessment until some complete reassessment of the province comes into effect.

Of course, the other problem we have in this province has to do with the fact that because we have an antiquated assessment formula, we have a considerable number of appeals, particularly by large industries and commercial establishments. Because of this antiquated system we have, they are constantly winning those appeals. As a result, the city of Toronto has lost millions of dollars because of these various appeals. Because some of the people who are making these decisions may not be in the same kind of position to have all the facts before them, the municipalities are losing money. I would think if we were to total up the amount of appeals being won across the province, we would probably get somewhere between \$20 million and \$50 million. I am going to ask the minister to give us the amount lost last year as far as appeals were concerned in the province. Maybe he has that.

Anyway, whether we get it today or not, I am going to place a notice on the Notice Paper tomorrow to ask for the amount of assessment lost by all the municipalities in Ontario over the last number of years, individually and collectively. It is substantial and nothing really can be done until we have a complete overhaul of the assessment system in this province, because of the antiquated shape it is in.

The third point I want to raise has to do with section 86. We know, of course, section 86 of the Assessment Act was brought in a few years ago and that has taken some of the heat off the ministry as far as reform

is concerned. Nevertheless, it is kind of a back door form of reform and the provincial cabinet had resisted the implementation of section 86 for a number of years because it felt it was going to come in with a complete reform package.

That was the policy of Mr. McKeough when he was Treasurer and Municipal Affairs minister, but now it appears that with the implementation of section 86, assessment reform in this province has been postponed for many years. I would hope the minister, in his closing comments, would address himself to the question of exactly when in his timetable, as a cabinet minister, he will bring in substantial assessment reform.

The final point has to do with the tax grant for seniors. As you know, Mr. Speaker, this year the government in its wisdom decided to change the formula whereby seniors were going to get money for tax grants. If we read the brochure the minister put out, it says these grants will be paid directly to seniors in the spring and fall of each year. Even today when my office checked with his ministry, we found it is going to be at least six weeks before some of the people get these tax grants. That is beyond the spring or fall of this year. Six weeks takes us into 1981. It is not even this year, let alone the fall of this year. I was wondering if the minister would expedite matters as far as these grants to seniors are concerned—

**The Deputy Speaker:** I think the honourable member is straying quite a distance from this bill.

**Mr. Epp:** It is a very valid question.

**The Deputy Speaker:** It is a question but it does not really pertain to—

**Mr. Epp:** It has to do with this ministry, Mr. Speaker.

**The Deputy Speaker:** I would remind the honourable member that the bill to amend the Assessment Act is before the House at the moment.

**Mr. Epp:** You are right again, Mr. Speaker. I appreciate the opportunity of drawing that to the attention of the minister. Mr. Speaker, you have been very kind and I do hope the minister is able to address his remarks to the questions I have raised.

**Mr. Charlton:** This is the fourth year I have had the opportunity of speaking to this postponement bill. It is the first time in those four years that I have not been the critic and not been doing the leadoff. None the less, it is the fourth year in my very short career here that I have had to speak to this postpone-

ment bill. It is a task which concerns me quite substantially.

My colleague, the member for Beaches-Woodbine, made the point a number of times about what has happened to property tax reform in this province over the past 10 years, so I will not go over all that. What I would like to do is speak specifically to one of the sections of this bill and to attempt to talk to the minister about some of the things I know he is going to say in his wrapup on second reading, because he said them last year and the year before. I want to talk about section 86.

**Hon. Mr. Macck:** Never second guess me.

**Mr. Charlton:** I am going to anyway. The minister is going to tell us, as he did last year, that it is not true this government is doing nothing about property tax reform and assessment reform. He is going to tell us the section 86 program is, in fact, reform, that section 86 gives us assessments that are better than the antiquated system the member for Waterloo North referred to. And it is a terribly antiquated system in those municipalities that have not yet chosen to go the section 86 route.

Section 86 does not deal in any adequate way with the intent of assessment and property tax reform in this province. I refer the minister in my comments to the Smith reports of the 1960s, the place where all this debate started and the rationales that caused this government, the government this minister now represents, to decide to do property tax reform in this province. The intent was far different from any result we get from section 86.

8:40 p.m.

Mr. Speaker, I am going to refer very specifically here to the last part of one of the sections in this bill. We are dealing with section 86 and what section 86 is supposed to mean to individual property owners and to the assessor's view of individual properties. It reads:

"Subject to subsection 2, the assessment roll of a municipality to be returned in the year 1980 shall be the assessment of all real property as set forth in the assessment roll returned in the year 1979 for taxation in the year 1980 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1981 is returned, provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1980 is inequitable with respect to assessment of similar real

property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.”

I want to suggest that this section of the Assessment Act, a section which has been around for some time now, places an obligation on the local assessor, on the assessment commissioner in the region, on the assessment division of the Ministry of Revenue and on the Minister of Revenue himself, as the person who is ultimately responsible for property tax assessment in Ontario. I want to suggest that this section of the act is not being fulfilled and has not been fulfilled in any kind of fair, equitable and uniform fashion across this province.

I want to say to the minister that I have discussed this matter with his staff and received extremely good co-operation from his staff. Their understanding of my concerns is good and their willingness to sit down and talk about the problems is good, but the good intent expressed in this legislation is not being lived up to and the ultimate responsibility is that of the minister.

Equitable with other real property in the vicinity means something serious in terms of the whole intent of why this government got involved in property tax reform in the first place. Section 86 of the Assessment Act may never replace full and complete property tax reform, but section 86 has a beneficial role to play in this province. I will grant the minister that much. It is not assessment reform, though, in any real sense and it is not even being applied as it should be.

I have raised with the minister's staff a number of matters in terms of equity between similar property and the policy is not clear to the people in the assessment offices. It is being done differently by different people in the same regions and in different regions. The intent of section 86 and in those areas where section 86 equalization was done in full was that assessments would be equalized based on market value; that a particular year would be picked as the base year and that the market place in that base year would be used as the benchmark for market value.

The minister will recall that we went through this debate last year in a committee of this House when my colleagues to the right moved this same bill out to committee. They moved a number of amendments to section 86 and we had a fairly lengthy debate around the whole question of what did 1975 mean and how did 1978 and 1979 sales

relate to the market value of 1975. It was made very clear in that committee that one could not take the value that was reflected in the 1979 sale and apply it to a property as the market value when everything else was assessed on the 1975 base.

But it was also made very clear in that committee that the intent of section 86 was to use a market base of 1975, but to reflect the current economic situation in the community between similar properties. That is not happening, or at least it is not happening uniformly. It certainly is not happening regularly in the sense—and I know it is difficult—that the assessment offices across this province, although they are probably doing a continual analysis, are doing continuous updating from year to year of the changes in the economic relationship of municipalities as a result of new services, or whatever the case happens to be.

We had another problem, which I have also discussed with ministry staff. It is the problem of the factors themselves that have been used in the section 86 program. The way in which the factors are being used, in my view, totally offends this section of the act which is brought before us tonight. The intent should be clear since we are debating it here tonight.

In the section 86 program, on an individual property more than one factor is being used to factor back from market value to current assessment level. It is specifically done on properties where there is a rather large complex, partly commercial and partly residential. Two factors automatically are being used in the assessment offices on those properties.

In cases of what is essentially a residential property but part of that property is commercial—oh, no, there are no split factors. The assessment offices I have talked to, in that instance—because it is a small property and it does not matter who the owner of that property is anyway because he is just a little individual—say only one factor can be applied against that property. But if one can establish that the preponderance of use and the preponderance of value in that property is residential, then only the residential factor is used.

For those who have residential-commercial use on a small property like that, thank God at least some of them the residential factor instead of the commercial factor. But there are a number out there who got exactly the opposite—whose residential-commercial mix property, because of a slightly different split in the evaluation and because of a slightly different location on which that property sits,

had the commercial factor totally applied instead of the residential factor.

The people out there do not understand that at all, especially when two of them happen to be three blocks away from each other and one got the residential factor in total and the other got the commercial factor in total. They do not see there is any fairness in that. They do not understand why they got one or the other.

In the bigger sector, where the owners are bigger and more powerful, they got split factors based on the split on the property. The residential portion got the residential factor and the commercial portion got the commercial factor.

The government cannot have it both ways.

**Mr. Kerrio:** Sure you can. The Tories do it all the time.

**Mr. Charlton:** When this Legislature decided the province should become involved in total in the property tax system, one of the main goals it set out was fairness, equity and uniformity across the province. Uniformity is the one I am emphasizing now. The government cannot play different games for different people and have a uniform system. The minister certainly will never satisfy the people out there in the public who ultimately are the ones who have to accept the tax system as a fair system. He is never going to satisfy them by playing three different games all in one system.

8:50 p.m.

**Hon. Mr. Maeck:** I am not playing games and you know it.

**Mr. Charlton:** You are.

**Hon. Mr. Maeck:** The only guy playing games is you.

**Mr. Charlton:** No, no. Even most of the minister's staff agrees with me. Go down sometimes and talk to the guys who work on the street. Most of his staff agrees with me because they see the unfairness of what they are being told to do.

My colleague from Waterloo North mentioned something about appeals that are won only being good for one year. That is true. In some cases, the assessment can come right back up the next year. But in the case of split factors, where the people with the small residential-commercial mixed properties appeal and win their appeals, the assessors are being instructed in every single case to appeal that decision to the county judge. At the same time, in another sector, the assessment office is applying split factors from the outset.

Nobody is playing games here, except perhaps the minister. The minister can suggest that I am playing games. I am going to suggest that probably he is not playing games, probably he does not understand what is going on. From time to time, I think it is relevant for him to take the time to find out what is going on. That does not necessarily mean talking to research staff he has here. It means going out from time to time, going into the regional assessment offices, not to talk to the commissioner but to talk to the guys on the street and get their views of the problems that are being caused out there.

He does not even have to expect them to come up with the problems for him because they have been laid out here for him. All I am suggesting is perhaps, from time to time, he should go out and ask about some of the things that are brought to his attention with the people who are really confronted with it out there on the streets.

The intent of this section of the act is good. It is not being lived up to. That is one of my objections about having to deal again, for a fourth time in my case, with this postponement bill while he hangs his hat on the fact that section 86 deals with a lot of the problems. I am saying section 86 is not being lived up to even as it is printed.

**Mr. Isaacs:** Mr. Speaker, I do not think it is fair for us tonight to blame the minister for the mess that exists in property taxes in Ontario today, because he or his predecessors inherited a great deal of that from the municipalities at the beginning of the last decade. But I do think it is appropriate we blame the minister to some extent, and his cabinet colleagues forming the government to a much greater extent, for not having addressed the problem of assessment in a much more serious way.

As my colleague from Beaches-Woodbine, the revenue critic for this party, indicated earlier this is the sixth time we have had a bill of this kind before the House. It seems to me it must be with a bit of shame that the minister brings this bill forward yet again. Surely there are better things that could have been done. Surely the government is aware that the problem is so serious it needs to be solved, or at least we need to begin on the path to solution in a far better way than bringing in annual deferrals, year after year.

I was very disappointed that in the minister's opening statement we did not get an inkling of where the government is going on the matter of assessment. The minister will be aware that the Association of



Municipalities of Ontario has endorsed the section 86 concept as a first step on the road to full market value assessment. Yet there is absolutely no indication from this government that section 86 is, in fact, a first step on the road to full market value assessment. At the moment, there is no indication that section 86 is a road to anywhere. All it does is to deal with a particular crisis that exists in some parts of the province at the moment, namely that without section 86, appeals, particularly from large commercial and multiple residential owners, can cost the municipality dearly in terms of assessment.

There is no doubt that section 86 does help to deal with that one serious problem. It may, indeed, make the system a tiny bit fairer than it was before for the majority of home owners, tenants and commercial and industrial property owners. But if it makes it a tiny bit fairer for those people, it is not making it more fair for them between classes. It is only making it more fair within classes. Even then there are some serious problems.

On this matter of the between-classes comparison, I really do not understand why it is seen that there is equity in a system that means many tenants are paying well over twice in terms of assessment, and hence in terms of property taxes, that which occupants of single family homes are paying. It does not make sense to me that the high-rise apartment dweller, whether he is tenant or condominium owner, who with his small box in the sky makes a lesser demand on municipal services on an average basis than the single family home owner with his 30 or 40 or 50 feet of lot, should be assessed at any higher rate than the single family home owner. Indeed, I think there are very strong arguments in favour of assessing that person at a lower rate if we insist on talking in terms of market value.

There are problems in terms of the comparison of residential groups with commercial and industrial classes of property. I am going to take the commercial class. In many municipalities commercial assessment is a percentage of market value assessment approximately similar to the percentage at which the single family residential assessment is made. The factors are of the same order of magnitude. In many other municipalities there is a 60 per cent difference.

However, in Flamborough, for example, single family residential is at 7.5 per cent of market value and commercial is at 9.9 per cent of market value. That is approximately a 30 per cent difference. In the town of Stoney Creek, commercial is at 19.7 per cent

of market value and single family residential is at 13.6 per cent of market value. That is over 40 per cent difference. There is no rationale for that at all; it is a historical accident which arises as part of the program.

There are equalization factors in place which take into account the overall difference in magnitude in terms of the relationship of total assessment in the municipality to total market value of property located in the municipality. Those things are dealt with by the equalization factors. But that basic unfairness of the different relationship between classes is not dealt with anywhere.

9 p.m.

It means, and I will be quite frank about it, that businesses, commercial properties located in the town of Stoney Creek, are paying more than commercial properties located in the township of Flamborough, in the same region, in terms of their contribution to regional costs, even after the apportionment is taken into account. There is nothing fair about that. There is nothing sensible about that. There is nothing that makes that the right way to do things. We have to say where we are going. We have to be prepared. I think it is the responsibility of all members of this House, regardless of party, to tell the people of the province where we are going in the area of property taxes. It may be the three parties are going in different directions.

It worries me very greatly when I hear the Liberal critic of the Ministry of Revenue read the policy statement issued by the Institute of Municipal Assessors of Ontario and by inference associate himself with that policy statement. I hope he is not telling us and the people of the province that that policy statement is the policy of the Liberal Party of Ontario on the matter of property taxes. If he is, he is telling the people of Ontario his party is prepared to support, in the ultimate, a system of property taxes which will mean over the years an increasing shift in the burden from commercial and industrial properties to the residential sector.

We have seen that happen in places in the United States where they have implemented full market value assessment, and I know that even the latest reports are not suggesting a complete full market value in Ontario. They are suggesting a system where the residential sector is factored by 50 per cent, but that factor does not have an impact in the long run. In the long run, the impact of inflation on market value of property, particularly in a time when there is a downturn in the economy, will mean there

is a substantial shift in the burden from the industrial and commercial sector to the residential sector. It arises, very simply, because of the differing markets that exist for homes and for the other kinds of business properties.

I do not believe we should be aiming for full market value. I do not believe we should be aiming in any direction that fixes the system somehow associated with the market value of the property. We do not have that system today, if the truth be told, because industrial and commercial properties, as my colleague, the member for Hamilton Mountain, has already suggested, are not really being assessed on the basis of the market value of the building itself.

The Toronto-Dominion Centre is not really assessed on its market value, because the Toronto-Dominion Centre does not have the same kind of relationship to the market as a private home. Hence, the assessment departments, quite rightly, deal with those kinds of properties in a special kind of way, and that is fair; but we are not telling the general public that. We are telling the general public that under a section 86 reassessment that now exists, not in Toronto but in a lot of other municipalities around the province, all properties are assessed on the basis of their market value. We are not explaining to them what a hoax that statement is.

I really hope that, probably not tonight, but some time in the next few months, the government will come to grips with this issue of where we are headed and will indicate to the people of Ontario what its real philosophy about assessment and about the payment of property taxes is going to be in the future, because we have not seen that in the past.

I want to say to the government, too, please do not set up any more studies or commissions or anything else on property taxes and assessments. There are enough studies to fill a moving van. What we need are some policy decisions. They are tough, and they are difficult, but the Minister of Revenue has one that I'm rather fond of right in his possession, and so do assessment offices right across the province. That is the one this party produced last spring, and while it may not be the final answer, in my view it is so superior to any of the answers we have yet seen that it should be given some very real consideration. We are certainly doing that, and we are going to continue to do that.

Since by this bill we are extending the section 86 process for another year and implementing it in another bunch of munic-

ipalities on January 1, I want to add one comment to the comments my colleague from Hamilton Mountain has already made about the failings of that process. My comment relates to the difficulty I have encountered in terms of a problem with some of my constituents, but which is a more general problem, and that is the inclusion of economic condition as one of the components when the 1975 market value is assessed.

Economic condition is as much a component of the value of a property as is the area of the home, the size of the lot, the number of rooms, the style of construction—all those kinds of things. If economic conditions had changed uniformly across a municipality or across the province, that would not really matter, but economic conditions are not always constant across a municipality.

Sometimes something will happen in one corner of a municipality that makes a dramatic change in the economic condition for the properties that are located there. It can be a move in either direction. It could be that sewers came to the property and the development in the area was booming, and all of a sudden the value of the home that was relatively low in 1975 is much higher today.

My information is that that is taken into account by the assessment department—and that is as it should be—and it arrives at a 1975 market value using the economic conditions that exist in that neighbourhood today; but there is a problem when we go the other way.

When there were transient economic conditions in 1975, that meant the speculators were moving in and buying properties at a grossly inflated price and yet now that those economic conditions have disappeared today because the development has not proceeded in the way it was expected to in 1975 and the market has fallen flat and people now can hardly give their homes away, we seem to be running into a problem with the assessment department in getting that dramatic change in economic condition taken into account.

I know the minister's staff are aware of this because I know my colleague has drawn it to their attention. I know it is a matter of some discussion, but I wanted to raise it with the minister today because at least while we are stuck with the section 86 process—as we will be for one more year—I think the criteria should be clearly spelled out so that everybody can understand how the 1975 market value is arrived at.

I happen to think that economic condition should be taken into account, and I under-

stand that many of the minister's staff agree in general with that viewpoint. I think assessment offices across the province should be told that if there has been a markedly different change in market value from 1975 to 1980 in one neighbourhood which has not occurred elsewhere in the municipality, the 1980 economic conditions should be used when arriving at the 1975 market value assessment.

9:10 p.m.

To put it all on the table, I should tell the minister that on behalf of a group of my constituents I have made this argument before the assessment review court in the town of Stoney Creek because I was not able to convince the assessors in private discussions previously that this was the way to go. I was not successful in persuading the judge of the assessment review court that this was a sound argument. The reason I was not successful was that it is not written down anywhere. Nowhere does it say how the assessment department should arrive at the 1975 market value. If it is written down anywhere, it is certainly not known to me and certainly was not made known to the ARC that day.

So I think there is a real flaw there. While we continue with this section 86 process, we should know what the basic guidelines are and they should be applied uniformly in every municipality that opts for a section 86. I hope the minister will work with his staff and try to deal with this problem so that we can save some additional agony in other areas where it arises. I think it can be done quite easily. I do not think it is a major problem. I happen to know it has been done in the multiple residential sector in the city of Hamilton. They managed to work that out and they agreed there had been a major downturn in the market value so-called of all of those buildings across the city of Hamilton. They worked that out and that was no problem.

But for some reason we cannot get it worked out for this group of home owners who happen to be caught with lots of two acres that had a certain market value because of an apparent development in 1975 which is now clearly not going anywhere. That is another story because it then happened to be an Ontario Housing Corporation project and now it is an Ontario land corporation project.

If we were not on 1975, it would not be a problem. By coincidence that happened to be the boom year and every year since has been a bust. These people are trapped in a most unfortunate situation that really does need to be solved. I think it can be

solved, and I really do not think it is any big deal. I wanted to raise it because it will occur in other places where section 86 is being undertaken for 1981 and perhaps for 1982, if we carry on in this silly way. That is an additional criticism of the section 86 process that I wanted to make.

I want to come back to the matter of the factors established under section 86, because I think those are the seat of the real inequity at the present time. I happen to think market value is not the way to go. Maybe the minister still believes that is the way to go. Those kinds of things, I guess, will be worked out in this House at the appropriate time when the legislation is brought in to do whatever it is the government of the day—whichever government it is—decides it wants to do.

Even within regions, we have at the present time serious differences in the section 86 factors, which mean there is no equity among the classes in the different municipalities in the same region, in the same county or in the same school board district. While that continues, I really do not think it is reasonable for the government, for the Association of Municipalities of Ontario or for anyone else to say the section 86 process is fair.

In terms of solution, I really regret that the minister has brought this bill in so much at the last minute. I think assessment is one of those complex areas where it would be valuable, educational and useful for all members of the House to have the ability to go to committee, become informed as to what is going on and get an understanding of the process. I think that kind of committee discussion, debate and recommendations from a committee of this House might indeed assist the government in formulating a solution to the property tax crisis that is looming. It is a crisis. It is a very serious problem today.

The government has brought in this annual bill very much at the last minute, as it did last year. It therefore denied us the opportunity to take the bill to committee, to talk about the options, to look at the things that are being done in other jurisdictions and to formulate recommendations.

The Minister of the Environment (Mr. Parrott) was making statements today and last Tuesday about how helpful the report of the resources development committee on liquid industrial waste disposal had been to him. I do not want to liken an assessment to liquid industrial waste disposal except to say that both those areas are a disaster at the present time. Perhaps consideration of

assessment and the property tax system by a committee of this House, listening to experts, listening to different viewpoints, might come up with a report that is of some assistance to the minister.

I know we have a problem in this House in terms of the number of committees that sit and the amount of work there is to be done because the government is not addressing the issues of the day. I happen to think property taxes are a very serious issue. I happen to think it would be very worth while to have a committee of this House find the time to get into the issue, to talk to the experts, to review what might be done, to listen to the minister's staff and to come up with recommendations. This bill is clearly the vehicle to do that.

Next year if we are still here—we will be; I do not know about the government—and if it happens that the minister's party is still responsible for bringing in legislation, which may or may not be the case—it seems to me today to be pretty unlikely—I sincerely hope the minister will make a commitment to bring in the bill in plenty of time so we can take it to committee, look at it and get into some of these things in great depth. If the government is going to continue to abdicate its responsibility, then perhaps a committee of this Legislature working on the problem can come up with solutions the government has so far failed to find anywhere.

**Ms. Bryden:** Mr. Speaker, when I was describing the New Democratic Party alternative to the postponement, I said the policy of the NDP was for the government to take over 60 per cent of school taxes. I should have said 65 per cent.

**Hon. Mr. Maeck:** I wonder if the member for Beaches-Woodbine would also like to correct the record when she talked about hundreds of millions of dollars being spent on studying the assessment program in this province. I do not think that is a very good figure either.

**Ms. Bryden:** That is over 10 years.

**Hon. Mr. Maeck:** It is not hundreds of millions.

Mr. Speaker, I will try to reply in sequence to each speaker who was involved in the debate. I will deal with the member for Erie first.

His first remark was that he did not see any noticeable improvement in assessment in the province. I would like to draw his attention to the fact that since the section 86 program was brought in, with those programs in place and the ones that have

been on market value for some years, exactly half the municipalities in the province, more than 400, have had some work done on their assessment. I don't say particularly market value as the act describes it, but section 86 and market value assessment in other areas.

There are about 400 municipalities at the moment—no, I guess that is not the right way to say it. When we get the section 86 programs in place for 1981—there are 130 more coming onstream—then we will have 400. I do not want to mislead the member; that means half the municipalities will have been dealt with in one form or another as far as assessment is concerned.

9:20 p.m.

The member quoted the Institute of Municipal Assessors. It has always been its policy that it wants market value assessment in Ontario. I have said in the years I have been the Minister of Revenue that I agree with that policy. I do not oppose market value as such. But I have also said that market value assessment cannot come to this province without some form of property tax reform.

Two or three members have asked whose responsibility it is. It is the Treasurer's (Mr. F. S. Miller) responsibility, as I am sure everybody in this House knows. They know that all the property tax reform work was done under the former Treasurer, the Honourable Darcy McKeough. The precedent has been set and everybody knows that property tax reform comes under the Treasurer. It is his responsibility.

However, when the Treasurer is working on property tax reform he obviously looks for input from the assessment branch of my ministry as well as the ministry of Intergovernmental Affairs and the Ministry of Education, which are also involved. It does become a four-ministry situation.

Interjections.

**Hon. Mr. Maeck:** Do the members want to talk about assessment or environment?

**Hon. Mr. Parrott:** Oh, not environment.

**The Acting Speaker (Mr. MacBeth):** I think they would rather talk about environment. Would you please give your attention to the Minister of Revenue.

**Hon. Mr. Parrott:** I apologize, Mr. Speaker.

**Mr. Kerrio:** We have to get on to the Vicious Dogs Act.

**Hon. Mr. Maeck:** The member for Erie also suggested that the section 86 program should be done by region or county, rather than by municipality. We have taken the opposite

viewpoint simply because we want it to be a voluntary program. If we were to go by region, three or four municipalities might request it and two or three or four would not want it. We have taken the opposite approach; we do not want to force it on municipalities.

The region of Kitchener-Waerloo is an example. All the municipalities in that region have had a section 86 program with the exception of the city of Waterloo, which was the city's choice. If the city of Waterloo were to talk to the city of Cambridge, the city of Cambridge would tell them that they are much better off today assessment-wise than they were before we did the section 86.

There is no question we are going to have all kinds of difficulties in any assessment program. We are not perfect and never will be.

**Mr. Isaacs:** Some of them are better than others.

**Hon. Mr. Maeck:** There is no question some are better than others, and some assessors are better than others. We are all human, we all make mistakes.

The member for Erie, taking a leaf out of the NDP book, also suggested that the province should support education up to 60 per cent to relieve the tax burden on residential property taxpayers particularly. I cannot say I am particularly against that, but I remind all members that when we increase education grants to the municipalities to relieve the property taxes, the dollars have to come from somewhere. In the NDP proposal about which the member for Beaches-Woodbine spoke, the figure on the cost for education alone would be something like \$580 million. That money would have to be found. It is not so simple when one is on this side of the House and has the responsibility of finding the dollars.

**Mr. Haggerty:** You are paying almost 60 per cent now.

**Hon. Mr. Maeck:** That is not quite so. We are probably paying 51 per cent if we do not take into consideration the number of dollars that go into the property tax credit program and all the other programs dealing with property tax administered by my ministry.

**Mr. Haggerty:** Are you forgetting that \$30 million you owe the city of Windsor for the resources grant?

**Hon. Mr. Maeck:** I am not forgetting that, but that is a question the honourable member will have to talk to the Minister of Intergovernmental Affairs (Mr. Wells) about, not the Minister of Revenue. The Ministry of Revenue does not owe the city of Windsor any money. I do not think the city of

Windsor is in any worse shape financially than any other city in the province.

**Mr. B. Newman:** Would you like to have 20,000 unemployed in your community?

**Hon. Mr. Maeck:** That is another problem.

**The Acting Speaker:** Mr. Minister, will you please return to answering the questions that arose on Bill 185?

**Hon. Mr. Maeck:** I thought I might cover the whole situation as I go, Mr. Speaker.

**Mr. Samis:** You are not running for leadership, are you? The silent candidate.

**Hon. Mr. Maeck:** I am going to go back to the member's riding shortly. The member for Erie also talked a little about the \$2,500 assessment where anything below that is not picked up. That is so, except when we do a section 86 program. Those assessments are then picked up as part of the overall package. With any municipality that has gone on section 86, those assessments up to \$2,500 are picked up at that time.

He talked a little about equalization factors as well, but that is really not in this bill. I would be happy to talk to the member about that at another time. To touch on equalization factors very lightly, there had been appeals on some of them but I think it was found there was nothing wrong with the factors. That is the work this ministry does. Certainly, it was the effects those factors produced. That goes under another ministry, as we all know.

Several members spoke about the lateness of introducing this piece of legislation. I must apologize for that. Part of it is my fault. I was away the week this bill should have been introduced. I thought I had explained it, particularly to the critics, but apparently they do not accept my explanation. However, I see they did co-operate and allow us to go ahead with the legislation. I appreciate it very much.

The member for Waterloo North (Mr. Epp) asked about appeals. As the member knows, the appeals themselves are under the assessment review court, which is under the Attorney General (Mr. McMurtry). However, he was concerned about the fact that an assessment raised would be raised again the following year after the appeal had been granted. I am informed by my staff that is not what should be taking place. If he knows of any particular cases, I would be happy to look into that.

If the assessment is set by the appeal court it is accepted by my ministry. If it is not, of course, we have to appeal it. But instructions have gone out from my office

that once the assessment has been set through the review court they are not to raise that assessment the following year unless, of course, something else has been done to the property that requires it to be increased. If that is happening, I would like to know about it because I do not believe that once a court sets a rate of assessment we should be changing it the following year. That would destroy the whole appeal process. We cannot expect taxpayers to go into court every year and appeal the same assessment. I would not want that to happen.

He also wanted to know if we knew what the amount would be in this past year in losses in appeals. My staff advise me that at the moment they cannot tell me that but I will be happy to get it. If the member is going to put the question on the Order Paper anyway, he will get it then. I do not have it with me.

He asked when I would bring in substantial assessment reform. That is a tough question.

As Minister of Revenue, I have been trying to do something about assessment reform for the last three years and I think I have done a considerable amount. I think we are moving into a form of assessment reform, probably, as the member for Waterloo North indicated, a little through the back door. With the political climate in this province today, the only way we are going to get reform is by doing one thing at a time. I do not think we are going to get an agreement, at this moment at least, where we are going to bring in a brand new package and all the problems are going to be solved in one swipe of the pen. It is not going to happen. I have resolved myself to that situation.

9:30 p.m.

I am prepared, therefore, to work the Band-Aid approach, if members want to call it that, or the piecemeal approach. I am going to get some of this work done whether I have to do it one piece at a time or three pieces at a time. It is going to move. My staff at the moment are meeting with Treasury and have been over the past month or so. I understand they have some proposals to make to me and the Treasurer in the near future, probably in January. These will be considered and, of course, if there are things we feel we can do—we will obviously have to have approval of the cabinet as well before I can make it public—but I assure the members, we are working on property tax reform. I would not want members to hold their breath and expect it to be a complete reform package, because I do not think that

is going to happen. I do not think that would be acceptable to the public out there, even if we did want to do it.

I was pleased to find out this week that the Ontario Federation of Agriculture accepted the recommendation of its tax and assessment committee and on November 26, 1980, passed the following resolution. I want to read this into the record.

"1. That the taxation and assessment committee be continued for another year.

"2. Whereas section 86 would bring more equity to farm taxation and whereas most municipalities would benefit from the feasibility study, therefore be it resolved that the adoption of section 86 is desirable for most agricultural municipalities."

As I mentioned earlier in my statement, the Association of Municipalities of Ontario has supported the section 86 program. We now have the Ontario Federation of Agriculture supporting it. Even if members opposite feel it is a little bit lacking, at least it is being accepted out there. I think it is doing something to alleviate some of the inequities that existed prior to the section 86 program. I have said many times, and the members all know it, it is not the be-all and end-all. It does not solve all the problems. I never expected it to. Certainly it goes a long way to solving a lot of the problems that were there before.

I also want to commend my staff on the excellent work they have been doing in that program. It has created a lot of additional work for those people. They have worked hard. I think they have done a reasonably good job. I think they did a good job on the open houses.

One of the members, and I cannot remember which member, said no one seemed to be able to get any assistance. Maybe it was the member for Waterloo North.

Mr. Epp: No, I did not say that.

Hon. Mr. Maeck: No? Somebody did anyway. He said they could not get any information on it. We do have the open house whenever there is a section 86 program in any municipality. The assessors are instructed to co-operate. They are instructed to give all the information necessary. They are also instructed to give all the information necessary to assist taxpayers who may want to appeal if they are not satisfied with their assessment. We have tried to be as co-operative as we can. I will be making a statement tomorrow in the Legislature about open houses.

I wanted to speak a little bit about high-rise apartments as opposed to single family

homes, a topic brought up by the member for Wentworth (Mr. Isaacs). I know he feels the factors should be the same for commercial apartments as for single family dwellings. I think that was the point he was making to me. I would only point out to him that there has traditionally been a difference between apartments and single family dwellings which I am sure he is aware of. But there are a couple of points I would like to make to perhaps justify some of the difference. I believe the difference in most cases is spread too far; I believe that. But I have to point out to the member that if a person owns an apartment, that person is subject to deductions in other taxes than property tax and is subject to all kinds of other things that go on within an apartment, such as maintenance. It is a different position from that of the single family dweller.

If I own a house I cannot claim any of my expenses on my income tax, but if I own an apartment building, any of those expenses attached to that apartment building are deductions for tax purposes. So while it might look like a large spread, it actually is not as large as it first appears when you take into consideration that they get tax breaks in other ways.

**Mr. Isaacs:** They sure do not say that when they go to rent review hearings.

**Hon. Mr. Maeck:** No, I am sure they do not. The other thing is I am not sure whether they pass it on to their tenants, but the fact is they have a better chance of recovering some of their money through other taxes than does the home owner. I think that justifies some difference between the factor in single family units and apartments.

The matter of economic conditions concerns me a great deal. This week I met with some people from the city of Hamilton who are concerned about this very issue. These people happen to be hotel owners but I guess it applies to all areas. It does not matter whether they are hotel owners, apartment owners or residential property owners. I believe this should be taken into account; there is no question.

I am told by staff that if an economic change takes place in a municipality, of course, the assessor has instructions from this office to take that into consideration. Whether they are doing so obviously has to be looked at. We do always have the final solution which is, of course, to appeal. I would prefer to have a proper assessment to start with rather than to have half the people in the province—

**Mr. Charlton:** That is precisely why we are raising it here, Lorne.

**Hon. Mr. Maeck:** I appreciate that the member was raising it to be helpful and my staff will look into that. I have given about as much information as I can on this. I again want to thank the members for their co-operation.

Motion agreed to.

Ordered for third reading.

## DOG OWNERS' LIABILITY ACT

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 169, An Act to provide for Liability for Injuries caused by Dogs.

**Mr. Sterling:** Mr. Speaker, prior to my summing up on this second reading, the member for Huron-Middlesex (Mr. Riddell) requested that he have an opportunity to participate in the debate. He was tied up in committee on November 4, when this was first being discussed. I have no objection to his participating in the debate at this time if it is agreeable to the rest of the members of the House. I am at your command.

**Mr. Samis:** Mr. Speaker, may I also ask that the member for Carleton-Grenville extend the same privilege to me?

**Mr. Speaker:** I am sorry, there was an agreement entered into without the knowledge of the chair. As I recall the last time we discussed this bill, no one else wished to speak and the member for Carleton-Grenville rose to his feet and adjourned the debate. Is there unanimous consent to allow someone else to speak at this time?

**Mr. Warner:** There are two other speakers.

**Mr. Speaker:** Do we have unanimous consent to allow that to take place?

**Mr. Roy:** There are two other speakers. I just want to say one word.

**Mr. Speaker:** You just said it. The member for Huron-Middlesex, with the understanding that we will have one other speaker, the member for Cornwall.

**Mr. B. Newman:** I have a few comments, Mr. Speaker.

**Mr. Speaker:** Well—

**Mr. Sterling:** Then I will object. We will be putting this to the committee of the whole House after and they can speak at that particular time. If they want to open the debate up again, we have already had nine speakers on this particular piece of legislation and I have now heard four other members who want to add to it.

9:40 p.m.

**Mr. Speaker:** You must appreciate the Speaker was not a party to these arrangements and, if we do not have unanimous consent, I will hear the windup from the member for Carleton-Grenville.

**Mr. Sterling:** Mr. Speaker, I will allow them to speak.

**Mr. Riddell:** Mr. Speaker, I appreciate the opportunity given to me to say a few words on this bill. Unfortunately, some of us spend a fair bit of time in committee and, if it happens to be our estimates that are on, it is almost impossible to come to participate in the debate on these bills. I did want to say a few words because—

**Mr. Speaker:** I just want to say something. I do not want this to be taken as a precedent, because the member for Carleton-Grenville had risen to his feet. Nobody had indicated he wanted to speak at that time. We do not want this to be a precedent where we can revert back and open the whole thing up again just because some member did not happen to be present in the House at the time. With that understanding, I will hear the member for Huron-Middlesex.

**Mr. Riddell:** Thank you, Mr. Speaker. You are a very understanding man.

Apart from the concerns some of us have in the rural areas, I would have to say we do welcome the bill. As the minister stated in his opening comments, it is probably long overdue. This fact came home to me as I was tramping the streets of Carleton a week or so ago and calling on homes where there were Great Danes that were just about ripping the chains away from their necks to get at one, or one would knock on a door and there would be a Dalmatian that would come pouncing at the door, showing its teeth and hoping the door would open so it could get hold of one. There were German shepherds and Dobermann pinschers. Why in the world people in urban centres would want to keep such large, vicious dogs, I fail to understand. I would have to say, if that door was ever opened and if the person did not have hold of that dog, then, as sure as I am standing here talking tonight, the dog would have had hold of one. Of course, the owner is then liable, as he should be.

Another fact was brought to my attention by someone far more knowledgeable than I about this business of drugs and drug peddling. If one were to go into the parking lot surrounding a courthouse where they may be trying some of these people who have been peddling or handling drugs in some way, invariably one will find Dobermann pinschers in the vans those people drive.

That Dobermann is there for only one purpose, as far as I am concerned. If a child ever happened to wander around there and open the door, I would think that would be the end of that child. It is high time we had some legislation whereby these people are going to be liable for these large, vicious dogs.

I must also speak of something that irritates me. Although I do not spend a great deal of time in urban centres, when I am in Toronto I will occasionally take a stroll through the park and it irritates me to see these people walking their dogs along the street or in the park and the dogs will leave their calling cards or discard their waste products of digestion against some lovely trees that are growing and kill the trees. I say this is wrong. Believe me, I know the owner is not liable for this kind of activity, but I sometimes think maybe it would be a good thing if the dog did take a little nip so the owner would be liable and would have to get rid of that kind of dog.

I want to come back to the rural areas where farmers in many cases have to have dogs for one reason or another. I am talking about working dogs. I don't know how many members have been on sheep farms or dairy farms and have seen the Border collie dogs working. It is a sheer delight to walk in there and hear a farmer say, "Okay, collie, get the cows." That dog will go right back to the far end of the farm, round the cows up and bring them up to the walk. If one cow happens to stop, the dog will nip at its heels. That is the way that dog has of moving that animal. It has a natural instinct to nip at heels. If somebody comes on a farm where that Border collie is lying around a building and if he tries to go into a garage or one of the buildings on the farm, the dog, by instinct, feels it has to protect the buildings. If the dog wants to keep the person away, the chances are it will nip at the heels of that person. Under this bill that person can turn around and sue the owner of the dog and there is a very good chance the owner will have to get rid of the dog. In many cases, these dogs are very expensive.

As members know, farmers keep a lot of gas on hand, maybe 1,000 or 2,000 gallons. We know that at this particular time, when we are facing an oil crisis and gas prices are high, people do sometimes wander in. If they do not see anybody around, it is very easy for them to put a hose down into the intake pipe, siphon out the gas and away they go.

I know the bill says that if someone is on the property to commit a crime of some



kind, the owner is not liable. But there are all kinds of people who come on to farms. There are feed salesmen, fertilizer salesmen and salesmen selling household items. If they come on the property and the dog happens to be lying around the building when nobody is home, that dog has the natural instinct to guard what he considers to be his property. If he happens to nip at the person who is on the property, the first thing one knows is the owner is liable and may have to do away with his dog.

I can speak from experience. I used to be quite a large sheep farmer at one time and I had to keep a dog because there are a lot of people who enjoy what are called hot-house lambs. These are 50-pound lambs. People would come in with their trucks with the idea of buying the lambs. If there is nobody around—and many times the farmer is at the back of the farm operating his tractor or he and his wife are away and nobody is at home—then it is very easy for someone to walk in. It happened to me; they would simply walk in, pick up these 50-pound lambs, load them into a truck and away they would go. I would come back and find I was missing 15 or 20 lambs.

So it was imperative to keep a dog. That dog would stay in the barn with the sheep, and if people wandered into the barn—and maybe it was just somebody to look at the sheep—the chances are they were going to be nipped by the dog. Once again, they can turn around and sue the farmer, and the chances are the farmer may have to do away with a perfectly good dog.

Another thing happened to me when I was in the ag rep service down in Essex county. I dropped in on a farmer who happened to have what they called SPF pigs—specific pathogenic-free pigs. No one is allowed to go into the barn where those kinds of pigs are, because if they do and carry a germ in, it spreads right through the whole herd. They have no resistance against that kind of disease.

Some of those farmers kept a dog—quite often a German shepherd dog. I can recall going in as I wanted to meet the farmer, but I could not find him around. I opened the door of a barn and just as I opened it a German shepherd came flying out. If I had not been able to close the door immediately, that dog would have had me right by the throat. But when I stopped to think about it, I had no business going in that barn. That farmer had a dog for the very purpose of keeping people out of the barn. I am sure that under this bill if somebody went in

and opened the barn door and was met and bitten by the dog, the owner would be liable, and the chances are he would have to lose a perfectly good dog.

**9:50 p.m.**

These are things those of us who happen to represent rural areas are concerned about. I am concerned that this act could increase farmers' liability in direct conflict with the decreasing of liability under Bill 203, The Trespass to Property Act, and Bill 202, The Occupiers' Liability Act. We spent a fair bit of time passing those two acts and, believe me, they are just about as good legislation as we can have. Again, these acts were a long time coming. Now for the first time in many years, the farmer is not liable if trespassers come on to his farm and somehow fall into the farm pond or trip into a groundhog hole and break a leg or injure themselves in some other way.

A farmer can post his farm now and indicate exactly what kind of activities he would allow people to engage in on that farm, or if he does not post the farm, then it is an indication to those who want to trespass that is what they are doing. They are trespassing. This bill is going to supersede those two. In other words, somebody could come on to a farm uninvited and if a dog nips at his heels or bites him the owner is liable. That farmer does not have the kind of protection under the Occupiers' Liability and Trespass to Property Acts that we hoped he would have when we dealt with those two acts. In the case of farmers who keep dogs specifically to protect their premises against unwanted intruders, Bill 169 would negate the farmers' liability position under Bills 202 and 203 by placing a trespasser in a position to lay charges against the farmer while trespassing on his property.

When this bill goes to committee, my colleague the member for Kent-Elgin (Mr. McGuigan) is going to move an amendment, which I hope the parliamentary assistant will accept, to amend section 3(1) of the bill, which states: "Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this act and not under the Occupiers' Liability Act, 1980. The amended part would add: "except where entry to the premises is prohibited under the Trespass to Property Act, 1980, and where a person is deemed to have willingly assumed all risks under the Occupiers' Liability Act, 1980."

This is something my colleague will be dealing with when it goes to committee. We

believe this clause will remove all conflict between this bill and the Occupiers' Liability and Trespass to Property Acts as they apply to farmers' liability.

Mr. Samis: Mr. Speaker, first of all I want to thank you and the member for Carleton-Grenville (Mr. Sterling) for affording me this privilege. I realize this is not the norm and I do thank both of you for your indulgence.

The reason I wanted to speak on the bill is that I am under rather strong pressure on the domestic front. I was not here the day the bill was debated. As the owner of two canines, Satch and Betty, and having a wife who is secretary of the Stormont, Dundas and Glengarry Humane Society and also having two felines within the domicile, all five of them gave me very dire warnings that if I did not take a stand on this bill, they would not let me past the door tomorrow morning. As a result, I did make a strong commitment I would speak on the bill. I must say the two felines did express gratitude today that they are not included in the provisions of the bill. It is the canines that are the most worried of all.

In general, there is no question I support the general philosophy and the principles contained in the bill. I think there is no question but that it represents a considerable improvement and advancement over the outdated Vicious Dogs Act, which I believe goes back as far as 1931. Also, I would say there is little argument with the principle that the owner should be civilly liable for damages resulting from an attack by his or her dog.

I really think there may be a problem with the whole question of identification because it is a fact of life that not all dogs are registered or licensed. There still are many municipalities that do not have any licensing or mandatory provisions for registration or licensing. I have a suspicion that even where there are mandatory regulations on that, many owners still do not bother to buy a licence, a dog tag or anything of that sort. I dare say that upwards of one third to one half of the dogs in municipalities which do have that type of bylaw are unregistered and unlicensed. I think it is fair to say in my own municipality of Cornwall that figure surely applies.

In rural and semi-rural areas they have the added problem of wild dogs and packs of dogs roaming about, as various members mentioned in the debate last month. In reality, when it comes to being able to identify dogs, I suspect we are talking about only a third or a half of the canine population of the province

in the sense that these are the ones that are readily identifiable with tags, buttons or that sort of paraphernalia. I have to confess I do not know how to deal with that problem, but I think it is a genuine problem with this type of law because of the unknown population we are dealing with.

As to the provisions dealing with owners when dogs have been identified as the source of an attack on a child or adult, I think there may be some problems in the rural areas about section 32. In terms of urban dwellers and people in suburbia, I think the provision is reasonable and one that can be easily justified. As for the provisions dealing with the possible elimination of an offending canine, I think the seven circumstances outlined in the bill give the courts and the owners of the offending dogs sufficient latitude and grounds to ensure that a responsible and loving owner need not fear any real abuses by the courts or any undue severity. I would presume that a responsible owner whose dog may have been provoked on a particular day by someone, an owner who has had a hitherto unblemished record in terms of that type of thing, really does not have to fear for the destruction of his beloved pet. I would assume the courts would give due consideration—and I emphasize this—to the responsible owner's efforts to keep the dog on a particular property, well-behaved and on a leash.

Overall, I think the bill is a fair one and avoids any heavy-handed approach. I think this bill stands out in contrast to some of the legislation enacted in certain municipalities, including my own, where they have taken the prohibitionist-absolutist approach of totally banning animals from certain public areas, such as parks and recreation areas. In my opinion, that type of approach to dealing with the problem is heavy-handed and unfair to the responsible dog owners.

In dealing with a law of this sort, we should consider another factor. There is a great deal that still has to be done in this province to instill a sense of responsibility in some dog owners, especially those who acquire dogs on a whim or fancy. They see a little pet in the store at Christmastime and think it would be cute. Two or three or six months down the road, they get tired of it and want to dispose of that pet. If the canines of this province could speak on this bill, they would probably want some form of protection from those irresponsible humans who abuse their animals, people of the type I just described. They cause so many of the problems that our financially strapped humane societies have to deal with.

My wife has been the secretary of the local humane society for the past two years. Our telephone is regularly used by people complaining about that type of thing. We get constant calls about strays, dogs being tied to fences or posts and being abandoned, ignored or left out in the cold weather without shelter, food or water. It makes one ask sometimes why do people even acquire pets? Why do they invest the money if they are going to treat animals that way? I think if the canines of the province could speak out on this bill they would first ask if we could have regulations on who could acquire a canine. Then they would attach some responsibility to the ownership of a canine.

Beyond that, I would just like to say I will support this bill wholeheartedly.

**Mr. J. Johnson:** Mr. Speaker, I would like to comment briefly on this bill. I express a concern for the dog lovers of Ontario. I am concerned for the simple reason I feel there are many people who own dogs and, in their opinion, the dogs do not in any way constitute a danger to society. They are good dogs and they are pets. Through some innocent, unwarranted circumstance they might create a problem, so they fall under this act. It bothers me that there should be a potential to destroy them. I cannot accept the fact that we can pass legislation that would destroy dogs without some recourse to save them.

I had a dog for 13 years and in that time the dog never touched anyone, except one time when the dogcatcher tried to pick it up and it bit the dogcatcher. I give the dog credit because it had sense enough not to attack anyone else and the dogcatcher said it just nipped him lightly.

10 p.m.

I find it extremely insensitive of government to introduce legislation that would take all dogs into a category where they would be classified as potential menaces because possibly they made an unintentional mistake. If someone entered one's property and the dog bit him or supposedly attacked him in doing what it construed as its job, I find it hard to accept that the dog should be destroyed. In fact, I can't find it in my mind that they should destroy the dog.

Maybe the legislation in a sense is good for the purpose of giving legal recourse to people who are injured by dogs that should not be maintained because they have a history or nature of being wild and uncontrollable. That is a different possibility. But when a dog has a nature of being kind and is in no way a menace, except in one in-

stance where possibly, it is not its mistake if someone intrudes on the property, I find it extremely objectionable that dog should be destroyed.

I speak on behalf of dogs. That seems silly, but that is the way I feel. There is something lacking in the bill if a dog should be destroyed because of one mistake. Many dogs deserve it, but others do not. I speak for the dogs that should not be destroyed.

**Mr. Warner:** On a point of order, Mr. Speaker: If you recall, the strange procedure we are going through tonight is not normal and is not in keeping with the standing orders but has unanimous consent to allow two individuals to participate. Those two individuals have participated. We now have a third and presumably a fourth. I object most strenuously to us continuing with this bizarre way of conducting our business. I would suggest it would be more in order for the parliamentary assistant to conclude his remarks, which is the normal way of carrying on.

**The Deputy Speaker:** The member for Scarborough-Ellesmere makes a point. However, I recall the discussion and, at first, the request was for one member to speak. The House agreed and others stated they wished to speak. As I recall the discussion at that time, there was no particular limit.

**Mr. Warner:** Mr. Speaker, what you are now doing is setting a rather unusual and unacceptable procedure of being able to re-open second reading debate at any time one chooses and for it to continue. That is what we have done. The last time we sat we had concluded second reading debate and the parliamentary assistant was winding up the debate, as is normal. Now, because some members were not present at the time or for whatever reason, we have re-opened second reading debate. That is not a proper way to proceed. I would respectfully submit the proper thing is for the parliamentary assistant to conclude his remarks.

**The Deputy Speaker:** I would again like to advise the honourable member the House agreed to let other members speak.

**Mr. Foulds:** Mr. Speaker, does that mean the parliamentary assistant will be allowed to speak three times during second reading debate, having already spoken twice? I would like a clarification of that. If that happens it will indeed be a very grave precedent for this House to set.

**Mr. Roy:** Mr. Speaker, if I may on a point of order, I find it somewhat cynical on the part of the NDP that, having allowed

this under the process of unanimous consent, they would now object. We can do anything we want by unanimous consent. One of the things we consented to was to reopen the debate. The parliamentary assistant consented to do that. I find it somewhat cynical the NDP would let their members speak when somebody else wants to speak, then say the rules are being offended against. The rules were not offended against. We can do anything we want here by way of unanimous consent. What we have done is to revert to debate and, as you have said, we did limit the number of speakers.

**Mr. Foulds:** The point is that it is my understanding of the rules that on second reading each member has the right to speak only once. The minister has the right to speak twice, first, at the opening of the debate and, second, on wrapping it up. The parliamentary assistant has already spoken twice.

**Mr. Roy:** That is right. We agreed we would give him a chance to wind up.

**Mr. Foulds:** I heard vaguely what the reopening was. I did not hear us agree to allow him to speak a third time. If the member for Ottawa East is correct that we can do anything we like, then I think we are setting some very dangerous precedents.

**Mr. Roy:** By way of unanimous consent.

**The Deputy Speaker:** Order. As I understand it, the member for Carleton-Grenville (Mr. Sterling) interrupted his remarks on one occasion, stating that the member for Huron-Middlesex (Mr. Riddell) requested the opportunity to speak. So to my knowledge, his remarks have been interrupted. I also believe the chair at that time stated it did not want this to be set as a precedent.

**Mr. B. Newman:** Mr. Speaker, I had indicated to the chair at the time I also wished to make a few comments on the bill. I appreciate very much the member for Carleton-Grenville giving us the opportunity. Normally, I would not partake in a debate like this because I am not knowledgeable on the subject. However, I was contacted by the Essex County Humane Society in my own community who wanted me, on their behalf, to express their concerns about this legislation. Mr. Michael O'Sullivan, general manager of the Essex County Humane Society, has asked me to see that the government was informed of the following resolution passed by that council just recently. The resolution reads:

"Whereas the Windsor Essex County Board of Health investigates an average of about

900 dog bites annually, and whereas many of these bites are of a serious nature and occur while the dog causing the bite is not under the control of any person, and whereas the Vicious Dogs Act, RSO 1970, chapter 482, only addresses itself to the question of the dog and not the responsibilities of the owner, therefore be it resolved that the city of Windsor request the Ministry of the Attorney General of the government of Ontario to introduce legislation to have amended the Vicious Dogs Act, RSO 1970, chapter 482, which now reads as follows, '1. Where a dog is alleged to have bitten any person, the owner of the dog may be summoned to appear before a provincial judge to show cause why the dog should not be destroyed and, if from the evidence produced it appears that the dog has bitten any person, the judge may make an order that the dog be destroyed'.

"They would like the act amended to read as follows: '1. Where a dog is alleged to have bitten any person, the owner may be summoned to appear before a provincial judge and, if from the evidence produced it appears that the dog has bitten any person, the judge may make an order that:

"(a) the dog be confined henceforth in a way as to be inaccessible to any person other than the owner or his custodian; and/or

"(b) the dog, when off the property of the owner or custodian, be muzzled in a manner that renders the dog incapable of biting anything; and/or

"(c) the owner of the dog pay a fine of not more than \$1,000; and/or

"(d) the dog be destroyed; or

"(e) where the owner has previously been convicted under this act, that the owner surrender the dog forthwith to the nearest public pound or animal shelter and that he be prohibited from owning any dog for a period not to exceed 24 months.

10:10 p.m.

"2: Where the owner of the dog refuses or neglects to comply with an order made under this act, he may be summoned before a provincial judge who may order the dog seized and destroyed, and for the purpose of carrying out the order, a constable or other peace officer may enter the premises where the dog is kept and deliver it to the nearest public pound and the provincial judge may, in addition to any other penalty provided by the act, direct the owner of the dog to pay the cost of the proceedings and of the destruction of the dog."

Then the society goes on to say: "At present the Vicious Dogs Act contains only

two sections, that is, section 1 as it appears on the previous page without amendments and section 2 as it appears on this page. The act is likely one of the shortest Ontario statutes in existence, but provides only a temporary solution to the problem of vicious dogs.

"Recently a dog was ordered destroyed under the act in Windsor, and the decision was appealed. The dog was responsible for biting at least 20 persons according to the board of health records, and according to the police department about an additional 33 persons. There is no fine at present under the act, nor is there any means of preventing a person charged from yet obtaining another dog if his or her vicious animal has to be destroyed. The society believes that the preceding amendments to the act would adequately deal with both problems."

These are the concerns of the Essex County Humane Society and I read them into the record so that the minister piloting this bill can take them into consideration on the clause-by clause study.

**Mr. Roy:** Mr. Speaker, I just want to make a few brief comments on this statute. In the course of my practice, I have unfortunately, seen individuals who have been barred from recovering any type of damages after injuries which would come under what was called the Vicious Dogs Act. It dates back to 1931 and has remained unchanged since then.

I suppose the motivating force behind this legislation is that our society is becoming more urbanized and, as my colleague from Huron-Middlesex mentioned, people are getting large animals which sometimes are not suited to the urban environment. The liberty of some individuals is being threatened by some of these animals. It would seem in 1980 urbanized Ontario that the old Vicious Dogs Act is not adequate and that the principle that a dog is entitled to one bite is something that should no longer be applicable to Ontario.

During the course of my relatively brief legal career, I can think of four or five different cases where people have been denied damages on the very basis of that principle and people, especially children, have suffered very serious injury. I applaud the initiative of the government in bringing forward this legislation. I mention in passing that I do not agree with all the comments of my colleague from Huron-Middlesex. I think some of the things he mentioned about some of the concerns the farming community have about their animals are covered in this legislation.

I think they are covered on the basis that, first, one is perpetrating a criminal offence. There is a clause in the statute that deals with that—section 3(2). There are also provisions under section 4 which protect farmers who have animals that are there for a special purpose—perhaps protecting pigs or sheep or whatever.

I thank the parliamentary assistant for the opportunity to make these very few brief comments and I do think the legislation was necessary. People in urbanized Ontario today cannot hide behind the principle we call scienter under section 2(3) of this legislation. I think it is time people who have animals accept their responsibility. I say, in closing, I cannot understand that individuals would have in their possession and still under their control animals, a dog, for instance, which has bitten 20 or 30 times. I cannot understand that. I think the legislation is necessary and it has my full support.

**Mr. Sterling:** Mr. Speaker, the debate goes back to November 4. Many things have been brought up in this debate and I will try to answer some of the questions and concerns that many members had. I thank them for participating and I want to say I listened to their many comments. In fact, an amendment I will propose in committee really results from some of the debate.

The member for Kitchener (Mr. Breithaupt) complained about the old Vicious Dogs Act expanding from one section to two pages. I want to say to the member that this act is a précis of law and does away with many volumes of common law in relation to the common law doctrine mentioned in this debate that a dog heretofore had its first bite. It does away with that and also replaces the Vicious Dogs Act in terms of what is done with the dog after it has bitten an individual, but it also creates new statute law in replacing that much common law.

The member for Scarborough-Ellesmere (Mr. Warner) brought forward a concern that police and security dogs are not covered. I can assure him it is the intention of the ministry that the act cover security and police dogs and that kind of thing. With respect, I would say to the member that the word "owner" bears its ordinary legal meaning as well as the extended meaning included in the definition. I really do believe the member is misreading that section. It is our intention that it cover police and security dogs.

The member also brought up the case of exotic animals which are becoming more common, in some of the urban areas in

particular. I want to tell him that common law in relation to wild or exotic animals is different from the law in relation to dogs. When it evolved historically, the dog was given a special place in law. The common law is still one of strict liability with regard to those kinds of animals.

The member for Kent-Elgin (Mr. McGuigan) brought forward the problem that was again echoed tonight by the member for Huron-Middlesex (Mr. Riddell) relating to the farm dog. I can only say to them we do have legislation in place at present which places strict liability on an owner of a dog if that dog attacks livestock. I do not think these members can argue a human is less than another kind of livestock. For instance, if a dog bites a lamb or a sheep, there is strict liability in terms of that bite. What we are doing in this legislation is saying, "Hey, it is the same for humans."

There was concern about a good cow dog nipping someone who came into the farm yard. The legislation says one's real liability is civil liability. If it nips somebody the damages cannot be that great anyway. One can get in a civil suit what, in fact, the damages were. Another thing is that the judge, in determining what is going to happen with the dog if an application is brought, can take that kind of matter into consideration.

10:20 p.m.

The member for Wentworth (Mr. Isaacs) brought forward several considerations in the debate. He brought forward the problem of identity of the dog, which was also brought forward by the member for Cornwall (Mr. Samis). This act basically attempts to attack that particular problem. It is a practical problem, as the member for Cornwall outlined tonight. If a dog is free, off a leash, out roaming and without a tag, it is very difficult to lay any identity to that particular dog if the dog bites someone. I don't think it would matter what kind of licensing laws we had; that problem would still remain there, since for most of these kinds of dogs the owners don't take the necessary steps to buy a dog tag.

This is an improvement over what now exists. It says to someone, "You can't duck out, and pretend you are not the owner if you are harbouring that particular animal in your residence." At least, the police can now say and prove that the dog was being fed and kept in a particular residence. If a person is the owner of that residence or the head tenant, then he is responsible for that animal if the animal is coming out of

that door. There is somebody to go after in that particular case. Everybody can't duck out and say, "It is my brother's dog," or "I was keeping it on the weekend for whoever."

The member for Wentworth stated that the only option for a judge under section 4 was either to destroy or not to destroy. Under the existing Vicious Dogs Act, what happens when an application is brought forward is that the judge asks the owner what he is going to do to take care of the dog in the future, and then he usually adjourns the case and waits for the case to be brought back on to see if the owner has followed those instructions. Be that as it may, in looking at the legislation as it is written, that does not appear to someone who is reading the act and is not knowledgeable of the way the court system operates. That will be taken care of in the amendment I have put forward.

I think a valid criticism that he brought forward was the fact that in effect the owner is not penalized. It seems to be the dog which is being penalized in being destroyed if something happens. The owner is penalized in terms of the civil suit. In other words, the ability of someone to sue for damages will be much greater if this particular bill becomes law. That is one penalty he has to bear.

The amendment I will be proposing in committee also puts more teeth into the act in terms of saying to an owner who is ordered by a judge to take care of a dog in a certain way after it has bitten someone, "Look, if you don't live up to that particular order, you can be brought back to this court and be fined under an offence," and there will be a fine up to \$2,000 if he does not follow the order. We have done it that way and not just allowed them to go through a contempt proceeding, because contempt proceedings are rather difficult legal matters to undertake and tend to be rather expensive to go through. We hope those amendments will take care of some of the concerns that were raised by the member for Wentworth.

Since the member for Wentworth raised the matter with Mr. Bandow of the Hamilton Society for the Prevention of Cruelty to Animals, I did telephone Mr. Bandow and had a long talk with him. As a result of that talk and the member's comments I have included some of these proposals in this amendment.

The member for Erie brought forward some of the issues which the member for Kent-Elgin also raised. I wanted to draw to his attention section 3(2) in relation to some-

one who comes on to the land who is intending to commit a criminal act. He is not protected by this act.

The member for Sudbury brought forward concerns in relation to the control of dogs and this was also brought forward by one of the other members. Basically, the control issue has been given to the municipalities to take care of. At the present time there is an interministerial liaison committee looking into the possibility of transferring more powers to the municipalities to give them more ability to deal with that issue.

In dealing with the unorganized territories, regulations are in existence that would take care of the situation in those areas.

To the member for Lakeshore, who mentioned that this bill does not deal with a dog biting a dog, I admit we have not tried to address that problem in this act. I suggest to him, or to any other member of the Legislature who feels strongly enough, perhaps that should be contained in another piece of legislation. It might be a good idea for a private member's bill in the future. They would have to relate to the old common law in terms of the doctrine of having the first bite.

I would like to indicate the gratitude of the Attorney General (Mr. McMurtry) to Dr. Brian Cochrane of Ottawa, who wrote a book on this subject and as a result has helped the ministry in formulating some of the policy in this bill. I had the pleasure of talking with Dr. Cochrane about a week ago and told him of the legislation and that we had been referring to his book on this subject. It is a very serious problem in many areas, and his book highlights that matter. I had the pleasure of going to high school with Dr. Cochrane. I was very happy to see him take time out to attack this problem when many professionals do not do that kind of extra thing for society.

Mr. Speaker, I am glad the members are supporting this bill and I will indicate that it will go to the committee of the whole House.

Motion agreed to.

Ordered for committee of the whole House.

**Mr. Speaker:** Pursuant to standing order 28, the member for Wentworth (Mr. Isaacs) has expressed dissatisfaction with the answer given by the Minister of the Environment (Mr. Parrott) concerning the Ajax waste disposal plant. The honourable member has up to five minutes.

## DURHAM REGIONAL ENVIRONMENTAL HEARING

**Mr. Isaacs:** Mr. Speaker, I want to say at the outset that I very much appreciate the minister being here this evening. I look forward to his response on this matter.

10:30 p.m.

I know he probably regards it as very tiresome that he is asked to be here yet again for a late show. We on this side of the House sometimes find the late show system a little tiresome as well, but it is the only show in town, and if we wish to get an expansion of an answer in question period, it is the only way we can proceed.

The question I put to the minister earlier today related to the procedures of the Environmental Assessment Board when writing its report as a result of a hearing under the Environmental Protection Act. I have no knowledge of the procedures the board may have followed. However, there is substantial concern in the community about the possibility that members of the EAB, who were not present during the hearing and who have not heard the evidence in person, may have involved themselves in the decision the board has reached.

This is a very serious issue of credibility. My colleagues and I—and my predecessor as critic especially, the member for Beaches-Woodbine (Ms. Bryden)—have been very careful not to drag the EAB into our political debates, and I hope it remains that way. I hope the EAB can continue to be seen by everyone in Ontario as an impartial board whose hearings are a very valuable and very necessary part of the environmental assessment and environmental protection process.

The members of that board, when they sit at a hearing, are in a sense acting as judges, and I think it is a very fundamental part of our judicial system that decisions be made by the judge or judges who heard the evidence and not by people who were not present and who may or may not have read some or all of the transcript. That provision is included in the Environmental Assessment Act, but it isn't included in the Environmental Protection Act.

In the matter of this particular hearing, a complication has arisen in that the chairman of the hearing resigned from the EAB during the board's consideration of the report. It may be the report we are going to get tomorrow morning is still the report Mr. Laver and his two colleagues wrote. If it is, fine, and if the minister can give us that assurance tonight, I say "great" and that is the way it should be. I hope the minister will give us that assurance because problems have arisen in the past.

This issue has been raised in the past and I have attempted to put it down, and I hope we can get the assurance tonight that will enable us to put it down. I hope too, when the report appears tomorrow, there will be no reference by anybody as to the validity of that decision, being the decision of the judges who heard the evidence. It is very important, even though the board's decision is only a recommendation because it was held under the Environmental Protection Act, that the credibility of the EAB be retained. It is very important too that the board give reasons for its decision as was suggested to it by Mr. Caplice when he wrote his memorandum concerning the Glanbrook environment report. We need to have trust in the EAB, and I think we can only have that trust if we know the report was written by the judges who heard the evidence.

Just in summing up, Mr. Speaker, I want to say that by coincidence a friend, an acquaintance of mine, phoned the board today and asked whether it would hold a press conference and explain the report when it released the report tomorrow. He was not aware of the procedures, and he was told by whoever he spoke to that the board does not do that because its members are like judges: they just present their report and the report stands by itself. So even the board members recognize they are like judges, and I hope we can get the assurance tonight that they will behave like judges and only the board members who heard the evidence will participate in the rendering of the decision.

**Hon. Mr. Parrott:** Mr. Speaker, I will try to respond. In fact, perhaps we could use the five minutes at my disposal to have some questions.

It seems to me it is essential that as the minister who has said on many occasions that it is an arm's length board, I should

not call it to ask, "What are you doing?" I never have. I think that is very important. That is what the member is asking. I have never called that board and I have no intention of doing so. I see it as a board once a year. We have Christmas lunch together as a social occasion and that is it.

The member is asking me a question to which I do not know the answer and which I have no intention of answering unless he either writes to the board or writes to me for that information. If the member wants to write to me, I will forward it to the board and the board can respond to him. I will be glad to do that. If he wants to ask the board directly, that's fine. He is a member of this House and he should have whatever privilege goes with being a member of this House as he relates to that board. I ask the member please not to ask me to tell him that I have called the board and inquired into its internal workings. I think that is wrong and it would be a mistake for me to be trapped into that.

I certainly want to put on the record the innocence of that request of me. I am not making any suggestion that it is a deliberate attempt to implicate me in that decision when I should not be.

If the member wants to write to me, I will be glad to send it to the board to get him the answer. I will only refer the matter. I think the member could write to the board and get a direct answer himself if it is legitimate for either of us to have that information.

I have used all my time. I would be glad to have the member come back with a question if that is protocol. If it is not, I think I have stated the case and I rest.

**Mr. Speaker:** The idea of this is to allow the member the five minutes.

The House adjourned at 10:37 p.m.



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**CONTENTS**


---

Thursday, November 27, 1980

|  |      |
|--|------|
| Assessment Amendment Act, Bill 185, Mr. Maeck, second reading .....  | 4703 |
| Dog Owners' Liability Act, Bill 169, Mr. McMurtry, second reading .....  | 4717 |
| Debate re dissatisfaction with answer to oral question on Durham regional environmental hearing: Mr. Isaacs, Mr. Parrott ..... | 4725 |
| Adjournment .....  | 4726 |

---

**SPEAKERS IN THIS ISSUE**


---

Bryden, M. (Beaches-Woodbine NDP)  
 Charlton, B. (Hamilton Mountain NDP)  
 Edighoffer, H.; Deputy Chairman (Perth L)  
 Epp, H. (Waterloo North L)  
 Foulds, J. F. (Port Arthur NDP)  
 Haggerty, R. (Erie L)  
 Isaacs, C. (Wentworth NDP)  
 Johnson, J. (Wellington-Dufferin-Peel PC)  
 MacBeth, J. P.; Acting Speaker (Humber PC)  
 Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
 Newman, B. (Windsor-Walkerville L)  
 Riddell, J. K. (Huron-Middlesex L)  
 Roy, A. J. (Ottawa East L)  
 Samis, G. (Cornwall NDP)  
 Sterling, N. W. (Carleton-Grenville PC)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Warner, D. (Scarborough-Ellesmere NDP)





No. 126

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Friday, November 28, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## **CONTENTS**

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

## LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 28, 1980

The House met at 10:02 a.m.

Prayers.

### SOVIET VISITORS

Mr. S. Smith: Mr. Speaker, on a point of privilege: I have in front of me an invitation given to members of the press gallery by the member for Brantford (Mr. Makarchuk) concerning visitors here from the Soviet Union. It raises in my mind two concerns regarding the Legislative Assembly. The concern is not whether the member for Brantford has the right to have visitors. He obviously has the right to have anybody he pleases visiting him and that is certainly not at issue.

The issue, as I see it, is twofold. In the first place, a couple of weeks ago we welcomed in this assembly a dissident from Lithuania, who had escaped by means of almost miraculous undertaking and had made his way to freedom. I would point out that the government of Canada does not, in fact, recognize the annexation of Lithuania by the Soviet Union, and that de jure officially the Lithuanian representative in Canada is, in fact, not the Soviet ambassador.

I would, therefore, given the fact that a member of the Legislative Assembly has welcomed a deputy from the Lithuanian Supreme Soviet, if, in fact, that is the Parliament of Lithuania in which that deputy operates, wish to make it very clear that the government of Canada does not recognize that Lithuania is anything other than a captive nation. I certainly do not recognize Lithuania as being anything other than a captive nation annexed by the Soviet Union. I, therefore, wish it to be very clear on the record that any reception given to such a deputy here in her official capacity is given by only one member of the Legislature and does not in any way represent the view of recognition by the Legislature itself.

Secondly, in view of the comments made yesterday by the member from the same party, the member for Parkdale (Mr. Duksza), who said we will not tolerate in this Legislature intimidation of Poland by Soviet tanks or the present situation, the occupation and

continuing struggle, in Afghanistan, it seems to me very important that the Soviet delegates not be able to go back to the Soviet Union and say, "That may have been said in the Legislature and may have had apparently unanimous support, but really we had a warm official reception from one of the very important members and do not worry about it."

I as a member feel my privileges are involved here. It is my view that the Legislature made it very clear we do not in any way support the Soviet intimidation tactics with regard to tanks on the border of Poland, nor do we support in any way the invasion of Afghanistan, nor do we recognize Lithuania as anything other than a captive nation that we all hope will one day have self-determination.

Therefore I want to make it plain, I want the assembly to make it plain and I want you, Mr. Speaker, on behalf of the assembly to make it plain that the invitation by the member for Brantford is strictly his own doing and in no way does it represent the feeling of anyone else in the Legislative Assembly of Ontario.

Mr. Cassidy: Mr. Speaker, methinks the Leader of the Opposition protests a bit too much about what is, as he has said, a private visit to a member of this Legislature. It is not one that has been at the invitation of the Legislature or of any specific political party.

The Leader of the Opposition will have noted as well that yesterday one of the members of our caucus got up in this Legislature to ask the government House leader, the Minister of Intergovernmental Affairs (Mr. Wells), whether the government would agree to a unanimous resolution by all parties in this House supporting what is happening in Poland. The resolution expressed concern about the possibility of Soviet intervention and indicated that we in Ontario believe everything possible should be done in order to allow the continued development of the Polish society without outside intervention from the Soviet Union or any place else.

As a member of this Legislature, I signed a statement last night, which was also being signed by a number of my colleagues in the

New Democratic Party caucus, that communicates to those visitors from the political level of the Soviet Union, our feelings about what is happening in Poland. It expressed our fears about what might happen and our very earnest and strong request that they take back to their country our views here in Canada that we do not want to see the development of independent trade unionism in Poland interfered with by the Soviet Union.

It seems to me it is wrong to suggest, as the Leader of the Opposition seems to do—at a time when there have been great efforts at détente in western Europe and when at the same time we are very concerned about the actions of the Soviets in countries like Afghanistan—that there should be an iron curtain erected by the western countries in blocking any kind of communication between individuals on one side and the other. This merely contributes to a heightening of the kind of tensions that all of us in this country should be trying to resolve.

**Mr. Speaker:** I want to advise the House that a call came into my office, either yesterday or the day before, indicating a group from the Soviet Union would be visiting the Legislative Assembly and asking if they could be accommodated in the Speaker's gallery. We did agree to have five seats in the Speaker's gallery set aside for the delegation that was to be here this morning. I do not see them in the gallery at the present time.

I do not know whether the assembly would want the chair to be selective in the kind of people we welcome here to view the proceedings of this Legislature. It has been left to the discretion of the Speaker's office. I did make some inquiries about this group and found that there was an elected member of the Supreme Soviet, a deputy from Lithuania.

**Hon. Mr. Drea:** An elected member?

**Mr. Speaker:** That is what I was told. If the assembly wants the Speaker to be selective in the kind of people we do welcome here, I will be guided by whatever instructions I receive from the House, but I must remind all honourable members that if somebody represents a government and wants to come to view parliamentary democracy in action, I see no reason why I should deny him that right. I do not know of any incident that the Leader of the Opposition speaks of. It was certainly not done under the auspices of this assembly or the Speaker's office.

10:10 a.m.

As I say, I will be guided by whatever the House wishes me to do but, if that delegation should appear, I had intended to draw the attention of the House to the fact it was there and to name the leader of the delegation, who is a young lady by the name of Gie Artmane. That is what I intended doing and what I will do unless I hear otherwise.

## STATEMENTS BY THE MINISTRY

### ASSESSMENT INFORMATION

**Hon. Mr. Maeck:** Mr. Speaker, today I am pleased to announce to the honourable members a significant undertaking by my ministry to help ratepayers better understand their 1980 property assessment. Beginning the first week in December, immediately—

**Mr. T. P. Reid:** Better understanding—they will understand.

**Hon. Mr. Maeck:** The people understand; some members opposite do not.

Beginning the first week in December, immediately after the mailing of assessment notices, assessment offices will be conducting a series of open houses in each of the 837 municipalities in Ontario. These open houses will give property owners and tenants the opportunity to discuss their assessments with assessment staff to gain clarification of areas of misunderstanding and generally to acquire a clearer picture of what the assessment process is all about. As well, these discussion sessions will allow the correction of minor information, such as municipal addresses or the spelling of surnames, without the filing of a formal complaint.

Some members will recall that the Ministry of Revenue has conducted open houses in the past in those areas of the province where reassessments have occurred under section 86 of the Assessment Act. Public response to these open houses has been consistently favourable and I am therefore very pleased to introduce this open house concept on a province-wide basis.

Ratepayers will be notified of the times and locations of open houses in their area by means of newspaper advertisements and an insert to be included with their assessment notice—

Interjection.

**Hon. Mr. Maeck:** —and a personal letter from the Premier. No, strike that last part, Mr. Speaker!

I would also point out that these assessment open houses are yet another clear indication of this government's firm commitment to improved public access to government programs and services and enhanced customer service. My ministry has previously announced a number of significant initiatives in this area and I believe these assessment open houses will be an important addition to Revenue's customer service program.

#### INDIAN SALES TAX EXEMPTION

Hon. Mr. Maeck: Mr. Speaker, I have a further statement on another matter. Last week, in response to questions from the members opposite, I stated I would be meeting with my staff to discuss my ministry's requirement of Indian merchants selling tobacco to become registered under the Retail Sales Tax Act. As a result of that meeting, I have decided to delay the implementation of this proposal to February 1, 1981. This action is in response to requests from several groups representing certain sections of the Indian population. I hope that in recognizing the seriousness of the situation they will suggest viable alternatives to stop the illegal sales of tax exempt tobacco.

I will be inviting comments and suggestions between now and January 31, 1981, from the various groups known to me to be acting as spokesmen for Ontario's Indians and, as well, any other groups who wish to meet with my staff to discuss the problem.

For the benefit of those members who are not familiar with the issue, let me briefly review what has happened up to this point. On November 1, 1980, the tobacco tax ruling, effective since 1968, allowing Indian merchants on reserves to purchase tobacco without a retail sales tax vendor permit, was changed. The change required them to obtain the necessary registration as is the case with all other tobacco retailers in Ontario. I emphasize that this change in no way infringed upon the Indians' right to tax exempt tobacco or imposed any tax burden on Indian merchants.

It does, however, enable the ministry to identify those few individuals, whether they are Indians or non-Indians, who are taking advantage of the situation for their own financial gain. This change involves approximately 94 of the 121 Indian merchants selling tobacco on reserves. The other 27 Indian merchants are already registered as vendors under the Retail Sales Tax Act.

Because of the timing of the letters, and the delay in notifying the Indian merchants due to insufficient and inaccurate information as to their addresses and businesses, the effective date was initially delayed until December 1, 1980.

Since 1975 there has been a marked increase in the tobacco claimed to be sold by Indians. For example, in the 1975-76 fiscal year, 34.6 million cigarettes were sold exempt to Indian merchants. In 1979-80, this figure rose by 762 per cent to 297.9 million cigarettes. The projected sales for the 1980-81 year, based on sales of 248.2 million cigarettes for the first six months of this year, are 508.2 million. This represents an increase of 1,370 per cent over 1975-76. In September of this year alone, 48.3 million cigarettes were claimed as sold exempt to Indian merchants, which is considerably more than the whole year of 1976.

Further, when looking at the apparent consumption of tobacco on reserves compared to the rest of Ontario, it appears inconceivable that such consumption is realistic. The per capita consumption of tobacco per annum in Ontario is approximately 2,500 cigarettes. Using the statistics we have of claimed exemptions from tax, the per capita consumption on one reserve alone for fiscal year ending March 31, 1980 for example, was 132,867. This equates to 14.6 large packages per day for every man, woman and child on that reserve. On another reserve the purported per capita consumption increased from 3,100 in 1976 to 18,121 in 1979.

Not only are these statistics indicative of a substantial tax loss for Ontario, but also a substantial loss of income for more than 100 wholesalers not involved with these exempt purchases. Clearly, the tax system must remain equitable while preserving individual's rights. In this vein, I have two responsibilities: First, to protect the right of the Ontario Indian population to the consumption of exempt tobacco on reserves; and second, to ensure that all consumption of tobacco by non-Indians is taxed under the Tobacco Tax Act.

In closing, I would like to reconfirm that in response to the requests we have received we will further delay the implementation of the proposed enforcement of the registration requirement of Indian tobacco retailers under the provisions of the Retail Sales Tax Act. Those interested in presenting alternatives to eliminate this tax evasion are invited to do so. As always, I and my ministry are open to suggestions of alter-

natives, and remain willing to consult with those who feel our actions will unnecessarily have a negative impact on their operations.

### STRATFORD FESTIVAL

**Hon. Mr. Baetz:** Mr. Speaker, as honourable members know, the federal Minister of Employment and Immigration, Mr. Axworthy, has denied, for the time being, the application for a work permit by John Dexter. Mr. Dexter, of course, is the eminent theatre director who had been invited by the board of governors of the Stratford Shakespearean Festival to become the artistic director of that outstanding festival.

Mr. Axworthy stated yesterday that the Stratford board had failed to carry out a thorough and reasonable search for a Canadian artistic director before Mr. Dexter was offered the position. Obviously, it is very important to Stratford, the province and the country that the festival have a full and fruitful season in 1981. The clear responsibility for ensuring that Stratford has such a season lies with the festival's board.

As Minister of Culture and Recreation of the province of Ontario, I would expect the board to press on, with dispatch, in its search for Canadian talent and I would encourage it to do that. I would also note that I have been in constant contact with the Ontario Arts Council concerning the Stratford situation. The sentiments that I have expressed here reflect the sentiments of that council.

In the parlance and spirit of the theatre, the show must go on.

10:20 a.m.

### UNIVERSITY STUDY

**Hon. Mrs. Birch:** Mr. Speaker, I would like to read a statement this morning on behalf of the Minister of Colleges and Universities (Miss Stephenson).

"Further to my announcement of last week that a committee will be formed to study the future role of universities in Ontario, I am pleased to report that the terms of reference as well as membership of the committee have been worked out.

"There are five areas the committee will consider. These are: To develop a public statement of objectives for Ontario universities in the 1980s expressed in operational terms; to relate the cost of meeting these objectives to funding levels; to consider modifications to the funding mechanism which would provide appropriate processes

to encourage voluntary institutional adjustments and inter-institutional co-operation to meet these objectives; to define more clearly the appropriate joint roles of the individual institutions, the Council of Ontario Universities, the Ontario Council on University Affairs and the government of Ontario; and to recommend such other policy changes as are judged likely to improve the ability of Ontario universities to meet the agreed-upon objectives.

"As far as the makeup of the committee is concerned, I have chosen persons with both system-wide and institutional knowledge and experience to serve as members. They were chosen on these grounds rather than to represent special interest groups. The members of the committee will be:

"Mr. R. J. Butler, secretary, Management Board of Cabinet; Dr. G. E. Connell, president, University of Western Ontario; Professor J. S. Dupre, University of Toronto; Dr. H. K. Fisher, deputy minister, Ministry of Education and Ministry of Colleges and Universities; Miss M. Hamilton, executive vice-president, Thomson Newspapers Limited; Dr. G. A. Harrower, president, Lakehead University; Mr. A. R. Marchment, chairman, Guaranty Trust Company of Canada; Mrs. M. S. Paikin, director, Southam Incorporated; Professor M. L. Pilkington, York University; Mr. R. P. Riggan, senior vice-president, corporate relations, Noranda Mines Limited; Dr. R. L. Watts, principal, Queen's University; Mr. B. A. Wilson, assistant deputy minister, Ministry of Colleges and Universities; Dr. W. C. Winegard, chairman, Ontario Council on University Affairs.

"Dr. Fisher will serve as chairman of the committee. In addition, Dr. E. J. Monahan will serve as a resource person to the committee, and the Ministry of Colleges and Universities will provide a secretariat.

"I am sure honourable members will agree that these members have the expertise to provide the government with sound advice about the future of our universities. I am looking forward to receiving a preliminary report from the committee by February 28, 1981, so that discussions can be carried out with the university community and the public at large. I expect the final report will be completed by June 30, 1981."

### SOVIET VISITORS

**Mr. Speaker:** I would like to draw to the attention of all members the presence in our gallery of a delegation from the Soviet Union, headed by Miss Gie Artmane, who is a deputy of the Supreme Soviet of Latvia.



She is the leading actress of Latvian state drama theatre.

Would members please welcome them to the Legislature?

## ORAL QUESTIONS

### INTEREST RATES

**Mr. S. Smith:** Mr. Speaker, I have a question of the Premier on the subject of interest rates. The Premier is aware, as is the Treasurer, that interest rates have now risen to a level as high as or higher than they were last spring when we had our previous discussion in this House.

Given the hardship this will undoubtedly mean for home owners and also for small businesses which are already facing very grave difficulties in Ontario, would the Premier tell us whether he has any plan, either in concert with the federal government or on his own, to adopt either a plan which is similar to that which we suggested in the spring or a plan of his own to help home owners and small businessmen cope with the high interest rates which seem to be upon us once again?

**Hon. Mr. Davis:** Mr. Speaker, obviously we are quite concerned about the question of interest rates. We had a discussion last spring on this very issue. I do not want to be provocative here on a Friday morning and point out that the government of this province has no control over interest rate policies of the government of Canada; nor will I repeat at length our suggestions to the government of Canada that, in fact, we can divorce ourselves and our view from the interest rates charged in the United States.

I think it is fair to point out, though, that at this moment the prime rate is still well below that of the United States, which is somewhat unique. We could argue that we could still have a more independent policy with respect to interest rates but that, of course, does not at this moment solve the problem.

I have not had the opportunity to discuss it with the Treasurer (Mr. F. S. Miller) since the Bank of Canada increased the rate yesterday. We have been monitoring it very carefully in discussions with a number of people who have some knowledge of this, including some information from the United States where—not in any way to minimize the difficulty—there is some expectation that perhaps interest rates now, in fact, have plateaued.

Whether this will turn out to be the case or not and at what rate they may start to

diminish, there is some expectation of this on the part of some, not of everybody. I noticed in the news this morning an economist from one of the banks suggested that the diminution in rates might be fairly slow. There are other economists who suggest it may happen more rapidly. I would say to the Leader of the Opposition that we are keeping a very careful eye on it but I would point out to him that while we were having our debates last spring, shortly after those discussions, interest rates did in fact decrease rather substantially in relative terms. I think perhaps it would be somewhat premature to—

Interjection.

**Hon. Mr. Davis:** Well the Leader of the Opposition would say it is because of that enlightened government in Ottawa, I understand that. If they were responsible for their diminution, then one also has to assume their responsibility for their increases. I know the member for Brant, Oxford, Haldimand, St. George and all of those places would understand the logic of that observation, but I assure the Leader of the Opposition we will be monitoring it over the next period of time to see whether or not they are stabilizing, and whether perhaps there is some potential of them being diminished. We will certainly keep the House informed as we gather this information.

**Mr. S. Smith:** Since the Premier's response seems to be essentially that the last time we had this problem he waited and it went away, therefore maybe we ought to do the same thing again this time, may I ask what he intends to do to assist those home owners who have to renew mortgages now or to assist those small business people who are now at the margin where they might find themselves going out of business and creating more unemployment this winter?

Even though he and I agree that Canada could adopt a more independent policy—in fact, I tried to urge it on him some time ago—the fact is that Ontario businesses and home owners are going to be suffering. Why is he not prepared now to bring in some measure of relief for these people so that we can keep up employment in small businesses and can keep as many people in their homes as possible? Why can the Premier not introduce some measure of relief now, rather than waiting to see what happens in the future?

**Hon. Mr. Davis:** I think there are two issues. One is the rate being charged the small businessman, which is obviously of concern to the government. It does create certain hardships; no one is minimizing that. At the same

time that increased cost in doing business can, in most businesses, be passed on. I do not say that is healthy or wise, but that is an avenue for them.

With respect to mortgage interest rates, I think that is a more complex issue in terms of how one approaches it. I think it is fair to state the government has been keeping a very close eye on this. A number of mortgage companies have, in fact, been reducing the term of the mortgage to allow home owners a greater degree of flexibility to adjust if interest rates happen to decrease.

I can only say to the Leader of the Opposition we are concerned about it, we are keeping a careful eye on it and the Treasurer and I will be reporting to the House over the next period of time as we try to determine what route interest rates may take.

10:30 a.m.

**Mr. Mancini:** Supplementary, Mr. Speaker: The Premier will recall in 1975, approximately, when interest rates were not nearly as high as they are at the present time, his government was prepared to take action to subsidize interest rates if they were over a certain percentage. Would the Premier now reconsider that same policy he was ready to put into place then?

**Hon. Mr. Davis:** Mr. Speaker, again I am going strictly by memory, but I would say to the member for Essex South my recollection is that the prime rate was as high, if not a shade higher last spring when we were debating this than it is at present. Our prime rate is about 13.5 per cent. The bank rate is around 14.5 per cent. My recollection is it was somewhat higher than that last spring. I do not think we have passed the point that interest rates were at in this country last spring. We are fairly close to it, but I think he is in error in suggesting the rates are now higher than they were last spring.

**Mr. S. Smith:** There was an election then, you may recall.

#### NORFOLK TEACHERS' DISPUTE

**Mr. S. Smith:** Mr. Speaker, in the absence of the Minister of Education I have a question for the Premier on the subject of the Norfolk secondary school dispute. Is the Premier aware the strike has now resulted in the loss of 40 school days? The strike itself has been going on for some months and the mediator has now come to the conclusion the parties are at an impasse. The mediator has recommended binding arbitration in the matter. This has been accepted by one party to the dispute but not the other.

Given the fact things are at an impasse and given the fact the students are obviously suffering, having been out of school now for 40 school days, is the Premier prepared to take action to get the children back in the classrooms?

**Hon. Mr. Davis:** Mr. Speaker, unfortunately the Minister of Education is under the weather this morning. I will be communicating with her later in the day to suggest she become involved over the weekend, if there is merit in doing so.

My understanding of the issue at the moment is the Norfolk Board of Education is saying nothing today. They are meeting this evening. Until they have had that meeting it is perhaps wise not to commit ourselves to any particular course of action. That is the information I have as of about 15 or 20 minutes ago. I say to the Leader of the Opposition that the minister or I will be quite prepared to discuss this on Monday but we think it is wise to wait until after the Norfolk board has its meeting, which we understand is this evening.

**Mr. S. Smith:** Is the Premier ready to recognize, as the members of his own party have recognized and certainly as many other citizens have recognized, that a system which keeps children out of school and away from their education for 40 school days, over eight school weeks, is a system which is taking away the fundamental rights our young people ought to have? Is he ready to recognize there has to be a better way to settle disputes between teachers and boards, no matter who is at fault, and that Ontario should forthwith adopt a system of compulsory arbitration by a court of appointed arbitrators who would be assigned on a rotational basis, so that we could stop making the children the victims of the labour disputes going on in our school system?

**Hon. Mr. Davis:** Memories are very short on this issue. I can recall the discussions with respect to the presentation of the present legislation in this House. I can recall vividly—

**Mr. T. P. Reid:** I can remember when the Premier did not support Joe Clark.

**Hon. Mr. Davis:** I would say to the gentleman who interrupted that my position over the years of supporting our national leader is far superior to the position of his leader in supporting his national leader. The member did not find me—

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** —wandering around and hiding behind every potted palm out here

saying to others how much I disliked our federal leader and that I probably was not going to vote for him. I have been with our federal leader in every election. Where has the member's leader been in every federal election?

**Mr. T. P. Reid:** The Premier buried the hatchet right in the back of his leader's neck.

**Mr. Speaker:** Order. I wonder how much interest there really is in the basic question of the school issue. Will you address yourself to that please?

**Hon. Mr. Davis:** Mr. Speaker, I will address myself to anything you say. I am quite prepared to do that, but the member for Rainy River always wants to put his foot in his mouth and I am always delighted when he does it, because it gives me an opportunity to remind him about the Ontario Liberal Party, which totally dissociates itself from the federal Liberals until the polls improve and then embraces them once again. He knows that is what happens.

Interjections.

**Hon. Mr. Davis:** Mr. Speaker, getting back to the school issue—

**Mr. Bradley:** Hear, hear.

**Hon. Mr. Davis:** I am glad the member for St. Catharines is interested in it. His colleague was not. Mr. Speaker, our memories are very short on this issue. No one is arguing that it would be more desirable if we did not have these problems but I recall the debate in this House when Bill 100—whatever the number was, I can never remember numbers—was passed.

**Mr. S. Smith:** Your hands are tied.

**Hon. Mr. Davis:** Whose hands are tied?

**Mr. S. Smith:** Yours.

**Hon. Mr. Davis:** Do you know where it happened? Do you know the creator of that bill? I want to give credit where credit is due. It is the Nixon bill. It was the Peterborough policy. It was the Magna Carta enunciated by that distinguished member in Peterborough some years ago when the Liberal Party of Ontario said the way to solve the problem was to give the teaching profession the right to strike. It was his bill. I give him credit. I want to share this with him, the same way as I will give him credit for regional government, county school boards, whatever, I have got it all as a matter of history.

**Mr. S. Smith:** What are you going to do about it?

**Hon. Mr. Davis:** As I say, memories are very short. A lot of members forget. I do not happen to forget because we had situations in my own home constituency—

Interjection.

**Hon. Mr. Davis:** Let me finish. You are embarrassed.

**Mr. S. Smith:** I am embarrassed you are Premier. Yes, that is an embarrassment.

**Hon. Mr. Davis:** I know.

**Mr. Speaker:** Order. A supplementary? The member for Haldimand-Norfolk.

**Mr. Nixon:** That was the answer we are supposed to get to that question?

**Mr. Speaker:** Members are not interested in listening anyway.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: In regard to the welfare of the students of Ontario and particularly the students of our ridings, why was it we could resolve a strike in the Premier's riding a few years ago in 15 days and it takes 40 to 50 days in other ridings? Why is Bill 100 not really working?

**Hon. Mr. Davis:** Mr. Speaker, that gives me an opportunity to finish the answer to the question asked prior to this.

**Ms. Gigantes:** Spare us.

**Hon. Mr. Davis:** I would say to the member for Carleton East, we nominated a candidate the other night—

**Mr. Speaker:** Order. This question really has nothing to do with Carleton East. Does the Premier have a response?

**Hon. Mr. Davis:** I certainly do, Mr. Speaker. I would just point out to the honourable member that we must recall the situation before Bill 100. I can recall very vividly the problems created within our own school system where the teachers at that point did not have the right to strike but where they did have the legal right to work to rule. Some members will recall just how difficult this was within the school system and how prejudicial that approach was with respect to the educational programs of the people within the system when it was not working even though the teachers were not out on strike.

I would remind the honourable members that this creates in itself a very significant problem. It is very easy for the Leader of the Opposition, in the simplistic fashion in which he approaches so many issues, to say let us eliminate this without finding a better alternative. This government always seeks better alternatives to every single issue.

10:40 a.m.

We do not have a closed mind to improvements to any legislation, but I would point out to the member that there have to be better solutions. It is not just a question of saying let us do away with this. This government is concerned about the education of the young people in the member's constituency. The member has raised it with me on a number of occasions. I understand why, and I expressed to him my concern for his constituents, but I say to the Leader of the Opposition the time has come for him to avoid simplistic—and what he thinks are politically attractive for the short term—solutions to very difficult problems.

**Mr. Nixon:** Supplementary, Mr. Speaker: I wonder if the Premier is not aware that his original answer, indicating we should wait for further word from the Norfolk board, really seems to be irrelevant since the government-appointed mediator has gone public with what is inherently a criticism of the system. The ball is in his court. The mediator said that since he can no longer negotiate with any thought of getting an agreement, he is now calling for arbitration.

On that important point, would the Premier, as leader of the government, if he is so fond and susceptible to the kind of leadership I gave and my leader continues to give in these important matters, not consider the time has come to accept a better procedure than that which we were able to work out in this Legislature six years ago and move towards the courts of arbitration, which is a part of Liberal policy and which will give the answers to the problems that have plagued this government for too long?

**Hon. Mr. Davis:** Mr. Speaker, I know just how consistent the two members opposite are, the leader of the Liberal Party and the House leader, and how they have attempted to reconcile their policies over the years, but we all know the differences that exist, and we understand that, we appreciate that. The member is smiling because he happens to know they exist, too. I am aware of it.

**Mr. Nixon:** A strong united front is not a good alternative. You must be in worse shape than even we imagined.

**Hon. Mr. Davis:** Yes. We were in such bad shape that the Liberal Party got fewer votes a week ago yesterday than in 1975. That is what weak shape we are in. Mr. Speaker, all I attempted to say was—

**Mr. Nixon:** We were able to pick up 35 per cent of the electorate.

**Hon. Mr. Davis:** Oh, sure, but what did you get in 1975? You did better under your leadership then.

**Mr. Speaker:** Order.

**Mr. S. Smith:** The Premier has no intention of answering.

**Hon. Mr. Davis:** I do have an intention of answering if the member would not interrupt.

**Mr. Speaker:** I really do not think the person who asked the supplementary wants an answer. He is carrying on a private conversation.

**Mr. S. Smith:** Oh come on, Mr. Speaker, the Premier does this every time he gets up.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** If he would not interrupt me, I would answer. I really gave my answer to the member's leader a few moments ago.

We understand the seriousness of the situation. We know the mediator's report is in. As I have said, the Minister of Education is under the weather this morning. I will be discussing it with her, but I also informed the members that the Norfolk board, for its own reasons, is not discussing it, I am told, so far today. They are having a board meeting this evening, and I think there is some merit in letting them have that meeting to see what may or may not emerge. We have never shirked our responsibilities, as the members opposite will understand.

#### SOVIET VISITORS

**Hon. Mr. Davis:** While I am on my feet, Mr. Speaker, I was not aware of this and I offer no observations with respect to who may be guests in the gallery. My views on these issues have been made public on many occasions. I understand that whoever you invite into your gallery is a matter of your discretion, but I think you know that such guests are not the guests of the government.

**Mr. Speaker:** I think that was made quite clear before you arrived.

#### LIQUID INDUSTRIAL WASTE

**Mr. Cassidy:** Mr. Speaker, I have a question to the Premier about the arrogance and the insensitive decision of the government, of the cabinet, to declare a vote of no confidence in the Environmental Assessment Act of this province, an act which was ushered in with great fanfare just five years ago. Can the Premier explain how we in the Legislature

can demand that industrial polluters like Inco, a major source of pollution that leads to acid rain, should clean up their act when the government is not prepared to abide by the provisions of the Environmental Assessment Act and have an environmental assessment on the South Cayuga liquid industrial waste project, with all the very serious consequences that project may have?

**Hon. Mr. Davis:** Mr. Speaker, I really think there is a very significant distinction. Unfortunately I was not here yesterday to listen to the discussions because I was in Ottawa. I do draw a distinction between Inco, say, and the crown corporation that will be established to develop what will be the finest system of liquid waste disposal that is available in North America.

I think it is fair to state that the Minister of the Environment (Mr. Parrott) enunciated the position of the government. No one is debating a hearing with respect to the technical aspects of the facility that will be developed. But in reply to questions both from the Leader of the Opposition and from the leader of the New Democratic Party with respect to the need to move expeditiously to resolve what is a provincial problem, no one disputes the concern expressed by the member who represents that area and the citizens in that community.

I think the minister has made a singular effort to minimize the concerns of these people. I do not say for a moment there are not problems inherent in the process—I do not mean in the technology—but the process of how these decisions are arrived at. The government made a singular effort once again to obtain the services of Dr. Chant, who I think most members in this House would acknowledge is one of the foremost environmentalists in this province, to be responsible for the agency during the development of this process.

Interjection.

**Hon. Mr. Davis:** All right. If you do not think he is any good, say so. I happen to think he is most highly qualified, and I think he will do a first-class job.

What has to be emphasized is that the government made a very calculated decision to locate this in a way such that the land which would be affected would be in government ownership and so there would not be people on the periphery who might sense they would be adversely affected. There is no question that with respect to the technical and geological aspects of it, this will be subject to a hearing. That has been determined.

This government is as interested as is the leader of the New Democratic Party or anyone else in seeing that this is environmentally safe for the people not only in the vicinity—and I would remind the member it is not in close proximity—but for people generally in this province.

We want to have—and I am sure we will have—the finest system for liquid waste disposal available anywhere in North America. That is the objective, and I can assure the leader of the New Democratic Party it is an objective that will be realized.

**Mr. Cassidy:** The Premier is saying the technical processes that will go on at the South Cayuga site will be subject to a hearing, but all that we have heard in the Legislature so far is that there will be some form of informal hearing process. It has been talked about in a vague way with the Ontario Federation of Agriculture but until now it does not include the regional municipality, which has voted unanimously to seek an environmental assessment; it does not include citizens or farmers in the area; it does not include concerned groups like Pollution Probe. In short, it does not include all those interested parties who could take part in a hearing if one were to occur before the Environmental Assessment Board.

Even though the government has agreed not to refer that matter of the selection of a site to the Environmental Assessment Board—we disagree with that decision—is the Premier prepared at least to respond to public concerns about this proposal by ensuring that the hearing and the technical processes go under the Environmental Assessment Act and are heard before the Environmental Assessment Board?

**Hon. Mr. Davis:** Mr. Speaker, I can assure the member the hearings on the geological and technical aspects of the proposed facility will be heard in a way that will be consistent with the desire of informing people and giving people an opportunity to make representations.

It is also the hope of the Ministry of the Environment and the government that this new crown agency will have representation from people within the community. I think it is fair to state that we will have representation from the Ontario Federation of Agriculture on that agency. I think that is important.

Before the leader of the New Democratic Party gets too excited, let us see how this process develops. We are to a certain extent pioneering. No one is minimizing that. But the commitment of the government—

**Ms. Gigantes:** Pioneer by using your Environmental Assessment Act. That would be pioneering.

**Hon. Mr. Davis:** I would say to the member for Carleton East, if the NDP would stop objecting to everything that goes on in this province, we could make some economic progress that was environmentally consistent. We are prepared to do it, and we are going to do it on this issue.

**Ms. Gigantes:** Mr. Speaker, on a point of privilege—

**Mr. Speaker:** Order. There's no point of privilege here.

**Ms. Gigantes:** The Premier has suggested, by naming me, that I am opposed to every project this government undertakes. I have a suggestion—

**Mr. Speaker:** Order. The Leader of the Opposition.

10:50 a.m.

**Mr. S. Smith:** Supplementary, Mr. Speaker: Can the Premier clarify for this House the nature of the hearing that will go on—whether it will be under the Environmental Protection Act, the Environmental Assessment Act or some other ad hoc arrangement? Also, is he aware that Dr. Chant has said there are two conditions on his serving? The first is that the technology to be used in the waste disposal would have to undergo a public hearing, and the second is there must be further extensive geological and hydro-geological studies of the site as recommended by MacLaren.

Can I ask the Premier, therefore, whether these additional studies which will be done will be subject to the same hearing process? This would accommodate those who might wish to bring competing experts, those who might wish to cross-examine the consultants to find out exactly how the studies were conducted and so on. They would have the opportunity normally provided in the environmental assessment process. Could he answer as to the nature of the hearing, not only as to the technology, but whether the further studies required will also be subject to that hearing?

**Hon. Mr. Davis:** Mr. Speaker, I would hope that at least some members opposite understand the complexity of this issue and the need to move ahead with it expeditiously. What the ministry was and is concerned about is that if we went through the longer process—let us be very realistic: there could perhaps be a three to five-year—

**Mr. S. Smith:** No.

Interjections.

**Hon. Mr. Davis:** I wish it were not so.

**Mr. S. Smith:** That is not so. You show me one that has.

**Hon. Mr. Davis:** The Leader of the Opposition should show me one that has not.

Interjections.

**Hon. Mr. Davis:** I will get him many. I was not—let me finish—

**Mr. S. Smith:** It could be finished in one year.

**Hon. Mr. Davis:** It would not finish in one year. The member knows it and I know it.

I was not part of the discussions with Dr. Chant but I understand the discussions between him and the minister included discussions of further geological surveys, questions of the technology and questions of the physical location of a plant on the site. As these are more properly defined during the course of these discussions—not only with Dr. Chant but within the ministry—we will inform the House. Any surveys or studies done will be for public documentation.

We are as anxious to have people satisfied as to the environmental aspects of this plant as anyone else. We would take no pride in developing a significant facility if it were not environmentally sound. Where is the logic in it? I know the politics in it and I am not being critical of the politics.

**Mr. S. Smith:** You only understand the politics in it.

**Hon. Mr. Davis:** Certainly I understand the politics in it.

**Mr. S. Smith:** I am asking you a technical question. Will there be a cross-examination and competing witnesses?

**Hon. Mr. Davis:** I am giving an answer. There is no question that the discussions with Dr. Chant and the reason one of the—not conditions because he is not that kind of person, but one of the understandings—

**Mr. S. Smith:** He said they are conditions.

**Hon. Mr. Davis:** I do not put them as conditions. One of the understandings for his assuming this responsibility was that there were to be hearings with respect to the technical and geological aspects, not with respect to the decision as to it being Cayuga, Huron, Hamilton West or in Brampton.

**Mr. Speaker:** New question.

**Mr. Cassidy:** On a point of order, Mr. Speaker: There were two questions from the Leader of the Opposition, two supplementaries from the leader and I believe a total

of three or four supplementaries by members of the Liberal Party. In the case of my first question you have allowed one supplementary after my second supplementary from the leader of the Liberal Party and no further. Could the member for Wentworth (Mr. Isaacs) not at least have a supplementary and could you not seek to deal equally with the two parties?

**Mr. Speaker:** I think the member for Ottawa Centre knows full well the question we are discussing now has occupied more time—it is a very important issue, but how many different ways can you say the same thing?

I think I am doing a disservice to all the other members if I allow an inordinately large amount of time for one issue at the expense of all other issues in Ontario.

I defy the member to name one topic that has received more time than this one. I think in the essence of fairness to other members, we must get on to another topic.

**Mr. Cassidy:** I accept your judgement, Mr. Speaker. I point out the parties do have the choice of the issues they wish to raise and there should be some balance between the two parties in terms of treatment.

#### PENSIONS FOR WOMEN

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Premier with respect to the announcement by the federal Minister of National Health and Welfare a few days ago that she is now prepared to make an initial and very hesitant step towards providing adequate pensions for women. Will the Premier assure the House that he is no longer philosophically opposed to motherhood as he was in 1976 and, specifically, that the government is now prepared to withdraw Ontario's objections to the opting out provision which was put into the federal law in 1976? That was supported by eight provinces but cannot be implemented because of Ontario's and British Columbia's opposition.

**Hon. Mr. Davis:** Mr. Speaker, I am not familiar with what the Minister of National Health and Welfare said. I will have one of the ministers deal with this on Monday. I would just make it obvious to the leader of the New Democratic Party that this government and this Premier in particular have never been opposed to either motherhood or fatherhood.

**Mr. Cassidy:** Given that ringing endorsement, will the Premier undertake to do two things on behalf of the women of Ontario, both those who work and those who are at

home? First, will he undertake to ensure that, in future, women who work will not be penalized with respect to the benefits under the Canada pension plan because they are the ones who bear children and may spend a certain number of years out of the work force caring for young children, as was proposed four years ago by the federal government?

Second, will the government undertake not to block Madame Begin's proposals, but to take a role of leadership to ensure that not only middle class housewives can contribute to and benefit from the Canada pension plan, but that there is adequate provision so that housewives from families of modest incomes will be able to benefit from the CPP as well?

**Hon. Mr. Davis:** I hope I made it clear in my answer to the original question, but I will repeat it. I am not familiar with what the minister said or what tentative steps she may have suggested. I said I would look at it. I will discuss it with the ministers responsible for the policies of this government and I will have some observations for the leader of the New Democratic Party next Monday.

#### DETERRENT SENTENCES

**Mr. Ruston:** Mr. Speaker, I have a question for the Provincial Secretary for Justice. Since many people in Ontario are concerned about the nondeterrent penalties imposed by judges for crimes against people and property, has the minister taken any steps to ensure that judges toughen their stand with regard to crimes against people and property?

**Hon. Mr. Walker:** Mr. Speaker, I have not taken any steps to advise judges of that. If anyone did, it would have to be someone other than this minister. I suspect it is not the role of the elected representative or the role of the minister to direct judges on how they might deal with cases.

**Mr. Ruston:** I realize the Attorney General (Mr. McMurtry) does the appointing of provincial judges and the federal government appoints the county court judges. Is the minister not concerned that many people are coming back and committing these offences for the second and third time? Previously they were either given probation or very minor sentences. Somebody should take a little action on this.

**Hon. Mr. Walker:** I can definitely say the whole matter of recidivism is a sincere concern in the justice field.

## UNIVERSITY STUDY

**Mr. Bounsall:** Mr. Speaker, I have a question for the Provincial Secretary for Social Development concerning the composition of the university review study committee she announced on behalf of the absent Minister of Colleges and Universities (Miss Stephenson) this morning. From the announced composition of that committee, are we to assume the minister and this government will not be taking the study or its results at all seriously and have only set up this review committee as a crumb to the executives of Ontario universities, whoever they are, who asked for this review, particularly inasmuch as there is no representation from or chosen by the Ontario Confederation of University Faculty Associations or the various faculty associations of Ontario on this review committee and no student representation at all nor representation from the university support staff?

11 a.m.

**Hon. Mrs. Birch:** Mr. Speaker, as indicated in the statement I read on behalf of the minister, these people were chosen for their expertise in the various fields necessary to bring some decisions to the questions at hand. I would suggest the whole thrust of the appointments of these particular people was not to represent special interest groups, but to use people with the expertise required to bring some decisions in this very important area.

**Mr. Bounsall:** May I direct my supplementary to the Premier because it is very clear from the statement and the supplementary they did not want a representative committee? Could I ask the Premier why this government has not constituted a committee in the same way as the broadly based, fully representative way in which the secondary school review project committee was structured? That involved, on every committee, representatives of the Ontario Secondary School Teachers' Federation and its symposium involved the input of high school students in Ontario.

Since it has chosen not to do so, why has this government decided that the university sector—with problems similar to the secondary school situation in declining enrolments and serious disadvantages with respect to cut back funding—is so much less important than the secondary school sector by the very way this review committee has been constituted?

**Hon. Mr. Davis:** With great respect, Mr. Speaker, I think the functions of the two are really quite different. I was involved in

one or two discussions with the representatives of the presidents of the universities of Ontario that led to this particular decision and the establishment of this committee.

I think it is fair to state that this is partly as a result of a request from the committee of presidents of Ontario universities. As I understand some of the discussions, while enrolments are obviously a part of the concern with respect to the universities at this moment, what I think is of greater concern is redefining the role and the functions of the university within society today. It is not a question, as it was at the secondary school level, of trying to develop a policy or an approach that related to a diminution in enrolment. Here we are attempting, through the committee, to analyse or assess and to provoke some discussion as to the function or the role of the university.

Is it an institution that should be committed more to research? Should there be a greater increase in funding for research? Those will be two of the questions asked. To what extent do universities conflict with or duplicate the role or the function of community colleges? Is there a growing expectation that the general arts, as distinct from the liberal arts, are diminishing within the university community? Is there a growing emphasis, or should there be, on the professional or practical aspects of a university education?

Very many important issues are being questioned not only in Ontario, but throughout North America, with respect to the function and the role of the universities vis-à-vis government and vis-à-vis the private sector and society as a whole. This is not a case of studying the secondary school program relative to declining enrolment. This is a different kind of study.

**Mr. Bounsall:** The faculty of students had no input into it.

**Hon. Mr. Davis:** Let me finish. The member, as an academic, should have some modest insight into this.

**Mr. Speaker:** Order. You are into a philosophical dissertation on education now.

ELLIOT LAKE SEWAGE  
TREATMENT PLANT

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Northern Affairs. Given that the Elliot Lake community has had discussions with the Ministry of Northern Affairs with respect to the construction of a sewage treatment plant in addition to a water plant, and given the fact there has been a



delay in the approval of this plant, which is causing some ill effects on the establishment of some housing in that municipality and on the environment as far as the polluting of a number of lakes is concerned, will the minister indicate to this House what conditions have to be approved between his ministry and the municipality and the mining companies before the go-ahead is given to this project?

**Hon. Mr. Bernier:** Mr. Speaker, this particular question was discussed in detail with members of the community, with the mining company, with Hydro officials and with people from the various departments of governments as late as yesterday. I believe my colleague, the Provincial Secretary for Resources Development (Mr. Brunelle) made a commitment at that meeting that the entire issue would be reviewed and that he would get back to them as quickly as possible.

**Mr. Epp:** Supplementary: In view of the fact there is an estimated cost of \$22 million, and in view of the fact the cost is escalating daily and the municipality has suggested it is going to assume about \$11 million of this cost, can the minister inform the House whether the ministry, together with the mining companies, would assume the additional costs over and above the costs that the municipality has presently assumed, rather than unload additional costs on the municipality of Elliot Lake?

**Hon. Mr. Bernier:** Mr. Speaker, this is one of the issues we will be reviewing in detail. I would remind the member that one of the causes and one of the urgencies of coming to a decision has been the federal government's decision to refuse any further application under the community service contribution program, which could mean a loss of about \$4 million to the community of Elliot Lake. If he has any influence with his cousins in Ottawa, I would ask him to get in touch with them and to encourage that particular authority to continue that assistance to the municipalities of this province. It would help us tremendously.

**Mr. Wildman:** Supplementary, Mr. Speaker: Is the minister not aware that this has been ongoing for over a year and that one of the problems that has been raised in the past by the mining companies is they are awaiting authorization from Ontario Hydro for up-front money? Is that correct or not? What is being done to expedite that?

**Hon. Mr. Bernier:** Mr. Speaker, I was not at the meeting yesterday so I am not aware of that particular issue. I am sure that would

be one of the areas we will look at very carefully.

#### DURHAM REGIONAL ENVIRONMENTAL HEARINGS

**Mr. Isaacs:** Mr. Speaker, I have a question of the Premier with regard to the report of the Environmental Assessment Board on the proposed Ajax liquid waste treatment facility that was released today. In that report, the board admits it has varied the report prepared by the panel that sat through the hearings and heard all the evidence. Does the Premier think it is consistent with our system of justice that board members who were not at the hearing can have a say in the final decision that is rendered to the ministry, to this House and to the public?

**Hon. Mr. Davis:** Mr. Speaker, I understand the board's report came in at 8:30 this morning. While this government does move expeditiously, rapidly, enthusiastically, and always pragmatically and logically, I must confess to the honourable member I have not yet seen that report nor discussed it with the minister. I know he will have a reply to the member's question on Monday afternoon at two o'clock.

**Mr. Isaacs:** Supplementary: Perhaps even without having seen the report, but with his background as a member of the legal profession, the Premier could comment on the issue of whether or not board members who did not sit through the hearings and who, therefore, did not hear all the evidence should have a right to participate in the decisions that are rendered by the board?

**Hon. Mr. Davis:** I think one has to look at every situation on its facts. I learned some 20 years ago not to express any legal opinion, drawing on my vast experience in the practice of law which was for about three years. I have never done it since I have been a member in this House and I will not presume to do it this morning.

**Mr. S. Smith:** Supplementary, Mr. Speaker: Does the Premier not recognize the harm that is being done to the environmental assessment process when his government has circumvented it in the case of South Cayuga, while in the case of Ajax the process has proceeded with the people giving testimony, the panel making one decision and a board of people overturning that decision? Can he comment on the fact the chairman of the panel that heard the case has just resigned? Does he consider that a mere coincidence, or does he see it as a protest

against the way in which things are structured under his government?

**Hon. Mr. Davis:** Mr. Speaker, I have not talked to the chairman and, as I say, I have not read the report. I know it came in around 8:30 this morning. I am sure the minister will be delighted to comment on it on Monday afternoon.

11:10 a.m.

#### ENVIRONMENTAL ASSESSMENT OF HYDRO PROJECTS

**Mr. J. Reed:** Mr. Speaker, my question is for the Minister of Energy. Considering that many people in Ontario are becoming very uneasy about the future of environmental assessment and the application of the Environmental Assessment Act, could the minister tell us what the state of progress is regarding construction of the second 500 kilovolt line necessary to bring power from the Bruce B generating plant which will be coming on line in a few years?

Will the minister assure this House that project will follow Ontario Hydro's own new policy of subjecting all its projects to environmental assessment? Will he assure us that practice will be adhered to and the government will not exempt this project from environmental assessment because of the urgency of time, which is the excuse that has been used time and time again regarding these projects?

**Hon. Mr. Welch:** Mr. Speaker, we will be making some statements in connection with the matter referred to by the honourable member before long. Briefly, I can assure him there is no plan to ask for an exemption of that particular project from the process.

**Mr. J. Reed:** I wonder if the minister could then communicate to us how he plans to get the power out of Bruce B, understanding, as the Premier concurred with a little earlier in this question period, that the environmental assessment process does take some time and that the first unit of Bruce B is scheduled to come on line in 1983, I believe?

**Hon. Mr. Welch:** This matter was deferred to provide some time for Arthur Porter and the Royal Commission on Electric Power Planning to discuss the matter of power planning. That report has been made public. We will be tabling the government's response with respect to that report very shortly. Following that, there will be some indication as to the procedures to be followed with respect to possible and alterna-

tive routes, following which there will be the whole process.

I agree with the honourable member that this is a time-consuming process, but it is one we want to address as quickly as we can, subject to providing the opportunity for public input under the act.

#### HOMES FOR FORMER PSYCHIATRIC PATIENTS

**Mr. Duksza:** Mr. Speaker, I have a question for the Minister of Health. There is an urgent situation in Parkdale and Dovercourt, where upwards of 1,500 psychiatric patients are currently living in inadequate boarding houses without appropriate aftercare, a situation, incidentally, greatly worsened by the closure of the Lakeshore Psychiatric Hospital, a decision of the minister which was supported by the Liberals.

Will the minister indicate what action he intends to take based on the Metro report entitled, "Adult Residential Facilities, Final Report and Recommendations," which he has had since September 6 and which recommends better licensing of such homes and special funding and programs for such ex-psychiatric individuals?

Will he, as a member of cabinet, take the necessary action to see that the government of Ontario commits itself to changing the Planning Act in order that ex-psychiatric patients who need domiciliary care are housed and treated in the area of Metro they come from?

**Hon. Mr. Timbrell:** Mr. Speaker, I believe in the opening preamble to the member's question he referred to 1,500 psychiatric patients. That is not correct. They are former patients.

**Mr. Duksza:** I said "ex."

**Hon. Mr. Timbrell:** No, I am sorry, I am sure he meant "ex" or discharged patients.

**Mr. Breaugh:** You are the only man I know with marbles in his ears.

**Hon. Mr. Timbrell:** I see. The member is so witty on Friday mornings. He really is.

In regard to the last part of the question, I have taken the position in my own constituency, which embraces two of the metropolitan suburban municipalities, that we should have more enlightened policies in the suburbs with respect to group homes and with respect to being able to look after our own in the suburbs. I support the move in that direction.

In regard to the Metro report, as I recall, the final report is either out or about to come out. It recommends using the full powers which exist under the Public Health Act and

the Municipal Act to license, inspect and generally supervise boarding homes, rest homes and group homes. I fully support that. My position has been all along that for members of the general public to supervise these facilities who happen to be former patients all the authority needed rests now in the Public Health Act and the Municipal Act. It should be completely and fully utilized.

**Mr. Duksza:** Supplementary, Mr. Speaker: Has the minister seen the supplementary report forwarded by the Toronto city planning department on the same subject which suggested there should be two levels of boarding homes established? One would be for the residents who need extra levels of care and one for just the regular residents. The extra-level-of-care homes would be formally licensed and moneys equivalent to the domiciliary care program, which is \$15.75 per day, should be forwarded as such.

Since the minister is committed to it now, I would be pleased to hear when he will introduce the changes. Will he ask the Minister of Housing (Mr. Bennett) to introduce the changes in the Housing Act so that we can set up group homes all over Metro and not necessarily in the area of Dovercourt and Parkdale? If the minister is committed to it, can he do this immediately?

**Hon. Mr. Timbrell:** Mr. Speaker, my colleague the Provincial Secretary for Social Development (Mrs. Birch) wrote more than a year ago to all of the municipalities urging them to reconsider their position with respect to group homes. We have not taken the position that we are going to force a uniform policy on every single municipality. We do believe it is better to work with the municipal governments and not to use a heavy hand on them.

Granted, that leads to a variety of policies, some of which I am not entirely happy with. But I think most of the municipalities, including the two I represent, are giving the issue a fair hearing and are prepared to move significantly in the direction of the provision of services in their own municipalities for their own people who happen to be former patients or former clients in a variety of government institutions.

Regarding the first part of the question on the supplementary report, I am not sure we are talking about the same one. I will check it. If we are talking about people who are former patients, then that is one thing; if it concerns people who are in need of continuing care, then we are probably talking about possible changes to our homes for special care program. As the member knows, this is

a program which is now under review as to its future.

#### ACID RAIN

**Mr. Eakins:** Mr. Speaker, my question is to the Minister of Industry and Tourism. Realizing the importance of tourism to the economy of Ontario and realizing that the threat of acid rain can greatly affect this tourism potential, would the minister comment on a story in the Toronto Sun of last Wednesday? I quote:

"Swimmers risk the possibility of blindness in waters dying from acid rain, according to researchers at the University of Toronto. They found that dangerous bacteria immune to antibiotics proliferates in acidified Ontario lakes." It goes on to say that "their findings could signal the end of enjoyment in the Muskokas and Haliburtons, which are favorite recreation areas."

Apparently these studies were carried out in the Sudbury, Muskoka and Haliburton areas. I would like to ask the minister to what extent tourism has been affected to date by acid rain in Ontario. How seriously does the minister treat this latest report or does he consider it alarmist? A representative of Resorts Ontario has been quoted as saying that "probably walking down University Avenue in Toronto does more harm to a person than jumping off his dock at a summer cottage." How seriously does he see this problem?

**Hon. Mr. Grossman:** In the longer term, Mr. Speaker, this is a very serious problem and we are concerned. I think this was reflected in Resorts Ontario's comment, although I did not see their response itself. I think Resorts Ontario and Tourism Ontario and all those in the tourist industry are expressing some concern over the degree of understanding of the present state of the problem in Ontario throughout the United States. It seems that as the discussion quite properly gets to more prominence, we are concerned and obviously Resorts Ontario is concerned that the American tourist will believe the situation at the present time is a whole lot worse than it is.

The vast majority of our lakes are still healthy, as healthy as they ever were, and the vast majority of our lakes still provide the best fishing found anywhere in the world. Resorts Ontario and Tourism Ontario are quite properly concerned that as the issue reaches greater prominence, as we continue to press the Americans, somehow they will develop a perception that the situation is a lot worse than it is.

11:20 a.m

As we speak to the people in the industry and we reflect upon this past season, we see that we had our best tourism season ever in the province. The resorts in Ontario were literally packed last summer and tourism from the United States was up again in 1980, as it was in 1979, for the first time since 1973. All those would be indicators that at the current time it is not affecting tourism from our major American markets and, as the member knows, tourism from Europe and Japan is up about 15 to 20 per cent. All those are positive indicators.

May I say as Minister of Industry and Tourism I am more than satisfied, and indeed gratified, with the leadership being shown in North America by the Ontario Ministry of the Environment in solving the acid rain problem so that this does not grow to a state in which the tourism industry is in difficulty by 1990. They have to do that and do that in the context of the sometimes overstated and hysterical views brought to this Legislature by the member and his party. In point of fact, he should be applauding the leadership of the Ministry of the Environment.

**Mr. Speaker:** Order. The minister is too long-winded.

**Hon. Mr. Grossman:** If all jurisdictions were doing what our Minister of the Environment (Mr. Parrott) is doing, we would have no problem whatsoever.

**Mr. Eakins:** Supplementary: Could the minister tell us in dollars how tourism has been affected to date? Could he tell us dollarwise just how this has been affected and what input he has from the areas affected? Does he have meetings with these people? According to the people I talk to, tourism has been affected to some degree. Could he give us a dollar figure on that?

**Hon. Mr. Grossman:** Our tourism deficit for this province in the past two years has been reduced from about \$600 million to \$380 million. Tourism this year is up about five per cent in the province and our revenues are up 15 per cent. I speak to the people in Muskoka, as does the Treasurer (Mr. F. S. Miller). I speak to the people in Victoria-Haliburton and the people all through the resort areas. I spent a lot of time with the Northern Ontario Tourist Outfitters this week and all of them report this year was the best year they have ever had.

**Mr. Eakins:** That was not the question I asked.

**Hon. Mr. Grossman:** It is not the answer the member wanted; that is what he means. If he sends over the answer he wants, I will see what I can do.

#### BLINDED WORKER

**Mr. Lupusella:** Mr. Speaker, would you keep the minister under control? I have a question for the Minister of Labour. The minister is aware of the case of Terry Ryan, a 23-year-old former employee of Westinghouse in Hamilton, who was blinded in an explosion on November 29, 1979. The United Electrical Workers and the Ontario Federation of Labour are concerned that the ministry is not taking its enforcement and prosecution responsibilities seriously under Bill 70 in regard to this case for two main reasons. First, the ministry originally refused to lay charges in the case and only changed its mind after the union produced a detailed 45-page report documenting a history of unsafe practices in the plant. Secondly, when the charges were finally laid, they contained four errors of substance, including the dates of the accidents, which were only corrected at the insistence of the union. Can the minister explain how it is that the prosecutor in this case, a Mr. Jan Dolezel in the legal services branch, made such serious errors in the charges, originally laid on August 13, 1980, that new ones had to be laid on November 17, 1980?

**Hon. Mr. Elgie:** Mr. Speaker, I will have to take the specific issue as notice and report on it later, but on the general issue, I think an implication is being made of some reluctance to lay charges. I have to tell the member that is not so. He and I have talked about this in committee and the member reads the papers, as I do. He read yesterday or the day before that one of the major companies in this province claims we are so vigorous in enforcing our legislation that it is having trouble getting people to accept jobs as foremen. Let there be no doubt that the government and this ministry takes health and safety seriously. I will look into the specific issue and its details and report to the House.

#### PETITION

##### WHITEDOG RESERVE ROAD

**Mr. S. Smith:** Mr. Speaker, I am honoured to present to you a petition which has come to me from the chief of the Whitedog reserve. It is from the band council and various residents on that reserve and indicates that these people are not in favour of the construction of a certain road from Redditt to

Sydney Lake and are supporting their chief in doing whatever he can to prevent that from happening. It is my honour to present this to the assembly.

### SOVIET VISITORS

**Hon. Mr. Drea:** Mr. Speaker, on a point of privilege, the events of earlier this morning, particularly the dilemma that it placed upon the chair, seemed to me to be an occasion which is intolerable. We must avoid repetitions of this morning which placed a member like myself and, I am sure, other members in a position where, to express our concerns and beliefs, we would have had to be rude. That is intolerable in this House. It placed you in a position, sir, where you had to decide between the responsibilities of your office and the sensitivities and the beliefs of many millions of Canadians. Acknowledging with the greatest of respect your position, that, again, is intolerable to me.

On the other hand, we have to face the realities of the situation. What happened in the gallery this morning will undoubtedly be a form of propaganda coup in another land by publication or verbal description that none of us in this House will ever see or hear. Indeed, what happened here will be very difficult for individual members to explain when they are questioned.

In a country where the pride of young people is such that at the express wish not only of this Legislature, but the federal House, they gave up the high point of their athletic careers and made sacrifices because of a principle, I believe it will be very difficult to explain to them, if questioned, why something here today was, unfortunately, treated as business as usual.

I do not believe it is the position of members of this House to play boy diplomat. I am not naive enough to believe that by being nice to people we are going to make them nice people. As a matter of fact, if we are going to be nice to them, we will wake up one day and they will be at the doors of the Legislature.

Sir, I deeply regret you were put in the position you were today. I deeply regret that the obvious course for many members would be, unfortunately, to show very visibly their feelings by walking out. I don't really think the people of Ontario, particularly in regard to this institution and to this chamber, would really have understood that.

By the same token, I understand the position you raised, which is that it should not be left entirely in your hands and entirely

at your discretion, even though I personally feel that you are more than capable of handling it, as to just who is admitted into the Speaker's gallery. I would hope members of the House could communicate to you that while, on the one hand, the admission to the gallery may be something that really must be done, on the other hand, the introduction of persons in that gallery is surely a matter of profound discretion.

It may be that the Al Capones of this world have the right to sit in that gallery, but I do not believe that you should be put in the position where they have to be introduced before the House. I sincerely hope that members of this House will rise and be helpful to you in allowing you to perform the duties of Speaker of this assembly, as you do so well, and not again place you in what I regard—and I regret very deeply—as a very horrendous position on a Friday morning.

11:30 a.m.

**Mr. Makarchuk:** Mr. Speaker, speaking to the point of privilege, I was the one who invited the Russian people to visit us in the Legislature. I wish to commend you on your sense of fair play, in the fact that you did acknowledge their presence here, in the same way as we have in the past established as a practice acknowledging the presence of various people here.

If the member opposite wishes us to get involved in making those ideological decisions as to who is acceptable to be in the gallery, perhaps we should do it that way. I will be prepared to fight that battle, any time, any place, on any ground.

There is nobody in this world who walks around with clean hands, I want you to understand that, Mr. Speaker. I want you to understand that in this world if we are going to resolve some of the problems that plague us, that terrify us, and perhaps even reap some of the economic benefits that understanding brings about, we will have to talk to people like the Russians, just perhaps as the member says he will have to talk to the South Africans or the Fascists from Argentina. I don't mean the member in particular, but we have had those people in the gallery.

What I want to say is this political party, the NDP, has concerns about Poland. Those concerns were raised by my colleague in question period yesterday, and this morning we raised the concerns with the people who are directly responsible and the people who can take the message to the people who will be able to do something about it.

I want to read into the record exactly what we presented to them: "We, the undersigned members of the provincial parliament of Ontario, New Democratic Party, do hereby request the visiting members of the Supreme Soviet to convey in strongest possible terms our indignation at any possibility of USSR intervention into the internal affairs of Poland. We request that you convey the following on our behalf: Respect the just demands of Polish workers for democratic trade unions—"

**Mr. S. Smith:** What about Afghanistan?

**Mr. Makarchuk:** Perhaps we should send the Leader of the Opposition to Poland as the Minister of Labour. He would fit in very well there. To continue, "—to honour the obligations under the Helsinki accords; respect the territorial integrity of Poland—"

**Mr. S. Smith:** On a point of privilege, Mr. Speaker: I would ask the member for Brantford to withdraw any statement concerning the Leader of the Opposition in that particular context, and to do so immediately.

**Mr. Makarchuk:** Further, the report reads, Mr. Speaker: "Should the USSR intervene in Poland, the New Democratic Party will do everything in its power to ensure that the provincial and federal governments exercise whatever political, economic, and other sanctions against the USSR."

**Mr. S. Smith:** On a point of privilege, Mr. Speaker: If the member for Brantford is going to persist in suggesting that somehow or other I, as a member of this House, can be referred to as a person who might be associated with a totalitarian regime, I say to you that is unparliamentary behaviour on his part, and he should be required to withdraw that comment.

Coming from him especially, it is awfully ironic, as well as unparliamentary, but it is still unparliamentary, and I would ask you to demand that any reference of that kind be withdrawn from the record of this House.

**Mr. Makarchuk:** Mr. Speaker, I have the right to an opinion in this House, as does any member. When a member gets up in this House and says we should eliminate strikes or put people to work, then perhaps if we look at the situation in Poland we could see the parallels. That was the basis of my opinion.

**Mr. S. Smith:** Mr. Speaker, are you prepared to rule on this matter and to demand the member be brought to order and conduct himself in a parliamentary manner? If not, I shall attempt with the help of the assembly

to take the matter to the standing committee on procedural affairs.

**Mr. Speaker:** Order.

You are placing the chair in a very difficult position. The original point of privilege raised by the Minister of Consumer and Commercial Relations is quite knowledgeable about what went on before the delegation in question was about to arrive here. When it was raised by the Leader of the Opposition, I told him what little I knew of the incident and said that unless I had some direction from the House, I would simply introduce the leader of the delegation and the House could do what it wished.

They did arrive and it was made quite clear by the Premier (Mr. Davis) they were not here at the invitation of the government. I made it clear to the assembly, in advance of that, that they were not here as guests of the assembly or of the Speaker.

Now the minister has arisen and said the House should give me some direction as to how I should be governed when certain groups visit this assembly. The member for Brantford has suggested there should be an open policy and any member should have the right to invite a delegation of whatever sort or variety.

I am not in a position to indicate or to anticipate how the House might wish to handle situations of this kind. I am not Solomon and, in the absence of any direction from the House, I suppose I am going to have to be selective. I do not know that anybody wants to be in that position.

With regard to the immediate problem, when the member for Brantford suggests the Leader of the Opposition go to Poland and become Minister of Labour, I think that is something that is uncalled for and, in keeping with the sense of fair play he is speaking of in giving equal time to visiting people, I would ask him to withdraw that comment.

**Mr. Makarchuk:** Mr. Speaker, I will withdraw that remark. I sort of wonder if they would accept him.

However, I want to point out to the House that in the statement I have just read, we were the only political party to come out with a statement on the Polish matter and the concern about the workers in Poland. The others have not. We also took the message to the people who can directly transmit that message to the people in power in the Soviet Union.

**Mr. S. Smith:** You have had some comments on Afghanistan, haven't you?

**Mr. Makarchuk:** I will discuss Afghanistan with the honourable member.

I want to conclude that if we are going to draw guidelines, then we will live with the guidelines. I am prepared to live with them, but I feel you are going to find it a difficult process to say who can, or who cannot. I think the understanding is that an elected member of whatever parliament has some right to be introduced here. I am not sure exactly where you draw the line and I am prepared, and I am sure other members of the House are prepared, to make your life a lot easier.

However, if we want to go into decisions, I am sure the people selected as suitable for the galleries over there or over here probably would not be suitable for me and vice versa. Therefore, in order not to have that difficulty, I suggest we continue the same policy.

11:40 a.m.

**Mr. S. Smith:** Mr. Speaker, on the general point, it does seem to me this places you in a very difficult position, as the minister has suggested. I think there would obviously be certain persons whom no one would wish to have recognized as being in our galleries and certain others who, although we might accept that they be recognized as being there, we would not wish to have welcomed in the sense of putting it on the record that we welcome them. If I remember correctly, that may have happened here today.

I recognize the difficulty of your position, Mr. Speaker. I suspect there are some persons we would all immediately agree should not be allowed here and others where there might be some difference of opinion, depending on the extent to which our country recognizes their countries and that sort of thing.

I would think perhaps we need a procedure for these matters. When he is in some doubt, the Speaker, in his wisdom, might consider the possibility of consulting with the three House leaders and receiving advice that he, in his own position, would either take or not take. It does seem to me that the Speaker should feel free to ask for that kind of advice from the three House leaders when it is a ticklish matter or when he is not too sure whether the House would like to have those people here or not.

In general, I think our galleries ought to be open. That is a general matter. I feel the Speaker has the right to say, "I draw your attention to the presence in the gallery of a certain person." I am not sure I would like to hear the words, "I want you to welcome

a certain person" because that does have certain other connotations. I for one feel there are certain people I would not even want to recognize as being here, because I would not even want to be in the same room with them. On the other hand, I do not wish to be sent out of my own House because of their presence.

I would think this is not something that is subject to a black and white, yes or no answer, but something where you need a process to assist you in certain borderline situations. I do not know if the Minister of Consumer and Commercial Relations would agree with that. I would be interested in the minister's view. I think it might be reasonable for the Speaker to have some ability to consult in these ticklish situations. That is just a suggestion I would make to you, sir.

**Hon. Mr. Wells:** Mr. Speaker, I think there is great merit, now that this event has occurred, in considering the remarks that have been made by my colleague the Minister of Consumer and Commercial Relations, and the Leader of the Opposition to see if there is some way others in this House might assist you in the development of a policy. I am sure we will put our minds to it because the problem that has come up today is one we would all like to avoid.

On a point of personal privilege, I would like to draw to the attention of the member for Brantford—and I would be happy to check Hansard—that I believe I put our position very clearly yesterday in so far as any Russian involvement in Poland was concerned. For him to say that his is the only party that has made any statement, I would only say that in answer to the question I indicated very clearly that we would certainly view any involvement with great alarm, and felt that through all proper channels of the Department of External Affairs, the government of the USSR should be made aware of our feelings. I think I also reiterated the things we and the Premier had said and done in regard to Afghanistan.

**Mr. Speaker:** We could continue with this indefinitely.

**Mr. Duksza:** I would like to speak on a further point of privilege and my own point of privilege.

**Mr. Speaker:** Is it related to this?

**Mr. Duksza:** Very much related to this, Mr. Speaker.

The Minister of Consumer and Commercial Relations brought up the question of who comes to our gallery and it is of some importance. We do relate to a number of coun-

tries with whom we have major disagreements. There is a value in having a contact with the USSR in terms of what we can do to affect them.

I am an ordinary member here, but I am Polish-Canadian. I am concerned about what is going on in Poland and I do not see any other way of dealing with it except directly with people who are threatening my country of origin.

In the last 10 years, I have had intense contact with a number of people from the opposite side in connection with certain things I have done. I attempted to call the Serbsky Institute six years ago on behalf of Leonid Pluysch before he left, the Mr. Pluysch whom we welcomed once here in the Legislature. I did not get through to the Serbsky Institute, which is a forensic institute in which political dissidents are treated.

I was the chairman of the Chapter 77 Committee which sent lawyers to the trials in Prague and collected money in an attempt to influence directly the Czechoslovakian authorities on behalf of the people who signed Chapter 77. With Mr. Rotenberg I attended a vigil for the Jews in Russia in an attempt to affect—Mr. Speaker, forgive me, but it is an important way of showing that only by direct contact with the people in power, with whom this country has official relations, can we affect and give our opinions and change their points of view so they do not attack Poland and other places.

**Mr. Speaker:** The honourable member has made his point.

**Mr. S. Smith:** We don't have relations with Latvia, Jan.

**Mr. Speaker:** Order.

**Mr. Cassidy:** Mr. Speaker, on a point of order: I will be very brief. I just want to say this: At the present time, Canada has normal diplomatic relations with the Soviet Union despite very grave disagreements by this country with the actions of the Soviet Union in Afghanistan and fears of what might happen in Poland.

It seems to me that we in this province should not be seeking to conduct an independent foreign policy. When the government of Quebec did that in relation to francophone nations a few years ago, it created enormous difficulties for all of us in all the provinces in Canada. It seems to me that if the leader of the official opposition believes that representatives of a country with whom we have normal diplomatic relations should not be recognized, he should be urging the Liberal government of Canada to

withdraw recognition from the Soviet Union. That is obviously preposterous and the proposal is too.

**Mr. Rotenberg:** Mr. Speaker, I rise on a point of privilege: My name was mentioned by the member for Parkdale. He tried to associate me with his point of view because he and I did attend the same demonstration. That was a demonstration which had contact with and recognition of the authorities in the USSR, but it was a demonstration against those authorities.

**Mr. Speaker:** I just want to remind members, particularly the Leader of the Opposition, who raised it initially this morning, that he raised it on the basis of an invitation, as I recall. I was not aware of it until the honourable member raised it.

I apprised the House of what information I had: that my office had had a request to provide five seats in the gallery, which we had agreed to; that I did have the name of the leader of the delegation, and that unless I had some direction to the contrary from the House, I would simply recognize their presence in the gallery and name the leader of the delegation. I heard quite distinctly the Leader of the Opposition say, "That is not at question." So he had full knowledge of what I was going to do this morning, which I said I was going to do unless I had some direction from the House.

Obviously in view of what has been said since then, I need some further direction, but I want to draw to the attention of the House the select committee on the fourth and fifth reports of the Ontario Commission on the Legislature where the recommendation concerning the introduction of visitors is as follows: "The committee recommends, in keeping with the recommendation on page 79 of the fourth report, that no announcements of visitors in the gallery in the Legislature be made, with the exception of heads of state, their representatives or distinguished parliamentary guests, as Mr. Speaker may decide, and such introduction should be made by Mr. Speaker."

Other than that I have nothing else to go on, but in view of the strongly held convictions about this particular item, which gives us some concern and is going to give us more concern as time goes on, because there are a lot of single-party states even within the Commonwealth Parliamentary Association, I would welcome any advice. If the honourable members want to refer it to a standing committee of this House, I would be more than happy to be directed by whatever they see fit.



In the absence of any direction, I will go on as I have tried to do in the past, the same way as my predecessors have tried to do. But in view of what has been said here today, if there are any strongly held convictions, I am the servant of the House and I will take whatever advice is given to me by the majority.

11:50 a.m.

## REPORTS

### STANDING COMMITTEE ON THE ADMINISTRATION OF JUSTICE

Mr. Philip from the standing committee on the administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill 118, An Act respecting the Registered Insurance Brokers of Ontario.

Report adopted.

Mr. Speaker: Shall the bill be ordered for third reading?

Ordered for committee of the whole House.

## INTRODUCTION OF BILL

### CITY OF ORILLIA ACT

Mr. Rowe, on behalf of Mr. G. E. Smith, moved first reading of Bill Pr52, An Act respecting the City of Orillia.

Motion agreed to.

## ANSWERS TO QUESTIONS ON NOTICE PAPER AND RESPONSE TO PETITION

Hon. Mr. Wells: Mr. Speaker, I wish to table the response to a petition presented to the House, sessional paper 297. Also, I wish to table the answers to questions 239, 343, 375 and 399 standing on the Notice Paper. (See appendix, page 4762.)

## ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, MINISTRY OF GOVERNMENT SERVICES

(concluded)

On vote 502, provision of accommodation program:

Mr. Cassidy: I want to raise, under this vote, questions with respect to the courthouse and the progress of the courthouse project on Cartier Square in the great riding of Ottawa Centre, about which the minister

and I have already had a fair amount of communication.

I think the minister will be aware that, had we had this discussion a few months ago, it might have been rather heated, but over the course of the last 11 months a number of decisions have been made which have been welcomed by the community in the process of planning for a courthouse which will be acknowledged as a fine building and a fine symbol for Ontario. Also, the worthwhile contribution to the urban environment in that area of Ottawa has been substantial.

I spoke at some length in the Premier's (Mr. Davis) estimates about the bungling that took place with respect to the planning of the courthouse project prior to a year ago. As the minister knows, the Premier made his announcement just over a year ago that the courthouse would be built and would go into Cartier Square. At that time, there had been no effort to involve the city of Ottawa, the citizens of Ottawa or the people who would use the courthouse with the exception of the legal fraternity and the judges. That was wrong. The government has found out it was wrong, has had to backtrack and has had to put the whole procedure on a better basis largely because of the contribution made by those groups in Ottawa that I mentioned.

Among other things, we now have a much better site for the courthouse because the early decision to put it cheek by jowl with the United States embassy has been rescinded. A larger site has been found. It is now possible for architects to look at a better kind of building. What before would have looked like an enormous filing cabinet for justice in the middle of the block of Cartier Square facing Elgin Street now has some potential to be an adequate and attractive building.

The minister is aware, however, there are still concerns in the area over the plan. There are still difficulties, not entirely of the government's creation, with respect to the way that courthouse fits into the entire Cartier Square complex because of the failure of the National Capital Commission over many years to make adequate plans for the future use of Cartier Square after the temporary defence buildings were taken down.

Some of the problems that exist are not of this minister's or this government's making. Some of the problems relate to the lack of resolution by the federal government about what it wants to do with the rest of the square.

When we met about a month ago—the minister was there—with the National Capital Commission and all the other government agencies involved, they made it quite clear they did not know what they intended to do, but they wanted some 600,000 or 900,000 square feet of federal government buildings to go in the area immediately behind the teachers' college and the proposed courthouse.

Frankly, I think that federal proposal is a disaster. I am thinking with increasing strength that what we should be doing—and I hope the Minister of Culture and Recreation (Mr. Baetz) might join with this minister and others in supporting it—would be to urge strongly that the remainder of Cartier Square between the armouries and the courthouse be used as the new home of the National Gallery of Canada. It is an excellent site. It has a high degree of people traffic. It is a site that would be accessible to people from across Ottawa-Carleton. It seems to me it would do the country, the province and the city proud to have that particular facility in that place.

I want to raise two things with the minister. I would like him now to give publicly in the House an indication of how he and the government see the planning procedure now going forward with respect to the courthouse. I would like him to make some undertakings about the uses to which the public areas in the courthouse will be devoted.

We have two options. We can have a courthouse that dispenses justice and does nothing else. If the courthouse does only that, it is not going to be the kind of building that 95 per cent of the population of Ottawa-Carleton see as being particularly important to their lives. It will be a handsome white elephant on one of the most prominent sites in downtown Ottawa.

We have another option. There are the straight judicial facilities, the courts, the places for the crown prosecutors and judges, the lockups for prisoners and those kinds of things and the family court facilities if they go there. In addition to those, the concourse area and other contiguous or nearby areas can be used for a wide range of public services that come loosely under the heading of justice for Ontario and, in certain cases, might even be used for provincial services that ought to be accessible in a downtown location.

Let me give some examples. I have communicated these on many occasions to the minister and the Premier, and in letters to a number of other ministers of the crown. I am afraid the answers I have got have until

now not been satisfactory. I am speaking in this regard not just with respect to the people of Ottawa Centre, but for all of the Ottawa area. It is appropriate to have a justice building which they see as serving all their needs.

As a provincial legislator and representative of the area for several years, I think it is important as well that this province recognize that Ontario's contribution to the quality of life in Ottawa is often ignored in Ottawa. People look to the federal government. They look to the municipal government, to what is happening at the regional and city of Ottawa level. The provincial level, despite its importance for people's lives, often gets third place or is totally ignored.

One way of turning that around is to have a provincial presence. We have an outstanding opportunity with the courthouse building. That is why the design of the courthouse was important. That is why it was important not to have something taken out of some filing cabinet. That is why we want the best building we can get.

There is a wide range of provincial functions scattered across the city that could be located in the courthouse building. I think of the landlord and tenant function. I think of the rent review tribunal, the provincial agency. I think of the small claims courts; I have not had a guarantee those small claims courts will be located in the new justice building.

## 12 noon

I think of the offices of legal aid, not just the duty counsel office, which will be a little hole in the wall, but the place to go in order to talk about legal aid. I think of the Ministry of Consumer and Commercial Relations, in so far as it respects consumer protection, as a judicial function as well. People have a right to expect to be dealt with justly in the marketplace. It seems appropriate that when they look for that justice they should be able to find it in the courthouse, in the palace of justice, in the justice building of the province of Ontario.

I have made a number of other suggestions like that. The various quasi-judicial and administrative tribunals of the province should, as a matter of course, meet in the courthouse building and there should be at least some information facility there which can tell people about their rights, for example, to appeal to the Ministry of Community and Social Services. These are a few of the suggestions that I think should be very seriously adopted.

I believe as well that the building is going to be the most tangible symbol of the Ontario provincial government in downtown Ottawa, and it will be there for the next 50 years, just as the present courthouse facilities and provincial jail—the old Nicholas Street Jail—are the most tangible evidence of Ontario's presence and have been there for the last 50 years.

I think it is time that there was a place in downtown Ottawa where it was possible for people to be informed about provincial activities, to get information about Ontario programs and what they mean to those individuals and to have an opportunity to see exhibitions, displays and that kind of thing from time to time about the activities of the government of Ontario. I think all of that needs to be put in one place.

They need to have access to the publications of the province—access to Hansard, access to the papers of this Legislature, access to all of the documents, books, reports and so on which are freely available for people in Toronto if they simply slip down to Bay Street to the offices of the government printer.

Ottawa is the second largest city in the province. Unlike Hamilton, which is the third largest, Ottawa is not a short hour's drive away from the Bay Street information facilities. It is a long way. There is a psychological distance between eastern Ontario and here, as the minister representing Lanark county (Mr. Wiseman) is certainly well aware. One way to bridge that would be to ensure that when the people go into the courthouse because they have other business they would find that there was information about what the government was doing, and when people involved with the law—who obviously have a need which is greater than most people for access to government information—go in there, they can get that information. When citizens want to know what is happening, they should have a place in a convenient downtown location to get that information in a building which says "This is a provincial building."

I noticed that the Minister of Industry and Tourism (Mr. Grossman) has just established a tourist bureau in the Eaton Centre. Why could something similar not be part of an information centre in the courthouse? It is close to high traffic areas in downtown Ottawa and it seems to me that information about how to enjoy holidays in Ontario could also be there.

I have to say that I am a bit distressed at the fact that when I have communicated

these suggestions to the minister, he has said, "I am just responsible for the provision of accommodation. If those ministries want to do something like that, that is up to them but I am going to wait until I hear from them." When I talk to the individual ministers, they say, "If the Minister of Government Services wants to expand the courthouse to do that for us, we will certainly have a look at it but we do not have a new budget at this time." When I raise it with the Premier, he seems to take the attitude, "Some project up in Ottawa, 265 miles away, is not of any particular interest to me, so I will let the boys handle it. I am not going to get personally involved."

Somebody has to take leadership. It seems to me that as a minister from eastern Ontario, this Minister of Government Services is in the position to do so, since he is also the responsible minister for the courthouse. If it is not he, then he should talk to his colleagues the Minister of Housing (Mr. Bennett) or the Minister of Culture and Recreation and suggest that one of the three of them take this ball and start to run with it; take it to cabinet and get cabinet endorsement even if it costs \$500,000 or whatever it costs. It is not a large sum of money, it is not a great deal of floor space in the proposed building, so that it should be possible to bring in all the quasi-judicial functions of the various ministries.

It should be possible to have there an information centre where you can go and get information, the same way you can come to the Queen's Park complex and talk to the citizens' information branch here, which comes under the Minister of Culture and Recreation. It should be possible for there to be a display area that can show displays about the work of the province of Ontario.

People will say, "That's propaganda for the Tory government." I would hope it might become propaganda for a government, whichever political stripe it happened to hold. In fact, it is information about what Ontario is doing and there are times when we should not simply see that as being for one party; it is for a provincial government which does a damned important job in Ottawa and all across the province.

I would like the minister to respond to these concerns because there is time before the planning for that project gets too far advanced for the ministry to make a definite declaration of principle and then to implement that. I have talked with the architects who were involved with this, Mike Kohler and the other people, Harry Ala-Kantti. They

are clearly very sympathetic and would like to have that leadership coming from the province and would be very happy to design that in the same way as they are trying to design a building which will be compatible with the neighbouring buildings, will work with the neighbouring buildings, will say to people in the area that justice is not something that is confined only to the elite. This is a building which is accessible to all of the community.

**Hon. Mr. Wiseman:** Mr. Chairman, the other night we touched briefly on the Ottawa courthouse but I don't mind going over it again. I think the honourable member may have been elsewhere. The member has sat in on most of the meetings we have had with the National Capital Commission, the planners for the city, the mayor, the citizens' committee, members of the school board as it affects Lisgar Collegiate, and the member for the area, who happens to be the member for Ottawa Centre.

We have had many meetings on this topic, and, as the member knows, no one is rushing into any particular building on this site. Probably this building will be under more scrutiny than any other building that I have been associated with since I have been Minister of Government Services because of the responsibility that the National Capital Commission has for planning that area of Cartier Square surrounding the capital buildings in Ottawa.

We started off with one site, the site along Elgin, closest to the teachers' college. When the United States decided it was going to locate its embassy some place other than Cartier Square, the restrictions put upon us by the National Capital Commission, the citizens' committee, the mayor and her planners suggested that as you come down Elgin Street, two thirds of the teachers' college be visible. We had to change the shape of the building or its location on the lot and look into the possibility of buying additional land, which was at that time going to be used for the US embassy.

Not only did we have to locate the building on the lot and show two thirds of the teachers' college as you come down Elgin, as I mentioned, but we also had a restriction from the National Capital Commission that it wanted the building located on the lot in such a way that you could stand in the middle of Cartier Square and be able to see the Peace Tower. That meant we had to put the building on quite an angle.

12:10 p.m.

As well, we were asked, and it is not finalized yet, to stay back from Laurier Street because at some point in the future they may want to widen Laurier Street. I think there is the possibility of a one-way street there in the future. We should keep in mind that is a parade route along there, coming from the armouries up to the Parliament Buildings in Ottawa for the changing of the guard and so on.

We also were given a directive that they wanted as much open public space around the building as possible. We were told it just would not look right if we used up every bit of our lot, because right opposite it, across the street, is a park. There was some concern about that, so we tried to address that problem. As the honourable member knows, we also had a restriction as to height; we could not go over 85 feet. I am setting this background because we were trying to look into the possibilities of further public space in the building, keeping in mind the height restrictions and so on.

We do have a responsibility for the Attorney General and for the registry office. That is really why we are building the building. But we have given a commitment that we will look into the possibility of other uses, some of the uses the honourable member has mentioned and others. My staff are in touch with the ministries involved and we are waiting to get word back as to whether or not they are interested in it.

I just ask the honourable members to keep in mind that our space is limited. If all the ministries came back and said they were interested in doing some of the things the honourable member has suggested, we probably would not be able to do it on the site unless we got full co-operation from the city. At the present time we are above the guidelines laid out by the city. They are going to have to waive those, in any event, with what we are proposing at the present time.

One area the honourable member mentioned was the tourist information centre. At the time that was talked about, I don't think we knew we were going to have a convention centre in Ottawa. I don't know what will come back from the Minister of Industry and Tourism, but perhaps that would be something that would be better located—I think the honourable member would probably agree—in the convention centre, a place where perhaps even more people would make use of it. But we are working along and I think everything is working out quite well.

I believe I mentioned last Monday night during our estimates that we will have a

model some time early in the new year. Then we can show the citizens, the mayor, the National Capital Commission and all people at that time what we have in mind, what the building will look like from the outside, how it will be situated on the lot. I would hope we would keep in mind the conditions the National Capital Commission has asked us to consider when we are designing the building. I hope the people, when they see the model, will have some clear understanding of what it will look like and how it will blend in with the other buildings in the immediate area.

**Mr. Cassidy:** Will the minister undertake that there will be open houses so that every aspect of the proposal, the model and everything else will be discussed with the public and that the public can be informed about what is going on? Will he also tell the House if the question about these other uses for the courthouse has been raised in cabinet and if the question of an information centre for the province, including information about services and access to government publications in a display area, has been raised in cabinet? If it has not, will he undertake to have the matter raised in cabinet so that there is a definite decision, rather than a whole lot of people saying maybe yes, maybe no, and leaving the whole situation in limbo?

**Hon. Mr. Wiseman:** Mr. Chairman, I thought I had made this quite clear as far as the public were concerned. I know the honourable member has a little different opinion on this, but I felt it would be hard to understand if we showed the general public what I and my deputy and all those at the last meeting saw, without having the experts—the experts in this case being the architects—to explain the drawings and sketches that were on the wall. For the average person coming in off the street, I think it would be very difficult to understand those.

It is my personal opinion that when they see a model of what it would look like, with somebody there to explain it a bit further, they will better understand it. That I have said we will do. At the same time we have to present it, as we always do, to the city officials, to the National Capital Commission, and to all those we have been meeting with over the months I have been associated with this project.

Concerning the other question the member raised, I think it is too soon to bring something like that to my cabinet colleagues until I am sure we have responses back from all those ministries to indicate a yes or a no

about their interests. At that time I think Management Board and cabinet will have to make a decision as to cost and to things relating to anything additional we might want to put in that building.

**Mr. Cassidy:** Mr. Chairman, I will conclude without asking for a reply from the minister. The minister is wrong to exclude the public at this stage. There is a tremendous amount of information that can be put up on walls, into a display centre at teachers' colleges and made accessible to the public.

The problem the minister is demonstrating is that he distrusts the contribution the public can make at this time. He is afraid of the public. I would ask the minister to take the public into his confidence. Let them get involved; let them make suggestions and explain to them what is happening. If that had been done a year and a half ago, the ministry would not have run into the difficulties they had at the outset because of the secretive way in which the initial planning for the courthouse was done.

I urge the minister—he has come a long way—to go all the way now and be prepared to put that information out and make it accessible to the public. He will have full co-operation from elected representatives and from the city of Ottawa. I urge him to take that step now.

**Hon. Mr. Wiseman:** Mr. Chairman, I have had a little bit to do with small buildings. I have been in this ministry for about 15 months now. I am not discrediting any individual, but I do know that most individuals will not be able to understand it unless the presentation is put in the way we had it the other day.

I am sure the honourable member who just spoke would not have understood it nearly as well as he did if it had not been that our professionals were there. I am not saying the people of the province or the people in the Ottawa area could not understand it. But they can understand it a lot better, in my opinion, when they see the model and have it at that stage.

The member who just spoke disagrees with me, and that is his right. But I feel I should get it on the record that I am not saying anything against the people. They would have a better understanding and they would be able to see there would be very few changes to the outside after they saw the model. That is what I am concerned about: that they do not see something and then see a lot of changes later on.

If we stay pretty close to what the model is, the people won't come back later on and

say: "You've changed it completely. You sold us a bill of goods."

12:20 p.m.

**Mr. Ruston:** Mr. Chairman, I have a couple of things I want to ask the minister on vote 502. I see in public accounts for 1979-80 amounts to the Cadillac Fairview Corporation Limited of \$851,000 and \$9,270,000. I assume those are for buildings you are leasing in downtown Toronto in some areas; is that correct?

**Hon. Mr. Wiseman:** Yes.

**Mr. Ruston:** So you paid Cadillac Fairview over \$10 million for 1979-80 in Metropolitan Toronto. At some point, you might be able to give me the information as to how many square feet you are leasing from Cadillac Fairview. I would also like to have a verification of the amount of the property you have at the east of Bay project. I have a figure of 18,000 square feet. I would like to have that verified.

Under advisory services, there is an amount of \$683,000, which is down from last year's estimate. What is the main part of that spent on? On what facilities or for what is that money used?

**Hon. Mr. Wiseman:** Mr. Chairman, while I am waiting for the exact footage on the east of Bay project and how much square footage we are renting for that figure from Cadillac Fairview, I will try to answer the third question first. That is for services which we do for other ministries that cannot be charged to this particular vote. In a moment I will have the number of square feet and so on in those other two questions.

**Mr. Ruston:** Some time ago I had a question on the Notice Paper with regard to changing or adapting your buildings from oil heating to natural gas. What is the situation on that now? How many of the buildings you own are now heated with oil in areas where there is natural gas available? I realize, of course, in some areas it may not be available. Many people in Ontario would like to have it, but they do not have access to it. I wonder if you can tell me if you have any main buildings now still on oil, and when you expect to convert them to natural gas?

While your officials are looking these figures up, we could maybe get some other questions rolling. Another thing I wanted to ask was with regard to employees—I understand the government now can pay employees directly through their banking system. Do you have that facility with your own employees or is that under Management Board?

In other words, you can deposit their cheques in their banking system. Is there a facility available to have them deposited in credit unions, banks or trust companies, or is it only for banks and trust companies?

**Hon. Mr. Wiseman:** Mr. Chairman, I understand right now we have given our employees the option of whether they want their cheques deposited directly into the bank or whether they would like them delivered to them personally. There is still an option on that. In some of the other cheques, we do deposit them in the bank, like pension cheques and so on.

**Mr. Ruston:** Do you deposit into a credit union as well as either a bank or a trust company? Is that facility available? I know the credit union would be glad to have it. I am wondering if you have the power to do that?

**Hon. Mr. Wiseman:** At the present time it is just into the banks.

**Mr. B. Newman:** In the trust companies too.

**Mr. Ruston:** Why would it not be available through the credit unions, since they are licensed under the province and have a deposit corporation where they are guaranteed? Since the credit unions put out the same service, could you not use them too?

**Hon. Mr. Wiseman:** I am told that after January 1 they will be able to deposit cheques. Their cheques can be deposited with any branch that allows cheques to be written. I believe that would cover your earlier question.

**Mr. Chairman:** Do you have any further answers for the member for Essex North?

**Hon. Mr. Wiseman:** If we could go ahead, Mr. Chairman, I will come back to them.

**Mr. R. F. Johnston:** I want to ask a few questions about the east of Bay project. I gather a couple of general questions have been posed to you already by the member for Scarborough-Ellesmere (Mr. Warner). It is about a year now since I put a couple of written questions on the Notice Paper in terms of the specifics of what you are planning east of Bay.

Since you decided in your wisdom to cut off negotiations and interaction with the city of Toronto, and basically went against an agreement that was made by the Premier (Mr. Davis) with the city of Toronto in 1974 and decided to take over the role of sole planners of this particular block and take it out of the hands of the city, you have done a great deal of work on it. I am wondering

if at this time you would be willing to give me some very specific information as to what the plans are and what the state of the east of Bay project is at the moment in your terms.

For instance, what is the square footage you are looking at in terms of government usage of towers onsite? What is the present status of discussions with the YMCA in terms of the amount of space it might have? Is there any provision at all for housing on that site, as was an integral part of the plan from the city of Toronto, in order to make it more of a community and keep housing in the central part of the city? When was the last time you talked to city officials?

I know you have been essentially boycotting the past administration of Mr. Sewell. It seems to me it was a general policy directive of the Conservative government, although the member for Wilson Heights (Mr. Rotenberg) may not agree with me. It seems to me interesting that a number of items were given very short shrift when Mr. Sewell was in power. A good example might be the plan to rationalize the steam plants, something on which you had all-party agreement in this Legislature way back before the summer, yet there was no announcement of it until after the municipal election was out of the way. I thought that was pretty interesting.

**Mr. Rotenberg:** That was in just beforehand.

**Mr. R. F. Johnston:** I think you will find it was a day or two after the decision was already made that there would be a new mayor. Have you spoken to the new mayor, Mr. Minister?

**Mr. Rotenberg:** It has nothing to do with the new mayor or the old.

**Mr. R. F. Johnston:** I am talking specifically about the east of Bay area—I am referring to your general methodology in trying to undermine John Sewell over the last number of years—but specifically about east of Bay. You have left out the whole city planning that has gone on since 1974 and you have not involved them. What are you doing now with the new mayor? Are you going to involve them? Are you going to allow them to play any part in turning that area into a creative development or are you just going to make it another huge bureaucratic enclave and extension of this place? I would like to hear some more specifics.

It is a year since I filed that question and I think it is about time we got some specifics and not just the generalities that were given

to the member for Scarborough-Ellesmere earlier.

**Mr. Rotenberg:** The member for Scarborough West seems to indicate that I had some role in the planning of Bill 192 whose introduction, he seems to indicate, had something to do with the last municipal election. I can assure the honourable member and the House that that bill has been in process for a number of months. The bill was in process and consultation with the city of Toronto administration without regard to who was the head of that administration. Assurance was given to Mayor Sewell, who is still the mayor of the city of Toronto, that the bill would be introduced and that we would work with him and his officials. The bill was before this House during his administration.

**Mr. R. F. Johnston:** I was not trying to impute any motives or give the member for Wilson Heights a role. I happened to be in committee a number of times with him when proposals brought forward by the city of Toronto were dashed down with some regularity. Let us make it very clear that the municipal election was over when the announcement was made about the steam plant. John Sewell may still have been the mayor but he was a dead duck mayor at that time.

12:30 p.m.

**Mr. Rotenberg:** A lame duck.

**Mr. R. F. Johnston:** No, he was a dead duck at that point, not a lame duck.

**Mr. Rotenberg:** With respect, Mr. Chairman, that bill was introduced on November 14 and whoever was elected mayor had nothing to do with it.

**The Deputy Chairman:** Order. Let's forget the politics in the city of Toronto. If the member for Scarborough West wants to return to the estimates, all well and good. Is the minister ready with a reply?

**Hon. Mr. Wiseman:** Yes, Mr. Chairman. The other night we did touch briefly on the east of Bay project, but I would just like to say that the YMCA will take over the property they have purchased from us around August 1, 1981.

I do not think the honourable member was here the other night when I mentioned we have three proposals for the Board of Internal Economy and the committee looking after space for the members. We mentioned at that time that the third proposal did take into consideration the possibility of building an office building to square up the balance of the land along Grosvenor and up to Bay, the part the YMCA is not taking. This is

only a proposal and many of you heard some of the members saying they agreed with proposal number two, which is a large complex at the back.

The member mentioned what the city had done in this planning and some of the restrictions they put on the coverage east of Bay in their plan and some discussions that I had with the mayor then. We have, as I mentioned on Monday evening, an outside consultant who is bringing in a report after discussions with the city officials, planners and other people who showed some interest in the east of Bay, and we will be seeing that proposal soon. We are looking with interest to see what the planner has suggested. I hope to have the square footage that we own east of Bay in a few minutes for the member for Essex North as well.

I can answer one of the questions the member for Essex North asked about the number of oil-fired furnaces we have at the present time and how many will be changed over to gas. Right now, about 30 per cent of our buildings are heated with oil and the rest is natural gas and in some outside areas, perhaps a bit of hydro. Three hundred and thirty-eight buildings will be converted over the next five years from oil to gas, at a cost of \$2.5 million. Based on today's prices of oil versus natural gas, it would seem we will have a saving of approximately \$1 million per year.

**Mr. R. F. Johnston:** I am sorry, we moved away from east of Bay all of a sudden there. There are a couple of things I would like to follow up on. Who is the consultant you have preparing this report for you, and what are the parameters of his report? What kind of mandate has the minister given that consultant and what form, specifically, will discussions take between the city of Toronto and the planning department of the city of Toronto in terms of any of the work he might be doing? Is it all just in the formulation of his report, or does it come after his report? What kind of power does the city of Toronto have to have any input into what is going on there?

Second, whatever happened to the wonderful idea of the bus terminal at that location? Is that still in the plans anywhere? If it is, please get rid of it as quickly as possible. It is the most ludicrous place for a major bus terminal in the city of Toronto that can possibly be thought of. I would like some assurance that is nowhere in the plans at this point. As I said, a more sensible location some place in the Union Station vicinity is being considered and government support for

such a project is being contemplated at this time.

In the matter of the Young Men's Christian Association, how much space have you actually provided for the YMCA in terms of square footage or the actual site line? What is the size of the building they are now talking about? Is it still the much larger version that was planned in the city of Toronto's initial proposal? What input from the city is being had in terms of the YMCA portion of the property there?

The east of Bay properties are under the ownership of the government, as I understand it. What is the financial status of those east of Bay properties? Are you making or losing money on our investment in that area at the moment?

**Hon. Mr. Wiseman:** Mr. Chairman, the planner is John Bousfield Associates. The only direction he got from us was to investigate the possible uses for that lot east of Bay. That would include, and I know has included, discussions with city officials and others. We hope he will bring back a proposal as to how he would see that land east of Bay being used. As far as the bus terminal goes, that was discussed a long time ago. That is not in the plan at this time as far as we are concerned. What Mr. Bousfield suggests, we do not know.

We will have the actual square footage the YMCA has purchased from us in a moment. As I understand it, though, it is the L-shaped piece of property we were talking about when the honourable member and I had some discussions on the subject in the Legislature about a year ago.

I understand the square footage is 51,810 square feet. That was sold to the YMCA for \$2,582,300. Did you get those figures? I understand the YMCA now has an architect and the land has been sold to them. It will now be up to them to negotiate with the city. I know they had many discussions with the city before we sold them the land.

**Mr. R. F. Johnston:** I have two other small matters and then I will move off this. You did not say whether, after the planner's investigation, there would be any liaison with the city planning staff in terms of what final plan will be presented to you. I would like to know if that is going to be happening or whether we are going to be working in splendid isolation.

Has the idea of housing on that site been ruled out from your point of view? It certainly sounded like that to me last year. I



want to know if the city's idea of housing on that site might be a possibility.

The other thing I do not understand about all that is going on here is why the initial city plan could not have been adequate for our government's needs. As I understand it, in the initial city plan there were at least two high-rise towers for commercial office space planned in the city plan in addition to the YMCA space, in addition to the housing space, in addition to the small park space and other kinds of facilities—including a theatre as I recall.

12:40 p.m.

Why is it that the two towers that were planned in the city's project were not adequate for any anticipated growth in government space that might have been required? The simple negotiation for that space could have gone on with the city's plan instead of throwing out all that work done by the community and by the city itself on an understanding from the Premier in 1974. You throw all that aside and instead set up your own planner to go out and come back to you with a plan that has nothing to do with all that work that was done before. Is it not the case that any reasonable expansion of government space and government services could easily have been handled in those two towers that were in the initial plan?

**Hon. Mr. Wiseman:** If we had had some reasonable working relationship with the former mayor, we would not have had some of these problems and probably would not have had to go to an outside consultant.

I thought things were going along quite well for quite a while. Anything I would say right now would be guessing on what the consultant or planner may come in with. I just ask the honourable members to wait and see, as we are, what will happen on his plan for the east of Bay. As far as ruling out some sort of housing over there is concerned, we have not done that. We never did it with the former mayor either. It was just the way he handled things that I think could have been handled a lot better in this instance.

**The Deputy Chairman:** I want to share the time here with the member for Windsor-Walkerville.

**Mr. R. F. Johnston:** I have one last comment. I think it is unfair. I can pull out of the record the approaches to the minister to try to get meetings with him on this matter and they were unsuccessful in getting your co-operation in having meetings.

Has the minister met with the new mayor yet? When does he intend to meet with the new mayor? When does he expect to get in touch with the local authorities to involve them instead of taking everything out of their hands and putting it in the hands of his bureaucracy?

**Hon. Mr. Wiseman:** The door is always open to my office and to my deputy's office. It always has been; it was to the former mayor. But there is a limit when someone walks in and if they do not get exactly what they want they rush out in disgust and say, "I am going to the press." That is what happened on a couple of occasions with the former mayor. I only hope the new mayor comes in. I am a reasonable guy, and my deputy is a reasonable person. We will sit down and talk about it in a reasonable way.

**Mr. B. Newman:** I wanted to raise a few issues which are local issues. I would like to solicit information from the minister.

First, what is the status of the old Essex county courthouse in the city of Windsor? Mr. Thatcher is perfectly familiar with it. I raised it some two years ago with him and he was most co-operative in providing information at that time. But it seems to be in a state of limbo at present. Could I have an answer to that, Mr. Minister?

**Hon. Mr. Wiseman:** Mr. Chairman, at the present time we are waiting for the city of Windsor to tell us about their interest in that building. As soon as we have that information I will relay it to the honourable member either by letter or personally.

**Mr. B. Newman:** Another matter: Would the minister please extend the parking for handicapped not only to his own ministry but suggest it to other ministries? The parking location for those who are handicapped should be as close as possible to the doors of the facility they are going to visit. I notice the tourist reception centre in Windsor could profit from that type of suggestion; likewise the provincial public building. To me the handicapped parking should be right at the east door of the building.

I do not necessarily want an answer from the minister, but I would suggest he extend that. Likewise, could he suggest that to ministers of other portfolios? Take the service centres on Highway 401. They do have parking for the handicapped but it is quite a distance to walk. It could be right next to the door even though it may cause some inconvenience to the bigger vehicles that may have to pass by in that area. To me the parking for the handicapped should be as close as

possible to the building into which the handicapped are going to go.

The minister is aware of the employment problem in Windsor and the problems we have with the auto manufacturers and the problem Chrysler is having. I would suggest the minister show a little preference for purchasing vehicles from the company that has the greatest financial difficulty at the time—I am suggesting Chrysler. I know he has to go by tender and things of that sort and there may be some drawback to implementing a suggestion like that.

Finally I would mention the walks around government public buildings. The space between the curb and sidewalk has cobblestones which are the hardest thing you can think of to walk on. I have seen so many ladies stumble as they are walking from the road over that. I suggest you get rid of those stones. You cannot push a wheelchair on that, or you push one with extreme difficulty. You will say there is a sidewalk fairly close by, which is quite true—I accept that. But if you go to walk in there you stumble over all of those stones. A lot of the stones are substantially depressed. To me it looks like one heck of a mess in many locations.

I would suggest he tear that all up at some time in the not too distant future and replace it with the regular type of concrete. If he is not going to use concrete, if he wants to use something that is probably a little cheaper, maybe he could even use asphalt in that area. I am fortunate enough that I do not have a physical handicap; I might have another type but it is not physical.

**Mr. Ruston:** Like some other members here.

**Mr. B. Newman:** I am in good company maybe. But I certainly would appreciate if the minister would look into, on a program basis, eliminating that stone area between the sidewalk and the curb. Let the individuals be able to walk on, if necessary, a wider sidewalk, instead of almost falling into holes by the side of the sidewalk or walking on those cobblestones and running the risk of spraining an ankle.

I have made a few suggestions to the minister and I would appreciate a reply to some of them at least.

**Hon. Mr. Wiseman:** The member did mention one area with regard to the handicapped. We will look into that. A week or so ago, as I was shopping, I watched a young fellow, probably better on his feet than most of us in the Legislature, who drove into the space for the handicapped. I think we have an education job to do there to emphasize that

they really are for the handicapped. Both of those parking areas were taken by people under 20 who had good legs under them.

You mentioned one area. If you have others we would be glad to discuss them with our colleagues. As far as the cars go, I think the member should know it is the Minister of Transportation and Communications (Mr. Snow) who looks after the purchases. I am sure he will read Hansard with all our debate we have had this morning. If both of us mention it to him, it would be brought to his attention.

As far as the cobblestones are concerned, I have noticed those are a little rough myself and we will look into that and see what can be done.

12:50 p.m.

Vote 502 agreed to.

On vote 503, upkeep of accommodation program:

**Mr. Ruston:** Mr. Chairman, in your upkeep of accommodation program, are you under contract in the majority of the buildings that you own or do you still do some of it with your own staff with regard to maintenance, janitorial services and so forth?

**Hon. Mr. Wiseman:** Mr. Chairman, we use contract employees for the cleaning in almost all buildings except this building and some of our justice buildings downtown.

**Mr. Ruston:** In your repairs and so forth in the buildings in which you are making changes to save energy by replacing windows or putting in whatever windows are necessary to improve the efficiency of the heating system, are you putting in double or triple glass in older buildings?

**Hon. Mr. Wiseman:** In all the renovations we are using double and triple-pane glass. In all the new ones, we are doing the same thing.

Vote 503 agreed to.

**Hon. Mr. Wiseman:** The member for Essex North earlier asked for the leased square footage space of Cadillac Fairview. The leased space is 345,806 feet at an annual rent of \$2,671,900. We also bought several million dollars' worth of property from Cadillac Fairview for highway purposes in the parkway belt.

**Mr. Ruston:** A lot of that money in the public accounts would be for property, not just leasing. Thank you, Mr. Minister.

On vote 504, supply and services program:

**Mr. Ruston:** On publications and printing services, do you do any polling in Ontario?

**Hon. Mr. Wiseman:** No, Mr. Chairman. I am happy to say we do not.

**Mr. Ruston:** You do not have to see how popular you are in the decisions you make. That is good.

In collection services, is your ministry involved with collection services for other ministries, such as, I assume, the Ministry of Community and Social Services? I understand they have a number of problems with collecting from errant husbands. I guess most of them are husbands. There are not too many of the other sex not paying up. I was wondering whether you are handling the collections for them and whether you have any figures on your collections so far through your min-

istry and the Ministry of Community and Social Services?

**Hon. Mr. Wiseman:** We do a lot of collecting for some of the ministries but that particular area is not part of our responsibility. That would be handled by the courts.

Vote 504 agreed to.

Vote 505 agreed to.

**The Deputy Chairman:** This completes the study of the estimates of the Ministry of Government Services.

On motion by Hon. Mr. Gregory, the committee of supply reported certain resolutions.

The House adjourned at 1 p.m.

## APPENDIX

(See page 4751)

## RESPONSE TO PETITION

## KU KLUX KLAN

Petition to the Lieutenant Governor and the Legislative Assembly of Ontario; presented by Mr. Warner; sessional paper 297:

We the undersigned petition the Lieutenant Governor and Legislative Assembly of Ontario to ensure the public protection against the Ku Klux Klan, an organization which has clearly violated our human rights legislation and hate literature laws. We petition for an immediate prosecution under the Criminal Code in an effort to end the activities of the Ku Klux Klan in Ontario.

**Hon. Mr. McMurtry:** At the outset I wish to emphasize that I share the concern of the petitioners with the Ku Klux Klan. My unequivocal opposition to the malevolence represented by the Klan is a matter of public record. My stated opposition is buttressed by the vigorous and successful prosecutions conducted by my ministry against similarly perverted racist groups in the past.

Last June, when a few misguided individuals surfaced to proclaim the re-emergence of the Ku Klux Klan, I publicly stated my deep concern, and indicated that their presence and activities would be carefully monitored by the police. Let there be no doubt: when the Klan or its members break the law, they will be prosecuted. But let there also be no misunderstanding about a fundamental premise upon which the freedom of every resident of this country rests: unless and until the laws of this land are broken, the Klan cannot be prosecuted.

Indeed, important as prosecutions of individuals are once the law is broken, rejection of their odious ideology by an informed, educated public is by far the most potent weapon in the hands of those who believe in freedom. We should all be active in the kind of public education which reveals the Klan for the violent, racist incarnation of evil that it represents.

I wish to assure the petitioners that my senior crown law officers are working closely with the police in so far as the activities of the Ku Klux Klan are concerned and in particular with respect to the possibility of charges being laid against individuals who are communicating statements designed to incite hatred against any identifiable group. Where criminal charges are warranted and justified, the appropriate recommendations

to the police concerning charges will be made.

However, quite apart from the issue as to whether or not a piece of written material offends the hate literature provisions of the Criminal Code, before any prosecution can be launched it is necessary to determine the identity of the actual distributors of such material. This task is not always an easy one as the individuals sometimes hide behind the name of the organization.

The petitioners can rest assured that I will continue to monitor closely the activities of the Klan and recommend the laying of charges where any provisions of the Criminal Code or such provincial statutes as the Trespass to Property Act are breached.

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## ADVERTISING IN ETHNIC MEDIA

**239. Mr. Di Santo:** Will the Ministry of Industry and Tourism provide the following information to the House: 1. What is the total government advertising budget for the years 1979 and 1980 for the ethnic media? 2. How much of the allotted funds went to the printed media and how much to the electronic media? 3. Will the ministry list all the radio, TV and publications and the amount received, respectively, in 1978, 1979 and 1980? 4. Will the ministry elaborate on the provincial increases? 5. How many advertising agencies handle government advertising for the ethnic media? 6. What amount of money did they receive for commission in 1978, 1979 and 1980? 7. How much advertising was given directly by the government without the mediation of the agencies? (Tabled June 10, 1980.)

See sessional paper 312.

## WINTARIO GRANTS

**343. Mr. O'Neil:** Would the Minister of Culture and Recreation provide the following information with respect to the operation of the Ontario Lottery Corporation. 1. If an overpayment occurs in the awarding of a lottery grant, how is the government notified of such an overpayment and how is it collected? 2. How much money in the course of the past several years has been due to the government by way of such overpayments? 3. How much of the money due by overpayments has actually been received by the government? 4.

When the money is returned to the government is it used for other lottery grants or is it deposited in the consolidated revenue fund? 5. Does the minister have discretion to forgive an overpayment? (Tabled October 16, 1980.)

**Hon. Mr. Baetz:** 1. One of the granting criteria is that the grant recipient report on the success of the project for which the grant was given. This report includes a financial statement. When it is apparent, usually from the financial statement, that the grant was in excess of the project needs, the recipient is required to refund the excess or request that the refund be forgiven. Another source of information is the report by internal audit when they audit the use of a grant.

The excess grant is recovered through normal Ministry routine; i.e., if a cheque does not accompany the project report, an invoice billing the grant recipient for the excess is sent to him. In addition, the grant recipient is billed automatically if he fails to submit the required report.

2 and 3. It is difficult to state exactly how much has been due to the government by way of such overpayments, because most of the moneys repaid are received without a repayment demand being made. Information for the two years 1979-80 and 1980-81 is as follows:

|                        | 1979/80   | 1980/81   |
|------------------------|-----------|-----------|
| Voluntary repayments   | \$570,513 | \$257,700 |
| Amount invoiced        | \$181,798 | \$424,666 |
| Repaid against invoice | \$113,896 | \$ 2,099  |

The high billing in 1980-81 reflects a toughening attitude against recipients who fail to report on time. It should be noted that the grant recipient is automatically billed for the full amount of the grant and that the invoice could be cancelled on receipt of the report.

It should be further noted that of the \$424,666 approximately \$314,000 represents invoices issued in the month of September.

4. The money returned to the ministry goes into the consolidated revenue fund, out

of which it was paid and into which the Wintario profits from the Ontario Lottery Corporation are paid. It is then available for future grants.

5. Yes. I do have discretion to forgive an overpayment. However, the grant recipient must demonstrate the reasonableness of the request for forgiveness.

#### MULTICULTURAL BROADCASTING

**375. Mr. Di Santo:** Will the Ministry of Culture and Recreation table the following information: 1. How many multicultural programs have been broadcast in 1979? 2. How many will be produced in 1980, in what language and when? (Tabled October 27, 1980.)

See sessional paper 313.

#### EXCLUSION OF PUBLIC FROM COURTS

**399. Mr. Warner:** What instructions will the Attorney General be issuing to his crown attorneys to oppose applications under section 442 of the Criminal Code to exclude the public from the courts to ensure that instances such as the arbitrary closure of the court to the public by Judge Garth Moore in the case of charges brought against Mr. Sholomo Baker will not recur? In the event that no instructions are forthcoming, will the minister table in the Legislature any government policy regarding our time-honoured tradition of public courts being fundamental to our democratic system of justice? (Tabled November 14, 1980.)

**Hon. Mr. McMurtry:** I agree that open, public courts are essential and fundamental to the administration of justice. Accordingly, the regional crown attorneys have been instructed that it is only in exceptional and unusual circumstances that crown counsel either should consent to or apply for an exclusionary order under section 442(1) of the Criminal Code. The ultimate decision, of course, is that of the presiding judge in the exercise of the discretion conferred by the section.

## CONTENTS

---

**Friday, November 28, 1980**

|   |             |
|---|-------------|
| <b>Point of privilege re Soviet visitors: Mr. S. Smith, Mr. Cassidy .....</b>   | <b>4731</b> |
| <b>Assessment information, statement by Mr. Maeck .....</b>   | <b>4732</b> |
| <b>Indian sales tax exemption, statement by Mr. Maeck .....</b>   | <b>4733</b> |
| <b>Stratford Festival, statement by Mr. Baetz .....</b>   | <b>4734</b> |
| <b>University study, statement by Miss Stephenson .....</b>   | <b>4734</b> |
| <b>Interest rates, questions of Mr. Davis: Mr. S. Smith, Mr. Mancini .....</b>  | <b>4735</b> |
| <b>Norfolk teachers' dispute, questions of Mr. Davis: Mr. S. Smith, Mr. G. I. Miller,<br/>Mr. Nixon .....</b>                                     | <b>4736</b> |
| <b>Liquid industrial waste, questions of Mr. Davis: Mr. Cassidy, Mr. S. Smith .....</b>   | <b>4738</b> |
| <b>Pensions for women, questions of Mr. Davis: Mr. Cassidy .....</b>  | <b>4741</b> |
| <b>Deterrent sentences, questions of Mr. Walker: Mr. Ruston .....</b>   | <b>4741</b> |
| <b>University study, questions of Mrs. Birch and Mr. Davis: Mr. Bounsall .....</b>  | <b>4742</b> |
| <b>Elliot Lake sewage treatment plant, questions of Mr. Bernier: Mr. Epp, Mr. Wildman .....</b>   | <b>4742</b> |
| <b>Durham regional environmental hearings, questions of Mr. Davis: Mr. Isaacs, Mr.<br/>S. Smith .....</b>   | <b>4743</b> |
| <b>Environmental assessment of Hydro projects, questions of Mr. Welch: Mr. J. Reed .....</b>  | <b>4744</b> |
| <b>Homes for former psychiatric patients, questions of Mr. Timbrell: Mr. Dukszta .....</b>  | <b>4744</b> |
| <b>Acid rain, questions of Mr. Grossman: Mr. Eakins .....</b>   | <b>4745</b> |
| <b>Blinded worker, question of Mr. Elgie: Mr. Lupusella .....</b>   | <b>4746</b> |
| <b>Petition re Whitedog Reserve road: Mr. S. Smith .....</b>  | <b>4746</b> |
| <b>Point of privilege re Soviet visitors: Mr. Drea, Mr. Makarchuk, Mr. S. Smith, Mr.<br/>Wells, Mr. Dukszta, Mr. Cassidy, Mr. Rotenberg .....</b> | <b>4747</b> |
| <b>Report, standing committee on the administration of justice: Mr. Philip .....</b>  | <b>4751</b> |
| <b>City of Orillia Act, Bill Pr52, Mr. G. E. Smith, first reading .....</b>   | <b>4751</b> |
| <b>Tabling answers to questions 239, 343, 375 and 399 on Notice Paper and response<br/>to petition: Mr. Wells .....</b>                           | <b>4751</b> |
| <b>Estimates, Ministry of Government Services: Mr. Wiseman, concluded .....</b>   | <b>4751</b> |
| <b>Adjournment .....</b>  | <b>4761</b> |
| <b>Appendix: Response to petition and answers to questions on Notice Paper:</b>   |             |
| <b>Response to petition re the Ku Klux Klan: Mr. McMurtry .....</b>   | <b>4762</b> |
| <b>Advertising in ethnic media, questions of Mr. Grossman: Mr. Di Santo .....</b>   | <b>4762</b> |
| <b>Wintario grants, questions of Mr. Baetz: Mr. O'Neil .....</b>  | <b>4762</b> |
| <b>Multicultural broadcasting, questions of Mr. Baetz: Mr. Di Santo .....</b>   | <b>4763</b> |
| <b>Exclusion of public from courts, questions of Mr. McMurtry: Mr. Warner .....</b>   | <b>4763</b> |

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**SPEAKERS IN THIS ISSUE**

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Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bernier, Hon. L.; Minister of Northern Affairs (Kenora PC)  
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Breugh, M. (Oshawa NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Dukszta, J. (Parkdale NDP)  
Eakins, J. (Victoria-Haliburton L)  
Edighoffer, H.; Chairman (Perth L)  
Epp, H. (Waterloo North L)  
Gigantes, E. (Carleton East NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Isaacs, C. (Wentworth NDP)  
Johnston, R. F. (Scarborough West NDP)  
Lupusella, A. (Dovercourt NDP)  
MacBeth, J. P.; Deputy Chairman (Humber PC)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Mancini, R. (Essex South L)  
Miller, G. I. (Haldimand-Norfolk L)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Rotenberg, D. (Wilson Heights PC)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services (London South PC)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Wiseman, Hon. D. J.; Minister of Government Services (Lanark PC)











No. 127

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, December 1, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 1, 1980

The House met at 2 p.m.

Prayers.

## PEANUT PLANT

**Mr. Nixon:** Mr. Speaker, I rise on a matter of privilege. I feel I would transgress the privileges of the honourable members if I did not inform them, through you, sir, of the opening of an entirely new industry in Ontario. I refer to the growing of peanuts.

The Minister of Agriculture and Food (Mr. Henderson) cut the ribbon of a new plant today in the constituency of Brant-Oxford-Norfolk and a good deal of thanks must be directed to the government of Canada, the government of Ontario and the initiative of Mr. James Picard and his family.

I raise this only to bring to your attention, Mr. Speaker, that this is a completely new industry for the farming economy of Ontario and Canada and there is every expectation it will grow to be a major one.

To mark it, Mr. Speaker, I want to present you with a bag of these excellent peanuts. I do not know whether in your well-known abilities you can, like the loaves and fishes of old, make these pass all around the Legislature, but do your best.

**Mr. Speaker:** I want to thank the member for Brant-Oxford-Norfolk for this presentation and I hope there is no other significance to handing them out in the Legislature as the regular diet around here.

## CORRESPONDENCE FROM PRISON INMATE

**Mr. Breaugh:** Mr. Speaker, this morning I received some correspondence in the mail here at Queen's Park from one Anthony Genovese, a prisoner at Millhaven Penitentiary near Bath, Ontario. When my assistant picked up this envelope, it was obviously damaged. As is normally the case, he had to sign a small document indicating it had been received in that condition. However, the other end of the envelope had obviously been opened. The correspondence from a prisoner in a penitentiary had clearly been opened somewhere between Bath, Ontario and Queen's Park.

We are aware that correspondence from prisoners is monitored at the prison site. I was not aware, however, that a member's mail was opened by someone at Queen's Park. We checked with the government mail services and they deny all knowledge of it. We are attempting to get some information from the Post Office as to how this unusual event might have occurred. It seems apparent to me that someone did indeed open this envelope and view the contents. The contents contain some rather startling allegations that I will set aside for now and deal with on another occasion.

When a member's mail is opened somewhere between the point where it is mailed and where it is received here, I do feel my privileges have been breached. I would ask you, Mr. Speaker, to investigate this incident to see who opened this mail, for what purposes it could conceivably have been opened and who should take responsibility for that act.

**Mr. Speaker:** All I can tell the honourable member at this point is there is a facility either in the basement of this building or in the Macdonald Block for making sure that mail reaching all members of this House is safe and does not pose a potential threat. However, I did not think the inspection of that mail included the opening of it. I will take what the honourable member has said under advisement, attempt to determine how it was opened or intercepted and report back to him.

## STATEMENTS BY THE MINISTRY

### DURHAM REGIONAL ENVIRONMENT HEARING

**Hon. Mr. Parrott:** Mr. Speaker, last Friday the Environmental Assessment Board released its report and recommendations on the proposal from the regional municipality of Durham to convert the Ajax sewage treatment plant into a liquid waste treatment facility. The hearing was held under the Environmental Protection Act and, as stipulated in the act, recommendations have been made by the board as a whole to the ministry's director of approvals. The project can

only proceed with a certificate of approval issued by the director.

I have discussed the issue with Mr. Walker Beath, the outgoing regional chairman, and the local MPP, the member for Durham West (Mr. Ashe). As a result, I have arranged for a meeting Thursday with the director, the member for Durham West and the new regional chairman who is to be elected Wednesday. I expect to announce the results of that meeting in the Legislature on Thursday of this week.

In making its final report and recommendations, the board acted in full accordance with the procedures laid out in the Environmental Protection Act and was within its powers. However, I accept that in this instance these procedures did not encourage public confidence. Therefore, I will introduce legislation as soon as possible to amend the procedures so that the hearing panel itself will make the final report and recommendations directly to the ministry.

## ORAL QUESTIONS

### ENVIRONMENTAL ASSESSMENT

**Mr. S. Smith:** Seven ministers are here, Mr. Speaker. Let the record show that out of 26 or 27, seven have deigned to come for question period.

I will ask the Minister of the Environment why it is that he and the Premier (Mr. Davis) continue to go around Ontario claiming that a hearing on the South Cayuga matter would take three to five years, when the Canadian Environmental Law Association says it could be done in one year and when it is obvious to me it can be done in one year. May I ask what basis the minister has and what proof he has that a hearing would take from three to five years, especially when some of the preliminary engineering work is already done? What is his basis and proof for that statement? If he does not have any, would he kindly stop misleading the people of Ontario by telling them there has to be a three-year or a five-year delay when it simply does not appear to be so?

**Hon. Mr. Parrott:** Mr. Speaker, the Leader of the Opposition might think it can be done in a year, but I am afraid he is just not correct in that assessment. Let me give a prime illustration: There was a proposal over a year ago for an environmental assessment on two specific sites. The review has not been published as yet, and the hearing has not even been set, so that those hearings take a very considerable period of time, and rightly so.

Not only that, there is a good number of appeal procedures that can be followed subsequent to that. Anyone who thinks it can be done in a year is not looking at the record and has not assessed, for a matter of this type, the time interval it requires. I am sure if the leader of the Liberal Party were at all accurate in making that assessment, he would clearly understand that a year is not even remotely possible.

**Mr. S. Smith:** By way of supplementary, will the minister then take out of the record the statement, which he and the Premier have been repeatedly making publicly, that it will take three to five years? Will they remove that from the record and leave truthful statements on the record and simply tell the people that in the experience we have had, for instance in the hearing held with regard to the waterfront park on Lake Ontario, a complex matter indeed, the decision took some 14 months, and in the Ajax hearing, the time from the beginning of the hearings right to the actual decision being handed down was about 11 months?

Why will the minister not have enough confidence in his admittedly very weak position on South Cayuga to go to the people and simply say he is running roughshod over the authority of this province, using his ministerial authority simply because he feels the time has come to do it, and not pretend that there is the slightest basis for claiming that a three-year to five-year delay would be involved in such a hearing?

2:10 p.m.

**Hon. Mr. Parrott:** I think I have answered that question already, Mr. Speaker.

**Mr. S. Smith:** No, the minister did not. Where is the proof it will take three to five years?

**Hon. Mr. Parrott:** Indeed, there is a lot more proof for that than there would be that it would take a year. I do not think there is any argument about that at all.

Let me give the Leader of the Opposition an illustration of where the member thinks it can be done quickly. One of the first things I heard of when I was in the ministry was the Orillia Light and Power proposal. That has been going on for about two years now and the hearing date has not been set.

**Mr. S. Smith:** Does the minister mean an environmental assessment hearing on that?

**Hon. Mr. Parrott:** I do not think the member would be surprised, if indeed there is a concentrated effort to delay the process,

that there is not much doubt about how long that can take.

**Mr. S. Smith:** Will there be an assessment hearing on that?

**Hon. Mr. Parrott:** No, I said it is proposed. If the member wishes to drag it out, and there are many who do for a lot of reasons, it was indicated very positively in both Thorold and Harwich that there is a great way of dragging out procedures. I am not going to enter into any further debate with the Leader of the Opposition. He just happens to be wrong.

**Mr. Cassidy:** Supplementary, Mr. Speaker: The minister mentioned the light and power situation. I have had a chance to talk with people in the area. They expressed enormous concern over the delays within the Ministry of the Environment in processing the assessment after it had been prepared in good order and submitted to the Minister of the Environment. Why is the minister using the delays and the incompetence of his own ministry as an excuse for trying to knock out a process, which by now should have been made to work effectively on behalf of the protection of the environment and to reassure the public?

Is he not aware that the MacLaren company, the consultants who studied the various sites for liquid waste dumps across the province, told us the environmental assessment required on South Cayuga could be now prepared within a matter of two or three months? Given that, and given the fact that over the weekend the minister is quoted as delaying the arrival of liquid wastes at South Cayuga until 1982, surely there is time to carry out an adequate environmental assessment that will reassure people in the area and across the province that this government still believes in the protection of the environment?

**Hon. Mr. Parrott:** This is another absolutely colossal illustration of the fact that the member does not understand the act. I think that is absolutely correct because of what he just said.

One thing I would want to be taken from the record is the word "dump." I wish the member, in fairness, would remove that word "dump" because that is just not a fit description of this particular proposal.

**Mr. Cassidy:** Just answer the question.

**Hon. Mr. Parrott:** This is, indeed, the most modern, the most up-to-date, the best facility it is possible to devise any place in the world to treat waste. It is not a dump.

**Mr. S. Smith:** What has that got to do with it?

**Hon. Mr. Parrott:** It has a great deal to do with it. If the member confuses those two issues he confuses the whole matter. It might be appropriate to want to continue to call it a dump; I can understand that, but I am going to insist that we at least do the appropriate thing and call it what it is.

**Mr. T. P. Reid:** Yes, a dump.

**Hon. Mr. Parrott:** The member is wrong. I am going to insist on that. It is not even remotely close. It is the best facility it is possible to build any place in the world. It is a treatment facility. If we continue the present practice, that is put our waste on our land in a true dump fashion, then there will be very serious repercussions from the status quo. It must change. It is essential that it change.

To address more specifically the question raised by the leader of the third party, the Environmental Assessment Act itself, both in its conception and in its practice, was never designed to go to a hearing. It was designed to try to address the many issues through the process of consultation in a co-operative way. That is what an environmental assessment is all about. We on this side of the House fully believe that with Dr. Chant as chairman of that particular corporation—and interestingly enough in a discussion this morning with Her Worship we agreed—the concept for this facility is the right way to go, with a corporation running it, and the government taking full responsibility for it. On that, it is rather interesting that we fully agree.

She knows, and rightly so, that Dr. Chant and the corporation will have to satisfy the public as to the appropriateness of that site. Nothing short of that would satisfy any of us in this government. We want the technology discussed with full public participation. That will continue, because there is nothing in that proposal that does not, I think, adhere to the terms of the best technical facilities possible.

We are going to assure the people of that area that it will be the best, that it will be technically safe and that they will have a full opportunity to understand all of those attributes of the proposal.

**Mr. Cassidy:** On a point of order, Mr. Speaker: I will stop calling the facility at South Cayuga a dump when the Minister of the Environment agrees to an adequate environmental assessment of the proposal.

**Mr. Speaker:** That is not a point of order.

**Mr. S. Smith:** How does the minister expect anybody to have confidence in what he says is going to be such a modern and fine facility, well located and everything else—a repository or whatever we are going to call it—if all the public is going to have to go on are press releases issued by his ministry and by the crown agency and if people will not be able to ask questions, cross-examine witnesses or have competing witnesses?

If the minister wants to say that in point of fact hearings are not necessary, do I take it that among the amendments he is going to suggest is the elimination of the possibility of hearings in Ontario? If hearings are not needed about this or about Darlington, what conceivable reason would there be for hearings on any environmental project in Ontario?

**Hon. Mr. Parrott:** I do not want to enter into a flippant exchange on who will promise what. I know this: If the members opposite would make a concentrated effort to see that the conditions of the hearing process worked, particularly in many areas where they could have and absolutely refused to do so, we would all be better served. But that is an aside.

I think the way we can assure the people is the same way it was assured to the Ontario Federation of Agriculture or the conservation council, that we are putting the very best person it was humanly possible to find, not only in this province but—

**Mr. S. Smith:** Don't try to hide behind Dr. Chant.

**Hon. Mr. Parrott:** I am not trying to hide. Sometimes it is nice to get the facts on the record. I have not heard one single word that anyone challenges that statement. It is utter nonsense that I am somehow or other hiding behind him.

He is the best person. I think the mayor is prepared to accept that he is. Given the licence she or her appointee has, and the fact the public will have four out of the seven members on the corporation, it is made clear this government wants very much to be able not only to say, but to ensure that this facility will become the best in the province.

**Mr. Speaker:** That was not really part of the question.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Given that it is the technical studies and research which take time in preparation for an Environmental Assessment Board hearing, do the minister and his ministry intend to do exactly the same research and technical studies they would do if there were to be an environmental assessment? If they do, what

will the minister do if those technical studies find the South Cayuga site is unacceptable for the acceptance of liquid industrial waste?

**Hon. Mr. Parrott:** Mr. Speaker, I am pleased to answer that question. The ministry will not do it; the crown corporation will do it. The commitment has been very clear and concise: If that site is not totally safe for the residents of that community it will not proceed. It is that simple.

**Mr. S. Smith:** In whose opinion?

**Hon. Mr. Parrott:** In the crown corporation's opinion. I think that should be clearly put forward.

We are going to a crown corporation, predominantly served by the public, with two from the local area, that is where the decision is made that the site must be safe or it will not proceed. That followed from the statement made here Thursday. As a matter of fact, I think radio station CFRB reported it exactly that way.

2:20 p.m.

#### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** I have a question on a different matter for the Minister of the Environment, Mr. Speaker.

The minister will undoubtedly be aware of Interflow in Hamilton, the firm that was using its premises to bring in all kinds of imported liquid wastes and shipping them to the Upper Ottawa Street site, contrary to the certificate of approval. Among its other activities, apparently, was the dumping of 150,000 gallons of extremely dangerous and volatile liquid waste directly into the Hamilton harbour.

Given that the company or someone must undoubtedly have been paid at least \$15,000 to take that waste away from whoever the originator happened to be, does the minister feel it is reasonable that the person who has just been convicted of having illegally dumped 150,000 gallons should have been fined the princely sum of \$500? Does it seem sensible to the minister that \$500 should have been settled upon as a fine for dumping 150,000 gallons into the bay? If not, does the minister realize that plea bargaining went on and that more serious charges were put aside when the person who was charged admitted some guilt with regard to the regulatory offence?

**Hon. Mr. Parrott:** I do not think that is an appropriate fine and that is precisely why I said last week we would bring in, for first reading this week, legislation for minimum fines. They are a long way from \$500.



**Mr. S. Smith:** By way of supplementary, the apparent reason the crown acceded to the motion of not proceeding with the more serious charges would appear to be that as usual, as with every other aspect of this case of Interflow and Upper Ottawa Street, the ministry was unable to get it back together to make the charges stick. So the people of Hamilton have now had at least 150,000 gallons, and maybe much more than that, dumped into the bay for the princely sum of \$500. When is the minister going to clean up the act in his ministry and stop promoting the very people who made this mess in the first place?

**Hon. Mr. Parrott:** The member has just made an absolutely magnificent case for the urgency of getting on with the treatment facility that we need in this province so that it cannot happen again. I cannot think of a better reason for saying we need a treatment facility. We need a waybill system, we need a site that will address all of those issues. That is precisely why I think we should be moving in the direction we are. We should do so with the utmost haste and we are proceeding just exactly that way.

**Mr. Isaacs:** Mr. Speaker, the minister promised us a while ago that he would be introducing legislation to tighten up on the penalties under the Environmental Protection Act. That legislation is not here yet. When can we expect to see it and when will he start getting tough with the people who break the rules that are designed to protect the environment of this province?

**Hon. Mr. Parrott:** I really cannot understand how the member can ask that question, after I have said very clearly three times in this Legislature, the last time less than two minutes ago, that we would be introducing that legislation this week. How many times must I repeat that very simple statement? I really do not think it is too much to expect that to be heard.

When will we start to get tougher? We started a long time ago. I read into the record very quickly at the end of the debate last Thursday afternoon many of the things we have done. If the member would take the time to read about two minutes of that debate, at about 5:55 p.m., he will find a list of about 15 things we have done to make a much tougher, more stringent enforcement of the legislation to deal with the problem he says should be dealt with.

## ENVIRONMENTAL ASSESSMENT

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Minister of the Environment about the very rapid changes in policy with respect to liquid waste which have been taking place within the government over the course of last week.

The minister has just said that because of criticism of the Ajax decision, because the handling of it did not encourage public confidence, he is now prepared to make changes in the Environmental Protection Act. He has also stated—and this is new—that if the South Cayuga site is not totally safe, then it will not go ahead. On Friday, the Premier (Mr. Davis) said that there will be public hearings. We had that assurance for the first time.

Will the Minister of the Environment tell the House what form of public hearings the government has in mind and why it is that those public hearings cannot take place under the procedures established by the Legislature through the Environmental Assessment Act?

**Hon. Mr. Parrott:** Very simply, I think the Premier said what, with respect to the Premier, I had said previously. When Dr. Chant was appointed to the corporation, we discussed the conditions. One was that there would be a new technical assessment of the site and the second was what arrangements we would work out for him with the boards—

**Mr. Warner:** The minister is backtracking through sludge.

**Hon. Mr. Parrott:** Not a bit. Go and check the records. I am happy that he and the local people—we still listen to the local people. I read with some interest over the weekend an article in the Chatham Daily News and I would like to put this on the record, Mr. Speaker. It was a statement by the member for Kent-Elgin (Mr. McGuigan) and he said, "Dr. Parrott's decision to withdraw clearly is proof that the government still listens to the public." How right he was.

**Mr. Cassidy:** In view of the commitment to listen to the public which the minister has reiterated now and which he gave to the Legislature at the conclusion of last Thursday's emergency debate, is the minister prepared and is the government prepared to listen to the Ontario Federation of Agriculture's demand that there be hearings under the Environmental Assessment Act? Is he prepared to listen to the similar demand which is being voiced, not only by

people in South Cayuga, but by the regional council in that particular area?

Is the minister prepared to listen to environmental groups from across the province which are saying that the procedures under the Environmental Assessment Act should be followed? Will he bring in hearings that respect the purposes of the Environmental Assessment Act, which ensures that the public has a right to participate and ensures that the public has the right of access to the internal assessments done either by the ministry or by the crown corporation?

**Hon. Mr. Parrott:** Of course, Mr. Speaker, and that has been said many times previously. The Ontario Federation of Agriculture passed a resolution. I went down to see the federation of agriculture and I think they heard some testimony from some of their members who thought the matter should be reopened, given some of the new information they had. That is going to be done. On December 10, they are going to assess the proposal that I put forward.

I am more than happy to have the federation discuss that matter. They see some great wisdom in having the technical advisory committee work with the corporation. I think that is fine. I cannot tell the member how important it is that the public know what is going on. We will be more than pleased to fulfil every requirement in that regard, and if it means a technical advisory committee, that is great. If it means that there should be information houses there, that is great.

If it means that they want some more information, I am sure Dr. Chant will find this government more than prepared to fund that kind of activity, no problem at all. I think we will find that once that facility is in place we will have done in this province, in this government, what will cause everybody else to come to us and say: "How did you do it? Is it not great that you have those facilities? It will be the best in the world. We only wish we had the same."

**Mr. J. Reed:** Supplementary, Mr. Speaker: Since it appears that there is a pretty clear pattern emerging on these major projects of avoiding the Environmental Assessment Act at all costs—and I would refer to the Darlington project, which exemption was justified on the urgency of time, and to the Bradley-Georgetown corridor where the avoidance of application of the Environmental Assessment Act was done for that very reason, and to the fact that the minister has stated here today in the House

that this particular project would be dealt with in a different way because of the urgency of time—I would ask the minister where we go from here.

**2:30 p.m.**

There are two major pending projects. One happens to be the garbage site in my riding, where the courts have ruled that environmental assessment does apply and the minister has to decide whether he is going to attempt it. The other one is the second line out of Bruce.

**Mr. Speaker:** This is a speech. This is not really a question.

**Mr. J. Reed:** I would ask the minister what he is going to do about the necessity for the second line out of Bruce which has got to happen by about 1983. Is he going to undertake the same kind of pattern that is emerging here?

**Hon. Mr. Parrott:** Mr. Speaker, I think it should be very clear that when this act was brought in it said in section 41(f), if the member wishes to check it out, that what we are doing is precisely what is permissible under the act. If someone says "Obey the law," and I will not refer to anyone in particular who said that, indeed we are doing that. Let us not be in any doubt about that whatsoever. The act very clearly says we are in total conformity with it.

**Mr. Nixon:** What about the intent of the law?

**Hon. Mr. Parrott:** If the member wants to talk about the intent of the law, then let us look at what has happened. If he wants to know what has happened in the past and what will happen in the future, I think most people understand that what has happened in the past will likely be the best indication of what will happen in the future. There have been, by far, a greater number of assessments of various projects in the last two years than ever before. The member can be assured this process is alive and well and working.

The great part about it, and I am going to say this dozens of times because it may take that many times to get through to the member, is that the Environmental Assessment Act is very clearly one that requires consultation. That has been going on very significantly in the last two years, and it will in the future. That act is very much alive and very much in force, and will continue to be so.

**Mr. Isaacs:** Final supplementary, Mr. Speaker: If the Environmental Assessment Act is alive and well and working, why not hold a hearing under it on South Cayuga?

**Hon. Mr. Parrott:** Mr. Speaker, there comes a time when I think I can only repeat the answer so often. I have given it in my statement, I have given it in reply to questions here previously, and I would refer the member back to Hansard to read it the three or four times I have said it on the record.

### SOCIAL STUDIES CURRICULUM GUIDELINES

**Mr. Cassidy:** Mr. Speaker, I have another question about the capacity or the willingness of the government to listen, and in particular to take an impartial rather than a one-sided approach. This question is to the Minister of Education.

Could the Minister of Education explain why it is that over the course of a year and a half there has been extensive consultation with groups such as the Toronto Board of Trade, the Canadian Manufacturers' Association and local chambers of commerce on the grade seven and eight curriculum unit entitled Social Reform, Trade Unionism and Women's Suffrage? Why is it that business groups such as the CMA and the chambers of commerce have been extensively consulted, but the minister has repeatedly refused to have any form of consultation with reputable labour groups such as the labour liaison committee of the Toronto Board of Education or the education department of the Ontario Federation of Labour?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding there was participation of the Ontario Federation of Labour in the development of the curriculum guidelines which were established approximately two and a half years ago, I believe, for social studies in that area. There is a very specific segment within those guidelines related to the development of labour within Canada and Ontario. That was a significant addition to that curriculum and one in which there was a good deal of participation and consultation with organized labour in its development. There has not been any consultation at all, to my knowledge, with either the CMA or the boards of trade. I have not had any consultations with any of those groups on that subject.

**Mr. Cassidy:** Supplementary: I have correspondence here which shows there was extensive consultation back in 1979 with various boards of trade and chambers of commerce, which put comments in to the minister such as the following—this is a quote from the board of trade that was passed to the minister through Mr. Storey: "The study of trade unions should not be part of any his-

tory course unless the message is that unions ruin a country."

Why is the minister prepared to allow that kind of one-sided consultation when consistently, for more than a year, she has refused to have any kind of contact between people in the labour movement and the people who develop this course, in order to allow the trade unions and people representing organized workers across the province to contribute to the development of this curriculum unit? Why is she so one-sided?

**Hon. Miss Stephenson:** Mr. Speaker, I am afraid the one-sidedness is in the direction in which the honourable member is suggesting that it did not happen. There was indeed consultation with the labour movement in that development.

I have not consulted with the board of trade about this topic. We have consulted with the board of trade about opportunities for teacher experience within the business world and with the CMA about co-operative education. It has not been specifically about the curriculum content of the labour studies segment of the social studies program.

**Mr. Cassidy:** It is right here.

**Hon. Miss Stephenson:** That is not what my meeting—

**Mr. Speaker:** Order.

**Hon. Miss Stephenson:** Mr. Speaker, I am sorry. That may have been in a communication from those organizations, but it was not the matter under discussion when I had two meetings with the board of trade about co-operative education, nor was it in any way the topic under discussion at the meeting I had with some representatives of business who were not necessarily members of the CMA.

They wished to discuss the possibility of including some curriculum related to the establishment of the entrepreneurial spirit in Canada and in Ontario. The member does not know what he is talking about, because he was not there.

**Mr. Cassidy:** I certainly do, Mr. Speaker. I have here the correspondence signed by Mr. J. E. Doris, education officer, curriculum branch, saying specifically, "Subsequently, I sent them six copies of our proposed support document for their study in advance of our meeting on February 6"—six copies of the proposal for this curriculum unit, after they had communicated with the ministry and suggested that Social Reform, Trade Unionism and Women's Suffrage should not be part of the history curriculum.

How can the minister get up in this House and say something which she knows to be

untrue, when the documents indicate quite clearly that there was substantial consultation with the board of trade and other business groups while the ministry was refusing to have any contact at all with representatives of the labour movement?

**Hon. Miss Stephenson:** That is not what the honourable member suggested. He suggested I had refused to meet with them. I have not refused to meet with any of them. I have met, as I suggested, with the board of trade representatives about a different subject, not about the curriculum development in that specific area.

If they met with the group which had, in fact, been responsible for the development of that curriculum, that is perfectly fine. I can understand there might have been some concern that the Ontario Federation of Labour had not met with the minister, because I have not met with the OFL. I have met with the Board of Trade about other subjects, but not about that curriculum. That is the question the member asked me.

**Mr. Speaker:** We have spent 32 minutes on leaders' questions. I think that is entirely out of proportion.

#### DETERRENT SENTENCES

**Mr. Ruston:** Mr. Speaker, I have a question of the Provincial Secretary for Justice. I asked the minister on Friday about sentences with regard to people breaking into homes and crimes against people. I wonder if the minister is aware that there is a real concern on the part of many people, not only in the area I am talking about—and I am getting resolutions from many councils—but right in Metropolitan Toronto, where people are getting fearful in their homes because of the number of break-ins taking place. What is the Provincial Secretary for Justice going to do?

**Hon. Mr. Walker:** Mr. Speaker, I think it is more a question of a police investigation. It is certainly a matter for local municipal police forces to enforce the law. Obviously they are going to put every effort towards avoiding any kind of burglaries of this sort. I know there are certain crack-downs occurring in a number of cities, and I am sure this is one city where it probably has started, if the pressure has developed to this point.

**Mr. Ruston:** What the minister says is fine, and the police are probably doing their job. But the concern the police have is over sentencing. When they do take these people to court they are either dismissed or given

probation, or a slap of the hand on the back of the neck; they may not even get that. It is time something was done to straighten this out.

2:40 p.m.

**Hon. Mr. Walker:** The sentencing patterns in Ontario are established basically by the Supreme Court. That percolates down to the lower courts and they take their precedent from the higher courts. It is a matter of whether or not the Supreme Court would be changing its sentencing patterns to reflect what the member is suggesting and indicating, that lengthier sentences would perhaps cause more deterrence to this kind of event. One thing lengthier sentences would do would be to take more people off the street who might otherwise have been committing burglary.

#### ITALIAN EARTHQUAKE

**Mr. Grande:** Mr. Speaker, my question is to the Premier regarding the tragic catastrophe that occurred in southern Italy last week. The earthquake left approximately 10,000 dead and 400,000 homeless. The latest decision by the federal government was not to allow immigration into Canada of all the earthquake victims who may wish to apply to come here but only those who had made an application prior to the earthquake and those who have close family in Canada. I recognize that immigration is not under provincial jurisdiction, but will the Premier join with me in making strong representation to the federal government to rethink its position? Would he urge it to allow entry into our country of all the earthquake victims who wish to come, whether or not they have close family ties in Canada?

**Hon. Mr. Davis:** Mr. Speaker, as the honourable member very properly pointed out, the question of immigration policy is the responsibility of the government of Canada. As I understand it, the approach it has taken is to accept those who are close relatives and who have a relationship with existing families here. Whether this should extend to a much broader scope, quite frankly I would doubt the government of Canada really has given careful consideration yet. Certainly we are quite prepared to discuss it here, but I do emphasize to the member that judgement will be made by the government of Canada.

**Mr. Grande:** I hope I did not hear the Premier say he is not going to make representation to the federal government. Hoping I did not hear that, in his representation will

the Premier suggest to the federal government that it allow sponsorship of people into Canada who do not have close family ties in this country? Further, will the Premier suggest to his federal counterparts that talks should begin immediately with the United States urging that country to follow a similar procedure?

**Hon. Mr. Davis:** The member really is asking me to try to determine what the government of Canada might do in relationship with the United States. I cannot really resolve that—

**Mr. M. N. Davison:** He is asking you to use your influence.

**Mr. Laughren:** You have a lot of influence with them.

**Hon. Mr. Davis:** No, no. I am just saying what he is asking me to do. I think it is fair to state the member heard my answer correctly the first time. I did not say I would not.

**Mr. S. Smith:** By way of supplementary, Mr. Speaker, will the Premier consider making the following suggestion to the government of Canada: Inasmuch as most of the expenditure for schooling, health and so on would be a provincial expenditure, will he consider making the suggestion that there be an extended visitor status offered to victims of the earthquake even if they have distant relatives in Canada? Then people could come for a period, let us say, of two to three years while rebuilding and resettlement is taking place in Italy. They would be able to stay longer than the usual time a visitor is permitted to stay and be able to take part-time work and to attend school here. This would be on the basis that they would not have to pass the usual rigorous tests that permanent immigrants would have to pass. Would the Premier be willing to suggest to the government a more flexible extended visitor status for some of the victims of the earthquake?

**Hon. Mr. Davis:** Mr. Speaker, the Minister of Intergovernmental Affairs (Mr. Wells) was meeting with the committee this morning related to a number of issues. I chatted with some of them the other day and I would think that perhaps at this moment it is still a shade premature to make some of these judgements.

From this government's perspective, we will be quite prepared to co-operate with the government of Canada on any initiatives. In fairness to the government of Canada, it has already started some initiatives in the area of immigration. How far it should be extended is something about which we would

not want to make a judgement without consultation with federal officials.

**Mr. Lupusella:** Supplementary, Mr. Speaker: May I recommend the Premier to consider sending a delegation of members from the three parties to Italy to assess and report on the general situation in the three Italian regions affected by the earthquake so as to determine in what way the money allocated by Ontario to the earthquake relief fund can be spent as soon as possible to alleviate the economic and social problems faced by the survivors?

**Hon. Mr. Davis:** Mr. Speaker, this government is working with the responsible committee in Metropolitan Toronto. We think this is the best vehicle and we will continue to work through it in terms of what assistance we may be able to offer.

#### EDUCATIONAL TELEVISION

**Mr. T. P. Reid:** Mr. Speaker, I have a question for the Minister of Culture and Recreation in regard to educational television. In view of the minister's recent announcement about extension of services into Owen Sound and other areas, can he indicate to us when he is going to extend educational television services to the rest of northern Ontario, particularly the Rainy River district and, for my friend the Minister of Northern Affairs (Mr. Bernier), Kenora as well?

**Hon. Mr. Baetz:** Mr. Speaker, as I indicated some weeks ago in the House, in the not too distant future we are planning to extend educational television to one or two more areas via the conventional route. However, as I also indicated several weeks ago in the House, it will be difficult and uneconomical to extend via the conventional route to areas that are less populated.

We think those areas will be better served through the new technology that is going to take off with the launching of the Anik C satellite. Essentially, it will follow the lines we have adopted now for the Rainy River area. As I am sure the honourable member knows, in the Rainy River area we are now taking signals from the Anik B satellite that are received by a dish and extended for a small radius around Rainy River. We feel that is going to be the most effective way by far to get the excellent TVOntario programs to areas like Rainy River and all the communities throughout northern Ontario.

Anik C is not going up until 1983. In the meantime, we will continue, on an experimental basis, as we are doing in Rainy River and some other areas now.

Mr. T. P. Reid: I would like to add Lake Nipigon riding to the list for my silent friend, the member for Lake Nipigon (Mr. Stokes).

Since Anik C is not going to be operating until some time in 1983 at least and since, in a conversation with Mr. Parr of educational television a few months ago, he indicated almost the whole region could be covered for something in the neighbourhood of \$1 million or \$1.5 million and, since the Minister of Northern Affairs has \$400,000 or more in his budget for this sort of thing, can the minister not speed up the process so we do not have to wait until after 1983 and can be serviced like most of the province within six months or a year?

Hon. Mr. Baetz: I would not want to hold out any specific promises along the lines suggested by the member. What I can say is we will try to continue the experimental program utilizing the Anik B satellite that is now in about 47 different locations across northern Ontario. It is our hope we will have federal authorization to carry on with that experiment, which was to have terminated in February 1981, for another 15 or 18 months beyond that, which will get us very close to the launching of Anik C.

2:50 p.m.

I really think the answer for the more sparsely settled parts of this province, which includes more than just northern Ontario of course, it includes eastern Ontario as well, really lies in the new technology which TV-Ontario is the world leader in experimenting in.

Mr. Speaker: As a supplementary answer, just because the member for Rainy River does not hear me, it does not mean I am silent.

### LIQUID INDUSTRIAL WASTE

Mr. Isaacs: Mr. Speaker, I have a question for the Minister of the Environment. Now that he has recognized the need for a crown corporation to deal with liquid industrial waste, what is the minister's attitude towards projects such as Harwich, Thorold, Ajax or others not yet in the public domain, for which private operators or local governments may, on their own, continue to press? Is he going to give some words of encouragement or words to those operators that they need not bother because the crown corporation will handle everything?

Hon. Mr. Parrott: Mr. Speaker, as I tried to assess the situation, people are extremely pleased that there will be a crown corporation; they are extremely pleased that it will be government run, if you will, through the

corporation site; that there will be lab facilities; that there will be tight controls on the gate; it will be fenced in and it will have 24-hour surveillance. All of those things have met with a great deal of public acceptance.

It is easy to forget that large portions have caught the attention and the approval of the public and there is no doubt on any side that is true. I am pleased members recognize that perhaps two thirds or more, perhaps 75 per cent, of the proposal does have a great deal of public acceptance and I am very pleased about that.

Having said that, we intend to see that the site is run to the very best. If somebody else wishes to apply, however, I cannot tell them no. I think anyone would clearly understand that we are taking on that commitment in a site that gives us the greatest opportunity to do it to the very best and I think that is obviously a clear signal. If the member wants me to say to someone that they cannot, would not be able to, well of course I do not have that privilege. It is their determination, but if anyone should have any trouble reading that signal, I am afraid they are not very attentive.

Mr. Isaacs: On the matter of the one that is of most immediate decision, why is the minister meeting on Wednesday with the chairman of the regional municipality and with the local member, when the Environmental Assessment Board draft report, which is the report he has said he will take note of in future, so clearly recommends against that proposal? Is the minister going to that meeting to tell them he thinks that project should not proceed?

Hon. Mr. Parrott: I sometimes wonder whether we need a new sound system in this place—and we have just had one.

Mr. Speaker, let me read the paragraph which said it very clearly, and I will read every word the same as I did before.

"I have discussed the issue with Mr. Walter Beath, the outgoing regional chairman, and the local MPP, the member for Durham West (Mr. Ashe). As a result, I have arranged for a meeting Thursday with the director, the member for Durham West and the new regional chairman . . ." Not any place in that statement do I say they are meeting with me. They are not going to be meeting with me on Thursday. I have arranged the meeting between the director, the member and the regional chairman, who is yet to be named, and that will occur on Wednesday. We will try to announce the results of that meeting on Thursday. He asked for it to be held as soon as possible.

Mr. Speaker, may I make sure I didn't short change the member? The regional chairman is to be appointed on Wednesday, and the meeting will be on Thursday. The regional chairman is to be appointed Wednesday.

#### MINISTRY SETTLEMENT

**Mr. Stong:** Mr. Speaker, I have a question of the Minister of the Environment as well. Would the minister reopen the settlement negotiated between his ministry and Evans Contracting Limited in Markham, a company which contracted with his ministry to construct a sewage lagoon in Temagami, but because of the tactics used by officials in the ministry, which are nothing less than economic blackmail, it forced that company to its knees? Will the minister settle this account with his ministry?

It has caused a consulting firm to observe in a letter to the Ombudsman that the minister is using arbitration as a tool to soften up claimants and, by tying up one's capital in a dispute, the claimant's chances of survival are lessened. In other words, by dragging out a settlement artificially, as was done in this case, a small contractor with modest means will either go bankrupt before the conclusion of the dispute or will be forced to accept a totally inadequate settlement, as was done in this case, reducing the claim from \$400,000 to a little over \$100,000.

**Hon. Mr. Parrott:** Mr. Speaker, I think I heard the member say that was before the Ombudsman. I suspect he has already contacted our office and we have made our files available to him. I think that is the appropriate course of action. I do not associate myself with very many of the remarks made by the member, but when it is before the Ombudsman I think we should let him deal with it. I am sure the member would agree that is the way justice is done in this province.

**Mr. Stong:** Would the minister assure this House that his ministry officials are not employing tactics that are equivalent to economic blackmail in the settlement of accounts of small contractors with his ministry?

**Hon. Mr. Parrott:** I can assure the member of that very quickly. Indeed, I have found on many occasions that an extra meeting is held in an attempt to explain the situation. We are dealing in an area where contractors sometimes do run into difficulties through no fault of their own, certainly through no fault of the ministry and through

no fault of the consulting engineers. I have seen several cases where that has happened. That will likely always happen when an individual is doing a contract where not all of the factors can be identified when bidding for a contract. If the member wants assurance that my ministry will continue to work with those contractors in a fair and equitable manner, he has it.

#### HALDIMAND CHILDREN'S AID SOCIETY

**Mr. McClellan:** I have a question of the Minister of Community and Social Services, Mr. Speaker. I have a copy of the final report of the operational review of the Haldimand Children's Aid Society, which indicates on page three that in March 1979 the agency was in a state of crisis. On pages 64 and 65, it indicates it was in violation of at least seven provisions of the Child Welfare Act.

My question of the minister has to do with the Butler family who have had their three children apprehended, taken into care and subsequently denied any opportunity for the provision of family counselling and, therefore, an opportunity for rehabilitation. Is the minister familiar with this case? Also, can he report to the House any action he may have taken? I would plead with him to intervene in this situation. Can he arrange that jurisdiction be transferred in this case from Haldimand to Brantford so that the kinds of services this family is entitled to under the Child Welfare Act can be provided?

**Hon. Mr. Norton:** Mr. Speaker, I do have some degree of familiarity with the case the honourable member raises with me. At this point, though, I would say my information is somewhat preliminary. I am awaiting the results of a further investigation on the part of my staff, which I hope to receive within the next couple of days.

Perhaps at this point I would indicate to the member, as I am sure he is aware, that there are some aspects of that case which are currently under appeal before the Supreme Court. I would not wish to discuss the specifics relating to that, as the society is not at this time doing so on the advice of its solicitor. However, I can assure the member, at least on the basis of the information I have received, that the suggestion there were no attempts made to assist the family by way of counselling would not appear to be accurate. I have a list of at least eight different occasions on which counselling of one form or another was recommended to the family. In some instances it was begun tentatively, but in no case was it followed

through. In some instances the advice was apparently not accepted by the family. I can answer that with greater definitiveness only when I receive the full report.

3 p.m.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: In view of the fact the minister says that counselling was not desired or attempted by the family, a statement I believe is not correct—the family has tried to obtain counselling but the point is the counselling was not as useful because the children were not in the hands of the family and no counsellor was prepared to accept the possibility of counselling them without the children—would the minister ensure that the children are available to the family for purposes of counselling? Could he also explain why, when this family has been after him for almost a year to resolve the case, it has only been recently, when the issue appeared in the paper, that he has started to move and examine it and do something about it?

**Hon. Mr. Norton:** Mr. Speaker, that is not quite accurate. I think the honourable member has to recognize that where matters are before the courts for determination that does somewhat limit my ability to deal with cases of the requested persons who are litigants before the court. Surely he understands that.

I also think it is fair to say, on the basis at least of the preliminary information I have, in spite of the fact that yes, at the time of that operational review there were some real concerns about that society, the evidence I have seen to date would indicate that, in spite of that situation, in this particular case it would appear they did handle the case competently.

As far as the member's request that I in some way at this time intervene with respect to the question of the children, I think I would have to reserve on that until I receive some further legal advice myself. As he is aware, I think, when the case was appealed to the county court fairly recently, the result of that appeal was not only that the matter of the wardship of the children was upheld on the same basis as I understand it, as the earlier court decision, but in addition to that the court took the further step and made the provision for access much more restrictive. In fact, I believe it prohibited access on the part of the parents to two of the children. I do not really think, faced with that quite recent decision from the court, it would be appropriate for me to take any action at this point until I have a fuller report on the details of the case.

**Mr. Speaker:** The same minister has the answer to another question asked previously.

#### PENSIONS FOR WOMEN

**Hon. Mr. Norton:** Mr. Speaker, I gather on Friday in my absence a question was directed by the leader of the New Democratic Party to the Premier, relating to the statements attributed in the press recently to the Honourable Monique Begin with regard to some proposed changes in the Canada pension plan.

First of all, I want to assure the honourable member that to date my only knowledge of those proposals is through the press as well. We have had no formal communication with the Minister of National Health and Welfare on the specifics of her proposals.

The other thing I would point out is we do have a federal-provincial conference of ministers of social services next week, beginning Sunday evening going over Monday and Tuesday, and I anticipate that will be one of the items on the agenda for those meetings.

Having indicated that I am not really familiar with the specifics other than through the press, I think it is important on the basis at least of the press reports to note that what is being proposed now by the federal government is really something quite substantially different from what was proposed in 1976, in so far as the proposals now suggest a voluntary contribution to be made by any spouse who is working in the home. In 1976, there was a dropout provision whereby persons might drop out for substantial periods of time for purposes of child-rearing and not use those years of low or no income in the calculation of their benefits.

It is true at that time British Columbia and Ontario had some grave reservations about that proposal. One of them was, under the previous proposal, in terms of the benefits, recognizing that a substantial increase in the subsidy component of the Canada pension plan would have been necessary to maintain them, because it was a divergence from the insurance principle. One of our concerns was that high income women would be subsidized much more substantially than would low income families or women. We felt that was an inequity in terms of the subsidy by way of public funds which was prejudicial towards low income families.

The present proposal, at least superficially on the basis of very limited information through the press, would appear to move away somewhat from that principle I think. It would seem to be more consistent with the insurance principle of the Canada pension



plan. But I really think I would have to reserve any further judgement on it until I have had a chance to discuss it with the Minister of National Health and Welfare, as I expect I will next week.

**Mr. Speaker:** Due to the rambling nature of the last two answers, I am going to allow one more question from the Liberal Party and one more from the New Democratic Party. The minister said he had nothing further to add to his last two answers until he received more information on the federal program and on the children's aid program in Brantford and some other place. I will hear one question from the Liberal Party and one from the New Democratic Party.

**Mr. Sweeney:** A question to the Minister of Colleges and Universities please, Mr. Speaker—

**Mr. Cassidy:** On a point of order, Mr. Speaker—

**Mr. Speaker:** There is nothing out of order. It is the responsibility of the chair to determine when an answer has gone on long enough and whether a supplementary is appropriate. I can call the question period over if you want.

**Mr. Sweeney:** Thank you, Mr. Speaker. I did not think you would do that.

#### UNIVERSITY STUDY

**Mr. Sweeney:** I have a question for the Minister of Colleges and Universities. My reference is to the statements of the minister on November 18 and 28 and her reference to a study that is going to be done to determine the objectives and the funding of the Ontario universities. The opening in that statement clearly says the objectives, as set out by the government of Ontario for the universities, cannot be met with the existing level of funding and that maybe now it is time to scale down that objective to match the level of funding. In view of that, just how far is the ministry or the government prepared to scale down the objectives of the universities of Ontario to match the funding they are prepared to give to the universities?

**Hon. Miss Stephenson:** Mr. Speaker, the reference the honourable member raises is, I believe, contained in a document produced by the presidents of universities as a committee of the Council of Ontario Universities. That has certainly not been the government of Ontario's position. That is one point of view which is being presented by COU and it is one which will have to be considered in the deliberations of the tripartite committee.

At this point, the government has made no commitments to any modification nor will it until it has participated fully in these discussions and until a decision has been taken within a report which will then be discussed broadly throughout the community regarding the aspirations, objectives and goals of the university system. There is no commitment to any modification at this point—only to participation within that committee.

#### ACTIONS OF RCMP OFFICERS

**Mr. Warner:** Mr. Speaker, in the absence of the Attorney General (Mr. McMurtry), I wish to ask the Provincial Secretary for Justice a question. Will the Attorney General be investigating the actions of certain RCMP officers who entered the apartment of Mr. and Mrs. Bains approximately 10 days ago, in an effort to determine if charges of wilful damage or any other charges related to the incident should be laid against the RCMP officers? Will the Attorney General be making a full report on this incident to the assembly before the week is out?

**Hon. Mr. Walker:** Mr. Speaker, I cannot answer that question but I will see that the matter of Mr. and Mrs. Bains is referred directly to the Attorney General. At this moment, he is attending a conference on highway accidents. I am sure he will report in due course, if not to the Legislature perhaps directly to the member.

#### ANSWERS TO QUESTIONS

**Mr. Stong:** Mr. Speaker, on October 24 I placed two questions on the Notice Paper in writing, one to the Minister of Education and one to the Premier. I was made aware of an interim answer from the Minister of Education only on November 6, which requested more time to answer my two questions. In an informal agreement with the Minister of Education, I had indicated I would accept an answer from her a week ago today, but neither of these questions, questions 368 and 369, has been answered to date, although they have been on the Notice Paper.

3:10 p.m.

In addition to the flagrant abuse by both ministers of the parliamentary rules of procedure set out for us, could the record also show that both ministers have steadfastly refused to answer my question so that the constituents of the good riding of York Centre may realize that both ministers have relinquished any interest in unseating this member?

**Hon. Mr. Davis:** Mr. Speaker, in reply to the point of order—I just looked at it now—I know exactly why the honourable member is trying to ascertain the information, that is, to protect his seat, knowing full well he is in great jeopardy in any event.

**Mr. Stong:** That is not the answer.

**Hon. Mr. Davis:** Oh yes, it is.

**Mr. Swart:** On a point of privilege, Mr. Speaker: Five weeks ago I asked a question of the Minister of Consumer and Commercial Relations (Mr. Drea) regarding the increase in the price of ethylene glycol in this province. To date, I have received no answer. I realize sometimes he is reluctant to answer certain questions. Would you intervene on my behalf to see if you can get an answer from the minister?

**Mr. Speaker:** Was it an inquiry of the ministry?

**Mr. Swart:** No. It was an oral question.

**Mr. Speaker:** I have no control over that at all.

#### INTRODUCTION OF BILLS

##### ITALIAN CANADIAN BENEVOLENT CORPORATION ACT

**Mr. J. A. Taylor,** on behalf of Mr. Rotenberg, moved first reading of Bill Pr42, An Act respecting the Italian Canadian Benevolent Corporation.

Motion agreed to.

##### McCOLL FARMS LIMITED ACT

**Mr. Watson** moved first reading of Bill Pr53, An Act to revive McColl Farms Limited.

Motion agreed to.

##### ASSESSMENT AMENDMENT ACT

**Mr. Philip** moved first reading of Bill 211, An Act to amend the Assessment Act.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to exempt some home improvements from assessment under the Assessment Act. Home improvements are exempt if the improvements do not enlarge the living space of the home and if the cost of materials for the improvement does not exceed \$10,000.

##### RESIDENTIAL TENANCIES AMENDMENT ACT

**Mr. Philip** moved first reading of Bill 212, An Act to amend the Residential Tenancies Act, 1979.

Motion agreed to.

**Mr. Philip:** Mr. Speaker, the purpose of this bill is to revise the manner of calculating interest on rent deposits under the Residential Tenancies Act, 1979.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Gregory:** Mr. Speaker, I wish to table the answers to questions 280 to 282, 376, and the interim answer to question 402 standing on the Notice Paper. (See appendix, page 4809.)

#### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, MINISTRY OF REVENUE

**Hon. Mr. Maeck:** With your permission, Mr. Chairman, I would like to move down to the front row.

**Mr. Chairman:** Feel free to do so.

**Hon. Mr. Maeck:** This is probably as close as I will get to the front row, so I am going to enjoy myself while I am here.

I am pleased today to present the 1980-81 estimates for the Ministry of Revenue and once again to have the opportunity to review the ministry's operations with this committee.

One year ago, in the introduction to my presentation of the Ministry of Revenue's 1979-80 estimates, I drew the committee's attention to a number of significant developments occurring within the ministry and, again this year, I believe a similar review of the ministry's activity in a number of particular areas would be of considerable benefit to the members before we turn to detailed examination of the estimates.

Specifically, I shall be referring to four items: The continued financing and productivity improvements in the ministry; the successful introduction of the new Ontario tax grants for seniors program; a wide range of improved customer service tax simplification and related administrative developments within our tax revenue program; and significant progress in municipal property assessment.

I will deal with the overall financing and productivity improvements in the ministry first. As all members are aware, for the past five years the government of Ontario has followed a policy of restraining spending and of reducing the size of the public service. This policy has been, in part, a recognition of the need to fight inflation, but it also had the objective of improving the balance between the private and public sectors in the province.

This well-established policy has had considerable success and I am pleased to be able to say that the Ministry of Revenue has played its part. In this connection, I would like to draw your attention to the human resources summary and expenditure summary tables at the beginning of the briefing material you have before you.

The human resources table describes planned employment for 1980-81 compared with last year by major program. The table shows that, overall, the ministry plans to reduce its level of staffing by 42 man-years in 1980-81. I emphasize the word "planned" because, as members will note, actual level of staff employed is likely to be somewhat lower.

The second table to which I referred describes 1980-81 estimates spending compared to last year's actual spending, again by major program. This table shows that for 1980-81 the ministry's estimates are down by over \$1 million. This reduction is clearly influenced, however, by lower total levels of payments under the Gains program and, for this reason, I would like to draw your attention to the changes in spending in these categories over which the ministry has more direct control.

Salaries are down by over \$1.5 million or two per cent. This reduction reflects, in part, the lower level of staffing which I mentioned earlier. Travel services and supplies show an increase of just less than 15 per cent. This area is subject to some sharp inflationary cost increases. However, a significant portion of the increase in spending has been caused by the investment of funds in new systems and methods.

3:20 p.m.

The result is that despite inflation and higher levels of spending on new systems, the estimates of the ministry have increased by only \$1.9 million, or less than one per cent. Even if we were to include potential salary award claims, the increase is a modest seven per cent. In view of this, I believe I am fully justified in once more declaring that the Ministry of Revenue is exercising real restraint, and that its 1980-81 estimates are essential level lines.

While emphasizing that the ministry's expenditures are being constrained in line with overall government policy, it is important to stress that constraints have been effected despite continuing increases in the volume and complexity of program work loads. This has been accomplished by a concerted and ongoing emphasis upon methods to improve productivity. This improvement in operating efficiency has been made possible by ex-

ploiting opportunities for investment in computer systems to utilize available manpower resources more effectively and by improving management techniques of resource planning and control.

In my statement last year, I informed members of what the ministry was doing in these management areas. I would now like to update members on similar developments over this past year.

In 1976, Management Board of Cabinet approved the introduction of the management by results system, or MBR as it is known in short form, as a basic tool to be used by all ministries in measuring and reporting on how their programs perform during the fiscal year against stated objectives.

After two years of experience with MBR, the ministry introduced zero-base budgeting, or ZBB, as a complement to the MBR system. It was felt that a systematic method of defining objectives and allocating resources was necessary to obtain full benefits from the MBR process. The result is a system in which the ZBB exercise rations the resources and sets program targets, while the MBR system monitors actual performance during the year. For 1980-81 the ministry has made much progress in integrating the two systems, such that ministry managers are aware that in addition to estimating costs and outputs of programs, those estimates will be compared with actual results. In other words, the internal operations of the ministry are under close scrutiny to get the very best results.

The resource planning and management systems used by the ministry in preparing the annual estimates are explained in more detail in the manuals that are included in the briefing material for members this year. These will explain what we have done for 1980-81 and what we plan to do for 1981-82.

I want to turn now to the Ontario tax grants for seniors program. The program for senior citizens announced in the Treasurer's (Mr. F. S. Miller) April budget has had a major impact on ministry operations over the past seven months. I would like to take a few moments to discuss that impact and the current status of payments under the program, as well as our plans for the balance of the fiscal year. To begin, I think it is worth while to look at the magnitude of the undertaking. There are, in this province, well over 800,000 senior citizens. As of July, 820,000 Ontario residents were receiving federal old age security pensions. In addition, there were estimated to be 10,000 more

seniors who did not have sufficient Canadian residency to qualify for OAS.

For 1980, we anticipate paying up to \$550,000 in property tax grants and at least \$830,000 in sales tax grants. The original estimate for grant payments under this program was \$255 million. However, it now appears that with the inclusion of seniors who do not qualify for OAS, that figure will increase by \$2.5 million more, which would bring it up to \$257.5 million.

Obviously, given the scope of the program, both in terms of payments to be made and the dollar value of those payments, the central element was the design of a program delivery system to enable us to send program information, application forms and instructions to those persons who were potentially eligible for benefits. We then had to receive back those applications, process them and produce property tax grant cheques. In the case of the sales tax grants, the process was somewhat simpler, except for non-OAS seniors, no application was required.

I would be remiss if I did not mention the fact that the program would have been much more difficult to introduce, certainly within the time frames we were looking for, had it not been for the co-operation of Health and Welfare Canada. Without their agreement to allow us to use their old age security data as the basis of our tax grants master file, we would have had to construct that file from scratch or, at the very least, from much less complete information obtained from other sources.

Although this description tends to simplify somewhat the various steps involved, we created a grant master file of all Ontario pensioners in receipt of old age security as of July. To the persons on that file, we mailed out at the beginning of August a pamphlet giving basic program information. In mid-August we produced 727,000 personalized property tax grant applications on which the name, address and OAS or social insurance number of each pensioner were preprinted.

In the case of married pensioner couples who were currently receiving—or at some time in the past had received—the guaranteed income supplement, only one application was produced with the names of both pensioners printed on it. We could not do this for all couples because the federal OAS file does not, as a general rule, link spouses unless the couple has at some point applied for the supplement.

Besides the program delivery system, the next most important element was our in-

formation campaign. The overall objective of that campaign was to make senior citizens aware of the grant program, what action they had to take to obtain their grants, and how they could go about getting additional information if they required it. Many seniors, however, rely on sons or daughters, friends, community groups or information centres to help them complete forms. Consequently, while our information was targeted to persons over 65, we also wanted to inform this larger group about the program. To do this, we used a variety of information methods.

In early August, we mailed to all OAS pensioners a pamphlet outlining the major features of the program. The main purpose of the pamphlet was not to explain the grants in any detail—which obviously a pamphlet of that nature cannot do. Rather, it was to inform seniors that a property tax grant application would be mailed to them shortly and their sales tax grant cheques would be going out automatically in September. These general messages were reinforced with television advertising. Newspaper ads providing more specific information were placed in dailies, weeklies and the ethnic press, and the advertising part of the communications plan was rounded out with radio spots and transit cards.

In addition to the pamphlet and advertising, we produced detailed grant information guides and provided them to members, their constituency offices, senior citizen information centres, Ministry of Revenue field offices and other government offices. Information officers participated in more than 100 speaking engagements, newspaper interviews, radio and TV interviews and open line shows across the province.

Certainly, the success of our advertising in reaching senior citizens was proved by the speed with which property tax grant applications came back to us during the last week in August. By the end of that week we had 173,000 applications returned, and by September 5, 347,000 applications had been received. The majority of these were completed correctly and could be processed quickly. In fact, we mailed 205,000 property tax grants out on September 17 and a further 125,000 on October 8. Of the 125,000, approximately 100,000 cheques could have been mailed earlier except for threatened postal disruptions and our concern that if parts of the Post Office were shut down as they had been earlier in September, the cheques could be locked in for a considerable period of time.

One difficulty with any new program that involves completion of a form is that a percentage of people do not fill it out completely, do not sign it, or they make some mistake in completing it. I think this is particularly true in the first year of any program for two reasons.

First, the form is unfamiliar to the people filling it in. Second, the designing of forms and the writing of instructions are more of an art than a science. I have no doubt that we will change some of the wording in the instructions for 1981. Certainly, staff will closely analyse the kinds of mistakes people made this year with a view to changes that will cut down the errors next year. In this regard, the Advisory Council on Senior Citizens has already made some recommendations to me and we will be looking at those very carefully.

3:30 p.m.

Applications which could not be quickly approved in the vetting section where initial processing was done were put into the prepayment review unit for further action. Depending on the deficiency involved, some of these applications could subsequently be approved without the need for any further contact with the applicant. Others, however, required a phone call or a letter to obtain additional information and some applications had to be sent back for signature by the applicant, the applicant's spouse, or sometimes both.

Of the more than 520,000 applications received to date, close to 200,000 could not be approved in initial processing. In 54 per cent of these cases, the problem centred on the reporting of property tax or rent. The most common deficiency in this group was that although the application was fully completed in all other respects, the amount of property tax or rent incurred was not filled in on the form. In rental situations, a typical problem with delayed processing was the discrepancy between the rent reported on the face of the application and the rent indicated on the rental statements.

Unsigned applications or applications for married couples, where both spouses were eligible but only one of them signed the form, accounted for a further 18 per cent. Other significant reasons for applications being referred to prepayment review were such things as problems with shared residences, clarification required as to whether the applicant was resident in an institution and thereby not eligible, and spoiled or illegible applications. Approximately 25,000 applications

had more than one deficiency or fell into the miscellaneous problem category.

By the middle of September, correctly completed, straightforward applications were being processed on a current basis and some of the staff resources in the vetting section were being shifted over to the prepayment review unit. The process of clearing applications out of this unit into the application-approved category, or into the pending file while we awaited the return of additional information or documentation from the applicant, was a good deal more time-consuming than the simple vetting function. Any apparent discrepancy that looked as if it could be cleared up by a phone call, the staff tried to handle in exactly that manner. Only after they had failed in two or three attempts to reach someone by telephone would they write to the pensioner.

As of October 21, 78,000 applications had been cleared out of the prepayment review, but 113,000 applications remained. Understandably, this large number of applications that had not yet been actioned led to a large number of inquiries, most of which had been in the branch at that point for the better part of a month, and some of which had been mailed by the pensioners in late August or early September.

In fact, the volume of inquiries had been very high since the postal disruption of early September. Initially, when the grant applications were mailed in August, the typical questions being asked of the telephone staff at the information centre were: "What can I do if the landlord refuses to give me a receipt?" "Do I need monthly receipts for rent I have paid to August or will one receipt for eight months do?" "If I don't claim the grant, can I claim the tax credits with the income tax instead?" In other words, the questions were largely related to how to go about completing the form or to clarify some aspect of our administrative policy.

In early September, when the postal system was shut down for a period, and continuing throughout that month and into October there was a change in the pattern of the questions. While we still received calls on how to complete the form, a growing number wanted to know such things as: "How will you get my cheque to me if the Post Office isn't working?" "Have you got my application? I mailed it just before the strike."

We could offer some reassurance on the first question, since the contingency plan had been developed to produce cheques in

postal code sequence, sort them by assessment region and have the ministry's regional assessment staff deliver them on a door-to-door basis. On the second question, it was not always possible to give a categorical "yes" or "no," simply because the volume of applications in various stages of processing was so high.

There was also in this period a group of 16,000 old age security pensioners who had not yet received their property tax grant application. These are persons who receive a combined OAS-Canada pension plan cheque rather than two separate pension cheques each month. That particular computer file was not available to us as early as the main file and, because of differences in file layouts, we were unable to incorporate it into our system until October.

Despite the fact that we had increased the capacity of the telephone information centre to handle a much higher volume of calls than we ordinarily received, which was about 2,700 per day, the system has been overloaded many times over the past three months. We are in much better shape now. Nevertheless, I would point out the best times to call are still early in the morning or late in the afternoon.

I would now like to turn to the two issues which have been the substance of some discussion since the grant legislation was introduced on budget night. The first of these is the fact that with certain specific exceptions, residents of institutions are not eligible for the property tax grant. Some 26,000 senior citizens reside in homes for the aged that are exempt from property tax. Even though these institutions are exempt, residents have been allowed to claim both property and pensioner tax credits since the 1974 taxation year.

Approximately the same number of seniors are in nursing homes. They are privately owned institutions and are subject to property tax. However, the vast majority of nursing home residents have the cost of their stay in the home subsidized under the extended care program. This is a substantial subsidy which at current rates amounts to almost \$7,000 per person on an annual basis. Here again, nursing home residents had been allowed to claim the property tax credit since it was introduced in 1972 and the pensioner tax credit since its introduction in 1973.

It is very difficult to withdraw benefits from any group of people, irrespective of whether or not there is a rational case to be made for the continuation of that benefit or

whether circumstances have changed significantly since the benefit was introduced. In restructuring and enriching property tax assistance for seniors, we were tying the new grant directly to the payment of property tax. Residents of tax-exempt institutions are already receiving a benefit by virtue of that tax exemption, which is equivalent to the grants being paid to seniors who live in ordinary rental accommodation. For nursing home residents on extended care, the provincial subsidy is already substantial.

Taken together with the fact that the comfort allowance was increased by \$10 per month in May and that the federal guaranteed income supplement increase of \$35 a month, starting in July, was passed on in its entirety, I do not really believe criticism of this aspect of the program can be justified.

The other major issue, which in part is an extension of the institution question, is that a total of 95,000 senior citizens will receive less money from the two new grants and the guaranteed annual income system enrichment than they would have been entitled to under the tax credit system. We knew this would happen when we brought in the program. It results from establishing a direct relationship between property tax liability and property tax relief.

Just before turning to our future plans for the tax grant administration, I would like to review the current status. We have now paid out 423,000 property tax grants for a total of \$180 million. Updates are run on a weekly basis. Last week's update will produce an additional 20,000 grant cheques for mailing this week. The backlog in the prepayment review unit had been reduced to less than 20,000 applications by the beginning of this week. This speech was written last week, so I am talking about the beginning of last week really. These should all have been actioned by this weekend, which was last weekend. Because I thought I was going to start my debate on Friday of last week, members will understand there may be some changes in the dates here.

By this I mean each applicant will have been contacted either by telephone or letter or that the grants are in the process of being paid. There is still a significant number of applications where processing is being held up pending the receipt of further information from the applicant. But as this information is received, these applications are being processed, together with new applications which are still coming in at the rate of 300 to 400 per day.

In addition to property tax grant applications, we are also processing eligibility applications from seniors who have not been in Canada long enough to qualify for old age security. Once their age and residency have been established, we can pay them the sales tax grant. If they have indicated on the eligibility form that they pay property tax or rent, we will send out a property tax grant application, which is then processed in the same manner as grant applications completed by OAS recipients.

3:40 p.m.

For 1,000 of the estimated 10,000 seniors in the non-OAS group, we were able to avoid this two-stage application procedure because they had already established their ages and residencies for purposes of their family benefits or Gains with our ministry.

The only identifiable group of potential grant recipients which has yet to receive property tax grant applications is those persons turning 65 between July and December, thereby becoming eligible for old age security after the date. We picked up the OAS file from the federal Department of National Health and Welfare. Sales tax grant cheques and property tax grant forms for these persons will be sent out in early January.

With respect to the sales tax grant, we have mailed 820,000 cheques to date involving \$41 million in grant payments. As eligibility applications are approved, more of these grants will be going out.

Before I move to the next topic I want to mention that we are currently working on enhancements to our processing system for next year's applications. I think two of these new features will be of particular interest to members. The first is a logging function. As soon as a property tax grant application has been received back from the pensioner and before it has been processed, an indicator will be put on the file and we will know the application has been returned to us. Second, we will be converting to a data base system with an online inquiry facility. When an inquiry comes in, we will be able to access the file and immediately provide the caller with the current status of his account. This should be very helpful with the next application.

I want to return now to the tax revenue program within the ministry. My remarks respecting the activities of the tax revenue program can be categorized in several major groups: improved planning and management techniques; tax simplification and improved customer service; targets for further improvement, and investment in computer systems.

I will deal with improved planning and management techniques first. I spoke earlier regarding the ministry's use of zero-base budgeting and management by results system techniques to reinforce the effectiveness of program management. This combination has allowed us to ration scarce resources and set precise targets in planning our operations, as well as monitor ongoing performance thereafter and take whatever correcting action might be needed to adjust operations in response to changing conditions or to meet revised priorities.

Since our adoption of the management by results system and zero-base budgeting approach several years ago, we have successfully designed and refined the system.

**Ms. Bryden:** On a point of order, Mr. Chairman: Is it customary for the minister to supply the opposition critics with a copy of his statement?

**Hon. Mr. Maeck:** No, I do not think so. Is the member going to supply me with a copy of her statement when she makes her introductory remarks? I do not think it is necessary. We are not introducing a bill. It is necessary if I am introducing a bill.

**Mr. Chairman:** I believe the standing orders call for ministerial statements prior to question period.

**Hon. Mr. Maeck:** If I have another copy I will be happy to give it to the member. It is not that I mind her having it. Maybe my staff has another copy of my statement. I could have it sent over if she would like to have one. She can put it in her memoirs.

**Ms. Bryden:** It would be helpful in the same way as is a ministerial statement supplied before question period.

**Hon. Mr. Maeck:** I know it does not come under the rules of the House but we will be happy to do it.

In my experience, this new planning system has now reached a fully operational status in the ministry and has proved invaluable in planning the operation in 1980-81 which is expressed in these estimates and which we will be dealing with a little later.

To be able to provide the effective leadership and financial control required when periods of economic uncertainty are coupled with stated goals of expenditure restraint and staff cutbacks, one must place very real reliance on sophisticated working mechanisms. Without them we would not be able to make the advances we have.

If honourable members will turn to the expenditure summary table for the administration of taxes in vote 802, they will see some

of the results of the management by results system and zero-based budgeting process in this area.

You will notice there is a fairly substantial increase in the area of services. This increase is due primarily to investment by the various branches in modernizing existing and implementing new computer systems and other technical support facilities. This investment has allowed us to effectively utilize technological resources, thereby reducing our reliance on increased human resources and improving our ability to handle growing numbers of taxpayers in the face of staffing constraints.

The zero-base budgeting process has allowed us to monitor the activities in various sectors and deploy our resources in what we see as the most efficient manner. This trade-off between investment and staff has, as you can see, resulted in an overall net reduction in staff of 27 man-years. It has also allowed us to hold the line on the cost of collecting revenue. My colleague the Treasurer has estimated that 1980-81 retail sales tax revenues will approach \$2.6 billion. The cost of collection for \$100 of this revenue will remain unchanged from its 1979-80 value of 59 cents. The cost of collecting \$100 of corporation tax, estimated for 1980-81 at about \$1.5 billion, will rise a mere one cent to 47 cents. From my experience, I don't think you can improve on investment ratios such as these.

Revenue has long recognized that tax simplification and improved customer services are mutually beneficial to its clients and the ministry. In March 1978 the ministry moved to intensify its program in line with cabinet instructions. Management procedures were introduced to accelerate the identification and implementation of measures across all programs.

The main achievements: The ministry's program touches virtually every aspect of its dealings with its taxpaying and its senior citizen clients. Generally it is designed to reduce customer uncertainty, compliance costs and disputes. For the benefit of the members, I will be starting on page 30.

The following are some of the main areas in which measures have been successfully initiated:

Tax banking: It provides small businesses with a more convenient and free way to pay taxes—via banks—and it is gaining widespread acceptance at the moment. Tax filing requirements and costs have been reduced for large numbers of taxpayers and many forms and procedures have been simplified or

eliminated. Tax rebate and exemption procedures have been simplified. Interest on tax credits has been increased to equal that charged on taxes owing, which is a much fairer way of doing things. Information and advisory services have been extensively redesigned and expanded in all programs for all client groups. Also, the ministry is participating fully in the access program.

Tax disputes: A new advanced tax ruling service reduces uncertainty about taxation of new corporate undertakings. The new tax appeals branch provides an improved system in an independent form for taxpayers to settle tax disputes and we have targets for further improvement. Regulatory reform and improved public services are well established priorities within our ministry. The objective is to maintain the momentum achieved and exploit new opportunities. Again, primary attention will be given to small businesses, senior citizens and other taxpayers.

Investment in computer systems: Previously I mentioned that we have invested heavily in providing enhancement to existing computer facilities. While the results, for the most part, go unnoticed by the tax filer, we have developed some facilities that are readily apparent. Retail sales tax, for example, has developed a system that allows a district office staff to access central computer accounting records via video screen. By providing this capability, they are able to service vendors over the counter, and telephone inquiries not only immediately but with the most current information available.

3:50 p.m.

Computer system enhancements have provided improved customer service in other areas. The gasoline tax branch processes in excess of 60,000 tax refunds in respect of the nontaxable use of the fuel, particularly by farmers. Historically, processing such refunds was a laborious, time-consuming task. The new refund system has not only cut processing time, but is capable of providing cheque stub data, and detailing adjustments and other relevant information, a feature that aids bookkeeping for the claimant. In what might be considered the invisible areas of systems development, all branches have instituted revisions which improve paper processing capabilities and reduce staffing requirements.

I would like now to turn to some discussion on the municipal property assessment. Let me first deal with the section 86 reassessment program. I am sure you are all familiar with the details of this program,



so I shall deal with only a few major features. In 1978, the government authorized the Ministry of Revenue to use section 86 of the Assessment Act to correct assessment inequities on a municipality-by-municipality basis. Eventually, this involves the equalization of assessments within property classes, using market value as the base.

This has a number of important features. First, by equalizing property assessments between classes a higher degree of equity is achieved by the elimination of longstanding disparities. Second, by equalizing within specific property classes, tax shifts from the industrial, commercial and multi-residential sectors on to the residential properties are prevented. Third, by implementing equalized assessment within property classes, our assessments become very much more defensible, which in turn protects the municipal tax base. Fourth, because it is implemented only upon the request of the municipality, the decision to implement is under the political control of local councils and the scrutiny of their officials. It will be implemented, therefore, only where there is a strong consensus on the need for reassessment.

Let me turn to our experience with the program. In the first year of the program, which was 1978, 14 municipalities requested implementation. This included a number of municipalities, such as Cambridge and Hamilton, where assessment inequities were severe and which were threatened with significant tax losses through appeals. In the second year of the program, in 1979, the number of implementations increased substantially to 93 municipalities and one area school board in the north. To date this year, 130 more municipalities and school boards will be reassessed under section 86 of the Assessment Act for 1981 taxation purposes.

Clearly, since its inception the section 86 program has continued to gain the acceptance and support of municipalities and school boards. The great majority of mayors and councils of municipalities which have requested section 86 have expressed their satisfaction with the program as an important first step towards comprehensive property assessment and tax reform. Indeed, the Association of Municipalities of Ontario endorsed the section 86 program, urging all its member municipalities to request its implementation. Further, at the conference of the Ontario Federation of Agriculture held this week in Toronto, the delegates supported the imple-

mentation of the section 86 program in the majority of rural agricultural municipalities.

Because of the success of open houses held last year and the very positive response from ratepayers who attended these sessions, my ministry is expanding its open house program. Starting in December, open houses will be held in every municipality throughout the province. Let me briefly explain the open house concept. Open houses are designed to support both the regular assessment process and the section 86 program. The open houses are held at convenient locations in each municipality and extend into the evenings, thus providing ratepayers with the opportunity to discuss their property assessments.

In advance of these open houses, each ratepayer will receive with his property assessment notice a special information insert announcing the dates, times and locations of the open houses to be held in each area. Open houses are designed to bring ratepayers and assessors together in an informal atmosphere to answer any questions about assessments, particularly in the case of new property assessments established under section 86. If a ratepayer can show the assessor that a correction should be made to the assessment, an amendment notice will be issued.

By taking advantage of this open house service, many ratepayers need not enter formal complaints. These open houses have helped to reduce substantially the number of complaints lodged with the assessment review courts. As well, we provide a useful forum for discussing assessment-related matters and increasing the property owner's understanding of how his assessment is calculated.

As a further aid to ratepayers, my ministry, with the co-operation of the Ministry of the Attorney General, will shortly publish a pamphlet on appeal procedures. If a property owner feels it is necessary to register a formal complaint against his assessment, this pamphlet will clearly describe how to lodge an appeal correctly. The pamphlet will also assist the ratepayer in preparing supporting evidence for the complaint before the assessment review court.

I might add that when a section 86 reassessment is undertaken in a municipality, every assessed owner and tenant receives an assessment notice which, among other things, indicates the market value of the assessed property owned or occupied. Having the market value indicated on the notice in this manner affords ratepayers a better understanding of what their assessment is based on. Market value is an easily understood concept and provides them with the opportunity to

compare their market value assessment with those of similar properties.

My ministry is mindful of its responsibility to municipalities and school boards to provide them with up-to-date information and data regarding actual assessments and the assessment process. In the past year we have undertaken a number of significant measures to improve both the level and quality of this information process.

First, we have recognized that the basic requirement for improving information services is a better understanding of municipal and school board needs, and particularly the importance of full consultation before changes are made. To this end, we have established an advisory committee on assessment data services headed by the assistant deputy minister and comprising nine representatives from five important municipal and school board associations. This committee has been operating for a year and has already agreed to a set of actions designed to meet a number of immediate requirements.

Let me cite some examples: This year, there will be a number of improvements in the assessment rolls; the 1978 roll format will be reinstated; grant codes will be reinstated; property descriptions will be expanded; a second roll and copy of the voters' list will be provided upon request. For 1981, section 42s and 43s, which are supplementary assessments, will be issued up to four times a year, the last update not later than November 15. Municipalities will receive both a printed and taped copy of these updates.

The results of the committee's efforts thus far have been endorsed by the Association of Municipalities of Ontario and all other major municipal and school board organizations. These corrective actions are under way and the committee will now turn its attention to planning the orderly development of information supply in the future.

We have also recognized the need for integrated planning, management and delivery of information through the development and improvement of our systems. To that end, a task force has been established to develop a system which is cost effective, responsive to change and both user- and client-oriented. In developing this system, two key objectives are to streamline our operations and improve the quality and delivery of assessment data to municipalities and ratepayers.

Mr. Chairman, this concludes my introductory remarks on the 1980-81 estimates for the Ministry of Revenue. I trust they have been of some assistance to members in ex-

plaining some of the main elements and features of the ministry's operations as expressed by these financial accounts. I shall be pleased to provide them with further information in response to the questions I am sure they will be asking during the proceedings.

Mr. Haggerty: Mr. Chairman, in dealing with the Ministry of Revenue estimates this year in the time allocated, I think it should be shortened to some extent. We are at present dealing with the amendments to the Assessment Act and the Retail Sales Tax Act, both of which have had second reading, and we will continue with those areas of debate perhaps tomorrow.

There are other areas which I thought are perhaps of more concern to me and to the taxpayers in Ontario. We are well aware that the minister is the official tax collector for the province. But I think there is another person in front of him who calls the shot, and that is the Treasurer (Mr. F. S. Miller). It is a good thing the Minister of Revenue has rather broad shoulders to carry all that heavy load cast upon him every now and then, particularly as it relates to budget time and mini-budgets.

4 p.m.

The Treasurer has stated the policy as it relates to interest rates. He did so on June 17 of this year. In the discussion papers on the interest rate policy, he says, "An effective, national anti-inflation strategy could create the proper environment for a strengthened Canadian dollar." He goes on to say mortgage interest tax credits are one area as are mortgage interest rate subsidies. Then he goes on to mention tax-exempt bonds. I think these are three rather important areas that would have some effect upon our present economy in Ontario.

On September 19, 1980, the Treasurer mentioned the joint ministers of finance conference that was held in Ottawa. It was a session for federal and provincial co-operation in fiscal and economic matters to promote economic recovery in Canada. He talked about fiscal disparities within Canada. Often I have heard the minister stand up in the House and talk about the gloom and doom that is preached from this side of the House on economic recovery in 1980. This is what the minister had to say in Ottawa:

"Statistics on our economic performance so far this year clearly indicate that we," that is, the province, "are in a recession. Forecasts for our performance are not encouraging, with continuing decline expected for this year." If anybody talks about gloom and

doom, it is certainly the Treasurer of the province. He goes on to say, "Prospects are somewhat better for the next year, as the expected recovery in the United States will boost Canadian performance."

For the last four or five years I have heard that same comment here in the House. We will look to the United States, and if there is a trend and upswing in their economy, it is going to filter back over on this side. Let's not kid ourselves. That is not going to take place for another couple of years at the most, because when the automobile industry is in a decline over there it is also in a decline here and tax revenues are lost. If we look at the automobile industry in the United States, it is in severe difficulties as it relates to the number of cars that are coming in from Japan. The Japanese cars are more competitive than the American and the Canadian technology.

The Treasurer goes on to say: "It is the next few months that are critical, and action by government to stimulate consumer spending and reduce unemployment can help ameliorate the situation." I think at that time, in September, we had some indication on this side, particularly in this party, that the government was moving in some area for tax rebates or a tax reduction in a certain sector of the economy, and the minister has brought that in.

He goes on to say: "Ottawa has certain tax tools at its disposal to boost consumer spending, but in my view—"this is the Treasurer—"one of the most effective ways to stimulate consumer spending is via temporary retail sales tax cuts on specific items. In this regard, I would suggest that a federally assisted program of provincial sales tax reduction is an option which merits immediate consideration."

The above statements by the provincial Treasurer have no substance to encourage the lagging economy here in Ontario. There is not a program of any substance to provide Ontario residents with a long-range industrial strategy or new job opportunities or to maintain Ontario's existing industries and their viability. We, on this side, expected the Treasurer to introduce a mini-budget, providing once again ad hoc measures to uplift our sagging Ontario economy. To reduce sales tax on specific manufactured goods, small trucks, building materials and house furnishings in the hope of maintaining the present employment climate in these manufacturing sectors is a meagre step at this time. I guess we have no choice but to support these measures, meagre as they are. If the government

is really concerned about Ontario's decline in 1980 and perhaps into 1981, action should have been initiated much earlier in the new budget presented last April.

**Hon. Mr. Maeck:** We are really waiting for the federal boys to do something.

**Mr. Haggerty:** Do not wait for the federal boys. You have been in bed with them for a year now. You should have been on your toes and you probably could have got some help. I would not worry about the federal fellows. It is your job and you have a responsibility in this area.

Action should have been taken in the provincial budget introduced in April 1980. A program for economic stimulation would now be in effect and the results would be noticeable in maintaining existing employment and with a possibility of new employment opportunities. At this date, any benefit that may take place would not be a benefit to the Ontario employment opportunities during Ontario's cold winter months that lie ahead.

One can be critical of this minister for allowing his government to follow a similar pattern of events and say in the last five-year period there has been too little, too late. Industrial plant closures are at a critical point that will require a joint effort by both federal and provincial governments. Any decline in manufacturing is critical to Ontario since it accounts for about 30 per cent of the provincial real output. Yet between 1970 and 1979, Ontario placed eighth in Canada in average annual percentage growth of manufacturing investment and eighth between 1970 and 1978 in the average annual percentage growth in estimated value of manufacturing shipments by provinces of origin.

Economists have clearly stated that Ontario is expected to lag behind the national average in manufacturing growth. Yet again this year we find ourselves in that same predicament. I am concerned about the possibility of the boycott by Alberta adding further difficulties to Ontario's economy.

Because of this consistent under-average performance, real family income in constant 1971 dollars in Ontario sank from \$13,518 in 1976 to a low of \$12,916 in 1978. To put that in relative terms, data from the Department of National Revenue indicates the average income by tax information for 1977 for Ontario was \$11,080, less than the average national income. Based upon these figures, this government and in particular the chief tax collector of the province should show deep concern about the direction this

province must take on economic policy and not continue a tax policy that may well lead into a deeper recession, if we continue as we are now.

If one relates the above statements, they do indicate that Ontario families are over-taxed with more and more of the family income going into some form of provincial taxes such as retail sales tax, personal income tax, taxes on petrol, tobacco, liquor, entertainment, property tax—and the list can go on. In fact, every time the Minister of Revenue and the Treasurer reduce the provincial sales tax on specific goods, it has shown an economic stimulation to some degree that offset the tax cuts in revenue.

I was interested in following some of the pages in the Province of Ontario Financial Report 1980 relating to budgetary review. It says: "Taxation: Ontario's major tax revenue sources accounting for 50 per cent of the budgetary revenue are personal income tax, retail sales tax and corporations tax. Each of these taxes displayed a solid growth during the year as the economy experienced a stronger performance than had been expected. As a result, the growth rate of recorded personal income tax out-distanced both the previous year and the amount expected in the 1979 budget."

4:10 p.m.

It states further here: "The federal government in an economic stimulation program gave a general reduction of three per cent for a period of six months. With a healthier economy in 1979-80 the yield from this tax rebounded to \$2,414,000,000 and exceeded its budget by \$119 million. It contributed 17 per cent of the province's budgetary revenue."

To continue quoting: "Ontario levies both an income and a capital tax on corporations. The tax is paid in monthly instalments with final estimated payments due three months after a corporation's fiscal year end. Some growth in the tax was expected as rates were increased in certain areas in the budget. However, as the calendar year drew to a close and the corporate sector was generally reporting sizeable growth in profits, it became evident that the province would enjoy a substantial growth in its corporation taxes. The cash collections for the year were \$1,616,000,000 which was a 26 per cent increase over the previous year and \$281 million more than was forecast in the budget."

Based upon those facts, the program of tax rebates surely indicates that the consumer is the key to Ontario's prosperity, the hero in Ontario's economic scenario. The Treasurer's

mini-budget, Supplementary Measures to Stimulate the Ontario Economy, was stated as a short-term measure.

Rebates of retail sales tax on the purchase of light trucks and vans will cost \$38 million; retail sales tax for selected building materials, effective until June 30, 1981, will cost an estimated \$94 million; exemption of retail sales tax for major household appliances will cost \$25 million; exemption for retail sales tax for residential furniture will cost about \$65 million.

One would think this tax exemption was a big deal for the consumers and that it was going to cost this government some \$222 million for the items I have mentioned, while, in the first place, in the original budget of last April, the revenue forecasts are only estimated figures which could go up or down.

Actually, the government has little choice. They may well have to sacrifice selected retail sales tax. But in the long run, if employment remains stable and new jobs are created, this would create more tax dollars through personal income tax. What I am saying is, if we have higher employment we have higher personal income taxes. When a person is employed and has money in his pocket he will go out and buy additional taxable consumer goods and the revenues should increase. It is stated in the Provincial Financial Report 1980 that this is what happened when the overall sales tax was reduced across the board three per cent in 1978-79.

Actually, we lose nothing by reducing the sales tax on specific items for a period of six months. In the long run you would gain additional revenues. I suggest in this area we should be looking at the federal government's participation in another program of a similar nature to reduce the sales tax across the board. Perhaps this government should be reducing that sales tax. Perhaps this government should remove the inequity that is there now when it deals with the specific sales tax on certain consumer goods.

If one goes out to buy a car or truck, it has not all been built and manufactured here in Ontario. For example, if one wants to avoid consuming too much energy or petrol, and one buys a General Motors half-ton truck with a six cylinder conservation type of engine with fewer cubic inches, I understand that motor is built in Mexico.

Late this summer I was in Windsor with the mayor of Windsor and a group of concerned people. One area they were talking about was plant closings. In the automobile industry, both Ford and Chrysler re-

ceived substantial grants from this government to create new employment. They were moving machinery down to Mexico where there was cheap labour. Look at Ford's world car. It is a small compact car. The reason they call it the world car is because it has parts from all over the world, but it is assembled here. Let me tell you, it is tough on a person who goes out and says, "Should I be buying a car this year?"

Another area the government should look at if it wants to spur the economy is interest rates. If a consumer buys a car today, he will pay about 16 per cent interest on the loan to finance that car. Not too many people are buying automobiles today for that reason. It is beyond their limit. If you want to control inflation you cannot shove all the responsibility on to the worker in Ontario. If the labourer is going to spend money, he has to be able to borrow it on reasonable terms. In this area the government has done nothing.

I was quoting from the Treasurer's comments on what he should do about interest rates. He talked about subsidizing interest rates. It was done in one particular area, the agricultural sector. Again, is the government being fair to the citizens all across Ontario?

He talked about reducing the sales tax on home furnishings and building materials. Many a person today cannot afford to keep a home he bought two or three years ago because of the fluctuating interest rates. If one goes out to buy a home today, one will pay about 15 per cent or 16 per cent interest on a mortgage. When one looks at a \$60,000 home, that person is going to have difficulty keeping that piece of property. It will take him about 25 years before he gets any equity in that property because, for the first 20 years, he will be paying it all out in interest.

Until this government, along with the federal government, comes in with some program that will control interest rates, I do not think our economy is going to come up. If we have to depend upon the American economy to bring us out of this recession, I do not think that is going to happen either. They have the same problem of high interest rates on the American side. People are not buying homes. If they do not buy homes they are not going to buy furniture. With almost every home purchased today, the appliances are usually included. They are built into the kitchen cupboard. If one has it painted a certain colour one will want the appliance the same colour. If one

has an older appliance it does not blend in with that new home. I suggest for this government, or any government today, that is the problem right there.

4:20 p.m.

One thing I could go along with was the Treasurer's suggestion of tax exemption on bonds. I do not know how many times I have stood up in this House and said that tax exemption on bonds was one area the government should be looking at.

The Treasurer was very critical in going to Ottawa. He said, "You fellows have to do your own homework. You have too much deficit spending." One good thing about the federal government budget this time around was there was no increase in taxes. The Treasurer said that was one of his suggestions, but then again he hollered back the other way, crying that we have to have more revenue from the federal government. If taxes are not increased, we will not generate too much revenue.

I want to make a point about tax exemption of bonds. The same thing can apply here in Ontario because this government has overspent in the last 10 years, not particularly this government, but Ontario Hydro. Almost every plant Hydro has built has been financed by foreign money. I think its last issue was pretty well to the Canadian sector, which is good. If we have to go to the foreign market, and almost every government is issuing bonds in this area, particularly the United States market, we are paying 15 per cent to 17 per cent interest on the money now—maybe not that high but at least 12 per cent or 13 per cent.

Hon. Mr. Maeck: It is more than that.

Mr. Haggerty: It is more than that. Well, it is climbing then; it is going higher than I thought it was. If we look at the exchange on the Canadian dollar, there is a good nest of capital leaving this country. I have suggested before that this is one area this government, and even the federal government, should be looking at. There are about \$60 billion of personal savings in banks alone. I do not know about the trust companies or credit unions.

I think the Treasurer should expand on the idea of tax-exempt bonds. Give people here that have some wealth an opportunity to invest back into our economy in Ontario. Give them that tax break on bonds so that we do not have to go offshore to borrow money. In other words, we can stabilize our own banking and borrowing institutions. We do not have to go offshore. I bet it would be of benefit to the Canadian public.

If we look at the oil industry in Alberta—and forget about the heritage fund in Alberta because they have not been doing too much with that—much of the money for those pipelines has been financed by offshore money. In the long run we pay for that. I suggest here is an area that would reduce our borrowing on the foreign market. We would be able to call our own shots. We would be able to come in with an industrial strategy program. We could finance many of these things so that we would not have to depend upon giving handouts to large multinational corporations to induce them to stay in Canada in the hope they are going to maintain employment in this area.

I see nothing wrong with the government's providing assistance to industry that may run into difficulties. Just look at the number of bankruptcies now in Ontario. They are away up. One of the reasons is that industry cannot finance its short-term borrowing; interest rates are killing them.

Actually, this government is not getting to the crux of the problem. If we can control the interest rates here, we can control our economy. We can put Canadian dollars back into our system that would be of assistance to the government and to the economy.

I believe if work went into this area, we could probably reduce the sales tax to five per cent. Consumer buying would be maintained and that is the key to the economy. As long as you put strings on the consumer and make purchasing difficult, then you are going to have a lagging economy. You may run into inflation but I do not think you will because much of the inflation in Canada is caused by borrowing money offshore. There are advantages to getting our own dollars working for Canadians and people in Ontario. I do not like to have to look to the States and say if their economy is improving, we are going to get a spinoff. Every time the bank interest goes up in the United States it goes up here.

I thought the new federal Bank Act would be of benefit to us, that foreign banks could come in, particularly the American banks, and we would have competition within the banking industry. But that is not the case and I suggest we are moving in the wrong direction.

Those are the points I thought the government should be looking at. I think we have to do something in this area that is going to be of benefit to all of the citizens and taxpayers of the province.

My last note here says this government lacks a long-term economic program for the

province. It has been on an ad hoc basis for 10 years or so. Every time you get into a jam, you bring in a temporary measure and hope it is going to get you out of it. But that does not create the long-term job opportunities or the security that people want today. That security is not there. I suggest that a tax cut in personal income would provide a measure to expand the economy and provide Ontario with a more prosperous domestic economy. It would increase employment opportunities in the province. I would suggest an industrial strategy program for Ontario.

The minister talked in his opening remarks about the government policy on restraint. He talked about zero-base budgeting. I do not know if he is referring to the general government policy or just to his own ministry but this is an area that we should be looking at. I have often heard the Treasurer, who is your boss in a sense, say we are looking for a zero-base budget. You will never meet that goal. I do not see how you possibly can because if you head in that direction you will have more unemployment under the present circumstances.

The minister mentioned the senior citizens' tax grants and I know the difficulties he is having. There are still a number of persons who have not received their grants this year and I have often wondered why he did not leave it the way it was under the tax credit system where the federal government did much of his homework for him with very little difficulty for the pensioners in the province.

I imagine the cost of advertising this is enormous and that it has caused headaches in the ministry. I do not know if he is ever going to get it ironed out. I do not know how he possibly can. I think he said there were 113,000 that still have not—maybe it was 91,000—

**Hon. Mr. Maeck:** It was away down.

**Mr. Haggerty:** It is down to 91,000 or something like that. I remember our critic, the member for London Centre (Mr. Peterson), speaking to the budget last spring, saying there would be 115,000 people getting less in property tax rebate than they received the previous year. Many people call my home and my constituency office telling me the same thing—that they are not too happy with it. People on lower incomes have received less than they received a year ago. I do not know how you are going to overcome that but I think if you are going to move into an area like this it has to apply equity within that tax structure.

4:30 p.m.

You try to tell it to some people; it is rather difficult. I suggest, with those comments, Mr. Chairman, that I will go through the estimates vote by vote and continue on that. I do not think we will cover much of the Assessment Act or retail sales tax because we will be getting into that tomorrow night.

Ms. Bryden: Mr. Chairman, this is my first leadoff as Revenue critic. I have only had the portfolio for a few weeks, so I have not had an opportunity to get to know the minister or his officials very well. But I would like to say that to date the minister has been very co-operative in supplying me with any information I have requested and his officials have also been very courteous and co-operative. I hope these relations will continue. I think we both respect each other's integrity and point of view, but of course we differ in some of our approaches as to how these problems we face in the ministry should be dealt with.

The Ministry of Revenue is really a very important ministry because everybody recognizes that taxes are very high and would like to see they are collected in the fairest and most equitable manner. I think it is part of the ministry's responsibility to see that loopholes, as they occur, are closed as rapidly as possible, because there is nothing that destroys the equity of a tax system more than allowing people to slip through the loopholes.

This ministry differs from other ministries in two or three respects. For one thing, it has no annual report. I think back maybe 10 or 15 years ago they did produce an annual report for a couple of years, and it contained very useful statistics on the tax collection process, the cost of collection, some figures on where the money came from, such as succession duties, and what income groups were contributing how much. I think it might be useful to consider reinstating such an annual report. It is true the minister from time to time gives us the figures on the cost of collection, because he is rather proud of the fact that the cost of collection appears to be very low. Of course, when you are collecting billions and are in an inflationary situation, it may be easier to have what appears to be a low-cost collection.

Another way in which this ministry differs is that, according to the minister's own statement, it does not have a policy-making function; tax policies are a function of the Treasury. However, administrative activities have a policy-making function, and I do not

think the minister can really say he does not contribute to policy. His ministry tells the Treasury when a particular proposal is feasible and when it would be too costly to try to put in a particular idea and, in effect, he does have a policy-making function in that respect. However, if he had an annual report, we might also learn a little bit more about his philosophy as to whether the tax system should be for raising revenue or for achieving social and economic goals or for the redistribution of income. It would appear, if he says he has no policy-making function, that he considers taxes are simply for the raising of revenue.

Another way in which the ministry differs is that it maintains a very low profile. I must say I was glad they did not engage in the advertising campaign that seems to have afflicted the other ministries. It would have been rather ironic to have an ad coming out from the Ministry of Revenue that says: "The Ontario tax structure is beautiful. Keep it green by paying promptly."

Mr. Warner: I think we are going to see an ad tomorrow.

Ms. Bryden: I think that would have been a great misuse of public funds. I am glad the minister refrained from engaging in this orgy of ministry advertising that is going on.

I do find the background material supplied to the critics rather inadequate in that it is simply cold dollars and cents figures on expenditures with very miniature thumbnail sketches of what the dollars and cents are supposed to cover. I hope we will get more elaboration from the minister on some of the details.

If the minister published an annual report, he could also be of assistance to organizations like the Canadian Tax Foundation, for which I used to work at one time, in providing them with information on the incidence of taxes in Ontario. For example, what sections of the public pay the largest amount of retail sales tax? How much money comes from the building industry? The minister must have had those figures in order to provide the Treasurer with an estimate of how much he was going to lose when he took the sales tax off residential building materials for that short period between now and the next election. Other researchers at universities and in other kinds of social research would also find it useful to have more information from the ministry on the actual place where the taxes fall and how much revenue comes from each major category of taxpayer.

Another field in which I think the ministry has a role to play is in providing us with information on tax expenditures. I am sure the minister knows what tax expenditures are. There is a definition that was recently in a Canadian Tax Foundation booklet. It says that tax expenditures are: "those provisions in the income tax which result in lower income tax revenues owing to preferential treatment of certain economic activities, income or individuals. Tax revenues foregone because of the special provisions are in many ways similar to direct subsidies and may be viewed as expenditures made through the tax system or 'indirect' expenditures."

That is a definition of tax expenditures. There are others; some are more comprehensive and some are less. Basically, they are an expenditure of money which is not accounted for in the Legislature. We do not know in many cases how much it amounts to because it is simply deductions from income or from corporation income. We do not know who is getting the amounts. We do not know whether it is cost-efficient and we do not know really what impact it has on the economy.

The federal government has started to publish this sort of figure. The new system of spending envelopes, which the Conservatives in Ottawa inaugurated, does include tax expenditures in the spending envelopes. Without including tax expenditures in such a system of budget control, an end run could be completed around budgetary constraints by expenditures going through under the Income Tax Act. I think it is an area this province should be moving into.

I will say that the Treasurer in his mini-budget did indicate that tax expenditures were being studied in Ontario, but they are not being published at the moment. He did say, and I quote from his mini-budget: "I believe a more comprehensive analysis should now be undertaken and I have instructed staff to commence the review immediately."

4:40 p.m.

He goes on to say: "I would like in so far as possible to concentrate our tax incentives more selectively in areas with the greatest promise and which offer the biggest potential economic gains. For example, I believe we should do more to encourage exports, import replacement, research and development and high technology industries such as aerospace, communications and microelectronics."

I may say the provincial Treasurer stole all that from the New Democratic Party because we have been saying that for years.

We certainly think tax expenditures play a role in this kind of direction of the economy and development of an industrial strategy.

What I would like to ask the minister is, what role is his ministry taking in assisting the Treasury in this study of tax expenditures and in this attempt to use the results of the study to achieve these economic goals mentioned by the Treasurer? Obviously, the raw material is in the ministry's files and computers. I would like to know how much he is involved in providing this study of tax expenditures and whether it will be possible, when some of the data is compiled for the Treasurer, to publish it for the general public. It would be extremely useful and would follow a pattern that is being adopted in many western countries now.

Another area where I think the ministry has an important role to play is in the development of administrative efficiency in our tax collection. If we do not collect taxes in the best possible way, we add to the tax burden. The minister mentioned his estimates were down by \$1 million but, if one looks at the Gains figure, it is down by \$3 million so that actually his estimates are up by \$2 million. He did not mention the amount of the Gains decrease. He did mention it had decreased.

I really think the Gains is an expenditure that should be increased. It has been kept at far too low a level for many years anyway and it should be indexed the way the federal old age pension and guaranteed income supplement are indexed rather than waiting until the government decides to increase it.

With regard to administrative efficiency, I would like to know whether the minister has any figures on what the move to Oshawa is really going to cost. Has he any amount in this year's estimates for that move and what does he forecast the final cost will be of that move? I understand the move to Oshawa was supposed to be part of the province's decentralization system to spread jobs around the province. I very much question whether to move a whole ministry that is already operating is an economical move or whether it would be better to develop new activities in new areas, such as when one sets up a dental plan or something like that. There will undoubtedly be great relocation costs, disruption of present activities and many employees will either have to be retrained or will have to look for new jobs if they are not able to move to Oshawa or do not wish to commute. I am not sure that is a very productive way of increasing jobs around the province.



The minister also mentions how much he has cut payroll costs, mainly through introducing computers and more electronic processing. I wonder how much of the actual reduction in employees is due to subcontracting of work. I understand the ministry does subcontract projects quite often when some operation is instituted. I would suspect that the subcontractor's costs are not charged to wages and salaries but are probably charged to services. I would like to have that clarified for me. I would also like some information on how many subcontractors were used in the last fiscal year, for what purpose and at what price. I would like to know approximately how many man-years of work they provided for the ministry.

Some times these staff reduction figures can be a snare and a delusion in that the permanent staff goes down and the contract staff goes up. I think the ministries now count both those figures, mainly as a result of our protests over the years. They used to count permanent staff only. The subcontracting is another aspect that may be reducing the wages and salaries figure but may be increasing the services figure. We would like to know more about that.

We would also like to know what sort of benefits are received by people who are on subcontract. Does the ministry insist on anything being provided in the way of benefits to employees who come in through subcontracts beyond the statutory requirement of four per cent holiday pay? Do employees who come in under subcontracts get any other benefits? I would also like to know what the benefit situation is for contract employees. Do they get any benefits beyond the four per cent holiday pay?

With regard to the changes in retail sales tax which came in with the mini-budget, I will leave most of that discussion until we are discussing the amendment to the Retail Sales Tax Act. It does indicate that the Treasurer uses retail sales tax, if not for economic and social reasons, for political reasons since most of the rebates and exemptions self-destruct at the end of June when we expect the provincial election to be over. I find the proposed rebates and exemptions will undoubtedly benefit the rich more than the poor because the larger the expenditures the greater the tax relief. There is no ceiling on the value of whatever residential furniture or building materials one buys in order to get the sales tax exemption.

I would like to have seen the minister consider including in the sales tax exemptions

that were given for this so-called stimulative program something that would have benefited those who have very little purchasing power for houses, appliances or furniture but are buying things like children's shoes and clothing and who are still getting sales tax exemption on the shoes only if they are \$30 or under. We all know that many shoes have gone up beyond that, especially for people who have any difficulty in getting a good fit.

I know the minister will say it is up to the Treasurer to decide whether additional exemptions should be given, but I would have thought he might have argued with the Treasurer that if he is going to benefit the rich, he should also benefit those who have very minimal purchasing power. That might also be stimulating in that those people will spend any money they save on additional items in the economy.

4:50 p.m.

I want to spend some time on the property tax grants for seniors, on which the minister also spent a considerable time. I think that program has given the ministry a high profile this year because the ministry has been entrusted with the administration of this program. It is not clear to me where the actual vote is for the grants themselves. I am not sure whether this comes under the Ministry of Treasury and Economics or the Ministry of Revenue. I cannot see in the estimates book any provision for those property tax grant expenditures.

I feel that the seniors' tax grant has developed into an administrative nightmare. I agree that the seniors needed increased tax relief very badly. They were promised it in 1977 in the election campaign, but they did not get any change in their tax credits until three years later when this program finally came along; yet many of them are having difficulty maintaining their independence and staying in their own homes because of the rising burden of property taxes on them.

What I am quarrelling with is the government's method of delivering the increased tax relief for seniors and turning it into what is a costly administrative nightmare. I know the minister says that things are improving, but he does himself admit that the telephones were overloaded and that many seniors did not fill out the forms correctly. In fact 40 per cent of the applications received have had to be referred to the special prepayment unit for further questions, processing and contacting of the applicants. That indicates that the program is an administrative nightmare.

I do not think it is entirely the minister's fault. It is just that when a new system is started there are bound to be a lot of headaches. But I question whether we needed to start the new system.

The postage costs alone of the four extra mailings to seniors for the new seniors' tax grants amount to about \$500,000. Extra staff to process the applications, additional phone service, printing, advertising, cheque-writing costs, computer time and auditing will likely bring the total cost of distributing these grants to well over the million-dollar mark.

In fact, I hope we will obtain from the minister exact figures during these estimates as to what has been spent from the time the new grant system was adopted by the Legislature until the present. Those expenditures should be broken down, showing us the amount spent for additional staff, telephones, advertising, printing, mailing, additional supplies, travel, audit services, cheque-writing services, computer time and so on. Until we see that, we do not really know what the cost of this program is to the taxpayers of this province.

The former system of dispensing property sales and pensioner tax credits through the income tax system cost the government nothing for postage, handling or cheque-writing. It did publish a few leaflets to inform people of the fact that there were tax credits available through the income tax system. But it cost us nothing in the way of the kind of costs I have been mentioning for this new grant program. What is more, it enabled the government to direct the grants to those who needed them most without a means test, other than what is recorded in the privacy of the income tax return. We all make that kind of means report. If we do not normally submit an income tax return, we could easily submit one in order to qualify for the tax credit.

This fall the government exchanged that efficient system of tax relief for a costly new delivery mechanism which will provide grants to many who do not need them and take them away from many needy seniors who formerly got them. It was all done for political reasons. The provincial government wanted to be the issuer of the cheques instead of having them come from the federal income tax office. So it set up a whole new distribution system in the Ministry of Revenue, regardless of the cost and the inefficient way of delivery. That is the kind of government we have been getting from the Progressive Conservative Party for too long.

The government tried to offset this waste by cutting off many seniors who had benefited under the former tax credit program. They included residents of nursing homes, homes for the aged and seniors living with relatives. Close to 100,000 seniors who get no compensating increase through the guaranteed annual income system increase will receive less money than they got under the former tax credit program. That is an indication of this government's concern for senior citizens who have contributed a great deal to our province over the years.

It is not enough to say that many of them got a \$35-a-month increase from the federal government this spring. If we take away some of what they gained from the federal grant, they do not go ahead. It does not seem fair that we should reduce their gain from the federal government when it was given to them on the understanding they needed this amount very badly. Besides, only half or so of seniors get the new federal increase because it only goes to those who receive both the old age security and the guaranteed income supplement.

Residents of private nursing homes who pay some part of their accommodation charges out of their own pockets are being particularly discriminated against. They should be entitled to the same tax relief on these rental payments as other seniors who pay rent in the private sector in order to offset the property taxes that are built into the rent charged. The government takes the attitude that because residents of nursing homes and of homes for the aged are in institutions which receive some form of government subsidy they are not entitled to the same tax relief as other people. But I submit these payments to nursing homes for a share of the seniors' accommodation are a part of our health care system and they should not disentitle the seniors from receiving tax relief on the amounts they pay out of their own pocket for the other portion of the accommodation.

The government also planned to save money by cutting out all newcomers who had not yet qualified for the old age pension. But, fortunately, it was persuaded, mainly by the New Democratic Party pressure, to change this part of the original bill. However, it seems to me inhuman and cruel to take away a benefit from seniors who had been receiving it for a considerable number of years. I refer to those who are in nursing homes, homes for the aged and chronic care homes and who are living with relatives.

5 p.m.

If one is going to say that some of those benefits should be restructured, I do not think it should apply to those who have been receiving them for years and counting on them, especially when we know that at least two thirds of seniors live below the poverty line. I think if one is going to bring in changes in the benefit system for reasons of overall improvement, then one makes it apply only to the new applicants, while those who have been getting the benefits continue to get at least as much as they would have if the old system had stayed in. That is the humane thing to do, not this cutting off in order to save some money to finance a scheme which benefits the well-off too much.

I would like also to refer to the fact that the first tax grant leaflet for seniors which went out, the blue one, did not mention anywhere that any persons in institutions were not eligible for the grant. Under eligibility it simply said, "If you are an Ontario resident 65 years of age or older, you are eligible, regardless of income, for the property tax grant if you pay property tax on your residence or rent for your accommodation." It does not qualify the kind of accommodation in any way. It was not until much later this fall that the ministry got out a new version of its pamphlet, to which I refer as the green one, which did mention the ineligibility of people in institutions. I submit that when the ministry made that kind of mistake, it should have backtracked and granted the tax grants to the people in institutions because their hopes had been built up. They had thought they were sharing in this new assistance to senior citizens.

Here are some of the other administrative problems under this new program. First, letters, leaflets and advertisements did not make it clear who was eligible, as I have just mentioned. Because of the confusion, some ineligible seniors applied and received grants which they are now being asked to repay. Of course, the minister sent them the application grants; so in effect he contributed to the confusion.

I would like to know how many are caught in this situation and how many who have been sent cheques for which they were ineligible are being asked to repay.

**Hon. Mr. Maczek:** I think the member should keep those questions until we get to that vote because that is when I am going to answer them all.

**Ms. Bryden:** Yes. I am just giving the minister a warning that when that vote comes, I would like that information.

Secondly, others suffered the disappointment of finding that they did not qualify for what had been announced as the fulfilment of the government's 1977 election promise to give seniors more tax relief and assistance. Thirdly, applications were not processed in the order received. As a consequence, many seniors became worried that they did not qualify when they heard their neighbours were receiving cheques, but they could not get through on the phones to find out. Some in Toronto trekked down to Queen's Park to get help, only to find they had to go to 77 Bloor Street West. This was not shown on the information sent out, although subsequently the minister did try to correct that with an advertisement in the newspaper.

Fourthly, no working copy of the application form was supplied. Even the income tax people supply working copies. If mistakes were made, a duplicate could be obtained only after an affidavit was filed.

Fifthly, inadequate staff, inadequate phones and slow processing made it difficult to get questions answered or to find out if applications had been received. Sixthly, while the minister reports that 820,000 initial letters were sent out and 727,000 application forms were sent, he says he is processing only approximately 520,000 applications. What happened to the other 200,000?

**Hon. Mr. Maczek:** I told you some of them were married and you didn't listen to me.

**Ms. Bryden:** Presumably, you sent the application forms out only one to a couple. Since the deadline is December 31, 1980, less than a month away now, he should be following up on the "no responses," both to his initial letter and to the mailing of the forms. Thousands may miss out on this tax relief because they do not understand the form or are not sure if they are eligible. Obviously, this is another administrative cost we should incur. It will be costly to follow up on all the "no responses," but we should incur it because we have adopted this inefficient system.

I feel it would have been much better to improve the income tax credit system—there were things that could be improved in it—rather than subject seniors to the many hassles they have endured under this new program. It would have been a whole lot cheaper. The minister has admitted he is already planning improvements for next year in his scheme and, in doing so, he admits there is a great deal of room for improvement.

With regard to the seniors who are not receiving old age security at the present time, but who are now eligible for this tax grant, I would like to know what advertising is being done to alert them of their eligibility since they are not on the computerized mailing list the minister has access to. He does mention ads in the ethnic newspapers, but I would like to know if he has gone beyond that to ads on ethnic radio stations, on channel 47, the multilingual TV, and letters to ethnic organizations acquainting them of the eligibility of people who are newcomers to the country, but who are citizens and landed immigrants and are entitled to this tax relief. I think that is all I will say at the moment about the pensioners' tax credit program but, undoubtedly, we will have some more discussion on it when we come to that item in the vote.

With regard to assessments, the minister says progress is being made. I find it hard to consider section 86 very much progress. Even the minister admits section 86 is a temporary measure, pending a final solution to the question of how to improve the assessment procedure to achieve equity and fairness. Obviously, as we mentioned in the debate last week on Bill 185, the government doesn't yet have an answer after seven years of postponement of market value assessment.

It doesn't yet have an answer to how to avoid the shift in the tax burden which will result from the use of unadjusted or unrefined market value assessment because of differences in markets or some properties for which there is really no market. I don't know what market there is for the Toronto-Dominion Centre and of course, the ministry has worked out other methods than market value for assessing the Toronto-Dominion Centre. I think we have got to work out other methods for measuring the value of properties where speculation has occurred and where there are other factors affecting values besides the actual use to which the property is being put.

5:10 p.m.

I would have liked to have seen some measure for an improved tax credit in the mini-budget the Treasurer brought down. It seemed to me that might be a way of getting some more purchasing power into the hands of the economy. The tax credit has not been changed since 1975. As a result, its value in mitigating the regressivity of the property tax has been greatly eroded due to inflation. Many people who used to qualify for a substantial credit get very little or nothing now under the present tax credit.

While I think the minister's idea of assessment open houses is a very good idea to bring to the public an understanding of what assessment is all about and to demystify the process, I am sure the people who come in would be very happy to also come in and study how a new tax credit would work to their benefit. Not too many of them are able to benefit from section 86, although within the various categories there are some increases in equity as a result of section 86.

The thing I don't like about section 86 is that once you do get some of the inequities ironed out, you still have not determined how much of the total burden should be borne by each category. Of course we have to recognize that as long as we don't have property tax reform and a new assessment system, we are going to have a continuation of the heavy concentration on appeals, particularly by those who can afford lawyers and who can benefit greatly from a successful appeal. That means that our assessment system rules are really made by the courts, and they work entirely on a straight comparison basis rather than any sort of a philosophy as to how one should assess the use and the value of a given property.

When we were discussing Bill 185, I mentioned that the government had spent hundreds of millions of dollars on the assessment process. The minister disputed this figure, but I was referring to the total expenditures since the provincial government took over assessment in 1970. It has gone through all sorts of exercises in producing market value assessment figures. The total cost in those 10 years from 1970 to 1979-80 has amounted to \$403 million, so I would say that is hundreds of millions.

**Hon. Mr. Maeck:** In studies?

**Ms. Bryden:** No. The total cost of the assessment branch, and there is another \$59 million in for this year, I believe. I think when we get to the assessment vote we will discuss in more detail some of the problems in that area. That is all I have to comment on at the moment.

**Hon. Mr. Maeck:** Mr. Chairman, I am not going to make a detailed reply at this time because most of the speeches made were a series of questions that should properly be put when we get to the votes, when I have the staff here for those particular votes, rather than going into them at the moment.

There were some general statements made by the member for Erie (Mr. Haggerty). He was dealing a great deal with interest rates and so on. I suggest to the member that interest rates in the main are a problem of the

federal government rather than the provincial government. I would suggest his friends in Ottawa should be doing something about the interest rates rather than depending on the province to do all these things.

Interjection.

**Hon. Mr. Maeck:** Sure we did. It is not a bottomless barrel where we can just continue to spend money.

**Mr. Haggerty:** They were happy to get it.

**Hon. Mr. Maeck:** Sure they were, at a cost of some \$25 million. However, if we extended that to every area of the economy, you can imagine what would happen. It would break the Treasury. I would just point out to you that as far as we are concerned, while interest rates are a concern, the Treasurer has been dealing with the federal government and suggesting to them that they do something about interest rates. He has been critical of them, but they have done nothing, as they did nothing in the budget, which put us in a position where we had to bring in a mini-budget. You also condemn the mini-budget that we had to bring in because your federal counterparts did absolutely nothing about the economy in this country.

**Mr. Haggerty:** They did exactly what you wanted. They made no tax increases.

**Hon. Mr. Maeck:** They did absolutely nothing. The member for Beaches-Woodbine (Ms. Bryden) did bring up one subject that perhaps I should discuss at the moment, that is, the matter of the annual report from the ministry. She is quite right. I think the last report was in 1972. It was discontinued simply because there was no demand for it. Nobody was looking at it and nobody asked for it, so the minister at that point in time—which was before I was in the ministry—discontinued the annual report and has taken a different approach.

**Mr. Laughren:** You were afraid it would be referred to committee.

**Hon. Mr. Maeck:** Are you in this debate?

**Mr. Warner:** He is now.

**Hon. Mr. Maeck:** Welcome to it. I am glad to see you here. I miss you when you are not there.

We have adopted the policy of providing information on request rather than doing it the way the member suggested. I would suggest to her that we will supply any of the detailed information she wants. There is no hesitation about it whatsoever. All she has to do is tell us what she wants and if it is available within the ministry, we will get it, provided it is not confidential tax files or something like that.

The decision was taken some time ago to discontinue the annual report simply because no one seemed to be interested in it.

Most of the other points made by the member for Beaches-Woodbine are, I believe, questions that will come up as we go through item by item in the votes. I think perhaps, Mr. Chairman, it would be wise now to move into the votes.

On vote 801, ministry administration program; item 1, main office:

**Ms. Bryden:** Mr. Chairman, with regard to what the minister just said about making information available if we want it, I wonder if some organization, like the Canadian Tax Foundation or a professor at the university, asked for detailed information on the incidence of the retail sales tax, would his ministry provide that kind of information to organizations of that sort?

This is why I think you do need an annual report. I am sure our research department in the NDP made great use of that report and I imagine tax researchers generally across the country made great use of that annual report. Also, as taxes become more and more important and are more and more analysed as to their social and economic impact, it seems to me we do need that kind of information. At the moment, I do not know why the Treasurer chose the particular items he did for the sales tax rebates, except that he says these are the ones that are largely produced in Ontario or where there will be little tax leakage, but we do not know what percentage of the retail sales tax comes from each of these items.

5:20 p.m.

**Hon. Mr. Maeck:** Mr. Chairman, the usual procedure is for us to provide some information to the Treasurer to help him make the decisions he would eventually make as to which items he would remove the sales tax from. We have compiled within our ministry information such as the amount of sales in each different category, but I understand the Treasurer also has much of that information within his own ministry. The Canadian content would not certainly come from our ministry, it would come from Treasury. We wouldn't have any record at all in our ministry of that type as to whether or not they are Canadian content. That type of information would not be provided by us to the Treasurer.

I do understand that when he made his budget statement he chose the ones he did because of the Canadian content—the number of articles within that group that would

be manufactured primarily in Ontario because we are removing the Ontario sales tax. It was not restricted to Ontario, but certainly they would receive the benefit of the doubt if there were two different items the Treasurer was looking at and one had a 60 per cent Canadian content and the other one had 20 per cent. Obviously, he would have gone to the 60 per cent and preferably Ontario content because it is Ontario tax dollars we are granting the exemption from. So it is coming out of the Ontario budget as we obviously want to stimulate the economy in Ontario.

**Ms. Bryden:** You did tell him how much sales tax revenue came from the various items on which he applied exemptions or rebates. I think that sort of information should be published annually—how much revenue comes from building materials and how much comes from automotive equipment and the various large sectors of the economy. I think we should know how much each is contributing to the sales tax total.

**Hon. Mr. Maeck:** As I indicated, that information is available to anyone who requests it. That is not confidential information. I see no need for publishing an annual report that will sit on the shelves somewhere and which nobody looks at. But if people are asking for information, if it isn't confidential information, like tax files and so on, we are prepared to give it. It is there.

**Mr. B. Newman:** Mr. Chairman, I wanted to ask the minister if he is familiar with the problems the senior citizen tax grant has caused not only to senior citizens but to each and every one of us operating a constituency office. Would we discuss that under the main office or would that be under tax revenues in one of the succeeding votes?

**Hon. Mr. Maeck:** It is under the guaranteed income and tax credit vote, which is considerably down the line. It is under vote 803.

**Mr. Warner:** I wish to deal with the same subject, but I wish to deal with it partly under the main office. The main office vote speaks to the leadership of the minister. I would like to know whether the minister is accepting the responsibility for the blundering of this program or whether he is shuffling that responsibility off to someone else down the line. The program has been dealt with in a rather unfortunate way and is a disaster. I would like to know whether or not he intends to accept responsibility for the unfortunate disaster and what plans he has to make sure that those people who qualify and have not yet received their cheque will get the money.

What plans has he to ensure this type of bungling will not occur in the future?

**Hon. Mr. Maeck:** That is the type of smart alecky question I always expect from you.

**Mr. Warner:** Explain that to my senior citizens.

**Hon. Mr. Maeck:** I am telling you that is exactly what you are, a smart alec. That is the type of question I would expect from you.

**Mr. Warner:** On a point of order.

**Hon. Mr. Maeck:** There is no point of order.

**Mr. Warner:** There certainly is. On a point of privilege, Mr. Chairman.

**Mr. Chairman:** What is your point of privilege?

**Mr. Warner:** If the chair is going to rule on that language, as to whether it is parliamentary, I suggest it does so. I would also ask the minister to repeat those comments to those seniors in my riding who dutifully filled out their forms in August and September and have yet to receive their money. You call me a smart alec for standing up and defending them. They want their money as promised by this government. I take it from your remarks that either you do not believe they have a legitimate complaint or that you do not intend to fulfil your responsibility. Maybe the whole thing is a phoney program.

**Mr. Chairman:** Does the minister have any comment?

**Hon. Mr. Maeck:** Mr. Chairman, I am certainly prepared to answer a question presented in the proper manner. The member knows very well that my remarks referred to the tone of the question rather than to the senior citizens in the province.

If he had been here when I made my statement, I covered all that. He was not here. Perhaps he did listen to it—I do not know—but he knows very well we worked very hard to accommodate all these situations, including the request that came from his office. Maybe he could give me a little bit of credit for the way we tried to handle the situation when we were dealing with 820,000 senior citizens in this province.

He knows very well that a new program is not that easily instituted. We have done everything we can, and it was not a bungling job at all. We have done exactly what we could do and more. Our people worked on weekends. They worked this past Saturday trying to resolve these situations. I think it is unfair for the member to stand up and take the tone he has taken to this minister and this ministry after all the work we have done and the co-operation he has received from us.

**Mr. Chairman:** I listened very carefully and I think the question really relates to the administration under item 1 of vote 803. I suggest the member pursue that under vote 803.

**Mr. Warner:** If the chair would prefer that, I would be more than pleased to do it.

**Mr. Chairman:** I think it best to discuss the estimates in an orderly fashion.

**Mr. Laughren:** Mr. Chairman, I rise at the risk of offending the very sensitive minister. It is with some trepidation I do so for fear I will be cut off at the knees. I have often wondered why the policy of the ministry prevents us from obtaining the information to which my colleague the member for Beaches-Woodbine (Ms. Bryden) was referring. I would like to be more specific on the whole question of revenues and profits.

I was at the Ontario Mining Association dinner a week or so ago, at which I won a football pool and got the \$9 in the mail today. That is another story. At that dinner I was talking to some of the mining executives who asked me what my problems were with the mining industry. Two hours later, when we finally got around to some of the more minor points, I told them one was the inability to get information.

I have always wondered how much we get in tax revenues from the mining sector of the province. I have often wondered how much tax the mining sector pays to Ontario. The figures we have, which the government will not refute, are that in Ontario we get less than two per cent—about 1.1 per cent—of the total value of production returned to the people of Ontario in the form of revenues from our nonrenewable resources in the mineral sector.

I look at Saskatchewan's value of production—and I am talking about minerals now, not oil and gas—and the return to the people of Saskatchewan is in excess of 20 per cent—22 per cent. I ask myself how it is that in Ontario, which is a resource-rich province, we receive about 1.1 per cent when Saskatchewan receives 22 per cent as a return to its people on a nonrenewable resource. After all, the term "nonrenewable" says it all. When it is gone, it is gone and we should be getting the absolute maximum potential for that resource.

5:30 p.m.

This government simply will not tell us. It has always said that information is privy. I have asked the mining people if they have any objections. They have no objections as long as you don't single out what Falcon-

bridge, Noranda and Inco individually pay. It would all be in their published statements on profits anyway. I wonder why the minister would tell us that.

**Hon. Mr. Maeck:** I wonder if the member is referring to the mining tax or the corporation tax.

**Mr. Laughren:** Mining.

**Hon. Mr. Maeck:** I can't very well give him any information on that because, as he knows, that comes under the Ministry of Natural Resources. I don't handle the mining taxes for Ontario. They do not come under the ministry.

I was checking with staff while the member was speaking to see whether there is any way we could break down the amount of corporation tax paid by the people in, say, the mining industry as opposed to some other corporations. They tell me it is rather difficult because some corporations are into mining and other fields and they are all mixed together. It is difficult for us to split them up.

I don't know why the total figures for the mining tax would not be available, but it isn't really an area that we administer.

**Mr. Laughren:** To pursue that briefly, how in the world does the minister and the government know whether we are getting an adequate return from nonrenewable resources?

**Hon. Mr. Maeck:** I would presume the Ministry of Natural Resources would be handling that part of it.

**Mr. Laughren:** The Minister of Natural Resources gave us the same answer you did.

**Hon. Mr. Maeck:** They do collect the mining tax, do they not?

**Mr. Laughren:** The Ministry of Natural Resources collects the mining taxes—

**Hon. Mr. Maeck:** Yes.

**Mr. Laughren:**—which it should not do by the way. It is a conflict of interest. The Ministry of Revenue should collect the mining taxes. I do everything in my power to increase the size of the minister's empire. He should be collecting the taxes for the mining industry because then he would have a handle on it.

We are continually getting this shell game. When one talks to the Minister of Natural Resources, he says: "Well, you can't separate corporation taxes from mining taxes. Go see the Minister of Revenue." When you talk to the Minister of Revenue, he says: "Well, I don't know. I don't have control

over the collection of taxes from minerals. Go see the Minister of Natural Resources." You play one against the other. The end result is that you don't tell the people of Ontario what we are getting from our resources—not theirs, ours. Why are you doing that to us?

**Hon. Mr. Maeck:** I think that was the reason why all of us in the tax field eventually report to the Treasurer. We have talked about this before. He is the one who makes the final fiscal policies, first taking into consideration all the taxes. In the Ministry of Consumer and Commercial Relations, the Liquor Control Board of Ontario collects the liquor tax and reports to the minister. Then the money gets back to the Treasury. That is the reason the Treasurer has to accept all the fiscal responsibilities. That is the way the system works.

**Mr. Laughren:** The minister knows how much money he gets from liquor sales and profits in Ontario, doesn't he?

**Hon. Mr. Maeck:** That's right.

**Mr. Laughren:** Surely resources are as important to Ontario as liquor, yet the minister does not know that. Nobody knows it. None of you knows how much we get from our resources. It is not just the Minister of Revenue. The Minister of Natural Resources does not know. Now you have introduced a third person into the act, the Treasurer, and you are right in that he does not know either. The Minister of Northern Affairs—well, we can talk about him some other day. None of you knows how much is coming back to the Treasury from resources.

If you didn't know how much was coming back to the Treasury from the sale of popcorn or peanuts, I would say, "Okay, it is not the end of the world," but here we are dealing with a nonrenewable resource and you haven't got a clue.

**Hon. Mr. Maeck:** I know but—

**Mr. Laughren:** No, you don't know. I will put it to you directly: Will you tell us before these estimates conclude how much the people of Ontario get as a percentage of the value of production in the form of revenues to the consolidated revenue fund?

**Hon. Mr. Maeck:** The member is referring again to mining. This is how the original question started. I cannot give that commitment. You must talk to the Minister of Natural Resources or the Treasurer. It is not in my jurisdiction whatsoever.

**Mr. Laughren:** They sent me to you.

**Hon. Mr. Maeck:** No, they have not sent you to me because it is not in my jurisdiction and never has been.

**Mr. Haggerty:** Mr. Chairman, I want to ask the minister if he has any new policy on racetrack tax. I am sure he is aware of the difficulties that the Fort Erie track is now encountering where there is a good possibility it may close its doors. The tax revenues generated through horse racing are estimated at \$55 million. I brought to the attention of the minister last year the fact that I thought we would have some commitment from the government or cabinet that some of that tax should be donated back to the Ontario Jockey Club and the standardbred racing association in Ontario to increase their purses.

The horsemen are having difficulties in entering horses in certain races because they say there is not enough money for winning. They feel the cost involved in raising a thoroughbred or standardbred horse does not warrant their entry at some tracks in Ontario because the winnings are not that great. Has the minister or the cabinet given any consideration to giving back a portion of the racing tax to the industry so it can maintain a viable industry in Ontario? If the racetrack at Fort Erie was to close down, there will be a possible loss of 400 jobs and business assessment and property assessment of about \$400,000 a year in revenues that would be generated for the municipality.

It is one of the best equipped and nicest racetracks in North America. It certainly does add to the tourist industry in that area, but they are having difficulty in maintaining it because they say it is not profitable. Has your ministry, along with Treasury and the Ministry of Consumer and Commercial Relations, discussed the matter of providing assistance in some form of a grant to the horse racing association in Ontario?

**Hon. Mr. Maeck:** No, I have not discussed it with the Minister of Consumer and Commercial Relations (Mr. Drea) under whose jurisdiction it falls. I would suggest to you that under the Race Track Tax Act the seven per cent that is charged is charged against the winning tickets. If you are a winner, you are the guy I am going to take the money from. I am not taking it from the municipality, nor from the people who are running the racetrack, but from the winners. We collect seven per cent of each winning ticket. It would be rather difficult to justify taking that money, transferring it around and giving it to whoever might be having some financial problems. Racetracks come under



the Ministry of Consumer and Commercial Relations.

**Mr. Laughren:** Here we go again.

**Hon. Mr. Maeck:** You do not expect me to take authority or the jurisdiction for everything. It is a question you would have to discuss with him. As far as the tax itself is concerned, as I indicated, it is a tax on the winner. If a person wins \$100, we are going to take \$7 away from him before he ever gets his money. It is not a matter of taxing the people who operate the racetrack or the municipality, or whomever.

5:40 p.m.

**Mr. Haggerty:** I quite agree with that but what I am saying is the government generates \$55 million on winnings it takes from a racetrack. I am saying if the government does not put some new life into the racing industry in the province, then someplace along the line, it is not going to generate \$55 million in tax revenues for the minister's department. You may end up with \$30 million next year. You will lose \$20 million. All I am suggesting is you put some new life into the horse racing industry in Ontario. Take some of that tax that you are generating from winners and put it back into the winning purses for the horses running at the track. That is what you should be doing.

It is not actually a handout to the industry; you are just giving some of it back to generate further tax money for Ontario. I am looking at Fort Erie. You lost the other track in St. Catharines; the Garden City Raceway there closed its door. You are looking at standardbred horse racing at Flamboro Downs and Mohawk. I don't know if they are back running at Windsor.

**An hon. member:** Oh, yes.

**Mr. Haggerty:** They may run into difficulties in Windsor too, where a few years ago the track closed the door for the same reason, that the government did not put some of that money back in to keep the industry going. I know the Ontario Jockey Club is not having that great a season at times in the Fort Erie area and other smaller tracks. I suggest, before that track disappears, the government should be moving in that area to assist the horse owners in Ontario by giving them higher purses so that they will keep running their horses at these tracks.

I know the federal government has come in with a program—intertrack wagering I guess it is—where one can call from the Fort Erie track to Toronto if the horses are running at Woodbine. Of course, one must have a credit card there before they will take that

phone call. In other words, one is going to have to have a little bank account with the Ontario Jockey Club in order to draw from that account. I do not know how successful this will be. But apparently the standardbred association and the thoroughbred association in Ontario have agreed in principle that this will provide additional assistance to them. Again, I suppose that means more revenue to your ministry and to the government. I suggest the ministry give a little bit back to keep the industry going. If not, that track will disappear too.

**Hon. Mr. Maeck:** Mr. Chairman, the total tax revenue is \$45 million a year not \$55 million.

**Mr. Haggerty:** It is estimated at \$55 million. That's probably what you got last year.

**Hon. Mr. Maeck:** All right. I am told that some breeders already get grants from the government and there are grants to track operators.

**Mr. Haggerty:** That is for E. P. Taylor.

**Hon. Mr. Maeck:** There are grants to track operators totalling about \$6 million. So a fair percentage of the tax dollars we have collected is going back. You should understand what happens. The \$45 million we collect goes to the general revenue fund and then that money is used by other ministries in whose jurisdiction these things fall. I cannot say directly that we are going to give back the tax dollars we collect. That is not the way the system works. We collect the money, it goes into the general revenue fund and then the minister who is responsible for race tracks decides in conjunction with these people who are running the tracks, I suppose, how much assistance is going to be generated. At the moment, it is \$6 million a year.

**Mr. Haggerty:** I am well aware of that \$6 million. I do not know if it is that high or not, but I remember back in 1970 more money was given to the horse racing associations in Ontario than was given to the housing program, if I can recall that debate.

The government is providing some assistance now, but the people who get the most benefit from it are the top horse breeders in Ontario. E. P. Taylor with his line of horse racing is one of the top recipients and maybe the Connie Smythe stable. I am talking about the average horse owner in Ontario who puts his horse to race at the track where people can bet on it. He is the one who should have some assistance. The purses should be higher to encourage those people to bring their horses to race at the track. If we are going

to run races with purses that were established 10 or 15 years ago, with the cost of inflation and that, it hurts this industry.

When we look at the impact and hardship it will cause to the Fort Erie community if that track closes—and if that one closes we will see others close too—all I am suggesting is some assistance should be given. I know the Minister of Consumer and Commercial Relations (Mr. Drea) is a strong supporter of off-track betting, like many of us, but there has to be some provisions too so that horse racing will continue at these other tracks. In other words, you could have a pipeline for inter-track betting from one racetrack to the other. You could have all the horses running in Toronto and still have the betting done at a small room about 10 by 12 feet.

I suggest you take a good look at this thing because it is going to cause you some difficulties. I understand the minister may be in Fort Erie or Niagara peninsula now. I don't know what kind of a package he is going to have for them, but I hope it is something good to keep the industry going. As I said last year, it is better to have half a loaf than nothing at all.

**Mr. Laughren:** Mr. Chairman, I wonder if we could switch from the needs of the horses and horse breeders to the needs of working people in the province.

For some time now there has been a problem with the head office policy of the Ministry of Revenue regarding the assessment of mining installations. The regional municipality of Sudbury, the NDP in the Sudbury area, and I believe, even Inco, if not Falconbridge as well, have all agreed that what is required is a different kind of assessment on the mining installations in the Sudbury area and in other mining communities as well.

There are several options open to the minister. One is to change the taxation system so that more of the revenues are funnelled back to the municipalities. That would be done through the taxation process. The other one more directly appropriate to this minister is the way in which those installations are assessed. There is a system called the foundation tax which would tax the industry differently. There is also a way in which the underground equipment can be taxed. Right now, it is not taxed and the minister, I suspect, knows that a great deal of the machinery equipment is underground in these mining installations. What is above ground is merely a shell covering up some equipment.

There is an enormous opportunity to increase the assessment revenue from the

mining industry. I believe one figure that has been thrown about in the Sudbury area is about \$6 million a year which could flow back to the regional municipality of Sudbury. I would use the same argument for Timmins and all those other mining areas as well. Year after year succeeding Ministers of Revenue nod their heads sagely which the minister just did—well, he nodded anyway—in general agreement that something maybe should be done about tax revenues for mining communities, but nothing innovative is ever done.

You won't use the foundation tax process. You won't use the taxation of underground machinery. You carry blithely on in the old way. The mining companies would have no objection because they would prefer to be seen in a better light in the communities in which they are located. It is to their interest; it is good public relations on their part. The municipalities, of course, would be in agreement, but this government simply won't move. I don't know whether they feel the mining companies can't absorb it—that is total nonsense—but year after year they refuse to do anything about it. I am asking the minister directly if he will do something about the assessment of the mining installations in those various communities across the province.

**Hon. Mr. Maeck:** Mr. Chairman, I recall the first set of estimates I had in here when the member for Nickel Belt brought up the same subject. When he finished talking he said: "You and I will sit down some day and discuss this." I am still waiting to sit down and discuss this with you.

**Mr. Laughren:** Yes. That's how slowly you move.

**Hon. Mr. Maeck:** It is obvious you and I are a long way apart.

**Mr. Laughren:** Every time I go to South River you are never there.

**Hon. Mr. Maeck:** You wanted to sit down and discuss it. You had some sort of a proposal you had written on which you wanted to bring me up to date, but you have never come back to me on this thing until today.

However, my assessment staff have met with municipal officials in northern Ontario and groups of mining companies as well. They have their representatives and so on. They have worked out a system that seems to be agreeable to both parties. There were some problems, for example, mines that were shut down for a period of time and then brought back into production again as the price of ore changed. It is my understanding

they have worked out a reasonably acceptable solution for both the municipality and the mines. If you would like to ask further questions on it when we are into the assessment part of the estimates and I have my staff here, I will be happy to answer. My last understanding was the assistant deputy minister and some of the senior staff did meet with representatives not only from Inco, but from Falconbridge and a lot of the mines in the Sudbury area particularly, along with representatives from the municipalities in the Sudbury basin. It is my understanding it is reasonably well accepted by both. I will check it out; I could be wrong.

5:50 p.m.

**Mr. Laughren:** Is it a correct assumption that will mean increased assessment revenues for those mining municipalities? They would not have agreed otherwise.

**Hon. Mr. Maeck:** I would not make that assumption until I have had a chance to check with my staff to see exactly what did happen in the meeting.

**Mr. Laughren:** I might add for the minister's information I was talking about the kind of presentation I made on behalf of my party to the Blair Commission on the Reform of Property Taxation in Ontario. You do recall the Blair commission whose recommendations you embraced so completely.

**Mr. B. Newman:** I want to ask the minister about the collecting of revenue at the racetracks. The racetracks in cities bordering on the US allow bets in both American and Canadian money. Naturally, the premium on American money is fairly great and, regardless of what people say, the racetracks are not operating to be anything other than profit-making organizations. I just wonder how your ministry is able to have verified controls as to the amount of American money that is taken in as opposed to Canadian money so that we get our fair share of the tax revenue, even though it is American money and worth anywhere from 15 to 20 cents on the dollar more than Canadian money.

**Mr. Chairman:** That appears to me to be a question for vote 802. I wonder if the minister wants to answer it now.

**Hon. Mr. Maeck:** I was just discussing it with my deputy who informs me we have very accurate auditing procedures.

**Mr. B. Newman:** Do you carry out the auditing procedures in both American and Canadian money.

**Hon. Mr. Maeck:** No, because we don't collect anything except in Canadian dollars.

My deputy tells me the auditing procedures are very exact and he doesn't see where there could possibly be any problem with the amount of taxes we collect. I am sure the Americans are not going to spend their dollars without expecting the exchange.

**Mr. B. Newman:** They get paid in American money. They bet in American money and are paid in American.

**Hon. Mr. Maeck:** It is not something I am familiar with. I could try to get the answer for you when we get to that section, but I do not have that answer at the moment.

**Ms. Bryden:** I wonder if the minister would comment on his interest in the tax expenditures so they could possibly be published? Has the Treasurer involved his ministry in carrying out the commitment he made in the mini-budget to do a more thorough analysis of tax expenditures so that he can use the information for more adequate planning of an industrial strategy, as we have been telling him for many years he should be doing?

Actually, I am pleased the Treasurer has finally seen the light on the necessity for tailoring the tax system to producing an industrial strategy that will result in development in Ontario by Ontarians controlling our own destiny. I would like to know what the ministry is doing in collecting data on tax expenditures and whether there are any definite plans to publish any of that data which will probably have to be supplied from his ministry to the Treasurer at some stage or other.

**Hon. Mr. Maeck:** Quite right, the Treasurer did announce that in his budget and he will, as he goes through his examination, be requesting information from us. I have no way of knowing at the moment what information he is going to require. Any information we have will be available to him, but he will be making the decisions again on that and we will supply the information we have at our disposal. But I really do not know what kind of information he is going to be asking for at this time. Whatever we have will be available to him.

**Ms. Bryden:** On the tax expenditures, does the minister think we can get information on exactly what the corporations in particular are obtaining in the way of deferred tax benefits? That is one of the big areas where they have been financing investment from deferred taxes. It would appear that if one keeps on financing new investments one never pays the deferred taxes. Does the minister have any figures on how much there

is in the form of deferred taxes being claimed under the corporation tax?

**Hon. Mr. Maeck:** This is a question that comes up every year in estimates. I cannot give you that kind of a figure because it is not filed in that way. We do not keep track of what deferrals there might be in any given corporation and we do not total those things, so there is no way that we could give you that kind of information. You have to remember it is not an exemption; it is a deferral of taxes. This question has been raised by your predecessor and others in your party and in the Liberal Party, and I have never been able to provide that kind of information.

I don't know whether or not the Treasurer will request this ministry to go through every corporation tax file of this province to see what has happened. I would invite you some time when you are in my ministry offices to go up to the floor where the corporation tax files are and take a look at them. Then I am sure you will understand why it would be just impossible to go through all those files to find out exactly the kind of information you are asking for. It is one com-

plete floor of the building that I am in and there is nothing but files on corporations there.

**Ms. Bryden:** The other kinds of tax expenditures are presumably available in some form or other in the files. If the federal government is able to publish them, I am not sure what the federal government does on the deferred tax question. But if it is available in the files, has the minister studied the actual cost of preferential tax deductions allowed from taxable income, both under the personal income tax and under the corporation income tax? I suppose the personal income tax records have to come from Ottawa, but under the corporation income tax is it possible to get other forms of deductions allowed which could be considered preferential and get some figures on those?

**Hon. Mr. Maeck:** I would suggest you ask that question again when we come to that vote. We will see about it between now and when we get to that vote. I will try to have a more explicit answer for you on that question.

The House recessed at 6 p.m.

APPENDIX  
(See page 4782)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

DRUG DOSAGES IN  
PSYCHIATRIC HOSPITALS

**280. Mr. Breagh:** Will the Minister of Health list the names and average dosages of drugs used to sedate patients at psychiatric hospitals? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** Since the range of drugs used to sedate patients is quite extensive, a specific response would be extremely difficult to formulate for this question. The Compendium of Pharmaceuticals and Specialties, which is updated and revised annually, does, however, provide information concerning sedatives. This information includes the names of drugs (both generic and trade), their indications, contra-indications, precautions, dosages and how these are supplied.

**281. Mr. Breagh:** Will the Minister of Health provide any provincial guidelines used for drug dosages in psychiatric hospitals? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** Psychiatric hospitals at the local level may use the Compendium of Pharmaceuticals and Specialties, which would serve to represent a guide for starting doses. As indicated in my response to Order Paper question 282, medication doses would be titrated against an individual's clinical response, giving consideration to side effects and risks of long-term usage.

**282. Mr. Breagh:** Will the minister provide any guidelines that the ministry may know of being used for drug dosages in psychiatric hospitals by the medical profession in the province? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** It is the responsibility of the medical/clinical staff to exercise judgement as to the dosages and amount of medication to be utilized, e.g., medical audit committees, pharmacy and therapeutics committees, nursing audits, peer reviews and the use of unusual occurrence reports to assist to monitor this.

In general, the dosages represented in the Compendium of Pharmaceuticals and Specialties are conservative, yet do serve to represent a guide for starting doses, following which medication would be titrated against an individual's clinical response, giving consideration to side effects and risks of long-term usage.

PHYSICIANS OPTING  
OUT OF OHIP

**376. Mr. Breagh:** Will the Minister of Health indicate the total number of doctors opted out of OHIP as of September 1980? Will the minister indicate the number of general practitioners and the number of specialists currently opted out of OHIP, and will the minister indicate what percentage of total physicians this represents? (Tabled October 27, 1980.)

**Hon. Mr. Timbrell:** The total number of doctors opted out of OHIP as at September 30, 1980, was 2,045 or 16.6 per cent of the total number of physicians billing OHIP on a fee-for-service basis. The September figure of 2,045 comprised 512 general practitioners and 1,533 specialists.

INTERIM ANSWER

On question 402 by Mr. Isaacs, Hon. Mr. McMurtry provided the following interim answer: The answer to question 402 will be available on or about December 12.

## CONTENTS

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**Monday, December 1, 1980**

|  |             |
|--|-------------|
| <b>Point of privilege re peanut plant: Mr. Nixon .....</b>   | <b>4769</b> |
| <b>Point of privilege re correspondence from prison inmate: Mr. Breaugh .....</b>                          | <b>4769</b> |
| <b>Durham regional environment hearing, statement by Mr. Parrott .....</b>                                 | <b>4769</b> |
| <b>Environmental assessment, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy,<br/>Mr. Isaacs .....</b> | <b>4770</b> |
| <b>Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Isaacs .....</b>                   | <b>4772</b> |
| <b>Environmental assessment, questions of Mr. Parrott: Mr. Cassidy, Mr. J. Reed,<br/>Mr. Isaacs .....</b>  | <b>4773</b> |
| <b>Social studies curriculum guidelines, questions of Miss Stephenson: Mr. Cassidy .....</b>               | <b>4775</b> |
| <b>Deterrent sentences, question of Mr. Walker: Mr. Ruston .....</b>                                       | <b>4776</b> |
| <b>Italian earthquake, questions of Mr. Davis: Mr. Grande, Mr. S. Smith, Mr. Lupusella .....</b>           | <b>4776</b> |
| <b>Educational television, questions of Mr. Baetz: Mr. T. P. Reid .....</b>                                | <b>4777</b> |
| <b>Liquid industrial waste, questions of Mr. Parrott: Mr. Isaacs .....</b>                                 | <b>4778</b> |
| <b>Ministry settlement, questions of Mr. Parrott: Mr. Stong .....</b>                                      | <b>4779</b> |
| <b>Haldimand Children's Aid Society, questions of Mr. Norton: Mr. McClellan, Mr.<br/>Makarchuk .....</b>   | <b>4779</b> |
| <b>Pensions for women, question of Mr. Norton: Mr. Cassidy .....</b>                                       | <b>4780</b> |
| <b>University study, question of Miss Stephenson: Mr. Sweeney .....</b>                                    | <b>4781</b> |
| <b>Actions of RCMP officers, question of Mr. Walker: Mr. Warner .....</b>                                  | <b>4781</b> |
| <b>Point of privilege re answers to questions: Mr. Stong, Mr. Swart .....</b>                              | <b>4781</b> |
| <b>Italian Canadian Benevolent Corporation Act, Bill Pr42, Mr. Rotenberg, first reading .....</b>          | <b>4782</b> |
| <b>McColl Farms Limited Act, Bill 53, Mr. Watson, first reading .....</b>                                  | <b>4782</b> |
| <b>Assessment Amendment Act, Bill 211, Mr. Philip, first reading .....</b>                                 | <b>4782</b> |
| <b>Residential Tenancies Amendment Act, Bill 212, Mr. Philip, first reading .....</b>                      | <b>4782</b> |
| <b>Tabling answers to questions 280-282, 376 and 402 on Notice Paper, Mr. Gregory .....</b>                | <b>4782</b> |
| <b>Estimates, Ministry of Revenue, Mr. Maeck .....</b>   | <b>4782</b> |
| <b>Recess .....</b>  | <b>4808</b> |
| <b>Appendix: answers to questions on Notice Paper:</b>   |             |
| <b>Drug dosages in psychiatric hospitals, questions of Mr. Timbrell: Mr. Breaugh .....</b>                 | <b>4809</b> |
| <b>Physicians opting out of OHIP, questions of Mr. Timbrell: Mr. Breaugh .....</b>                         | <b>4809</b> |
| <b>Interim answer: Mr. McMurtry .....</b>  | <b>4809</b> |

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**SPEAKERS IN THIS ISSUE**

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Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Breaugh, M. (Oshawa NDP)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Edighoffer, H.; Chairman (Perth L)  
Grande, A. (Oakwood NDP)  
Haggerty, R. (Erie L)  
Isaacs, C. (Wentworth NDP)  
Laughren, F. (Nickel Belt NDP)  
Lupusella, A. (Dovercourt NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
McClellan, R. (Bellwoods NDP)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Stong, A. (York Centre L)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)  
Warner, D. (Scarborough-Ellesmere NDP)











No. 128

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, December 1, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 1, 1980

The House resumed at 8 p.m.

House in committee of supply.

## ESTIMATES, MINISTRY OF REVENUE (continued)

On vote 801, ministry administration program; item 1, main office:

**Ms. Bryden:** Mr. Chairman, I am sure the minister would be disappointed if I did not follow my usual pattern of asking him about his ministry's action on the question of providing equal opportunity for women. I would like to ask him whether he has a full-time women's adviser under the crown employees program. The only statistics I have on progress are for 1978-79, because that is the latest report from the women crown employees office. I will be questioning him on some of the statistics in that report, but I hope he will have more up-to-date figures that will be more encouraging than some of the figures in that report. Could he tell me, first, does he have a women's crown employees adviser?

**Hon. Mr. Maeck:** Yes, we do.

**Ms. Bryden:** Approximately 37 per cent of the ministry's employees are women, but the latest reports show that the ratio of female wages to the wages earned by males is only 62 per cent and has gone down from 63.6 per cent in 1975. In 1979 it went down to 62 per cent. The overall ratio for the entire public service is 71.4 per cent, so it is obvious that in this ministry women are concentrated in the low paying clerical occupations. I believe about 80 per cent of them are in stenographic and clerical occupations, which perhaps accounts for this low ratio of female wages to male wages.

The index of segregation defines the proportion of employees who would have to switch occupations in order that men and women would be proportionately represented. On the scale of ministries under this index of segregation, the Ministry of Revenue comes seventh, which means they are the seventh worst as far as equal opportunity for women is concerned.

**Hon. Mr. Maeck:** The seventh best.

**Ms. Bryden:** No, the overall service-wide index is 64.2. Anybody who is above that is worse. The Ministry of Energy is the worst at 83.8 per cent.

The women crown employees office assessment of the ministry's programs has some interesting comments that perhaps the minister could give us his comments on after I give him a few points mentioned here.

With regard to occupational changes, between 1977-78 and 1978-79 women's representation increased in the clerical module by seven per cent, but in the administrative module by 0.9 per cent. In the technical services category, it decreased. Of course, that is probably a function of the fact there are not as many technically trained women on the labour market as there are men. There were no changes in the professional module between those two years, or in the scientific and professional services category.

With regard to training, women's participation in staff training was equal to their share of ministry employment in 1978-79, but their share of the actual training dollars was lower. It was about 30 per cent compared to 37 per cent participation in the ministry. Obviously, they were not getting as good training courses, or not as expensive ones, as the males.

The policy on affirmative action in the ministry included some planning with senior management and the women's crown adviser. The plan included the establishment of a career path plan, but the decision in 1978-79 was to set this up only in one division of the ministry on a pilot basis. I would like to know if that pilot to develop a career path plan has been expanded to more than one division of the ministry in order to encourage women to move from the clerical module to the other modules.

**Hon. Mr. Maeck:** While the member is looking through that I could answer some of her questions. If you get ahead of me I will forget something.

As you indicated, we recently designed a special program for the advancement of clerical and stenographic staff, not in one area but in two. One covers the taxation or auditor grades, and the other is for property assessor grades. I am informed by staff that

these are attracting high interest and will benefit women in the ministry.

To give you a little more background on what has been going on, I can tell you that in the first six months of the 1980-81 fiscal year over 70 per cent of the planning targets we set have been met. Six women were successful in bridging from the clerical into the tax auditor career path in 1979-80, and four women were successful in bridging from the clerical into the property assessor career path in 1979-80. Three women successfully made breakthrough moves into positions traditionally held by men only; for example, tax appeals officer, tax specialist and manager of operations and control.

I should tell the honourable member as well that the Ministry of Revenue was the first ministry in the government to hire a lady personnel officer. She is no longer with us, she has gone on to better things. I think she is the personnel officer for the borough of Scarborough. On a personal level, until very recently all staff in my office were female.

We are trying to make an effort, but sometimes it is difficult to get females to want to move. All of them do not want to accept the additional responsibility. There are many women in our ministry who have a job simply because they need the extra income to support their family but may not necessarily have any real objectives in a career. You have those kinds of people in every ministry, not only females but males as well.

We are trying to open up as many avenues as we can to allow females to participate and to involve them in higher levels within the ministry.

Ms. Bryden: I am glad to hear that some progress is being made and that you have had some breakthroughs. Progress is painfully slow throughout the government. Each year we await the report of the women crown employees office. I think the reason it is always rather late in getting out is that the Ministry of Labour keeps that office in a state of penury and does not provide it with sufficient resources to get the surveys out quickly. However, that is not your responsibility.

8:10 p.m.

(I think you will find that more and more women are ready to move into the less traditional occupations and to take on the challenges and responsibilities of the better jobs. Certainly, a great many of them are realizing that the salary differential will only be changed if women move into the whole range of professional, technical and management positions. I just hope your ministry will keep on opening up these career paths,

and also making it possible for women to take the necessary training in order to move into these occupations.

Hon. Mr. Maeck: In response to the honourable member, I might just say we are hopeful that when we move to Oshawa in 1982 it will open up some new avenues for females; we anticipate that will give them some advantage. Plans take time to take hold, I am sure the member is aware of that, but it is necessary to train and counsel people as well because they just cannot step from a secretarial job into a managerial job without some training and counselling. We are doing that within the ministry. Hopefully, these things will move a little faster as we go along; but certainly I agree with what you are saying.

Ms. Bryden: Mr. Chairman, I am not quite clear. Are we dealing with all of the sub votes on 801 or are we going to deal with them seriatim?

Mr. Chairman: I think the members have probably strayed somewhat from item 1 as is the usual custom. I called for item 1 so therefore we will go down item by item.

Do you have anything further on item 1?

Ms. Bryden: I understand that under item 1 we can deal with all sorts of general topics as well. Under which item should I deal with the question of subcontracting?

Hon. Mr. Maeck: I can deal with it now if you want to.

Ms. Bryden: During my leadoff, I mentioned that I understand the ministry did a considerable amount of subcontracting; which is different from hiring contract employees, I believe that is hiring a firm which provides employees to perform a specific function. I wanted to know to what extent subcontracting was used in the last fiscal year and what sort of projects were subcontracted out; what the cost of the major subcontracts were; how many man-years of employment they have provided; what sort of benefits the subcontractor provides or if he is under any obligation under the contract to provide employees with any sort of benefits. Those are some of the questions I had on the subject.

Hon. Mr. Maeck: Our ministry does not do that much contracting, but there are certain areas where we do. For instance, the assessment division at enumeration time subcontracted for key punching and things like that because otherwise we would have to buy numerous key punching machines just for that one period of time. That has been

something which has been ongoing and for which the ministry has always subcontracted.

The programming for the management systems branch would be subcontracted, if you want to use that terminology. What we do is contract with a company to do that work for us, I think this is the area you are referring to. It is the same as the Ontario tax grants, that work would be contracted. The firms contract to do certain jobs for us. These are all what we would consider to be temporary jobs.

The Ministry of Revenue is perhaps a little different from most in that new programs have to be developed from time to time within the ministry because of a budget that may come down. If there is a new program, then we have to get that program in place.

The Ontario tax grant program is an example. We do not need people the year round to go through the applications, but we need them during a certain period of the year when those applications come in. It is the same with the enumeration process. It is done once a year. For a certain period of time during which enumeration takes place we need extra help, but it would not be reasonable to hire permanent staff to do those kind of jobs.

That is an ongoing thing with the Ministry of Revenue. Prior to our restraint program on hiring civil servants this has been a normal function of the Ministry of Revenue. Those are the only three areas I can think of where we subcontract. I cannot think of any others.

As far as benefits are concerned, there is nothing in the contracts that dictates what those benefits would be to those people. They work for the contractor and not for us. There is no direction within the agreement we would sign to have these people do work for us to indicate what the benefits would be.

**Ms. Bryden:** Under the subcontractor arrangement, do these employees sometimes work for two or three years? Would the periods be that long? If so, would it not be advisable to have something written into the contract that after working for that long period they are entitled to more than the four per cent holiday pay? Should there not be some other benefits?

**Hon. Mr. Maeck:** No, I do not think any job would extend to a three-year period. For instance, the people working on the Ontario tax grant program will be with us for perhaps three months out of the year, or four at the most depending on how long it takes us finally to get all the applications processed.

In the case of the assessment division doing the enumeration, as you know that takes place for a period of less than a month each year. We do not keep them around for anywhere near three years. It is quite possible that when we again go into these programs next year the same people may not be doing the work for us.

It is the same with the management systems branch, programming computers and so forth. When we set up a new computer system, those people come in and set that system up for us but they do not necessarily remain. Once the system is set up we do not keep them around any longer. We do not keep them for a period of two or three years, we do not even keep them for one year. We have other people, who are not necessarily civil servants—I hope you are not confusing them with what you term subcontractors.

**Mr. Haggerty:** If I may follow up on that question: the minister mentioned contracting out, are these contracts put out by bid or by tender? Are they competitive? Is the information obtained kept confidential or could it apply to other forms of taxes?

**Hon. Mr. Maeck:** Certainly it is tendered. As in all contracts in government, an unsuccessful tenderer or bidder has the right to know what his competitors bid. This is not only in my ministry but in any ministry, as I'm sure the member is aware. If someone tenders for a contract and does not receive it, that tenderer or bidder is entitled to find out what his competitor bid so in his next tender he has a fair idea what the price range is.

I am sure the member is aware that information is not kept confidential. I do not think we publish it, but we give it to the other unsuccessful tenderers if they ask for it.  
8:20 p.m.

**Mr. Haggerty:** I do not recall seeing any tendering advertised in the local newspapers like the Globe and Mail or the Toronto Star. I was just wondering, is it done by selected bidding or by tender?

**Hon. Mr. Maeck:** These are specialized jobs we are talking about and the tenders would be by invitation. They would be termed invitational tenders. They might go out to two, three, four or five people in that particular field.

**Ms. Bryden:** With regard to the subcontract for the seniors' tax grants, can you tell us how many people were invited to bid and what was the price of the successful bidder? Roughly, what did the contract cover; how many people and for how long a period?

What were the specifications, in very general form?

**Hon. Mr. Maeck:** The staff advise me they think there were about four companies. If you want to get into the details of the number of people and so on, perhaps it should be held for that vote. The best they can recall is there were at least four people who were invited to bid on that particular contract.

**Ms. Bryden:** Can you give us the figure for the successful contractor?

**Hon. Mr. Maeck:** We do not have that information here; perhaps we can get it for the next session, we do not have it with us.

**Ms. Bryden:** Perhaps when we get to that vote we could have the information. I think I did ask that, when that votes comes up, we would like a full breakdown of the entire administrative cost on the seniors' tax grants.

**Hon. Mr. Maeck:** I think we can do that. I thought you wanted the figures for all the various people who might have tendered. You are interested in the one who got the tender and what it cost for that. We can get that for you at the proper time.

**Mr. Chairman:** Shall item 1 carry?

**Ms. Bryden:** I am not finished yet, Mr. Chairman. On the question of contract employees as opposed to those on subcontract, the contract employees, I understand, are not permanent civil servants but sometimes do stay for considerable periods of time.

Are they included in the total employee figure shown for vote 801 in the background material? It shows 233 employees and is up 33 over last year. Does that include contract employees?

**Hon. Mr. Maeck:** Yes. In each vote, you will notice civil servants and unclassified staff. Those are the contract employees. They are listed in the book.

**Ms. Bryden:** I wanted to make sure unclassified did mean contract employees.

Can you tell us what sort of benefits those employees get and what is the average length of contract—the average length of stay, which would indicate how many times the contracts are renewed?

**Hon. Mr. Maeck:** I know in my own office, as an example, all the people are contract employees. There are no civil servants there whatsoever. They are on a yearly contract. They get free Ontario health insurance plan benefits. They do not contribute to a pension plan. They get four per cent for statutory holidays. I am not sure if there are any other benefits available to them but I have

an idea—and I will have to check—that the recent dental plant covers them.

**Ms. Bryden:** What about sick leave?

**Hon. Mr. Maeck:** Sick leave arrangements do cover them. I am speaking now of the people in my own office because those are the contracts I personally sign. I think the biggest difference is the fact they do not contribute to a pension plan.

Just to help you, I think the benefits are basically the same as the benefits to which your secretary in your own office is entitled. I think the benefits for these people are basically the same.

**Ms. Bryden:** Would the benefits be the same across the whole ministry for all contract employees?

**Hon. Mr. Maeck:** I believe so, because when I arranged the contracts in my own office I put no special clauses in them. They came from the personnel office within my ministry and I had not given any special directions, it was a regular contract. I am sure they all have the same benefits. I will have that checked out a little further and before this debate is over; I will confirm it, or correct it if there is anything wrong with that statement.

**Ms. Bryden:** Thank you, Mr. Minister, that should be helpful. Too often, in too many ministries, the contract employees were kept on, sometimes for very long periods—five, six, even 10 years—and never had the opportunity to get into a pension plan, although they were really doing the same work as the permanent civil servants working beside them. I think it was largely a means of saving money for the government. I hope that situation is not developing and that there is reasonable opportunity for mobility between contract jobs and permanent jobs, so that people who do carry on for a considerable period of time will fairly quickly get into a position where they can join a pension plan.

**Hon. Mr. Maeck:** The unclassified staff we have in our ministry are given an opportunity to compete. We do not have them around as long as you indicated. Although I will agree with you there are some ministries that have had casual employees or unclassified staff for a great number of years, it does not happen to be the case in the Ministry of Revenue.

**Mr. Haggerty:** The Ministry of Natural Resources has a great number.

**Hon. Mr. Maeck:** I had that ministry in mind, as a matter of fact, but I do not think you will find that is the case in our ministry.



There is actually one good thing about having people come on as unclassified staff. You have a good chance to evaluate them before they do become permanent, and I think that is an advantage to the ministry and to the civil service itself. If they turn out to be good staff they are given an opportunity, when it is available, to compete and get into the civil service. We do that in our ministry.

Item 1 agreed to.

On item 2, analysis and planning:

**Mr. Haggerty:** Are we covering item 2 to item 7 in a broad discussion?

I am interested in the revenue research indicated in your estimates. There is an increase of more than \$100,000, and this is perhaps the only area where you have spent additional funds. Could the minister indicate just what area of research he is talking about? How many research programs are there?

The other item which interests me is the area of the retail sales tax and other taxes. I want to direct a question to the minister to find out if he has had any dialogue with Treasury about cutting back on the retail sales tax. I just wanted to know if there is any dialogue at all between the two ministries in this area. I feel sometimes the government ministries are not consulting with one another on particular areas.

8:30 p.m.

Last January, I think it was, the Ministry of Revenue had the retail sales tax cut on larger vehicles to encourage consumers to purchase the larger automobiles. One wonders, sometimes, where conservation comes into the picture as it relates to oil and gasoline in Ontario. I can recall my colleague, the member for Essex North (Mr. Ruston), directing a question to one of the ministers, asking why you do not reduce the sales tax on automobiles where the industry has shown it is conserving energy through producing cars that consume less fuel. It is in direct contrast to other government agencies or ministries when one minister says he will reduce the sales tax on large automobiles and gas guzzlers. When the industry does come in with a program to reduce energy consumption, no benefit is given to either the consumer or the industry to encourage them to move in this particular area. Last year when the minister cut back the sales tax on large cars, the same American automobile industry gave a rebate to the consumer. You have seen on television, "Buy this vehicle from us," from Ford, General Motors or whatever it may be. I think it was from \$300 to \$500 for different sizes and makes of automobiles.

The private sector there gives an inducement to the consumer to purchase products. Here in Ontario we do a different thing. In a sense, we have to reduce the sales tax on specific automobiles or vehicles to encourage the public to buy them. There is no equity between the two systems. Surely, if the automobile industry in the United States can give it to the consumer there, one wonders where the auto pact comes in. Where is the equity in it? Should that not apply to consumers in Ontario? Yet they pay fewer taxes on their automobiles there than we do in Ontario.

One sits back and says, "Are you fellows really trying to encourage the consumer to buy goods in Ontario or are you going to tax them more and more?" I can't understand your thinking over on that side. If you want to get the economy going, I don't think this is the way you should do it. You are doing it on an ad hoc basis. You gain nothing in the long result because, if you look here in Ontario, the automobile industry is right down. The assistance you have given it has not guaranteed the jobs that were supposed to be forthcoming from the automobile industry. They have been laying off more and more people all along.

**Mr. Conway:** Even in South River.

**Mr. Haggerty:** Even in South River. I just bring that to your attention. If you had some planning over there, you could have come forward with an employment strategy program and you would not be in the bind you are today. You won't listen to anybody on this side of the House. Sometimes it is hard to get through to any government ministry what we are trying to convey. I would like the minister to give me some information on the revenue research that is being done and in what areas.

**Hon. Mr. Maeck:** Revenue research is not in this vote at all. It comes under vote 802, item 3.

**Mr. Haggerty:** I thought we were on vote 802.

**Mr. Chairman:** We are on item 2, as I understand it.

**Hon. Mr. Maeck:** We are on vote 801, item 2.

**Mr. Haggerty:** I thought we were carrying the whole vote.

**Hon. Mr. Maeck:** We have only carried the first item, but I am quite happy if you want to carry the whole thing.

**Ms. Bryden:** I understand we are dealing with each vote separately as we go down rather than carrying the whole thing. We are on vote 801, item 2.

**Mr. Haggerty:** I am sure I got the indication from previous speakers that this was the way we were going to carry the votes, that we were going to go through the whole seven items under 801 or 802. We have been rambling from the top to the bottom and back and forth. I don't think we are going to get any place. If you want to go that way, that is the way it will go. Then there will be questions asked all the way through the procedure.

**Hon. Mr. Maeck:** I don't disagree with the member, but neither do I want to restrict any questions from the member for Beaches-Woodbine. I thought that was what we were doing too.

**The Deputy Chairman:** The only item the Chairman has closed off is item 1 in vote 801. I gather the member for Beaches-Woodbine is fully entitled to talk on any of the items in vote 801 except item 1. We are looking particularly at item 2.

**Ms. Bryden:** To clarify, we are now dealing with all the remaining items under vote 801 together. Is that correct? Or are we dealing with them one at a time?

**The Deputy Chairman:** Which item do you want to speak to?

**Ms. Bryden:** I want to speak to several of them, but at the moment I want to speak to item 2.

**The Deputy Chairman:** We will take the votes item by item, unless we agreed to do otherwise. We are now looking at item 2.

**Ms. Bryden:** Mr. Chairman, in replying to the member for Erie the minister did say this vote is not the vote for the branch that does the analysis for the Treasurer of tax effects and impacts. That was going to be one of my questions, but he answered that.

However, I understand this branch does the zero-base budgeting and the managing by results analyses. I am not sure whether these processes are really as effective as they sound. Sometimes one wonders whether the staff that is devoted to carrying out analyses of this sort and monitoring and making surveys of the results has ever had its own cost effectiveness analysed to see whether it costs more to produce by zero-base budgeting than by the straight submission of budgets and analysis of the budgets of each branch.

What really bothers me is that the people administering zero-base budgeting are supposed "to rank and compare the benefits to be derived from funding alternative levels of activity among a range of programs within a fixed budgetary allocation." I'm quoting from

the ministry's own statement on zero-base budgeting.

What I find hard to understand is how you rank and compare the benefits if you don't have a philosophy of taxation. How do you decide which alternatives you should pursue if you don't know what your goals are? This is what bothers me when the minister says he doesn't make policy.

If his only goal is to get the cost of collection down from 10 cents on the dollar or one cent on the dollar to 0.9 cents, that is one goal. But I think there are a lot of other goals as well, and I find it hard to know how you apply the principles of zero-base budgeting without first having a tax philosophy and a tax goal.

**Hon. Mr. Maeck:** When I stated that I did not make policy. I was referring to the fiscal policy of the province as determined by the Treasurer. Certainly I make policy within my own ministry and I make policy within the administration of my own ministry. I did not want to misinform the member and indicate that we don't make any policies in the Ministry of Revenue. That is, of course, absolutely ridiculous. We do have to form policies in the tax field under the umbrella of the decisions made by the Treasurer. He decides the fiscal policy.

I have said many times that we provide information to the Treasurer, the kind of information we might have that he needs, and we make recommendations. As the Minister of Revenue, I make recommendations to the Treasurer, but he has the final say. He can accept or reject my recommendations. That is the way the system is set up. It is no different from any other jurisdiction I know of in this type of parliamentary system.

We do certainly make policy decisions within the ministry. Item 2 goes beyond just zero-base budgeting and managing by results. We also give the ministry of the head office advice on taxation matters so we can make those kinds of decisions. It is not just a matter of sitting down with some numbers, without any taxing policy, and deciding which program we are going to do, what priority it has and which one we are going to cut out. It has to be based on the taxation policy of the ministry as well. Perhaps that clarifies it.

8:40 p.m.

**Ms. Bryden:** You say they give you advice on taxation policy, but what are the criteria on which you judge your tax system? What is the minister's philosophy on taxation? Is the system there to raise revenue or is it there to achieve social and economic goals? Is it there

to redistribute income or is it supposed to do some of all of those things?

**Hon. Mr. Maeck:** It does all three. It is not just a matter of raising revenue. As I am sure the member knows, we use taxation policy for social purposes in some cases. For instance, one cannot consider the sales tax rebate on automobiles for the handicapped as anything but a social policy, so you are quite right in all three statements you have just made. It is not just a clear-cut tax collecting ministry. It has other fields as well.

**Ms. Bryden:** Some of those goals are conflicting goals. You cannot necessarily redistribute income and at the same time raise large amounts of money, or you cannot give tax concessions and raise large amounts of money. I think the question really is, what are your priorities? What is the chief focus of the tax policy of this province?

**Hon. Mr. Maeck:** Obviously, the chief focus of this ministry has to be the collection of taxes. That is our first priority and it has to be done as equitably and as fairly as we can. The other items we usually talk about are not necessarily something that my ministry thinks about, but it is probably at the request of some other ministry or through suggestions from within the government. I may get a request from the government as a whole saying, "Could you look into this situation to see if there is anything we can do from a tax viewpoint to assist these people in any given circumstance?" Of course, that has to be taken into consideration. Sometimes the idea comes from our own ministry.

Just to get back to the question you asked previously, the option is ranked and selected on the basis of effectiveness of tax administration. Just like any other business, we have to know how to administer the tax. The Treasury decides what tax is going to be collected and who is going to be taxed. That is really the basic difference, but within our ministry, as I did indicate, we certainly do form policy under the jurisdiction that we are given by this Legislature.

Item 2 agreed to.

On item 3, legal services:

**Ms. Bryden:** I would like to ask the minister if the defending of appeals against assessments come under the legal services here or whether that is entirely within the assessment vote.

**Hon. Mr. Maeck:** This vote includes any legal counsel we might hire outside the ministry to defend our assessments in the courts. Any costs incurred by our own legal staff, other than salaries and wages which come

from the Ministry of the Attorney General, because they are actually people who work for the Attorney General rather than the Ministry of Revenue, would be under the assessment vote. They are on the payroll of the Attorney General, but any costs that might be incurred when they are out in the field or anything like that, would be under the assessment vote. Any legal counsel we might hire to defend assessments, where we do not use our own lawyers within the ministry, are included in this vote.

**Ms. Bryden:** I wonder if the minister could tell us how much of that almost half a million dollars is for fighting assessment appeals. I understand the long delay in implementing property tax reforms and the archaic bases on which most of the assessments in many parts of the province are based have resulted in a tremendous surge of appeals, particularly by large corporations with lots of well-heeled lawyers. Naturally, the province has had to fight these appeals in order to try to preserve the total assessments of the municipality. The older the assessment is and the less it is based on any sort of yardstick that can be intelligently looked at, the easier it is for these large companies to win appeals and to reduce their tax load. Of course, the rest of the taxpayers who aren't able to carry on this appeal process nearly as extensively or successfully have to pay the additional taxes to municipalities. Can he tell us how much of that close to half a million dollars that was spent last year was for assessment appeals?

**Hon. Mr. Maeck:** I don't have that figure but I will get it for you. I haven't got it right here at the moment. I am asking my staff to get it for me. I think, though, that you are under some misunderstanding about the property that is under appeal. They still have to pay their taxes to the municipality. I am not sure whether you understand that. They don't withhold payment of taxes until the appeal is heard. They still are subject to paying the taxes and subject to a refund if they win the appeal.

**Ms. Bryden:** Yes, I understood that. But once they get their assessment reduced, of course, their tax load goes down, whether it may be a couple of years hence or not. There has been a very serious erosion of the tax base in some municipalities, particularly in Toronto, where it was based on 1940 values. I am sure many people cannot remember what 1940 was like in terms of the value of property at that date.

**Hon. Mr. Maeck:** There is no question about that. It is one of the concerns we have

and one of the reasons we have brought in the section 86 program you don't seem to favour too well. If boroughs in Metropolitan Toronto were to take a section 86 program, a lot of the appeals that are being lost would not be lost because they would be assessed equitably with other similar properties in the vicinity. They would not then have the grounds for an appeal they have at the moment because of the very things you talk about—assessments that go back to 1940.

**Ms. Bryden:** I understand the city of Toronto has considered section 86 but has rejected it at the moment, probably because it creates as many problems as it solves. You are right in that it does solve some of the excess appeal problem and clarifies the situation to some extent, but there is the question that many people's taxes go up and some people's taxes come down on it.

**Hon. Mr. Maeck:** That is what equity is all about.

**Ms. Bryden:** The politicians are always nervous about any substantial changes of that sort. Mayor John Sewell and his task force produced an alternative to section 86, which was their own package of tax reforms and which would have greatly increased the equity in the city of Toronto. Unfortunately, he is not there to carry it out. It will be interesting to see if his successor adopts this package and if the package is then implemented with the assistance of the provincial government because I think separate legislation would be needed for that. It includes an improved property tax credit as part of the tax reform process.

**Hon. Mr. Maeck:** The city of Toronto has not actually rejected section 86. It certainly has not made the decision at the moment to move on it either, but who is to know what will happen now with the new council?

If something is not done in Metropolitan Toronto soon, the courts will just decide it anyway. They will make the shifts if we do not. That is what is going to happen if the situation remains as it is and assessment appeals are lost. It is obvious that if it loses many assessment appeals, the municipality is going to have to find the dollars it has lost somewhere else. They will create the shifts if they do not accept some program like 86. There is no question about that.

8:50 p.m.

**Ms. Bryden:** You are quite right that the shifts will occur if the appeals keep going on. My point about Mayor Sewell's task force is that you must also cushion the people who will be hurt by reassessment from serious

hardship. That is why you need more than just market value assessment. You need a greatly improved property tax credit, particularly to protect low and middle income people. You need other companion measures that will cushion the burden.

**Hon. Mr. Maeck:** I do not disagree with what you are saying up to a point. I think you have to remember that when a reassessment program takes place and taxes go up for certain people, those people have been getting a break all these years and all they are being asked is to pay their share and make it equitable. The taxes of people who have been paying too much are going to go down, which is also fair. While you can generate a great deal of sympathy for some people because their taxes go up, you have to keep in the back of your mind the fact that if their taxes go up it means they have not been paying their share of taxes over the years. They have had a break for all those years and maybe it is time they paid their share.

If they are not in a financial position to do it, then I do not disagree with what you are suggesting, that there should be some tax credits or other means of phasing them in so it does not hurt them too much financially. It is not fair to ask the people who have paid too much in taxes to continue to carry that load so that the other people who are not carrying enough get a break. If there is a break coming, it should not be coming from those people who are paying too many taxes. It should not be coming through the property tax system.

That is where I differ with some of the people on the opposite side. In the case of people who have had a break for years and have not paid their fair share of taxes, I see nothing wrong with asking them to pay their fair share. My sympathy lies with the people who have been paying too many tax dollars over the years because those other people were getting a break. It is time taxes went down for the people who have been paying too much and it is time taxes went up for the people who have not been paying enough. I think that is reasonable.

**Ms. Bryden:** There is another factor involved. You say some people have been getting this benefit for years. An individual may have just bought a house last year, but the tax benefit went to the previous owner. Any tax benefit gets capitalized into the price of the house, so it is only the first person who received the tax benefit who really gets that. It is very difficult to get it back from him. You do have these changes of ownership and they are fairly frequent.

When you come to tax reform, I think you have to take the bull by the horns and provide a system that is not going to cause undue hardship to people who will be affected by the changes.

Items 3 to 7, inclusive, agreed to.

On item 8, communications services:

**Mr. B. Newman:** I want to ask the minister under item 8 if under communication services he includes polls conducted by his ministry as to whether one tax would be preferable over another or any type of poll the ministry may conduct in an attempt to assess the feeling of the electorate.

**Hon. Mr. Maeck:** This ministry has never conducted any poll of any type. We have never once had a poll.

**Mr. Warner:** Mr. Chairman, I think it is this particular section the minister sends information to our riding offices about programs and also brochures et cetera to shopkeepers and other people who would have an interest in the various programs. Is that correct?

**Hon. Mr. Maeck:** The material for each program is covered under each vote, but if you want to pose the question here I think it is as good a place as any, unless you have a specific question on a specific vote or something.

**Mr. Warner:** I was more interested in the general approach you follow in your ministry when you have a program as to how you go about attempting to inform those people who would have a direct interest in the program. I know we regularly receive information which we then make available in the riding office, but that does not necessarily mean that shopkeepers in the riding or others would automatically be receiving the information about changes in the tax policy and so on. I was interested in the general way in which you would operate in attempting to inform interested parties about new programs or changes in existing programs.

**Hon. Mr. Maeck:** We have a tax bulletin program, depending on which branch of the ministry the tax change is in. For example, if it happens to be a sales tax change, all of the vendors who collect sales tax on behalf of the province get that bulletin, which informs them of the change in administration or the changes in the policy or the change in the taxing statute. If it happened to be a change in corporation tax, then it would go out to the corporations which report to us. We have a list of all of those.

In addition to all of those people, we send them out to the constituency offices, to the

Queen's Park offices and to the federal members in Ontario as well. We have a mailing list of chartered accountants and legal firms that deal in tax matters, and those kinds of people would always get a copy of our bulletin. I think we give pretty good coverage. Obviously, we don't send out sales tax bulletins to the people who deal with corporation tax or vice versa, but we do send out all of the bulletins to the members because they are liable to be dealing with any branch of our ministry so we try to keep them informed as much as we can. I think that about covers the way we do it.

If it is a rather urgent matter, we might also put an ad in the daily papers as well, but we don't do that in every case. If it is a change that is perhaps not really an important one and does not have a date that someone has to worry about or something like that, we do not usually use the newspapers, though in some cases we do. We rarely use radio or television, except in the case of the senior citizens' tax program, which I think is the first time this ministry has ever used television. We have used radio on one or two other occasions, but not very often.

**Ms. Bryden:** I would like to ask the minister if the various advertising programs and leaflets for the seniors' tax grants come under this vote. If so, will there be a need for a supplementary estimate in this vote?

**Hon. Mr. Maeck:** No, they will come under the guaranteed income and tax credit program. I think there will be a lot of discussion when we get to that one, so you might just as well hold those questions until we get to that particular vote unless you have an urgent question you want to ask.

9 p.m.

**Ms. Bryden:** I will wait until we get to that vote. I have one other question on tax bulletins which, while they do carry the minister's name, are not quite as much the huckster type of bulletin as some that come from other ministries, such as the ones with the minister's smiling face, or large signs on the highway saying, "Another Ontario government project from your friendly tax man."

**Mr. B. Newman:** The tax collector never wants to be recognized.

**Ms. Bryden:** However, when you do make rulings for an individual who writes in, do you then share with the rest of the taxpayers the ruling you have made in a specific case? It may apply to other taxpayers as well. Do you cover that in your bulletins?

**Hon. Mr. Maeck:** If you are referring to a corporation which may ask us for an advance

ruling, the answer is no. That would not be made public because it would be based on private information that corporation is giving us. We then advise them as to what would happen to them taxwise if they are going to do a certain thing within their corporation. The kind of information they would give us in order for us to give them that kind of advice would be confidential. It would not become public.

Those advance rulings we give, however, are binding. Once we give an advance ruling that ruling stands. In other words, we cannot decide at a later date we are going to change that ruling unless the law has been changed. Once we give them an advance ruling we stand behind it.

**Ms. Bryden:** I can appreciate the kind of advance ruling you mention that may not have general application. I was also thinking of interpretation rulings, such as whether a certain item is exempt from sales tax. When you make a decision on that, do you pass that out to the general public?

**Hon. Mr. Maeck:** Yes, we do. We put out special bulletins on that. That goes out to the public. Whichever tax it is it is a ruling that applies right across the whole tax field. That becomes public. If it is a ruling we think is important, then we will send out a bulletin on that. We not only send out a bulletin when there is a change in the tax statute, but if there is a change in the ruling because of some investigation or some flaw that we found, then we advise the people who may be affected by it.

Item 8 agreed to.

On item 9, systems development services:

**Ms. Bryden:** While this item appears to be only \$832,000, it is actually an expenditure of \$6,752,000 because a great many of the expenses are charged to the other branches that use the management services provided. Can the minister tell us what the figure of \$4,787,000 covering services is for? I presume this is probably for electronic equipment or things of that nature. Could he give us an indication as to what the \$4.7 million is spent on?

**Hon. Mr. Maeck:** I am informed that most of that figure is for computer costs. I guess it is a rental-type payment we make. We do not necessarily own the computers. I am told we buy computer time. That is where most of this money is spent. Is that enough detail?

**Ms. Bryden:** From whom do you buy it? Do you buy it from several private firms or

do you buy it from other ministries of the government?

**Hon. Mr. Maeck:** Most of it is from Government Services, within the government itself. There are some private data centres we deal with as well, but the bulk of it would be from the Ministry of Government Services.

**Ms. Bryden:** For the seniors' tax grants, are the costs in here for putting those on computer?

**Hon. Mr. Maeck:** No. If you will recall, these estimates were printed prior to that program coming in. You will not find much financial information in this book on that program because the estimates were printed prior to that program really being in place. When we get to that vote, we will have all the financial data for you. It is separate and apart. I am not sure what is happening on that at the moment. It is not included in this set of estimates because this was printed, as you know, last spring. That program was implemented since then, so it is not contained in here.

**Ms. Bryden:** We could probably expect a rather whopping supplementary estimate.

**Hon. Mr. Maeck:** I am not sure at the moment, but there is no question that the cost of operating the program under discussion is not included in the estimates we are dealing with here. I can probably get that information before these estimates are over and let you know better what is going to happen. I presume it would require supplementary estimates.

Item 9 agreed to.

On item 10, relocation project:

**Ms. Bryden:** Under this program, on the move to Oshawa and the move to Kingston, you will notice the vote is up considerably. In fact, the estimated actual for 1979-80 is \$224,000. The estimated actual for the current fiscal year is \$397,000. That is not quite a doubling, but it is a very large increase.

First, I would like to spend a little time on where we are with the Oshawa move. I understand an office building is being built in Oshawa and that it is a leaseback deal. I would like to know what company is building it for us and what the per-square-foot rental is going to be. I understand it is a 25-year leaseback deal with the province, which is going to own the building at the end of 25 years. Presumably the builder is going to get his money back plus a profit in 25 years.

I would like to know what it is costing us to operate this building compared to the

present space the ministry occupies in Toronto and the square-foot cost there.

Also, I would like some information on the cost of relocating employees and what provision is being made to help employees relocate in terms of either purchasing their homes or enabling them to commute. I would like to know whether there are any retraining programs for employees who do not want to move out of Toronto, who have set up their families here and who have had long service with the ministry, but who do not particularly wish to pull up their roots and go to Oshawa.

I think we have to look at all the costs of this relocation operation before we can judge whether it is a wise decision. It may be a little late to turn it around, although perhaps that building could be leased to somebody else. I presume we have a firm contract on it but perhaps the minister could fill us in a bit on that Oshawa relocation.

9:10 p.m.

Hon. Mr. Maack: I was hoping you would stop before you have too many questions. I couldn't remember them all.

First of all, you asked who the contractor is. Tom Jones and Sons Limited of Thunder Bay is building the building. You wanted to know what the annual rental is. Was that one of your questions? The rent will be \$3,261,000 over 25 years. I cannot tell you what the rent is for the building we are in at the moment because, as you know, the Ministry of Government Services actually looks after that.

I just happen to have this information here. I do not negotiate with the contractor. I do not negotiate as far as the rent or the lease purchase agreement is concerned. That is all done by the Ministry of Government Services and that information would have to come from that ministry. It is a lease purchase contract. It is a seven-storey building, plus a basement. The gross floor area is 461,000 square feet. The total cost of the project is \$33,700,000, which excludes the land.

The projected occupancy date at the moment is June to November of 1982. That is when we expect we will be in the building. As to some of the costs of moving, we are dealing now with my ministry costs over a period of time. All this money is not going to be spent in one year by any means, but to give you some idea of what it is going to cost to relocate the staff of the Ministry of Revenue in Oshawa, the project team—and that is a team we have within the ministry

working with the staff to help them find accommodation and so on in Oshawa—are providing staff with information about Oshawa, for instance, the educational facilities, the recreational facilities, the cost of land, the cost of housing, that kind of thing.

In other words, they are orienting them to the community of Oshawa with the hope that the majority of them will move to Oshawa. We want them to be aware of what is in Oshawa and the surrounding area. We are dealing with more than just the city of Oshawa. All the other municipalities in the Durham region certainly will be just as hospitable to our people as Oshawa itself. So it is not just the city of Oshawa by any means. Anyway, that project team I have talked about is in the ministry and has been there for some time. The estimates we have been looking at are related to that team particularly: in-house staff, \$1.3 million; staff training, \$500,000; parallel operations—and by that we mean that when we start to relocate in Oshawa, we will have probably two different locations where the same sort of operation is going on. In other words, we will have to maintain the operation here until the offices in Oshawa are in a productive capacity because we just cannot suddenly quit and stop collecting taxes.

It is important that we have an ongoing system, so we are talking here about parallel operations which we think will cost about—and these at the moment are very rough figures obviously—\$1.5 million. Employee relocation is going to cost about \$3.5 million, as near as we can estimate at this particular moment; telecommunications, \$500,000; courier, \$240,000; transportation, \$120,000; special equipment, \$550,000. That is a total of \$9,310,000.

As I say, these are very rough estimates at the moment, but it is the best we can come up with. It gives you some sort of an idea of the cost that we anticipate in relocating our employees to Oshawa after the building is built.

You asked about staff who would not be moving to Oshawa. Consistent with the Premier's commitment of June 27, 1980, the Ministry of Revenue is currently working with the Civil Service Commission to develop measures for placement of those employees not willing to move to Oshawa. We are going to attempt to find places with some other ministry within the government here in Toronto for those who do not wish to move.

Obviously, a lot of them are not prepared to move, and that is quite understandable. You were quoting figures earlier of the num-

ber of female employees there are, for instance, in the Ministry of Revenue. A big percentage of the employees are female, and a big percentage are probably married and their husbands probably have jobs in Toronto; therefore, they do not want to relocate and move to Oshawa. They would probably much sooner find another job within government here at Queen's Park, or in this general area, than to go to Oshawa.

The last survey that we did—and it is not recent any more—showed we have a commitment from about 50 per cent of the staff who say they will move to Oshawa. At the moment, there are some 38 civil servants who have moved to Oshawa awaiting our transfer when the building is completed. I think you will find that more people will be moving in the spring—people don't very often move at this time of year.

I say that because up until two or three months ago I do not think the staff were really sure we were going to move. I think there was some doubt; they were not really convinced that we were going to move. Now that the building is under construction, I think they now know the transfer is going to take place, and I think they will become a little more serious about relocating, although there is still quite a bit of time before 1982.

I do not blame them for not wanting to move out there too quickly because it means they are going to have to commute from there back to Queen's Park. Obviously, some of them will wait until much nearer the time of the official transfer. The other thing, of course, is that some of them will commute from here rather than pull up roots in Toronto, or maybe they might live in some other community north of Toronto. Some of them will never move to Oshawa; they will commute.

All in all, though, I think the staff are certainly aware that a commitment has been made. The building is under construction, the contracts have been signed, and there is no question that the Ministry of Revenue is moving to Oshawa. Now they have to govern themselves accordingly and make their decisions as to whether or not they will go, whether they want a transfer or whether they want to remain here and commute. These are decisions the staff will have to make.

**Ms. Bryden:** Mr. Chairman, when one hears these figures of \$9.3 million costs for moving this ministry of a little over 1,000 people to Oshawa, one wonders whether it was not a rather costly pipe dream of some previous provincial Treasurer, or maybe by

the cabinet as a whole, to effect what was known as the thrust to the east, to try to decentralize employment in the Golden Horseshoe area. They are still within the Golden Horseshoe when they go to Oshawa. When you think of the dislocation to the ministry and the fact that you are going to have to spend \$1.5 million on more or less duplicating services during the transitional period, it seems to me it is a highly questionable expenditure of the taxpayers' money, particularly in this time of restraint.

9:20 p.m.

It is true that Oshawa, particularly with the present auto situation, may be very anxious to have additional employment. But I am not sure it is going to get very much additional population moving in. Because it is within such close commuting distance of Toronto it may just lead to a lot more commuting. A great deal of this commuting will be done using fossil fuels, which we are running short of, rather than by train or some other method. From that point of view also, it is an additional energy cost if there is a great deal of commuting done.

I would like to see employment spread around the province as much as possible, but to pull up a ministry that has been established for many years in one city and just move it to another at great cost to the taxpayers, I am not sure whether that is the best way to help the city of Oshawa.

It seems to me the development of new industries and the use of our natural resources in Ontario to develop more manufactured goods and for import replacement are better ways to help the development of places to the east, where we would like to see population grow.

It looks to me as if it has grown in cost far more than was anticipated when this move was planned. I just think it is another example of the government not looking before it leaped. Again it was going along on some dream of trying to solve all the problems of the province by a quick stab here and a Cayuga purchase there and a new town somewhere else, such as up in Pickering, without looking at the consequences and the costs to the taxpayer. I think we should hope that if they plan any further moves of this sort they will look much more closely at the cost.

The minister may want to comment on my last remarks. I would also like to get on to the Kingston move, and get some information on that.

**Hon. Mr. Maeck:** Mr. Chairman, I am sure there are quite a few of my staff members



who would agree wholeheartedly with the member. They do not want to move to Oshawa either. It was a decision that was taken before I became Minister of Revenue. We have moved now so far down the line that I do not think there is any chance of that move being cancelled. I think we have to accept that the decision has been made.

I guess we can be criticized for the amount of money that is being spent in moving, but I can assure the member the reason this kind of money is being spent is twofold. One is to ensure that the staff are looked after properly and that they are properly compensated for having to move. There is a special program in place for the Ministry of Revenue staff who are moving to Oshawa that does not prevail across the civil service. We have given special attention to them.

The reason it is costly is because we are trying to look after the staff and because we must maintain the service the ministry has been given to do. There is absolutely no way we can just close down the Queen's Park office and take a month or so and move everything to Oshawa. We have to have them both going at the same time, so we can have a smooth transition between the two areas. While the member may argue about the \$9 million, I do not think she would argue that to do the job, we have to try to do it as well as we can, the commitment having been made.

If I were arguing four years ago, I might have agreed with the honourable member about the move to Oshawa. But the fact is that decision has been taken, and it is something I will not be able to change. Nobody can change it at the moment. The building is already under construction, the contract has been let. I might tell the honourable member that if she wants to talk about Kingston, she is going to have to wait until she gets into the Ministry of Health estimates because it is not my staff that is moving to Kingston.

**Ms. Bryden:** Yes, I just realized as you were speaking that for Kingston it is the Ministry of Health. Anyway, I think Oshawa may have taught us some lessons; I hope it has. That is all I have on that item.

Item 10 agreed to.

Vote 801 agreed to.

On vote 802, administration of taxes program; item 1, comptroller's office:

**Mr. Haggerty:** I notice in this item there is a substantial increase in expenditure. Could the minister indicate the reason for it? Was there additional staff in this comptroller's office?

**Hon. Mr. Maeck:** If we go to the third page it gives a better idea of where the increases are. If you look under salaries and wages, there is an increase of \$65,500. Employee benefits is \$179,200, which, of course, the ministry has no control over. Transportation and communication is \$148,600. Services is the big item again and that is the money we are spending on computers to keep up with our program. The other increase is \$199,000 for supplies and equipment. The total increase is \$2,264,500.

**Mr. Haggerty:** I hope I heard you correctly, that the transportation and communication costs were \$146,000.

**Hon. Mr. Maeck:** I beg your pardon?

**Mr. Haggerty:** What was the cost of transportation and communication?

**Hon. Mr. Maeck:** The actual cost for 1979-80 was \$1,883,900. The 1980-81 estimates are \$2,032,500, which is an increase of \$148,600.

**Mr. Haggerty:** What does the increase in transportation and communication consist of? What are we talking about when we talk about transportation and communication? Do you have staff on the road?

**Hon. Mr. Maeck:** Certainly. We have auditors on the road all the time. We have a lot of vehicles and a lot of people on the road. The ministry is such that they have to go to various places to do auditing. We are talking here about the tax division. We are not talking about the assessment division. They must travel from one corporation to another and from one small business to another. There is a great amount of travelling. When one thinks that the prices of fuel, vehicles and all that are going up, it is not hard to realize an increase of \$148,600. Telephones are included in that too and their costs have gone up.

**Mr. Haggerty:** There are regional offices in certain localities in the province. Welland has one, I think there is one in St. Catharines and there are others. Is there not someone there who can do the investigation and auditing from that area?

**Hon. Mr. Maeck:** You have to understand we are not talking about assessment now. We are talking about the district taxation offices. We have 12 of those in the province, so you can understand they cover a pretty big area. When there are only 12 of those offices throughout the province, they travel a lot of miles to get to the people who are in their areas.

I do not mean all this travelling originates here at Queen's Park. Most of it originates from those district taxation offices. We do have specialists here at Queen's Park who on certain occasions have to go all over the province with certain expertise that may not be available in a district taxation office. That is a completely different matter.

9:30 p.m.

**Mr. Haggerty:** What is the mileage rate that is allowed under this vote? Is it 17 cents or 21 cents per kilometre?

**Hon. Mr. Maeck:** I think it is the same as the one that is consistent throughout government—I think it is 17 cents per kilometre. By the way, regarding my previous answer when I was referring to people going out of Queen's Park, mostly those are people from the corporations tax branch. They go out and do auditing in the various corporations.

**Mr. Haggerty:** You said the mileage allowance is about 17 cents per kilometre. Is that consistent with other government agencies such as regional governments?

**Hon. Mr. Maeck:** I am not sure about regional government. We have a blanket policy in the Ontario government and the same rate applies to every civil servant in every ministry.

**Mr. B. Newman:** Is it periodically adjusted?

**Hon. Mr. Maeck:** Yes it is. It is usually adjusted at least once and sometimes twice a year. I believe that is done through the Civil Service Commission, which recommends it to Management Board.

**Mr. B. Newman:** Is it adjusted every time there is an increase in the cost of gasoline?

**Hon. Mr. Maeck:** Not always. Sometimes, as you know, there could be three or four increases during the year. We do not do it that often. But I would think that it very rarely goes beyond six months. If there is no major increase it might go a year. Usually, it is not more than six months that it is adjusted.

**Ms. Bryden:** Mr. Chairman, I think under item 1 we can perhaps take a look at our entire tax structure. The taxes are all listed under items 3 to 7 but it gives us a picture of what the Ontario tax system is made up of and what kinds of tax system we have. Until you look at the actual revenue figures for each tax, you do not know whether we have a progressive or a regressive tax system. We seem to have a fair mix when you look at the headings there. However, when you start to look at the budget projections

for each of those taxes which are collected under this vote—

**Mr. Chairman:** You are referring to the administration costs, are you?

**Ms. Bryden:** Yes, I am referring to the revenue costs and then I was going to ask what are the collection costs for each of the taxes. I presume this goes through the controller's office.

Looking at the budget estimate of the revenue from each of these taxes, the personal income tax produces about 37 per cent of the total. The corporation taxes of several kinds, including the insurance premium tax and mining profits tax, all of which come under this ministry, produce less than half of what the personal income tax produces—about 17.5 per cent of total tax revenue. The commodity and the retail sales taxes produce the balance, except for small amounts from the racetrack tax and the succession duties.

I think the story that comes out is that in this province we do rely greatly on what might be considered regressive taxes. A retail sales tax without adequate exemptions is especially regressive. I do not think it is a fair tax system because there is too great a reliance on the taxes on the individual. There are not enough taxes on wealth, such as succession duties and gift tax, which this province has abolished. We really do have a tax system that is skewed towards hitting the small man more than the wealthy, and that is not what a progressive tax system should be doing. Even with our income tax, while we get a large percentage of the total revenue from it, we do have one of the lowest income tax rates in Canada. It is added as a surtax or collected through federal income tax.

I do not know whether your ministry analyses our tax structure from time to time. I think we should have more reports on the actual incidence of these taxes on various income groups. That is one of the things on which I would like to see more research done and publication of the results. Have you done any of that recently? Do we have an idea how much the different income groups are contributing to the total tax revenue?

**Hon. Mr. Maeck:** That kind of research should be done not by this ministry but by Treasury, because they are the ones who are going to set the fiscal policy, as I indicated. We will give the Treasury any information we can to help them, but I do not think that would be our responsibility. Treasury would make those kinds of investigations

to decide which way the Treasurer would go in his tax policies. I do not believe the Ministry of Revenue is involved other than to assist and to provide them with any information they may need to arrive at those decisions.

We may not have all the information necessary to make those kinds of decisions. We are the ones who collect the taxes but we do not necessarily have a breakdown on all the different things that happen out there. That would come under the Treasurer (Mr. F. S. Miller) rather than myself. Any information we might have would be at the disposal of the Treasurer, but Treasury are the ones who have to arrive at the kind of thing you are talking about if there is going to be any change in the tax structure in the province.

**Ms. Bryden:** You are probably right that they have the income data on which to base any analysis of the effect on different income groups. However, somebody asked earlier whether you ever took any polls. It might be useful to take a poll as to what kind of taxes people prefer and see whether there is any bias in favour of one kind of tax or another. Most people feel all taxes are too high and they would like to see them not only minimized but placed as equitably as possible. That is the real objective, so that taxes are based on ability to pay. I do not think we have that in this province.

Item 1 agreed to.

On item 2, special investigations:

**Ms. Bryden:** Mr. Chairman, the special investigations branch intrigues me. I noticed the ministry had an advertisement in the paper recently for a senior manager of this branch at a salary of \$35,600 to \$44,800. It is obviously considered a very senior operation. I would like to know a bit more about it, whether it is our chief attack on what might be called white-collar crime. Has there been an increase in the number of investigations it has been handling in the last year or two? What sort of cases does it handle? Do its investigations end up in prosecutions? If so, can we have some figures on prosecutions in the last fiscal year compared to the previous year?

**Hon. Mr. Maeck:** I have a lot of information on this. Do you want me to read you the whole thing? I do not think I will. Basically what happens is that the special investigations branch usually investigates when an auditor uncovers something of a nature where charges may be laid or should be laid. The special investigations branch might be called in. They

might also investigate such things as the statement I made in the House the other day regarding the loss of tobacco tax because of tobacco going through the Indian reservations and back out to the public. Those are the types of investigations they do.

9:40 p.m.

In this particular branch we have 20 investigators. We had 18 last year and there are now 20. There are five additional management support staff and a couple more, for a total of 27. There were four completed prosecutions up to September 30, 1980. At the close of that particular period, there were 23 more in progress, which is a total of 27. For the full year last year there were 41, so it is running at about the same number of prosecutions.

There were 39 investigations, which include prosecutions, completed in the period up to September 30 and there are 69 more in progress. In the same classification last year, there were 155 for the total fiscal year, so it is maybe running a little bit ahead of last year.

There is one vendor currently serving a three-year jail term in default of paying a \$50,000 fine levied in a case completed in July 1977. Not many people go to jail because of these things; usually it results in fines and so on.

The four prosecutions by statute that have been completed are under the Retail Sales Tax Act. Last year there were 22 under the Retail Sales Tax Act, one under the Corporations Tax Act, three under the Ontario's Guaranteed Annual Income Act and two under the Ontario Home Buyers Grant Act.

I do not know if you want any more information on that. If you do, I will probably let you ask questions. I can go on and on here, but it is really all just detail. Specifically, it gives you an idea of what the branch is there for. It is a tough area to work in. Tax matters, as you know, are very complicated and it is not always easy to uncover enough evidence to warrant laying charges. I think they do a pretty good job.

**Ms. Bryden:** Mr. Chairman, it is interesting that the minister mentioned 200 prosecutions under the Ontario Home Buyers Grant Act.

**Hon. Mr. Maeck:** No, just two.

**Ms. Bryden:** Two, oh, I am sorry. Well, even two reminds us of one of the major administrative fiascos of this ministry before the present minister's time. It was certainly an area where the ministry rushed

in without adequate auditing procedures, it would appear, and a considerable number of people got grants who were not really entitled to them.

I hope the seniors' tax grants will not develop into the same sort of shemuzzle, shall we say, where ineligible people receive payments they should not have got due to lax checking and inadequate information being provided to the public, and some fraud as well, which is always a possibility with these programs if there are not tight controls. The home buyers' grants certainly attracted the attention of the provincial auditor, who criticized the administration rather severely. Apparently, it is still around haunting us. There are some prosecutions going on.

The other area the minister mentioned that intrigued me was the prosecutions under the Ontario Guaranteed Annual Income Act. Could he tell us if people are collecting Gains fraudulently? Is that the nature of those prosecutions? I did not quite catch how many cases there were.

**Hon. Mr. Maeck:** There are only three cases. Those cases arose out of people continuing to collect the Gains cheques after the parents had died. I am not referring to senior citizens being prosecuted. The parents died and cheques kept coming and the sons, daughters or relatives kept cashing the cheques. That is where the prosecutions arose.

For the benefit of the members as well, there is one item here that might be of interest. That is the amount of revenue that was brought back to the province in direct taxes through the activities of this branch. I am talking now of up until September 30, 1980.

In direct taxes, because of those investigations, we collected \$486,416; in interest, \$57,683; penalties, \$4,062; fines \$54,896, which is a total of \$603,057 that came back to the revenues of the province through the investigations that this branch has made. Last year, for the whole fiscal year, using the same categories that I just mentioned, they were responsible for bringing back to us a total of \$1,103,438.

It is pretty obvious they are doing a pretty good job out there, but the prosecutions, as far as the Gains thing was concerned, were not senior citizens who were prosecuted but people who retained the cheques after the parents had died, cashed them and were using the money. That is why those prosecutions resulted.

Before I sit down, it was pointed out to me, and I think it is important, that besides

the fact that we recovered this money is the effect it has on the taxpayers out there knowing that there is somebody who is going to see the laws of the province are enforced. It does not necessarily mean they have to harass everybody to do it, but it is important for the public to perceive that the province is prepared to collect the taxes that have been legislated. You must have this kind of group out there so the public does not become too complacent and careless. It is important we collect the money.

**Ms. Bryden:** I agree with the minister that you have to keep a sharp eye on any possibility of taxpayer fraud because there will always be some people who will try to beat the system. I am wondering what percentage of success you have on the prosecutions. Is it difficult to obtain convictions, to obtain sufficient evidence in many cases?

**Hon. Mr. Maeck:** I do not have the rate of success. I have only the number of prosecutions that are in process, and the ones that we have already completed. When we talk about prosecutions—and I am reverting to my own police experience—a prosecution is a prosecution whether you convict or whether it is dismissed. Regardless of whether you get a conviction or a dismissal, it is still a prosecution. I am not sure of the percentage of success. I am told by staff the percentage of success in the prosecutions is very high, that we do not lose many cases.

9:50 p.m.

**Ms. Bryden:** I would like to ask the minister, does this special investigations branch do spot checks on the claims for property tax credits? I am not talking about the seniors' ones, but the existing system under the income tax. I think all one need do is declare one had a certain amount of rent or property tax and no proof is required. Are spot checks done in the submissions through the income tax for the claims for Ontario property tax credit? If so, does this branch do it?

**Hon. Mr. Maeck:** It is done, but not by this branch. It is done by auditors in the guaranteed income and tax credit branch. This is the special investigations branch. Those checks are done by auditors rather than the special investigations branch.

Getting back to the prosecutions, I am told there were two cases in the fiscal year 1979-80. Out of all the cases I talked about earlier, there were two cases where there was an acquittal. In 1980-81—that is, the present fiscal year until now—we have not lost any cases. They have a pretty good record.

Item 2 agreed to.

On item 3; revenue research:

**Mr. Haggerty:** I asked the minister previously what areas of research we are discussing here. What information has he on the areas of research his ministry is carrying out now? Are consultants used for any of these?

**Hon. Mr. Maeck:** To be helpful, let me give you an idea of what this revenue and operations research branch does. It includes the design of research electronic systems; systems for revenue forecasting; technology research; coproject management services research and other branches. It fills tax information requests from agencies, groups and individuals.

Research is conducted into all areas of applied taxation. Approximately 19 research projects are currently under way in that branch of the ministry. Additional funding is going into computer-based analytic systems. You will find there is additional funding for this branch in here.

There is a heavy liaison with Treasury for design and revenue impact estimation. This branch probably deals more with Treasury than any other branch within my ministry. This branch supplies the type of information the Treasurer requests in order to make his decisions.

**Mr. Haggerty:** Do you have a computer model as it relates to revenue forecasting? If so, how accurate have you been over the last 10 years?

**Hon. Mr. Maeck:** We do have that. Let me say that we have been more accurate than some.

**Mr. Haggerty:** Some what? Some other ministry? What area are we talking about when you say "than some"?

**Hon. Mr. Maeck:** I cannot talk about our forecasts before I was in the ministry. Since I have been in the ministry the forecasts from this branch regarding projected revenues have been very close. I am told once the tax policies have been set, our branch in this ministry has about a one per cent error in the projections. That is pretty close.

**Mr. Haggerty:** That sounds very reasonable. Is this your document then? Is this one that Revenue forecasting has done?

**Hon. Mr. Maeck:** Is that in the budget? No, that is not my document.

**Mr. Haggerty:** This is Ontario Finances.

**Hon. Mr. Maeck:** No, not mine.

**Mr. Haggerty:** It is not yours?

**Hon. Mr. Maeck:** No.

**Mr. Haggerty:** Could it be the Ministry of Treasury and Economics?

**Hon. Mr. Maeck:** Yes.

**Mr. Haggerty:** You do have some consultation with the Ministry of Treasury and Economics. How close is this then? For example, if I use the retail sales tax 1979-80, the budget was \$2,295,000,000 and you had increased that. Your estimate was rather low. In other words, there is a substantial increase in revenue generated from the retail sales tax. In this particular document, in the retail sales tax, it is indicated that by June 1980 there had been an increase in the forecasting of \$68 million. I do not know if that will continue up until the third quarter but the point I want to bring to the attention of the minister is that since you forecast this particular area of revenues I think there have been some changes made in one or the other documents that followed.

There was a decrease of a projected \$70 million in forecasting and with the projected revenue in total I believe the estimate would be about \$300 million over last year's generated revenues. In other words, the Treasury has about \$300 million that it can play around with because it has underestimated its revenues. Actually, when you look at the announcement made in the mini-budget, you are not giving the people anything because, as I mentioned before, it was only estimated. If you come out with \$25 million more than last year, you will look good. You came around and said: "We have given you this back."

Actually, you have not given anything back because you have underestimated. You can juggle these figures around any way you want and this is what the Treasurer is doing. He is juggling these figures around to suit his own needs. He has estimated high, knowing full well that he is going to come in low, so he has already allowed for that loss there.

**Hon. Mr. Maeck:** The Treasurer has not made any secret of the fact that he does not estimate high in revenues. He usually underestimates a bit and I think he has said that in this Legislature. What you have presented is not quite factual. If we are talking about revenue he rarely estimates high. He usually estimates it lower than what he really expects. We make projections, but ours are based on administrative knowledge rather than forecast to account for economic forecasts and policy changes. The Treasury does not necessarily use our figures when they make their forecasts in policy papers such as that or even in the budget, because

curs are for a little bit different purpose than the Treasurer's and the Treasurer has to take economic forecasts into consideration.

We do not do that when we forecast. We base our forecast on administrative policies and as things exist on the day we do that. Now, as I say, we are very close, within one percentage point, but Treasury has to use different methods to arrive at its projections. I must tell you that their projections are not always the same as ours. We supply our projections to the Treasury but they also work out their own. The Treasury documents and the budget and so on are not necessarily our figures. Sometimes they might be but they are figures arrived at by the Treasury.

**Mr. Haggerty:** I was just wondering how you can be consistent in your revenue collecting in Ontario if you do not have some closer dialogue with the Treasury department. I was hoping that you both used the same model for forecasting or projecting revenues.

10 p.m.

**Hon. Mr. Maeck:** No, we do not. What I am saying is Treasury adjusts Revenue's forecasts. We give them our forecasts. They adjust them to account for economic forecasts and policy changes that Treasury might make after we give them those figures. So it is very reasonable to assume they would change our forecast to bring it into line with these other two items that I have just mentioned. It is not being inconsistent. We are giving the Treasurer the figures we can give him, based on the information we have at hand. Then he has to add the other two elements I just talked about in order to arrive at his forecast. Therefore, our forecast is usually different from his.

**Mr. Haggerty:** Is your forecasting by this model done on a monthly basis, or weekly, or quarterly?

**Hon. Mr. Maeck:** It is done on a monthly basis.

**Mr. Haggerty:** What would that be running now, based upon the estimates of the Treasurer?

**Hon. Mr. Maeck:** You want our forecast compared to those; is that what you are asking me?

**Mr. Haggerty:** This is right. How successful are the revenues coming in?

**Hon. Mr. Maeck:** The Ontario forecast is very close to ours, but the mini-budget came in after. The mini-budget is now going to change the whole thing again.

**Mr. Haggerty:** I suppose the forecasting of revenues generated will be down?

**Hon. Mr. Maeck:** Obviously it has to be. Since the mini-budget we are not going to collect as much retail sales tax as we intended to collect. We are exempting all of those things.

**Ms. Bryden:** Mr. Chairman, I agree with the member for Erie that it often looks like some of the estimates that come out of the Treasury are perhaps tailored to the circumstances in order to make the final outcome look more favourable than it might otherwise have shown if the revenue estimates had been a little more accurate. It is very difficult to know what the Treasurer puts into his models. I find it hard to understand how the minister can say he puts in only the administrative effects of taxes or how they work out. I do not see how you can forecast anything without putting in the economic situation, and I do not see how any forecasting system can work without adequate input of a whole lot of factors into the model. Some people think that forecasting is little more than crystal ball gazing.

I used to do tax forecasting at one time when I worked for the Canadian Tax Foundation, and I know that the more factors you took into account in your model, and the more past history as well, the better your chances of making an accurate forecast. But you had to look at changing circumstances and build estimates of that impact into your model as well.

I do not think the minister's model—if it is, as he says, just based on tax administration—would be very accurate. But if it is based on a proper model with all sorts of economic factors taken into account, then I think it might be worth asking him if he would publish it monthly as the Minister of Revenue's model results. The University of Toronto has a model of the economy and publishes results periodically. The Conference Board in Canada has another model, and the public can look at the results from the different models and draw its own conclusions.

I think it would be very useful if the ministry model did produce—it does produce a monthly figure—if those figures were published. Then the Treasurer can bring out his quarterly reports and indicate that he has put other factors into his model. I think the public needs more information of this sort as to what the models are showing. Then we can judge more easily whether the figures are being manipulated for aesthetic reasons or budgetary reasons. I would like the minister to

comment on whether he might not publish a monthly report of the results from his model.

**Hon. Mr. Maeck:** Mr. Chairman, I think maybe I can explain this a little better for the member. What I am trying to say is this: Our forecasts are based on existing economic conditions and existing tax policies in place. We supply that information to the Treasurer, but usually he is projecting ahead, based on other economic policies he is taking into consideration that we are not looking at, or on tax changes. Therefore, his projection does not come out with the same sort of figures as ours does. That is why I say we are within one per cent of being right in our projections. But our projections are not based on the same projections he is making.

We are basing our projections on existing taxation policies and existing economic conditions. We are not trying to guess what the economic condition is going to be three or four months down the road, as the Treasurer is. That is why his figures could differ from ours. We do it on a month-to-month basis. We are projecting only a month ahead. It is not quite so hard to do it that way as it is if you want to project six months or a year ahead.

**Mr. Peterson:** What about \$10 licence plates?

**Hon. Mr. Maeck:** I wanted to talk about \$10 licence plates.

**Ms. Bryden:** I think it would be very useful for the public to know what the projection is, based on existing taxes and existing economic conditions. That gives them a start to plan their lives. They obviously cannot know what the Treasurer has in mind for tax changes. That is a budget secret. But it still would be useful to have a projection of the present situation available on a monthly basis. We do get those sort of projections from organizations like the Conference Board in Canada and some of the banks. It might be useful to have the Ministry of Revenue's projections.

I have just one other question on this subject. In describing the work of this branch, the minister mentioned they have 19 research projects under way. I wonder if he could supply us—maybe not right now—with a list of those research projects. I think it is quite conceivable that some of them might be published and could add to the knowledge of our tax system. But the way the minister operates right now, all this valuable research is kept very close to the vest and the citizens of Ontario are not getting the advantage of it. I think some of it might be very useful for all of us.

**Hon. Mr. Maeck:** We do not have the list of all the projects here, but certainly I would be happy to supply the member with a list of what we are doing.

**Ms. Bryden:** Has this group undertaken tax expenditure studies in the past? Are there any studies of that sort or are they now preparing some?

**Hon. Mr. Maeck:** I am informed they have not done any tax expenditure studies in the past, but they are in the middle of one at the moment.

**Ms. Bryden:** Have you considered whether that might be published, in the same way as the federal government is now publishing this kind of study?

**Hon. Mr. Maeck:** As a matter of fact, I have not given it any consideration at the moment, but I will. I do not mean I will publish it. I mean I will give consideration.

10:10 p.m.

**Mr. Peterson:** You said there was a tax expenditure study under way. May I ask what area you are studying?

**Hon. Mr. Maeck:** The area of retail sales tax in conjunction with the statement the Treasurer made in the recent budget when he talked about this particular item.

**Mr. Peterson:** May I ask what advice you gave to the Treasurer for his recent mini-budget when he entered into a tax expenditure of some \$260 million in retail sales tax? What was the advice of Revenue to the Treasurer in the compilation of that marvelous political response to the economic problems of the day?

**Hon. Mr. Maeck:** You may think it was not a good mini-budget, but I disagree with you.

**Mr. Peterson:** I did not ask you that. What is your opinion on the tax exemption?

**Hon. Mr. Maeck:** I know, but that is going to be the supplementary question so I thought for a change I would second-guess you.

I discussed these matters with the Treasurer personally and I approved each one of them. I gave them my blessing, so I am supporting them all.

**Mr. Peterson:** Did the initiative for those tax expenditures come from Revenue, from Treasury, from the Conservative Party office or from the field organizational staff? Where did those suggestions come from?

**Hon. Mr. Maeck:** The initiative came from Treasury, of course. As far as I am concerned, Treasury discussed with my staff what the effects would be and how many

tax dollars it would take to implement certain programs. That information was given to the Treasurer and he chose the ones he felt would do the most good for the economy of the province.

**Mr. Peterson:** You will recall I presented a private member's bill to this House. It was passed on second reading, as far as I recall, with the unanimous support of this House. It said that, at budget time, tax expenditure studies should be published on every new tax expenditure entered into by the government leading eventually, one would hope, to a complete analysis of tax expenditures in all areas.

What is your view of that bill and would you feel free to support it with the great weight of the Revenue officials you have with you tonight?

**Hon. Mr. Maeck:** I am not familiar with the bill itself. I do not see anything wrong with the principle. I think the Treasurer has already indicated in this budget that he is looking into that very thing, but I really do not know what your bill says or what it instructs the government to do. I do not know the timing. It is something one cannot move into tomorrow without a lot of study. I think in principle there is no disagreement.

**Mr. Peterson:** Were you not struck, as I was and as every other right-thinking citizen in this province was, with the blatant hypocrisy of the mini-budget in that the Treasurer made a major pitch for tax expenditures? He was going to use those moneys far more wisely in the future. He was going to study them. He was going to quantify them. Presumably that means having some sort of goals and objectives. He made a big pitch about that, as you recall. On the other hand, he expended \$260 million worth of taxpayers' money up to June 30 of fiscal 1981 with absolutely no indication what it would do to the economy, the number of jobs it would create, what it would do for real growth, what it would do to stimulate consumption, jobs or anything else in this province.

Do you not agree with me this is a backwards approach to this matter? Surely, the tax expenditure study should have some idea of creating some goal or objective, in the absence of the Treasurer saying what that will do in terms of jobs or any other stimulus to the economy, one can only come to the inescapable conclusion there was a strong political motive in that budget, particularly when every other study on retail sales tax cuts admits there is no overall new consump-

tion. At best, it just moves the timing of purchases around a little bit.

That being said, someone who would ordinarily buy a van in June or July, August or September would be well advised to buy that van in June, particularly if he wants to put a refrigerator in it. But it creates no new jobs; it just moves it around a little bit. Would you not agree with that? Would you not think, as the serious-minded fellow you are, that there are better ways to spend \$260 million worth of the taxpayer's money?

**Hon. Mr. Maeck:** First of all, I do not think it was the intent of the budget to create new jobs; it was to retain employment—to keep people working. That was the thrust of the whole thing; to get some of these articles moving so that they would be replaced by other articles and people would work during this period of high unemployment. I do not think there was ever an expectation, as far as sales tax cuts are concerned, of creating new employment. I do not think that was in the back of the Treasurer's mind; it certainly was not in the back of my mind. What we are trying to do is retain as many jobs as we can during this tough period of the year. I think you misconstrue the intent of that if you think we are trying to create new employment.

As far as the other parts of your remarks go, those are questions you are going to have to direct to the Treasurer; it is his decision, not mine. My input with the Treasurer was in the retail sales tax end. That is what affects me. At the moment, I am sure the Treasurer has in the back of his mind some plans after he has got the information that he needs from the studies that are being conducted. He has made the announcement, but what the final plans are going to be or how he is going to handle the situation will be decisions he will have to make. I really cannot speak for the Treasurer on that. The extent of my involvement in the budget was the retail sales tax exemptions.

**Mr. Peterson:** Studies have already been conducted in these matters. I want to direct your attention to the Chapman-Wilson study of tax expenditure measures in the 1975 budget and a variety of other looks at these kinds of things. No one sees that it creates any new consumption on a long-term basis. I am much happier with at least your attempt—only in rhetoric at this point—to recognize there are some certain fundamental structural problems in the economy and that you are going to allocate some moneys for that even though, as I said before, the



programs are remarkably lacking in specificity at this time.

When revenues are so scarce, when you and other people in the community are so committed to balancing the budget, you have taken yourself \$260 million further away from that goal by these tax expenditures. As I said earlier, all they will do is steal from the future. They will steal a job from August and put it into June or May or they will steal a job from September and put it into March. In the long-term health of this economy they will contribute nothing.

It is one more case of stealing from the future, which is an easy political way out. But one of the reasons we have the problems in the economy today is because that has been the practice of your government, and I should say in fairness, various other levels of government at various points in time. I refer specifically to the federal Tory interregnum six months or so ago. They did the same kind of thing.

I think it is a very superficial and silly look. This time what was striking about that amount of expenditure was the size of it—\$260 million is a significant amount of money, particularly when by your own admission the import leakage is so very high. We have an appliance business in this province of about \$250 million, as I recall. About 50 per cent of that comes from outside our provincial border. The furniture business is about a \$1 billion business and about half of that comes from outside our provincial borders. It is up for grabs in the building industry, and as you know you have created a number of problems in that way. You have included clay bricks, excluded calcite bricks, then put calcite back in and caused a lot of confusion all over the place.

It is just like the confusion in the upholstery business. You have created a number of heart attacks in this province for people in that business. It was very poorly thought out. There was another contradiction where in one place restaurant equipment was exempted and in other places commercial equipment is not exempted.

10:20 p.m.

There are a lot of tiny things. Granted, these things take time to work out, but it was not terribly well thought out. Going back to my point about import leakage, 40 per cent of the vans will be imported from outside our borders. When you take that \$260 million expenditure, depending on how you look at it, around \$100 or \$120 million of that will go to create employment outside our borders or stimulate imports. That is a

pretty high amount of money to pay when we are collectively so strapped for cash and when we are looking for more creative ways to deploy those resources rather than spending them in the willy-nilly fashion we have in the past.

I have said a lot of these things to the Treasurer in a variety of different ways. In my judgement, as the Minister of Revenue you are an important figure in this community. You have to stand up for the revenue side in many ways. You are not only our chief tax collector, you are not just an expeditor or a high paid gumshoe, you are also a very important decision maker and you have a lot of high priced officials to help you do that.

Meaning no disrespect, but because of a perceived weakness in the Treasury today—and I am not the only one who has that view; I have had that view longer than other people but that is the reality—you have a greater responsibility to make sure consistent and worthwhile policies are carried out, particularly since your job is to raise the revenue. You have a meaningful and important role in the fiscal and tax planning of this province and I would like to see you be a little more parsimonious, a little tighter, a little more judicious in the advice you give the Treasurer before you allow such a superficial document—as the last mini-budget turned out to be—to come back to this House again.

Most serious observers see that as a political response to economic problems. You did not fool anybody. You may have fooled some people in Carleton, I do not know. It is very difficult for me to assess the impact of that budget on the Carleton by-election. If it had any effect, I am very sad because it just reinforces all the old principles about buying people off with their own money that you have talked about, and I am sure abhorred, on a number of occasions in public when you have been forced to speak about it. Yet you come back here and become party to that kind of old pork-barrel scheme.

I do not like it. Perhaps in times of riches and excess we have some latitude with those things, but we are learning some very important lessons in this province and this country about the excesses of the past. We are running debt servicing now that is close to 10 per cent of the budget every year. It is almost the fastest growing part of the provincial expenditures year after year. You are getting into more and more trouble every year trying to keep up your budget allocations with the proper percentages going to the various ministries and policy fields. It is

something you have to be very concerned about.

I do not think the kind of action taken was one that served this province very well. It will be looked back upon by economic historians as one more "political move"—and an expensive one at that—that achieved very little.

I give the minister this admonition, a minister whom I personally happen to like very much. I think he is getting a good handle on his portfolio and I compliment him for that. Take it one step further. Do not be afraid to stand up in the inner councils of this province and fight for the proper economic policy. You have earned that right. You have shown you can manage this place; now you can be a

major figure in the policy making. There is a void there and it needs you. I just wanted to pass that admonition or little bit of advice on to the minister for his consideration.

We are running close to the end of the time and there may be some other members who want to speak. But what do you think about \$10 licence plates? I know you want to speak about them.

**Mr. Chairman:** Some other time may be more appropriate. Are there any more questions to item 3?

**Mr. Haggerty:** I have a question on this, but perhaps we can adjourn at this time.

On motion by Hon. Mr. Maeck, the committee of supply reported a certain resolution.

The House adjourned at 10:27 p.m.

## CONTENTS

---

Monday, December 1, 1980

|  |      |
|--|------|
| Estimates, Ministry of Revenue, continued, Mr. Maeck ..... | 4815 |
| Adjournment .....  | 4836 |

## SPEAKERS IN THIS ISSUE

---

Bryden, M. (Beaches-Woodbine NDP)  
 Conway, S. (Renfrew North L)  
 Edighoffer, H.; Chairman (Perth L)  
 Haggerty, R. (Erie L)  
 MacBeth, J. P.; Deputy Chairman (Humber PC)  
 Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
 Newman, B. (Windsor-Walkerville L)  
 Peterson, D. (London Centre L)









No. 129

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, December 2, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 2, 1980

The House met at 2:03 p.m.

Prayers.

## INTRODUCTION OF NEW MEMBER

Mr. Speaker informed the House that the Clerk had received from the chief election officer, and laid upon the table, the certificate of a by-election held on November 20, 1980:

Electoral district of Carleton: R. C. Mitchell.

## PROVINCE OF ONTARIO

This is to certify that in view of a writ of election dated October 6, 1980, issued by the Honourable the Lieutenant Governor of the province of Ontario and addressed to Ross Coulter, Esquire, returning officer for the electoral district of Carleton for the election of a member to represent the said electoral district of Carleton in the Legislative Assembly of the province, in the room of Sidney Handleman, Esquire, who, since his election as representative of the said electoral district of Carleton, has resigned his seat, R. C. Mitchell, Esquire, has been returned as duly elected as appears by the return of the said writ of election, dated November 28, 1980, which is now lodged of record in my office.

(Signed) Roderick Lewis, chief election officer; Toronto, November 28, 1980.

**Hon. Mr. Davis:** Mr. Speaker, I have the honour and the pleasure to present to you and to the House Mr. Robert C. Mitchell, the member-elect for the historic riding of Carleton, who has taken the oaths and signed the roll and now wishes to take his seat.

**Mr. Speaker:** Let the honourable member take his seat.

Robert Mitchell, Esquire, member-elect for the electoral district of Carleton, having taken the oaths and subscribed the roll, took his seat.

## CORRESPONDENCE FROM PRISON INMATE

**Mr. Speaker:** May I have the attention of all honourable members? Yesterday, the member for Oshawa (Mr. Breough) raised a

question of privilege concerning the receipt of correspondence from an inmate of the federal prison at Millhaven which had been opened. The member suggested the letter had been opened somewhere between the point where it was mailed and where it was received here.

I have checked with the Solicitor General of Canada, who is responsible for the administration of federal prisons. The minister informed me he has not surrendered the right to have mail addressed to members of provincial Legislatures opened and read. However, I understand that mail addressed to federal members of Parliament is not intercepted. I feel I should also point out that mail sent from provincial institutions is also subject to interception unless it is mail directed to the Ombudsman or the correctional investigator for Canada.

I also want to advise all members that all mail addressed to members of the assembly is scanned by government mail services in the Macdonald Block. Mr. J. D. Campbell of the Ministry of Government Services assures me that mail is never opened in this process.

## ORAL QUESTIONS

### INTEREST RATES

**Mr. S. Smith:** I have a question of the Treasurer, Mr. Speaker. The Treasurer may be aware that in his absence the other day I questioned the Premier on the subject of interest rates. Given that the interest rates for mortgages, as well as for small businesses—but let us deal with mortgages for the moment—are reaching very high levels, and there is speculation they might go even higher so anyone who has to renegotiate a mortgage of about \$40,000 or \$50,000 today may well be facing a 50 per cent increase in their monthly payments, will the Treasurer tell this House whether he is prepared now to bring in a program to cushion the impact of these heavy mortgage rates on home owners, as he implied he might do last spring? Or does he feel that another study might suffice, at least for our friends to the left, as it did last spring? Is he prepared at this time to take genuine action

to help the people who are facing these gigantic increases in their monthly payments?

2:10 p.m.

**Hon. F. S. Miller:** Mr. Speaker, obviously we are as concerned as the member is. There are some experts who, in making predictions of mortgage interest rates, have felt we were likely facing a peak with something of a trough coming ahead of us. This time last year it seems to me we were in the 13.5 to 14 per cent range and quickly escalated past that point, in spite of such expert predictions. I have learned, therefore, to temper with caution any acceptance of these predictions. But I am delighted to hear there is a likelihood of a slight reduction in the near future.

The second thing that is quite different from this time last year is that there is a large differential between the Canadian and American rates. I am sure the member is aware that, in the United States, interest rates are as much as four percentage points higher than they are in Canada. At the banks we have been able—and I might say Ontario advised this—to follow something of an independent Canadian policy. In the meantime, from all I can see, using the value of the Canadian dollar as the measure of the interest rate policy, they have kept it very close to the 84- to 85-cent range through interest rate administration.

I hope the rates will not go higher. I point out that, in the study we had, it was indicated there was little provincial authority and control, and most of the monetary levers are quite properly federal.

**Mr. S. Smith:** The Treasurer did produce this lengthy study, I guess it was last May, on the matter with a number of provincial options. The government has already acted, albeit inadequately, at least to cushion to some extent the interest rates for farmers, and that is something they made a big thing about in the recent by-election.

Will the Treasurer please explain to the people of Ontario whether he has an actual program, not just hopes or predictions, to help those people who are today facing 40 per cent and 50 per cent increases in their annual payments just to be able to keep their homes? If a person has to renew a mortgage today he is in serious trouble in Ontario.

The Treasurer has money for vans and refrigerators. People will not be able to have the homes in which to park the vans or put the refrigerators.

**Hon. F. S. Miller:** The honourable member obviously does not want to paint any-

thing like an optimistic picture on anything. That is part of his job.

The fact is, effective interest rates on renewals and purchases last year were less than predicted. Of course, it has an impact. In many cases, however, people are renewing mortgages that are five years old, and in that period of time, as the member well knows, a number of them have seen the value of mortgages remain constant or be diminished while they have had at least some nominal increases in salaries.

**Mr. Laughren:** Supplementary, Mr. Speaker: In view of the fact it is the federal Liberal policy that is giving these high interest rates and in view of the fact they do not appear to be doing anything about it, will the Treasurer take a second look at the proposal this party presented to the Treasurer last spring which, for a cost of only about \$20 million to Ontario, would have provided interest relief to families earning less than \$25,000 a year? Will the Treasurer take a look at that policy?

**Hon. F. S. Miller:** Mr. Speaker, I do not rule out reviews of any policies, but we should at least have the patience to watch what continues to happen in this field; I think that action and reaction by us right now is premature.

**Mr. Mancini:** Supplementary, Mr. Speaker: The Treasurer was a part of the Conservative government in 1974-75 when he and his government told the public of Ontario they were prepared to subsidize interest rates when, at that time, the interest rates ran around 11.75 per cent and 12 per cent. We assumed he studied the matter then and came to those conclusions because he thought the matter was serious. Why does the Treasurer not think the matter is serious today, when interest rates are hovering around 15 per cent and better?

**Hon. F. S. Miller:** I never implied they were not serious, Mr. Speaker. At the same time, I think one has to look at the underlying rate of inflation at any point in history and recognize that inflation is the problem and interest rates are the symptom.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Will the Treasurer comment on the fact that these questions from the Ontario Liberal Party were not raised in any way during the recent weekend meeting of the federal Liberals in Ontario; and will he undertake in going to Ottawa to take the Leader of the Opposition (Mr. S. Smith) with him, since clearly the Leader of the Opposition has no other influence on his federal Liberal colleagues?

**Hon. F. S. Miller:** Whether the member and I like to admit it, Mr. Speaker, that may be rather supportive of some of the federal Liberals if they are not paying attention to him. Maybe the member and I can see common ground in that. It is interesting how they really do not want to be related to their cousins in Ottawa when problems like this crop up that were caused by inefficient management of the Canadian economy.

**Mr. Peterson:** Supplementary, Mr. Speaker: While the Treasurer is conveying that message, perhaps he can tell the leader of the New Democratic Party that he is least attractive when he is trying to be funny. I want to ask the Treasurer, having gone through with these extravagant programs—\$260 million worth of sales tax relief; \$20-odd million to lower rural hydro rates; an unspecified amount of money to bring down the price of heating oil in this province—and having assisted in so many ways to subsidize the consumer, why can he not look at probably the single most important economic threat facing a large number of people in this province and spring loose some money from that to assist in the mortgage rate problem right now and in the next two or three months when it is going to be worse?

**Hon. F. S. Miller:** Mr. Speaker, I wonder if the honourable member is saying in public what he really feels in private. I wonder if that is the case.

**Mr. Peterson:** Are you accusing me of being hypocritical?

**Hon. F. S. Miller:** Oh, never. The truth is, I will have the opportunity on December 17, along with nine other provincial finance ministers, to discuss the problems with Mr. MacEachen and to tell him, whether the member likes it or not, he really cannot run \$14-billion deficits and not have inflation and high interest rates.

**Mr. Peterson:** You are spending \$300 million for other trifling incidentals. You are so screwed up you do not understand it.

Interjection.

**Mr. Speaker:** Does the Leader of the Opposition have a question?

**Mr. S. Smith:** I would gladly ask a question, Mr. Speaker, but the Treasurer is busy talking.

**Mr. Speaker:** So is your colleague once removed to your left.

**Mr. S. Smith:** The least we could do is keep the NDP quiet with another study of options.

## LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** Mr. Speaker, I have a question for the Minister of the Environment. The minister is undoubtedly aware that Browning-Ferris Industries is planning to continue its plans for a solidification plant in Harwich township and presumably is going to continue going in front of the board to hear the matter.

Since the South Cayuga plant supposedly is going to take all or almost all of the liquid waste in Ontario, may I ask where the liquid waste is to come from for the plant that is still being recommended by Browning-Ferris? Will they get their \$100,000 if they stop their application now, or do they have to go through the entire hearing and then be rejected before they get their \$100,000? What is the government's position now? It has withdrawn from being a coproponent, but is the government prepared actually to oppose this particular application by Browning-Ferris in front of the Environmental Assessment Board?

**Hon. Mr. Parrott:** Mr. Speaker, I think the member is absolutely correct in that that hearing is before the review committee now. It may continue, I guess. It is their right. I think it is far too premature to try to answer the question of where the waste will come from. It is just not possible to determine where that waste will come from. Who knows if the site will be approved? I really think it is a hypothetical question in that sense.

The more pertinent matter that was raised was the money and our legal commitment. As I said in the House the other day, yes, we will accept our legal commitment. I do not think that is fully determined at the moment, but we want to fulfil our legal obligations to that company or any other company to which we make legal commitments, and in this instance we will.

**Mr. S. Smith:** Since the question basically was asking the nature of the legal commitment, is the minister committed to giving them \$100,000 if they withdraw their application now, or do they only get the \$100,000 if they see it through and are then rejected by the review board? That was the question. I hope the minister will address that.

2:20 p.m.

The other question was: What is the position of the government in front of that board now? The government is no longer a coproponent: Is it prepared to be opposed? Is the minister prepared to go before the board and say the site is now simply not

required and that he is prepared to oppose the Browning-Ferris application?

**Hon. Mr. Parrott:** The position of the government on that proposal, as it would be on any proposal before them, is to review the proposal, offer the comments of the various ministries and then put that report out for public assessment. At that time the government's position on this proposal, or any proposal, would be known, but not until such time as the review is complete. This is the way all proposals are handled.

It is absolutely essential that a full review be completed before a government position is taken on any proposal. A full review of that proposal is not complete, whether we are proponents or not. It must wait until a full assessment review has been completed. Then it will be put out to the public.

To amplify on the matter of the financial commitment, we are prepared to accept the legal obligation we have. That could very well be with or without the completion of an assessment. We have a legal obligation to pay and we intend to do so.

**Mr. Cassidy:** A supplementary to the minister, Mr. Speaker: He says it is the procedure for all proposals like this to undergo a review, the comments of ministries and then an assessment, before the government can decide whether the proposal is an acceptable one. Can he explain why this is the procedure except in the case of the South Cayuga dump? Why is it not also appropriate that the South Cayuga proposal would go before the process of review, comments of ministries and assessments, since it poses the same kind of environmental matter as the Harwich dump?

**Hon. Mr. Parrott:** Mr. Speaker, with respect, I do not think that is quite a supplementary.

**Mr. Speaker:** I do not think so either. You can treat it as you wish.

**Hon. Mr. Parrott:** There is one site under consideration in Cayuga. I previously gave this House the decision and the reasons for the decision. I want to make it very clear that the answer was contained in previous responses.

**Mr. Gaunt:** Supplementary, Mr. Speaker: Since the ministry is going to undertake to fund, at least in part, some of the legal obligation with respect to the Harwich matter, and presumably with respect to the Walker Brothers matter as well, will the minister consider flowing some funds to the citizens of Ajax, in view of the fact they put up such a good fight throughout and

that project now seems to be in some jeopardy?

**Hon. Mr. Parrott:** No, Mr. Speaker. In a meeting between the Premier (Mr. Davis) and myself, we made it very clear that, if expertise were required before that board, the board would be appropriately funded to see the expertise was there. That position stays on all matters before the board. That was a policy statement. I do not know whether the board chose to bring in some witnesses, but we are not going to flow funds to that committee.

**Mr. Isaacs:** Mr. Speaker, back to a supplementary to the original question: Can the minister at least assure us that any application from private industry to deal with liquid industrial waste will be subject to a full hearing under the Environmental Assessment Act, 1975? Can he assure this so that the suitability or otherwise of the site, the operator and the possible alternatives can be explored through full public hearings?

**Hon. Mr. Parrott:** Mr. Speaker, I do not think the question is clear as to whether we are talking about liquid waste or various wastes. I have to refer repeatedly to statements I previously made in this House. I will be glad to read those into the record again. What we have done in the past is very clear. We always deal with matters as they come to specific issues. There is no doubt we have made a very positive decision on the one in Cayuga. That site is the one under investigation under the full assessment method of Dr. Chant and that corporation—

**Mr. S. Smith:** Assessment method of Dr. Chant? What is that?

**Hon. Mr. Parrott:** If the member will just listen. Under the technical—

**Mr. Cassidy:** What's wrong with the assessment method of the Legislature.

**Hon. Mr. Parrott:** Whatever the member wants; I do not care. That is the site under discussion, and I do not think it is appropriate at this time to answer the member's hypothetical question on other sites.

**Mr. Roy:** Mr. Speaker, as an Ottawa member, it would be extremely impolite if I did not introduce the Honourable Walter Baker in your gallery, the federal House leader for the Conservative Party of Canada. Some of my colleagues thought it would be more fitting if he were sitting lower down here. They thought he was the member for Carleton for a while. I understand he is

here to give some advice to the government House leader at the provincial level.

Mr. Cassidy: Mr. Speaker, it is like the eminence grise of the Carleton by-election who is here in the House today.

J'aimerais bien accueillir le député fédéral de Carleton. Bienvenue dans notre Chambre.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

Mr. Cassidy: Mr. Speaker, I have a question for the Minister of Labour. The minister will be aware that last night the member for Hamilton East (Mr. Mackenzie), the labour critic for the New Democratic Party, moved in the select committee on plant shut-downs and employee adjustment a motion which would recommend severance pay of not less than one week's pay for a year of service be granted to employees covered under the layoff notice sections of the Employment Standards Act. The minister will also be aware that the NDP motion was accepted unanimously by the committee and is coming forward later today in a report to the Legislature.

In view of the fact that the recommendation had all-party support from both the Conservative and Liberal Parties as well as the New Democratic Party, will the minister now undertake to add those provisions to the amendments to the Employment Standards Act which are coming forward this evening in Bill 191?

Hon. Mr. Elgie: Mr. Speaker, in my statement of October 14 I indicated clearly the government was not opposed to the principle of severance pay. I also went on to indicate what I thought were complex, honest and straightforward matters that had to be addressed in relation to severance pay. It is my understanding the committee deliberately decided to go a case-study route on an immediate basis and that individual and group presentations on issues—from the Ontario Federation of Labour, the chamber of commerce, experts in the area and so forth—have been delayed until a later time.

I am surprised that, in the absence of addressing themselves to those issues which are put directly and deliberately to the House, the committee has decided at this premature stage, in the absence of that information and in the absence of those briefs and opinions, to present such a resolution to the House. I am surprised to see it.

Mr. Cassidy: I am not sure who the minister is directing that criticism towards, because the position of our party for a long

time has been that there ought to be severance pay in the Employment Standards Act of Ontario.

If the minister is saying his Conservative colleagues erred, why does he not say so directly? I ask the question again. In view of the fact that this was a unanimous recommendation, and in view of the fact that we on this side of the House, the NDP, intend to move that motion when the bill comes forward this evening, will the minister now agree to incorporate that in Bill 191 to ensure that the Employment Standards Act of Ontario grants severance pay to workers who are laid off under the act?

Hon. Mr. Elgie: I am sure the member knows exactly what I was saying. What I was saying was there were a great number of issues that had to be addressed. The committee has not addressed those issues and, in the absence of that information and in the absence of that deliberation, I think the committee has acted hastily.

Mr. S. Smith: Supplementary, Mr. Speaker: Notwithstanding the minister's view of the performance of committee members, including those from his own caucus, the fact is that a committee of this Legislature has passed the report which, frankly, we do not intend to allow to go by this afternoon with the report merely being adjourned. We want to have that matter debated here and heard.

2:30 p.m.

Since the report is simply saying that the law should provide for all workers what government negotiators were able to provide at Houdaille Industries, so that people could have the same coverage without having to occupy the plant, should the minister not agree to accept that amendment as recommended unanimously by the committee and give proper protection to the people being laid off all over Ontario?

Hon. Mr. Elgie: Mr. Speaker, let me just reiterate that I, personally, and this government, have made it very clear we are not opposed to the principle of severance pay. Let us go over it once again very carefully.

Mr. Peterson: You are a many-principled man.

Mr. Makarchuk: How do you pay the rent with principles?

Mr. Cassidy: The workers are being laid off now.

Hon. Mr. Elgie: I know the members have a propensity for and a nice habit of dealing with questions in the absence of

information and in the absence of reviewing matters carefully and thoughtfully; but that is what this government wants done at that committee. I said so in that statement, and I welcomed it. Now we want them to do it.

**Mr. Mackenzie:** Supplementary, Mr. Speaker: Does the minister not realize that the committee was given responsibility to look into the serious problem of plant shutdowns and the effect on workers, and that it is the committee's job to look into that and to make recommendations? Rather than lecture the committee—that is exactly what the committee has been doing, carrying out its responsibility. It has now asked the minister, by unanimous recommendation, to bring in a recommendation that would assist workers in plant shutdowns. Will he not respond? Will he not incorporate that into his amendment? The timing is obvious. His bill is up tonight.

**Hon. Mr. Elgie:** I think I have answered that in great detail, Mr. Speaker. I have indicated that I feel the committee has acted hastily in the absence of the information it was committed to gather, and I ask it to do that.

**Mr. O'Neil:** Supplementary, Mr. Speaker: Since now seems to be the appropriate time to bring this into the Legislature for discussion, can I ask the minister whether he does not feel it is the right time when he intends to introduce legislation to cover this aspect?

**Hon. Mr. Elgie:** Once again, Mr. Speaker, I ask the member to refer to my statement. It indicates that I was carrying out certain consultation processes and that I expected the committee to do the same sort of thing; to have groups and individuals knowledgeable in the area and knowledgeable about the complex problems related to severance pay discuss them with the committee. They should do it.

**Mr. O'Neil:** On a point of privilege, Mr. Speaker, I do not believe my question was answered by the minister, and he did not tell us—

**Mr. Speaker:** That is not a question of privilege, and the honourable member knows it.

#### PREPAYMENT FOR HEALTH SERVICES

**Mr. Cassidy:** Mr. Speaker, I have asked a page to take some documents to the Minister of Health, for whom I have a question respecting professional misconduct by doctors in the province; that is, the specific item of professional misconduct, according to the regulations under the Health Disciplines

Act, that makes it misconduct to refuse to render a medically necessary service, where payment of the whole or part of the fee is received in advance of the service being rendered.

Is the minister aware of the submissions by various organizations of the professional misconduct practice where some physicians are requiring payment for services prior to their delivery? These include gynaecological specialists; ear, nose and throat specialists; anaesthetic specialists; and surgical specialists. Since this is not an uncommon practice and since the minister is not prepared to stop opting out, from which this practice flows, will he at least take measures to put an immediate stop to this illegal practice of demanding payment up front before patients receive medical treatment?

**Hon. Mr. Timbrell:** Mr. Speaker, I will be glad to take this up with the college. I will need specific patients' names to file the complaints. It is specifically a matter of professional misconduct to demand payment before the provision of service, and I will be glad to pursue it.

**Mr. Cassidy:** Is the minister not aware there are already three cases of misconduct that have gone before the College of Physicians and Surgeons of Ontario? Will the minister say why he has refused to initiate an investigation of required prepayment for medical services when he was requested to do so by people from the Young Men's Christian Association back in 1979 and when he has had specific cases brought before him over the course of the last year or two, such as the one involving a lady from Timmins and a gynaecologist at Toronto Western Hospital? Why has the minister not been prepared to act in the past, and why does he simply say, "I will act some time in the future"?

**Hon. Mr. Timbrell:** I think I have pointed out on every occasion I have been asked about this subject that it has been professional misconduct in the regulations under the Health Disciplines Act for a number of years. We already acted on that a number of years ago.

Secondly, for a complaint even to be considered and eventually to get to the discipline stage, a complaint must be filed by a patient against a doctor. What I am saying is, where I have specific complaints, I am more than happy to pursue them and see that justice is done.

**Mr. Cassidy:** Is the minister prepared to act then with respect to the anaesthetists at the Toronto Western Hospital, who have

been sending out a notice to certain patients which says specifically: "The anaesthetic fee for this procedure will be \$50 in cash, money order or a certified cheque. Kindly bring this amount to the hospital on the day of your surgery"? Surely that is a violation of the professional or misconduct provisions of the Health Disciplines Act. What action will the minister take to stop these doctors demanding anaesthetic fees to be paid in advance; in other words, before patients can get the service?

**Hon. Mr. Timbrell:** That is a more general question and one that I think we can pursue directly with the anaesthetists at Toronto Western Hospital, with the board there and the college; that is a general form. As regards the others, let me repeat, specific complaints will be investigated in every case and, where the facts support the complaint, it will go to discipline.

**Mr. Speaker:** Just before I call on the member for St. George (Mrs. Campbell) for a new question, I would like to draw to the attention of honourable members the presence in the gallery of Mr. John Baxter, MLA, from the province of New Brunswick. He is a former attorney general for that province. Would you please welcome him.

#### OHC RENT SUBSIDY

**Mrs. Campbell:** I have a question of the Minister of Housing, Mr. Speaker. In view of the fact that the Anglican synod, concerned with the fact that single employables in Toronto are paying \$35 to \$40 a week for rent and, while classed as employable, many of them could not gain employment by reason of ill health or in some cases poor mental health, passed a resolution last September, one part of which follows: "That the eligibility criteria for subsidized housing be changed to allow singles to apply for rent subsidy within Metro and city public housing," and in view of the fact that the Metro housing authority is operating under the policies, as amended, of the Ontario Housing Corporation, is the minister prepared now to authorize Metro housing to alter its policy to permit these persons to have access to subsidized housing in Metro?

**Hon. Mr. Bennett:** Mr. Speaker, let us look at the problem on a broader basis than just Metro. If policies are to be changed, they shall be applicable to the province, not singly to this great metropolitan area. The eastern and northern parts of this province are entitled to the same consideration and recognition.

As far as the mentally retarded and the physically handicapped are concerned, let me emphasize, if they are single, regardless of age, they are already eligible to qualify for public housing in any part of the province. In recent months we have amended the policy more specifically to relate to the mentally retarded where the Ontario Association for the Mentally Retarded shall assist the local housing authority in determining which applicants are or should be eligible for the possibility of entering public housing.

As for the other group of singles, regardless of age, as was said to the justice committee, which is reviewing the Ontario Housing Corporation, those situations are under review. I want to emphasize to this House very clearly and very distinctly that, even though this ministry and OHC might make some determinations as to changes in policy, we also must have the concurrence of our federal partner the Canada Mortgage and Housing Corporation.

**Mrs. Campbell:** In view of the fact that these people are on general welfare assistance, is the minister not aware that in all likelihood they have not had approval from that ministry as being disabled, nor are they mentally retarded? Is the minister aware that there may be mental difficulties other than the retarded? Will he now take this matter under consideration since it is of such concern? I would be happy to have it apply across the province.

2:40 p.m.

**Hon. Mr. Bennett:** I cannot emphasize any more clearly than I have in the initial part of my answer to the question, that policy relating to people eligible for public housing is constantly under review, not only by my ministry—may I emphasize again—but indeed also with the Canada Mortgage and Housing Corporation. They are a senior partner; they pay 50 per cent of the cost of providing public housing and the administration of it on an annual basis. Whatever policy changes take place will be with the concurrence of CMHC.

I only offer the direct assurance to this House that it is not the intention of my ministry to recommend to cabinet that, because CMHC will not participate in the program, 100 per cent of the cost should be absorbed by the people of this province. I think it is unrealistic at a time when we are faced with economic constraints in Ontario. The policy related to all persons—whether it be the mother-in-the-empty-nest situation or other situations—is under review by ministry and CMHC to find if there is a way to facili-

tate that particular group within the financial limitations of the taxpayers of this province and this country.

#### BLUE CROSS ADVERTISING

**Mr. Breaugh:** Mr. Speaker, I have a question for the Minister of Health. The minister may be aware that Ontario Blue Cross is running a series of advertisements for its services. Part of that advertising program is a cute little thing about what happens if you break your arm and how much it costs for treatment.

In the ad which they ran in the travel section of the weekend Toronto Star, they said: "Break it at home, \$350; OHIP might pay \$283." Since the approved OHIP fee for this service is \$283 and not \$350, is it the minister's intention to prosecute or inform Blue Cross to stop putting out this kind of misleading advertising?

**Hon. Mr. Timbrell:** Mr. Speaker, I think the question should go to the Minister of Consumer and Commercial Relations (Mr. Drea) as regards any possible question of misleading advertising.

**Mr. Breaugh:** Since this agency is run by the Ontario Hospital Association, whatever happened to that grand agreement between the ministry, OHA and the Ontario Medical Association to provide services such as this in Ontario hospitals at the approved rate?

**Hon. Mr. Timbrell:** Mr. Speaker, judging from the fact that only 7.5 per cent of all claims on OHIP are at opted out rates ranging from a few percentage points up, I would say it is working very well. There is no connection with the first part of the member's question.

#### LIQUID INDUSTRIAL WASTE

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of the Environment. Now that the Ontario Provincial Police investigation is finished and allegations of impropriety between the ministry and Walker Brothers have not been substantiated, is the minister now investigating allegations of environmental violations at the site itself?

In his investigation, does the minister have an explanation for a pumping system that has recently been set up from the leachate lagoon down into a newly constructed well via a pipeline? Does this material vent into the nearby Welland Canal? Can the minister tell us what is being pumped there, what tests are being done and what form of monitoring is being done on the material

being pumped into this newly constructed well?

**Hon. Mr. Parrott:** Mr. Speaker, the answer to the first question is yes. The balance of the question was very technical in nature and I will take it as notice and try to respond on Thursday or Friday.

**Mr. Kerrio:** In the minister's investigation, has he received evidence that there has been tanker traffic from the waste lagoon site, which has now been closed, back and forth to the landfill site? Does the minister accept the contention given by the president that all that traffic in November was for the purpose of dust control?

When is the minister going to act in a responsible way and get the evidence for which my leader and I have been asking for over a month and clear up that matter of investigating the alleged violations?

When is the minister going to get that done?

**Hon. Mr. Parrott:** With respect, we did clear up two of the three allegations. I remind the member that they were not made by myself, but they were made by outside sources. For the record, we have cleared up two of the three allegations. I said the balance will take more time. I said that before.

**Mr. Kerrio:** How much time?

**Hon. Mr. Parrott:** After all, it does take a considerable amount of effort to finalize all those considerations. We have all kinds of evidence already. The member is asking new questions today not pertinent to the accusations made previously. I have told the member I will get that information for him. I will do that and report as soon as I have it.

**Mr. Swart:** Supplementary, Mr. Speaker: When the minister says two thirds of the problems have been cleaned up, or words to that effect, is he not aware that there are 1,200 to 1,400 drums buried in Walker Brothers' quarry and that he has excavated perhaps only 100 of them to date? Is he going to do the investigation of the thousand or more that remain in that quarry?

**Hon. Mr. Parrott:** I want to clear the record very specifically, Mr. Speaker. We responded to two out of three of the allegations that were made. As to the other one, we are in the process of getting more and more information. I think the member knows that and I will respond to his question along with that of the member for Niagara Falls in due course.



## RESIDENTIAL SERVICES FOR RETARDED CHILDREN

**Mr. McClellan:** Mr. Speaker, I have a question for the Minister of Community and Social Services. I have an eight-page memorandum dated September 12 from the general manager of the ministry's mental retardation services division and in section B it reads as follows:

"Under the funding policy for residential services for mentally retarded children approved by cabinet, parents of children in residences"—that means residences for mentally retarded children—"will be required to commit themselves to a monthly contribution of between \$40 and \$90 a month" effective the beginning of the new year.

I want to ask the minister how on earth his government could add to the burden of parents suffering from having a retarded child the additional financial burden set out in the memorandum, and would he kindly reconsider what can only be described as the imposition of a tax on parents of mentally retarded children?

**Hon. Mr. Norton:** Mr. Speaker, I think it is very unfair to characterize that as a tax. It was a measure that was introduced after considerable discussion with the Ontario Association for the Mentally Retarded and is being done with the support of that agency. I think it is important in terms of the range of the charging policy that the low of \$40 is the amount the family would automatically be receiving by way of family allowance and the child tax credits, so \$40 is the minimum.

For those who are in a position to afford more, the upper limit is \$90, which was calculated to be an approximation of the actual cost they would be paying for the normal provision of shelter and food for that child in the course of a month if the child were residing at home.

It is tied as well to the development of service plans for each individual child, and I would also point out that as a result of introducing those service plans we will be in a position to significantly enrich our eligibility for federal cost sharing which has not been possible in many of these programs in the past. We have also made commitments to the Ontario association to ensure that the enriched funding from the federal cost sharing will be ploughed back or applied immediately into areas of both enriching services in some of the institutional settings but primarily into the community settings for services to the handicapped.

**Mr. McClellan:** Surely the minister is aware, first, that family allowances for chil-

dren who are in schedule one or schedule two facilities are not paid to the families; they are paid to the ministry itself.

Second, does the minister not understand that according to his table of monthly payments in the memorandum a single parent earning \$12,000 a year with a child in a residential program, by my calculation, would be charged under this fee schedule \$1,080 a year? Surely that is an intolerable regressive tax on the parents of a mentally retarded child and there is no other way to describe it.

**Hon. Mr. Norton:** First of all, I can assure the honourable member that there will not be any double charging. I am not sure administratively how this is being handled—

**Mr. McClellan:** The minister should find out, because that is what his staff told me.

**Hon. Mr. Norton:** Listen, don't be so hysterical; just calm down for a moment and listen.

There will be no double charging, I can assure the member of that, if that is what he is implying by saying this is being paid directly to the facility. I would also point out that it was seen by the Ontario association, following our discussion, to be both beneficial for the children and beneficial for the services that will be developed as a result of this approach.

2:50 p.m.

Surely the member does not think that in instances where a family does have an additional burden as a result of the handicap with which their child was born it ought not bear any responsibility whatsoever for the maintenance of that child because it happens to have a handicap. All we are saying is they ought not to have any greater costs than anyone else or any greater cost than if the child were residing with the family. We are not adding burdens, we are significantly relieving them, even at that level of assistance.

## LAND-O'-LAKES HEALTH CENTRE

**Mr. McEwen:** I have a question of the Minister of Health, Mr. Speaker, which concerns the employees of the Land-O'-Lakes Health Centre at Northbrook in the great riding of Frontenac-Addington. I would like to ask the minister why the employees who are paid by the Ministry of Health are not considered to be government employees? Why are they not allowed sick leave with pay? Why are they not allowed holiday pay? Why do they not have deductions taken from

their paycheque for unemployment insurance benefits, Ontario health insurance plan, or the Canada pension plan?

I would also like to know why an employee receiving \$33 a day for five days a week has deductions for statutory holidays? Why is paid maternity leave not allowed? As employees do not have UIC deductions taken from their paycheque, they are ineligible for maternity benefits from the Unemployment Insurance Commission. Why have they not received an increase in salary since June 1979?

The employees had thought they were employed by the Ontario government. However, Dr. W. J. Copeman of the Ministry of Health denies that such is the case. They would like to know just who their employer is. I would ask the minister if he would care to enlighten me, the House and these employees as to whom these non-employees being paid by his ministry are working for. Why are they being denied the benefits to which the majority of working people in Ontario are entitled?

**Mr. Speaker:** I can understand why the honourable member would want to catch up because he has not taken full advantage of the question period. But, with all due respect, I think that is really a question for the Order Paper. There are at least seven questions.

**Hon. Mr. Timbrell:** Mr. Speaker, let me respond to the member's maiden speech after being a member for five years—although he has not been here in the session very often. When I called him "Silent Earl" a couple of years ago I did not think he was going to prove it.

I would be glad to take the question as notice. The employees at the Northbrook centre are not now nor have they ever been employees of the Ministry of Health. I will be glad to have our staff contact the people who are the sponsors of the health centre to ask them to sit down and deal with these questions with their staff.

**Mr. McEwen:** I wonder if the minister could hurry this reply along. One employee, the receptionist, was to give birth to a baby in January, but this morning she was rushed to the hospital. It is premature by a month and a half, and the girl has no way of paying the costs to continue the necessities of life.

Is the minister aware this has been happening under his program or is he more interested in trying to insult me in some way?

**Mr. Speaker:** Order. Does the minister have a response to what he has heard so far?

**Hon. Mr. Timbrell:** Mr. Speaker, regarding the latter part of the question, the member makes it so easy when he does not come here very often. He comes only once or twice a year to pick up his paycheque. If the member is in his riding as often as he is here no wonder he cannot get the problem straightened out.

**Mr. Speaker:** Order. The minister is not really answering the question.

#### ITALIAN EARTHQUAKE

**Mr. Lupusella:** Mr. Speaker, I have a question for the Minister of Intergovernmental Affairs. Given the unequivocal refusal of the Premier (Mr. Davis) to my proposal yesterday of sending an independent delegation to Italy formed by the three parties of this province and a representative of the Canadian Red Cross Society, and considering the Italian Red Cross is continuously sending SOS telexes to the Canadian Red Cross requesting urgent aid from the national society in the form of funds or goods, can the minister tell us in what way our provincial government is responding to this human appeal and to the immediate needs of over 250,000 survivors at present requesting our help?

Can the minister also give us a detailed report on the situation, considering he has had meetings with representatives of the Canadian Red Cross?

**Hon. Mr. Wells:** Mr. Speaker, I would be happy to. Our meetings started at least a week ago when the Premier went to the headquarters of the National Congress of Italian Canadians and informed them we were making available \$100,000 from the province to their fund, which would be at the disposal of that committee as to how it would feel it could best be used in this tragedy.

I have also had discussions with the Red Cross. We are still continuing those discussions. We have appointed a permanent liaison person from our ministry with the committee here, headed by Mr. Angelo Delfino. We have indicated complete support.

It is my understanding that the need for emergency supplies in Italy at this point is being fully looked after. I listened, as many members probably did yesterday, to a telephone conversation from Christie Blatchford of the Toronto Star speaking directly from Rome when she indicated there were supplies all over the roads. One could reach out and get bottles of water. It was raining on some of the supplies. It seemed to me the Italian Red Cross and those relief agencies are

doing a fantastic job of making those supplies available.

Our real purpose at this point is to consider the long-term matter of rehabilitation. To that end, I have indicated and the government has indicated to the committee that Ontario will strongly support what will be long-term efforts to help rebuild the areas that have been devastated. We have indicated that to the committee.

If there is any need for emergency help in the interval, we are certainly in contact with the Red Cross and that need can be met. It is my understanding there is no need for money for the Red Cross at this minute.

**Mr. Lupusella:** With great respect, is the minister aware of the telex dated December 1, 1980, which was sent to the Canadian Red Cross by the Italian Red Cross? It states: "It goes without saying that grateful for the very important help of our sister society, we have to cope still with a great amount of problems and needs so that we continue to ask the aid of the national societies."

In view of that, would the minister consider increasing the amount of money allocated to the relief fund? Will our government take the urgent step of responding to this immediate SOS telex by using our Canadian Red Cross as the proper channel to relieve the hundreds of thousands of people who are suffering?

**Hon. Mr. Wells:** I think I indicated the answer. We will keep in close touch with the Red Cross to see if there is any more help we can provide to them in any emergency sense. I have indicated to my friend this government will probably assist at least to the level we did in the Friuli earthquake and it could be to a much greater level when the needs for the restoration of the communities become known.

I think the member would be the first to agree we must depend upon the kind of advice we get from the committee here, made up of our Canadian citizens of Italian origin who are spending night and day raising money and keeping in close contact with what is needed. It is with this committee and these people in Metropolitan Toronto and Ontario that we are working. Whatever needs are identified by these committees, I am sure all members of this House would want to stand ready to support the kind of efforts that we are making.

3 p.m.

## OGOKI LODGE

**Mr. Eakins:** Mr. Speaker, I will address my question to the Minister of Industry and Tourism. Since the continued operation of Ogoki Lodge is important to the tourism industry of this province, could the minister confirm whether or not that lodge is now closed, when it closed and the reasons for it closing, since the federal and provincial governments have substantial investment in this lodge?

**Hon. Mr. Grossman:** Mr. Speaker, I would have to get an update on Ogoki. I do not happen to have that information with me today. I will find out for the member and let him know.

**Mr. Eakins:** Since the minister thinks his memory is always so keen on so many occasions, could he not recall that the province has substantial money in this lodge? This summer the minister put several thousand dollars into advertising it, and he does not know whether it is closed or not?

Would the minister not think it is more important to make sure that this wilderness lodge—which takes in only 30 people and last year had 11 per cent occupancy—is more important than the millions he is spending in Minaki Lodge, and he does not know what is going to happen to that? Should not Ogoki be the minister's first priority?

**Hon. Mr. Grossman:** May I only say that I am pleased the member has noted the support we gave that lodge through grants and advertising. It has been fairly substantial. I am sure the member appreciates the contribution we made to that fine enterprise. That is not the answer, sorry folks.

The fact is—and the member will find this hard to believe—I am not posted on a day-to-day basis with regard to the current business situation of a whole lot of enterprises supported by the Ontario Development Corporation—there are thousands—and a number of tourist establishments supported through our tourism division.

We have helped the firm. The member knows we have helped Ogoki, he knows of our commitment there. He is asking me whether I know it is closed. The answer is I have not been informed in the last few days that it has been closed. If the member is asking me whether I will find out, of course, I will.

May I say that one of the benefits that would be lost if the member's party ever sat on this side of the House, which it will not, would be the kind of day-to-day attention being paid to that and other matters by the

Ministry of Northern Affairs, which the member's party is committed to disband.

**Mr. Foulds:** Supplementary, Mr. Speaker: Is the minister aware that there was a notice by the sheriff in the Thunder Bay paper several weeks ago seizing certain assets of Ogoki Lodge? Does he know the importance of that seizure and the reasons for it? Would the minister not agree that one of the things that needs to be looked at is improving the management of that lodge?

**Hon. Mr. Grossman:** Mr. Speaker, I am sorry, I heard only about half of that but I will read Hansard and get all the information for the member. When I get the rest of this information I will report to him.

#### DOMTAR DISPUTE

**Mr. Samis:** Mr. Speaker, to the Minister of Labour: Now that the minister has had an opportunity to meet with both sides in the Domtar strike, could he report to the House what hopes he has that both sides will return to the bargaining table? If not, what other initiatives is he prepared to undertake to get them back to the table?

**Hon. Mr. Elgie:** Mr. Speaker, I did meet with both parties to the dispute in Domtar and I have every reason to believe that negotiations could resume next week.

#### DISPUTE AT AMR CENTRES

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Community and Social Services in regard to the Woods Gordon report that I brought to his attention over a month and a half ago. Now that the minister has had over a month to obtain the Woods Gordon report commissioned by the Ontario Association for the Mentally Retarded on the subject of pay rates for association employees, does he now agree with the general thrust of the report that community workers with the mentally retarded are grossly underpaid, being 34 per cent behind the salaries of their institutional counterparts who are paid directly by the ministry and at least 20 per cent behind wages paid by similar community service organizations?

Can the minister give us his reaction to the findings of the Woods Gordon report, and can he tell the House if he has any intention of helping striking mental retardation workers in St. Catharines and locked out workers at Participation House in Hamilton, whose wages average only \$4.63 per hour?

**Hon. Mr. Norton:** Mr. Speaker, yes, I have. As a matter of fact, I apologize to the honourable member. I think I made it

clear to him after my earlier response in the House that I erred, that I had seen the report at that time. I am not sure what happened. It slipped my mind in the course of answering his question.

I am aware of the fact there are—not only with associations for the mentally retarded, but with a number of other private agencies across the province—considerable discrepancies in terms of what staff are being paid. I reject that there is necessarily a direct relationship with the people working in our government operated facilities. One of the things those preparing the report failed to do was examine the job classifications in the civil service with which they assumed there was parity or ought to be parity. They did not examine our job classifications.

However, that aside, there are discrepancies and yes, we are in the process now of attempting to address that problem. It does go beyond associations for the mentally retarded. No, I will not address one association, particularly one that is in the process of a difficult labour dispute, in isolation from the others across the province; but we are now attempting to address that problem systematically.

**Mr. Bradley:** In view of what the minister has just said, further to his statement in the House, I believe it was a week ago Monday, that children's aid societies unable to meet financial obligations because of unforeseen circumstances may apply to his ministry for special help—we were talking there about children's aid societies—why would he not include in this arrangement the St. Catharines Mental Retardation Association and Participation House in Hamilton so they can begin to pay their employees wages at least somewhat close to what others are getting paid for similar work in the community? If he is prepared to do that for children's aid societies, why not for the associations for the mentally retarded?

**Hon. Mr. Norton:** There are other associations whose wage structure is not above, in fact is probably below, the two agencies to which the member refers. Surely the member understands if we are going to address that particular issue the appropriate time is not during the course of a labour dispute. When that labour dispute is resolved, then we will be dealing with them along with all the other agencies with similar difficulties.

**Mr. Isaacs:** Supplementary, Mr. Speaker: On November 17 the minister advised this House he would review the most up-to-date information available to him to determine

how he might act to be of some assistance in the Participation House dispute. Can he tell us today what he has done since November 17? Will he at least sit down with each of the sides in that dispute separately, as the Minister of Labour (Mr. Elgie) does from time to time, to determine what the facts are and what the stumbling blocks are in that particular dispute?

**Hon. Mr. Norton:** Mr. Speaker, I am not the Minister of Labour. There are arbitrators in the Ministry of Labour who are available to those parties to engage in that kind of effort. It is neither my responsibility nor my area of expertise, and I do not intend to interfere, in my present role, in the collective bargaining process when there is another ministry with very well qualified staff available to those parties. If that is what they want, they know where they can go for that kind of help.

#### PETITION

**Mr. B. Newman:** Mr. Speaker, I have eight separate petitions to the Minister of Consumer and Commercial Relations (Mr. Drea) asking that legislation be enacted to compel the placing of individual price stickers on all items for sale in food stores that use the universal product code scanners at the checkouts.

#### NOTICE OF DISSATISFACTION

**Mr. Cassidy:** Mr. Speaker, pursuant to rule 28(a) of the standing orders, I wish to give notice that I am dissatisfied with the response of the Minister of Labour (Mr. Elgie) with respect to my questions today about severance pay and intend to raise the matter upon the adjournment at 10:30 this evening.

**Mr. Speaker:** The proper notice has been given pursuant to standing order 28, and this matter will be debated at 10:30.

3:10 p.m.

#### CORRESPONDENCE FROM PRISON INMATE

**Mr. Breaugh:** Mr. Speaker, I have now had the opportunity during question period to study the statement you made on the point of privilege I raised yesterday. I appreciate the work you have put into the preparation of the statement, but I still am not clear as to whether anyone has made a determination as to exactly who in this one case did open this envelope which was mailed to me.

I simply ask, Mr. Speaker, that you either take the matter under advisement a bit further to see if you can determine that or, if that is not your pleasure, perhaps it might be appropriate to send this matter to the procedural affairs committee. There are a couple of points in your statement today which I would like to raise and to expand upon at further length, but very basically I would still like an answer to the question, if it is possible, as to who exactly did open this particular envelope.

**Mr. Speaker:** All I can tell the honourable member is who did not open it. It was not opened by our postal services here. It was not opened in the scanning process of the Ministry of Government Services. If you do have a grievance, it happened outside this building. If you feel the information I provided you from the office of the Solicitor General in Ottawa is unsatisfactory, your grievance is with Canada Post.

I have given you all of the information I have. I am not an investigatory body. I have assured myself it is quite conceivable it was opened at the source by the Solicitor General, who does not deny they do that and will reserve the right to continue to do it. I do not know what further I can do in the matter. All I can assure you is that it was not intercepted and opened by anyone under our jurisdiction here in the Legislature.

#### REPORTS

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr. Cureatz** from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr45, An Act respecting the Powers of the Jewish Family and Child Service of Metropolitan Toronto.

Bill Pr50, An Act respecting the City of Kingston.

Your committee begs to report the following bill with certain amendments:

Bill Pr48, An Act to incorporate Redeemer College.

Your committee would recommend that the fees, less the actual cost of printing, be remitted on Bill Pr45, An Act respecting the Powers of Jewish Family and Child Service of Metropolitan Toronto, and Bill Pr48, An Act to incorporate Redeemer College.

Report adopted.

### STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Mr. Breagh from the standing committee on procedural affairs presented the committee's annual report and moved its adoption.

Mr. Breagh: Mr. Speaker, this report is the annual report done by the procedural affairs committee on various agencies which have been before the committee. It contains recommendations on these agencies.

On motion by Mr. Breagh, the debate was adjourned.

### SELECT COMMITTEE ON PLANT SHUTDOWNS

Mr. McCaffrey from the select committee on plant shutdowns and employee adjustment presented the following report and moved its adoption:

Your committee recommends that the government immediately introduce an amendment to Bill 191, An Act to amend the Employment Standards Act, 1974, applicable to those companies required to give notice of intended layoff and closing, requiring a minimum severance pay of one week's wages for each year of employment.

3:50 p.m.

The House divided on Mr. McCaffrey's motion for the adjournment of the debate, which was agreed to on the following vote:  
Ayes 81; nays 30.

### MOTION

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Hon. Mr. Wells moved that standing order 72(a) respecting notice of committee hearings be suspended for the consideration of Bill Pr53, An Act to revive McColl Farms Limited, by the standing committee on administration of justice on Wednesday, December 3, 1980.

Motion agreed to.

#### INTRODUCTION OF BILL MUNICIPAL ELECTIONS AMENDMENT ACT

Mr. Foulds moved first reading of Bill 213, An Act to amend the Municipal Elections Act.

Motion agreed to.

Mr. Foulds: Mr. Speaker, the purpose of the bill is to change the polling day for

municipal elections in Ontario from the second Monday in November to the first Monday in November in an election year. The reason for the change is to avoid any interference by municipal elections with the observance of Remembrance Day.

### ORDERS OF THE DAY

#### THIRD READINGS

The following bills were given third reading on motion:

Bill 82, An Act to amend the Education Act, 1974;

Bill 185, An Act to amend the Assessment Act.

House in committee of the whole.

#### REGISTERED INSURANCE BROKERS OF ONTARIO ACT

Consideration of Bill 118, An Act respecting the Registered Insurance Brokers of Ontario.

Sections 1 to 5, inclusive, agreed to.

On section 6:

Mr. M. N. Davison: Mr. Chairman, I beg the indulgence of the chair. I do not have my amendment completely written out and I understand it is going to be difficult; the changes are fairly simple in nature. Do I have the agreement of the chair to proceed? The minister indicates it would be all right.

Mr. Chairman: I am sorry; I did not follow that comment.

Mr. M. N. Davison: I do not have my amendment written out yet. I ask your indulgence to permit me to put the amendment verbally.

Mr. Chairman: I am sorry; I cannot. It must be in writing.

Mr. M. N. Davison: If you want to wait until I finish writing it out, I will supply it to you.

Mr. Breithaupt: Mr. Chairman, if this is the only section the member for Hamilton Centre wishes to address, we could proceed to the minister's amendment and then return to that item in order to convenience the procedure in the committee.

Section 6 stood down.

Sections 7 to 24, inclusive, agreed to.

On section 25:

Hon. Mr. Drea: Mr. Chairman, this is an amendment that was substantially moved in standing committee. It was left to the legis-

lative draftsman to include a few minor descriptions. It was agreed to in substance by the standing committee.

**Mr. Lawlor:** On a point of order, Mr. Chairman: Have we got copies of this proposed amendment?

**Hon. Mr. Drea:** No, Mr. Chairman, I did not provide copies, because it was agreed to in committee, it was just subject to a legislative draft.

**Mr. Lawlor:** I just asked our representative and he has none.

**Hon. Mr. Drea:** But I have it in writing.

**Mr. Lawlor:** It would be nice to read it along with your reading to see what impact it has.

**Hon. Mr. Drea:** Mr. Chairman, I am perfectly willing to do that. I would like it to be on the record that I was the one who was perfectly agreeable to the member for Hamilton Centre's putting his amendment in any shape or form. Do not take it out on me because you lost one with the chair.

**Mr. Chairman:** I understand the member will supply copies.

**Mr. Lawlor:** You are sure bellicose today.

**Hon. Mr. Drea:** Friendly. I also know what you are up to.

**Mr. Chairman:** Hon. Mr. Drea moves that section 25 of the bill be amended by adding thereto the following subsection:

"1a. Where the manager or the manager's designate appoints persons to make an investigation to ascertain whether a member has committed an act of misconduct or incompetence involving trust funds, the persons appointed shall include two persons representing the insurers for whom funds were or ought to have been held in trust."

4 p.m.

**Hon. Mr. Drea:** Mr. Chairman, to bring the committee of the whole House up to date on this matter, there was a question involving section 24, the preceding section of this bill. The Registered Insurance Brokers of Ontario or the named corporation in this particular section of the act, where it makes a prima facie case about misconduct, can obtain by ex parte application in the Supreme Court the right to have a receiver appointed. The purpose is to provide a speedy stabilization of the funds involved. They are not commercial funds in the true sense, but they involve premiums that perhaps were not paid. It is a stabilizing and almost immediate protection of the consumer because of the sifting-out nature of the insurance field.

The Insurance Bureau of Canada, on behalf of the insurance companies, has a substantial stake because it is providing the coverage, on which the trust funds, or the missing trust funds or any other defaults that have occurred, have a very substantial impact, and it wanted to assure itself a notice or a presence before the court.

I draw to the committee's attention that section 24(4) does provide for that ex parte order being continued upon notice. This, in effect, was a compromise because the original submission was to provide notice to all interested parties prior to the court application. The particular concern was that this would slow down what literally might have to be an instant stabilization to provide a proper remedy.

On this basis, they will be part of the investigation. Therefore, when the application is made for the ex parte order, the insurers for whom the funds were held in trust or should have been held in trust would be part of the ex parte procedure. It may be a minor technical point, but it does provide that we have got around the problem of wanting to provide adequate notice for those affected but not having that adequate notice period, by its very essence, delay the stabilization procedure.

As I say, the amendment was agreed to in substance, but the legislative draftsman last week did want another look because it does refer to the corporation. It does refer back to section 24.

**Mr. Breithaupt:** Mr. Chairman, as the minister has said, the matter was discussed at some length during the committee stage in the standing committee on administration of justice last week. This was a point that came up somewhat late in the committee hearings and, to ensure accurate draftsmanship so there would be provision for the insurance companies' representatives to be involved, either directly or through IBC, and yet not have untoward delay of having to give notice to a great variety of people at the time an ex parte application was made, this compromise was accomplished.

We in this party are quite prepared to support this amendment at this time, which will complete the outstanding items agreed to by the minister as to amendments to be brought before the committee of the whole before the bill proceeded to third reading.

**Mr. M. N. Davison:** Mr. Chairman, we have no objection to the amendment placed by the minister and, as I understand it, it

fulfilled the desire of the committee that met last week.

Motion agreed to.

Section 25, as amended, agreed to.

On section 6:

**Mr. Chairman:** Mr. M. N. Davison moves that section 6 be amended as follows: Clause a of subsection 2 be amended by striking the word "eight" and substituting the word "six" therefor; clause b of subsection 2 be amended by striking the word "three" and substituting the word "six" therefor and that the words "two upon the nomination of the Consumers' Association of Canada and two upon the nomination of the Ontario Federation of Labour" be added, following the word "Council"; subsection 3 be amended by striking the words "one quarter" and substituting the words "one half" therefor; subsection 4 be amended by striking the word "eight" in the third line and substituting the word "six" therefor and by striking the word "four" in the fourth and fifth lines and substituting the word "three" therefor.

It appears there are a number of amendments for each subsection. Does the committee agree to take it in total?

**Mr. M. N. Davison:** I do not think the amendment comes as a surprise to either the critic of the Liberal Party or the minister. I announced during the committee session my intention to move it but, unfortunately, I was unable to be at the committee hearing on the day we dealt with the section in clause-by-clause consideration.

Those members who were present at that time will recall I had a two-part argument in favour of this series of amendments. The first part of that argument was that there should be an appropriate and proper balance in terms of the representation on the council and that I did not believe that eight and three was an appropriate balance of industry and public input. It seems to me, not only in this particular body but also in like bodies, we should be moving to the recognition that there should be a real balance between the public and the vested interest in these organizations. That is the reason for the first part of the amendment: it is to create that balance between the private and the public interest in the body.

The second principle contained in the amendment I am putting forward is that we in the Legislature decide what kinds of people would properly constitute public representation upon the council. There has been some discussion within and without the industry and, I suppose, the government, as to

what would constitute in this case representation of the public interest before the newly self-regulating body.

At this point I have not heard a clear explanation from the minister of what he would propose, nor from anyone else in a position of authority, but some of the suggestions I have heard tossed about in terms of representation are that the kinds of people would be something like a representative from the office of the superintendent of insurance, a lawyer, or an accountant.

4:10 p.m.

From where I sit in this world we know as Ontario, and while I have the greatest respect for lawyers, accountants and representatives of the office of the superintendent of insurance in their professional capacities, that is not what we in Hamilton Centre consider to be representative of the public and the public interest. I do not in any way mean that as an attack on lawyers or anybody else. I have had plenty of opportunities to vent my obvious displeasure with members of that particular profession.

What I have tried to do, by way of my amendment, is to put into the bill a guarantee that there will be people chosen by the Lieutenant Governor in Council upon the nomination and advice of groups in the community whom I, as the member for Hamilton Centre, recognize as spokesmen for significant portions of the public in the province. The two I have chosen are the Consumers' Association of Canada and the Ontario Federation of Labour.

The members who were in the committee hearings will recall that the chairman of the Consumers' Association of Canada in Ontario attended and participated before the committee, which shows the interest the Consumers' Association of Canada has in the work this body will undertake. I think that in the Legislature we should recognize, by way of legislation, that principle of the involvement of the Consumers' Association of Canada. It is a fine protector of the consumer and, in that sense, of the public interest in our province. It has an enviable record. As a legislator, I would like to use what influence I have in the assembly to ensure there will be representation of that association on the body.

The other organization I suggest as an association that in many ways reflects a significant portion of the public interest is the Ontario Federation of Labour. We have had a happy history in this province of the involvement of the Federation of Labour in public policy. Unfortunately, the government



has not listened to it as frequently as I and many of my constituents would have wished, but it has shown itself over the years to be a body that has a sense of social and economic justice. It is very tough in its presentation of that sense of the public interest. It is another organization that should be represented, by way of statute, on the body to protect the public interest in what is becoming a newly self-regulative part of the industry.

I would ask my colleagues in the assembly to support this. It still gives the Lieutenant Governor in Council, upon the advice of his Minister of Consumer and Commercial Relations, the possibility of appointing a couple of other people such as representatives of the superintendent of insurance's office, a lawyer, an accountant or whomever else the government, in its wisdom, defines as being representative of the public interest.

I think my amendment establishes a proper balance, a 50-50 balance, an equal partnership between industry on the one hand and the public on the other hand. Also, it guarantees we will have a process by which we should be able to appoint six people who can give a broad and accurate representation of the public interest. I think it is a good amendment. It is an amendment that should not only be accepted in this bill, but should be accepted in like kinds of legislation, especially as government in this province tends to move more and more towards deregulation.

**Mr. Breithaupt:** Mr. Chairman, I listened with interest to the amendment as proposed. I regret that, in my view, it is not worthy of support.

I understand that a member of the Consumers' Association of Canada is likely to be one of the three persons. As I recall, in the hearings at the committee stage this was acknowledged as a likely appointee. Mrs. Anderson, representing the Consumers' Association of Canada, when asked whether two persons should represent the Ontario Federation of Labour, as I recall said she did not see how that was particularly appropriate. I suggest it is probably no more appropriate than appointing two members of the United Church.

I do not know why this group necessarily has to be the group singled out to appoint persons who presumably have the public interest at heart. The tragedy that might result is that the OFL might suggest as representatives a lawyer and an accountant. Then the member's whole purpose might be lost.

I think the present division, as we move into this program, is satisfactory. It is my hope the three appointed persons who are not members of the corporation will bring a certain balance of views to the activities of the corporation. However, I remind the minister that this whole institution is to ensure that a representative group of members of the association is placed in the responsible position of self-regulation. As a result, I think that, as a group that is achieving responsibility and a certain status of that responsibility, the proportion of members on the council is satisfactory the way it appears in the draft bill and the way it was approved in the committee stage.

**Hon. Mr. Drea:** Mr. Chairman, just to set the record straight, the member or a representative of the Consumers' Association of Canada, Ms. Anne Brechin, is already sitting on the board of the Registered Insurance Brokers of Ontario or the corporation.

It is my concern that if there is to be self-regulation, the majority of the responsibility must be in the hands of those who are regulating themselves. To diminish that responsibility flies in the face of the whole concept of self-regulation.

Part of the concept of self-regulation is public participation. This is exactly the same as was done in the credit union field when the Ontario Share and Deposit Insurance Corporation, OSDIC, was begun. It was the credit union movement's own regulatory body, one that has a great many powers this Legislature vested in it for the orderly transaction of business in that commercial finance field. They even include the right to step in and intervene directly to protect the public interest as well as the public funds.

I suggest the OSDIC formula has worked extremely well. It has been so successful, many of the responsibilities OSDIC took upon itself to provide better public protection were subsequently confirmed by this Legislature.

In regard to the superintendent of insurance putting people on here, section 10 outlines the role of the superintendent of insurance and his office and of the minister. The superintendent of insurance, no matter how well intentioned, cannot be a member of the board of directors and at the same time be doing the very essential inspections that are particularly germane where trust funds and a number of other extremely significant financial regulations are involved.

4:20 p.m.

Obviously the minister's role is to be the vehicle and to provide the annual report of

the corporation not only for public scrutiny but also for scrutiny by the members of this House, who have vested by virtue of Bill 118 the additional responsibility and obligation upon the Registered Insurance Brokers of Ontario corporation. Flowing from that there are additional responsibilities put on the people who are serving as directors—either directors representing brokers of the province or the public directors.

In terms of public participation, obviously there is scope for specific public participation or in the field of public expertise. That is the reason for wanting a lawyer. The lawyer will not be acting as a vested interest. The lawyer who sits on that board is sitting as public member. The person who is the lawyer must regard the public as his or her client. The same holds true for the chartered accountant who will be on that board. That person brings to a very significant area of public participation and public protection a very skilled knowledge that must be used on behalf of the public, and not on behalf of his or her own particular interests.

It also seems to be somewhat negative in the field of self-regulation and more responsibility to hear that people must be brought in as adversaries to protect against the vested interest. I suggest with all due respect, that the Ontario Federation of Labour has as vested an interest as anybody else who qualifies as an organization or group that has specific goals or specific programs in an advocacy position. The designation of the OFL does not erase the vested interest—which I suggest is more imagined than real—but by the same factor makes vested interest abundantly real.

Of course, that does not pertain to the Consumers' Association of Canada, which has a broader scope. Without getting into the merits going through, clause by clause, the goals and objectives and advocacy methods and approach of the Ontario Federation of Labour, the Canadian Manufacturers' Association or the Canadian Chamber of Commerce or any one of the 386 or so special or vested interest groups that appear before me in my ministerial capacity every year, they all have one thing in common; that is, by their structure and formation, which reflect the goals, they are relatively narrow in scope.

I suggest, on the scope matter, the broadest scope is that of the Consumers' Association of Canada. That is why we have gone to that organization—not because its goals or its outlook are considered superior or more popular or more conventional, but

because of its plain, solid structure and because it operates in the public sphere with, because of its nature, the broadest possible scope.

If a person is on the board in the capacity of lawyer, that person's other interests are surely very secondary or even very tertiary. As a professional person, that individual has one client, the public, and must assume professional responsibility for that. It is the same with chartered accountants. It is somewhat redundant, I suppose, to ask that the superintendent of insurance have a person there. It would completely erode and destroy the whole concept and the entire fabric of what this act is doing. It would cease being a model act for self-regulation; it would be a camouflage for substitution of regulation in a very inferior form. Therefore, I will oppose this amendment.

I do not think this is a debate on the merits of the individuals who might or might not appear on a board. I think it comes right down to the structure, to what is being done here and to what would happen to the structure and the approach if these inhibitions were imposed upon the Registered Insurance Brokers of Ontario by this series of amendments.

**Mr. M. N. Davison:** I will not take up much more time with this obviously lost cause, Mr. Chairman. I understand the arguments put by the minister and by my counterpart in the Liberal Party regarding the efficacy of moving to self-regulation in this area. Inasmuch as my amendments would stand in the way, trip, halt or in any way stop the rush, I understand the position they have taken. We have a fundamental and perhaps necessary disagreement over the wisdom of self-regulation in Ontario.

Frankly, I have a bit of trouble with this twisted, upside-down, topsy-turvy view of the world where somehow people can claim that lawyers are representative of the public interest, that lawyers are representative of the public. I cannot think of very many other bodies that are so insulated from the public for any number of reasons. It may be there are people in the assembly who hold in much higher esteem than I do the group of people who call themselves lawyers. I am not one of them.

When we talk about the public interest, I understand that, perhaps with the exception of the Legislative Assembly, there really is no group in the province that can claim to be representative of the public interest. I am glad there is going to be somebody on from the Consumers' Association of Canada. I

think it is a good step that there is one; there should be two.

4:30 p.m.

What bothers me is when you look at some kind of a balance as to who can better represent the public interest, we have on the one side lawyers, accountants and insurance brokers and on the other side workers and consumers. There does not seem to me to be much of a choice in terms of which of those two groups is better able to represent the public interest or, indeed, if nothing more, at least vested interests with a slightly wider horizon. I tell the minister and the critic from the Liberal Party that, if I have to take sides with a division that puts the workers and consumers on one side and the lawyers, accountants and insurance brokers of the province on the other side, I am quite happy to stand with the workers and consumers of the province. I still think there is a serious imbalance in the council membership. I do not think my amendments will totally destroy the minister's bill.

To respond to my colleague the member for Kitchener (Mr. Breithaupt), I suppose it is a disagreement we have had for a number of years and will continue to have. Just because there are not very many representatives of the working class in the Legislative Assembly does not mean we do not have, on our own and through our organizations like the Ontario Federation of Labour, a real and important role to play in society. There is an important role for working people in the society, and I think we should encourage attempts like this to allow working-class people to participate fully in the councils that make the real decisions in the province.

I do not see any advantage in not guaranteeing by way of legislation some kind of public representation, and that is one of the things my bill tried to do. I am saddened there was not even a subamendment in some way to make that more palatable. Frankly, I admit to the minister that I do not like deregulation.

All I can say is that, considering some of the bungling I have seen within the ministry, private industry cannot do a great deal worse than some of the things I have seen. As I said earlier, Mr. Chairman, I regret the imminent and inevitable defeat of my amendment.

**Hon. Mr. Drea:** He slides by it so nicely.

First of all, Mr. Chairman, let us set the record straight. It is not the lawyers, the

accountants and the insurance brokers of Ontario in a confrontation or, indeed, any kind of adversary role with consumers and workers.

As is his wont, the honourable member conveniently forgets, misplaces or does any number of things, which I am limited to describe by the parliamentary procedures of this House.

I remind the unlistening member for Hamilton Centre that the Consumers' Association of Canada is already a member of the board; so if he would like to look—

**Mr. M. N. Davison:** They would like two spots on the board.

**Hon. Mr. Drea:** I just want to put that on the record. If the member wants to state it accurately or, indeed, had the fortitude to state it accurately, any adversary positions in the concept of the amendments he is proposing are taken by the insurance brokers, who are taking on the responsibility of being self-regulating—it is not a gift bestowed by government—by a lawyer under the sanctions and obligations of that profession, by a chartered accountant under the sanctions and obligations of that profession when acting as a public member, and by consumers. What the member wants to add is a very vested interest. That puts it into a little bit of perspective.

Indeed, in regard to the working-class representative, I like that one; I kind of regard myself as one, and I really think the public has some agreement with me. I represent the working class—perhaps not the elite that brings the sneer from the member for Hamilton Centre, but I suggest my record will show a great number of things—

**Mr. M. N. Davison:** If you are the saviour of the working class, we are all in trouble.

**Hon. Mr. Drea:** I say back to the member for Hamilton Centre, if he had ever held a job in the private sector for a prolonged period of time, he might be able to comment.

**Mr. M. N. Davison:** I worked as long there as I have here.

**Hon. Mr. Drea:** That is not very long in either place, and this job is soon to be terminated.

**Mr. M. N. Davison:** Now you are attacking young people as well as the workers.

**Mr. Chairman:** Order.

**Mr. Haggerty:** He is here by a margin of 11 votes.

**Hon. Mr. Drea:** Fourteen.

**Mr. M. N. Davison:** What do you think about older people?

**Hon. Mr. Drea:** I have a great deal of respect for all people, and I am not going to engage in the vituperation the member for Hamilton Centre usually likes to bring into these matters, even though he has introduced them.

The public interest is very well served in the structure of this bill. The crowning insult to the member for Hamilton Centre should be that the senior person from the Consumers' Association of Canada, who sat in the committee meetings, said the CAC, which can speak for itself, was perfectly satisfied with this structure.

**Mr. Chairman:** Those in favour of Mr. M. N. Davison's amendment to section 6 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 6 agreed to.

Sections 26 to 47, inclusive, agreed to.

Bill 118, as amended, reported.

#### DOG OWNERS' LIABILITY ACT

Consideration of Bill 169, An Act to provide for Liability for Injuries caused by Dogs.

Sections 1 and 2 agreed to.

On section 3:

**Mr. Chairman:** Mr. Riddell moves that section 3(1) be amended by adding at the end thereof: "except where the person who is bitten or attacked is deemed to have willingly assumed all risks under section 4(3) of that act."

Section 3(1) would now read: "Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this act and not under the Occupiers' Liability Act, 1980, except where the person who is bitten or attacked is deemed to have willingly assumed all risks under section 4(3) of that act."

**Mr. Riddell:** On second reading of this bill, Mr. Chairman, several members mentioned working dogs on farms. They commented that these dogs, by natural instinct, do tend to nip not only at livestock, for which purpose they are used, but also at the heels of people coming on to the farm, whether they be invited guests or trespassers.

The way the bill reads now, it would supersede Bill 202, An Act respecting Occupiers' Liability, and Bill 203, the Trespass to

Property Act. We do not feel this should be the case.

We are not saying farmers should be exempted. We do not feel a farmer should keep a vicious dog for the purpose of guarding the homestead and attacking people as they come on to the farm. We are trying to protect the owner with that working dog who, by natural instinct, does tend to nip at the feet of livestock and would do the same thing with human beings.

4:40 p.m.

If the farmer, under the Occupiers' Liability Act and the Trespass to Property Act, permitted snowmobilers on to his land, there are some dogs that get upset when snowmobiles cross the land and they tend to chase the snowmobile and to grab at the legs of the snowmobiler. I have a dog that does that very thing. Whenever any one gets on the snowmobile and takes off across the field, the dog is there and he is out to grab you by the leg. I do not know what it is that upsets the dog but he tends to do that. I do not feel that an owner should be liable if something like that happens.

We feel that the Occupiers' Liability Act and the Trespass to Property Act should come into effect and that these people coming on to the farm should be prepared to assume those risks, one of which might be being bitten by a working dog. I think this gives the farmers the type of protection they felt they had under Bills 202 and 203 but which they now do not have.

I know the parliamentary assistant is going to stand up and he is going to say, "Yes, but it is a discretion that is going to be made by a judge." I am not sure we should put the farmer to all that time and expense of having to go to court to try to prove to a judge that the dog was not vicious but by natural instinct bit the person who came on to the property. I am not too sure the judge would always hand down the right decision, because I am sure many judges are not familiar with working dogs and with what working dogs are expected to do on a farm and what working dogs might do to trespassers or people invited to a farm.

If it is anything like some of the decisions that are handed down by judges on this so-called new law reform we have in this province, then we are in trouble, believe me. That is another matter and something we are going to have to discuss at some time in this Legislature, but—

**Mr. Lawlor:** Family law reform?

**Mr. Riddell:** Family law reform—there are farmers' wives leaving their husbands, saying they are going to get half of everything. You have never seen the likes of it in your life. This is something we are going to have to address at some time. That is getting a little away from this bill.

If we go along with this amendment, we are giving the farmer the protection he felt he had under Bills 202 and 203. I might say the Ontario Federation of Agriculture supports us in our endeavours to have this amendment included in the bill.

**Mr. Breithaupt:** In speaking to this, Mr. Chairman, I just want to raise the point that within the next few weeks or months many of us may be out canvassing for support on some of these farms. It may be appropriate for us to be protected in some way but it looks as though it would be even more appropriate for the dogs to be protected as we may be coming into their territory.

**Mr. Lawlor:** Mr. Chairman, if ever there was a human being deemed—I use the word broadly—to fall within the ambit of the section as proposed, it would be somebody seeking election, would it not? I mean, they are fair game for a lot of things, including mad dogs. I do not mean mad dogs in one sense of the term; I mean dogs that are maddened in another sense. We cannot, and I am sure we will not, support this extension of the act. My own feelings about the Occupier's Liability Act are fairly well known. There seems, and I say this regrettably, no end to the coercion that is stipulated for and the attempts to carve out privileged positions vis-à-vis the law in any element or segment of the community. No one is privileged, whatever it may be, over against another segment of a civilized society. The earlier legislation, the particular move in this direction, and the attempt by the honourable member to protect certain farmers against both their wives and their dogs strikes me as a bit overreaching in this particular context. The fact the honourable member himself brought the other matter into play somewhat bemused me.

We cannot give accord to this particular amendment.

**Mr. Sterling:** Mr. Chairman, I want to indicate that I, like the member for Lakeshore, must oppose this amendment, basically for the fact that the example brought forward by the proponent of the amendment, under the existing legislation as it now stands, would not penalize the farmer-owner to any great extent. The farmer-owner would be liable only for the damages the dog

caused. If the dog viciously attacked someone, then he would be responsible for that vicious attack. I think the member has said there is no excuse for a vicious dog, be it in an urban setting or a farm setting, so that the potential liability is not great. If the dog is just nipping at the heels of a political canvasser, then the political canvasser at best can get a new pair of sneakers for his election campaign.

**Mr. Riddell:** At whose expense?

**Mr. Sterling:** It might be at the farmer's expense, if that be the case, but let us take it to the extreme of what this amendment means. If a small child wanders on to that property, across a fenced field or whatever it is, under the Occupiers' Liability Act he is deemed to have willingly assumed the risk. What if the dog attacks that child and mauls it? Is the member saying the farmer, knowingly keeping a vicious dog, should be any less responsible to that child than an urban person would, keeping the same dog which attacks a child in those circumstances?

That is the greatest difficulty I have in accepting this amendment in this particular case. The Occupiers' Liability Act and the Trespass to Property Act were really designed to give a farmer protection from unknown dangers on his land. I think all members expect a farmer to take reasonable precautions on his farm if he wants to make it safe for himself and for his family, but those who are knowledgeable in the rural community know you cannot take care of every fence and you cannot be sure that every trap or depression in the ground is not hidden, et cetera.

Keeping a dog that has a tendency to bite is a different matter. It is something that is intimately personal to that particular farmer. The act provides that if the person coming on the land should not be there, should not be in the barn of the farmer, and is bitten, perhaps when he is in an enclosed building or something like that—I think that was the example brought forward in the previous debate—then the damages will be mitigated to the extent that the person should not have been there. He had no business being in the barn or wherever it might have been, and if he was there with a criminal intent, then he assumes all the risk, regardless of the results.

I do not think it is too much to ask the farming community to bear this liability when one considers the examples I have put forward. The fact of the matter is that the liability they would be incurring by the examples brought forward by the member

for Huron-Middlesex would not lead to any significant litigation at all, unless serious damage were done to the individual who was bitten. Therefore, I cannot support this particular amendment.

4:50 p.m.

**Mr. McGuigan:** Mr. Chairman, I rise to support the bill which I moved, seconded by the member for Huron-Middlesex (Mr. Riddell). Most of the arguments have been made. I am not unmoved by the arguments made by the member for Carleton-Grenville (Mr. Sterling). I do feel the problem he is trying to address perhaps should be addressed in a separate act that would put controls on the handling of guard dogs.

In my electioneering days—I have been through only one election—I found very few of these guard dogs on farms, although I must admit there were one or two St. Bernards. I cannot recall encountering one of the various exotic breeds brought in during recent years and used by security companies and so on to help guard properties. This is perhaps going to extremes, but it seems to me they are almost in the category of exotic and dangerous animals.

I remember reading one time when someone was speculating on what was the most dangerous animal in the world. Of course, one would immediately say, "It is a lion." The answer was, it was not a lion but a farm bull, because a person approaching a lion would expect a lion to attack, whereas one would not expect the bull to attack because it is rather unpredictable.

The point is that these guard dogs, some of the special exotic breeds, are predictable. They were trained and bred for that purpose. We do not think farmers who keep working dogs, which on most farms are domestic animals, should be penalized because of this recent phenomenon in our society. We are not unmindful of the things the member has said. We just ask that he give us his serious consideration.

**Mr. Lawlor:** Mr. Chairman, I have two points. At the extreme—I admit it is an extreme situation—the legislation could be construed as giving a licence to vicious animals and vicious dogs and—I will even go this far—to the training and maintenance knowingly and deliberately of such an animal, and to be relieved of the responsibility in this context. Admittedly, an overwhelming proportion of the farming community or any other community would not do that kind of thing. They would not acquire animals of that kind. But there would be a handful who

would do so. You would draw it under the amendment as being able to rectify the situation and obtain the damages with respect to it.

The second point I wish to make is that it appears to be a deliberate move to hedge against all possible risks in the context of this legislation. Damn it, we are all exposed to risks all around us if we wish to be fully operative members of the civilized community. I repeat, there is none of us who can set up a tiny, secure preserve for himself against the ongoing world in which we want to enjoy all the benefits but do not wish to expose ourselves to the hazards that world involves.

**Mr. Haggerty:** Mr. Chairman, I was one of those members who raised the matter of the farm working dogs during the second reading debate. I am still concerned about it, but I support the amendment put forward by the member for Huron-Middlesex (Mr. Riddell). The point he is trying to convey is that under the Occupiers' Liability Act there is some responsibility upon the person entering farm property. I think that is the key to this. There is a risk involved when any person—a milkman, the mailman, or a salesman—enters any property, but particularly a farm yard.

I suggest it is a reasonable amendment. I am trying to recall what my household insurance cost me today for liability insurance alone. It is a very expensive item when you get the whole package deal.

**Mr. Eaton:** Liability only costs about \$10 a year.

**Mr. Haggerty:** The member has awfully cheap insurance, I think. I would like to see it, if that is what he has.

**Mr. Eaton:** I'll sell you some.

**Mr. Haggerty:** I think the liability insurance would be increased considerably if the farmer had to have additional insurance to protect somebody entering his property.

As the member for Lakeshore said, there is a risk for everybody today and one risk is entering strange property. I suggest it is a reasonable amendment. I suggested before that this piece of legislation will eventually see signs on farm property, posted right at the entrance of the driveway or the entrance to the property, saying, "No visitors or salesmen may enter." That is what is going to happen with this bill. I can see it coming.

There is a risk. A dog does not have to bite or nip a person. A farm dog sometimes may startle a person coming on to the property. A hedge or evergreens might be there

and a person may be just on the verge of taking the first step on to the property when a dog comes from behind and frightens him. I suggest a dog does not have to bite a person, but an injury could still occur to one who has been frightened.

The bill goes a little too far. There are some dogs that, through breeding over centuries, are trained to become vicious. Those are the dogs I would be more concerned about. Normally a working dog on a farm is never tied up, because nine times out of 10 when a dog is tied up that is when it becomes vicious.

Normally, depending on the owner and the background, the dog will not bite. It is there as a warning to let people know they can just go so far and that is it.

Since my municipality went into regional government, we very seldom see a policeman any more. Years ago we could always count on a police car going by the place. I live in an area where there are a number of farmers who live close to the lakeshore. There are a number of transients walking the roads at night—looking for what? They run short of fuel, they are in there trying to siphon gas from the fuel tanks that are located on a farm. There are many reasons why a farmer in my area needs a watchdog, but not one that is vicious. I can see now that either he is going to be compelled to tie his dog up completely or post his land around saying nobody is welcome—even politicians during election time.

It is a reasonable amendment, and I suggest that the parliamentary assistant take another look at it. What this does, as I interpret it, is put the risk upon the person entering another person's property. It is time that people in our society had respect for other people's property.

5 p.m.

For example, I was not very happy with the Trespass to Property Act introduced in and accepted by this Legislature. It is going to be costly for the property owner to prove that a person is trespassing. I do not think anybody should have the right to cross upon another person's property without first getting permission, and that should apply to hunters and others.

Many people think that because they have a hunter's licence, they can enter anybody's property within a rural community. I suggest that is one of the reasons why farmers do have dogs, an area about which no thought has been given. A number of farmers have lost livestock over the years be-

cause of people hunting on their property, 200 or 300 feet from a building.

I consider this a reasonable amendment, and I hope the parliamentary assistant will consider the amendment put forward by my colleague the member for Huron-Middlesex.

**Mr. Riddell:** Mr. Chairman, I am always interested in the comments made by my urban friends. The problem is, they do not have any money in the poker game. They talk about business, about this act and how there should be a law for one person and something different for somebody else, but they do not have hundreds of thousands of dollars invested in a farming operation.

As I pointed out in second reading of the bill, many large operators keep thousands of gallons of gasoline on their farms; they have expensive equipment; they have expensive livestock and in many cases they have a dog to protect their property. The parliamentary assistant is saying, "All right, Mr. Farmer, if you want to keep a dog to protect the gasoline, equipment and livestock"—and I made mention of the dog kept in the SPF [specific pathogenic-free] pig barn—"then you had better be prepared to assume liability when somebody comes on the farm."

Let me give a personal example. I live on a highway between Exeter and Grand Bend which gets very busy in the summer. There is a lot of tourist trade. One night, past midnight, a car drove in. I got up and looked out the window. The car was parked under the sentinel light with the hood up. I thought, fine, they have had some breakdown with the car and they are using the light to try to repair it; so I didn't do anything. I got up the next morning and, when I went out to the shed, I found that every drop of gasoline had been drained from the tractors in the shed.

Now, they were very smart. One guy stayed and played around under the hood while the other fellow went and drained the tractors of gasoline. What if I had had a dog and the dog had bitten that person? One might say, "Yes, he came on there with the idea of stealing the gasoline." But try to prove that to the judge. The fellow would simply get up in court and say, "Yes I went into the shed, but I went in to try to find a wrench to repair the engine." I get up and I say, "Oh no, he took the gasoline." It is my word against two other people—the chap who did work under the hood and the fellow who went in and stole the gasoline.

This is just one example of what could well happen. If we don't approve this amendment, we are going to have farmers in court

trying to defend the actions of their dogs. Why does the member shake his head. The farmer should not be put to that test. We should not expect him to take the time and money to go to court to try to prove he had a dog that was just carrying out the duties expected of that dog; whether it be a watch dog to protect the property or a working dog used for livestock. I hope the parliamentary assistant will reconsider this amendment.

**Mr. Sterling:** Mr. Chairman, I would like to point out again that the section dealing with the keeping of a dog for purposes of protecting a property is dealt with in section 3(2). If the person is there with criminal intention, with the intention of committing a crime, then if he is bitten it is his own tough luck.

I want to bring to the attention of the members the book written by Dr. Brian Cochrane of Ottawa to which I referred last week, *Your Pets, Your Health, and the Law*. His conclusion is, and I quote:

"Injuries due to dog bites usually involve children. Dog bites occur in 0.45 per cent of the total population [in the United States] and one per cent of all children. Children between the ages of four and 10 are the most frequent victims. Children are small. They love and trust animals and do not recognize the danger signs from a provoked dog. These children will often behave inappropriately with dogs that might be sleeping or feeding. You can rarely alter their behaviour in time to avoid being bitten."

This bill is intended to protect smaller children who do not recognize this major danger. I cannot see why a child who comes on to a farm property should have any less protection from a dog than a child who comes into my home.

**Mr. Eaton:** Especially from your dog.

**Mr. Sterling:** Especially from my dog, the member for Middlesex says.

Mr. Chairman, I find it extremely difficult to support the amendment and cannot do so.

**The Deputy Chairman:** All those in favour of Mr. Riddell's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 3 agreed to.

On section 4:

**The Deputy Chairman:** Mr. Sterling moves that section 4(2) be deleted and the following substituted therefor:

"(2) Where, in a proceeding under subsection 1, the provincial offences court finds that the dog has bitten or attacked a person, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

"(a) that the dog be destroyed in such manner as is provided in the order, or

"(b) that the owner of the dog take such steps as are provided in the order for the more effective control of the dog."

Mr. Sterling further moves that section 4(3) be amended by striking the first three lines and inserting in lieu thereof:

"(3) In exercising its powers to make an order under subsection 2, the court may take into consideration the following circumstances:"

Mr. Sterling further moves that section 4 be amended by adding thereto the following subsection:

"(4) An owner who contravenes an order made under subsection 2 is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000."

The amendments deal with two subsections. I would consent to take them as one amendment. Agreed?

5:10 p.m.

**Mr. Sterling:** Mr. Chairman, the basic intent of this amendment is to make clear in the legislation the power of the court not only to order the destruction of the dog, but also to order more effective control of the dog. Under the legislation as introduced, the actual mechanics of a court proceeding allow a judge to do it but it is not specifically outlined in the legislation and is not self-evident to a member of the public reading the act. I think this is a better way of doing it.

It also means an owner who contravenes an order for controlling the dog can be brought back under a separate offence and is liable to a fine of up to \$2,000. This gets around the problem of going through a contempt proceeding if a person disobeys that order; it penalizes the owner and not the dog specifically in terms of the control of that animal.

It is an attempt to bring in those two ideas. Some of these points were brought out in the debate on the second reading and I reacted to that debate.

**Mr. Breithaupt:** Mr. Chairman, I spoke on this bill on second reading and I recall comments made that an alternative was required to ensure that the only choice was not to destroy the dog. This amendment provides an alternative for effective control and then



places responsibility on the owner if that effective control is not otherwise attended to.

The amendments brought forward are satisfactory and resolve the three stages in a way that will be quite clear to any provincial judge looking at the alternatives and the sequence if the time comes that a certain conviction would be entered. The amendments make good sense and we can support them.

**Mr. Lawlor:** Mr. Chairman, dogs under the common law, which means forever, never had the right to bite anybody, anytime, even once. Why the myth grew up that they were entitled to do that had something to do with responsibility reposed in the owner of the animal. This amendment goes some distance toward a rational responsibility reposed in the owner of the animal, which was the main part of my remarks in the previous session. He has to be held accountable on some basis. If he goes out of the way and renders an animal vicious in order to protect, that flows from him. Dogs are not necessarily malicious from birth, as are some politicians. They do not emerge from the womb growling, so to speak, and seeking to nip the heels of the rest of the citizenry. In any case, this more fully accords.

I am a little puzzled as to exactly why legislation to which long and good consideration was given in the first instance has been altered to this extent. I suspect animal lovers have been in touch with the minister, because there is a certain clemency being extended to the dogs which previously did not exist in this legislation. The new clauses are more palatable, and an obvious concession to dog lovers generally.

It is not quite true that the section, as it stood previously, offered only one remedy, namely, the destruction of the dog. By implication there were other possibilities written into it, but it is better to spell it out when one is dealing with it. The use of the term "effective control" of the dog meets the necessities of the legislation and, by placing the penalty clause there, removes the omnibus power of a judge to drag someone before him to penalize him in some nonindicated way under the broad, general provisions of the Provincial Offences Act should he not carry out to the letter or in any reasonable way the mandate given from the bench for the protection of the public with respect to the known condition of the dog.

We give full accord to the changes that are proposed in this instance.

**Mr. Riddell:** Mr. Chairman, I did not have the benefit of reading the amendment; so I can only go by what I heard.

Do I understand there are two alternatives? The judge can order the destruction of the dog or the judge can say to the owner, "We want you to control your dog better," which may mean the farmer is going to have to keep the dog tied up. Am I correct in the assumption it means either the immediate destruction of the dog or the dog has what we may call a second chance, provided the owner is prepared to keep tight control over that dog?

I can support that. I think the parliamentary assistant has been listening to what we have been saying. He is not as hard-nosed as I thought he was.

**Mr. Lawlor:** It is the other way around. You are giving ground.

**Mr. Riddell:** No, I am not giving ground. I would like to have seen my original amendment passed. However, it is consoling to know the dog is not going to be destroyed immediately if it happens to bite somebody and leave a bit of a gash in the leg or the arm. The parliamentary assistant really has been listening.

**Mr. Sterling:** Mr. Chairman, I want to indicate to the members opposite that I was listening during the second reading debate. I do not think any piece of legislation we bring to this House is absolutely perfect in every possible way. I want to indicate I always will listen to a debate.

**Mr. Lawlor:** You have been pretty obtuse on occasion.

**Mr. Sterling:** I have been on occasion, I must admit. On occasion, I listen as well.

**Mr. McGuigan:** Mr. Chairman, I want to indicate that I support the amendment. I do not have a copy of it before me, but I think it does address one of the points I brought up, the proper control of very vicious dogs whether on a chain or in a proper kennel. I would prefer they be in a kennel.

I want to congratulate the parliamentary assistant. I believe he has addressed some of the concerns we had, and we will support it.

Motion agreed to.

Section 4, as amended, agreed to.

Sections 5 and 7, inclusive, agreed to.

Bill 169, as amended, reported.

5:20 p.m.

#### JURIES AMENDMENT ACT

Consideration of Bill 168, An Act to amend the Juries Act, 1974.

Sections 1 to 6, inclusive, agreed to.

On section 7:

**The Deputy Chairman:** Mr. Lawlor moves that subsection 1 of section 44a of the act, as set out in section 7 of the bill, be amended by striking out "or without" in the second line.

**Mr. Lawlor:** Mr. Chairman, like the owner of the mad dog, I am acting vicariously on behalf of my colleague. The subject is vicarious atonement.

The section in question will read, "Every employer shall grant to an employee who is summoned for jury service a leave of absence with pay." The contention of my colleague is that the people who render public service as jurors ought not to be mulcted in their pay, ought not to end up poorer at the end of the day for having made this particular contribution to the realm. It would mean that employers would have to give recognition to this particular area of public responsibility.

Individuals are not called upon all that often to serve on juries. Jurors have been notoriously neglected here in Ontario with respect to the stipends they can expect to receive. Many businessmen, particularly, are severely hurt as a result of prolonged sittings, both on civil and criminal cases in the province. Some merchants even are threatened with bankruptcy because of very lengthy trials, and the trials tend to get longer and longer in our courts. Conspiracy trials and the complications of the law continued to grow, and more people are injured in this particular regard.

Taking the whole position into account, my colleague wishes to protect individuals in the course of public duty from being hurt financially. There is a great deal of merit in this. I will be interested to hear what the parliamentary assistant says.

**Mr. Sweeney:** Mr. Chairman, before the parliamentary assistant responds to that, may I add something very briefly to it. I concur with part of the amendment. As a matter of fact, I was going to raise this question with the parliamentary assistant. Perhaps I can describe a specific situation that was brought to my attention about a week ago.

A lady called me and indicated that her husband, who earned approximately \$5 an hour working in one of the industrial plants in our area, was called for jury duty for, I believe, four days. He would then have lost approximately \$40 a day for four days. As the parliamentary assistant well knows, he got \$10 a day for his services.

We are not talking of large sums of money either way, but I draw to the parliamentary assistant's attention that a person who is

taking home less than \$200 a week today has to watch every single dollar. Such people do not have money put aside. They do not have a bank account from which they can draw when this type of emergency comes up.

Quite frankly, what this wife and mother was drawing to my attention was, and she said very plainly: "Mr. Sweeney, my family simply can't afford to forfeit approximately \$110 in one week. We don't have it. What we had to do in that case was to cut back on all our expenditures."

What I am trying to draw to the parliamentary assistant's attention is that in this case—I suspect this is not an unusual one—there was a case of genuine financial hardship. I suggest the government of the day has no right to put its citizens in that kind of financial predicament.

When this question came up in committee, the response from the Attorney General (Mr. McMurtry), or maybe it was the parliamentary assistant, was that citizens are expected to perform their patriotic duty and from time to time have to make these sacrifices. Probably there are some people in our society who could afford to make those sacrifices but, at the same time, there are significant numbers of people who cannot afford it. It is as simple as that.

I have one problem with the amendment, though, and that is the case of the smaller businessman who is faced with an additional cost. If he had several employees in this situation, the financial burden on the small businessman could be proportionately equally great. It seems to me, if this amendment were to be accepted, we would require from the government, through the parliamentary assistant or the Attorney General, some mechanism for reimbursing an employer who could demonstrate that a financial hardship was being imposed upon him or her as a result of having to pay out these employees' wages while they were off for any extended period of time.

The point I am trying to make is that I agree very much with the spirit and principle of the amendment for the reasons I have given. At the same time, I think it must be tempered with the other side of the coin, that some employers can be equally affected. If the parliamentary assistant could speak about any mechanism he might have in mind to deal with this situation, I would be pleased to hear it.

5:30 p.m.

**Mr. Breithaupt:** Mr. Chairman, this is indeed an interesting suggestion. It is an

unfortunate one in that the reason for it is that this government is not paying jurors at a proper rate. This is the difficulty and, when one brings this amendment forward, one is also placing an unfair burden on an employer. The day a person is on jury duty, he is not working for his employer. He is working for all of us, for our society and while I do not think he should be at a loss, neither do I think it is fair to shift the burden automatically on to the employer. This is the problem. If this individual, who should be earning a certain rate, is going to be called for jury duty, it is a privilege. Indeed, it is often the case where someone who is called and is unwilling goes through the system, comes out and says, "Gee, that was an interesting experience. I am glad I was involved in it." We want to encourage that, but not at a loss to the individual juror. It is, in my view, unfair to require that there be automatic leave with pay so that we shift the burden of the cost, which could be anything from \$40 to \$100 a day in many circumstances of persons employed in clerical work, skilled tradesmen, or whoever it might be. Unfortunately, by taking out these two words we do not solve the problem in the way I think it should be solved. We shift the burden, and unless there is compensation I do not think we are doing the fair and proper thing.

The answer surely is to raise the jury fees properly so that the commitment to public service might be an acknowledgement of a few dollars less than the average daily pay, but should not be the kind of burden that my colleague from Kitchener-Wilmot (Mr. Sweeney) mentioned in his example. That could well lose a family two-thirds or three quarters of its weekly income. That is not a fair burden to place on anyone.

I regret this amendment does not place the burden any more fairly, because it shifts it on the employer. There are many employers who, I am sure, make up the difference. That, I think, is first-rate. But there are others who may not be able to afford to, and we should not presume that the costs of the administration of justice have to be handled in that way.

I realize the importance of it, and the point that is being made. I am afraid to say that I do not think this solves the problem.

Mr. Lawlor: Mr. Chairman, it is all right and passing sweet for the member for Kitchener to plead the aspect of the government's not bearing its element of responsibility. The juror, the employee, has been,

remains and, as far as any moves that I see coming from any direction, would still be the goat.

Down through the ages—and it seems that long since my friend and I have been here—we have seen every set of estimates under the Attorney General's ministry proposing to raise jurors' fees. For 14 years they have not been raised by an accretion. They are no way in line with the market. It is one of the running sores of the Attorney General's estimates and ministry. If there is somebody to be victimized, all we are doing is trying to lift the burden off those who are most injured in this context.

I despair of the Attorney General. That is my initial proposition. From there you say, "Where will the weight fall in this context?" In most cases the whole of it will fall on the employer who can bear the burden and will accept it. In most union contracts it does so at the present time. So we are not making anything very overweening, and we are at least making a gesture to alleviate it.

Mr. Worton: Mr. Chairman, I would like the parliamentary assistant to the Attorney General to look at the proposals that have been put forth by the member for Kitchener (Mr. Breithaupt) and the member for Kitchener-Wilmot (Mr. Sweeney).

Last week it was brought to my attention that in the contract negotiations for a unionized plant it was indicated they would receive pay while they served on jury duty. One gentleman in particular had waited around, I believe, for five days to be chosen. Out of 60 jurors I believe they were choosing 12, and it took five days to do that. The contract in this instance did not cover this. He just got the regular \$10 a day for doing that. The contract did not cover those employees of the Kitchener firm while they were being chosen. I think the Attorney General should look at an adequate remuneration paid through his or another ministry for people who give up their services for jury duty.

Mr. Sterling: Mr. Chairman, most of the arguments have already been made. First of all, I would like to indicate that the pay is \$10 per day for the first 10 days and \$40 per day if it goes beyond that.

I do want to point out to the member for Kitchener-Wilmot that, in speaking on the second reading, I expressed the very same concern that has been brought forward by his particular constituent. That is, the present rate structure really does penalize the fellow who is making \$5 an hour. In most cases

where the person is earning more than that, he is protected by a contract or some other way in terms of being paid while he is on jury duty.

The Attorney General does not make any excuse for it. It was raised to \$40 per day, I think a year and a half ago, after the 10-day period. The Attorney General does not think that is enough. We are going to raise the issue again with the people who control the purse strings of this province, because I am not satisfied.

**Mr. B. Newman:** Doesn't anyone listen to the Attorney General?

**Mr. Sterling:** They listen to him quite often. In this particular case he has not had his way. Following the second reading, he indicated to me he will try again. I will bring forward to him the comments made by the members of this Legislature.

I want to bring to the attention of the member for Kitchener-Wilmot that under section 5 of this particular act, the sheriff can excuse a person for whom serving as a juror may cause serious hardships or loss to him or others. He is put on the next session. That postpones the inevitable, but it may be a small amount of solace that he can postpone it to a time when he can—

**Mr. Kerrio:** Save some money.

**Mr. Sterling:** He might be able to save some money but he might also be able to get time off at a particular time during the year when he is not normally employed or whatever.

The jurors' pay is controlled in the Administration of Justice Act and is the subject of that act. I agree with the member for Kitchener in that I do not think it is a duty of the employer to pay. I think it is a duty of the state. I think the criticism is well founded in terms of the amount a person is receiving per day. I accept that criticism.

**Mr. Chairman:** Those in favour of Mr. Lawlor's amendment will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Lawlor:** Instead of falling back and simply reclining against that enormous defeat, I just bounce back to the next one. I have an amendment to add a section 1a to the legislation.

**Mr. Chairman:** Mr. Lawlor moves that section 44a of the act, as set out in section 7 of the bill, be amended by adding thereto the following subsection:

"(1a) Notwithstanding section 39, a person whose employment consists of administering and providing daily services to a household, and who does not receive a wage or salary for this employment, is eligible to be paid a fee, less the juror's fee, in an amount fixed by the Lieutenant Governor in Council sufficient to pay the cost of reasonable homemakers' services during the period of the person's service as a juror."

5:40 p.m.

**Mr. Lawlor:** Mr. Chairman, this is obviously an extension of the principle we were so eminently successful with in the previous amendment. That having gone through, the sheer logic of the situation will drive the parliamentary assistant to accepting this. If you trim your sails properly, you will adjust to the horizon, but some people get lost in the drink.

Homemakers are increasingly coming to be recognized as individuals for whom some compensation is forthcoming. The family law legislation we put through recently was severely criticized here this afternoon. Incidentally, that is the first severe criticism I have heard. I have heard how wise and Solomonic the judges, particularly of the Supreme Court, are in their construction of that new law and how they have broadened out their rather narrow astigmatic vision with respect to the relationship between a husband and wife.

I had heard nothing but praise for both the legislation and the manner in which it is administered until—glory be to heaven—I heard the inevitable carping dissenting voice that is always in some wilderness—the wilderness of the Ontario Legislature mostly—piping out. It is the beginning of dissidence among us.

This legislation does give recognition to the housewife, just as family law increasingly tends to do. This involves the business of not giving her a monetary value, thinking she has obviously no worth in terms of the only thing, in a capitalist society, by which we judge all persons, things and the works of man: hard cash value. We are not following our own nostrums in not giving recognition to the role of the housewife and to the fact that she, too, is taken out of the home very often for jury duty and locked up for days on end. The family is deprived of her services. A valuation may be placed on them. Sometimes a family is obliged to get substitute housekeeping services during the time in which the mother or the male or female housekeeper is excluded from the

home. In this particular situation, my colleague, in his broadmindedness and imaginative grasp, has brought forward this legislation. I hope this House will give accord to it.

**Mr. Chairman:** Before recognizing another member, I wish to inform the committee that the Speaker has requested that the committee rise and report, as he has an announcement to make to the House.

On motion by Hon. Mr. Gregory, the committee of the whole House reported two bills with amendments.

Motion agreed to.

### SPEAKER'S WARRANT

**Mr. Speaker:** I would like to draw to the attention of all honourable members that I have received a letter as a result of actions taken by the Speaker on the direction of the House. I would like to share that letter with all members. It is addressed to me:

"Re: Warrant issued by the Speaker of the Legislative Assembly on November 24, 1980.

"The purpose of this letter is to outline to you the position taken by the Ontario Securities Commission with reference to the above-described warrant issued by you.

"The commission was established by the Securities Act, 1978, (the 'Act') and its predecessors and, under section 2, 'is responsible for the administration of (the) Act.' The commission in these terms is autonomous, subject to certain reporting requirements flowing from formal investigations. The Minister of Consumer and Commercial Relations (the 'Minister') answers for the commission in the Legislature and the commission is attached to that ministry for the purpose of budget and administrative services. While the commission's director and his staff are members of the public service, the members of the commission are appointed by the Lieutenant Governor in Council. Since the minister has no direct statutory authority over it, the commission thought it important today to draw your attention to the fact that it is the commission's view that, in its terms, the Speaker's warrant does not extend to the commission.

"This position taken by the commission has been formally communicated to both the Attorney General, (the Honourable R. Roy McMurtry, QC) and the Minister of Consumer and Commercial Relations (the Honourable Frank Drea) by correspondence dated, respectively, November 28 and November 27.

"If you concur with the commission's view that your warrant does not extend to it, it would be appreciated if you would issue a formal clarifying statement.

"The commissioners appreciate that, the commission being a creature of the Legislature, you may direct a warrant to the commission. Assuming that this is done and that such a warrant pre-empts the act, the commission has grave concerns and prior to the issuance of such a warrant, would appreciate the opportunity of bringing those concerns to your attention."

The letter is signed, "Yours truly, Henry J. Knowles, QC," who is the chairman of the Ontario Securities Commission.

I have carried out my responsibilities as directed by the House. I appreciate there is not a question before the House to discuss at this time, but I felt I should share the contents of this letter with the Legislature at the earliest possible moment.

I would also like to remind the House that the justice committee that brought the recommendation into the House will be meeting tomorrow morning at 10 o'clock. Since there is no question on this before the House, I see no opportunity to debate the issue right now. But I felt it incumbent upon me to share this communication with members of the House. It may well be that the House leaders may want to discuss the matter and perhaps offer some direction to the committee as to how they may proceed.

**Mr. Nixon:** On a point of order, Mr. Speaker: I wonder if you might not avail yourself of the advice for which you might see fit to ask as to the propriety of the chairman approaching the Speaker directly rather than through the minister to whom he reports.

At the same time, you might indicate what our statutes say as far as the powers of Mr. Speaker's warrants are concerned. It was not my understanding that those warrants applied only to those who were servants of the government of the province, but that they extended beyond that. It would be helpful, perhaps not only to the House leaders but also to all members, if some review of this could be done and you could report to the House in this connection.

It concerns me that the chairman of the securities commission would correspond directly with you rather than through his minister.

5:50 p.m.

**Mr. T. P. Reid:** Mr. Speaker, could I add to that? I support the comments made by

my colleague. I am also concerned that, in view of the fact the committee will meet tomorrow, it seems to me there should be some statement from the Speaker—if I may deign to give him advice—as to exactly what my colleague has said, as to whether you have discussed this matter with the Clerk, the First Clerk Assistant and those who advise you on these matters and what your feeling is in this regard.

The House is not going to sit again until Thursday. It seems to me the committee needs some direction from yourself before that time as to your feeling in this regard. I would suggest, if I may, that some statement should be forthcoming this evening between 8 p.m. and 10:30 p.m.

**Hon. Mr. Wells:** Mr. Speaker, as I take it from that letter, I personally do not see any impropriety in the chairman of the Ontario Securities Commission communicating directly with the Speaker

I think the point made in the letter is that the warrant this House issued was to the Minister of Consumer and Commercial Relations (Mr. Drea) that he produce certain documents. The intent of that letter to you was that he does not have the authority to produce the documents of the securities commission and, if this House wishes to have the documents of the securities commission produced by Speaker's warrant we should ask you, Mr. Speaker, to issue a warrant to the securities commission. I think that is it, purely and simply. That is all he is saying in that communication.

**Mr. Nixon:** You mean the warrant was not directed to the chairman of the securities commission and yet he responded.

**Hon. Mr. Wells:** No. The warrant was directed to the Minister of Consumer and Commercial Relations, asking that he produce certain documents. I think the intention on the part of the chairman of the securities commission is to point out it is his understanding that under the legislation, he is not bound to report to the minister in the sense we might imagine and, if this House wishes documents in his possession, the warrants of the Speaker should be directed to the securities commission. I see nothing wrong in his pointing that out to Mr. Speaker. I think it is now incumbent upon the House to indicate to Mr. Speaker if it wishes the Ontario Securities Commission to produce documents for the justice committee.

**Mr. Renwick:** Mr. Speaker, on the same matter I must say I am somewhat nonplussed, as are some of my colleagues, about the war-

rant of the Speaker issued to the Minister of Consumer and Commercial Relations being replied to by someone else. This is no time to get into an argument about to whom the Ontario Securities Commission is responsible. If the Minister of Consumer and Commercial Relations is unable to respond to the warrant because of some advice he receives or a view taken by one of the boards, agencies and commissions for which he is responsible under the act, surely the proper communication to the Speaker of the assembly is by the minister.

**Mr. Speaker,** I do not want to impose on you in this matter, but I would certainly hope the government House leader (Mr. Wells), who has come to the defence of the chairman of the securities commission, would convey to his colleague the Minister of Consumer and Commercial Relations that he is the person answerable under the warrant. If there are problems in connection with it, the minister should respond to the Speaker, and not a member of the Ontario Securities Commission.

**Mr. Speaker:** I have carried out the wishes of the House. The first and only communication I have had in response to the issuance of that warrant has been the communication I just shared with the House. I want to remind all honourable members that it is not incumbent upon the chair, nor is the chair considered competent, to rule on the constitutionality of any particular action or the legality of any particular action. I am the servant of the House and I await the instruction of the House as to how the chair should proceed further.

If there are any contributions other members might have for the guidance of the House between now and six o'clock, I am prepared to listen. I will be conferring with the Clerk and if there is anything we might do to assist the House in any way or if you have a specific request you would like to put to the chair and its advisers, I would be happy to take it under advisement. I simply did what I thought was incumbent upon me, which is to share the only response I have as a result of the issuance of warrant.

**Mr. Breithaupt:** Mr. Speaker, I have a suggestion that might assist in resolving this matter. Could the government House leader be asked whether he would be able to ensure that the Minister of Consumer and Commercial Relations would appear before the justice committee tomorrow morning at its regularly scheduled time of 10 o'clock, in order that

the committee be able to consider the views of that minister, and perhaps the Attorney General (Mr. McMurtry) as well through his crown law officers, to see whether a separate warrant is appropriate or whether, in the view of the committee—and then of the House, based on a report that would come back to the House perhaps on Thursday—the warrant is sufficiently precise that it should be responded to in accordance with the wishes of the committee and the House? Possibly if that were done, the difficulty that has arisen might be resolved.

**Mr. Speaker:** In the minute and a half remaining, I think I should hear the member

for Etobicoke, who is the chairman of that committee.

**Mr. Philip:** Mr. Speaker, I think it is the role of the committee and its members to decide and request who should appear before it. We are capable of making that decision tomorrow when we meet, and I do not think there is any onus on the Speaker to make those decisions for the committee.

It may well be that we will request the presence of the minister or some other persons who may assist us in our deliberations, but we will make that decision and we will make it tomorrow.

The House recessed at 5:58 p.m.

## CONTENTS

---

Tuesday, December 2, 1980

|  |      |
|--|------|
| Introduction of new member, Mr. Davis .....  | 4841 |
| Re correspondence from prison inmate, Mr. Speaker .....  | 4841 |
| Interest rates, questions of Mr. F. S. Miller: Mr. S. Smith, Mr. Laughren, Mr. Mancini,<br>Mr. Cassidy, Mr. Peterson .....         | 4841 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy, Mr.<br>Gaunt, Mr. Isaacs .....                       | 4843 |
| Plant closures and termination entitlements, questions of Mr. Elgie: Mr. Cassidy,<br>Mr. S. Smith, Mr. Mackenzie, Mr. O'Neil ..... | 4845 |
| Prepayment for health services, questions of Mr. Timbrell: Mr. Cassidy .....   | 4846 |
| OHC rent subsidy, questions of Mr. Bennett: Mrs. Campbell .....  | 4847 |
| Blue Cross advertising, questions of Mr. Timbrell: Mr. Breaugh .....   | 4848 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. Kerrio, Mr. Swart .....   | 4848 |
| Residential services for retarded children, questions of Mr. Norton: Mr. McClellan .....   | 4849 |
| Land-o'-Lakes health centre, questions of Mr. Timbrell: Mr. McEwen .....   | 4849 |
| Italian earthquake, questions of Mr. Wells: Mr. Lupusella .....  | 4850 |
| Ogoki Lodge, questions of Mr. Grossman: Mr. Eakins, Mr. Foulds .....   | 4851 |
| Domtar dispute, question of Mr. Elgie: Mr. Samis .....   | 4852 |
| Dispute at AMR centres, questions of Mr. Norton: Mr. Bradley, Mr. Isaacs .....   | 4852 |
| Petition, Mr. B. Newman .....  | 4853 |
| Notice of dissatisfaction with answer to oral question re plant closures and termination<br>entitlements: Mr. Cassidy .....        | 4853 |
| Point of privilege re correspondence from prison inmate: Mr. Breaugh .....   | 4853 |
| Report, standing committee on general government: Mr. Cureatz .....  | 4853 |
| Report, standing committee on procedural affairs: Mr. Breaugh .....  | 4854 |
| Report, select committee on plant shutdowns and employee adjustment, Mr. McCaffrey .....   | 4854 |
| Motion re standing committee on administration of justice, Mr. Wells, agreed to ....   | 4854 |
| Municipal Elections Amendment Act, Bill 213, Mr. Foulds, first reading .....   | 4854 |
| Third readings, Bills 82 and 185 .....   | 4854 |
| Registered Insurance Brokers of Ontario Act, Bill 118, reported .....  | 4854 |
| Dog Owners' Liability Act, Bill 169, reported .....  | 4860 |
| Juries Amendment Act, Bill 168, in committee .....   | 4865 |
| Re Speaker's warrant, Mr. Speaker, Mr. Nixon, Mr. T. P. Reid, Mr. Wells, Mr.<br>Renwick, Mr. Breithaupt, Mr. Philip .....          | 4869 |
| Recess .....   | 4871 |



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**SPEAKERS IN THIS ISSUE**

---

Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Bradley, J. (St. Catharines L)  
Breaugh, M. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. H. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Eakins, J. (Victoria-Haliburton L)  
Eaton, R. G. (Middlesex PC)  
Edighoffer, H.; Chairman (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Foulds, J. F. (Port Arthur NDP)  
Gaunt, M. (Huron-Bruce L)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Isaacs, C. (Wentworth NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Lawlor, P. D. (Lakeshore NDP)  
Lupusella, A. (Dovercourt NDP)  
MacBeth, J. P.; Deputy Chairman (Humber PC)  
Mackenzie, R. (Hamilton East NDP)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
McClellan, R. (Bellwoods NDP)  
McEwen, J. E. (Frontenac-Addington L)  
McGuigan, J. (Kent-Elgin L)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
O'Neil, H. (Quinte L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Philip, E. (Etobicoke NDP)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Samis, G. (Cornwall NDP)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Sterling, N. W. (Carleton-Grenville PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Worton, H. (Wellington South L)





No. 130

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# Legislature of Ontario Debates

Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, December 2, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

TUESDAY, DECEMBER 2, 1980

The House resumed at 8 p.m.

House in committee of the whole.

## JURIES AMENDMENT ACT (continued)

Resuming consideration of Bill 168, An Act to amend the Juries Act, 1974.

On section 7:

**Mr. Warner:** Mr. Chairman, I believe we are on the amendment by the member for Lakeshore (Mr. Lawlor) to add subsection (1a). I certainly appreciate that my colleague was able to be here to move my amendment. Unfortunately, I was unable to be present this afternoon.

I think every member of House can appreciate why this amendment came forward and why it is worthy of support. The sacrifices that are made by many people, and this instance by housewives, when they are asked to serve on a jury are well-known. In today's world the cost of homemakers' services is quite high. When a housewife wishes to sit on a jury and does so for a week or longer, it is quite a major sacrifice for her and, of course, for her family. I have had brought to my attention a couple of situations with which I certainly sympathized.

In the case of one woman, her husband's job took him away from the city, away from his home, usually a week at a time, so that meant if she was serving on a jury she needed to have someone there to care for her three school-age children and to attempt to run the household in a reasonable fashion when there was no other adult present. Of course, that means a considerable sacrifice, for which the \$10 a day is very little help—the present juror's fee is \$10 a day for those first 10 days of jury duty. That is very little help for a housewife. She is looking, I suppose, at a figure roughly of \$30 to \$40 a day to provide homemakers' services in the city of Toronto. I don't know what it would be in other locations.

We should also consider the similar plight a single-parent mother would find herself in if she were asked to serve on a jury.

One can easily imagine that it creates an extreme hardship for the single-parent mother when she leaves the home. There is no other adult to rely on and, especially if there are school-age children or preschoolers involved, it becomes a very difficult situation.

I am a very strong believer in the jury system, which is an essential part of our system of justice. I believe we must do everything we can to strengthen that system. I don't think we should impose artificial barriers. There is no doubt that the \$10 a day is a barrier for many people. If a person wishes to serve on a jury, there is no way homemakers' services can be supplied for \$10 a day. That is unreasonable, unfair and not in keeping with our spirit of justice.

If we wish to support our justice system as a way in which their peers can judge those who have had a charge laid against them, and if we wish to ensure that barriers are not put in the way of ordinary citizens who wish to perform their duty to fellow citizens in their community, then it only makes good sense to accept the amendment I have placed before the committee. I expect that the principle behind the amendment was just an oversight on the part of the government, so I am more than pleased to have an opportunity to patch up what has likely been an oversight. Thus, I look forward to unanimous agreement on this amendment.

**Mr. Sterling:** Mr. Chairman, I made the argument during second reading of this piece of legislation that no justice system could ever try to repay each member of the public who participated in it. Our feeling was that if we had an amendment to pay these kinds of expenses for housewives who had to leave their children, what about the small businessman who has to leave his business? Does he get repaid for the loss he incurs when he goes to court?

That was the argument I put forward during second reading and I hold to that argument. I would oppose the amendment on that basis. Unfortunately, the member for Scarborough-Ellesmere (Mr. Warner) was involved in a committee this afternoon and was not able to be here during the debate. We

covered basically the same area when we were talking about the other amendment that was put forward by the member for Lakeshore (Mr. Lawlor). The arguments were laid out clearly at that time.

Under the Administration of Justice Act, the Lieutenant Governor now has the authority to do exactly what he would have with this amendment. If the member would refer to the revised statutes of Ontario, 1970, section 7 of that act says: "The Lieutenant Governor in Council can make regulations

"(a) requiring the payment of fees for any thing required or authorized to be done by any person in the administration of justice, and prescribing the amount thereof;

"(b) providing for the payment of fees and expenses for services in connection with the administration of justice;

"(c) providing for any special provision considered necessary in respect of the terms of employment, remuneration, and benefits of persons employed by the municipalities in the administration of justice before January 1, 1968, and becoming employed by Ontario on that day, or any class thereof."

I am saying the cabinet already has the power. As I mentioned in the debate this afternoon, if a housewife comes and serves on a jury she is paid \$10 per day for the first 10 days and \$40 per day thereafter. The Attorney General (Mr. McMurtry) is trying to seek approval from the cabinet to increase those amounts, especially for the first two weeks, because it does affect a certain class of individual who is not earning a great deal of money.

**Mr. Kerrio:** It is not even minimum wage.

**Mr. Sterling:** I agree with the member for Niagara Falls; I couldn't agree with him more.

**Mr. Kerrio:** Let us do something about it.

**Mr. Sterling:** I think we should do something about it and I hope he will bring pressure to bear on this government to change those areas. I am saying the Attorney General is trying to bring those pressures to bear to change this part of our justice system around.

8:10 p.m.

When one brings forward any kind of fee, it is an expenditure that must be considered with all the other priorities and expenses of this government. I am not in a position either to defend or prioritize those particular expenditures.

The amendment brought forward by the member for Scarborough-Ellesmere through his friend the member for Lakeshore should be dealt with in terms of a blanket fee that is paid to every juror who appears during

the day. To make specific expense allowances for this or that type of occupation, in my view, is not correct. I do not know how one measures one against the other. Therefore, I would oppose this amendment at this time. I would indicate I have no idea of the financial implications of the type of amendment put forward.

**Mr. Warner:** Mr. Chairman may I say briefly, because I do not want to prolong it, it is obvious the parliamentary assistant is going to vote against motherhood. That is his right and privilege. I would point out to him that the rates have not been increased. He can talk all he wants about there being a provision in some other act. We are not dealing with some other act. We are dealing specifically with the Juries Act. We are dealing with wording which is specific to homemakers. That is the subject at hand. It is not the more loosely worded section he quoted from some other act. We have an opportunity tonight to improve the lot of those housewives who serve in the interest of their community and who should be rewarded by being able to provide homemakers' services. He chooses to ignore that plight and to vote against motherhood. He can go right ahead and do so.

**Mr. Chairman:** All those in favour of Mr. Lawlor's amendment to section 7 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 7 agreed to.

Sections 8 and 9 agreed to.

Bill 168 reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill without amendment.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 182, An Act to amend the Municipality of Metropolitan Toronto Act.

**Hon. Mr. Wells:** Mr. Speaker, this bill would accomplish three things, two of which concern transit matters. The bill proposes an amendment to section 79a of the act that would give area municipalities the same power on local roads that Metro now has with respect to Metro roads to designate lanes for buses and other transit vehicles. This was requested by the city of Toronto with the support of Metro and the Toronto Transit Commission.

Another change in the proposed amendment to section 79a would permit councils to define vehicles, in addition to TTC vehicles, which can use reserve transit lanes. This flexibility is desirable because of the several types of transit vehicles that might be given preferential use of such reserve lanes, depending upon the local circumstances.

The second proposed transit amendment would permit the Toronto Transit Commission to operate a transit consulting service beyond the boundaries of Metropolitan Toronto on a self-financing basis, either directly or through a subsidiary. The amendment would provide, further, that any TTC capital investment in a subsidiary for this purpose, beyond a total of \$100,000, would require the approval of the Metropolitan council. The TTC is increasingly recognized around the world as a valuable source of transit operating expertise. Accordingly, as requested by the Metropolitan council, the proposed amendment would permit the TTC to participate, for instance, with the Urban Transportation Development Corporation and the private sector in Ontario's effort to gain a portion of the growing urban transit market in other parts of Canada and abroad.

The bill also proposes amendments that would permit Metro council to delegate to officials the power to issue certain permits and approvals under various sections of the Municipal Act. These include approvals respecting minor encroachments on to roads, the use of boulevards during construction, the placement of objects on sidewalks and the planting of trees. The amendment would permit council to place terms and conditions on the exercise of such delegated authority and would provide for an appeal to council from a decision made by an official in these respects, should there be an objection by the applicant, the resident or ratepayers.

These are the amendments contained in Bill 182.

**Mr. Epp:** Mr. Speaker, I am glad to speak on this bill and indicate that we are going to support it. Part of this act addresses itself to the principle of equality, the right of the lower municipalities, such as the city of Toronto, North York, Etobicoke, York, East York and Scarborough to the same kind of authority as is vested with Metro council.

These rights, as the House leader and Minister of Intergovernmental Affairs has indicated, refer to the reserved lanes on Metro roads for Metro council and for the local roads for the local municipalities. The problem is that we have to wait sometimes

months, and sometimes years and years, before the government sees the wisdom of giving equal rights to the lower municipalities. This is particularly ironic since the people who make decisions at the Metro level are often the same people who make decisions at the local level.

Somehow or other the government feels those at the Metro level possess some kind of greater ingenuity, some kind of greater maturity or some kind of greater wisdom. When they wear one hat at the Metro level, they are able to make these greater decisions for the greater good of Metro, but when they are at the local level, they do not possess the kind of talent necessary to make those wise decisions for the local areas or the residents within the local areas.

I am particularly pleased that the government saw the wisdom of endorsing what the minister has indicated had been a request by the city of Toronto by giving this same authority to the area municipalities. I would hope the government would exercise its prerogative and provide other municipalities across the province in a regional sphere or a regional form of government with the same kind of latitude and permit them to have the same kind of authority possessed at the senior level.

As far as the transit consulting service is concerned, we have no difficulty supporting that. It does seem odd, however, that a public institution is going to compete with private enterprise. But we see more and more of this going on and, as the minister has indicated, the TTC is in an excellent position to provide the expertise often sought by other provinces and other nations. We endorse that.

8:20 p.m.

**Mr. Charlton:** Mr. Speaker, we too are going to support the bill. I will not go through it all again. It is obviously logical in terms of the Toronto Transit Commission that the power the Metro council already has to reserve special lanes for buses should be granted to the area municipalities. We do not have the same surprise in this caucus that public sector businesses would be competing with private sector. We have been telling people that for some considerable time now.

We did have some concerns with section 3 of the bill which deals with the granting of authority to officials. We understand the bind that big government causes for politicians. We have seen it here. I suppose our concern grew out of the further delegating of authority and the tendency to lose sight of accountability on occasion.

We may have considered opposing that particular proposal if it were not for the inclusion of the appeal procedure which is set out in the act. It is an appeal directly to council as opposed to some of the things that we lack here on occasion. An appeal to the full council would, as we see it, force accountability and recognition of the fact of what is occurring back on to the shoulders of council. We have concerns there and we want to express them in terms of the general direction that government tends to take. The delegating of authority from those who are accountable is not always the best approach to be taking.

**Hon. Mr. Wells:** Mr. Speaker, I would like to thank my friends for their support of this bill. We have always believed that equal rights and equal power should apply at upper tiers and lower tiers. I think the only question is that there is a division of powers in a true regional municipality. Rather than exercise certain powers, the lower tiers decide to give them to the upper tier. In Metropolitan Toronto there are local roads in each of the cities and boroughs. Metro decided to establish the bus lanes on the Metro roads and had provision for that. This extends that power to the local municipalities.

We did worry at first when the suggestion that TTC establish a consulting firm was first broached to us that it would be competing with private enterprise, the private section. But when one looks around in the transit field, one soon realizes that all the successful transit operations are publicly owned operations and the expertise lies in publicly owned systems. Therefore, because the TTC ranks probably first among public transit systems in North America, perhaps even the world, it has a great expertise it could put together, particularly with the Urban Transportation Development Corporation, to provide that Ontario and Metro Toronto can sell to Canada, North America and the whole world expertise in transportation that can benefit those areas and also benefit this system here and this province.

I am happy that this bill is to be supported.

Motion agreed to.

Ordered for third reading.

#### REGIONAL MUNICIPALITY OF PEEL AMENDMENT ACT

**Hon. Mr. Wells** moved second reading of Bill 200, An Act to amend the Regional Municipality of Peel Act, 1973.

**Hon. Mr. Wells:** Mr. Speaker, I have a very brief comment on this bill. I think it is self-explanatory. The first section is being enacted at the request of the region and with the concurrence of the cities in the region.

Section 1 of the bill realigns the boundary between the cities of Brampton and Mississauga so that it will now coincide with the southerly limit of the northern link of the parkway belt west design area. The alteration has been effected by a series of reciprocal annexations of small parcels of land to and from both cities. As I say, it is agreed to by Brampton and Mississauga, and this will put the exchange into effect.

Also, section 2 is being enacted at the request of the regional municipality of Peel. Section 2 of the bill provides that the regional council may establish a transportation system for the handicapped without interfering with the rights of the area municipalities to operate public transit systems. The region wishes to institute a system of transportation for the handicapped. At the present time, transportation in the region is carried on by the cities in the region. The present wording of the bill would seem to indicate that if the region established this the legality of the local transportation systems might be in question. This corrects any misunderstanding that might occur.

**Mr. Epp:** Mr. Speaker, we feel both these amendments are reasonable and sensible. We have no difficulty in supporting both of them since they were requested by the region and endorsed by the municipalities.

With respect to the annexations or the boundary changes, I presume consideration has been made as to any services that are crossing the boundaries. If there are such services—water and sewers and so forth—I hope this has all been worked out. Maybe the minister will want to address that matter when he winds up.

As far as service to the handicapped is concerned, I am glad transportation for the general public is remaining at a local level, because we often find when things go regional the costs are astronomical and that more money can be saved when they are at the local level. As far as autonomy is concerned, my experience has been that most municipalities would prefer to have things at the local level rather than at the regional level. With respect to the particular service that is going to be provided for the handicapped, we find no difficulty in supporting this.

**Mr. Charlton:** Mr. Speaker, we also have no serious difficulty with the bill. I just have



a couple of points on the trading of properties between the two municipalities. They both seem to have agreed to this. The member who was just speaking said he hoped the question of services and taking care of any services that at present exist has been thought about and dealt with.

I would suggest to the minister that I hope as well that any tax benefits or disbenefits that will result from the trading of property in terms of the ratepayers involved will be sorted out and, if by no other method, the minister will take care of it under the amendments we are going to make to the Ontario Unconditional Grants Act later this session.

**Mr. Laughren:** Mr. Speaker, I rise to speak on the bill mainly because I see that the member for Cochrane South (Mr. Pope), the minister without a food terminal, is in the chamber. I know he would be very concerned as to whether there is a particular defect in this bill because the people in Timmins—even though I realize this is not a bill that deals with Timmins—are getting increasingly restless about the fact that no bill such as this has been introduced by the member for Cochrane South, the minister without a food terminal, which would allow the city of Timmins to build a food terminal and charge the northeastern region of Ontario to pay for the operating costs. I am wondering if the minister could give us some guidance as to whether the member for Cochrane South, the minister without a food terminal, is going to be taken off the hook from his campaign promises made in earlier years.

8:30 p.m.

**Hon. Mr. Wells:** Mr. Speaker, I believe we are dealing with a bill concerning the regional municipality of Peel. I would rather limit my remarks to that tonight than run the risk of being called out of order for dealing with some other section of this province.

If there are any problems concerning sewers, et cetera, I think section 14 of the Municipal Act lets the Ontario Municipal Board deal with them if they arise. I would have to believe that the city of Brampton and the city of Mississauga looked into these arrangements before they came to us and suggested this realignment. The change involves about 450 acres of the city of Brampton and 207 acres of the city of Mississauga. I believe before it came to us these problems would have been taken care of. If they were not, as I say, they can be taken care of under the sections of the Municipal Act which would allow the OMB to take care

of that. I am happy the members are supporting the bill.

Motion agreed to.

Ordered for third reading.

#### ONTARIO UNCONDITIONAL GRANTS AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 199, An Act to amend the Ontario Unconditional Grants Act, 1975.

**Hon. Mr. Wells:** Mr. Speaker, this bill will bring the Ontario Unconditional Grants Act, 1975, up to date by reflecting a shift in emphasis away from areas of local government restructuring to areas where annexations and amalgamations are taking place. The bill proposes to provide the Minister of Interprovincial Affairs with the authority to provide special assistance to municipalities affected by annexations and amalgamations under the municipal boundaries negotiation legislation now before the House.

I believe we should let the legislation concerning annexations and amalgamations, which is called the municipal boundaries negotiation legislation, be distributed a little more widely before this House deals with it. It is not my intention to deal with that bill before we leave here for Christmas. However, this act and the changes here will bring into line with that new boundaries legislation some of the things in the grants section which are necessary for the new negotiation procedures concerning annexations and amalgamations to work.

These amendments to the Ontario Unconditional Grants Act also enable the minister to vary mill rates to phase in areas affected by the process, that is, affected by the change in boundaries and annexation or amalgamation. In addition, the bill proposes to give the minister more flexibility by authorizing him to pay additional grants to a municipality in circumstances which would result in an undue increase in property tax rather than solely in cases where a municipality has experienced a loss in revenue.

**Mr. Epp:** Mr. Speaker, we will support this bill, but we find the government seems to be giving greater latitude to itself than was originally evident in the bill. However, there are municipalities, particularly in Brantford where we had discussions of annexations and so forth, where there may be reason to have unconditional grants provided.

A few years ago the government had a study chaired by the now Deputy Minister of Intergovernmental Affairs which recommended more unconditional grants. The gov-

ernment seems to have seen the wisdom of that and has now moved about one one-hundredth of an inch toward the unconditional grant side of things. I suppose that is something for the government to do. They are to be complimented on making a great move toward unconditional grants. I am sure they will take a big step backward in the next few months if they get the opportunity. For the moment, we will compliment them on the move they are making.

**Mr. Charlton:** We are all being particularly supportive this evening. We sincerely hope the government will respond in kind later this evening when we are dealing with Bill 191. We are also going to support this bill. As has been suggested, the legislation proposed in this bill loosens up and slightly broadens the approach the government can take under the unconditional grants structure, moving the effects of amalgamations, annexations and any problems that evolve from those actions into section 6(2) of the act.

If we pass this bill for third reading tonight, I suppose the minister will look kindly on any requests from the Premier (Mr. Davis) resulting from any problems that evolve in the annexations and/or trades we just passed in the previous bill.

**Mr. Nixon:** My colleague mentioned there were already some changes in boundaries accomplished by act of Legislature, but not under the general legislation to which the minister referred. These pertain to the city of Brantford and the township of Brantford situation.

I regret to report to you, Mr. Speaker, that in those changes there was one section, referred to as the Greenbrier section of the township of Brantford, that is now incorporated into the city of Brantford and is facing a 100 per cent increase in municipal taxation. It is expected that over a period of about seven years taxes will double beyond certain increases associated with inflation and the improvement of services that might be made available.

I hope the minister will make plans for applying the benefits of this bill, perhaps retroactively since it seems to me there are phases and areas in the Brant-Brantford rationalization that require a more generous disposition. So far, there has not been any tremendous outcry from the citizens because the phasing in of these tax increases is going to take place over five to seven years. As the program gets underway, after the first two years there is certainly going to be a strong outcry from the citizens who find their taxes going up at an inordinately unfair rate.

The minister in presenting this bill is almost putting the cart before the horse. He is initiating tax changes before the general legislation that will form the vehicle upon which boundaries may be changed. I hope he will remember we have had an ad hoc change in the Brant area. I would hope that at least the concepts in this bill, as well as the minister's well-known generosity, will be brought to bear in the best interests of the taxpayers, particularly in the Greenbrier area of Brantford.

**Mr. Laughren:** Mr. Speaker, I rise in support of the bill although not without reservations. I read the bill carefully. I read through sections 1 to 5 and detected a major defect. There is no reference whatsoever in the bill to grants for municipalities that establish a food terminal. When the minister responds, I wonder if he could give us some indication when the city of Timmins finally gets its food terminal, so the member for Cochrane South (Mr. Pope), the minister without a food terminal, will finally be able to see his 1975—or was it 1977?—election promise come true. The people of Timmins are getting increasingly restless and I fear for the safety of the minister.

8:40 p.m.

**Mr. B. Newman:** Mr. Speaker, I want to make a few comments concerning this legislation. I do not find in Bill 190 any attempt on the part of the government to equalize or minimize the loss of revenue over the years as a result of unconditional grants to the municipality from which I come. The minister is aware that the city of Windsor has been shortchanged by some \$30 million over a period of time and has beseeched the minister to attempt to resolve the problem and to pay back to that community in a programmed manner the moneys that are owing to it.

As a result of the city not receiving the unconditional grants that in its estimation it was entitled to, the taxes in the municipality had to be substantially higher than they were. I hope the minister can find some way, if not in this legislation then in some other legislation that he may introduce in the not too distant future, to overcome the problem his government has created for the city of Windsor.

**Hon. Mr. Wells:** Mr. Speaker, let me just respond to my friend from Windsor first. I think that he would have to agree that we have tried to make amends and I think we have done that to some degree in the last couple of years. We have provided Windsor with something perhaps not quite up to its

complete expectations, but certainly it is a step in the right direction towards rectifying some of the problems.

I have to tell him that there is no way that we can, as he puts it, pay back what the city feels it was owed over the past number of years. I think we have to look to the future and I can assure him that in devising the grants for next year, we will pay very close attention to the suggestions he has put forward.

**Mr. B. Newman:** Will you do more than just pay attention to it? Will you send a cheque?

**Hon. Mr. Wells:** We will pay very close attention.

In responding to my friend from the Sudbury area, I would like to say that I think he should have great faith. I am sure that if the member from Timmins or for Cochran South has proposed that a food terminal be established up there, it will be established. I would think the member for Nickel Belt will stand up in this House at some future date and thank the minister very much. He is looking very carefully after all those things in that particular area and I am—

**Mr. Laughren:** I have been getting letters. I have been getting hundreds of letters from constituents.

**Hon. Mr. Wells:** The member has been listening to the wrong people. Since it has general relevance to the province, it may be that something in this bill will help him in that long quest to get the food terminal there, which I am sure will come to fruition.

**Mr. Bradley:** What have you done for St. Catharines?

**Hon. Mr. Wells:** St. Catharines, Niagara Falls, the peninsula—they are always well looked after, always well looked after. I appreciate the comments about the Brant-Brantford township amalgamation and I will be happy to look into any particular small problems that may have arisen as a result of that legislation because we certainly felt that that marked a milestone in developing the new process. If in so doing there was a slipup in the way the grants were handled or the accommodation for the various areas—if we can rectify that, we will certainly look into it.

I thank the honourable members for supporting this bill.

**The Acting Speaker (Mr. MacBeth):** All those in favour of the motion will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Ordered for third reading.

**Hon. Mr. Elgie:** Mr. Pope has some papers to pick up because that sloppy House leader from the NDP has just knocked them over, and I apologize for him, Mr. Speaker.

**Mr. Martel:** It is all this confidential mail I am trying to read.

#### EMPLOYMENT STANDARDS AMENDMENT ACT

**Hon. Mr. Elgie** moved second reading of Bill 191, An Act to amend the Employment Standards Act, 1974.

**Hon. Mr. Elgie:** Mr. Speaker, as the honourable members are aware, on October 14 the government proposed a five-point program to respond to the labour adjustment problems caused by plant closures and layoffs. Part of this program involved the amendment of the Employment Standards Act with respect to manpower adjustment committees and fringe benefits. Bill 191 proposes these legislative changes.

**Mr. Nixon:** On a point of order, Mr. Speaker: I wonder if we might be informed if the shutdown committee has shut down? Would it not make sense if the members of the plant shutdown committee were to be here to listen to the minister?

**The Acting Speaker (Mr. MacBeth):** Is the committee still working? That is up to the committee chairman. I would assume that somebody might inform them, but whether they want to be here or down there is up to that committee.

Will the minister please proceed?

**Hon. Mr. Elgie:** I would like to point out that the present manpower adjustment committees are established on a voluntary basis with the Ministry of Labour cosponsoring the committees along with Canada Employment and Immigration. They are, in my view, an important means by which employers carry out their corporate social responsibilities to their employees.

The committees have had considerable success in assisting displaced persons to find alternative employment. In cases in which committees have been established, more than 60 per cent of the employees, and sometimes many more than that, have obtained alternative employment through their efforts. In most cases employers are willing to cooperate to establish these manpower com-

mittees, although there are cases where they are not. Some refusals are explicable, for example, where a company has a joint labour-management placement program of its own where the employees have found alternative employment, or in the case of bankruptcy, where the plant has been closed and employees have dispersed.

On the other hand, there have been cases in the past in which committees would have been beneficial, but the employer refused to participate. For example, in the 61 cases of complete closure my ministry recorded between January 1 and September 30, there were eight refusals to participate in manpower adjustment committees. Of the 13 partial closures, there were two refusals. The present legislation, that is section 40(5) of the Employment Standards Act, does not clearly establish the minister's authority to require participation in these committees in cases where employers refuse.

In Bill 191, I am proposing to repeal the existing section 40(5) and replace it with a provision that would empower the minister to require participation in and contribution to the expenses of committees in appropriate cases. In taking such action, I would rely on the advice of my special adviser on employee adjustment who will work in conjunction with the federal authority. I should also point out that, unlike the present provision, this authority would extend to all terminations, individual as well as mass.

I would like to emphasize that unjustified nonparticipation in manpower adjustment committees is comparatively rare. I recognize that mandatory legislative instruments are not in themselves the best means to foster and promote co-operation. On the other hand, I believe such an authority is warranted where co-operation is not forthcoming. Quebec has legislative authority similar to the type I am proposing and it is my understanding that the minister has not had to invoke this authority so far. I sincerely hope the existence of the legislation proposed in this bill will be sufficient incentive to promote full co-operation in the important work of the manpower adjustment committees.

The second issue Bill 191 addresses is that of fringe benefits. As I have said in my statement of October 14, in several recent plant closures, employees found themselves without legal entitlement to pension and other benefits to which they would have been entitled had notice been given.

The intent of the Employment Standards Act is clear, namely, to ensure that the re-

quired notice is given. The basic principle established in Bill 191 is that an employee terminated with pay in lieu of notice should continue to receive benefits to which he would have been entitled under the particular contract of employment as though notice had been given. To ensure the effectiveness of the provisions, the bill deems employees to be actively employed during such a period, a stipulation frequently required to qualify for pension and insurance plans.

Finally, the bill provides that the payment of contributions due during the period that notice should have been given can be enforced under part 13 of the act.

It is my conviction that these amendments will help to facilitate the adjustment process, and to alleviate the hardship of employees who are terminated without notice.

8:50 p.m.

**Mr. Van Horne:** Mr. Speaker, I would like to begin by saying something I have said on more than one occasion these last few weeks. That is, I would remind members that when this House reopened on October 6 we all looked forward to a clear and definitive statement from the government as to what it was planning to do to help all of us here in Ontario, particularly the workers in this province who find themselves in the very unpromising position of being *persona non grata* in plants that have been closing or announcing their intent to close.

We were all looking forward to the government taking some definite action to indicate how we could live with the phenomenon of plant closure or industrial dislocation. "Industrial dislocation" is beginning to be a bit of a pet phrase around here. It is something to which we ought to give more than just a little bit of lip service.

Members will recall the press conference that our party held on October 3, and also the press conference held by the third party prior to the opening. Both of us outlined proposals for solutions to alleviate this problem.

In a sense, it was like the air of anticipation prior to groundhog day. Would the groundhog not see its shadow and have the courage to stay out, or would it see its shadow and duck underground again. In fact, when the fall session did open on October 6, we did not see or hear any definite action the government was prepared to take. We had to prod it to get some kind of emergency debate going on this theme. We further had to prod it into a select committee, which we now have, on plant closures.

Our party's feelings toward some of these problems related to plant closure and job

termination are reflected in our private member's Bill 154, which is also an act to amend the Employment Standards Act. As we see it, if we do not bring these amendments on the table at this time, with the proposed recess coming in another week and a half and with the possibility of this House not coming back to do business until some time in the late winter or early spring—and with what is often referred to as the possible spring election—we do not have any guarantee that this House can do anything definite to address itself to these problems unless we do it right now.

We are aware of what happened earlier today when the division bells rang and some of the members on my left felt we were being a little unresponsive. We were certainly not responsive, in their view, to the demands and needs of people in the work force I have referred to who find themselves terminated.

It was our feeling, depending on the ruling this evening, that unless we got that debate on the floor this afternoon we may well not have the opportunity to proceed with it further. As it stands, we are getting a bit of a crack at it now but certainly nothing in depth. So our move this afternoon should not be interpreted as one which would speak against, or in any way negate, the theme of what was discussed at the closure committee last evening, and what was included in the report. That is the whole theme which addresses itself to severance pay.

I want it clearly understood, and I want it on the record, that our party has suggested that on more than one occasion. In no way, and it should not be so interpreted, should it be considered that we are backing away from that theme of severance pay as something absolutely and totally in need of debate at this time.

If we do not do it now, if we let this House rise a week on Friday and members disappear back into the hinterlands of their ridings to wait for something to happen in the spring, I would be prepared to wager—if one legally could in such a parliamentary setting as this, and I do not see the Minister of Consumer and Commercial Relations (Mr. Drea) here to suggest otherwise—having had that moment of jest, I would be prepared to bet very seriously that we would never get back to this theme until after the next provincial election. That is just too far away. We have to address ourselves to the problem and we have to address it right now.

In so far as Bill 154 was, in part at least, a suggestion for ways of amending the problem, I would like to suggest that when this bill gets to committee, if it does, we would very

much like to move some amendments that would address themselves to the inadequacies of the existing Employment Standards Act.

Very briefly, our amendments, which we hope to get to this evening, address themselves to the theme of termination notice. In the first instance, we would suggest that the notice as it now exists, in section 1, would in effect double the present legislation; in other words, two weeks for employees of less than two years, four weeks for employees of two to five years, eight weeks for employees of five to 10 years, and 16 weeks for employees of 10 or more years of service.

Some people have suggested this is not going to assist a company because it would tip the hand of that company in the marketplace if such increased termination notice had to be given. I would ask the question very simply. To what are we addressing ourselves? To the lot or concern of the employer only? Or do we have to address ourselves to the concern of the employee? If we agree the present termination notice is too short, I would submit that by doubling it, even then we may not be doing total service to the employee.

Let me digress for a moment to point out that, in so far as the activity of the plant shutdowns committee is concerned, in the last few weeks a considerable number of witnesses have presented themselves to us who have indicated that—I am speaking now from the side of the union people or the workers—by and large the termination notice was as the law demanded: nothing more, nothing less. I think we had one exception to that, but by and large the employers were sticking to the word of the law. On the other hand, we had only one instance of an employer suggesting to us that the notice period, if it had been changed or altered, would perhaps have adversely affected him in the marketplace.

I would submit again that in other instances we have had a significant number of employers presenting themselves to us and indicating that their results in the marketplace in the past year, the past two or three years, or, in some cases, five or six years, and their success as marketers in terms of profit, both gross and net, was very much on the plus side.

9 p.m.

In other words, we had few instances of bankruptcy or businesses just plain not being able to succeed in the marketplace. Without naming names—they are on the record in the committee hearings—by and large, people who have pulled out or determined they are

not going to stay here are people who have been darned successful. I submit to the minister that the arguments about the increased notice affecting the employer or the market are not good arguments and we could not accept them as valid for not changing the notice period.

Beyond that we have also included or would move later on that the notice, as it applies to the size of the employee groups, would be changed. In this instance, I would point out we would not only seek to change the existing Employment Standards Act in section 40, but also to make an amendment by which we effectively change one of the regulations which would apply to that section. It would be out of order for us to make a move on the regulations so, therefore, we would have to include an amendment that would effectively change that section of the act.

Having said this, I would like to get back to the minister and his few comments about Bill 191. What he has suggested in so far as employers participating in manpower adjustment committees are concerned and making it at his discretion that they "shall"—I think that is one of the operative key words in his amendment—is, I would submit, almost too little and too late.

The government has really got the world by the tail if it wants to use it. I am not sure why it had to bring in such a Caspar Milquetoast amendment at this time when it should have flexed its muscles and said, "Hey, the legislation is there and we are going to make you guys use it." It makes me a little bit more than upset when we have to come here time after time and deal with this type of legislation which is like putting a Band-Aid on a major piece of surgery. It is there. Surely our brain surgeon in this instance does not have to come to us but should have taken it upon himself to do the job. However, he has done it. He has brought this amendment in. We are not going to speak against it. I am simply suggesting it is too late and too little.

As far as the entitlement is concerned, my understanding of the second part of his amendment is that he had the opportunity to use his influence and the legislation as it now exists. Although I am not an expert on legislation by any means, my understanding is that if it was not there in fact, it was there in intent. If it is there in intent, surely the minister could and should have used the intent to make sure such entitlements come to employees who have been terminated.

In conclusion, let me submit that, given the

proper opportunity and given this bill being referred to committee, we will be making amendments in the most sincere way. The work of the plant shutdowns committee has been unique in many ways, unique in the sense we started off with a problem. We started off with little direction, with a time line on us that demanded we act relatively quickly, and with the prospect of this House terminating because of an election within the next few months. We started out with all kinds of handicaps and, in spite of that, I think we have come up with a relatively clear indication of where we must go if we are to do the job.

As I see it, one of the basic things to which we must address ourselves is a handful of definitions. For example, what is closure? The minister and I spoke very briefly about this in the corridors of this building today. We must address ourselves to the ramifications and definitions of that word, in the short term and the long term.

I would hate to see us get sidetracked here tonight in a bit of posturing, or posturing such as we had earlier in the day with one party accusing the other party of trying to defeat the purpose or attract the fancy of the labour movement. Let's forget about that. Let's get on with the business of addressing ourselves to ways and means of assisting those people who find themselves without a job or with the prospect of finishing a job within a very short period of time, with nowhere else to go.

If we do not address ourselves to those basic things, we are doing a disservice to the community we are purporting to serve and we are doing a disservice to ourselves because we are not being honest if that is the way we are going to go. Let's address ourselves to the intent of this, and to the broader issue of how we are going to accommodate the further needs of people who find themselves without a job because some board in Milwaukee or wherever has decided to close its plant in Ontario and leave our people without jobs.

**Mr. Mackenzie:** Mr. Speaker, when I saw the amendments to the bill that the Minister of Labour presented to this House a short while back, I really did not know whether to laugh or cry, quite literally. I finally decided we have to thank the Lord for small mercies because what we are getting in this bill is pretty damned small. I am not sure how serious the government would be about even these Band-Aid measures if it were not faced with a rising tide of concern across this province.

I want to make it very clear that unlike my colleague who just finished speaking for the Liberal Party, I feel very comfortable and happy standing onside with the labour movement on this particular issue because the labour movement has started to raise an effective lobby across this province in terms of what is happening to its members. I really do not see any other groups in our society raising the issues and trying to do something about them.

I am not sure what we would have received in the way of amendments had the minister not been under pressure from rising public awareness and a rather massive demonstration the Ontario Federation of Labour planned and which drew one of the bigger crowds out in the front here. I think he got a feeling for the concerns of workers across this province, because one thing that sure as blazes is coming through in the plant shutdowns committee hearings we are having now is that major decisions in terms of branch plants in this province are not being made in this province or this country. Canadian management has darned little input into the decisions being made. The major companies are not getting hurt; the ones that have come before us, with one exception, have not been hurt one iota. It is the workers involved in those plants where the shutdowns occur who are getting hurt.

9:10 p.m.

I wish every member in this House had been able to sit in today when we had the people from Essex International, the wire company from the town of Dunnville before us, to listen to the words that came from the heart, from the women employees and the two committee members who appeared before our committee. If anybody thinks we have a responsible corporate entity in that case, he is going to have his illusions sorely tried. I know it even got through—if their words are true and I have no reason to believe they are not—to a couple of the colleagues of the minister over there.

Before us we had women like Mrs. Riches, who had 19½ years in that plant, whose husband is on disability and who is the breadwinner in that particular home. She was let go on short notice without so much as a shake of the hand. She had her wire drawing machine moved out from under her within 10 minutes of starting it up to get it warm one morning. She is out and has not a penny of pension, not a penny of severance pay. She got the magnificent additional sum of one month's coverage of her Ontario health insur-

ance plan premiums from that particular company.

Where are the jobs for people who have reached the wrong side of the age gap and who have been in a plant 19½ years? She says: "I have not be able to find a job, and most of the people in this plant have not. What am I going to do with the bills? Where is the Christmas? How do we keep up the payments on our OHIP? What do I do in terms of the very limited income my husband draws on disability?" We do not have answers for her.

Some of the SKF employees with 24, 25 and 26 years were before us and said the pensions they would get when that plant closes down, because of an overseas decision and not because it was in that bad financial shape, will not begin to pay the rent where they live now. They are in their 50s. Where are they going?

The Coombs family from Armstrong Cork receives \$81 a month pension after 12½ years and \$181 pension after 20 some years for her husband, and there is no employment in the Lindsay area. I ask the minister what does this particular bill do for any of those people?

Just maybe in the case of Essex International the mandatory employment committee will give some hope, although I suggest to the minister it would be false hope. There has been almost nobody, barring a few of the men employees with specific skills in that plant, who have found any employment. The manpower adjustment committee is going to do darned little for them. I would like to take a look, because the mandatory adjustment committee is supposedly one of the key provisions.

What happened in terms of Armstrong Cork in the Lindsay area, which is another area where, like Dunnville, there is not employment for the people? What happened in this situation? Where they did have a manpower adjustment committee, there were 54 salaried employees, of whom 38 requested assistance and 17 were placed. There were 217 hourly rated employees, of whom 119 requested help and 29 were placed. One was moved to Windsor where there is already some 20 per cent unemployment. Another problem with this kind of transfer is that people are just not able to cope with moving from small-town rural Ontario to a town that already has serious labour problems.

I do not know what the minister thought he was giving us in mandatory manpower adjustment committees. I will not say it is worthless, but it is not going to help the problem very much, and for almost all the

cases which have been before us, it has not helped. The minister and his officials like to hold out Ford as a success story. There has been some success in the Ford Motor Company operation. I am not sure it is anywhere near as much as the minister likes to make out, but in the Ford case at least, those are people who have some specific skills and who live in the industrial triangle where there may be some small hope of finding employment. I suggest to the minister that to hold out the manpower adjustment committee as one of the answers to the problems we are facing is playing on people's hopes. I am not very proud of it.

In terms of the extension of benefits to cover the period of time when they get pay in lieu of notice, the facts are—whether the minister wants to accept them or not—that most ordinary Canadians who ever thought about it figured they got that kind of coverage anyhow. The minister is doing nothing more than plugging a loophole, one that should have been plugged a long time ago. It is a rather sad effort to assist people who are being hurt because of the plant shutdowns in this province.

It is obvious the answers are much broader and the action needed is much broader than we have in this bill. Maybe we should be thankful for small mercies, but there has to be a little bit more to it than we see here. Certainly, that was the intent behind the motion that was debated and passed in the plant shutdowns committee.

Tonight we are dealing with a Band-Aid bill of the minister's. Can we add something to it? Can we give it some meaning? Can we leave one little additional bit of help for people who end up out of work? Is there a better opportunity than when this bill is on the floor of the House tonight? For that reason we hassled and argued it out in the committee and made the recommendation we did. From the minister's comments this afternoon, I gather he is not prepared to accept it.

The minister must find himself in a difficult position. He has told us constantly that in principle he is not against such a move. Whether the minister realizes it or not, we moved in the committee from a blanket one week, and the scare that gives to small businesses, to cover only those who are covered under the shutdown provisions of the Employment Standards Act, which in effect is more than 50 employees in an operation. I do not know what there is in that recommendation that scares the minister so much. We certainly will be moving such an amend-

ment when we get into committee, to add at least some hope for workers in this bill. Even that is not a heck of a lot.

If the members of this House had all been able to listen to the people from SKF, from Outboard Marine, from Essex—where they did not get so much as a handshake or “We hope you will have a successful future”—they would be ready to be a lot tougher on the minister in this legislation.

The minister himself might have been a little bit more forthright in some protection for workers in this province, protection that the hearings have also shown is sadly lacking. I would hope he is willing to see the amendments to this bill that have been suggested here tonight. That would be precious little justice for the workers involved as an immediate interim measure, but at least they deserve that.

**Mr. Mancini:** Mr. Speaker, I am pleased to have an opportunity to make some comments on Bill 191, An Act to amend the Employment Standards Act, 1974, introduced by the Minister of Labour.

For several weeks I have had the opportunity to sit on the plant shutdowns and employee adjustment committee. We have had before us government officials, government ministers, labour unions and representatives from the management side of corporations. We have appreciated the information that has been brought before the committee, even though some of the information has pointed out to us rather drastically the hardships placed before employees once their jobs are terminated.

9:20 a.m.

There is a basic philosophical thought within the government party that we here in Ontario must attract jobs no matter what the sacrifice of the workers may be, without regard to what would happen to them after a corporation decided to leave or without regard to what would happen to a small community. We have had local officials from communities such as Hanover—we had the mayor of Hanover—and the town of Lindsay.

We can no longer afford to do that. We can no longer afford to think that just because a plant opens up, just because a ribbon is cut by the Premier (Mr. Davis), that plant is necessarily going to bring direct, long-term benefits to the people of Ontario. The profits from the plant, the dividends, the equipment and machinery, which can be written off for tax purposes, can all be shipped out of the country at almost a few weeks' notice and, in some cases, at a few moments' notice.



When we had the Minister of Industry and Tourism (Mr. Grossman) before our committee, many of us took the opportunity to question him as best we could on some of the things Ontario had that were able to attract industry. Many of the things we were able to mention to the minister were directly quoted by myself from the famous fact book he put out approximately eight or 10 weeks ago. It states basically why and how to set up business in Ontario, Canada. The minister, in this fact book—he does not give the page; it is about a third of the way through the fact book—goes on to state, and I quote the following, “Lower labour costs: In 1978, our average hourly pay for workers in industrial production was”—and I am giving the US figure—

Mr. Laughren: What is your position on the minimum wage?

Mr. Mancini: I am still quoting. I am sorry, I was interrupted. I should have ignored the interjection. I will start the quote from the fact book again. It says, “Lower labour costs: In 1978, our average hourly pay for workers in industrial production was US\$6.15 an hour—37 cents an hour less than the US average, from 33 cents to \$1.81 less than the rate in the Great Lakes states adjoining Ontario.” So we can see from the minister’s own fact book there is evidence that corporations have advantages in settling in Ontario. Salaries is one of them.

The minister, in his fact book, goes on to state the minerals we have and the timber, and he says, concerning the matter of energy, which is a very vital matter these days, and I quote again: “Secure energy resources: Ontario provides 20 per cent of all its primary energy requirements. Sixty per cent comes from other parts of Canada and the remainder is secured from neighbouring US sources—more reason for corporations to settle within the province of Ontario.”

On the area of research and development, under the title of “incentives,” the minister tells corporations that companies may write off 100 per cent of current and capital expenditures on R and D in the year of the outlay, a direct benefit to any corporation which does research and development.

There are many benefits which corporations enjoy by settling in Ontario and, because of those benefits, these same corporations should be in a financial position and should be made to give proper notice of layoff, proper severance pay and guarantees of pensions.

We also had the Treasurer (Mr. F. S. Miller) appear before the committee. It was just a few days before he introduced the

famous mini-budget. I was surprised at the lack of information the Treasurer volunteered to the committee. He came basically with no prepared statement, no plan as to how he was going to encourage employment in Ontario and no in-depth thought as to what should happen to workers if they are terminated. He came in, answered the few questions we put to him and hurried off to another meeting. I do not criticize him for hurrying off to another meeting, but I am sure that if the former Treasurer, Darcy McKeough, had appeared before that committee, we might not have liked what he said but at least he would have had the knowledge and ability to give us his own views in concrete terms. He would have told us where he stood on the position.

We have heard from the corporations, as I have stated, and from the unions which represent the workers at these corporations. We went through the case study of Armstrong Cork. We had placed before us facts that told us Armstrong Cork is a subsidiary of an American corporation, Armstrong World, which last year enjoyed profits in excess of \$66 million. We were told by the manager of the Armstrong Cork plant in Lindsay that one of the main reasons the plant was going to be closed was, “because technology had passed us by.”

How can it possibly be that a corporation can make a \$66-million profit after taxes and allow a substantial plant in Lindsay, which is servicing the Ontario and Canadian markets, to allow technology to pass it by? We must conclude that the technology it was buying or the expenditure it was making to upgrade facilities was done in other areas.

We went on and heard the case study of SKF, another huge multinational corporation with extensive profits, with interests all over the world. It had a ball-bearing plant in Scarborough which it is closing. I may add the company headquarters are in Sweden. When the Minister of Labour (Mr. Elgie) gets back possibly he can answer my question. I am sorry; I did not notice, Mr. Speaker, that he was hiding behind your chair—I mean, standing behind your chair—

Hon. Mr. Elgie: I never hide.

Mr. Mancini: —but since he is listening so intently, I want to ask the Minister of Labour if he knows the requirements of plant closures in Sweden.

Interjections.

Mr. Deputy Speaker: Order.

9:30 p.m.

Mr. Mancini: SKF is a huge, multinational corporation that has done well over a period

of time. They have a plant in Scarborough serving the domestic market and therefore avoiding any tariffs that might impede their ability to sell within the domestic market. Now, they are going to close up the operation and serve the domestic market by creating jobs and placing the industry outside of Ontario and Canada. I say that is wrong. I say if these corporations want to serve our domestic market, they have to share the pie with Ontario workers. I would like to hear some comments on that from the Minister of Labour.

We have heard other case studies, such as the closure of the—what was the name of that plant?

**Mr. Hodgson:** Did you forget?

**Mr. Eakins:** There are so many of them; how do you keep track?

**Mr. Mancini:** That is right. The members opposite do not even have a list. It is the Essex International plant at Dunnville. We had five employees before the committee who had many years of service. Most of these employees were females. As we already heard from one of the previous members, they were the sole supporters of their families and were being paid low wages, around the \$4 mark. These are the people laid off or terminated, basically without notice. Basically, they are not even given a handshake as they leave the door after 19 or 20 years' service. People say: "Why can't they move? Why can't they get a job some place else?" How do you expect women who are the sole supporters of their families to move? They may have a disabled husband at home; they may have a family at home. How can we expect them to leave communities like Dunnville and go some place else and make a new start? That is not the answer for those people.

**Mr. Cassidy:** Your friends the multi-nationals, Remo.

**Mr. Mancini:** We voted for the leader of the third party's motion today. He did not even vote for his own motion. We were willing to vote today on what the committee passed unanimously last night, but the two other parties were not.

**Mr. Cassidy:** If you stop speaking, we will put our motion here and we will vote for it here.

**Mr. Mancini:** The member for Hamilton East (Mr. Mackenzie) spoke before I did. He could have put the motion.

We saw the best example today of why the Employment Standards Act needs to be

improved. The case cannot be made more clearly than it was today.

I feel I have come to know the Minister of Labour on a fair basis over the past three or four years. I know he wants to be a compassionate man. I know he wants to be thought of as a fair man. But when we see amendments introduced to the Employment Standards Act that merely make an employment adjustment committee mandatory, that make it mandatory for benefits to be paid during the layoff notice, we have to place the responsibility on the minister's front doorstep and ask him if he went to the cabinet with more and came out with this. If he did, he should resign and give the responsibility to someone who can extract more from the cabinet. Or did the Minister of Labour go to the cabinet and ask only for this? If that is the case, then he should also resign, because he is not carrying out his responsibility to the working people of Ontario.

The select committee on plant shutdowns and employee adjustment is going to continue to sit for another two weeks. We are going to have our interim report ready. We already have a motion before the House which was approved unanimously by that committee. I hope that by the time we adjourn all of our hearings and have our final report written by February 5, we will have an opportunity to debate it in the House as soon as we get back. The Minister of Labour will have had possibly three or four weeks to look over the report before the House is called back. We would expect him to have other amendments to the Employment Standards Act prepared and tabled on the first day we return in 1981.

He has supported the concept of the select committee. I believe if the committee comes up with reasonable, feasible and affordable ideas, it is his responsibility to accept them and put them into legislation so workers who are terminated at least have some type of recognition for the years of service they have given their company.

**The Deputy Speaker:** Does any other member wish to participate in the debate? The member for Quinte.

**Mr. Cassidy:** What is this, Mr. Speaker? Sudden discovery of the fact that there are four million people who work in Ontario? They are ignored by the Liberal Party until an election is imminent.

**The Deputy Speaker:** Order. The member for Quinte.

**Mr. O'Neil:** Mr. Speaker, it is especially interesting in this plant closure committee to

have the leader of the third party come down and to see how very little he has to lend to the actual committee meetings.

**Mr. Cassidy:** I have yet to see the Leader of the Opposition (Mr. S. Smith) down there.

**The Deputy Speaker:** Order. Perhaps the honourable member will return to the bill.

**Mr. O'Neil:** I certainly will. Our leader, for a long time, has shown his great interest in the workers of this province, along with all the members of our party.

It was interesting this afternoon to see the finagling that was going on between that party over there and that party down at the other end. It was really interesting to see them going over to the government House leader and to the minister and going into the government House leader's office—

**Mr. Eakins:** Pulling up the sheets.

**Mr. O'Neil:** Pulling up the sheets a little farther; getting in bed a little deeper.

I just wonder what sort of an arrangement they have made as regards how this bill is going to be handled. Look at that fellow there.

**An. hon. member:** It's a big bed; you can get in too.

**Mr. O'Neil:** No, I do not want to get into bed. I would rather discuss it here in the open.

Interjections.

**The Deputy Speaker:** Please do.

**Mr. O'Neil:** Mr. Speaker, when one gets all those interruptions from over there, it is very hard to keep on the subject.

The committee has been very interesting. I think both our critic and the member for Essex South have given members some of the background. I think when this resolution was brought forward last night and I asked that it be placed before this Legislature, it was a unanimous decision, all except for the chairman. The chairman tried to rule the motion out of order, but all the members of the committee voted that this should be put before the Legislature this afternoon.

It was our fear then, and it is still our fear, that the Minister of Labour would not have permitted a change to come about in this legislation. This is one of the reasons we wanted it discussed this afternoon. One thing it did do was get those fellows in the third party into bed with the Conservatives again; so we may possibly have an amendment approved this evening.

9:40 p.m.

**Mr. McEwen:** They only have one pillow.

**Mr. O'Neil:** Yes, they only have one pillow, but they sure have been sharing it.

I think our critic has put very well the amendments we will propose so that the workers in this province will be covered and will be given proper severance pay when they are given notice of termination. It will be very interesting to see what sort of arrangement the people in the third party and the government have made. We hope this amendment is supported and goes through this evening.

I was also very interested in the comment made by the Minister of Labour this afternoon in this Legislature, saying he was for this in terms of support, as the members of his party and this committee are. As I suggested to him this afternoon, if he and his party do not approve the amendments to this particular bill, it will mean the workers of this province may not be covered for another year or two.

As I say, we look forward in the hope that he and his party will support the amendments that will be put forward.

**Mr. Haggerty:** Mr. Speaker, I want to address myself to Bill 191, An Act to amend the Employment Standards Act, 1974. I want to support my colleague's comments and the amendments he will be moving later on.

On October 3 of this year our leader issued a press release indicating what measures the government should follow in providing additional protection for employees where plant shutdowns occur and layoffs follow. It must provide fair levels of severance pay for employees who are laid off and make pensions a right, not a privilege, for workers. He has made these suggestions before and we will be moving some amendments to the bill.

There has been some discussion about Essex International in Dunnville. That industry has floated about the province. I think it came from southwestern Ontario to Dunnville. Now I understand it is moving back there. One of the reasons is that they are looking for the cheapest labour they can possibly find in any industry.

I also want to talk about the Armstrong Cork closure at Peterborough, where a number of employees will be losing their jobs. If something like this happened on the American side they would not permit an industry like that to close its doors and move out. No, they would not. They would be putting embargoes on their goods.

I suggested to the minister, even to the committee—

Interjection.

**Mr. Haggerty:** If the member for Sudbury East (Mr. Martel) would keep quiet, he might learn something.

They pull out of this country and move back to the United States. With the exchange on the American dollar and the lower wages paid to employees in the United States, they can well afford to pull out of Ontario, go back there, produce the same goods and ship them back across the border here. In this instance I suggest the committee should consider suggesting to the government that embargoes be put on such goods when a multinational corporation pulls out of Ontario and goes back to the United States.

**Mr. M. Davidson:** It was federal Liberal policy that got the textile industry in trouble, you dummy.

**Mr. Haggerty:** We on this side also suggested in that press release that the plant closures should be justified. I do not think the measures put forward in the proposed amendment to the Employment Standards Act, where a committee would be set up by employees and management with perhaps some guidelines by the ministry, are quite strong enough. I do not think that is going to resolve some of the problems employees are facing today, particularly when there is a plant shutdown. There have to be stronger measures than that to justify the plant closures.

Also, I think pensions in the province should be protected and portable so workers can move from one industry to another. They should have been portable and protected long ago; perhaps the member for Sudbury East will recall I have suggested this. I suggest the government has been lax in this area over the years. They have never considered any of these options in the area of pensions. It is to be hoped the government and the Minister of Labour will bring in further amendments to the Employment Standards Act to include portable pensions, secured and guaranteed in Ontario.

I understand the pensions from one particular plant that closed its doors in Ontario are located in Quebec. I do not know whether pensions in Ontario are protected in Quebec, but I suggest that funds generated by employees here in Ontario should remain within the boundaries of the province so that they are well protected.

I support the basic principle of this amendment bill but when my colleague moves the amendments, it is to be hoped we will have a much stronger and more workable bill.

**Mr. M. Davidson:** Mr. Speaker, I rise to withdraw a remark I made regarding the member for Erie. It was in the heat of listening to his remarks. I would prefer to say just that his comments regarding the textile industry are totally misinformed.

**Mr. Peterson:** Mr. Speaker, I do not intend to reiterate the very eloquent remarks of my colleague the member for London North which I support wholeheartedly.

It is not often that I find myself moved by members of the New Democratic Party, but I thought a number of things the member for Hamilton East said tonight were of some importance to this House, as much as I hate to admit that publicly.

I share the view that this is a token contribution to the main problem facing people in these situations today. It is one very small step for mankind, almost to the point of being insignificant. The major lack here is in the area of pensions. I regret very much the failure of the government to address these problems long before now. They constantly hide behind the Haley commission on pensions. It has never been established for sure that Mrs. Haley even lives, let alone runs a commission looking into pension reform in this province. The last I heard is that by December 15 she will publish 10 volumes. That may or may not be the truth, because she is now about a year or a year and a half late. There has always been some excuse—another study, another commission, another select committee looking at things, before some action can be taken.

If we have let down the people who work in this province in any way, it is in the area of pension reform. There have been a number of suggestions. The member for Hamilton East brought in a private member's bill. It was imperfect in a number of details, but nevertheless it spoke eloquently of the need for some pension reform, something I support very strongly. But the government has always said, let's wait and have a study or more study or whatever. That is the way we have principally let down the people in this province.

I suggested to the Minister of Consumer and Commercial Relations (Mr. Drea) a year and a half ago that at least we should start with the disclosure provisions, by enforcing a higher degree of disclosure for pensions in this province. He agreed. He thought it was a wonderful idea and said he would wait for Haley. Then he said, when confronted again, "If Haley does not come down with some specific suggestions this fall, I personally will give my guarantee to bring in legislation

forcing disclosure of pension benefits." He made that solemn promise of full disclosure to this House, and I am sure my colleagues recall that. It is now a week and a half to the end of the session, and we have yet to see that legislation.

There have been some great acts of leadership in this area—one was by Saskatchewan, another was by Quebec—and we are falling rapidly behind. There are a number of areas in which we could start that would not disrupt the work place or our competitive position, when you compare it with the competing jurisdictions with which we have to compete, not only in our own country but also the areas to the south.

9:50 p.m.

I say to the minister as strongly as I can, this is fine, it is okay, we will support it. There is nothing the matter with it as far as it goes, but he is not addressing the real problems. I am concerned and I want to take this opportunity to say it to him publicly and in the House, where he has no alternative but to listen, that as presumably the fair man he thinks he is and certain others, albeit a diminishing group, think he is, he has an obligation to move quickly, fairly and equitably.

There is no one, from the industry to the beneficiaries or anywhere in between across the whole pension spectrum today, who thinks we have intelligent up-to-date laws in this province. That is an area in which he can operate, and it costs the government of this province and the taxpayers nothing; it does not erode our competitive position in any way. But, as the legislators of those trustee monies, we must make sure those monies, which will respond only to legislation by this House, are fairly and equitably dealt with so that a number of issues—the portability, the early vesting, all those issues—can be dealt with fairly and in a hurry.

It is interesting that John Grant, the chief economist at Wood Gundy, said just the other day in an address to the Ontario Economic Council that the lack of early vesting and the lack of portability of pensions is cutting down on the mobility of labour and is a contributing factor to our eroding competitive position here. He believes, as generally a free market economist, that a high degree of mobility among labour, to which a contribution would be made by earlier vesting and portability of pensions, would be a good thing for this province. Let us assume he is right. It is not only good for them, it is good for the beneficiaries of those pensions, and I would say tantamount to a legal right. It

should be a legal right, because clearly it is a moral right.

Before I sit down, I want to ask the minister to please take the recess period to look at the Haley commission. If it does not come down, then I will come over to his office in the recess and give him any advice I can possibly contribute to that overbloated bureaucracy he has over there. I will do whatever I can, but I can assure him the most pressing area requiring reform in this province is the one that is not getting it. Everybody benefits; nobody suffers.

As far as I can determine from my distant vantage point, the only impeding point is the failure of the government to act. God only knows why he is so slow to act in the most important things. I want to tell the minister tonight that as Minister of Labour he has a responsibility, even though I gather it falls under the jurisdiction of the Minister of Consumer and Commercial Relations, but the Minister of Labour must work with him and he must force him to act. He has been avoiding the House lately. I assume he has problems of his own—God knows what they are—but in fairness, he has an obligation to make sure that this single greatest injustice in this whole area which my colleagues have spoken so eloquently about tonight, and my friends to the left have mentioned a little bit tonight, is addressed. I urge the minister to do it and I urge him to do it quickly.

**Mr. Martel:** Mr. Speaker, the name of the game is quite obvious. I want to tell you this afternoon we had a fiasco; and I am going to come to it, because hypocrisy prevails to my right as never before.

Last night, the select committee given the mandate to look into plant shutdowns moved an amendment and presented a report which said workers are entitled to severance pay. Three times during the discussions, I indicated to my friends to my right—and right of the Tories, I must say—if we had a report coming in today that would indicate to the minister where the committee wanted the government to go on this particular issue—

**Mr. Mancini:** You are always having tea with Tom Wells.

**Mr. Martel:** The member for Essex South was not even around, he was busy elsewhere.

**Mr. Mancini:** On a point of order—

**Mr. Martel:** We heard the point of order this afternoon. He was in hospital, getting his back in shape.

**The Deputy Speaker:** What is the point of privilege?

**Mr. Mancini:** Mr. Speaker, on a point of privilege: Earlier today the member for Hamilton East (Mr. Mackenzie) made mention to the people who were at the committee that I was absent on Monday. He made it sound as if I was purposely absent. The member for Sudbury East has done it again. He has told the chamber I was absent from the committee without informing the chamber I was in hospital Sunday night and was unable to be in the chamber on Monday for a very legitimate reason. I resent the fact he would not properly inform the House as to why I was absent.

**Mr. Martel:** We had a consensus in the committee that we would bring the report forward so the minister would understand the feeling of the select committee that severance pay should be included in this piece of legislation. That would give the government an opportunity to respond. We indicated that, because we moved the motion, we were prepared to move the motion in the House if need be. We were hoping the government would understand the feeling of an all-party committee on which there are at least five Conservatives.

**Mr. Mancini:** You voted against your own motion.

**Mr. Martel:** Who has the floor? Me or him?

Interjections.

**The Deputy Speaker:** Order. Order.

**Mr. Martel:** We wanted the government to have an opportunity—

**Mr. Mancini:** You voted against your own motion.

**Mr. Martel:** Will you throw him out?

**Mr. Mancini:** That's the long and the short of it.

**Mr. Martel:** I'd take the gavel you're offering me, Mr. Speaker, but it would bounce. No, I will not say that. It would be too unkind.

We hoped tonight, when we debated the bill, the minister would indicate the government was prepared to move on severance pay. We all know there are plants that are going to close down in January. The minister knows it; we know it. There is no protection for those people. We also know if we come back with a report next February, it will be too late for those workers.

We came into the House this afternoon and the game was on. Let me tell how the game is on. We could debate a report until hell froze over and it would not have resolved a damned thing. Nothing. We could talk until the air was blue but it would not

resolve the problem of workers in this province come January. They wanted to debate a report—big score—so we would not get to the amendment the New Democratic Party has prepared and that would have seen this come to a head. It would have allowed them to vote for severance pay. But they do not want it that way. They want it both ways.  
10 p.m.

**Remember Firestone? We moved things** like that, and our friends were sympathetic with the workers, but they voted against all seven points moved by my colleague the member for Oshawa (Mr. Breagh). They were for portability. They were for all those things, but when it comes time to move into the House to vote on it, where are they? They are putting up speaker after speaker so the amendment cannot be placed. I told the press that this afternoon. I told my friends in the press this afternoon that they want it both ways. They want to say: "Well, the New Democrats are supporting the government. They don't want to debate the report." But I tell you, the report—

**Mr. Van Horne:** On a point of privilege, Mr. Speaker: Before the member for Sudbury East gets himself totally wrapped up in his own rhetoric and forgets a fact or two, I would like to point out that he said very clearly, just a few moments ago, that we did not want severance pay. I would remind him that we introduced on October 6 a private member's bill, Bill 154, of which section 6(a) very clearly pointed out that we were proposing severance pay. In fact, his statement is totally wrong and erroneous. I would ask that he correct the record.

**Mr. Martel:** It is nice to be able to be on both sides of everything. Do members remember Bill 70, the health and safety bill? Do my friends remember that? Their literature in Sault Ste. Marie said all of the workers will be under Bill 70 except agricultural workers. On the very day the by-elections were being held in Sault Ste. Marie, they voted group after group out of the bill. Here we are. It was the same thing with Firestone last June. They are for severance pay. They are for everything, but when it comes to a vote, where it is going to implement that, they refuse to let it get to the House. They refuse to let us come to the House. Here we are tonight with a bill before us with respect to severance pay and they have put up speaker after speaker because they do not want to get to the amendment. They do not want to get to the amendment. They have put up seven speakers in a row. All of them have said nothing.

The member for London Centre (Mr. Peterson) talked about pensions. There will be a bill in the House on Thursday on pensions and he talked for 10 minutes about that. I understand the bill will be in sometime Thursday. The minister is here and they talk claptrap. They do not want to vote on severance pay, because they want it both ways. They want to be for severance pay when there are people at the committee, but when it comes to the House, no deal. They are out of the ball game. They do not want a vote on it. They want to be able to accuse the New Democrats of being in bed with the Tories, but they will not allow it to come to a vote.

For sheer hypocrisy, those beggars take the cake. My colleagues have prevailed upon me to continue. With that in mind, Mr. Speaker, I will attempt to continue this little tête-à-tête that you and I are having.

**Mr. Speaker:** Hopefully, you will return to the principle of the bill.

**Mr. Martel:** We are talking about severance pay, on An Act to amend the Employment Standards Act and the shortcomings in the bill. Let us get to the government side, because they are not much better. As a matter of fact, last evening as we debated this amendment in the committee, we decided that to accommodate those fellows over there, we would meet—

**Mr. Mancini:** They are your friends.

**Mr. Martel:** The member for Essex South voted on it. Oh, the member was away, was he not? He had a bad back and I do not want the member to strain himself.

We moved an amendment to accommodate the member for Peterborough (Mr. Turner) and the member for Sault Ste. Marie (Mr. Ramsay), who I think was there last evening when we voted on it, and the member for Durham East (Mr. Cureatz), who wanted an amendment to modify it so we would not damage the small entrepreneur in Ontario.

We will move to accommodate the concern of the government and the small business community. We will accept or move an amendment which says we will abide by the Employment Standards Act and the regulations thereto, which would start with 50 to 200 workers—that is where the bottom line would be with respect to severance pay. That would not hurt the corner grocer store; that would not hurt restaurateurs and small Ontario businesses employing under 50. It is where notice has to be served that we want to move an amendment with respect to severance pay. That accommodates what the government would like to bring in.

There might be a few who may not want to. I suspect that great free enterpriser, the Treasurer (Mr. F. S. Miller), would oppose it and I suppose also the fellow who occupies seat number one, the globe-trotting mandarin from Toronto. His nose will be out of joint because we would have an amendment that would accommodate the rest, but it does not accommodate those free enterprisers who do not feel corporations have a responsibility.

My colleagues have indicated that for the last three or four weeks we have listened to worker after worker in this province. Workers from SKF Canada Ltd. with—

**Mr. Mancini:** Standing shoulder to shoulder with the Tories.

**Mr. Martel:** There is a worker who, when the company closes in a year, will be 59 years of age. He has 32 years with the corporation and will have a pension of \$229, but that pension will be reduced by six per cent a year for five years because he has to take a deferred pension. If you take 30 per cent off his pension, he is down to about \$160.

I am giving reasons why we think this bill, because even that is not going to help—

**Mr. Breithaupt:** Call the vote.

**Mr. Martel:** The Liberals did a fine job. We could have been through the amendments except they were playing games, which they indicated earlier they would want to do this afternoon.

**Mr. Breithaupt:** You have spoken for 20 minutes.

**Mr. Martel:** And I intend to speak for 20 more.

**Mr. Breithaupt:** We can all go then.

**Mr. Martel:** Why don't you? You haven't contributed anything else. If you leave we might get down to the bill.

**Mr. Speaker,** that particular individual at 59 years of age will have a pension in the neighbourhood of \$160.

**Mr. Nixon:** You spent three quarters of an hour consulting with your Tory friends this afternoon while the bell rang.

**Mr. Martel:** Does he have the floor?

**Mr. Nixon:** It was tea for two. Tell us what the Tory House leader—

**Mr. Martel:** I have to correct the Liberal House leader; it was the Tory whip's office. I want him to be correct.

**Mr. Cassidy:** What a bunch you are. You filibuster for an hour. You are a bunch of hypocrites, that is what you are. A full hour with seven speakers you put on.

Mr. Nixon: Each one spoke five minutes.

Mr. Martel: We see in committee, Mr. Speaker, women such as those who were in this afternoon. After nineteen and a half years, they get no notice. They have been to the Minister of Labour to find out if there is a little game going on, because they gave one notice for a temporary shutdown and then moved on to a permanent shutdown. We do not know if they should be called back to justify that position.

10:10 p.m.

In fact, we just moved for a Speaker's warrant this afternoon requesting that firm to give us the pleasure of their company, because since November 7 they have refused to come. They have been saying since then, "We cannot find the right official to appear." So we moved yet another Speaker's warrant, which will be discussed with Mr. Speaker, to ask Essex International to bring forward their accountants, their books and their papers so we can have a chat with them. That is the sort of response we get.

But the most insidious part of the whole thing is that we have looked at SKF, at Outboard Marine and at Armstrong Cork and the scenario is the same. Each company started five, six or seven years ago to dismantle its operations in this province. SKF and Outboard Marine in particular started to minimize what they were producing in parts. They started to rationalize their production. As they cut back line after line they will reach a point where it will no longer be as profitable for them to operate in this province as they would like.

It is intriguing that SKF is going back to Europe, when we heard of the Red scares that the chairman of that company told us about. The Minister of Industry and Tourism (Mr. Grossman) said companies will not locate in Ontario. SKF is going back to where the laws are much tougher than in Ontario.

Mr. Laughren: What were the Premier and Deputy Premier doing just now? Closing out a plant?

Mr. Martel: What in God's name is this? The Premier and the Deputy Premier in tuxedos?

Mr. Eakins: Elie, have you ever got into bed with a bow tie like that?

Interjections.

Mr. Martel: In each of those operations, over a number of years, the company has deliberately dismantled a successful operation in this province until they reached the point where they said it was no longer profitable,

or sufficiently profitable for them to operate. Yet they are going back to operate in jurisdictions where the labour legislation is much tougher than Ontario.

What is happening? We have the Minister of Industry and Tourism saying, "We cannot get too tough because the climate for investment will not be right," but the workers be damned. They can do without severance pay. They can do without jobs. They can have no protection under legislation. Even this minuscule thing we have before us does nothing.

What is it in the Deputy Premier's lapel? A Christmas tree?

Interjections.

Mr. Speaker: Order. I think the chair has given the honourable member ample opportunity on numerous occasions to return to the principle of this bill. All I have heard so far is what is not contained in the bill. The member knows that is clearly out of order.

Mr. Martel: Mr. Speaker, the problem is that when one looks at this bill it will do nothing to help the workers in the province.

Mr. Speaker: You just proved my point.

Mr. Martel: It is not my bill. If it was my bill it would do something for the workers in the province. In fact, that is what we attempted to do today, and it is what my friends to my right have worked at making sure does not occur. That is allowing the moving of an amendment to bring severance pay into the province to protect the laid-off workers, and they do not want it.

Mr. Speaker: Does any other member wish to speak to the bill? If not, the Minister of Labour.

Hon. Mr. Elgie: I was hoping to get a bouquet to wear in my lapel, Mr. Speaker, but the present owner refused to give me one.

Mr. Speaker: That is not in the bill either.

Hon. Mr. Elgie: Mr. Speaker, there have been many topics covered tonight, both in your presence and without your presence, which ranged far and wide. I think I have an obligation to speak to some of the points.

The government, in what I felt was a very thoughtful way, last October 14 suggested a variety of approaches that it saw as important to try to cope with the reality of the situations and the hardships that were facing people in this province.

The Pension Benefits Amendment Act that my colleague the Minister of Consumer and Commercial Relations (Mr. Drea) will be



bringing in later this week will address in a realistic way—and in a way, I might say, that no other province has done—some of the vital issues that have faced workers in plant shutdowns. I think that is to be commended, not criticized.

I am proposing tonight in this legislation to deal with what were to me and my ministry and to this government two areas of obvious importance. One was the need to be able to require manpower adjustment committees in those situations where they seemed appropriate. We felt that was important and we felt it was important to extend it beyond the situation of mass terminations. That is what this amendment does. It may be “a poor wee thing,” as my friend from Sudbury East says but it’s mine own. I think it is a very important step to improve a situation that faces displaced workers in this province.

The second element of tonight’s bill similarly was one that came to my attention during some of the closures. I can think of situations in Bendix and in the Firestone closures where there were workers within a few weeks or a month or two of being eligible for certain benefits, yet they did not have the luxury of being eligible for them under the present legislation. I proposed therefore that they be deemed to have worked during a period of pay in lieu of notice, so that they might be eligible for those benefits. I think that too, although some may call it “a poor wee thing,” is a major thing and is a big step in the right direction.

We also, felt there needed to be an improved response and a co-ordinated inter-ministerial response to plant closures. We have done that. Steps are under way; Mr. Joyce is appointed; and the committees will soon be starting to act in a more formal way.

Finally, we asked a select committee of this Legislature, in a very thoughtful and considered way, to look at a number of problems that we found a little difficult to solve in any hasty way. We hoped that out of that committee would come, for example, a thoughtful analysis of the problems relating to severance pay as we saw them, and that some relevant advice might come from those thoughtful considerations.

We heard of a committee that decided first of all to look at a case-study approach and then to go on and hear from interested groups and individuals and experts in the area so they could reach those considered opinions. But now we have before us an amendment which has been brought to the

House before those considerations have taken place.

Mr. Martel: By an all-party committee report.

Hon. Mr. Elgie: Let me tell my friend, that is because there is nobody in this party opposed to that principle. He is not going to get anybody back here to say it was against his principle because it is not. What we did ask of that committee was a thoughtful, careful—

Mr. Cassidy: Workers can’t live on principle. They have to have laws.

Hon. Mr. Elgie: The honourable member should just be quiet.

What we asked of that committee was a thoughtful, concerned, informed analysis based on evidence put before the committee by people who had a right to be interested in the problem. The members over there have not done that. I think they did a disservice to this Legislature by not doing that. I say that openly and without hesitation. I think they did a disservice to this Legislature without giving that issue the thoughtful consideration and public input it deserved.

I think the public and those interested will know, when they see the types of amendments that have been introduced tonight, who really cares about the problems that are facing people out there in the work place. It is my submission, and it will be before the committee, that each of these amendments clearly is out of order. We will know who has the sincere interest and who is playing games.

Motion agreed to.

Ordered for committee of the whole House.  
House in committee of the whole.

10:20

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Consideration of Bill 191, An Act to amend the Employment Standards Act, 1974.

Mr. Mackenzie: Mr. Chairman, I would like to move an amendment to Bill 191.

Mr. Chairman: On what section?

Mr. Mackenzie: On section 1.

Mr. Chairman: And the member for London North, on what section?

Mr. Van Horne: Mr. Chairman, I have a series of amendments. The first is to section 1 of the bill.

On section 1:

Mr. Chairman: The member for London North.

Interjections.

**Mr. Chairman:** Order.

**Mr. Martel:** I would ask the Chairman to find out where the amendment fits in that particular section.

Interjections.

**Mr. Chairman:** Order. For the member for Sudbury East's information, there are a number of amendments that have been filed. The member for Hamilton East has one for section 1(1) and the member for London North has amendments for 1(1), 1(2) and 1(3). The member for London North.

**Mr. Martel:** Mr. Chairman, if you had asked, the member for Hamilton East has moved his amendment to section 1(1)(5c) which says—

**Mr. Roy:** That is still after our one.

**Mr. Martel:** No, it is not. It is much before section 4.

**Mr. Nixon:** Section 1(5) is before 1(4)?

Interjections.

**Mr. Chairman:** Order, what section is the amendment by the member for Hamilton East?

**Mr. Mackenzie:** Section 1(1)(5c).

**Mr. Chairman:** The member for London North, what section is your amendment in?

**Mr. Van Horne:** Section 40 of the act, that is, section 1(1) of the bill is the section I have amendments for.

**Mr. Chairman:** Order. Section 1(1). Right. The member for London North.

Interjections.

**Mr. Chairman:** Order. As I understand it, the request from the member for London North is to amend section 1(1).

**Mr. Cassidy:** On a point of order, Mr. Chairman: Does the amendment of the member for London North come prior to section 1(1)(5b)? If that is the case, then clearly he has precedence; if not, then the member for Hamilton East has precedence, as he should have, because this was his amendment originally last night.

**Mr. Chairman:** Order. The amendment, of course, has not been put, but the order that was placed on the table repeals 1(1) and replaces the complete section.

**Mr. Van Horne:** moves that section 40(1) be amended by adding thereto the following subsection:

"Subsection 1 of section 40 of The Employment Standards Act, 1974, being chapter 112, is repealed and the following substituted therefor: No employer shall lay off

or terminate the employment of or lay off an employee who has been employed for three months or less unless the employer gives two weeks' notice in writing to the employee if his period of employment is less than two years; and, further, four weeks' notice in writing to the employee if his period of employment is two years or more but less than five years; and, further, eight weeks' notice in writing to the employee if his period of employment is five years or more but less than 10 years; and, further, 16 weeks' notice in writing to the employee if his period of employment is 10 years or more and such notice has expired."

**Hon. Mr. Elgie:** Mr. Chairman, on a point of order: If I might refer you to Canadian parliamentary procedures, Bourinot states on inadmissible amendments, at page 35 that an amendment is out of order if it is beyond the scope of the bill or beyond the scope of the clause or clauses under consideration.

Members know full well the substance of this bill. It deals—

**Mr. Roy:** The minister should stick to medicine.

**Hon. Mr. Elgie:** I did not do badly in medicine either, and I would like to talk to the member about that, too. He may need some help.

The matters raised in this amendment by the member for London North are not relevant to the clauses raised in the bill that is before the House tonight. The length of termination is not a matter that is raised in the bill before us tonight, nor in any clause of that bill. The matters raised relate to manpower adjustment committees, wages and wages in lieu of notice and benefits ensuing therefrom. They have nothing to do with this matter, and the amendment is totally out of order.

**Mr. Chairman:** Order. It appears there is further discussion and it is now 10:30 of the clock.

On motion by Hon. Mr. Wells, the committee of the whole House reported progress. 10:30 p.m.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Mr. Speaker:** Under standing order 28, a motion to adjourn is deemed to have been made. I will listen to the member for Ottawa Centre for up to five minutes.

**Mr. Cassidy:** Mr. Speaker, I raised this notice of dissatisfaction because of what the Minister of Labour had to say in the House today when he argued that the efforts we

have been making in this House in order to get severance pay were, in his words, premature. The minister has given a whole series of reasons which in my mind are completely unjustified, and I think the minister should have been prepared today to agree to have the amendments that we have been trying all day to bring into this Legislature, but which have been blocked by a systematic effort on one side by the government and on the other side by the Liberal Party in the opposition.

I want to say I am ashamed of the behaviour of the official opposition. They claim they have been trying to bring this matter to a vote. This afternoon they rang the bells for about half an hour in a spurious effort to sidetrack the House when we could have been getting on with the legislation. This evening for a full hour they put up speaker after speaker in an effort to prevent the House getting to vote on or to consider the amendment from the member for Hamilton East (Mr. Mackenzie), which would have had the effect of ensuring before this House rises in a week and a half that we put into the law books under the Employment Standards Act a severance pay provision that will protect workers threatened.

The minister gave a series of reasons. I took the trouble to go back to the statement he made at the beginning of October. The minister said, "We have not consulted enough." The fact is the Ontario Federation of Labour and working people across the province have spoken and said clearly they want to have severance pay. If the minister says he has not had time in eight weeks to garner opinions from management groups across the province, it suggests to me the government has not been doing its job.

The minister said, "We have to dot all the i's and cross all of the t's" The fact is that is done right here. The minister said, "The government is not opposed in principle to the idea of severance pay." Then, for God's sake, surely he should be prepared to debate the matter here. If he has any amendments, he should bring them here into the Legislature rather than engage in a continuing effort to prevent this House making a decision on severance pay before we rise around the middle of December.

The minister says there are reasons that still have to be sorted out: for example, minimum service—that is sorted out right here; for example, the ceiling—the numbers of years are specified here; for example, unemployment insurance—that is a federal question; for example, impartial closure—that is

covered here; for example, small businesses—they are excluded; for example, the question about management—surely the priority is to ensure that the working people of this province who are affected by layoffs and who do not have the financial resources of people in management positions should be protected now.

I suggest that, rather than duck for cover, the minister should have been prepared to state in the House that the government is now ready to translate principle into practice. The workers of this province, who have been laid off—more than 50,000 workers affected by permanent closures and shutdowns since the beginning of this year—cannot live on principles. They cannot live, feed their families, pay their mortgages and look for jobs just on the words of the Minister of Labour. They cannot survive with promises that are not translated into action. They cannot survive on the concern which keeps on coming in such torrents, such floods from the Minister of Labour, but which is not translated into action.

I suggest to you, Mr. Speaker, it is time even now for the minister to respond to the concerns of the New Democratic Party about working people across the province and to say under the Employment Standards Act, "Yes, we are going to do it; it is only fair that workers should get at least one week of severance pay for each year of service when they are affected by a layoff or shutdown."

It is not enough. It is a modest proposal. We should go beyond that, but the least we could do now is to lock that into legislation before this House rises. I call on the minister to reverse the position he enunciated in the House today and to say, "Yes, the government is prepared to do it now." We owe it to the workers of the province.

**Hon. Mr. Elgie:** I think I dealt at some length tonight with the matters raised, but I take exception, Mr. Speaker, to the comment that my concern is reflected in a torrent of tears and little else. I have to say in that area the member has "the poor wee thing," because my record of putting my concerns into legislative and other action is pretty clear and on the record. The member had better stand up and be counted if he is going to say things like that because he is on the wrong wicket.

**Mr. Cassidy:** I stand up to be counted, and I say bring in that legislation.

**Hon. Mr. Elgie:** Sit down, you are on the wrong wicket now, so sit down.

**Mr. Cassidy:** Your own members supported it.

**Mr. Speaker:** Order.

**Hon. Mr. Elgie:** Mr. Speaker, I have made the position of this government very clear. I think that committee deserved to give the issue greater consideration than it has given it. They have an obligation to hear a variety

of viewpoints that exist out there in society and then to reach their conclusions. If the members opposite think saying that means there is less interest and less concern in this government for the working people of this province, then they are trying to play a game on the wrong wicket. That concern is here.

The House adjourned at 10:35 p.m.

## CONTENTS

---

Tuesday, December 2, 1980

|   |      |
|---|------|
| Juries Amendment Act, Bill 168, reported .....  | 4877 |
| Municipality of Metropolitan Toronto Amendment Act, Bill 182, Mr. Wells, second reading .....                             | 4878 |
| Regional Municipality of Peel Amendment Act, Bill 200, Mr. Wells, second reading .....                                    | 4880 |
| Ontario Unconditional Grants Amendment Act, Bill 199, Mr. Wells, second reading ....                                      | 4881 |
| Employment Standards Amendment Act, Bill 191, Mr. Elgie, second reading .....   | 4883 |
| Bill 191, in committee .....  | 4897 |
| Debate re dissatisfaction with oral question re plant closures and termination entitlements: Mr. Cassidy, Mr. Elgie ..... | 4898 |
| Adjournment .....   | 4900 |

## SPEAKERS IN THIS ISSUE

---

Bradley, J. (St. Catharines L)  
 Breithaupt, J. R. (Kitchener L)  
 Cassidy, M. (Ottawa Centre NDP)  
 Charlton, B. (Hamilton Mountain NDP)  
 Davidson, M. (Cambridge NDP)  
 Eakins, J. (Victoria-Haliburton L)  
 Edighoffer, H.; Deputy Speaker and Chairman (Perth L)  
 Elgie, Hon. R.; Minister of Labour (York East PC)  
 Epp, H. (Waterloo North L)  
 Haggerty, R. (Erie L)  
 Hodgson, W. (York North PC)  
 Kerrio, V. (Niagara Falls L)  
 Laughren, F. (Nickel Belt NDP)  
 MacBeth, J. P.; Acting Speaker (Humber PC)  
 Mackenzie, R. (Hamilton East NDP)  
 Mancini, R. (Essex South L)  
 Martel, E. W. (Sudbury East NDP)  
 McEwen, J. E. (Frontenac-Addington L)  
 Newman, B. (Windsor-Walkerville L)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 O'Neil, H. (Quinte L)  
 Peterson, D. (London Centre L)  
 Sterling, N. W. (Carleton-Grenville PC)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Van Horne, R. (London North L)  
 Warner, D. (Scarborough-Ellesmere NDP)  
 Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)





No. 131

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, December 4, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

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THURSDAY, DECEMBER 4, 1980

The House met at 2:01 p.m.

Prayers.

## ESTIMATES

**Hon. Mr. Norton:** Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by his own hand.

**Mr. Speaker:** John B. Aird, the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the service of the province for the year ending March 31, 1981, and recommends them to the Legislative Assembly, Toronto, December 4, 1980.

## CIRCULATION OF LETTER

**Mrs. Campbell:** Mr. Speaker, I am rising on a point of personal privilege. I would like to say that a letter is circulating with the heading, "The St. George NDP Riding Association," signed by John Goyeau. I will read the operative paragraph:

"After 37 years of Conservative government, and with a sitting MPP rapidly losing effectiveness due to age and ill health, the time is ripe for an NDP gain in St. George."

My age is not in question. It is a matter of public knowledge. My effectiveness is undoubtedly a matter of judgement. However, I would like to point out to this House that as late as yesterday, with the concurrence of no less a person than the Solicitor General cum Attorney General (Mr. McMurtry), I am able to say that virtually single-handedly—and he states that is no exaggeration—I forced the establishment by the Attorney General of the liaison committee dealing with conflicts in the family. I am delighted to say, from my knowledge of its consideration of the matter, that that committee is operating very effectively in this serious area.

I was also delighted to have on the record yesterday that as a result of my protests, the police college has amended its curriculum to give insight to police officers in the very delicate fields of both racial relations and family violence.

I regret that those are the only two recent personal achievements of mine.

**Mr. Breithaupt:** Just one busy day.

**Mrs. Campbell:** I have not resolved the problems of acid rain or plant layoffs or the economy.

**Mr. Breithaupt:** But she is working on them.

**Mrs. Campbell:** The honourable member is right. I am going to turn my sights next on those problems.

I must say the NDP has always boasted of being the party of issues. It has boasted across this province of being the party concerned more than any other party with the rights of women. I sat through a debate the other night on the labour bill. I had the unpleasant misfortune of hearing the House leader of that group characterizing the Liberals as hypocrites.

**Mr. Speaker:** Order. Would the honourable member please take her seat? You have made your point. I do not know how much more you can say to express your displeasure as to what has been said about you outside the House, but in the interests of getting on with the business of the House, I am not sure how much longer I should allow the member to continue. I think you have made your point quite adequately.

**Mrs. Campbell:** Mr. Speaker, I would like to conclude. I shall be short. I would just like to say that as far as my ill health is concerned, I found that to be an outright lie. However, I cannot say that in this House, so I went to that other antiquated figure, Mark Twain, to draw to the attention of the House what he said when his death was reported. He said, "The report of my death is greatly exaggerated."

**Mr. G. I. Miller:** Mr. Speaker, on a point of order.

**Mr. Speaker:** Order. What is the member for Haldimand-Norfolk's point?

**Mr. G. I. Miller:** Mr. Speaker, I have a brief here from the region of Haldimand-Norfolk. I want to explain the brief.

**Mr. Speaker:** Order. You are out of order in explaining anything at this time.

## STATEMENTS BY THE MINISTRY

## PENSION LEGISLATION

**Hon. Mr. Drea:** Mr. Speaker, later today I will be introducing for first reading the Pension Benefits Amendment Act, 1980.

As honourable members of this House are aware, the report of the Royal Commission on the Status of Pensions in Ontario is due for release in a matter of weeks. While the entire matter of pension plans will be reviewed after release of that report, recent economic developments make it necessary to address certain problems immediately.

I refer to the problem of plant shutdowns and the subsequent hardship to employees who fail, by a narrow margin of time, to qualify for all the pension benefits negotiated in good faith with their employers. Another problem occurs when an employer decides to terminate a pension plan leaving accrued liabilities not fully funded.

The proposed Pension Benefits Amendment Act will accomplish two things:

First, at the time of termination of a pension plan, employees who are at least 45 years of age and have at least 10 years of continuous service, or who have been a member of a pension plan for at least 10 years—the 45-and-10 rule—would be entitled to exercise one of the following options:

2:10 p.m.

To receive an immediate benefit in accordance with the terms set out in the plan; where the pension plan provides for early retirement, to receive a deferred benefit payable at an early retirement age; to transfer a pension benefit credit to the plan of a new employer, provided the terms of the new plan allow the transfer; to transfer the pension benefit credit to a registered retirement savings plan; or to allow the employee to elect other forms of annuity, for example, joint and survivor benefits.

Second, in the event that a pension plan is terminated and assets are insufficient to meet accrued liabilities under the 45-and-10-year rule, the employer will be liable to fund the difference between the amount of vested benefits and the value of assets in the plan.

A guarantee fund will be established to provide protection for specific pension benefits for members of single employer plans, where an employer is insolvent and unable to meet the financial commitments to continue funding the plan. In this event, the situation would be examined by the Pension Commission of Ontario to determine if this is an insured event under the act. Decisions by the commission of what constitutes an in-

sured event under the act would be subject to appeal.

The guarantee fund, which would be administered by the pension commission, would be financed through an annual premium from employers with pension plans not fully funded. The fund will initially be guaranteed by the Treasurer of Ontario. Pension plans and increases to pension benefits that have been in effect for less than three years are not covered by the guarantee fund.

Under these amendments, employers will also be required to provide plan members with specified information on a regular basis about the members' entitlements. In addition, members wanting more detailed information about the plan will be able to request, and obtain, specified documents and information of a statistical, actuarial or financial nature.

The security of employees' pension benefits is a matter of grave concern to all of us, and we believe the proposed amendments will significantly lighten the burden of economic insecurity on those who may be affected by plant shutdowns and the termination of pension plans.

Effective today, the amendments cover all plan terminations. In order that the government may be able to enact regulations and the commission process claims under the guarantee fund, we ask for swift passage of these amendments.

DURHAM REGIONAL  
ENVIRONMENTAL HEARING

**Hon. Mr. Parrott:** Mr. Speaker, I would like to update the House on the results of today's meeting of the member for Durham West (Mr. Ashe), Ajax Mayor Bill McLean, the new regional chairman, Gary Herrema, and the ministry's director of approvals, Tom Cross.

As I told the members, the meeting was to discuss the Environmental Assessment Board recommendation to proceed on the proposal to convert the Ajax sewage treatment plant into a liquid waste treatment facility. Since the regional municipality of Durham is the proponent of this project, I felt it should have the opportunity to discuss the matter with the director before he made a decision on the board's recommendations. In the normal course, Mr. Cross's decision could take some time, as he would need further details on several of the conditions of approval recommended by the board. Concern was expressed at that meeting that the matter be cleared as soon as possible because of the controversy that now exists in the community.

The consensus of the meeting was that the region, as it is the proponent, should reconsider its position. So it is my understanding that at its December 10 meeting, council will be asked to consider a motion to withdraw its application. I will keep the members in this House informed as to further progress.

### ITALIAN EARTHQUAKE

**Hon. Mr. Wells:** Mr. Speaker, it is a great pleasure today to inform the House that the government has decided on behalf of the people of Ontario to offer significant additional financial help in the amount of \$500,000 to assist in the rehabilitation and reconstruction of those areas of Italy that have been affected by the terrible earthquake of Sunday, November 23 last, and subsequent quakes.

The honourable members will recall that last week we announced as a first gesture, special assistance of \$100,000, which was pledged to the Southern Italy Earthquake Fund Committee. The contribution that I have just mentioned will also go to that committee and this brings our total commitment—this is the commitment of the province of Ontario to that committee—to \$600,000 to date.

At this time I would like to draw to the attention of the House the members of the committee, who are sitting in the gallery: Mr. Angelo Delfino, Rocco Lofranco, Fred Zorzi, Elio Rosati, Johnny Lombardi, Laureano Leone, Antonio Mazzotta, Paul Ariemma, William Villano and Tony Frino.

I think the efforts of this committee and the many who are working with it show real dedication and hard work in organizing quickly and effectively a massive relief effort. The result of their work is a great tribute to the community they represent. More than \$950,000 has been raised through private and corporate donations alone in just the past few days. That is exclusive of the government pledges. Once again the people of Ontario have shown their generosity and willingness to help friends and neighbours in need.

I have communicated personally with someone who has just returned from the earthquake area to substantiate my belief that the really emergency supplies were being received. That was confirmed by this person. The work of this committee and the money pledged by this government and other governments is going to be very important in the long-term rehabilitation and renovation of those towns. That is very significant at this time.

I think all honourable members will want to assure that this community and Ontario continue to show the great generosity they have already shown to those who are raising funds for what will be a very long-term program of rehabilitation. It must not be forgotten in the months ahead as the memory of this very tragic quake goes a little further from our minds.

Our commitment will not be limited only to dollars and cents. We will work closely with the committee in the next few months to make sure reconstruction efforts receive all the necessary help so that those towns and villages now in ruin will again become vibrant communities.

In the coming weeks I am sure there will be people from those 30 towns and villages that suffered destruction who may decide to leave their native Italy and establish a new life here in Canada. I know all those who choose Ontario will be assured a welcome to their new home.

**Mr. Mancini:** Mr. Speaker, I would like to say on behalf of the Liberal caucus, we are gratified by the many hours of work and effort put forward by the committee. We congratulate them for their efforts. We also congratulate the government for seeing to it that a long-term relief fund has been put in place. We know this money will be put to good use and will assist many people who have lost their homes and livelihoods and many things they have cherished. We sincerely hope the victims are assisted in every way possible. Without further ado, we commend the government for its efforts to assist the earthquake victims in southern Italy.

**Mr. Cassidy:** Mr. Speaker, with all other people in Ontario I have been following with anguish the reports coming back from southern Italy in the wake of the earthquakes, wishing we knew what more we could do to help the 300,000 people in villages and towns affected by the disaster.

I also commend the fact that Ontario will be increasing its contribution to the earthquake relief fund. I hope we can do more and that every effort will be made, with the co-operation of the committee, to ensure that the assistance so badly required is there in the hands of people who need it at the very earliest opportunity.

2:20 p.m.

I had the opportunity to meet with the National Congress of Italian Canadians at its annual meeting in Hamilton the other day to express sentiments similar to these. I com-

mend the committee for the excellent work it is doing. I trust the hearts of all people in Ontario will continue to reach out to people in Italy and that the concern of all of us in Ontario will continue to be reflected in a more generous contribution to this relief fund than we have ever made before in the case of a natural disaster outside Canada.

### SPEAKER'S WARRANTS

**Mr. Speaker:** I would like to advise the House that in accordance with the authority given me by an order of the House that passed on October 28, 1980, I have issued two warrants for certain documents requested by the select committee on plant shutdowns and employee adjustment.

### ORAL QUESTIONS

#### NAKINA FIRE

**Mr. Nixon:** Mr. Speaker, I would like to direct a question to the Premier having to do with the continuing inquest and disposition of the matter arising from the tragic and disastrous fire at Nakina 16 months ago.

Since the Attorney General (Mr. McMurtry) has ordered that the inquest continue in spite of charges laid by the parents against two of the employees of the Ministry of Natural Resources—the minister has been absent for a few days, so I could not ask him—would the Premier not feel that, whatever the results of the inquest, it is going to be necessary that a broader and further examination into responsibility and culpability, perhaps criminal if not otherwise, will have to be undertaken?

Is he aware the standing committee on resources development had some brief discussions about this which ended in a report to this Legislature which has yet to be debated and passed, although it is a brief report, simply enabling them to retain legal counsel?

Is it the Premier's intention to assist his members on the government side, dealing with this matter in committee, to go forward with an investigation, or does he feel that, whether or not the inquest continues, some further review, perhaps even by Lieutenant Governor's warrant or commission, might be undertaken so that the matter could be examined impartially and at arm's length?

**Hon. Mr. Davis:** Mr. Speaker, I am a little concerned about some of the words used by the acting Leader of the Opposition. He perhaps did not intend them. I am never one to make that sort of judgement or make that sort of suggestion.

The government quite obviously is concerned about this matter. As I understand it, at the initiative of parents certain charges have been laid and the Attorney General obviously felt the inquest should also proceed. I think it would be premature to prejudge what the inquest may or may not determine. I have no way of judging what the inquest itself will determine. From the government's standpoint, we are as anxious as anyone to have full information and full public understanding of this tragic event.

I have made no predetermination of the suggestion about whether the route to go, depending on the findings of the inquest, is by the committee of this House. Perhaps the opportunity to discuss this by members of the House when the report is debated might provide some insight as to what other members feel as to a route that might be pursued. I emphasize this because I think the honourable member wants the process to move ahead. I do not sense from his question he feels the inquest should be terminated nor am I in a position to prejudge what the findings of that inquest would be.

This is a matter the government will continue to assess. Whatever misunderstanding there is, or if there is not full information—I understand it has all been given to the inquest—we are as anxious as anyone to have this information in the public domain.

**Mr. Nixon:** I hope the Premier is not unduly worried about the words I use. I certainly take full responsibility for them.

**Mr. Speaker,** I simply want to clarify this fact. The inquest has been going on for more than a year. There was a lengthy interruption, since one of the lawyers indicated there was an indication of partiality on the part of the coroner. This went to the Supreme Court of Ontario and the judge, signing his opinion, said there was an apprehension of bias. I think that is quite clear.

After the inquest had been resumed for just a few days, some of the parents withdrew from the inquest—whatever that means—and put forward charges themselves against employees of the government of Ontario. It is not like an ordinary inquest.

I would submit also that if we are going to give some responsibility to a committee of this House to review the matter, it will have to be done within the next few days, if that is the course we want to follow. The report is before the House. I personally feel the inquest is not working as satisfactorily as those parents, and perhaps the public at

large, would wish. I am not at all convinced that a committee of this House is going to give the kind of review and disposition that all of us would seek.

I would simply say, since I have an opportunity to do so in this question, that the Premier ought to be considering the alternative of a royal commission, in a matter that has dragged on for 16 months and must be a tremendous burden for many of the people associated with it.

**Hon. Mr. Davis:** Mr. Speaker, I take notice of the fact that the acting Leader of the Opposition himself has expressed reservations as to whether a committee of the House would be the proper instrument.

**Mr. Roy:** Supplementary, Mr. Speaker, to follow up on my colleague's questions: Could the Premier advise on the effectiveness of an inquest, which, as my colleague has said, has already been challenged once in the courts? The parents have now withdrawn, and criminal charges have been laid. I appreciate that the criminal charges have been laid by individuals—which is quite proper under the Criminal Code.

The question I want to ask the Premier is, how effective in this ambiance can an inquest be, especially when certain people charged under the Criminal Code are not now compellable witnesses in this inquest? I wonder how effective an inquest can be. It could be a problem.

I might just refer you, Mr. Speaker, to section 22 of the Coroners Act, which states, "Where a person is charged with a criminal offence arising out of a death, an inquest touching the death shall be held only upon the direction of the minister, and, when held, the person charged is not a compellable witness." I would just put that to the Premier, and possibly he can refer the question to his colleague the Attorney General.

**Hon. Mr. Davis:** Mr. Speaker, I will refer a part of the question to the Attorney General, who I think would like to give certain information to the honourable member.

I would also make this observation. The member raised a question—and I am not sure the Attorney General heard it—which I find an interesting one; that is, the question of how much validity there is in an inquest being held at the same time as certain people have been charged. One might raise another question: How much purpose is there in a royal commission, when the people who might be the subject of discussion before it have also been charged?

The Attorney General wants to give some information regarding one or two of the parents who also have an interest.

**Mr. Speaker:** I will redirect the question.

**Hon. Mr. McMurtry:** Mr. Speaker, I did not hear the entire question, but I think I heard the substance of it. I believe the member for Ottawa East is concerned about the fact that, charges having been laid, the individuals who have been charged would not be compellable witnesses.

I just wanted to inform the House that the two accused have already both given evidence at length at the inquest. They have already testified, as a matter of fact, on more than one occasion, but their testimony has been concluded. This was a factor I took into consideration when, as Solicitor General, I directed that the inquest continue.

I should also point out that over the weekend, while I was considering this matter, the families of two of the young people who died in the fire sent me telegrams requesting me to direct that the inquest proceed. They believed it would be important to have the recommendations of the inquest jury. I think it is important that the members appreciate that as well. While not the overriding factor, the matter of their concerns in this respect was obviously of great importance to me.

2:30 p.m.

**Mr. Foulds:** Supplementary, Mr. Speaker, and I direct it to the Attorney General, although he could deflect it to the Premier if he so wishes: Is the Attorney General aware that the most recent hiatus in the inquest occurred because of questions being asked about the adequacy of the Ontario Provincial Police investigation? The question I would like to ask the Attorney General is, what forum do we have for a public accounting and questions that legitimately arise about the adequacy of an OPP investigation in such circumstances if it cannot be determined by an inquest, by this Legislature or presumably even by a criminal case in which other employees of the Ministry of Natural Resources are involved?

**Hon. Mr. McMurtry:** I think it is obviously in the public interest that this inquest be allowed to conclude. After the inquest has been concluded, Mr. Speaker, and the recommendations have been tabled by the coroner's jury, then it is up to the House to discuss further whether or not any further hearing would be in the public interest, but I think it is premature to speculate as to the value of that at this time.

## LIQUID INDUSTRIAL WASTE

**Mr. Nixon:** I want to direct a question to the Minister of the Environment having to do with his decision to go ahead with the liquid waste dump at South Cayuga without an environmental assessment. What is he going to do about the fact that the regional municipality of Haldimand-Norfolk has a bylaw, numbered 5000-93-H, which designates the land for the liquid waste site as an agricultural A zone, and which states, and I quote from section 421 of the bylaw:

"No person shall, within any agricultural A zone, use any land or erect, alter or use any buildings or structures for any purposes except one or more of the following uses: an agricultural use or a home occupation farm industry, cemetery or church?"

How does the minister qualify it? As a cemetery?

**Hon. Mr. Parrott:** Perhaps the acting leader will again refer to the facility in its proper term—

**Mr. Nixon:** A repository.

**Hon. Mr. Parrott:** The honourable member should refer to it as what it is and it is no dump. I think the member should start to make the necessary adjustments in his thinking to understand those will be the best facilities the world has ever seen. That might not be a bad place to start.

As far as dealing with the bylaw, the land use, I am sure there are the appropriate provisions within our act and within the powers of the Legislature that we can deal with that problem when it becomes necessary.

**Mr. Nixon:** As a further problem associated with this, I would ask the minister to consider a letter he wrote to Mr. Tony McQuail, RR 1, Lucknow, Ontario, and I quote one sentence:

"Before any site can be approved for development, it will be necessary to follow the environmental assessment procedures, which allow for full public participation through a hearing process, as well as a comprehensive review of alternative technologies and sites." It is signed, "Yours truly, Harry Parrott."

What has happened since the minister wrote to him about his concern for an industrial waste treatment and disposal site in the Huron area? What is the difference? Is it one justice for one part and not for another, or what is the minister trying to do?

**Hon. Mr. Parrott:** In the discussion that took place a week ago today, the member and I had a rather interesting discussion on

whether we were obeying the law and I think he did become persuaded that indeed we were. It is section 41(f), if the member wishes to check it out.

**Mr. Nixon:** The intent of the law is to have a hearing. The minister may set it aside.

**Hon. Mr. Parrott:** The intent of the law is very specific. There is not only the intent of the law at stake here, but there is the safety of our environment which is going to be protected. There is a real problem which must be dealt with, and we are going to deal with that problem. There is no doubt we must deal with that problem.

Members are more than content on that side of the House to procrastinate as much as they possibly can because it might seem to them to be wise to do so. They are wrong. There is a problem that must be dealt with; it must be dealt with with the best technology possible. We are going to take all of those precautions. We are going to do the best we can, and five years from now members opposite will be saying, "Thank goodness somebody took that kind of direct action."

**Mr. Cassidy:** Supplementary, Mr. Speaker: Since the minister has said he makes promises about environment assessment on one hand and then uses a loophole in the act in order to avoid fulfilling his promises on the other, can the minister now inform the House, since he has avoided the question for at least two days running, what precisely is the nature of the hearing that he intends to see take place with respect to the South Cayuga project? What assurance is there that interested parties will be able to look at the evidence, to participate in the hearings and to enjoy the rights that they would have if an environmental assessment took place, as we believe it should?

**Hon. Mr. Parrott:** Mr. Speaker, let me say to you first of all that had the leader of the third party and some of his members made such a concentrated effort—and he does not have to look very far, just a little bit behind and to his right, to find a prime illustration—had they made an effort to make the Environmental Assessment Act work, I think we would all be better served by it. They find it convenient to do what they want, wherever they want, and are not necessarily consistent around this province. I have not yet—

**Mr. Roy:** Why does the minister say different things on different days?

**Hon. Mr. Parrott:** It happens to be the truth. The member for Ottawa East does not always like to hear the truth. Nevertheless, once in a while we have to put the facts on the record.

I have not yet met with Dr. Chant. I will be doing so in the very near future. That was one of the conditions that he talked about that we said we would discuss. I will do that in the appropriate time; I will meet with him and we will answer the question more appropriately later.

**Mr. Cassidy:** On a point of privilege, Mr. Speaker: The minister appears to be levelling an accusation against the member for Welland-Thorold (Mr. Swart). Is that the minister's intention? If so, he should speak clearly and accuse the member for Welland-Thorold of obstructing the environmental assessment. That is an untruth and the minister should withdraw it.

**Hon. Mr. Parrott:** If I were that far away from reality, it did not take the leader of the third party long to figure out my indefinite reference. He was absolutely correct. I did refer to the member for Welland-Thorold.

**Mr. Swart:** On a point of privilege, Mr. Speaker: I would inform the minister when he accuses me of impeding the environmental assessment hearing in Thorold that it was in fact not impeded by me at all, but by some 4,000 people who voted against the project there simply because of the breaking of the environmental law by Walker Brothers.

**Mr. Speaker:** Order. That is correcting the record; it is not a violation of your privileges.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker, to the Premier: In view of the resolution that was presented to the Premier's desk last week, and in view of the brief to the members of the Legislature regarding the South Cayuga hazardous waste disposal scheme, would the Premier rescind the decision of the Minister of the Environment and follow the province's own environmental assessment process, which includes a full environmental study under the terms of the Environmental Assessment Act, an independent public hearing by the Environmental Assessment Board, before proceeding with any such facility?

**Hon. Mr. Davis:** Mr. Speaker, the honourable member, in his usual thoughtful fashion, did in fact provide me with the latest material from the regional municipality. I have not yet had an opportunity to peruse it. I certainly shall do so.

As I conveyed to the member when he had a number of his constituents here at lunch a day or two ago, I share their concern and the concern of the honourable members with respect to the responsibility that any government must have on issues of this sensitivity. I assured them—and the member will corroborate this—that we intend to work closely on the new agency with people within the region and with representatives from the regional municipality itself. We would make every effort to see there was public information.

2:40 p.m.

As the minister has said, it will be the finest facility. I took some time to explain, and I think one or two understood, that we expect agricultural uses could take place right up to the 100-acre site of the plant itself. I noticed one or two of the member's constituents nodding in agreement that this probably could take place.

I want to assure the member so he can convey to his constituents that we understand their concerns. We are sympathetic to the problems they raised. At the same time, it is a major provincial problem that we, as a government, feel is a matter of responsibility that we have to resolve. As I said to the member's constituents then, and I repeat it now, I give them every assurance that this facility will be environmentally safe. There will be no hazards to people who live in the surrounding community and it will be a model for all North America in the treatment of this very serious problem.

**Mr. Speaker:** A new question; the member for Ottawa Centre.

**Mr. G. I. Miller:** Mr. Speaker, may I ask one further supplementary?

**Mr. Speaker:** No.

Interjections.

[Applause.]

**Mr. Cassidy:** I started to think they were banging their desks for me.

#### SPEAKER'S WARRANTS

**Mr. Cassidy:** Mr. Speaker, I have a question for the Premier about the government's handling of the Speaker's warrants with respect to the Re-Mor affair.

Is the Premier aware of the activities of the Minister of Consumer and Commercial Relations (Mr. Drea) and of the Attorney General (Mr. McMurry), who appear to be trying to obstruct the execution of the Speaker's warrant that the justice committee requires for its investigation of the Re-Mor

affair? Is it the intention of the government to produce the required documents and to comply with the warrant that has been unanimously endorsed by the justice committee? It should have every bit as much force with respect to the members of the government as it has for any other citizens of the province.

**Hon. Mr. Davis:** Mr. Speaker, I understand this is to be a matter for some discussion at 3:15 or whenever this question period is over.

**Mr. Peterson:** The sooner the better for you.

**Hon. Mr. Davis:** The member for London Centre (Mr. Peterson) is apparently far more knowledgeable about these trust things than I am. He should tell us all about it. I do not know much about it. Or the member for Kitchener (Mr. Breithaupt) can do so. They know far more about these things than I do.

I take exception to what the leader of the New Democratic Party suggested in the early part of his question. No one on this side of the House is obstructing the fair play, the equity and the preservation of the system. We will have an opportunity to debate this later on this afternoon. This government has nothing whatsoever to hide in terms of the material requested.

I say to the leader of the New Democratic Party—and I look to the member for Lakeshore (Mr. Lawlor), the member for Riverdale (Mr. Renwick) and some of those who have some sensitivity as to the legal process in this province—he should reflect very carefully on what it is he is attempting to do.

We have nothing to hide. The Ministry of Consumer and Commercial Relations has nothing to hide. We do feel we have an obligation to see the proper judicial processes are allowed to proceed in this province. We will have a chance to debate that this afternoon. That is when we will discuss the issue.

I resent the presumption of the leader of the New Democratic Party in suggesting we are obstructing anything. It is time he grew up and understood that in government people do have a responsibility. If he were any kind of man at all he would stand up and apologize.

**Mr. Cassidy:** Before the Premier carries on any further, is he not aware that the reason the justice committee was seeking this documentation was that it was bungling by the government which led to the licens-

ing of the company? It should not have occurred and the government is responsible for the problems that have been suffered by the investors who were bilked. Surely the Minister of Consumer and Commercial Relations or the Attorney General should not be seeking to substitute their opinions for the opinion of the Legislature. If the government has nothing to hide, why does the Premier not say now, "Yes, we will produce the documents; we will have them now." What is he trying to hide?

**Hon. Mr. Davis:** The leader of the New Democratic Party has really made a slip. Here he is accusing us of obstructing—which is totally untrue—saying he wants the committee to have an opportunity, but he has already prejudged the issue in his own mind; he has already said here this afternoon that the government was at fault. How much of an impartial judgement is the committee going to make when the leader of the New Democratic Party, leading that great group at the committee, has already made up his mind as to what happened?

If this documentation is provided, the leader of the New Democratic Party is going to be the most disappointed man in this Legislature.

**Mr. Nixon:** Supplementary, Mr. Speaker: While the Premier makes his low and convenient bows to the arcane procedures associated with sub judice, does he not understand that the members of the committee and all the members of this House should be concerning themselves with those citizens who invested in these companies and lost their savings?

How are we, as a committee, to find out where the responsibility lies unless these papers are provided to the committee? I would think the Premier should apologize for obfuscating the issue in such a serious way. If he is not prepared to make these papers available, he had better see that the Harold Ballard suite is dusted out.

**Hon. Mr. Davis:** Mr. Speaker, I only make this observation to the acting leader of the Liberal Party, who really got into this trap in 1975 and has paid a political price for it ever since, much to our regret on this side of the House—

**Mr. Nixon:** Was that the Fidinam trap?

**Hon. Mr. Davis:** It was just the way the honourable member did it. He really is not that kind of person; I have never believed it.

**Mr. Nixon:** But the Premier is.

**Hon. Mr. Davis:** That is fine. I say to the acting leader of the Liberal Party, it is for



the very reason that we are anxious to protect those people who have been affected in this situation that the Attorney General is being very careful to see their rights are not prejudiced. That is part of this issue. If the members on that side of the House want to forget about them, then those of them who are lawyers do not understand the sensitivity, which I think is extremely unfortunate.

**Mr. Nixon:** Your sensitivity is very convenient. It only comes forward when you want to protect yourselves. This sub justice you dragged here for 10 years.

**Hon. Mr. Davis:** I say this to the acting leader of the Liberal Party, if this material is produced he, too, is going to be disappointed because, as in every issue he tried to raise five years ago, he will find it has no substance. That has been his fatal political flaw in the last six years as a politician in this province.

**Mr. M. N. Davison:** Supplementary, Mr. Speaker: in view of the degree of self-righteousness that the Premier has borrowed from the Attorney General in expressing his party's alleged desire to protect the justice system in this province, is he not concerned about the contempt of his Minister of Consumer and Commercial Relations for the justice committee of this assembly in not following deadlines set by that committee?

2:50 p.m.

Is the Premier not concerned about what I thought was the principle of nonpolitical direction of the police in Ontario? Is he not concerned about the way in which his Attorney General is misusing the Ontario Provincial Police, and his office, to the detriment of the public interest in this province?

**Hon. Mr. Davis:** Mr. Speaker, I think the Attorney General would like to reply to that allegation as to the misuse of the police.

**Hon. Mr. McMurtry:** Mr. Speaker, I would ask the member for Hamilton Centre—or, should I say, the guttersnipe from Hamilton Centre—

**Mr. Speaker:** Order. It does not one any service in this, the highest court in the province, where we are supposed to conduct ourselves—

**Hon. Mr. McMurtry:** This is not a court.

**Mr. Speaker:** I happen to think it is. This is not a place for any member to get up and complain of the actions of another while engaging in the same thing himself. I would like you to withdraw that last comment.

**Hon. Mr. McMurtry:** No, I will not. Mr. Speaker—

**Mr. Speaker:** Are you prepared to withdraw the comment? I will give you the floor if you withdraw the unparliamentary comment.

**Hon. Mr. McMurtry:** What about the unparliamentary comment the member made?

**Mr. Speaker:** I will deal with that, but the immediate problem is the use of the word "guttersnipe."

**Hon. Mr. McMurtry:** All right, Mr. Speaker, I will attempt to find some other term that would be more parliamentary.

**Mr. Speaker:** You will withdraw that one.

**Hon. Mr. McMurtry:** Yes, Mr. Speaker.

**Mr. Speaker:** Now, what is your point of privilege?

**Hon. Mr. McMurtry:** Mr. Speaker, as far as I am concerned, the member for Hamilton Centre has made a very serious allegation against the Attorney General of this province dealing with his integrity. I would like this issue to be dealt with by the House as a whole, in whatever forum he would like to choose. The allegation is that I, as Attorney General of this province, have directed the Ontario Provincial Police to somehow abuse or misuse their responsibilities in this matter. As far as I am concerned, that is an outrageous statement. He has attacked the integrity of the Attorney General. I ask that this be dealt with in the proper forum unless the member is prepared to withdraw that remark immediately.

**Mr. Speaker:** Order. Subject to my checking Hansard to be absolutely certain what it was I heard, I think I heard the member for Hamilton Centre accuse the Attorney General of misusing the OPP. In fairness, and so we can get on with the business of the House, I ask you to withdraw the comment in a spirit of generosity. Let us get on with the business of the day.

**Mr. M. N. Davison:** Mr. Speaker, I would prefer you to take the time to study the uses of the words—

**Mr. Speaker:** I would prefer that the honourable member withdrew the imputation of motives. I would prefer he withdrew it right now.

**Mr. M. N. Davison:** Mr. Speaker, you have ruled that is an unparliamentary use of the English language and I withdraw it on that basis.

## RENT REVIEW

**Mr. Cassidy:** Mr. Speaker, I have a new question of the Minister of Housing regarding the crisis in accommodation which has raised housing prices in Toronto to the point where the average family needs an income of \$37,000 a year to afford an average house, and where people on modest incomes are increasingly having no choice but to be tenants.

Is it the government's intention to keep rent control to protect tenants in Ontario, or is the government considering the removal of rent controls if it wins a majority in the next election, as was hinted by the Treasurer (Mr. F. S. Miller) in his speech to the Housing and Urban Development Association of Canada a few weeks ago in Ottawa?

**Hon. Mr. Bennett:** Mr. Speaker, I think this Legislature has made itself very clear about the issue of rent control or rent review in Ontario. It has been clearly indicated by some in the private sector as having a detrimental effect on the production of rental accommodations. There is a difference of opinion also in the private sector as to whether it truly does or does not have that effect.

I am not aware of the Treasurer's remarks, but I can tell the member that this House has spoken clearly in relation to legislation under the Minister of Consumer and Commercial Relations (Mr. Drea), who answers for rent review. I think it is clear it is staying in place.

**Mr. Cassidy:** The minister is saying the Legislature has spoken clearly, which of course is correct. Can I have an assurance from the Minister of Housing that it is the government's intention to keep rent review, or is he trying to duck that question right now because the government is hoping to get rid of rent review by the back door in the unlikely event that it ever got re-elected to this Legislature with a majority?

**Hon. Mr. Bennett:** We will be re-elected as the government of this province at the time we shall choose. As in every other issue we have dealt with in this province in respect to the general welfare of the people of Ontario, it will be dealt with in the way most expeditious for the best interests of the people of Ontario.

## ITALIAN EARTHQUAKE

**Mr. Mancini:** Mr. Speaker, my question is to the Premier. Our feelings concerning the

long-term moneys that the government has made available for the earthquake victims in southern Italy have already been expressed and are on record. However, I am very sad and very disappointed to have been informed that this government has not made a single penny available for short-term relief, while other governments have, such as the federal government which has made \$300,000 available immediately to the Red Cross for short-term relief. The government of Alberta has made \$100,000 available immediately to the Red Cross for short-term relief. The government of British Columbia has made \$50,000 available.

**Mr. Speaker:** The member has not asked a question yet.

**Mr. Mancini:** I would like to know why the Premier of Ontario has not done the same. Why has he not made money immediately available to the Red Cross for short-term relief?

**Hon. Mr. Davis:** Mr. Speaker, it is really unfortunate that the honourable member would not just quietly discuss this with either the Minister of Intergovernmental Affairs (Mr. Wells) or myself before he made that sort of statement. I said in this House, if memory serves me correctly, that we would have \$100,000 available for immediate relief to the Canadian Red Cross. Does the member recall that?

**Mr. Mancini:** No.

**Hon. Mr. Davis:** He should ask one or two of his colleagues about it. At the request of those same citizens who were in the Speaker's gallery just a few minutes ago, I went to the committee rooms on Ossington Avenue. If memory serves me correctly, that is the right street. There were representatives there from the Canadian Red Cross and there were representatives of the committee, the same group of people who were in the Speaker's gallery.

They said to me: "Mr. Premier, in order to assist us in the development of the fund-raising campaign, rather than having that allocation go to the Canadian Red Cross for the immediate purpose, would you please have that allocation go to the citizens' committee?" I took the advice of the Italian Canadians who are responsible for this and we made that commitment of \$100,000 to them.

**Mr. Mancini:** A supplementary, Mr. Speaker.

**Mr. Speaker:** No. A new question. Will you take your seat?

3 p.m.

## FOOD PRICES

**Mr. Swart:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations. I am sure the minister is aware that retail food prices have risen by 171 per cent since 1971. He probably knows the projection for next year by all authorities is for the greatest increase in decades, perhaps the greatest increase ever. The latest projection by the Agricultural Economics Research Council of Canada and officials of the Department of Consumer and Corporate Affairs is for an increase of 18 per cent to 20 per cent next year. In view of that, what new measures is the minister prepared to take to protect the consumers against this increase, particularly against price gouging by the middleman's markups on the farm-gate prices, which will expand as a result of worldwide food shortages?

**Hon. Mr. Drea:** First of all, Mr. Speaker, let us get rid of this alarmist nonsense: there is not going to be a worldwide food shortage. Second, one of the reasons for the relatively pessimistic forecast about the prices of food in 1981—indeed, I mentioned it in my estimates—is the fact that climatically, particularly in major food processing areas of the United States, 1980 was a dreadful year, not only in terms of crops but also in terms of animals that had to be prematurely put on the market or were unfit to put on any market because of very peculiar climatic conditions.

The truth of the matter is that in Ontario the prices will not go as high as the federal minister has forecast. He was talking about the national situation. The reason they will not go as high, and indeed the solution to this particular problem, is already in the very competent hands of many thousands of people in Ontario, the farmers of this province, who have always produced to the highest standards of agriculture regardless of climatic and other intrusions. I draw to the attention of the House that the truth of the matter is the average Canadian and particularly the average Ontarian—because he or she is better than the average Canadian—eats better for less than just about anybody else in the world.

**Mr. Swart:** How can the minister be so ignorant about the world food situation that he does not know that the United Nations Food and Agricultural Organization has declared a world alert on it? How can the minister be so unconcerned about Ontario when Judge Leach in his report on super-

market discounting said he was concerned about the concentration in the food industry?

Does the minister not know that the Ontario Federation of Agriculture, which is an Ontario organization, shows that while farm-gate prices in the last year went up less than 11 per cent, the markup from there to retail went up more than 15 per cent? How can he say there is no need for government intervention? Why does the minister not implement the constitutional power of the government by establishing a fair prices commission and give some needed price protection to the consumers at this time?

**Hon. Mr. Drea:** I suppose a member is always frustrated when his private bill is not going to get on during the session, which is one of the reasons for this.

I am abundantly aware of the concerns of the United Nations about a food situation. I also draw to the member's attention that part of the problem with world food is that some of beautifully centralized and operated farm organizations in the eastern part of the world cannot even grow corn, wheat or grain for their people. Furthermore, a few to the south of here, who have a peculiar standard of how they approach state control, have not done very well in a number of commodities either.

The people who will save the world in terms of food, and indeed the people who in an unglamorous and ordinary way have been doing it for so many years, are the agricultural producers of this country. It would be magnificent, and I would be the first to take a bow, if I could turn back the clock to sunshine every day, to 50-cents-a-gallon gasoline to transport food, to such little things.

Already this year, there have been three price increases for canned vegetable containers. To start suggesting there should be no increase or that something is happening beyond the farm gate is absolutely ridiculous. The farmers of the province need higher prices and in many areas deserve higher prices.

Second, it is a matter of record that profits in the food processing industry are at an all-time low. That is a subject of great concern to the Minister of Agriculture and Food (Mr. Henderson) and myself regarding the Canadian canning industry. I regret this did not come up during private members' hour when I could have dealt with it more extensively, but I appreciate the opportunity today.

### FARM PRODUCTS APPEAL TRIBUNAL

**Mr. Riddell:** Mr. Speaker, I have a pork-barrel question for the Minister of Agriculture and Food, since it is the time when new appointments are going to be made to the Farm Products Appeal Tribunal. Can the minister explain to this House the reason he appointed two of his constituents to serve on the tribunal this year, neither of whom have any claim to fame in the agricultural community? They have no agricultural experience. One is the reeve of Petrolia and the other is a housewife from Corunna. What possible motive does the minister have for these appointments, other than the fact they are from Lambton county and both voted Tory?

**Hon. Mr. Henderson:** Mr. Speaker, I certainly cannot apologize because good people come from Lambton county. I am proud of the fact they come from Lambton county. The honourable member can look at the list of board members. I could read it out. The member's caucus even had the nerve to phone the clerk of the town of Petrolia to see if there were any reasons Mr. R. L. Boyd should not be on the board. They are getting pretty low. These people are top citizens of Lambton. They can publicize it wherever they like. They will render fair decisions.

**Mr. Riddell:** Does the minister feel residence in Lambton county and political affiliations are sufficient qualifications to warrant special privileges by the Minister of Agriculture and Food of Ontario? What criteria will the minister be using for new appointments to the Farm Products Appeal Tribunal next year?

**Hon. Mr. Henderson:** This minister is not going to hold any prejudice against a person because he is a Progressive Conservative or because he comes from Lambton county.

### RURAL ELECTRICAL RATES

**Mr. MacDonald:** Mr. Speaker, I have a question for the Premier, based on a news report, three paragraphs of which I will read to him. It is from the Kingston Whig Standard, dated October 24:

"Former energy minister James Taylor says the latest hike in rural hydro rates is evidence that Premier Davis does not have the political power to control Ontario Hydro.

"Ontario Hydro has announced an increase in the face of Davis's statements and commitments to the Legislature and to rural people of Ontario, said Taylor, MPP for

Prince Edward-Lennox and former member of the Davis cabinet. Ontario Hydro has flouted his wishes."

The third paragraph is a direct quote from the honourable member, "Four provinces—British Columbia, Quebec, Nova Scotia and Newfoundland—have instituted uniform residential power rates."

**Mr. Speaker:** What is the question?

**Mr. MacDonald:** Mr. Speaker, my question is this: Since the minister asked Hydro to give him a report, and on page four Hydro reported that this system, namely Hydro, has the greatest differential among customers of all publicly owned supply utilities across Canada and substantially greater differential than any other energy supplier, and since Hydro has also said it will not reduce the differential beyond 15 per cent, is the Premier going to confirm the views of the member for Prince Edward-Lennox that Hydro is laying down policy and he is tagging along, or is he going to lay down policy and insist that Hydro live up to it?

3:10 p.m.

**Hon. Mr. Davis:** Mr. Speaker, I am sure the very distinguished member for Prince Edward-Lennox when he was Minister of Energy was quite able to deal with Ontario Hydro and they always accepted his direction. That was the case then, and it is the case now.

**Mr. Foulds:** Hydro mugged him and you mugged him.

**Hon. Mr. Davis:** What was that again?

**Mr. Speaker:** Order. Just ignore the interjections.

**Hon. Mr. Davis:** It is so hard to ignore the interjections. In spite of what the honourable member may quote from that great newspaper in Kingston, in spite of what he may read from the very factual report from Ontario Hydro, the government has made it abundantly clear—and this is the bottom line that he cannot ignore with all of his rural constituents—that in 1981 the differential as between the rural and urban customers will be reduced by 30 per cent.

I know that will not have much impact in York South, but in the rural parts of Brampton it is a very significant accomplishment. The fact that they are all under the Brampton utility now of course becomes irrelevant.

I say to the honourable member that he should know better than anyone in this House on that side—not on this side—the complexities of dealing with the absolute reduction of the differential. If he reads the report very carefully, he will find there are areas in On-

tario where the urban rate is higher than the rural rate. So we get around to the rather complex problems in a rural area right next door to an urban area, where the rural rate is lower than the urban rate, of how to reduce the differential.

I say to the member that we will meet our commitment. We are doing it by 30 per cent in 1981. He can make all the speeches he wants out in rural Ontario, where his party has been listened to with such enthusiasm for generations, but he will make no mileage. He will not get a single vote, because the rural people know this government looks after their interests better than any other party in this province. He knows that too.

**Mr. Peterson:** Let's get all the farmers in here.

**Hon. Mr. Davis:** That is right.

**Mr. MacDonald:** Now that the Premier has done his electioneering, I hope he will address the question I put to him. The question was, when he requested Hydro to reduce the differential and Hydro in effect said, "Go chase yourself. You can reduce it if you want, but we suggest you don't go below 15 per cent in that reduction," was it not flouting his policy? Is the Premier laying down policy and Hydro following it, or is Hydro laying down policy while he is tagging along with whatever it dictates?

**Hon. Mr. Davis:** I give the honourable member full credit. He has become an expert on most matters in the few years he has spent in this Legislature—

**Mr. Speaker:** Order. There was not anything different in the supplementary question from what was contained in the original question. If the Premier is going to emulate the member for York South, that will take up the rest of the question period.

**Hon. Mr. Davis:** I have said to him before there are some things about the honourable member I would emulate, though never his political philosophy, never his logic, never his approach to the issues, but in some respects I might.

I will come back to what I guess was at the basis of the question. The report from Ontario Hydro, as I recall reading it, very rapidly of course, made the problem fairly clear-cut. It is not a question of us ordering Ontario Hydro to reduce the differential. Quite obviously, Ontario Hydro will reflect government policy.

What Ontario Hydro is outlining in the report is that it has a modest complicating factor, that is, the role of the municipal distributing systems in this province, which is

the concern of the Ontario Municipal Electric Association. I know the member would totally ignore them but we, as a government, will not. I have given an undertaking to the OMEA that we will not interfere with the rate structure until we have had consultations with them. They know the direction we are going, but it has to be reconciled.

I know the member likes to deal in confrontation, those have been his party's tactics for generations, but they do not happen to be the tactics of this government. We will find a workable solution, and in the interim—I repeat it—we are reducing the rate differential by 30 per cent in 1981 consistent with the commitments this government gave to the rural people of this province.

#### ALBERTA OIL PROJECTS

**Mr. Peterson:** A question of the Premier, Mr. Speaker: In view of the mothballing of the two major synthetic oil projects in the west, the last news of which was Alsands yesterday, and in view of the important economic concerns of this province not only about supply but also the potential spinoff and economic benefits to the industry in Ontario, I am sure the Premier is most concerned about this. Can he share with this House what his view of the situation is and what he plans to do about it?

**Hon. Mr. Davis:** Mr. Speaker, I think it is a very fair question. I thought I had partially answered it for the honourable member the other day. In the closing remarks of my statement, I quite obviously upset the member for London Centre (Mr. Peterson) because I reminded him of the position of his leader on so many of these issues. I hope he learned something in the last three weeks. He cannot go around having the leader of his party taking position A in geographic location B, position C in geographic location X, and expect to get away with it. The member really cannot expect that to happen.

I am concerned about this. I have communicated to the Prime Minister of this country and to the Premier of Alberta that I would hope they would find some more common ground with respect to the solution of the energy pricing problems. I have communicated this to both first ministers. This does have a potential impact upon the economy of this province, not just in terms of the production of the pipe and other equipment but also in terms of security of supply.

The Minister of Energy (Mr. Welch) and the Minister of Industry and Tourism (Mr.

Grossman) have made speeches. I have made it abundantly clear that we want to see an energy policy that makes sure those two major projects move ahead. That is the general direction of the things we have said and will continue to say.

I say to the member for London Centre, it does not help in terms of the general perception of this province by people out west when the leader of his party says, as he said not too many months ago, "Give Alberta not another nickel." That will not solve the problem.

**Mr. Peterson:** Recognizing that no one listens to the Minister of Energy, and sending the Minister of Industry and Tourism out there is like putting itching powder in one's jockey shorts, why does the Premier not go? Why does he not go and take a statesmanlike delegation out to that province, and try to lend his good office to break this logjam?

**Hon. Mr. Davis:** I find it very unfortunate that the member for London Centre believes no one listens to the Minister of Energy in this province. The honourable member may not listen but he should, because he would learn something. It would be good for him to accumulate a little knowledge the minister would be prepared to share with him. Ninety per cent of the people in this province not only listen to but also agree with every word spoken by the Minister of Energy—in fact, 99 per cent; is that better?

**Hon. Mr. Welch:** Yes.

**Hon. Mr. Davis:** I can only repeat what I said when the member asked me this the other day. This government is most anxious to see some solution to the energy pricing problem. The solution lies between the governments of Canada and Alberta. We are anxious to see those projects proceed. Quite obviously it is in our economic interest to see them proceed, as well as it is in terms of security of supply. I make no bones about it, and that is the direction we are taking.

#### SPECIAL OCCASION PERMITS

**Mr. Makarchuk:** Mr. Speaker, a question of the Minister of Consumer and Commercial Relations: Can the minister explain why once again his officials are starting to harass the legions and other veterans' clubs inasmuch as they are not permitting them to operate their turkey rolls or feather parties as they have done for years? In fact, what he is doing is preventing the members of those clubs from buying drinks and taking them over into the area where they are playing

the games of chance. Can he tell me why this practice, which has been in effect for years, is going to be cut off again this year?

3:20 p.m.

**Hon. Mr. Drea:** Mr. Speaker, I am blissfully unaware of any of my officials going to shooting rolls or turkey rolls or whatever it is. In fairness, I have had a communication from the member for Brant-Oxford-Norfolk (Mr. Nixon) which I was answering. It was a somewhat detailed communication.

The simple and fundamental rule, and I do not know why there is an upset about it, prevails almost everywhere. We are not talking about people standing up and holding their glasses; we are talking about selling the beverages a little bit away from the gambling. The reason for that is, first, we have had a number of complaints. Not everybody who likes to shoot, or whatever it is, has the manual dexterity to hold a bottle of beer and a glass at the same time without spilling it. There have been complaints about spillage.

Second, when there is a special occasion permit in conjunction with a Monte Carlo event—and I presume that is what the member is talking about—we have had some difficulty in the past with control of the funds. The funds from the bar must go to the charity for which a Monte Carlo event has been established.

All we ask is a little physical separation in answer to a number of complaints, particularly by females, that there is a little too much spillage around the gambling—people spill drinks on their dresses.

**Mr. Speaker:** The time for oral questions has expired. I would like to remind all honourable members that we had four leaders' questions and six other original questions. Perhaps, if you each individually reflect upon it, you will know where the 60 minutes went.

**Mr. Martel:** The Premier took 30 minutes.

**Mr. Speaker:** I said everybody.

#### REPORTS

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr. Cureatz** from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Treasury and Economics be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry administration programs, \$3,869,300; Treasury program, \$2,911,000; fiscal policy program, \$4,060,000; economic policy program, \$134,258,000; central statistical services program, \$1,201,000; Ontario Economic Council program, \$956,000.

#### STANDING COMMITTEE ON PROCEDURAL AFFAIRS

Mr. Breagh from the standing procedural affairs committee presented the committee's report and moved its adoption.

The committee's report is as follows:

Your committee has met jointly with the standing committee on members' services to consider the matter of an "electronic Hansard" and, with the concurrence of the members' services committee, recommends:

That the Speaker assume responsibility for the immediate introduction of permanent and continuing television and radio coverage of the Legislature, under his authority and control.

**Mr. Breagh:** Mr. Speaker, as you well know, following the recommendations of the Camp commission and subsequently the Morrow committee, this matter has been under consideration by several of the standing committees of the House, members' services and procedural affairs being the last two to have a kick at it.

It was our consensus, arrived at over two sets of meetings—

**Mr. Sweeney:** We cannot hear you.

**Mr. Breagh:** I rarely have a complaint that people cannot hear me. I will try to speak up.

We have met jointly on two occasions now. We have put to the members there all the reports that have accumulated over the years on this particular matter. We arrived at the consensus position now before the House simply by saying that we recognize there are financial considerations to which we must address ourselves. A number of problems will arise but the House had never clearly spoken on this one matter; we attempted to put together a resolution that does just that.

We have concurrence now from the majority of the members of both these standing committees on this resolution. As a matter of fact, I may say in this morning's debate I did not hear anyone speak against the principle enunciated here. The concerns about costing, implementation and how it would be done are all there, and we all recognize that, but we did feel it was time a recommendation of this kind be presented to the House and the members had the opportunity, at

some point, to debate this resolution and to vote on it.

I am tempted to seek unanimous consent, for I feel it is that close, but I will not. Instead, Mr. Speaker, I shall move the adjournment of the debate.

On motion by Mr. Breagh, the debate was adjourned.

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Philip from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of the Solicitor General be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry administration program, \$3,619,000; public safety program, \$14,368,100; supervision of police forces program, \$7,931,100; management and support services program, \$31,109,700; operations program, \$134,704,800.

Mr. Philip from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr41, An Act respecting the Institute of Chartered Secretaries and Administrators in Ontario;

Bill Pr49, An Act to revive Gradore Mines Limited;

Bill Pr51, An Act respecting the Hamilton Club;

Bill Pr53, An Act to revive McColl Farms Limited.

Report adopted.

Mr. Philip from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee requests that the House authorize Mr. Speaker to require that all material required through the provisions of the Speaker's warrant of November 24, 1980, be delivered to the standing committee on administration of justice forthwith and no later than Friday, December 5 at 9 a.m.

**Mr. Speaker:** Mr. Philip moves the adjournment of the debate.

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

**Hon. Mr. McMurtry:** Mr. Speaker, I was not sure whether the chairman of the justice committee wanted to address this matter.

There are a number of matters I would like to address in relation to this. In particular, I think there are three specific issues related to this very important debate: (1) the jurisdiction of the standing committee on administration of justice, (2) the sub judice rule and (3) my concerns as Attorney General with respect to the Speaker's warrant.

3:30 p.m.

First, I would like to address the issue of the jurisdiction of the standing committee on administration of justice. In Votes and Proceedings for Friday, March 14, 1980, the standing committee on administration of justice was ordered established "with power to examine and inquire into all such matters"—I think the next words are important—"as may be referred to them by the House, with power to send for persons, papers and things as provided in section 35 of the Legislative Assembly Act."

Mr. Speaker, regarding the resolution of the standing committee on administration of justice requesting you to issue a warrant and the subject matter of that warrant, I say with respect it has absolutely nothing to do with anything that has been referred to that committee by this House.

On November 18, 1980, Mr. Bradley presented the following petition, and I quote: "Pursuant to standing order 33(b), the undersigned members of the Legislature hereby petition the annual report of the Ministry of Consumer and Commercial Relations for the year ending March 31, 1980, tabled in the Legislature on October 6, 1980, be referred to the standing committee on administration of justice for immediate and urgent consideration."

Standing order 33(c) states: "Where a petition is presented under clause (b), the Speaker shall inform the House of the receipt of the petition and of the referral of the report to the committee requested. The chairman of the committee to which the report is referred"—and again I would like to stress the following words—"shall then arrange with members of the committee the allocation of time for the examination of the report."

It is very clear in the order establishing the standing committee on administration of justice that the only power the committee has is "to examine and inquire into all such matters"—again stressing the following words—"as may be referred to them by the House." It is also clear by standing order 33(c) that the only jurisdiction of a committee to which a report is referred is "the examination of the report."

It is abundantly clear that the standing committee on administration of justice is not examining the report referred to it by the House but is engaged in an investigation of such matters that have not been referred by this House to any committee.

Quoting directly from a memorandum from Mr. Roderick Lewis, Clerk of the House, to Mr. Philip, the chairman of the administration of justice committee, dated September 5, 1978: "There is the well-established rule of procedure that committees of the House, whether standing, select or whole House, may only deal with those matters which are specifically and formally referred to them by the House."

Bourinot's Parliamentary Procedure, fourth edition, at pages 469 and 470, states: "It is a clear principle of parliamentary law that a committee is bound by, and is not at liberty to depart from, the order of reference. This principle is essential to the regular dispatch of business; for, if it were admitted that what the House entertained, in one instance, and referred to a committee, was so far controllable by that committee, that it was at liberty to disobey the order of reference, all business would be at an end; and, as often as circumstances would afford a pretence, the proceedings of the House would be involved in confusion."

It is my respectful submission that the proceedings of this House are in this current confusion by reason of the fact that the members opposite, simply because they have sufficient numbers, are running roughshod over the rules of this assembly by camouflaging the real intent and purpose of an investigation under cover of a pretence of supposedly examining the annual report of the Ministry of Consumer and Commercial Relations. The committee is not even referring to the annual report. Indeed, it seeks to operate without any terms of reference passed by this House; it is free to make its own terms of reference, change those terms of reference from day to day at the whim of its members without any control by this House.

I say, with respect, the whole procedure, so enthusiastically supported by the Leader of the Opposition (Mr. S. Smith), is simply a farce.

It is beyond me why a committee, which pretends to call itself the administration of justice committee, would choose a surreptitious procedure to investigate a particular matter rather than by coming before this House with a proper resolution outlining a



proper investigation into a particular matter with proper terms of reference.

As Attorney General, I am simply appalled at the lack of understanding of the members opposite of the proper procedures of this House and at how the present improper procedures are totally unfair to this House, the members of this House, civil servants and members of the public who may be required to attend before the committee and produce certain documents.

It is my view that this Legislature is the highest court in this province and as such should conduct its business with the utmost fairness to everyone concerned. I regret to say it is also my view that this House, at this time, is not conducting its business fairly.

It is my submission that any committee of this House acts unfairly when it purports to examine an annual report of a ministry but, in the place of that examination, it decides to investigate what is a very important issue, no one is denying the importance of this issue, but it is unfair when it does so without any authority from this House and without any specific terms of reference.

The result is that witnesses are called and documents are required. I ask you, Mr. Speaker, very sincerely to place yourself in the position of a member of the public who is required to attend before such a committee which is operating without any terms of reference whatsoever. That member of the public, a civil servant or a minister can be examined on any matter and can be requested to produce any document in any area which the committee chooses to investigate since that committee is not controlled by any terms of reference from this House.

Under those circumstances the procedures of this House, I say with respect, are simply out of control and in confusion. As Attorney General, I am saddened that the elected representatives of the public of this province in the highest court of this province would allow the procedures to disintegrate to the point where the public can very easily lose confidence in the democratic process.

3:40 p.m.

I am requesting that the members opposite who decided to refer the annual report of the Ministry of Consumer and Commercial Relations to the committee with no intention of examining that report, but investigating an entirely different matter, simply come forward in this House with an appropriate resolution, with appropriate terms of reference for investigating the matter, which

again I say is a very important matter to be investigated in the best interests of the public of this province.

Since there are no terms of reference enabling the committee to do what it is purporting to do, I submit with respect that the committee simply has no right to the documents requested.

Beauchesne's Parliamentary Rules and Forms, fifth edition, at page 198, under the heading "The Power of Committees To Send For Papers," says: "Committees may send for any papers that are relevant to their order of reference." The committee's mandate is to examine the report of the Ministry of Consumer and Commercial Relations. Again, I state simply, the documents requested in the warrant are not relevant to the committee's mandate. Mr. Speaker, I say to you with respect, you should not issue a warrant for the production of documents that are not relevant to a committee's terms of reference.

Second, I would like to make a few comments on the sub judge rule, or perhaps more accurately, as a result of the proceedings in this House in the past week, the lack of any sub judge rule.

The sub judge rule is contained in standing order 19(d), which states: "In debate, a member shall be called to order by the Speaker, if he . . . refers to any matter that is the subject of a proceeding (i) that is pending in a court or before a judge for judicial determination, or (ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of Legislature, where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding."

Mr. Speaker, that rule makes you the final arbiter of the application of the sub judge rule. That certainly was the view expressed in the Speaker's ruling of July 8, 1977. At page 57 of Votes and Proceedings for that date, the Speaker said:

"The House however has imposed restrictions on itself and one of these restrictions is that great care is exercised in discussing matters before the court, so that statements here do not deny justice to the parties involved in the courts. Standing order 16(a) places a duty on the Speaker to exercise discretion over debate in matters before the courts."

The Speaker adopted parts of a House of Commons committee report and stated he saw no reason why similar principles ought not to guide members of this House.

The House of Commons report stated: "Your committee has given consideration to the role of the Speaker in the application of the convention. It is submitted that, while there can be no substitute for the discretion of the chair, in the last resort all members of the House should share in the responsibility of exercising restraint when it seems called for.

"Your committee recommends that"—and again I stress these words—"the Speaker should remain the final arbiter in the matter, that he should retain the authority to prevent discussion of matters in the House on the ground of sub judice, but that he should only exercise this discretion in exceptional cases where it is clear to him that to do otherwise could be harmful to specific individuals."

I have tried to impress upon the members of this House that compliance with the committee's request for all the documents as set out in the warrant and the discussion of the all-encompassing issues in committee would seriously prejudice the trial of charges already before the courts and the very important ongoing criminal investigation. The irony of this whole matter is that the beneficiaries of such committee proceedings could very well be the persons already charged or who may be charged and the detriments will flow to the public in that the crown's ability to prosecute wrongdoers will be impaired.

In the House on November 24, as reported at page 4525 of Hansard, Mr. Speaker, you said: "I beg to inform the House that even though the Legislative Assembly Act makes it discretionary with the Speaker as to whether or not he should issue a warrant, I feel that in view of the clear direction of the House on Thursday last, the warrant should issue. It will, therefore, be served this afternoon."

It is once again very clear that the rules passed by this House and intended to govern the proceedings of this House are being shunted aside with the effect that you, Mr. Speaker, are unable to enforce the sub judice rule. As Attorney General, I regret that what this House has entrusted to you can so easily be taken away.

I find it difficult to find a set of circumstances that would be more deserving of the application of the sub judice rule. Criminal charges have been laid against the company and individuals involved in the very investigation of documents to which the warrant refers. Second, there is a very important ongoing investigation. A preliminary inquiry on the criminal charges was due to proceed

when the warrant was issued, and a number of civil actions have been commenced against the crown and the former registrar of the Mortgage Brokers Act.

My concern is, however, mainly with respect to the criminal charges and the ongoing criminal investigation. It is my submission with respect to criminal matters that in view of the sub judice convention such matters should not be referred to in the House or in a committee of the House. Beauchesne's Parliamentary Rules and Forms, fifth edition, states at page 118: "The sub judice convention has been applied consistently in criminal cases. The precedents in criminal cases are consistent in preventing references to court cases before a judgement is rendered." At page 119, it says that the special committee on the rights and immunities of members recommended with respect to the sub judice convention that "the Speaker should remain the final arbiter in the matter, but should exercise his discretion only in exceptional cases." I strongly suggest, Mr. Speaker, that this is an exceptional case and that your discretion should not be overruled by this House.

3:50 p.m.

I would now like to turn more specifically to some of my concerns with respect to the Speaker's warrant which, by resolution of the committee, is sought to be amended. In the first place, the warrant, as framed, is far too broad in scope. That problem stems simply from the fact that this House has not passed terms of reference for the committee's investigation. Again, this is what we have been requesting the House to do. Since the warrant is virtually a blanket demand for every scrap of paper in existence within the Ministry of Consumer and Commercial Relations with respect to certain companies and individuals, grave concern has been expressed by the Ontario Securities Commission because of the effect the required production of documents will have on the commission's responsibilities to the public of this province in the securities field.

I strongly support the position of the commission and will quote a couple of paragraphs from a letter dated November 28 which I received from the chairman of the commission:

"The Speaker's warrant and its terms undermine the ability of the commission to effectively administer the act [the Commodity Futures Act, 1978] by requiring the disclosure of evidence and information required, seized or given in response to requests to members of the commission and, in particu-

lar, its investigative staff. The integrity of the commission, and through it the integrity of the capital market system, is at stake.

"It is the commission's view that the unfettered examination of all material demanded in the Speaker's warrant, in the event that such a warrant is directed to and binding upon the commission, will destroy substantially the commission's ability to function, inhibiting the free flow of information among (a) various branches of the government, (b) the other provinces and territories of Canada, (c) the parallel agencies in the United States and elsewhere and (d) various other law enforcement and surveillance agencies, without whose assistance effective investigation would be impossible. They could no longer afford to pass sensitive information to the commission and, within the commission's immediate sphere, preliminary or informal investigations would be inhibited by the knowledge that confidentiality could not be maintained. It would give encouragement to those wishing to resist the commission in the proper exercise of the powers given to it by the Legislature."

I also suggest the warrant is far broader than is needed for the committee's deliberations. Although the committee has been given no terms of reference by this House, I recognize that the main concern of the committee appears to be a desire to investigate the role in which the Ministry of Consumer and Commercial Relations is placed in having issued a mortgage broker's licence to Re-Mor Investment. As the member for Hamilton Centre (Mr. M. N. Davison) put it in the committee on November 19, "There is absolutely no other way open to the Legislature now to get to the bottom of this and to find out why the ministry was so negligent in licensing and in registering this company."

I pause to note that one member of the committee already appears to have made up his mind that the ministry was negligent without seeing any of the documents or without hearing from any witness. I can hardly criticize the member who said that, because his own leader repeated the position virtually intact this afternoon. The leader of the New Democratic Party had already judged the matter.

**Mr. Renwick:** Come, come.

**Mr. Cassidy:** Are you saying you acted responsibly? Are you trying to say you are whitewashed?

**Mr. M. N. Davison:** The minister never gave a single reason why it should have been registered.

**Hon. Mr. McMurtry:** It may be that a committee will find this company should not have been registered, but I suggest such a conclusion should only be made after review of all the facts. In my view, it is very unfair to public servants involved to have a member of a committee prejudge an issue before the committee even commences its proceedings.

May I underline my position, Mr. Speaker? I agree that the circumstances surrounding the issuing of the registration to Re-Mor Investments are relevant matters for investigation by this committee. I can assure this House that, by our opposition to the warrant we are not attempting to conceal any actions by any ministry. If the mortgage broker's licence should not have been issued, or if there was negligence or sloppy administrative procedures, the principle of ministerial responsibility will not be shirked. These matters should be investigated and recommendations made for the future.

I have no objection to the desires of the committee to investigate the role of the ministry or to have the documents relevant to the registration of this company. My concern is simply with the timing for the production of the documents. Let me try once again to explain my concerns.

As Attorney General, I cannot be satisfied with only the civil aspects of the ministry's role, and this is important. I would be remiss in my responsibilities, and so would the crown law officers and the police, if there were no criminal investigation of the circumstances surrounding the issuance of the licence by the ministry. That investigation, as I have continually advised the members opposite, is taking place and has been taking place. The warrant was issued many weeks ago with respect to documents from the ministry, and the police have been requested to give top priority to this part of what really is a mammoth overall criminal investigation. It is my view that only the police can do a proper investigation and that an investigation by the committee, before the criminal investigation is completed, would seriously undermine the criminal investigation.

I am simply requesting once again that the committee delay its investigation until the police have completed their investigation of this particular issue. At the end of that investigations, if no criminal charges are laid, all the documents with respect to the circumstances surrounding the issuance of the licence will be available to the committee.

The chairman of the justice committee indicated to me yesterday afternoon, if my memory is correct, that the committee will

be sitting again on Wednesday next to pursue this matter. As part of the statement I attempted to read to the committee yesterday but was prevented from doing—I do not have a copy of it before me—I indicated that the criminal investigation may well be completed by Wednesday of next week, at least as far as this aspect of the matter was concerned.

I repeat what I have stated to the members opposite. I am prepared, as is the Minister of Consumer and Commercial Relations, to appear before that committee when it meets on Wednesday next, because I think we probably will be in a position by that time to resolve these issues. Without going through the whole unhappy history, I can say I have been attempting for two weeks to have crown counsel address the committee to resolve these issues.

Again, I repeat, I am quite prepared to give a personal undertaking, on behalf of myself and on behalf of the Ministry of Consumer and Commercial Relations, that we will appear once again before that committee on Wednesday next. I am confident that the issues pertaining to the criminal investigation, which are of fundamental importance, can be resolved at that time. Mr. Speaker, I think that is an undertaking, with the greatest respect, sir, that you should take into consideration in making any decision with respect to amending your Speaker's warrant at this time.

I am prepared to do that notwithstanding the fact that civil proceedings will be outstanding for some time. I am quite content to entrust the committee with the responsibility of dealing with the matter in such a way as not to prejudice the civil proceedings that are before the courts or any of the outstanding criminal charges.

I am simply requesting the members of this Legislature and particularly the members of the committee, to give the police the opportunity, it is to be hoped, to conclude their investigation by Wednesday next. If the Minister of Consumer and Commercial Relations and I appear, I hope we will be able to resolve the matter in which it is most interested. Notwithstanding the fact that there are no terms of reference, I would still be prepared to see that happen.

4 p.m.

As I have already indicated, yesterday I tabled a statement which contained two proposals: (1) that the committee request of the Speaker that compliance with his warrant be delayed for one week, during which time I will again appear before the committee and

advise the committee as far as is humanly possible how long it will take the Ontario Provincial Police to complete the aspects of its investigation which concern the committee; that is, the circumstances surrounding the issuance of the licence by the ministry and (2) that the committee request of the Speaker that his warrant be confined to this committee's area of concern; that is, documents relating to the issuance of the licence by the ministry. This request is made, I stress once again, to alleviate my concern that compliance with the warrant as worded at present will not only impair the integrity of the overall OPP investigation, the rest of which investigation will take several months, but also undermine the ability of the Ontario Securities Commission to superintend the financial community of the province.

My last volley, as it were, in this very important battle to uphold the integrity of the administration of justice and the procedures of this House is to warn those who would persist in demanding documents before the criminal investigation is completed that they run the risk of jeopardizing the criminal investigation to the extent that evidence to support criminal charges may not be available. That, simply, is the risk. If that happens, the losers will be the members of the House, the administration of justice and the public of this province, and the winners certainly will be those who may have been involved in some wrongdoing.

I have been in this House only a little more than five years, but I urge the members to consider how important this debate is and the important principles related to it. In my experience I have not before participated in a debate as important as this one, because very fundamental principles that have been enshrined for many years and protect all the citizens of this province are very much at stake in this debate.

**Mrs. Campbell:** Mr. Speaker, entering into this debate, it is imperative that I, as a responsible member of this House, give very serious consideration to those statements made by the Attorney General. It is unfortunate perhaps that those statements were not made prior to the issuance of the warrant but, of course, that lay in the lips and the hands of the Attorney General.

We are dealing with a matter that has great seriousness—tremendous ramifications, I am informed by a person not privy to that, but I accept that the ramifications are very wide. We are also dealing with the matters of the responsibilities of legislators. We do have in our government the three arms: the execu-

tive branch, the legislative branch and the judicial branch. Without question, none of us here would wish in any way to encroach upon the judicial branch. That is not our function.

The Attorney General spoke about fairness. Unfortunately, those of us fixed with responsibility, particularly in the opposition ranks, must often perforce come to a conclusion not being privy to all the things in which we are engaging that are unfair. At this time, I regret that any unfairness, going by the Attorney General, would appear to be somehow the unfairness of the opposition parties in trying to do their job in this Legislature for the protection of the public of the province, particularly in the investment field.

May I now address the sub judice rule? The Attorney General has invoked the sub judice rule on many occasions and he has embarked upon the advice to his colleagues that they should not speak in the House because matters have been sub judice.

If I may give some of the examples we have seen of the Attorney General's ruling on sub judice—which is really what it amounted to—let us go back to the Browndale issue. For years, the opposition tried using all of the appropriate methods to get the information about the Browndale matter. It was not unfair that we were stonewalled right up to the time when the Attorney General could find it within his heart to bring charges.

Subsequent to the charges being laid, this opposition dropped all the inquiries that were the subject to police investigation leading to charges and cases in the courts. However, we did take the position, that point having been reached, that it was open to us to inquire about a contract entered into subsequent to all of the matters before the courts. I think it is important that we understand this.

The Attorney General rose and defended the position that this was sub judice. The Minister of Community and Social Services (Mr. Norton) rose to say on the advice of the Attorney General that this was sub judice and he could not address any statements or answer any questions in this House.

We did not believe it was sub judice. I would point out that neither of those two ministers thought it was sub judice because the Minister of Community and Social Services, who was tongue-tied in this House, walked out the door and discussed the matter with the press. That is the way in which the sub judice rule is being operated in this House.

4:10 p.m.

Let me say beyond the shadow of a doubt, I am not prepared to enter into a criminal investigation. That investigation properly belongs to the professionals, the police and the crown law officers.

It is true we are concerned with the proprieties surrounding the matter of licences and, as I should think the Attorney General would understand, surrounding the fact of whether or not a decision was made by the Ontario Securities Commission at a certain point in time that might have been prejudicial. The difficulty is that, without having access to the documents we have requested, we are not in a position to come to a conclusion. Perhaps it is because, at this point in time and with the recommendation to the House of the Attorney General, he would have the carriage of the matter, the timing of the matter and control of what it is the committee of this House is going to look at.

The Attorney General has made a great deal of his concerns about the way in which the committee will operate. At some stage the terms under which the committee would operate should become very much a part of the discussion, but I do not wish to take the time to read this somewhat lengthy document.

Needless to say, the committee members—and I was not one of those present—very thoughtfully, as I understand it, met with a crown law officer to determine a way to protect the documents. It was my information that the crown law officer was satisfied with the conditions under which the committee would operate. I think it is important that we understand that, because my information is that, save and except the date of Tuesday, December 2, he was satisfied.

The Attorney General has built a smoke-screen around this entire issue. He has quoted from Beauchesne, but he is not distinguishing between cases and investigations. I think it is important we understand that just because somebody starts some kind of investigation the matter is then before the courts.

The Attorney General has made much of the fact that the committee does not have terms of reference. However, he agreed that if we will do what he tells us to do and be good little boys and girls, he will then make these documents available to us in his time.

**Hon. Mr. Welch:** As a former judge, surely the member understands what the Attorney General's responsibilities are.

**Mrs. Campbell:** As a former judge, I am speaking.

**Mr. S. Smith:** As a former judge, she understands very well.

**The Deputy Speaker:** Order. The member for St. George.

**Mrs. Campbell:** They may not believe I am taking this seriously, but I assure you I am, Mr. Speaker.

**Mr. Renwick:** If my colleague will agree, I have a point of order, Mr. Speaker.

**The Deputy Speaker:** What is your point of order?

**Mr. Renwick:** I do not want to interrupt my friend the member for St. George but, as the debate is of extreme gravity and extremely important to us, it may well be that the Speaker may wish to recess the House for five minutes until the Attorney General returns.

**The Deputy Speaker:** A suggestion has been made by the member for Riverdale. However, I do not believe it is the custom to recess the House when someone has to leave the House for any matter; so I will recognize the member for St. George.

**Mrs. Campbell:** Mr. Speaker, I do not intend to go on at length. I would like to point out that police do not investigate matters of judgement or matters of propriety. I could give my assurance to the Attorney General, so far as I am concerned, that once I see the documents and understand what the documents disclose, then I am prepared, as I stated in the committee when the matter of counsel arose—since I cannot make a determination any longer based on what the Attorney General says; I have to look at the papers—to assure every member of this House that there is absolutely no way that I will become involved in the criminal investigations that are ongoing and the material relating to them. I want to see, however, if there are relations I should understand.

I cannot accept the Attorney General's request. It is unfortunate. The Attorney General has said again in the House today—and I hope the chairman of the committee will clarify it—that he requested to have his crown law officers speak to the committee. To the best of my knowledge, on one occasion he himself attended with a crown law officer after the committee had adjourned. The committee normally adjourns, as the minister well knows, at one o'clock on Wednesday.

4:20 p.m.

Yesterday, it is true the Attorney General sent word that he would like to address the committee at two o'clock. The committee was engaged in this debate at 10 o'clock in the

morning. He would have been welcome at that time. The critics for the Solicitor General's estimates were not present and when they got to the meeting in the afternoon, having already voluntarily curtailed their estimates time, they did not wish to curtail it further. I think that is something the Attorney General ought to understand.

So far as the sub judge rule goes, there are obvious areas that are sub judge. At this time, however, those areas of basic concern to the committee ought to be of concern to the entire Legislature for the protection of people and the insurance of faith in our investment control mechanism in this province. Those matters should be examined by this committee; it is a responsibility, and I think the Attorney General very well understands they are not subject to the sub judge rule.

**The Deputy Speaker:** Does any other member wish to participate?

**Hon. Mr. Norton:** I am sorry, Mr. Speaker. I was asleep at the switch. I expected someone from the New Democratic Party might choose to speak in rotation.

I rise to speak to the matter that is before the House, not because I bring particular expertise or specific knowledge that others do not have but because I feel the issue before the House is one of truly profound importance. In my five years in the Legislature, I can think of no other issue offhand that goes so basically to the roots of the integrity of the system and the protection of individuals who are involved in the justice system of this province.

I cannot understand what the member for St. George (Mrs. Campbell) is trying to say in the distinction she purports to make. She understands, as I am sure do most of the members of this Legislature, there are certain fundamental protections in our society in terms of fair trials for those persons who are accused of criminal offences. The members know that in this matter criminal charges have been laid, and a criminal investigation is going on at the present time. I cannot understand why they would take the position they would not be willing to listen to what I believe is the very reasonable and articulate position that was put forward by the Attorney General on the question of the timing of the release of those documents or the delivery of those documents to the committee.

I do not wish to make this a partisan argument, but I suggest the honourable members are more motivated by a wish to embarrass the government in some way.

I agree that the position of integrity this government is taking in this debate is not the easiest one to put forward, because it does leave open to some individuals, if they choose to be less responsible than others in this Legislature, to try to raise doubts in the minds of others that there might be something that is being covered up. That is clearly not the case. When the time comes that the honourable members see the material, I am sure they will be satisfied of that.

I implore the honourable members to take very seriously the issue that is at stake. It is a question that goes to the basic matter of the rights of Ontario citizens, not just the individual or individuals charged in this case but also, it seems to me, to the roots of the rights of every Ontario citizen. If we are prepared, through impatience or whatever, to ignore the reasonable position put forward by the Attorney General in terms of the timing of the presentation of these documents, we are prepared to put at risk something as fundamental as a fair trial.

I just raise this with those members of the Legislature who happen to have some background in the law.

**Mr. Worton:** All those common people.

**Hon. Mr. Norton:** No. It certainly is not intended as an offence to anyone else. I am simply suggesting that, if one were defending someone accused of a criminal offence, and attendant upon that matter being before the courts the kind of publicity that might well prejudice that client's right to a fair trial were to take place, then surely one would move before the court to have the matter dismissed. One would seize every reasonable legal opportunity to have that case dismissed.

I suggest to the members they may well be creating that kind of opportunity in the cases that are before the court at present or about to come before the court. The very individuals—

**Mr. Roy:** You always put the position at its worst.

**Hon. Mr. Norton:** I say to the member, he must be careful. He really must be careful and look at this thing as seriously as he ought to.

**Mr. M. N. Davison:** This is a Legislature—not a law school.

**Hon. Mr. Norton:** What the honourable member is stating over there is his own lack of understanding of how serious this matter is. The member is dealing with a matter of basic civil rights in this province. I fear he does not understand what he is doing.

I suggest he is putting himself in a position where the very individuals who have been harmed through this transaction, whatever it involved, those individuals on whose behalf he is trying to act, may be the ones who suffer if it becomes impossible for the accused to be prosecuted. He may even jeopardize other matters, the civil proceedings before the court. He really must think carefully about what he is doing.

Ultimately it would appear that, if the members opposite choose not to accept the reasonable position the Attorney General has put forward, and choose not to wait a short time until the sensitive—

**Mr. M. N. Davison:** How long? How long?

**Hon. Mr. Norton:** That Attorney General has said he will meet with the committee and discuss that. I do not know the precise period of time.

4:30 p.m.

**Mr. Speaker,** it appears clearly the heavy responsibility is going to rest with you in the resolution of this matter at the conclusion of today's debate. It is clear, as has been indicated, and is known to the members, that you do have some discretion in this matter and that the legislation is permissive in terms of the exercise of this discretion. It is clear to me also, sir, that you may have to see yourself today as the protector of the rights of Ontario citizens. Otherwise, I think what is at risk may be the very integrity of our system of justice in this province and it is vitally important that the members understand that. That is what is at risk. We must be very careful in how we deal with that because, as a result of an act that could be performed today in this Legislature, we might literally undermine that criminal justice system.

It is a very heavy responsibility when we consider the many centuries of effort that have gone into building up a system of justice we have inherited that does protect accused persons. When we consider that wars have been fought to continue to have the kinds of freedoms that this country ensures to its citizens—

**Mr. Roy:** Don't get carried away.

**Hon. Mr. Norton:** My friend is the one who should not get carried away. It is a very risky thing that he does.

**Mr. Speaker,** I would urge that when the time comes that you consider the exercise of your discretion in the interests of the citizens of this province and in the interest of protecting a criminal justice system that

does respect the rights of individuals to a fair trial.

I fail to understand the kinds of distinctions that the member for St. George (Mrs. Campbell) was trying to make. I simply have no response to her on those, because I think the very thing she pursues is the thing that is creating the risk. The Attorney General has put forward a very reasonable position; it is one in which, if it does not appeal to some of the members opposite for political reasons, I would urge you, Mr. Speaker, to weigh the argument of the Attorney General very carefully in your deliberations before you exercise your discretion in this matter.

**Mr. Bradley:** Mr. Speaker, this matter is not one which has come before this House or committees of this House in very recent days; it has been before this Legislature and committees of this Legislature as far back as last spring.

Members will remember that the matter of the collapse of these companies was first raised during consideration of the estimates of the Ministry of Consumer and Commercial Relations. At least I know it was raised in the justice committee in June by certain members, including the member for Kitchener (Mr. Breithaupt), and was discussed at some length at that time by the member for Lincoln (Mr. Hall) and others. The Minister of Consumer and Commercial Relations (Mr. Drea) commented to a certain extent at that time, as did certain of his officials as well.

Then on October 7, of this year, a question was raised in the House concerning the potential responsibility of the Ministry of Consumer and Commercial Relations in the matter with respect to the money that was lost by various people. On November 4, the matter was raised again in a question which essentially asked what the provincial government was going to do to compensate these individuals for their losses. On November 6, the matter was raised once again and on November 7 yet again.

On Thursday, November 13, a question was raised in the House and, on a supplementary question by the member for Kitchener, the minister was asked to table many of the materials that are the subject of this warrant. He was asked to table these—he shakes his head—by the member for Kitchener. At that time, when he was asked to table some of these materials, he indicated initially a willingness to do so. I believe he said, “Certainly I hope to do it tomorrow but not later than Monday.”

Subsequent to that, I suppose there was a consultation with—the term used was “law officers of the crown”—the people from the Attorney General’s ministry. On Monday, November 17, the minister was asked, I believe by the member for Hamilton Centre (Mr. M. N. Davison) on that occasion, to refer the issue to the committee, and he indicated an unwillingness to do so.

This went on and on until eventually, on November 18, the minister was asked to table all materials with respect to Re-Mor, Astra and Mr. Montemurro. The minister responded that the matter was sub judice because there was civil litigation going on, but he had a consultation with the Attorney General’s ministry.

What I am pointing out in my initial remarks is that this is not a matter of very recent import; it is a matter that has been discussed publicly and in this House for some time. It was subsequently referred to the justice committee. On the first occasion I moved three particular motions: first, that the committee deal with this matter; second, dealing with the witnesses the committee would like to see and question; and, third, regarding the materials we felt would be required.

I am going to quote very briefly what we saw as the parameters of this investigation. I indicated at the time that through this particular motion we would like to examine the role of the Ministry of Consumer and Commercial Relations and, in particular, the registrar of mortgage brokers in relation to the issuance of a mortgage broker’s licence to Re-Mor Investment Management Corporation. Through this motion, we would also like to examine the role of the Ministry of Consumer and Commercial Relations and, in particular, the registrar of loan and trust corporations in relation to the denial of a provincial trust company charter to a trust company to be incorporated by Mr. Carlo Montemurro and the subsequent registration and monitoring by the registrar of Astra Trust Company; also the role of the Ministry of Consumer and Commercial Relations and, in particular, the Ontario Securities Commission in relation to investigations pertaining to C and M Financial Consultants Limited, Re-Mor Investment Management Corporation, Astra Trust Company and other related companies. These were the parameters established in terms of what we felt would be suitable for the committee to investigate at that time.

The motion was made that documents be produced. That is history at the present time. Subsequently, a motion was proposed by the



member for Hamilton Centre to the effect that a Speaker's warrant should be used to secure these materials. It was the view of the member for Hamilton Centre that these documents would not come before the committee unless a Speaker's warrant were issued. Subsequently, the members of the committee, at least in majority, agreed to that motion.

I look forward with interest to the contribution of the Minister of Consumer and Commercial Relations to the debate this afternoon and the comments he might have. I recognize we have not had co-operation as far as the Ministry of the Attorney General is concerned in the production of these documents. We have discussed certain matters with Mr. Morton of that ministry. We have seen that subsequent to our discussions we have had no documents at all produced to the committee—not a single document. Trying to obtain a room in this building for the committee's use in terms of the storage of documents was a very difficult proposition in itself. So it appeared to many members of the committee that a roadblock was being put up wherever we attempted to have compliance with the Speaker's warrant and the wishes of the majority of the committee, and that is true.

4:40 p.m.

We continue to share the concern about the security of the documents in question. As a consequence, the chairman of the committee, the member for Etobicoke (Mr. Philip), the member for Hamilton Centre (Mr. M. N. Davison) from the New Democratic Party, Mr. Morton from the Attorney General's ministry and I met and agreed to certain recommendations with respect to documents produced pursuant to the warrant of the Speaker issued and served on Monday, November 24.

It is important to know how careful members of the committee were about the security of these documents and how agreeable we were to protecting that security. As I go further in my remarks, it is interesting to note the items agreed to, particularly the first one:

"1. All documents should be produced to the committee by Tuesday, December 2, 1980." Which of course they were not.

"2. An inventory of all documents will be taken by officials of the Ministry of Consumer and Commercial Relations. However, the taking of such an inventory should not delay the production of documents and may take place after their production.

"3. Each party should designate the members who will represent the party for the duration of the hearings on this matter.

"4. Only those members designated to represent their party during the hearings on this matter should have access to the documents.

"5. A member from each party should be designated as responsible for authorizing researchers to have access to the documents. Such authorization is to be made in writing, in advance, to the chairman and clerk of the committee.

"6. Photocopies of original documents in the possession of any court may be provided to the committee in lieu of the original documents to meet the requirements of the warrant." In other words we were not asking for the originals.

"7. The original documents produced to the committee may be relinquished to the Attorney General, the Solicitor General or the Minister of Consumer and Commercial Relations on the written request of the minister, provided that a photocopy of such original documents is made and substituted therefor.

"8. The Attorney General, the Solicitor General and the Minister of Consumer and Commercial Relations shall designate in writing those persons from the ministries who shall have access to the documents produced to the committee.

"9. The Solicitor General will provide officers from the Ontario Provincial Police to ensure the security of the documents on an around-the-clock basis.

"10. All original documents and original photocopies of documents shall remain in the committee documents room and may not be removed except as provided in item 7 above.

"11. All members of the committee and authorized party researchers shall sign a book, indicating a description of the material inspected and the date and time of inspection.

"12. A member of the committee or an authorized party researcher may make a photocopy of any original document or any original photocopy for use during the hearing of the committee. Such photocopies shall be stored in the filing cabinet in the committee documents room and shall not be removed from the room except as provided in item 13 below. A record shall be kept of all documents which are photocopied and all photocopies shall bear the signature of the member or authorized party researcher making the photocopy, of the OPP officer present and the date.

"13. An OPP officer shall accompany photocopies of documents transported to and from the hearings of the committee."

Committee members were prepared to be very careful about the security of these particular documents; we agreed to those provisions—a reasonable response on the part of members of this particular committee.

We also agreed we would listen to submissions from any officials, presumably from the Attorney General's ministry, regarding the advisability of referring to certain documents once these documents were produced. They may well wish to express some concerns. There is nothing to preclude the officials from the Attorney General's ministry from expressing their concerns at that time to the committee after the documents have been produced.

We, as a committee, have bent over backwards to accommodate the Ministry of the Attorney General in reference to the security of these particular documents. Thanks to the roadblocks put in front of us, the public has the impression the government is attempting some sort of coverup. Many of us represent ridings where a number of people have been adversely affected; some are widows, and some are people who do not have a heck of a lot of money and their life savings have been lost. These people think the government is attempting to cover up incompetence or negligence or political influence or some inappropriate activity. That is the perception in the minds of these people who have lost the money.

**Hon. Mr. Walker:** I wonder how much you have contributed to that.

Interjections.

**Mr. Bradley:** I think it would be wise for those members who are interjecting to call these people on the telephone and give the government position to them.

The Minister of Consumer and Commercial Relations, as I have mentioned previously, initially seemed willing to provide the materials. I appreciated that comment he made in the House—I believe it was on October 13—and he has not indicated to the committee, at least when I have been sitting on it, that as a minister he would be opposed to providing the documents except with the cautions placed in front of him by the officials of the Ministry of the Attorney General.

We, as members of this committee, hoped the government would be co-operative. We felt it would admit there had been some initial problems but the documents would begin to appear by this hoped-for December 2

deadline. When it appeared there would be no co-operation with the committee in this regard to provide the documents by December 2, 1980—indeed, none has been forthcoming—I felt compelled then to propose the motion that is the subject of this report, that a definite deadline be placed on the production of these documents.

I thought that was somewhat moderate, because there are some in the committee who felt the deadline was too generous in view of the lack of co-operation experienced with the Ministry of the Attorney General. Indeed, an amendment was placed before the committee which would have provided a tremendous penalty for the Minister of Consumer and Commercial Relations if he did not comply with the Speaker's warrant.

That amendment, although it had the sympathy of probably the majority of members of the committee in terms of wanting to ensure the documents would be produced, was not passed. It was rejected by the majority, I think in keeping with a spirit of still wanting to be co-operative and still hoping the minister would make an attempt to provide these documents, or perhaps persuade the Attorney General to. So that kind of hammer approach was avoided by the committee, looking for the good faith of the ministers.

This is an interesting part. I found this rather gratifying. I do not wish to divide and conquer or anything of this nature, but I found it interesting that my motion received the support not only of the members of the opposition parties but also, if my memory is correct, of five members of the Progressive Conservative Party. They, I think—and I give them credit—were attempting to be fair to the wishes of the committee.

Subsequent to the Attorney General's comments and so on there may be a different view, but I give credit to those members of the committee. So often we in the opposition characterize these members as being people who are simply carrying out the government's wishes. If I am correct, the member for Timiskaming (Mr. Havrot), the member for Algoma-Manitoulin (Mr. Lane), the member for Burlington South (Mr. Kerr), the member for Middlesex (Mr. Eaton) and the member for Durham-York (Mr. W. Newman) voted for that motion. These individuals deserve credit for wanting to facilitate the committee.

If the committee were to avoid dealing with this matter, as the Attorney General has suggested, or if we were to postpone dealing with this matter because of ongoing criminal investigations, we would be placing the Legis-

lature in the position of not being able to proceed at any particular time with investigation of certain matters because the Attorney General or someone else in the government says there are criminal investigations going on. This could be used in any instance. It concerns me as a legislator that we would not have the opportunity then to discuss matters the public expects us to discuss.

Only in very recent days have we seen any kind of conciliatory attitude on the part of the Ministry of the Attorney General. Initially it was sub judice; initially it was irresponsible. The minister suggested even today that production of these documents for the committee would be irresponsible. I think he has not abandoned that position.

4:50 p.m.

The only time we have seen a conciliatory attitude is when the opposition has been prepared to play it tough, to be strong in pursuing its particular goals. Then we start to get a conciliatory attitude: "Yes, maybe we will provide some of the documents—maybe a week from now, maybe when the investigations are finished." We start to get that. I suppose it is a step in the right direction, but it is certainly a long way from what we in the official opposition, and I am sure in the other opposition party, are prepared to accept.

What we have to ask ourselves ultimately is, what about those people who have suffered as a result of the licensing of this company? They are asking their legislators to pursue this matter and not to let them down. They expect from their government some kind of protection when they are dealing with a company licensed by that government. That is why some of them have been forced to go to lawyers to take certain actions to attempt to secure what they feel is justifiably theirs, to secure some compensation from those whom they feel might be responsible. In my view these people should not have to go that route; indeed, it is the responsibility of the legislators, if there is negligence or some other unfortunate activities have taken place, to provide compensation through the political process somewhere down the line to these people.

In my view and as an opposition member I recognize the government side may not accept my perception of this, the Attorney General constantly has placed roadblocks—for what he feels are legitimate reasons no doubt; we do not feel they are legitimate reasons—in front of the committee when we have tried to obtain what we feel are the required documents. This, in effect, leads the

people of this province to ask the question, "What have you got to hide?"

Mr. Renwick: Mr. Speaker, I want to make a few remarks about the matter that is before us. There is no need for me to go into it at any great length because of the comments made this afternoon by the Attorney General and by the member for St. Catharines (Mr. Bradley) with respect to the background of the matter. Of course, the House had the opportunity, on Thursday evening, November 20, to canvass the ground which led to the original issuance of the Speaker's warrant, I believe, on November 24.

The first thing we should bear in mind is that this is not an occasion where any particular form of words is going to persuade either side to alter its fundamental position. I want at some point to deal as best I can with what appears to be the position of the Attorney General in the closing remarks of his comments. I would also like to bear in mind the importance this matter has to the members of the House. Particularly, I want to pay tribute to the member for St. Catharines and to the member for Ottawa Centre (Mr. Cassidy). In the face of severe obstacles over a long period of time, they have tried to bring before this assembly and a committee of this assembly the Minister of Consumer and Commercial Relations to examine the role of his ministry with respect to the matters before the justice committee and the resolution the member for St. Catharines (Mr. Bradley) put to the committee, and which he read a few minutes ago, about the precise areas of concern to be investigated. I pay that tribute, because it needs to be very clearly stated that that is the exercise of responsible government. The minister is responsible to this House and to the committees of this House with respect to the work of the House. I want to emphasize that point, because that is the process through which the Speaker issued his warrant.

I say again to the members of the House—and I speak to my colleagues in the Conservative Party as well as in the two opposition parties—that we are speaking about the integrity of the processes of the House. That is not in any way to derogate from the integrity of the judicial system of the province or the integrity of the ministers of the crown who are charged with the operation of the judicial system in a responsible government.

I do want to put as concisely as I can how I see the situation on the basis of the facts as outlined by the member for St. Catharines and by my colleague the member for Hamil-

ton Centre (Mr. M. N. Davison). Those facts—and by no means are all the facts known—raise a serious question to which the minister must respond. It is not an allegation that something is wrong. It is a recognition that the facts, as known, require an explanation by the minister, and by nobody else, to the committee of the House, which is what we are asking for.

Citizens of the province have lost substantial sums of money and the minister has played a role with respect to the events leading up to those losses, in the sense delineated in the resolution put by the member for St. Catharines, which he quoted today and which is in the record from the debate on November 20. That is the situation.

I specifically want the House to understand that if we follow the course recommended by the Attorney General, it will be years before the minister will be required to discharge his responsibility to the House. That is totally unacceptable to this party and, as I understand it, to the Liberal Party. We cannot afford the luxury of destroying the integrity of this institution by waiting for years before the minister discharges his responsibility to answer the facts before us and to give an explanation, not only to the members of the House but also to the public of Ontario. That is what we are asking for. As the Attorney General well knows, it will take years, if it is not possible in the orderly, proper conduct of its business for the parallel work of this House to go on at the same time as the investigation by the police or anyone else who may be involved.

5 p.m.

My colleague the member for St. Catharines read into the record this afternoon the very careful and meticulous guidelines for the protection and security of the documents. They were not negotiated directly with the Attorney General, but a representative of his ministry was present when they were negotiated. If the Attorney General and his senior advisers want to propose variations or to tighten up the security or otherwise deal with the security arrangements for the documents, they know very well they only have to contact my colleague the member for Etobicoke (Mr. Philip), who is chairman of the committee, to work out those arrangements. That is a very fair and proper arrangement.

It can only work, of course, if the Attorney General, Solicitor General and the Minister of Consumer and Commercial Relations respect the committee; in return, the committee will respect the ministers. Both sides have taken an intransigent position because of the

way in which this matter has polarized; however, it is quite within the capacity of the committee of this assembly to secure the documents, to have them available and to have access tightly controlled as was outlined in the guidelines read into the record this afternoon.

I find it extremely difficult to make any recommendation, to my colleagues or anyone else, or to satisfy myself that it is possible to accede to the second proposal made today by the Attorney General at the end of his statement, which was contained in the proposal he filed with the justice committee yesterday. That is the proposal that the committee request the Speaker to confine the warrant to this committee's area of concern, the documents relating to the issuance of the licence by the ministry. This request is made to alleviate my concerns, said the Attorney General who, went on to express those concerns.

I looked at that very carefully. When a body is charged, as the justice committee is charged, with the responsibility of carrying out this matter, one of the first things it requires is the production of documents. I do not need to talk to my friends in the profession about the importance of that step in any proceeding.

It is then for the committee to decide, with the assistance of the law officers of the crown, which of those documents are pertinent to the matters before the committee as set out in the resolution, which is the terms of reference for the committee. The resolution I am referring to is the one put forward by the member for St. Catharines.

I am not in a position to accept item two of the Attorney General's proposals. I am asking him if he will accept the very careful arrangements that can be made to provide for the production of these documents seen by the committee to be relevant to its considerations; other documents can be turned back speedily and quickly to those who require them, because obviously that is the nature of the production of documents.

That is a reasonable position rather than an intransigent position. It is a very fair position, and I think it can be carried out within the guidelines as outlined to the House this afternoon by the member for St. Catharines, or by other tighter, more carefully worded, restructured or redrawn guidelines that will have the confidence of everybody.

I am very reluctant on all occasions for the House and its committees to sit in camera. However, if it is essential for the purposes of

this operation for the committee to sit in camera and make its report, then I think the committee or the House, although reluctant, may do that.

I am simply saying to the minister and to the government that they must have confidence in the committee. I think that can be worked out. To my mind, that evidence of confidence would go quite a long way to restore the deterioration that has been setting in around this issue because of the lack of respect for the committee of the assembly which has been demonstrated by the course of events up to the present time. That is well worth considering.

I say to the Attorney General and, if the Attorney General is too close to the game, I say to the Deputy Premier (Mr. Welch), that perhaps he in his wisdom might indicate to his colleague that is not, after all, an unreasonable position for the committee to take. I think that will protect everybody's interests, and I think it will protect them very well.

I want to refer to the first part of what the Attorney General has said. At first blush, one would have thought it meant something. All it means, of course, and I state what he said, "The committee request of the Speaker that compliance with the warrant be delayed for one week during which time the Attorney General will again appear before the committee and advise the committee, as far as it is humanly possible, how long it will take the OPP to complete the aspect of their investigation which concerns the committee; that is, the circumstances surrounding the issuance of the licence by the minister."

I want to point out clearly that I do not understand it—I never have understood it throughout this debate—but there seems to be some misunderstanding of the very clear and precise ambit of the resolution put by the member for St. Catharines (Mr. Bradley) that is not limited just to that one procedural device. The committee has wider responsibility. It is quite difficult to suggest, in some way, that is the only matter the committee has before it. I am not going to read the resolution again. I read it last week, and the member for St. Catharines read it again today, but apparently the minister and his advisers have never yet referred to the actual terms of reference which the committee has before it and which are its responsibility to discharge.

The particular suggestion of the Attorney General is that he will simply come and tell us the investigation is going to take longer. That is what he is going to tell us a week from now. There is no way in which that

can be read in any other sense. He said, he ". . . will again appear before the committee and advise the committee, as far as it is humanly possible, how long it will take the OPP to complete the aspect of their investigation which concerns the committee." That, of course, is very close to the day when this session of the assembly is planned by the House leaders to prorogue. I find that is not any middle ground at all.

The sum and substance of the solution to this problem lies within the remarks I made a few minutes ago with respect to the guidelines, and the security with respect to the documents and the way in which that can be done. Reasonable men, when faced with matters like that, can find that solution within the framework as already worked out in a preliminary way by the chairman of the justice committee, the member for Etobicoke.

I want to say this because it has been a diversion, and therefore I want to deal with it simply as a diversion, but it must be dealt with; it is the surprising position taken by the Ontario Securities Commission with respect to its responsibility and the way in which it sees its responsibility. There is nobody in this House who wishes to interfere in any way with the integrity of the financial markets of this province or the operations of the securities commission anywhere else. That is, if I may say so, an inconsequential argument. I say to the new chairman of the Ontario Securities Commission, this illustrates if not a lack of respect then a lack of understanding of the processes of the House and the commission had better learn and understand these processes.

#### 5:10 p.m

I sat through the proceedings of the committee that dealt with the Securities Act. I have said on other occasions that this was a government bill worked out with the financial community in which this assembly played no part. Not a single amendment proposed in committee with respect to this bill was ever accepted or considered. It was a government bill worked out with the financial community. In the definition section, I want to point out it states very clearly that the minister "is the Minister of Consumer and Commercial Relations or such other member of the executive council to whom the administration of this act may be assigned."

The Minister of Consumer and Commercial Relations is the minister responsible for the administration of the act. The act then outlines how to set up the commission, including a statute that provides very clearly that there shall be a commission, that it will be a con-

tinuing commission and that the commission is responsible for the administration of the act. Responsible to whom? To themselves? No; of course not. To the minister. Who is the minister responsible to the House? I do not want to have a continuing argument with the securities commission about where their responsibility lies. Let us get that clear and perhaps the minister could reference the area at some time with respect to the investigations carried out by the commission and the obligation of the commission to furnish the minister with the information. I am not going to go into that at any great length.

I refuse to be trapped into a lawyer's niggling game about what the English language means in that statute. I do not want anybody to misunderstand that. The Speaker's warrant runs to the minister. There is absolutely no need for the Speaker's warrant to run to the commission. The minister is responsible for that commission and is answerable in this assembly to the extent of the role they may or may not have played in connection with this matter.

I want to say to the Attorney General and the Deputy Premier (Mr. Welch) that the resolution of the matter lies in the good faith and co-operation of the committee with the officials of the ministries concerned, in this case, the Solicitor General, the Attorney General and primarily, of course, the Minister of Consumer and Commercial Relations. That kind of co-operation and good faith will strengthen the protections provided to the citizens of the province and will perhaps clear up for all time whether the people who have lost the money can look to the government for reimbursement. That is what it is about.

The Deputy Premier and I were in the House during the disaster at the Prudential Finance Company some years ago. The creditors of that company endeavoured to sue the government and were unable to get standing to do so. That may have disappeared. I am not suggesting that possibility does not exist. But that kind of lawsuit will cost the creditors a fortune to institute and carry through to conclusion.

In the case of the civil suits, apart from any suits in which the government may be involved, there is no chance of any money being recovered from the fraudulent empire which collapsed. None of that is going to go back to the creditors. They are entitled, as creditors who have lost their money, to understand from the government whether it has any role to play which would lead one to believe that perhaps there has been some negligence, oversight, mistaken judgements

or whatever it may be that would impose an obligation on the government to respond to those creditors. That is the purpose of the exercise. It is not a trial. That is all it is: to look at the role of the minister. It is not for the purpose of condemning anybody. It is to find out what did take place in the circumstances of a situation where the facts call for a response.

The response was to be made to the committee of the assembly. The response must be made with the care and attention I have tried to indicate the committee will exercise with respect both to the documents and the witnesses who are called before that committee in the course of its hearings.

Let me end this part of my remarks with this note. As I said on November 20, if the committee does not get the documents it does not eliminate its responsibility. Just because it does not get the documents does not discharge the committee. The committee still has its responsibility under the rules.

I want to close by saying that the Attorney General, in his three remarks about the sub judice rule and the attack on the jurisdiction of the committee, has indicated quite clearly he disagrees with rulings made by the chair in this whole matter. That is what it is all about.

If he wants to challenge the chair, let him go ahead. If he wants to change the rules some day, let him come to the standing committee on procedural affairs. But the rules of this House have not been violated under any circumstances. I want to make that clear. Everything has been done in strict accordance with the rules—not the Attorney General's interpretation of the rules, but in accordance with the interpretation of the rules made by the officers of this assembly headed by the Speaker of the House, who is responsible to this House.

I am prepared to dismiss the three major points that occupied so much of the Attorney General's time as mere rhetoric because the decisions of the chair are contrary to each of the positions he put about those matters. With those remarks and, as I say, seeking to find out whether the two proposals put by the Attorney General could be dignified as a movement on his part to some reasonable rapprochement with the committee, I have had to dismiss them for the reasons I have given.

In dismissing them, I call upon him personally, in his role as Solicitor General and Attorney General and now as counsel to the Minister of Consumer and Commercial Relations, to meet with the chairman of the

justice committee and whoever else they want, with the Speaker of the assembly and Clerk of the assembly, to work out the best possible guidelines for the security and protection of those documents.

I have tried to listen to the world unfolding today to see whether there was some movement by the Attorney General which could have led to some flexibility and response from the committee. I think the committee has been flexible in its response and in the guidelines it has endeavoured to draw up. I call now on the Attorney General to co-operate as the minister of the crown responsible in the House for the work of the committee.

It is essential for the Attorney General to reconsider his position and, if he will not reconsider it, for the Deputy Premier and the other, wiser heads in the cabinet to prevail and not allow this intransigence to develop into the kind of confrontation which the Attorney General appears to enjoy in fighting with the committees of the House. It is a matter of fundamental respect. To the extent it has been shaken in any way, that matter has to be re-established. I suggest the gesture must come from the Attorney General.

5:20 p.m.

**The Acting Speaker (Mr. MacBeth):** The member for Cochrane South.

**Mr. Martel:** Is the minister going to talk about the food terminal?

**Hon. Mr. Pope:** I have the speech here if the member would like to hear it again. He ignored it last time.

**Mr. S. Smith:** This is the minister of freedom of information, isn't it?

**Hon. Mr. Pope:** The leader of the Liberal Party ought to know. Let him tell us about his public opinion poll.

**Mr. S. Smith:** Yes, freedom of information.

**The Acting Speaker:** Order, please. Order.

**Hon. Mr. Pope:** Mr. Speaker, I feel compelled to enter this debate because there have been allegations with respect to the integrity of some of the ministers of this government. In spite of the denials by various previous speakers, these are allegations that have been raised, not by the public at large, but by members of the parties opposite. Let us be clear about that.

I sat in the House today and heard expressions such as "coverup," "stonewalling," "What have you got to hide?" I have read in the newspapers of this city the allegations of the member for St. Catharines. So let us

not say this is the general public perception; it has been a perception orchestrated by the opposition parties for their own partisan political purposes. They want to impugn the integrity of the Attorney General and of the Minister of Consumer and Commercial Relations, in spite of his efforts to help the investors. They want to impugn the integrity of the staff of that ministry and of the Ontario Provincial Police. Nothing is beyond their net.

They make all sorts of allegations, parliamentary and unparliamentary. Even if they are withdrawn, allegations are made nevertheless. They say they want an explanation from the ministers. They want to hear their legal advice. The truth is, they do not believe the advice or explanations anyway; so what is the point in engaging in that kind of discussion? They do not want to believe it. They will not believe it. They are going to pursue this matter in spite of the explanation.

They say they want to hear the Attorney General, yet they refused to hear him when he appeared before the committee. Let us forget about the nonsense of them wanting to listen to anybody. They want to embark on a political witch-hunt. That has been their aim all along and it is what they are going to pursue. It will not matter what anyone says, whatever explanation, whatever legal advice they receive; they want to embark on a political witch-hunt. That is the truth of the matter. They do not care if they undermine the judicial system of this province to do it. They want to score points.

**Mr. Bradley:** Tell that to the people who lost their life savings.

**Hon. Mr. Pope:** I am getting to the member for St. Catharines.

They want to undermine the justice system that has served the people of the province well. They want to undermine the work of the police forces as they carry out their detailed investigations. They have made allegations about the Attorney General today and his role with the Ontario Provincial Police. They made allegations about the police themselves. It is consistent with their efforts in the last six months vis-à-vis the police forces of the province.

**Mr. Bradley:** Nonsense.

**Hon. Mr. Pope:** It is consistent. Don't worry. We will get to that issue soon enough.

They say that we do not care about the investors who invested their good money in these organizations. If that is so, why have we carried out comprehensive investigations? Why have charges been laid and investiga-

tions been carried out if we do not care? They do not understand, they do not want to understand and they do not want to tell the people in their areas that we have carried out those investigations and laid those charges.

We have heard talk in this assembly about the production of documents, about in camera hearings. If the doctors' income issue is any example, I do not believe in the in camera hearings. The truth of the matter is, when we talk about production of documents and when we talk about compelling attendance of not only the ministers but also their staff, Mr. Montemurro and whoever else they want to bring in later on, they are not talking about getting an explanation from the minister. They are talking about having a trial in a committee of this House. They want to have a trial.

I want to quote from the record. These quotations have to be read, because I think they are appropriate to bear in mind as we examine this issue:

"In fact, all of our law is oriented and based on the fact of the recognition of the value of the individual human being in determining and protecting his freedom before the law, his freedom before us, his freedom before that giant branch of government which is the judiciary.

"The paramount consideration is not the freedom to sell the news and not the freedom to market events, but to protect the rights, the dignity, the freedom and the reputation of each and every one of us here and each and every one of us out there."

And again: "We must protect the individual prior to his trial."

And again: "Are we going to opt for freedom of the individual to support his civil rights, opt to support the individual in the eyes of his peers until such time as it is shown that view is uncalled for, or are we going to opt for the freedom of the newspapers and television and so forth to sell their newspapers or sell their programs on the back of what is possibly an innocent citizen?"

And again: "We assume in this country that there is innocence until guilt is proven. However, the publication of the identity and the charges against an individual before a trial begins often makes him guilty in the public eye ahead of time. There may be circumstances where he may have been subject to false arrest or where a mistake may have been found that removes the necessity for a trial or charges may be withdrawn because of lack of evidence,

"The consequences for the individual and the family have been well outlined by members of this Legislature. They include the family itself suffering in terms of its standing within social groups; the children in school being subject to abuse by other children who are making judgements based on publication of charges and the individual's name; the unnecessary effect on those in the family who might be ill; the guilt by association that the family feels; attacks of a verbal or physical nature, telephone calls and things of this kind, all of which are suffered unnecessarily if charges are withdrawn.

"The accused himself may face mental and emotional instability, may perhaps contemplate suicide, may face the loss of a job or a chance for promotion, his reputation may be destroyed and he may be unwanted in service organizations and other organizations which he may wish to join."

Very noble words, Mr. Speaker. They were spoken on April 19, 1979, by the member for York Centre (Mr. Stong), the member for Sarnia (Mr. Blundy) and the member for St. Catharines (Mr. Bradley). We are talking about individual civil servants and individuals in this province whom the members opposite want to compel to attend.

There have been arguments raised about the sovereignty of Parliament, and I agree the Legislature is supreme. We have a responsibility as a Legislature, as a matter of fundamental respect for the citizens of this province, to be cautious and careful in the exercise of our legislative power. I would like again to quote a couple of paragraphs for the members of this House.

". . . the doctrine of supremacy of Parliament has attributes of fundamental importance to this commission:

"(1) In a matter of pure law, as long as it stays within the power conferred on it under the BNA Act, the Legislature has power to take away or curtail any of the rights that an individual may have, and in strict law it is not required to provide any compensation for the rights taken away or curtailed."

We also believe: "The ultimate control of the legislative power of the Legislature of Ontario, within its constitutional limits, rests with the electors. In theory the direct exercise and control of power in the Legislature is in the charge of the elected representatives who are responsible for the policies of our legal and government system."

Interjections.



**The Acting Speaker:** Order, please. The member for Cochrane South has the floor.  
5:30 p.m.

**Hon. Mr. Pope:** It does not matter, Mr. Speaker. They never have listened. I understand.

"Under our parliamentary system a direct curtailment of liberties of individuals without their personal consent and without remedial compensation by a law enacted by the Legislature is presumed in theory to be justified in the general interests of the community. In theory, this is a premise upon which the democratic process under the parliamentary system is based. The reasoning is that a majority of the elected representatives who come from all areas, that groups and interests in the community are subject to the restraining influences of a vocal and informed opposition and that the proceedings of the Legislature are in public, are reported and commented upon by responsible and informed media of general communication. It is presumed that the majority of the legislators will work within the standards of justice and propriety generally recognized throughout the community so as to avoid onerous actions taking away or changing the rights of an individual or group, unless clearly justified in the general interest."

Further along:

"Where the Legislature unnecessarily gives up control and fails to provide proper safeguards for the rights of the individual there is the possibility of an 'unjustified encroachment' on those rights."

And again:

"Such authority is generally conferred to be exercised in particular circumstances as a matter of convenience or it may be exercised having in mind policy considerations . . . Therefore the exercise of administrative authority may be a departure from the principle that legislative power should be exercised or controlled by the Legislature and also a departure from the basic constitutional concept of the rule of law . . ."

Again further along:

"Where power is conferred to take away or change rights of individuals without all practical safeguards, the mere existence of the power undermines the security of all rights that may be affected and is an encroachment on those rights. Sir Ivor Jennings, discussing the possible contraction of the 'freedom of the individual' during the war, said: ' . . . Individually liberty is not so much a question of legal remedies as of government power. There has been no limitation of the remedies available to the citizen but his liberty has

been restricted because governmental powers have increased.'

"The term 'right' could be substituted for 'remedies' in this quotation . . ."

The very important matters of the liberties of the individual within this province were further discussed. The most essential and fundamental characteristic of the courts of justice is that they be independent. The Magna Carta of the British judicial system, the Act of Settlement, was won only after hundreds of years of struggle and two revolutions to secure protection against arbitrary power exercised by or on behalf of the crown.

The caption of the act in its recitals not only describes its purpose but constitutes in some measure a declaration of the rights of the individual.

It is also important that impartiality reign in the courts, and I wish to quote from Viscount Cave:

"My lords, if there is one principle which forms an integral part of the English law, it is that every member of a body engaged in a judicial proceeding must be able to act judicially; and it has been held over and over again that if a member of such a body is subject to a bias (whether financial or other) in favour of or against either party to the dispute or is in such a position that a bias must be assumed, he ought not to take part in the decision or even sit upon the tribunal. This rule has been asserted, not only in the case of the courts of justice and other justice tribunals, but in the case of authorities which, through in no sense to be called courts, have to act as judges of the rights of others.

"From the above rule it necessarily follows that a member of such a body as I have described cannot be both a party and a judge in the same dispute, and that if he has made himself a party, he cannot sit or act as a judge, and if he does so the decision of the whole body will be vitiated."

We have tried to embody these important principles in our justice system: trials shall take place in public, decisions will be based on evidence and judicial notice of that evidence, reasons for decisions will be given, an opportunity to answer charges will be provided throughout the proceedings, and a right to appeal is available.

We have recognized these important principles in our parliamentary traditions through the ages. Why? Because in 1487, Henry VII, to punish without a jury the misdemeanours of sheriffs' juries, as well as riots and unlawful assemblies, set up a body. It got its name from the council chamber at

Westminster where it met. By the end of the sixteenth century it fell into disrepute, because individuals were not being provided with information on the charges preferred against them, or given a right to answer those charges fully, or to meet their accusers publicly, to meet all the information brought before them publicly and refute it, if they wished. Because it met in camera, it lost its credibility. It had to meet in open court. It also lost its credibility because it tried to coerce. In the same way coercion is being exerted by the Speaker's warrant, it tried to coerce individuals of society to appear before it and to make confessions. It tried to coerce confessions and documents out of them. That body was the Star Chamber, which is exactly what this committee is becoming.

The member for St. George indicated she believes there are areas in which the sub judice rule applied but, on the other hand, she says she does not believe the Attorney General's explanation anyway; so she wants it all before her. Some logic. With the opposition parties in control, disorder reigns. Government is government by the opposition. It will do anything it wants. It will abuse its members. It will go on witch-hunts. It will distort political points. It does not matter if the people are trampled on in the consequence. It does not matter to them at all.

We believe the rights of the individual are important. The rights are to have justice, to have a fair trial, to be heard first and foremost in the judicial forum where the public's rights, including the victim's rights, will be determined according to a tried and true procedure, according to the rules.

We also believe in the rights of society to a thorough and complete investigation by the police who have the experience in these investigations, without hasty disclosure which would prejudice intelligence sources, prejudice information, prejudice the preservation of documents and other physical evidence, prejudice the techniques to be used in investigation and prejudice the specific criminal activities we wish to investigate.

I, too, will be happy when justice has its day, when the wrongdoers are punished, when after a fair and full trial all documents in the hands of this government and the federal government are in the hands of this committee. The acting Leader of the Opposition today indicated it was not appropriate for a committee of this House to get involved in the Nakina matter because it was before the courts.

**Mr. Nixon:** On a point of order, Mr. Speaker, I said in question period there were

procedures such as a royal commission which would be better than the committee approach.

**Hon. Mr. Pope:** The member said a committee of this House was not the appropriate forum for that and asked the Premier to consider a royal commission or some other organization. We will see when Hansard comes out, my friend.

Then we had the member for Ottawa East (Mr. Roy) who said, "How much validity will we have for an inquest? How much validity can there be in continuing an inquest when criminal charges have been laid?" They have already dismissed a House hearing and an inquest procedure where criminal charges have been laid. Criminal charges have been laid in this case and yet they want to continue with Star Chamber activities down in the other room. That is the truth. They want to charge after the bad guys. They do not want to leave it to the police, who have some experience in the investigation end of this. They do not want to leave it to them. They do not want to leave it to the courts to determine on the basis of fair and due process. They want to charge after the bad guys and they do not care whom they hurt in the meantime, whether it be the investors or anyone else. That is the truth of it.

**Mr. Breithaupt:** On a point of order, Mr. Speaker: The Minister without Portfolio has referred to the actions of a committee of this House as equivalent to the notorious Star Chamber. I think that is an allegation he should immediately withdraw as it is not worthy of a minister of the crown to describe a committee in that light.

**Hon. Mr. Pope:** In conclusion, I believe these activities are calling into question the processes of the legal system of this province. I want to say to the Leader of the Opposition when I was at Waterloo Lutheran University the first political leader I met was Andrew Thompson. I spent an evening with Andy Thompson and a few other people discussing the political processes of this province. The only advice he gave was that the mistake his party had made in the immediate preceding time was to run on a scandal a day, to try to allege that the crown and the government of this province was on a consistent basis involved in the kinds of things members opposite have accused this government of today. I say to the Leader of the Opposition he is too nice a man to suffer that same fate.

5:40 p.m.

**Mr. Foulds:** On a point of order, Mr. Speaker: I believe a previous member asked you to rule whether the minister should with-

draw the allegation against the committee and its members in reference to the Star Chamber. Am I correct in that? Did you make a ruling?

**The Acting Speaker:** Yes. I am going to rule in the negative, because I feel the record will speak for itself in regard to what was and was not said. The member did not push for the ruling or press for it. If you are now asking for my ruling, it is in the negative.

**Mr. Foulds:** Mr. Speaker, are you aware of the proceedings, the history and the processes of the Star Chamber?

**The Acting Speaker:** Yes, I realize the Star Chamber does not have an enviable record. The member suggested this committee might be acting like the Star Chamber.

**Mr. Foulds:** Might be? I would suggest that is a very serious allegation for any member of this Legislature to make against fellow members, either individually or collectively.

**The Acting Speaker:** I do not agree with the member.

**Mr. Foulds:** One of the fights of parliamentary democracy since the time of Henry VII has been to reverse the processes and secrecy surrounding the operations of the Star Chamber.

**The Acting Speaker:** I have heard the representations of the member for Port Arthur in the matter. The allegation was not made against any one member nor was it impugning the integrity of any one member, but suggesting that an entire group in this House was acting in such and such a manner. I feel it is the right of the member to express that opinion if that is the way he feels. The record will speak for exactly what was said.

**Mr. S. Smith:** Mr. Speaker, I think it is very important that the people of Ontario gain a genuine understanding of what has been going on in this House concerning this topic over the last several months. I personally have spent more hours discussing this particular matter and thinking about it than on any of the other more urgent matters before the province and the official opposition. It is a particularly interesting and difficult matter. The opinions I shall express have been reached after very considerable thought and with every bit of sensitivity I am able to muster concerning the importance of the judicial process and our very respected police forces in Ontario.

What we are seeing is a possibly sincere view being expressed by the Attorney General (Mr. McMurtry) regarding what he thinks would be the harm done to the judicial process if the committee is able to obtain the documents it has asked you, Mr. Speaker,

to obtain. I suspect, however, after reviewing several months of dialogue on this, after listening to the arguments put forward and considering other aspects of this case, that what we are really seeing is a government dressing itself in the cloak of judicial and investigative responsibility and doing so in a rather clumsy attempt to avoid serious embarrassment.

I ask you to consider the origin of this matter, Mr. Speaker. We have had a situation where hundreds of investors have found themselves losing in many instances their entire life savings. In many instances, these are elderly and handicapped people who have lost their life savings in what I suppose can best be regarded as a scam. Interestingly, the front for the scam, a trust company, is under federal licence, but while the federal government appears to have licensed the front for the scam, the provincial government licensed the scam itself.

You might say, Mr. Speaker, that this is the kind of thing that could happen; there might have been a lot of evidence brought in front of the people responsible for giving out these licences in favour of this particular mortgage company. Yet the province itself takes pride in the fact that it knew better than to license the trust company. Since the same principals and individuals were involved, one would have to wonder why it would not know better than to license the mortgage company.

In carrying that one step further, the officials had in front of them by their own admission a judgement by a respected judge in this province, pointing out that in its previous incarnation the mortgage company, operated by these same individuals—and I recall the words used by the judge—"treated the investors' money without regard to fiduciary obligations," in other words, as though it was their own money. They did with it as they liked without keeping in mind the responsibility one has to investors.

One can only say it is frankly incredible that not 13 days after one mortgage company, operated by these same people that the province refused the trust company licence to, goes under and has this statement made about it by the judge, the ministry licensed the same people in another mortgage company to do the same thing over again.

Understandably, we in the opposition have been asked by hundreds of people who are now ruined, whose lifetime of hard work and saving has simply gone down this dastardly drain, to do something to help them. We asked several months ago of the minister

responsible, "Will you try to help these people?" and the minister told us repeatedly, "This is not for us. This, you understand, is a federal matter. It is covered by deposit insurance of the trust companies and, since they thought they were putting their money in a trust company, it is really a matter we can do nothing about provincially. We had nothing to do with it. It will all be handled by certain federal authorities, including the deposit insurance company." Basically, he washed his hands of any provincial responsibility in this matter.

We in the opposition believe we have a serious responsibility to ascertain whether there was—and, frankly, this is the only thing that entered my mind—abysmally bad judgement and very poor quality control exerted by the people who hand out these licences. That was the question I had in my mind, I may be a little naive, but it honestly never entered my mind that the people who handed out the licences might have somehow been influenced by some dishonest practice to hand out the licence. I honestly felt, in this instance, it was simply massive incompetence.

We wanted, therefore, to have this incompetence drawn to light so that, as the member for Riverdale (Mr. Renwick) pointed out, there would be some recourse open to these investors who lost their money, there would be some recourse open to these elderly people so they could come to the province, and the government would have to admit that it did, indeed, have something to do with it, whether merely through incompetence or whatever, and that it had something to do with the law. That is what we were after.

We asked question after question, but we were given no answer. Finally, we asked, "All right, will you show us the documents that were in the hands of the people when they decided to give out the licence?" The Minister of Consumer and Commercial Relations (Mr. Drea) said, "I will be happy to do that." He went further than that. He said, "When you get them, you will see how wrong you are. It will blow you out of the water," or one of the characteristic, colourful phrases for which he is well known.

5:50 p.m.

We waited for the documents and, lo and behold, the Attorney General apparently advised the minister he was not to release the documents. We could not have those documents. We are now speaking six, seven or eight months after the fact, with all the time that has passed, after time to investigate, after discussions in estimates, after weeks of

telling us the province could not possibly have been negligent and could not possibly have been responsible for any of this.

First, we were told it could affect the case against Mr. Montemurro. Then we were told it was a civil case. Then we were told it was sub judice. Finally, they trotted out the argument that those very documents, and presumably the people who issued licences based on those documents, were now themselves, according to what was said by the Attorney General, apparently the subject of a criminal investigation. Six, seven or eight months afterwards we were told it was far from the province's having no responsibility at all, far from being ready to blow us out of the water if we ever saw the documents.

It suddenly turned out we were to believe the very people who issued those, or had something to do with the documentation which went into the decision to issue them, might themselves now be the subject of possible criminal charges. We were told we could not look at any of those documents, that we would have to wait. The Attorney General says, "If you wait a week, I will tell you how long I think the investigation might have to go on." It has already gone on eight months. What great news will we be given in one week's time?

There is a contradiction in what the minister has said. If he were here, perhaps he would correct it. Somebody might ask him to do so. In Instant Hansard he said something different from what is in his printed text. What he said in Instant Hansard today, as opposed to the printed text he issued is this, "As part of the statement which I attempted to read to the committee yesterday but was prevented from doing so, I said that the matter, and I don't have a copy of it before me, but I indicated that it may well be by Wednesday of next week that the criminal investigation would have been completed, at least so far as this aspect of the matter was concerned."

That is interesting because later on in the printed text he does not say it would have been completed by Wednesday. He said simply that by next Wednesday he would be in a position to tell us when—I think he used the term "as best as humanly possible to determine"—the investigation of these matters might be completed. So there is a contradiction. I am not sure if he is saying it will be finished by next Wednesday, or if, by next Wednesday he will be in a position to tell us when it will be finished. He said both during the course of his statement. I ask you, Mr. Speaker, to draw this to his attention.

Why should we stand back after all these months? Why should we stand back and permit the government essentially to cover itself so it need not suffer embarrassment? Let the record be clear. No one on this side of the House accused anyone in the ministry of dishonesty in the issuing of this licence. Let us be clear. It is the Attorney General of Ontario who has come into this House and said there is a criminal investigation into the issuance of the licence and into the documents pertaining to the issuance of the licence.

It is he, therefore, who is suggesting that in the very issuance of the licence there might have been criminal activity. Not a soul on this side of the House has ever made that suggestion. We see only prima facie evidence of massive incompetence. Whether the incompetence can be explained by corruption is not something we have ever suggested. It is conceivable, but it is certainly not what we have suggested. If it turns out that way from the criminal investigation, we will be as shocked as anybody else. The fact of the matter is we have never made any such accusation. Let the record be very clear on that.

What we do say, however, is there seems to be massive incompetence and the explanation for that incompetence will have to be gained by other investigations. We do not see a committee of the House as the proper place to conduct a criminal investigation. Clearly, that is not the function of a committee of the House. A committee of the House should discover if the interests of the public of Ontario were being well protected by the people who report to the Minister of Consumer and Commercial Relations. That is our job. It is too bad if people in the Ontario Securities Commission think they are somehow above such scrutiny, or if people within the ministry do not wish to come under such scrutiny. We are the highest court in this province and we have every right, every duty and every obligation to look into the way in which the minister has or has not been protecting the interests of the people of Ontario.

Instead of this clumsy attempt to cover up any embarrassment which it might have to suffer, the government would be much better off simply to tell us that some of the documents we want to see and some of the witnesses we want to speak to are very material to the question of whether criminality intervened in the issuance of the licence. All they have to do is say that is one of the problems and we will understand. We have no obligation to stand down in the face of a police investigation; it is not an obliga-

tion of this House to stand down simply because an investigation is going on. We have no obligation. However, most of us wish to be co-operative and, if the Attorney General would flag certain documents, tell us about certain witnesses and share certain information, the committee might well agree that those documents should be examined under tight scrutiny and tight security and only in camera. We can understand that and we are prepared to co-operate with the police.

The matter has been going on for eight months. Any person with common sense must come to one of two conclusions about the police investigation with regard to the issuance of the licence. One: the police have been trying for eight months to find evidence of criminality in the issuance of the licence and have failed to do so. If that is the case, I hardly think we ought to wait another eight months in case they manage to find evidence later on. Two: the police have not been trying for a very long time to make the connection and want to start to do so now that we have declared our interest in finding out whether there was incompetence or negligence in issuing the licence.

As we seek to find out whether there was incompetence or negligence, we will perhaps speak to some of the same people, ask some of the same questions and look at some of the same documents, as a policeman might in his search for the answer to the question of whether there was criminality in the issuance of the licence.

We are prepared to do nothing that would impede the access of the police to witnesses or information. We are prepared to allow the Attorney General to flag that information, to hear any such people in camera and to have consultation with the law officers of the crown before speaking to any such witnesses so that the law officers may advise us of certain lines of questioning that may be counter-productive to police investigation.

We are prepared to be co-operative, but there is no reason in the world why the Legislature of Ontario, elected as we have been to protect the interests of the people of Ontario, should be party to any attempt on the part of the government, however clothed in the fine silk of alleged respect for the system of justice, to cover up its potential embarrassment at having failed to protect the people of Ontario from dreadful and heinous losses. We have a right and we will exercise that right in the committee of the Legislature.

The House recessed at 6 p.m.

## CONTENTS

---

**Thursday, December 4, 1980**

|   |      |
|---|------|
| Transmitting Estimates, the Honourable the Lieutenant Governor .....  | 4905 |
| Point of privilege re circulation of letter: Mrs. Campbell .....  | 4905 |
| Pension legislation, statement by Mr. Drea .....  | 4906 |
| Durham regional environmental hearing, statement by Mr. Parrott .....   | 4906 |
| Italian earthquake: Mr. Wells, Mr. Mancini, Mr. Cassidy .....   | 4907 |
| Speaker's warrants .....  | 4908 |
| Nakina fire, questions of Mr. Davis and Mr. McMurtry: Mr. Nixon, Mr. Roy, Mr. Foulds .....                      | 4908 |
| Liquid industrial waste, questions of Mr. Parrott and Mr. Davis: Mr. Nixon, Mr. Cassidy, Mr. G. I. Miller ..... | 4910 |
| Speaker's warrants, questions of Mr. Davis and Mr. McMurtry: Mr. Cassidy, Mr. Nixon, Mr. M. N. Davison .....    | 4911 |
| Rent review, questions of Mr. Bennett: Mr. Cassidy .....  | 4914 |
| Italian earthquake, questions of Mr. Davis: Mr. Mancini .....   | 4914 |
| Food prices, questions of Mr. Drea: Mr. Swart .....   | 4915 |
| Farm Products Appeal Tribunal, questions of Mr. Henderson: Mr. Riddell .....                                    | 4916 |
| Rural electrical rates, questions of Mr. Davis: Mr. MacDonald .....   | 4916 |
| Alberta oil projects, questions of Mr. Davis: Mr. Peterson .....  | 4917 |
| Special occasion permits, question of Mr. Drea: Mr. Makarchuk .....   | 4918 |
| Report, standing committee on general government: Mr. Cureatz .....   | 4918 |
| Report, standing committee on procedural affairs: Mr. Breaugh .....   | 4919 |
| Reports, standing committee on administration of justice: Mr. Philip .....                                      | 4919 |
| Recess .....  | 4941 |

---

**SPEAKERS IN THIS ISSUE**

---

Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Bradley, J. (St. Catharines L)  
Breaugh, M. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Foulds, J. F. (Port Arthur NDP)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McMurtry, Hon. R.; Attorney General and Solicitor General (Eglinton PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Pope, Hon. A.; Minister without Portfolio (Cochrane South PC)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Roy, A. J. (Ottawa East L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)











No. 132

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, December 4, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

## LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 4, 1980

The House resumed at 8 p.m.

### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

(continued)

Resuming the debate on the motion for the adoption of the report of the standing committee on administration of justice.

**Hon. Mr. Gregory:** On a point of order; Mr. Speaker: I believe the New Democratic Party had finished speaking and the natural rotation comes to us.

**Mr. Speaker:** It is my recollection that the Leader of the Opposition (Mr. S. Smith) had just completed his remarks at six o'clock.

**Mr. M. N. Davison:** Mr. Speaker, the Attorney General (Mr. McMurtry) is not here, but shortly before he walked out in a huff earlier this afternoon while the member for St. George (Mrs. Campbell) was speaking—

**Hon. Mr. Gregory:** Why don't you grow up?

**Mr. M. N. Davison:** I am trying as best I can. I did not know that the Conservative Party had such an antipathy towards youth. I think it is well that we in the under-geriatric age group are represented in the assembly.

Shortly before the Attorney General walked out in a huff during the comments of the member for St. George, he referenced during his 20-odd-page statement his point of view that this was one of the most important debates that had taken place during the period in which he was a member in the assembly. I suspect in a number of ways I agree with the comments he made in that single regard.

I think it is an important debate for two reasons. First, I hold the opinion that the last best hope for the Re-Mor victims in terms of getting justice is the justice committee of this assembly. I think the record has shown in this province that in like situations there is no effective remedy for them before the courts. That has been the history. If we should talk about the history—not of the justice system and the courts in this province—of the central player, Mr. Carlo Montemurro, I do not think they have a lot better chance through that approach either.

Second, this is an important debate in that it raises and perhaps decides the question of supremacy in this tiny room in this obscure world of ours, the Legislative Assembly. Is the government of the day responsible to the Legislature or is the Legislature responsible to the government? I think that is a fundamental and important question, even if it is a question that is not on the lips of everybody in the province. It seems to me we come down to, in the words of the Attorney General, whether the Legislature is the highest court in the province.

**Hon. Mr. Pope:** It is a court. They want to have a trial.

**Mr. M. N. Davison:** I think those were the words he used. If I am wrong I will apologize. Or does the final power reside in the Premier's cabinet? I think that is an important distinction.

In simple and kind terms—something I am not noted for, being a lowly and simple guttersnipe from Hamilton—I believe this is a case in which the Legislature has seen injustice in the province and sought a remedy for that injustice. In very simple, kind and basic terms, that is what the opposition has been doing; that is what the opposition is about.

**Hon. Mr. Pope:** Do you think there is such a thing as an impartial committee hearing?

**Mr. M. N. Davison:** If the member for Cochrane South (Mr. Pope), the minister without food terminal, will hold his peace I will turn my attention to him in just a moment and make some comment on his inane, uninformed and bizarre remarks before the supper hour.

The Legislative Assembly saw injustice and sought to provide a remedy to correct that injustice. The government has sought to defend its actions in this matter. Simply stated, that is what has happened on the two sides of the House. I think my comments are in kind terms.

The government has put forward what can be described, I think fairly, as a legalistic argument. Not only is it legalistic, it is a shifting argument and a shifting case. If there has been any change, it has not been

a change of attitude but simply a movement over the period from one variety of tactics of delay to another.

I think it is noteworthy that the government has never in this session expressed its concerns in human terms, but always in the same legalistic, stuffy, dry terms.

**Hon. Mr. Pope:** Were charges laid?

**Mr. M. N. Davison:** Were charges laid in the Re-Mor case? No.

**Hon. Mr. Pope:** But Mr. Montemurro was not having any.

**Mr. M. N. Davison:** No. Have charges been laid against the Minister of Consumer and Commercial Relations (Mr. Drea) or any of his staff in the Re-Mor case? No. Have charges been laid against anybody else in the Re-Mor case yet?

**Hon. Mr. Pope:** But that is what you really want.

**Mr. M. N. Davison:** No. They have not been laid. That was one of the inaccuracies that resulted from the colossal misinformation the member for Cochrane South is so attuned to.

**Hon. Mr. Pope:** He just said it.

**Mr. M. N. Davison:** I must admit to not having the necessary academic credentials to fully appreciate the government's intricate cleverness in its myriad legalistic arguments. As a parliamentarian, I am impressed in a certain sense. As a parliamentarian, I admire chutzpah and nerve. That is what we have seen from the government in its hiding behind those incredible arguments. Frankly, I admire the quickness of mind with which the government has shifted ground in its arguments on this issue over the past two months. It is really a sight to behold. Those members should be up for Olympic medals in the dash.

My motivation in this matter—and let me clarify it for people like the absent Attorney General—has always been a motivation caused by the human element. Last night when I went back to my constituency office to do my clinic three of the constituents who came to see me were three of the Re-Mor victims.

I think about the people who have spoken on this matter today on the other side of the House—the gentle Premier who didn't want to be involved; the Minister of Consumer and Commercial Relations; the Attorney General and Solicitor General; the Minister without food terminal from Cochrane South. I don't think they spend very many of their Wednesday evenings in their constituency offices talking to people who are among the

324 who were ripped off. If they had, maybe there would have been a more human face to the concerns expressed by people such as the Attorney General in the debate today. That does not seem to be the focus of their concern.

I cannot let go by the remarks made by the member for Cochrane South. I think his ill-informed remarks show clearly what is wrong with the government's position in this case. He put before us in this House a position based on a dry and damned near irrelevant legal argument that shared in his capacity as understudy to the Attorney General that degree of patronizing arrogance that the Attorney General is so famous for.

**Hon. Mr. Pope:** Tell the Minister of Consumer and Commercial Relations to his face that you want him charged criminally.

**Mr. M. N. Davison:** I'll come back to the allegations of the member for Cochrane South that charges have been laid in the Re-Mor matter. I would be quite happy to come back to that inaccuracy.

8:10 p.m.

Comments that could only have been motivated from his colossal ignorance about the matter form part of a consistent pattern we have seen in this assembly since nearly the first day of this fall session, of coverup, of hiding, of weasling away from everything we have tried to do in the opposition to bring this matter to public light. The member for Cochrane South finds no difficulty in associating himself with that. I think it would be great if the member for Cochrane South was concerned, as he says, about the victims of the Re-Mor scandal, but I dare say he probably cannot even name a single victim.

I was reflecting over the supper hour on the speech the member for Cochrane South made, a continual series of quotations that formed his dry, uncaring dissertation in defence of what is clearly an indefensible position his government has taken. Frankly, if I could be of some use as a speech writer to the member for Cochrane South, it might have been quite appropriate, in terms of looking for sources to quote in this indefensible position his government is in, to suggest he need not have looked so far away in time nor in physical distance, but could have looked only a few years away and only few miles away to a former president of our southern neighbour, a fellow by the name of Richard Nixon. I think he could have found some very good lines that he could have brought to the defence of his position and his government.

The matters raised by the Attorney General

also form part of that continuing pattern of trying to deny the justice committee of this House and the opposition in this Legislature a chance to deal with and to try and find out what had happened in the Re-Mor case. Due to the obvious ignorance on the other side of the House, it might be wise to go back in time a little bit and let members know what brought us to the point where we have to deal with the resolution now before us.

Back in the mid-1970s, Mr. Montemurro and his associates—Mr. Montemurro being a fellow with something less than a spotless reputation in terms of protecting the interests of people in this province—tried to get a licence to set up a trust company in Ontario. They were unsuccessful in getting such a licence from the Ministry of Consumer and Commercial Relations. They went down the street—the street being the distance between here and Ottawa—and were able to get such a licence from the federal government, so they were able to set up shop as a trust company in Ontario.

Some time later and as part of a series of corporations this fellow Montemurro had set up across the province, they got from the Ministry of Consumer and Commercial Relations registration—

**Mr. Speaker:** If I could interrupt the member at this time, I want to remind him we have allowed an awful lot of leeway in this debate since 3:30 this afternoon. The actual question before the House deals specifically with the time that something should take place. It surely does not go back to the year 1970 to resurrect all that has gone before.

**Mr. M. N. Davison:** I will move quickly through a very brief description of the history, Mr. Speaker. I would not have bothered to waste the time and I would not have thought it would have been necessary to put this on the record, except that clearly so many members across the way do not understand it. If they do not understand how we got to this position, I do not know how they can with any sense of confidence vote on the matter. If I stray from the topic, Mr. Speaker, please bring me to order and I will try to be brief in putting the background on the record.

They were allowed by the minister to register a company called C and M Financial Consultants. Almost from the early days of its existence C and M came under the scrutiny of various parts of the Ministry of Consumer and Commercial Relations, specifically the Ontario Securities Commission, which I think is quite relevant to what is happening in this debate.

The securities commission finally, in November 1978, put a cease-trade order on Mr. Montemurro's company, C and M Financial Consultants, on the grounds it was a mortgage company trading in securities and all of the inherent problems in that.

By February 1979, the question had moved into the Supreme Court of Ontario and the Supreme Court had appointed a receiver for the affairs of C and M, after finding out it had been trading in securities without being registered for that purpose.

On February 21, 1979, about two weeks after the Montemurro company, C and M, had been put into receivership, the ministry went ahead and registered Re-Mor. That is how we have come to where we are today.

The central issue before us and the questions to which we could not get answers dealt with that fact. Why was it one arm of the ministry was shutting down C and M which had been registered under the Mortgage Brokers Act, while another branch of the ministry was giving the same guy a licence, a registration, to set up another company? That is an amazing decision. That is a really incredible, almost unbelievable decision for the ministry to have made. The reason it is unbelievable is because of the wording of the legislation under which the registration was granted.

The Mortgage Brokers Act, if I may read briefly from section 5(1) says, "An applicant is entitled to registration or renewal of registration by the Registrar except where, (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business."

If I could break there for a moment, the C and M swindles eventually ended up in what is now going before the courts as a \$3.8 million fraud case. That came as early as 1978. In November, the ministry was involved in shutting that down for that purpose. That is financial responsibility.

It continues, "(b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty."

We come back to exactly the same point. The same people who had been involved in the C and M swindle who obviously showed they were unable to conduct their business in accordance with the law or with integrity or honesty are then, two weeks later, given a licence. Both of the conditions—and it only takes one—were breached. Yet the minister and his people granted that registration. That is what brings the case before us. That

action perhaps made it inevitable that 324 people would lose \$6 million.

If I can come to the difficulties we faced in the Legislature in trying to find some justice for our constituents in this matter, we raised this issue with the Minister of Consumer and Commercial Relations the first day we were able to after the opening of the fall session. His response was he was not going to go ahead and do anything to help these people. We raised the matter with the minister again and again in the intervening months. We asked him if he would explain to us why on earth they gave this registration. He never explained; he never even tried to.

8:20 p.m.

One day I was so beside myself as to how to readdress the question which I had asked so many times, I even asked the minister if he could identify one single activity by Mr. Montemurro that would lead him to believe Mr. Montemurro would have been financially responsible in this matter and would have conducted his business with honesty and integrity and in accordance with the law. Even when asked in the reverse form, the minister could not identify one single occasion, one single activity or action that would make him believe Mr. Montemurro could have been expected to do that.

The 324 people still do not have their money. What did they do? They had to announce their intention to sue their own government to try to get the money back. Clearly, they were not going to get it back in any other way. They have gone ahead and given that notice of intention to sue and I think that's shameful.

**Mr. Speaker:** Would the honourable member like me to refresh his memory as to the content of the motion?

**Mr. M. N. Davison:** Mr. Speaker, I do not think my remarks in this important matter have strayed any further than the remarks of the Attorney General earlier this afternoon. Nor have I used any unparliamentary language. I thought I was being kind.

**Hon. Mr. Grossman:** Not so. Not so.

**Mr. Hodgson:** That's a change.

**Mr. M. N. Davison:** We talk straight in Hamilton Centre. We know what to call what has gone on here.

The Minister of Consumer and Commercial Relations (Mr. Drea) consistently refused to give us any information. Finally, the matter was referred to the justice committee of the assembly which was the appropriate place for it to go. I sat here and listened very carefully

as the Attorney General gave his dissertation on why the Legislative Assembly's justice committee was not properly charged with that responsibility.

The Attorney General and I have been in this House for the same five years. I have participated in the affairs of this House and its committees; it is too bad the Attorney General did not have the same opportunity before being elevated to the cabinet. It is clear to me that he completely misunderstands how the parliamentary process works and what it is about.

The justice committee met to deal with it and again requested that the ministry give us the information. Earlier in the debate, three motions were moved by the member for St. Catharines (Mr. Bradley) to try to get some basic information. When it was apparent that no other information would be forthcoming, the justice committee moved a motion asking for your warrant, Mr. Speaker, which you were kind enough to grant to us.

I honestly believed that when the Minister of Consumer and Commercial Relations received a warrant for those documents, he would turn them over. When I read the warrant, I was impressed. "Elizabeth II, by the grace of God, of the United Kingdom, of Canada and her other realms and territories, Queen, head of the Commonwealth, defender of the faith; to the Minister of Consumer and Commercial Relations, greetings . . ." and then set forward the documents required by the committee.

I really believed the minister would do that. I did not know there was some process by which the minister and his government could escape the production of those documents. I really believed the committee would have the advantage of those documents in its work, work the committee will have to do whether or not it gets the documents.

Even though this committee and its representatives met with representatives of the Attorney General's office and worked out a very complex and very clear set of guidelines as to how this would be dealt with before the committee, and even though a deadline was set without disagreement from anybody in the government, either members of the Conservatives or members of the bureaucracy, that the papers would be turned over on December 2, at midnight on Tuesday night we did not have the documents. As of that hour I believe, even if no one else around here believes, that the Minister of Consumer and Commercial Relations was at least in contempt of the standing committee on the administration of justice. It remains to be seen whether he will



be in contempt of your warrant in this matter, Mr. Speaker.

The justice committee then went ahead and moved a motion in plain and simple language that you now have before you in the House requiring that those documents be produced by 9 o'clock tomorrow morning, some 12 hours from now.

It has been said that the Attorney General has come forward, at that committee meeting and today in this debate, with a compromise position. The Attorney General's alleged reasonable compromise is that the whole matter of compliance be delayed for a week, which is part one. Part two is, what happens at the end of that week? The Attorney General graces the administration of justice committee with his presence, a rare thing indeed, and will explain to the committee and advise the committee as far as it is humanly possible how long it will take the Ontario Provincial Police to complete that part of its investigation which concerns the committee. One month, one year, 10 years? Who knows?

That is not a reasonable compromise. The Minister of Consumer and Commercial Relations is under a Speaker's warrant for the production of documents and the Attorney General comes forward with a suggestion that would not have been a compromise position a month and a half ago. In real terms he says that the committee is unlikely ever to get those documents if we follow along with this.

The second part of the Attorney General's request is that we allow the Attorney General and his designates a chance to sift through the evidence and the documentation; to take out the vast majority of documents from the files; to edit in any way they choose the information which will be supplied to the committee. I would not be surprised if, in the process, there were even certain tape recordings and a certain secretarial person should happen to put his or her foot in the wrong place while replaying the tapes. The most incredible kind of information could come to that committee.

The committee cannot deal with documents that are edited by the government. The committee needs all of those documents. We cannot be asked to accept some edited version of the documentation. That is why it is necessary that the committee receive all of—

**Hon. Mr. Grossman:** No one said that.

**Mr. M. N. Davison:** That is exactly what—

**Hon. Mr. Grossman:** I know you can't understand it. Ask Mr. Renwick to explain it to you.

**The Deputy Speaker:** Order. Order.

**Mr. M. N. Davison:** The member for St. Andrew-St. Patrick, the boy Minister of Industry and Tourism, has said that my view of what the Attorney General has put forward as a compromise position is not the facts. Well, let me read it so there can be no misunderstanding on the part of the minister and his fine friends across the way.

**Mr. Hodgson:** What was your majority?

**The Deputy Speaker:** Order.

**Mr. M. N. Davison:** Fourteen, and I know every single one of them are fine people.

**Mr. Hodgson:** Did you say 1,400?

**Mr. M. N. Davison:** Fourteen votes, my friend. We waste no effort in the fine riding of Hamilton Centre.

8:30 p.m.

I am quoting from the Attorney General's statement earlier. "Two, the committee request of the Speaker that his warrant be confined to this committee's area of concern, i.e., documents relating to the issuance of the licence by the ministry. This request is made to alleviate my concern," et cetera.

"Documents relating to the issuance of the licence by the ministry"; that is what the Attorney General wants to give us. Those are the edited documents. What are the documents requested by the committee and requested by the Speaker's warrant? They are considerably different. They include all correspondence, interdepartmental memoranda, memoranda to file, application forms, notes, files and such other documents that are in the possession of any agency, board, commission, registry branch or division of the Ministry of Consumer and Commercial Relations relating to Carlo Montemurro and his related companies, particularly C and M Financial Consultants Limited, Re-Mor Investment Management Corporation, Canada Metal Recycling Labs and the Astra Trust Company.

The justice committee has asked for what may well be five truckloads of documents. The Attorney General, in his reasonable compromise, is going to give us something he can probably write on the back of a matchfolder. He cannot expect the committee to deal with that kind of information; that is not a compromise.

The Attorney General, as I said earlier, has been involved in this pattern of obstructing the work of the committee and obstructing the work of the opposition in getting to the facts in this case. That is unacceptable to us in the opposition parties.

I think we have been overly kind with the Minister of Consumer and Commercial Rela-

tions. More than a week ago, he received a warrant from the Speaker of this House with which he has failed to comply. I do not know how people in the rest of the province view these things, but where I come from in the north end of Hamilton that is contempt. That is what I think the minister and this government are involved in. I think they have an obligation to produce those documents and to produce them forthwith. The motion before this committee by way of report clearly states that those documents should be produced no later than nine o'clock tomorrow morning.

I wanted to add to that original motion in the committee an amendment that on the failure to comply with that order of the House—and judging from the past performance of the minister and his friends this would be quite possible—the minister be cited by the Speaker for contempt of the House. Unfortunately that amendment was not carried. There were only four votes to be mustered in the committee for it.

My concern is that we are running against the clock in this matter. The assembly will rise on December 12. We have very little time left to get those documents. I think it is important we conclude this debate shortly this evening, have a vote on the motion and then get the documents so that the committee can start to do its work.

This is my final comment in this matter. We have heard a lot about who is going to be hurt. We have heard a lot of claptrap about how, through this study by a respectable and properly constituted committee of this assembly, in some way this Montemurro fellow may get off the hook. The only people who are going to be hurt if the committee does not go ahead and do its work are the 324 Re-Mor victims, the people whom this government seems so willing to forget all about, to write off completely.

**Hon. Mr. Welch:** That is not true.

**Mr. M. N. Davison:** I say to the Minister of Energy, if that is untrue, how many people does he know are involved? How many people is he defending tonight in the Legislative Assembly?

**Hon. Mr. Welch:** That is not fair.

**Mr. M. N. Davison:** I can read him a list of 40 people I am concerned about who have come to me personally.

**Hon. Mr. Welch:** It is not fair to suggest we are not concerned about those people.

**Mr. N. M. Davison:** If he is concerned then he should quit trying to hide behind this dry legalistic claptrap. Give us the documents so we can do our work in that

committee, work that is going to have to go on whether the government continues to obstruct us or not. The government is under a Speaker's warrant to provide that information to this committee. Within the next two hours, it is going to be under a further order to provide those documents by nine o'clock tomorrow. If those documents are not provided, there are people over there who are going to be in contempt of the Legislative Assembly and who are going to be dealt with.

As I put it earlier, this motion has to pass in the Legislative Assembly this evening, because the administration of justice committee and its hearings are the last best hope for the Re-Mor victims and constitute the only way in which we will find out what really happened in the Ministry of Consumer and Commercial Relations in this unbelievable act of registration of Re-Mor. It is the only channel through which these 324 people can get some money back. It is not their fault they were ripped off and they deserve some form of compensation. The committee is the body through which they have some hope of getting it and I think the government would be wrong and arrogant in the extreme to stand in the way of the work of that committee.

**Hon. Mr. Grossman:** Mr. Speaker, unlike the previous speaker, I will try to be reasonably brief and to the point—and reasonable. I must say I sat in this Legislature for the previous speaker's maiden speech and it was a pleasure hearing his swan song.

**Mr. M. N. Davison:** Do you want to come and run in Hamilton Centre?

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** I do want to address this debate, which the Attorney General has quite properly described as one of the most important debates that has occurred, at least in my five years here. The reason I want to participate this evening is because I, like many other members of this assembly and other parliaments, have participated on many occasions at public forums on public platforms where I and others spoke up in defence of liberties that others less fortunate than us do not have.

I, like others, have stood on platforms and in this assembly defending with as much force as possible this democracy and the system we live under. There are a lot of members of this assembly who can give very eloquent speeches in defence of our democracy, the previous speaker this evening excepted.

I have listened as many members of all three parties represented here tonight, and representatives of parties in all assemblies in this country, have eloquently spoken in favour of the virtues and traditions that have made this the great and free country it is. Some of us find it is very easy to make those speeches when the going is easy. But the true test comes not when some of us are requested to speak in front of a rally, not when we speak to an audience of people who have lived under totalitarian government and we go there and assure them that we in this country have the protections that many other countries do not have—those speeches—

**Mr. Roy:** Take the smile off your face when you are saying that.

**Hon. Mr. Grossman:** There is no smile on my face. I say to the member, tomorrow morning when he is in court practising, and standing up and defending the traditions and defending the accused, he will be relieved that this system has protected the rights, not only of the accused the member will be representing for remuneration tomorrow morning, but of those people whom the accused person has harmed. The protection to which that person is entitled was hard won in this country, even though, thankfully, there was no war. It is a hard-to-protect right and it slips away easily.

8:40 p.m.

**Mr. Speaker,** I say to my friend from Ottawa East who will not be with us tomorrow, and I say to others who have had the privilege of practising in the law courts as have I, we have seen many examples where our system has been stretched to its very limits in order to ensure freedom, the rights of the accused, the right to a fair trial and the right to full and complete remedy in the courts of people who have been aggrieved by someone who has committed a criminal offence.

I, like other lawyers, have watched and been involved in trials in which someone who likely was guilty went free. Why does that happen? Because our system and the American system, I might add, with well-known cases like the Miranda case in the US and many in Canada which my colleagues who have practised more recently than I could call to mind, have built-in protections that are sometimes difficult for the victim of a crime to swallow. But it is the price—

**Mr. Roy:** The same bull that we heard—

**Hon. Mr. Grossman:** My friend from Ottawa East, QC, may think it is bull but

it is the first lesson he learned in law school. He probably tells his clients the same kind of “bull” but when it comes to this assembly, when he visits us, he calls it bull. It is unbecoming to the member’s profession, though not unbecoming of the member.

**Mr. Roy:** It is bull coming from you.

**Hon. Mr. Grossman:** The member for Ottawa East shows his class when the chips are down.

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** The system is being tested on the merits of this case. It is not easy for us on this side of the House to stand up, understanding the politics of the situation. One does not have to be terribly experienced to understand the politics here in terms of what is popular in Hamilton.

My colleague the Minister of Energy, the Deputy Premier, has to face on a daily basis many constituents who have a difficult time understanding why these documents cannot be delivered, why the problem cannot be remedied right away. It is not popular or easy for us to take the difficult position that time is required; justice has some built-in reservations, checks and balances, and a certain process that must be protected. It is easy for everyone to mouth his dedication to democracy, but sometimes that dedication is tested.

The test comes for a government, indeed for all legislators, when in the face of what are admittedly difficult politics, they must say time is required.

I have never heard of this company. I do not know the people involved. I do know some of them have been charged and I am confident that far too many innocent people have been harmed. All of that makes this a key test for this system because we have to show some resilience in order to stand up to these very difficult politics.

No one over here is happy about having to look at those people and say, “Time is required.” Why is time required? Time is required to conduct a full investigation.

Interjections.

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** The opposition says, “What have you been doing for eight months?” That tells me one thing. It tells me some members of the opposition have suddenly decided enough time has passed, in their judgment, for the investigation to have been completed.

They have listened to the Attorney General, who is charged with certain parts of the administration of justice in this province, re-

port that the investigation is not complete. Yet some members of this assembly take it upon themselves to deem the investigation is complete and therefore to call down records which form part of an investigation that may lead to criminal charges. Some members of this assembly have decided in their own judgement, for whatever reasons—I don't want to be nasty enough to speculate those are political reasons—that the investigation has gone on long enough and now they want the documents.

When those charged with the investigation and the administration of justice in this province say those documents are prematurely issued at this time, the production of those documents could threaten the prosecution the members opposite surely want to see launched, if appropriate.

I believe the precedent here is terribly important. Mr. Speaker, I want you to think about the precedent being established. We have been dealing with these events in the context of a specific investigation and in the context of a minority government.

Let me pose a scenario in which there is a majority government, in which the committees are obviously controlled by the government of the day, in which the Ontario Securities Commission has an investigation underway—nothing more than an investigation—and someone in the government comes to realize a member opposite, or someone who is not yet a member but is about to run for a party opposite against the government member, is named somewhere in the Ontario Securities Commission's files. Nothing has been shown; nothing has been proved.

Let me just picture the scenario. A government-controlled majority could force through this same route a Speaker's warrant from you, Mr. Speaker, to disclose files that are confidential in forming part of an investigation and that information would come out. Mr. Speaker, you and I are in politics. We all are. We understand the implications of that. Someone's name would be besmirched. His political chances would be irreparably harmed.

They would be harmed because people sitting in this assembly decided they wanted to see all the confidential files of the Ontario Securities Commission.

8:50 p.m.

What is there that should stop this committee, or any other committee, from getting a Speaker's warrant for all the files currently at the Ontario Securities Commission? This committee could say it is not satisfied with the conduct of the Ontario Securities Commission, it is not satisfied that it checked out

the principals of these companies in every other file the Ontario Securities Commission has, and it wants to see every file and wants it all produced, including information supplied to the Ontario Securities Commission on a confidential basis by police forces literally throughout the world. That is a very severe precedent.

**Mr. Laughren:** I'd rather hear from George Kerr.

**The Deputy Speaker:** Order. The member for St. Andrew-St. Patrick is speaking. I wish all of you would give him the courtesy of listening.

**Mr. Bolan:** Let's listen to something intelligent for a change.

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** Mr. Speaker, the previous speaker talked about the fact that this government was relying on what he termed dry legalistic arguments. Sometimes it is the dry and legalistic arguments and laws which are the sole protections our people have. One never knows when our democracy slips back. The democracy in this province will not disappear tomorrow. This will not become a totalitarian state tomorrow morning. Little by little some of the checks built into our system to ensure that somewhere down the road every citizen of this province—notwithstanding the political discomfort it gives the government of the day to provide that protection—has that protection, will be eroded.

It is not politically comfortable for this government to stand here and be pictured as defending a whole bunch of people who are subjects of an investigation, but it is our responsibility not to give in to the politics of it and to ensure that there is, in fact, a full set of laws here in place with all the checks, all the balances and all the mechanisms to ensure that precipitate action is not carelessly undertaken.

Mr. Speaker, I remind you what the issue is tonight. The Attorney General has asked for a few more days, when he might be able to report to this committee—

**Mr. Bradley:** He has had a month. All of a sudden he is forced against the wall.

**Hon. Mr. Grossman:** Sure, wipe away a whole bunch of protections because you need the documents Friday, not next Wednesday.

If our democracy is so frail because certain members of this assembly—

Interjections.

**The Deputy Speaker:** Order.

**Hon. Mr. Grossman:** The Attorney General has asked for the opportunity to come to the committee next week. He believes at that time the situation will have been clarified. I simply urge it upon the members of this assembly. I understand. I, like every member of this assembly, have had people come into my constituency office, obviously not on this matter, but on a whole host of matters. I know what it is like to look across at people who are threatened, who have lost money, whose lives are suddenly made insecure, and to try to work out a remedy for them. I know what the human tug is; I understand that.

There are certain times when our system requires us to take a deep breath and consider the cost of immediate gratification. I do not want to deny the opposition members, particularly members of the legal profession, their opportunity to try to explain what they are doing to the legal and parliamentary system of this province.

I do not know, somewhere down the road, whether or not the events of this week and tonight will prove to have been important. I do know a couple of things. (1) Sooner or later, all the information in this case will be made available. (2) When legislators calmly make decisions—

**Mr. Bolan:** What nonsense.

**Hon. Mr. Grossman:** As a lawyer, the member for Nipissing ought to close it there. Some of his members are actually listening. I do not expect to change their minds but I hope that maybe, just maybe, they will listen a bit and contemplate—

**Mr. Roy:** It is a struggle to listen to you.

**Hon. Mr. Grossman:** I understand that does not happen in the member's caucus. A fiat is handed down every Tuesday and that is the way it goes.

I just hope that for a few moments, perhaps even for the last hour and a half, every one can forget the partisan politics involved here and take one step back. I say to the members opposite, particularly from the legal profession who, strangely, have been interjecting most, and I say this as a lawyer, not a legislator, it is incumbent upon them to listen to the argument and if they have a counterargument, take their turn in the speaking order and make the counterargument. Let us at least have a decent argument on the process.

The subject matter of this evening's debate should not be the entire history of the trust company and the cast of characters, all of which has been discussed for months in

committee. The subject matter of this evening's debate is what price for getting those documents Friday instead of next Wednesday. That is the topic this evening. What price getting the documents tomorrow morning instead of next Wednesday? The price of getting those documents on Friday instead of five or six days later, next Wednesday, is quite severe. I do not know of very many countries that have intentionally stripped away their democratic protections. They trickle away.

**Mr. Laughren:** Thanks to Pierre Trudeau.

**Hon. Mr. Grossman:** The member for Nickel Belt is right. It happens over a number of years. Each move seems harmless enough.

**Mr. Mancini:** Ask John Rodriguez. He'll tell you.

**Hon. Mr. Grossman:** The member for Essex South destroys what this place is all about. Why doesn't he knock it off? I know he is talking about an NDP member but he destroys the integrity of this evening's debate. He ought to knock it off. His remarks are not helpful to the process. Tonight's debate is important.

**Mr. Roy:** You're distorting the issue, that's what you're doing.

**Hon. Mr. Grossman:** The issue is not being distorted, with respect, Mr. Speaker. The issue is what price Friday instead of next Wednesday. We must balance that off. I do not know at which point various things done in Ottawa by the Prime Minister have stripped our democratic process of certain protections; time will tell. I am not very close to this—

**Mr. Roy:** Give us one example.

**Mr. Bolan:** What about the price of a hearing in Cayuga?

9 p.m.

**Hon. Mr. Grossman:** The members opposite will yap about everything but the debate tonight. They stay totally away from the merits of the issue. It might turn out to let Merle Dickerson come back.

Built into this system is the right of the Speaker to make the decision that lies before him, and he has to make it tonight or tomorrow morning. Mr. Speaker, I simply want to put this proposition to you. You may wish to take the position that you are simply bound by the decision of this House, whatever it shall be this evening. I want to say that those people who value this democracy, and surely everyone in this House does, want every single check, hurdle, lever—whatever

word one uses—kept in this system. I hope, Mr. Speaker, you will not take the position that you are not a moderating factor, that you are not a final lever or mechanism or hurdle, but that you are there to sit blindly by if you see some part of our democratic system being threatened.

I hope you will accept your responsibilities as encompassing being the court of last resort, the last mechanism that listens to the arguments and hears the vote of the House. I do not know what the vote of this assembly might be this evening, but whatever it is, I hope you will not take that as an irrevocable direction you must follow. I have always believed the Speaker's role is larger and greater than that. It is not one that should be exercised often, regularly or even at random. It is a right that ought to be exercised on those rare occasions when the Speaker says:

"I understand what has happened in this assembly, I understand the political motivations, the legitimate motivations, the emotionalism with which this debate has been held, but I also understand that as Speaker I am guardian of this parliament. I am guardian of a system that surely protects the differentiation and the separation of the judiciary from the legislative branch. As Speaker, I am guardian of the rights of all citizens, even when the elected parliament overreacts. As Speaker, if I am to handle this delicate democracy fairly and impartially, my job is to exercise a degree of moderation and common sense over the deliberations and the request before me to execute a warrant on Friday instead of next Wednesday."

It seems to me the Speaker's job in this assembly is multifold, but one of those jobs is to ensure, as far as possible, that justice prevails in this assembly, that fairness for all citizens, even when the going gets tough, prevails, and that the integrity of this system is protected.

I reflect back now on the proposal to put a bill of rights in the constitution. It seems to me that this evening's discussion and the events of the past couple of weeks speak eloquently to the need to build as many protections as possible into the constitution and into a bill of rights in that constitution.

There are some occasions when political imperatives—indeed to be fair to some of the members opposite—human imperatives, result from people, friends and neighbours they know, who are frustrated. They cannot understand why the documents from these people who cheated them cannot be produced. Those imperatives, political or legiti-

mate human imperatives, must be put aside and stood up to.

I say once again it is not a comfortable position for us. We on this side of the House who are responsible for the executive branch of this government, and the party with the most seats in this parliament—

Mr. Mancini: Ogoki Lodge is closing, Larry.

Hon. Mr. Grossman: That puts the honourable member's contribution to this debate in perfect perspective.

I worry much more about our democracy closing a bit—

Mr. Mancini: I worry about the people in South Cayuga. For you to stand here and make that kind of a statement after you and the cabinet did that to the people of South Cayuga, you should be embarrassed.

Hon. Mr. Grossman: The cameras are not on, forget it. You have been told a hundred times to wait until the camera is on.

Mr. Speaker, this sort of thing never happens at those times when troops are in the streets, when people are being jailed without due process. It is never those obvious times when our democracy is tested. It is these kinds of times. Even when it is politically uncomfortable and even when it tugs the heart strings of the members from that area who have friends and neighbours who have lost money, that is when our system is tested.

It is easy to give speeches about democracy; it is easy to give speeches about the constitution; it is easy to talk about a bill of rights; it is easy to talk about how we all believe in the system and are prepared to go to the wall for it. But this is a little test of whether we, as legislators, are prepared to put up with some emotional heart tugs and some political imperatives in order to protect our system.

If this House fails to stand up to that test, Mr. Speaker, I perceive your role as the last moderate check. I believe you are not obliged, whatever the vote this evening, simply to execute the result of this vote, but to exercise your responsibility to protect this parliament and this democracy over which you, in part, preside. I make that urgent and fervent plea to you, Mr. Speaker, and I do so in the fervent hope that the Draconian events which could result every time one little brick of our democracy is taken away do not occur.

I hope I have overstated the case, quite frankly. I pray I have overstated it, but it is our job to stand up at this difficult time, we as legislators and you as Speaker, to protect our democracy in the face of political

and emotional heat and pressure. This is the true test. It is not the speeches at banquets; it is not the speeches at rallies; it is whether one is prepared to stand up and be counted when the heat gets turned on. I hope this assembly and you, Mr. Speaker, will meet that challenge.

**Mr. Kerrio:** Mr. Speaker, as the member for Niagara Falls, I suppose I represent as many people as, or more people than, any other jurisdiction in Ontario that has been harmed by this involvement by these companies.

**Mr. Sweeney:** According to the minister, you are not supposed to be concerned about them.

9:10 p.m.

**Mr. Kerrio:** I am very seriously concerned as it relates to those people I represent. I think that we are all *avvocatos*, if I may use the expression, or advocates for the people we represent. I would like to say to the speaker who spoke before me that the subject matter is very clear to me even though I have not attended that great university where lawyers are turned out who are supposed to be able, in all senses, to address themselves to this very serious problem.

I have seen, in this highest court of the land, something transpire that is very difficult to believe. I saw something debated here and voted on, and then retroactive legislation put into place to cover for an inadequacy of the government. I ask the House, if a government can perform that kind of task in order to make up for an inadequacy, how can we then talk about a true democratic process? What we are talking about here is representing the people who were harmed. In all the time I have been the member for Niagara Falls I have never had as many people, on a given subject, hurt in the manner that these people were hurt. I am sure if I described the hurt that was done, I do not infringe on the sub judice of the situation.

As I understand it, we should not talk about the facts that would take away from the case that is being made by the courts against Mr. Montemurro and Mr. Luciani. This I understand, and this I do not propose to do. The thing that is clearly before us, easily delineated, is the fact that we want the record so we can examine the position of the minister who granted the licence.

We understand exactly where the line is. We shall not stray across it. We want to find out why this government gave a licence to a group of people after they had gone

bankrupt in another firm. It was very obvious to us that maybe that should not have been given. We want to understand the workings of a government that would do such a thing. We want to examine how we can further protect people in the future so it does not happen again. We do not, shall not and will not become involved in the case against the people in those other companies. That is not hard to understand. Whether we have been to law school or not, no one should have to explain that to us; it is all understood.

I ask again, why does this become so involved, so entangled and so hard to describe? I only want to speak to the subject matter for a few minutes. I cannot believe what has happened to those people I represent.

I saw a case of a young man and woman. The young lady was a nurse in Niagara Falls, New York. The husband was working in Canada. They lived on his wages and were putting hers into a trust account there. They found out there was some question about whether foreign deposits were protected. I think as the minister has described it, they may have been protected, and I hope so, but there was great concern expressed by that young couple as to whether their funds were protected because they were in foreign currency.

In many other instances, older people have lost their life savings. There are literally hundreds of them. I feel that this, the highest court in the land, can deal in a very fair manner with those people who have been harmed, and in particular as it relates to how astute this government was in the issuing of the licence. We should see to it that it does not happen again.

**Hon. Mr. Baetz:** Mr. Speaker, I rise to speak very briefly. I do so, not as a legal expert or a lawyer who can speak about the niceties of the sub judice, or whatever, but as a political scientist and historian and as one who has made a rather long life study of our parliamentary system. In this way, I suspect I join forces with some members opposite, perhaps the member for Renfrew North (Mr. Conway) who is equally a historian and a political scientist. I would not even try to touch on all the points made in this debate, but I would like to speak for just a few minutes in a sense of, perhaps, sweet reasoning.

I think at times we touch on subjects in this House that really do rise above partisan politics. Therefore I would hope to enlist my colleagues and members of this House on all sides that we might consider the issue before us as gentlemen who have a common interest

which is to maintain, develop and strengthen the parliamentary system in this great province of ours.

I do not for a moment suggest the justice committee has acted in any way like the court of Star Chamber. We know that.

**Mr. McClellan:** Why don't you tell that idiot friends of yours?

**Hon. Mr. Baetz:** He did not say that.

**Mr. M. N. Davison:** Yes, he did.

**Mr. Speaker:** Order. I think it is unparliamentary to use that kind of language. Would the member please withdraw it?

**Hon. Mr. Baetz:** As my friend the member for Renfrew North knows as well as I do, throughout the development and evolution of our great parliamentary system there has been nothing more crucial than that fine division of respective responsibilities and jurisdictions of the executive council, the parliament and the courts. This has been central throughout the centuries.

As my friend from Renfrew North also knows, there has never been a darker period in the British parliamentary system than in the days of the Tudors when Parliament and the King did try to usurp, through that famous or infamous court of Star Chamber, the jurisdiction of the courts. It was the darkest period in our parliamentary history. We all know how that rather tragic episode ended, with the beheading of King Charles I.

I would simply hope that we here, in a nonpartisan fashion, address ourselves to the major question before us. Frankly, as an individual member for Ottawa West, I have been persuaded by that very articulate, reasoned, impassioned argument that the chief law officer—and that is what the Attorney General is—made, the appeal he made to us, to act in a sensible fashion here today. If the Attorney General had not committed himself to appear before this committee no later than next Wednesday, I would not be up here on my feet defending the position.

9:20 p.m.

It seems to me what we are really faced with here in the light of the tremendous dangers the Attorney General has presented here, the tremendous hazards if we are to proceed tonight in the fashion of the motion before the House—if we are to proceed in that fashion and to risk those hazards—is that we must weigh that against not stonewalling forever, nor trying to cover up; and nobody in this House—not me, nobody over there, nobody over here—wants to cover up. We must compare those tremendous hazards that he has articulately placed before this House, with a

three-day leeway, a three-day mortgage of time in order that he can appear with some of the proper documents to present to the committee.

I have listened all afternoon and I have not heckled. I have not interjected but have listened as one who is deeply interested in the parliamentary system to see what our Attorney General had to say. I must say, as an individual member of this House, I frankly find it extremely difficult to understand, I simply cannot comprehend the risk for this House if we are to postpone our decision for three days as compared to the risk if these documents have to be presented to this House tomorrow morning at nine o'clock. I simply cannot comprehend it.

I suspect that men and women of intelligence and intellect across the House and on this side, along with me, cannot comprehend these enormous hazards if we allow the Attorney General, as he has pleaded here this afternoon, a few more days to present those documents that that committee, in its wisdom and judgement, wants and should have. What is the hazard of delaying another two or three days? I simply cannot comprehend that at all.

Finally, I would once again say there do come times to go beyond partisan politics. In this House we are all practising politicians. We know that and we all know what that implies but surely an important element and dimension of practising politicians is that at certain times in history they go above and beyond partisan politics and exercise good judgement and leadership as leaders of this province and as statesmen. I would think that surely, if there ever was a time, this is that occasion when all of us should go beyond partisan politics.

My plea would be especially to members across the House. In times of minority government the decision rests over there and that is where the decision rests tonight. I would plead to the members opposite tonight to vote as statesmen, as leaders of this province, and not to follow the partisan politics and partisan positions. If we do that, I am convinced the parliamentary system—many hundreds of years old and over a hundred years old in this province—will be stronger and better than ever. My plea would be that we rise above partisan politics and that the members opposite exercise their leadership tonight and we will go on to greater heights from here on.

**Mr. Roy:** Mr. Speaker, I sat here all afternoon and listened to a variety of members, especially the lawyers on the government side, state the government case. Considering the exchanges that have flown across the



floor of this House, starting, I suppose, with question period, which was somewhat lively, I must say there was some electricity in the air. I can tell the Christmas season is upon us because of the electricity of this place.

I have listened closely to the approach taken by the Attorney General in his statement and I have listened to the Minister of Community and Social Services (Mr. Norton), who spoke about the rule of law, due process and so on. Then I listened to the member for Cochrane South, and I had some difficulty understanding what he was saying because he was reading cases most of the time. I thought he was reading his bar admission notes in the House.

I listened to the Minister of Culture and Recreation, who spoke last. I must say his contribution may have been the most helpful this afternoon and evening. I listened to the Minister of Industry and Tourism, who gave quite a performance in distorting the process that has taken place and distorting the motivation in what the justice committee is attempting to do in this case.

I do not intend to be very long, and I do not think I will be able to convince anyone. I want to say, though, that if one had sat here and not been familiar at all with the issue, certainly one would have some concern. If we listened to the approach taken by the government members, the impression is left that somehow the members of the justice committee—these irresponsible opposition members—were attempting to undermine due process and the rule of law.

I have talked to my colleagues; I have expressed concern during the course of this debate. I have asked: "What are we doing? Are we attempting to get involved in the case where the individuals are in fact charged, where there has been a preliminary hearing held? Are we attempting to get involved in that sort of process?"

My colleagues assure me that is not the case, they are not involved in that sort of process. I asked: "Are any other charges laid against any other individuals in this case that the hearing by the justice committee will undermine? Are any other individuals charged?" I am told there are no others.

I look to the Minister of Consumer and Commercial Relations, and as far as I know there are individuals who are charged with fraud who have had a preliminary hearing, and who have been committed for trial. That is what I understand. But there have been no charges laid as far as the issuing of a licence; there have been no charges laid against anyone in the ministry. That is what

the justice committee is attempting to understand.

What about my colleagues on this committee? Have they forced you, Mr. Speaker? I listened to the Minister of Industry and Tourism. He was begging with you. He was contorted. I wondered what he was attempting to perform, hoping that somehow you would not issue these warrants, that somehow the justice committee had misguided you in some way.

**Mr. Breithaupt:** They are already issued.

**Mr. Roy:** They are already issued, my colleague tells me. It is true. But there is some reluctance in obeying the warrants. We can feel it from that side.

With some measure of admiration I pay tribute to my colleague the member for St. Catharines, who throughout this process has had one question in mind, that is, what has happened at the level of the issuance of the licence? My colleague throughout has been constant and he has been direct in his motivation; that is what he wants to know. He has his constituents, as we have heard here before and I do not intend to get into that, who have lost their life savings in this process. They want to know why. That is their interest and he has been direct and constant in his motivation.

9:30 p.m.

I want to say, as well, I listened this afternoon with a great deal of admiration to the presentation made here by the member for Riverdale (Mr. Renwick). I thought it was excellent. I thought he covered every issue—the question of due process, the question of the minister's statement—and I thought he did it with excellence and depth. He took a thorough approach to this important problem.

I join this debate because often when we in this Legislature are discussing a variety of issues, and I think this is an important issue, basically what we have is a situation where there is a conflict between the role to be played by members of this assembly, the role we are sworn to play though we are members of the opposition—we have a job to do here—and the tools are at our disposal; in other words, the warrant you have issued, Mr. Speaker, and the right of the public to know about this public business that has gone on in this particular situation. That is one of the issues.

Brought on by that issue, the other conflict is the right of due process. It is the administration of justice. It is the independence of the judiciary and the protection of

the rights of the individuals within this community. There are times when there is a conflict. There still may be a conflict here. If we were to listen to the government members, especially the lawyers this afternoon and this evening, the members of the justice committee would be under the impression that by proceeding as we are, somehow we are going to undermine that whole criminal process, somehow we are going to undermine certain individuals who should or should not be charged. The investigation is not complete. I ask myself, is that really the case? Is that what is happening?

When it comes to the question of sub judge, the rule of law, as the Attorney General has said, we have rules in this assembly that prohibit us from dealing with matters at present before the court. We ask ourselves the first question, in the matter of the issuance of the licence, how was it a licence was issued in these circumstances? Is this a matter now before the courts? I ask the House, is that before the courts? It is not before the courts.

**Hon. Mr. Welch:** Civilly.

**Mr. Roy:** The member for Brock, I think, mentions it is before the civil courts.

**Hon. Mr. Welch:** Two civil actions.

**Mr. Roy:** I say to the minister, are we talking about a civil action or are we talking about a criminal process? Not one of his colleagues all afternoon talked about the civil process. We are talking about the rule of law. We are talking about the liberty of the individual. We are talking about a criminal process. We are not talking civil law at this point.

One of the things of great concern to the members on this side is the fact the rule of law, the question of sub judge, has been abused here time and again, as my colleague the member for Riverdale has said. Time and again, issues have been put on the back burner because the government knows, as anybody knows, time is on its side. If it can put off an issue for a period of time, there will be no issue left and the public will not be interested.

**Mr. Speaker,** you and your predecessors in the chair have put a narrow restriction on the use of sub judge. We are very careful on this side that it is not thrown up before the members of this assembly every time we are looking at the government's performance in relation to a particular issue.

When I hear my colleague the member for Ottawa West talking about compromise, I say to him that I hope we arrive at a

compromise, because when he talks about the rule of law and sub judge, I want to mention how sometimes that rule is used conveniently by some. It is used conveniently and employed in some instances when it should not be. There are other times when there seems to be no question that interference on the part of a minister is allowed.

For instance, I say to the Minister of Culture and Recreation, who is in charge of the Ontario Heritage Act, how does he consent in November 1979 to a prosecution of the church in Ottawa in relation to what is called the Clegg House? In his consent at that time he stated that it should be left to the courts for determination. Yet on December 2, 1980, he sent a telex to Ottawa urging the city of Ottawa to negotiate an out-of-court settlement with the church. How is that for interference in the due process? Where is that great defender of public freedom, that man who raises sub judge? How is that for a conflict of interest? What is the member for Ottawa West doing when he does that sort of thing to the act?

**Hon. Mr. Baetz:** Stick around here and you'll get the answer. You are never here for the question period.

**Mr. Roy:** Any time the minister wants me to answer a question, I will answer it. In fact, if there are a few more performances like tonight's, I will answer all his questions, because he will be on this side.

**Hon. Mr. Baetz:** You are not going to be checked, Albert, because you aren't coming down here.

**Mr. Roy:** I find it highly improper that in November 1979 a minister in charge of an act would consent to a prosecution and in December, when the prosecution is coming up before the courts, he would tell the same people to settle out of court. Where is the Attorney General to involve the sub judge rule?

**Hon. Mr. Pope:** You won't be around next year, Albert.

**Mr. Roy:** I hear the member for Cochrane South, who likes to talk about the rule of law. What about the rule of law in Cayuga? What is his government doing about a hearing for the people in that area?

**Mr. Speaker:** Order. I want to remind the member for Ottawa East that the two citations he has given to the House are really not a part of the motion that is before the House—

**Mr. T. P. Reid:** They certainly are.

**Mr. Speaker:** Order. They are not.

**Mr. T. P. Reid:** Mr. Speaker, on a point of order—

**Mr. Speaker:** Sit down. You sit down.

**Mr. T. P. Reid:** They talked about the sub judge rule all day, and that man over there just threw it out the window.

**Mr. Speaker:** Order. Here is what we are debating:

“Your committee requests that the House authorize Mr. Speaker to require that all material required through the provisions of the Speaker’s warrant of 24 November, 1980 be delivered to the standing committee on administration of justice forthwith and no later than Friday, 5 December, at 9 a.m.”

We have allowed a lot of leeway in the background to this particular issue. But we are not debating Cayuga or talking about a heritage thing over in Ottawa. Get that straight.

9:40 a.m.

**Mr. Roy:** Mr. Speaker, the members opposite have talked all afternoon and all evening about the fact that what we are doing here with this resolution is undermining due process. In fact we were undermining the rule of law. Apparently, we are undermining the whole criminal process according to the members opposite. I have great difficulty understanding why it is that, if the justice committee should be allowed to view documents and investigate what they have undertaken to do, it should somehow affect the criminal investigation. My colleague the member for St. Catharines mentioned the precautions they are prepared to accept. It is not a criminal charge that has been laid; it is a criminal investigation that is going on.

One has to wonder, as my leader did, how it is that criminal investigation has not taken place over the last eight months. Is it a last-minute decision to have it? I fail to understand how an investigation by members of the justice committee can contaminate the criminal investigation in any way if it is done with caution. If there is some duplication and they are advised to go in camera, my colleague the member for Riverdale said they are prepared to do so if necessary.

I fail to understand how these people have so distorted the whole issue. Why has a government ministry issued a licence 13 days or so after the company had apparently gone bankrupt? Why did the government give a licence in these circumstances? How can the investigation contaminate a criminal investigation? What is there to say this investigation by the com-

mittee will somehow undermine the criminal investigation?

I hope there is a compromise. I feel one can be worked out with a certain amount of goodwill, especially on the part of the Attorney General. Somehow I suspect the Minister of Consumer and Commercial Relations takes his orders from the Attorney General.

In the past, the Attorney General, by invoking the sub judge rule, has shown and has convinced many of my colleagues that at times he is employing the rule in a fashion that is too facile. The issue is being delayed and members are being denied an opportunity to review such issues. I am sure that with a certain amount of respect, the members of the justice committee will show a similar respect.

I fail to understand how members of the justice committee who would be looking at certain documents would somehow be contaminating these documents for a criminal investigation. We have heard such a distortion of the issue this evening. For instance, it was said that if the justice committee looks at these documents, the criminal investigation will not be able to continue. That is not so. The lawyers of this House who have done so are distorting the facts when they take it upon themselves to paint the members of the justice committee as people who are prepared to run roughshod over the rights of the people and the accused in this province.

Many of my colleagues across the House have invited me to join in this debate. They ask: “Do you have anything to contribute? Are you not ashamed of what you are doing?” I have spoken to my colleagues on the justice committee from all parties. Perhaps the minister should speak to some of the colleagues from his party on that committee who voted in favour of the motion and who he is selling down the river today. These people are prepared to show some compromise. They are not people who are prepared to ride roughshod over the rights of certain individuals; they are people who are concerned about what has happened to many of the small people in this province.

If that investigation looks at what has happened, at how it was that certain individuals were able to get a licence in these circumstances—if these people are allowed to investigate these circumstances and if that is called a witchhunt, as the member for Cochrane South has said, then count me in; I am on a witchhunt too, because I am joining with

these people. What they are doing is in good faith.

We in the opposition have a job to do. The members on the government side did not do the administration of justice any great favour by some of the comments they made. I say to them, if a compromise is not reached, I am satisfied it will be because certain individuals on the other side are not prepared to show a certain amount of good faith and objectivity on this point.

The members opposite should be allowed to do their job, and I want to put on record that in no way should criminal charges be undermined by the legislative process, but at the same time, the legislative function, the role of members of this assembly, should not be stopped in a facile or easy fashion. The members opposite should not put up road-blocks in a minute, as if they think the sub judice rule is something magic. The honourable members have invoked it too often, and it is small wonder that many members on this side are cynical about that process.

I trust that a compromise will be arrived at. I think it is going to be in our best interest. But for the honourable members opposite to suggest—and I do not say this to the Minister of Culture and Recreation (Mr. Baetz), but to some of his colleagues—that somehow these people here are prepared to undermine the whole process, is a distortion of the facts. My colleagues are acting in good faith as much as anyone opposite.

**Mr. Philip:** Mr. Speaker, this is not a new matter that is before the justice committee, nor is it a new matter before the House. It is not something we have invented to provide extra work for ourselves during the recess, nor is it a matter that is being raised in the Legislature for the first time.

The matter has been dealt with by the justice committee and by this House in question after question for the past eight months; so it should not come as a surprise to either the Attorney General or the Minister of Consumer and Commercial Relations that the justice committee has some real concerns about the operations of one ministry in one particular instance and that we want to look at that and that alone.

The Attorney General has questioned the jurisdiction of the committee. He tried to convince you, Mr. Speaker, that somehow our committee, in examining the annual report of the Ministry of Consumer and Commercial Relations, could not deal with the very specific matter of the action or inaction or of the competence or possibly incompetence of the Ministry of Consumer and Commercial

Relations in the issuance of a particular mortgage broker's licence.

One must wonder where the minister has been during the past few years as committee after committee deals with very specific and concrete issues via the very route of sending the annual report of a ministry to a standing committee for investigation. One of the great accomplishments of minority government has been that we have been able to find out for the public things that a government, of whatever party and whoever was in power, might rather keep behind closed doors.

9:50 p.m.

One of the credits that the press have given this minority government is that it has been more open government. I can recall that one of our press correspondents, one of our better-known columnists, devoted a whole column to this. He said one of the things that does happen under a minority government and with the operation and expansion of the standing committee system that we have evolved over the last five years is that certain bureaucrats are more on their toes and that certain high-ranking civil servants can no longer feel easy during the summer and be able to say: "Thank heavens, I can go to the cottage on Friday afternoon. I do not have to worry about what is going on." Certain politicians cannot take certain actions without first realizing that the annual report of a ministry can be sent to a committee and the actions of that minister or the actions of his top civil servants can be questioned and examined and the public can find out.

One must wonder where the minister has been during the past few years as committees have done this. In a very specific way, we have examined certain ministerial actions and the actions of certain boards and commissions via this route. As a result of sending the annual report of a ministry to committee for study, we have been able to show that the justice system has been expanded.

While the Attorney General in the past has argued that certain committee activities verged on sub judice, he has never once tried to present the spurious argument that the committee could not investigate any matter under its jurisdiction by sending the annual report of a ministry to the standing committee. He certainly had opportunities and his officials have often wanted committees, particularly the justice committee, or in one case the resources committee, to refrain from examining certain things that were embarrassing to this government. The Attorney

General surely realizes this has been the practice and a very successful one.

A recent case I can recall from personal involvement and experience was the inquiry of the resources committee into the actions of the Ontario Highway Transport Board. An even more recent examination was that of the Ontario Housing Corporation where the annual report of the ministry was referred to committee. The minister in his foggiest fantasies never thought of bringing out the spurious argument that the committee could not examine those specific questions at that time.

The process the Attorney General wishes to attack has resulted in a secretive government opening up to the taxpayers. In the case of OHC, it resulted in making public an operations manual that members of this House had asked for over years and the government had kept secret. That operations manual had rules and regulations governing the daily lives of thousands of people in this province. Only through sending an annual report to a committee was that operations manual made public. Only through sending an annual report to that committee was it possible for the legal aid lawyers for the various tenant activist groups, for the various tenant advocacy groups and for social workers to go to that ministry or to the housing authority and say: "Here are the rules by which you govern. Here is where we say Mr. Smith or Mrs. Jones is not in violation of that rule."

Surely that has expanded the justice system. Surely it is the right of people to know what rules govern their lives and to be able to argue according to the rules. That is openness and that is justice. But that is the kind of thing the Attorney General is attacking in his opening statement on this debate.

Likewise, in the case of the Ontario Highway Transport Board, the result was changes in bringing about a much fairer and more apparently honest system in the operations of a quasi-judicial body.

I have talked to people in the industry who listened with great intensity at those hearings. They have recognized the improvements in that board as a result of using the very procedure the minister is attacking. They have recognized that this quasi-judicial body now is more open and that justice not only is done but appears to be done, which is equally important. That is the process which the Attorney General as the chief law enforcement officer of this province has been attacking in the first few pages of his opening statement.

For the Attorney General to state that a procedure that has resulted in greater justice for those appearing before quasi-judicial bodies is—and I use his word—"surreptitious" procedure is simply ill informed at best, or irresponsible at worst, on the part of the chief law enforcement officer, whose responsibility it is to spread and expand the justice process in this province.

Members on the other side of the House have made the argument that the release of certain documents might seriously be sub judice. Members of the justice committee have heard this argument time and time again. We are aware of the sub judice rule. We have studied the rulings of the British House of Commons as well as of the Canadian House of Commons. We know that in case after case and in study after study the rule has been that the members of the elected body, the Legislative Assembly, the Parliament, are the ones who must decide.

We have read in case after case that in the interests of democracy, if there is any error to be made, one must take a chance on erring on the side of openness. That is what the cases have said in the House of Commons in both Canada and Great Britain. That is what the committees that have studied this particular problem have come forward with.

The argument of sub judice was used by the Attorney General's officers at the time of the inquiry by the resources committee into the operations of the transport board. At that time, the Liberal transportation critic and myself wanted to look into certain operations we considered to be unjust or certainly appeared to be unjust. There was an outcry by the public, and particularly by the industry, that certain things be looked at, not because they were necessarily absolutely unfair, but because there were suspicions and because openness would possibly clear the names of those who were being talked about behind closed doors and at various conventions.

We did that. The Attorney General's office at that time charged that the committee might well be guilty of violating the sub judice rule. We argued we were not and that we could behave in a responsible manner. Members on this side of the House are arguing now that we are going to have the same problem. I challenge these members to show me one instance where, in the case of the justice committee or any other standing committee, we have ever violated the rule of sub judice. I ask members on the other side of the House to come up with one example where anyone's rights have been

seriously injured as a result of the inquiries conducted by standing committees. I ask members on the other side of the House to weigh the other side of how justice has been expanded as a result of some of the inquiries by committees using the process we have discussed.

10 p.m.

The government called wolf at the time, but there was no violation of the sub judice rule during the hearings on the transport board. Nor have there been violations at any other time. If the government is to use the sub judice argument, it must show at least one case where this has happened. It cannot come up with a single instance. Whenever the government starts to sweat, it finds one of the most convenient fans is a fan manufactured by a company called sub judice. It certainly takes the heat off the government.

The Attorney General is requesting that the committee delay its investigation until the government's investigation is completed. If we, as parliamentarians, accept the argument that any time something is under investigation by the government we must cease our investigations as a parliament and as a committee, I suggest that will be the easiest rule to stop any kind of investigation or anything that is controversial and even mildly potentially damaging or uncomfortable to the government.

Any time any body, any government agency, or any government ministry finds the heat is on, it can always say, "It is under investigation; you cannot look at it." I suggest that is more damaging to the justice system than anything that has been argued in the imagination of the Attorney General.

There seems to be certain misapprehensions and misconceptions on the government side of the House. They somehow say it was the Liberals and New Democrats who moved this motion and are responsible for it. In truth, I am able to count as well as you are, Mr. Speaker. I sat in the chair as the count was taken in that committee, and I know there were a number of members on the government side of the House who voted for what is before us tonight. To say we are being irresponsible, while their own members conveniently are not, is beyond my comprehension.

What really happened in that committee was that certain government members saw there was a reasonable course of action being taken by the committee. Outside the influence of those people in the hierarchy of their party—the ministers and the cabinet—they made rational decisions based on the

evidence that was before our committee. They voted with the Liberals and New Democrats as a committee, not as partisan people, but as somebody who said: "We have something that seems reasonable. It is a reasonable compromise. It is only fair that we go ahead with this."

If members on that side of the House and the minister are censuring us, they had better talk to their own members who voted for this. They voted with us and they saw the reason in it. I say to the members who did vote that way, if they are going to vote differently, they had better go back to their constituents and explain why they are going to do a flip-flop tonight.

I would like to read to the members exactly what the Attorney General has promised this House and the justice committee, because there seems to be some misapprehension that somehow the Attorney General is actually promising to do something very specific for the justice committee. Some members seem to think we are going to obtain these documents mystically or some other way on Wednesday if we somehow delay the motion tonight. I would like to read from the speech of the minister earlier today because I do not want to misquote him. I want some of his own members to understand exactly what he has promised.

I am quoting from page 1555-2, of Instant Hansard, December 4, 1980. He said, "I am quite prepared to give a personal undertaking on behalf of myself and on behalf of the Minister of Consumer and Commercial Relations that we will appear once again before that committee on Wednesday next, and I am confident that the issues pertaining to the criminal investigation which are of fundamental importance can be resolved at that time."

That is an understanding, with the greatest respect, Mr. Speaker, you should take into consideration. I am asking you to take into consideration that the Minister of Consumer and Commercial Relations has really promised us nothing. For eight months now, the minister has promised us information on the very thing we want to look at, and he has not produced it. What is there to say the Attorney General will produce anything more in three or four days?

The minister's promises in the past have not been all that well received, and indeed have not always been kept. The minister has somehow indicated we should be satisfied with this pie-in-the-sky, Utopia-will-come-tomorrow suggestion that we will get what

we want next Wednesday. The question we must ask, as a committee and as a Legislature, is what happens on Wednesday when the minister comes before us and says: "I'm terribly sorry, old chap, but the investigation is still going on. I really can't produce the documents. I have countless reasons why I cannot give you what you are asking for"? What happens on Wednesday? Are we going to be back here again? Are we going to recycle what has amounted to a very time-consuming debate, which is distracting us from other matters of importance before this Legislature?

I am alarmed at the way in which the government has operated in this particular instance. I am alarmed that the minister to whom the warrant was issued has been almost completely invisible. I am alarmed that the chief law officer of the government, a law officer who should be acting on behalf of all parties and not just the cabinet, has been acting as the chief legal adviser or lawyer to the Minister of Consumer and Commercial Relations.

Surely if there were reasons why the Minister of Consumer and Commercial Relations could not produce certain documents, it was his obligation to say to the Speaker and to the committee: "I want to meet with you. I want to give you certain reasons. I want to sit down and reason with you." The minister has not done that. Everything has been through the circuitous route of the Attorney General's office. When I say circuitous route, I certainly mean that. The Attorney General has tried to convey the impression to the public that he had attempted to appear before the committee to give his reasons, and we would not listen to him.

That is very far from the truth. What happened was that the minister appeared—perhaps conveniently or perhaps simply through accident—after the committee had no longer any business to deal with. In fact, there was not a quorum before that committee when he and some of his officers appeared. At that time, he said: "I would like to sit down and I would like to present some information to you."

It would have been irresponsible for me to sit down at that time with the minister and hear that kind of presentation in the absence of many of the people who were most concerned, in the absence of at least one of the people who had moved the original motion, in the absence of the justice critics, and somehow pretend that an unofficial meeting was really official, that it had somehow turned into an official committee

meeting, because the Hansard people happened still to be there 10 minutes after we normally would have adjourned.

There was no quorum, and it would have been as irresponsible for me to sit down with the minister at that time and listen to his arguments as it would be for you, Mr. Speaker, to call a meeting on your own, at midnight or at two o'clock in the morning, and pretend that was a legitimately constituted meeting of the Legislative Assembly of Ontario.

10:10 p.m.

After that, the Attorney General had several days in which he could have reported to the Speaker, to the chairman of the committee or through the clerk to me, that he wanted a meeting with us. We received no such correspondence. Instead, what happened was late one evening the clerk of my committee, after several attempts to reach officials in the Attorney General's office, finally was able to reach someone who said the Attorney General would like to meet. At that time it was fairly clear the committee had agreed to deal with matters of substance relating to the Solicitor General's estimates.

The critics of the Solicitor General had been very obliging to the House, to the House leaders and to the justice committee, and had cut a great number of hours off their estimates, even though they had done a considerable amount of preparation and had a large number of important issues to raise. At that time it seemed only reasonable that the two critics should have a say as to whether they would have all of their estimates destroyed, not at the request of the Minister of Consumer and Commercial Relations, to whom the Speaker's warrant had been issued, but on the request of his attorney, his legal adviser or whatever capacity the Attorney General has been serving in this one-sided exercise of dealing only with and giving information only to one side of this House.

For us to have made a decision to cut off the Ministry of the Solicitor General's estimates at that time would have been irresponsible to those people and indeed to certain people who were in the audience or in the galleries of the committee at that time, because they knew certain issues, issues of substantial concern to them, were to be brought up. These were issues such as women's rights, the rights of certain individuals who were being brutalized by this society and by certain underworld elements in it, and they had come long distances to hear the questions and to supply evidence to the committee on those.

Both ministers have had all kinds of time to deal with the committee and with the Speaker. Suddenly last Friday, the Attorney General, speaking to me in the presence of the clerk of my committee, said, "Mr. Chairman, there may be problems."

"What are the problems?" I asked.

He said, "It is possible that the securities commissioners may resign if you go ahead with this."

I said, "Is that a threat?"

He said: "Oh no. I have no real control over them. They are very upset. They feel somehow that you are asking them to be in violation of their own act."

I said to the Attorney General at that time, again in the presence of the clerk of my committee: "Mr. Attorney General, can we agree that this is not a matter that we need to explode? This matter for which we need quiet reasoning. Would you agree that nothing will be said publicly until such time as we can sit down, rationalize and reason through this predicament we are now in, because the justice committee clearly has bent over backwards to secure documents in a reasonable, rational, secure and safe way, in a way that is acceptable to the Attorney General and the Solicitor General?"

At that time, the minister said: "I will do my best. I will try to persuade the securities commission not to do anything unreasonable."

Mr. Speaker, you can imagine how shocked I was when I read in the newspaper only the following day, or it may have been Sunday, the headlines, "Securities Watchdog May Resign." It appeared over an article that said Mr. Bray is a civil servant and so forth, while the other commissioners are part-time commissioners who do not rely on the Ontario Securities Commission for their livelihood. It also said a showdown upon the matter would come on Tuesday when the warrant was returnable, and the reluctance of the commissioners to turn over the material stemmed from several concerns.

Basically, the gist of this article was the threat by the Ontario Securities Commission to the justice committee that if we continued to proceed with our inquiry all hell would break on the stock markets of this land, there would be runs on our dollar and there would be a lack of confidence in Ontario. We would be responsible for it because the securities commission would resign en masse.

Then, without any consultation with the chairman of the committee or, from what I can find out in putting the pieces together, without even any consultation with the Min-

ister of Consumer and Commercial Relations, there was an attempt by the securities commission to meet with you, Mr. Speaker. You kindly invited me and the clerk of the committee to be in attendance.

At that meeting, the chairman of the securities commission said: "We are sorry; I never really said that. Perhaps I was misquoted. I really did not want in any way to blackmail you. I am really not threatening to resign. I accept the role of the Legislature." That is kind of an unusual way in which to operate. Surely if the securities commission had any problems, it should have gone to the minister. The minister, clearly responsible under section 1 and section 12 of the act, should have come to the Speaker and then to the committee. But that did not happen. Instead, we have this kind of cloak-and-dagger stuff that is going on in the background.

I asked the minister: "How does one justify this kind of activity? That certainly is not open government. That is not direct government. What kind of confidence can the public have when they see this kind of wheeling and dealing?" Then I found out, through a statement the minister wanted to release, and through some information from the Liberal Party, that the leader of the Liberal Party had been invited to a private meeting along with a couple of other people, including the critic for that ministry, to meet with the Attorney General to discuss some of the concerns and problems he had. Is that the appropriate route to take?

I am pleased that the leader of the Liberal Party clearly assures us, as do other members I have spoken to in that party, that they promised the minister nothing. They said they were willing to listen, and that was an appropriate action for them to take. I am clearly convinced from everything I have heard from the Liberal Party that in no way were they negotiating anything behind the scene. I am clearly convinced that the Liberal Party in that instance acted in a very mature and highly responsible manner. But I am not so convinced about the responsibility and maturity of the minister in acting in that manner.

Surely, if the minister had some concerns and wanted to meet people, he should have asked the chairman of the committee to call together all three parties to deal with that. As chairman of the committee, I would certainly have consulted with my committee and opened myself to that kind of thing. That is the kind of open way in which to deal with it. I would have considered it unusual, because I do not consider the Attor-



ney General was the person to contact the committee in the first place. The warrant was issued on the Ministry of Consumer and Commercial Relations.

The leader of the Liberal Party issued a statement that clearly showed he also felt the method of operation by the Attorney General in this matter was somewhat unusual, to say the least. He said the statement filed by the Attorney General with the standing committee on administration of justice contained an erroneous implication which must be corrected immediately. I am pleased the Liberal Party came to me after that happened and shared with me that information long before it issued that statement.

I would like to go through exactly what happened at that meeting, because I think that is fairly clear in the release by the Leader of the Opposition. He says, "It is correct that at the Attorney General's request my colleagues and I met with some of the Attorney General's officials and with the chairman of the Ontario Securities Commission on Monday evening, December 1."

10:20 p.m.

On the one hand, there is the Ontario Securities Commission trying to go through the back door to meet the Speaker. Then on Monday evening they are going hand in hand with the Attorney General—who has no direct responsibility for them in any case; no sign again of the phantom Minister of Consumer and Commercial Relations—to see what they can do with the Liberal Party. The stated purpose of the meeting was to be informed of certain details of criminal investigations under way and to hear the concern about the Speaker's warrant for the production of documents to the committee for the administration of justice.

The Leader of the Opposition says, "My colleagues and I agreed to hear the submissions without comment as to our position." I suggest that is the very position I or my leader would have taken in that kind of situation. It was a responsible position for the Liberal Party to take.

"We were given to understand that the concern of the Ontario Securities Commission and the status of criminal investigations were such as, in effect, to preclude any legislative inquiry, at this time and for the feasible future, into the government's performance with regard to the administration of the statutes relevant to the operations of Astra Trust, Re-Mor Investment Management Corporation and related companies."

The Liberal Party, in a meeting with the Attorney General and the Ontario Securities

Commission, concluded by that meeting—and I use the words of the Leader of the Opposition—"in effect to preclude any legislative inquiry at this time."

Now we are told that somehow, mystically, we can have this legislative inquiry in three or four days if we vote against this tonight. I wonder how it is that the Attorney General can meet with the Liberals, suggest it is a long time off or some distance into the future and then suddenly jazz up that investigation. One can only conclude that he must have tremendous powers of investigation. They have had eight months to investigate. On Monday it is still a long way off and now, tonight, it is only three or four days off.

The issue here is fairly clear. The issue is between open government, which I think is just government, and closed government, which is the government that some would impose on this Legislature and this House.

We have come a long way in five years with the committee system.

Today the Premier (Mr. Davis) said: "The member for London Centre (Mr. Peterson) is apparently far more knowledgeable about these things than I am and he can tell us about it. I do not know much about it. But no one on this side of the House is obstructing the fair play, the equity and the preservation of the system. We will have an opportunity to debate this later this afternoon, and the government has nothing whatsoever to hide in terms of the material requested."

If this is the case, why hide it from a very responsible body, the justice committee, that has never violated sub judice?

Hon. Mr. Pope: Oh no.

Mr. Philip: The Minister without Portfolio says, "Oh," but it was members on his side of the House who voted for this. Members have acted responsibly on that committee. It was not just Liberals and New Democrats; it was Conservatives, Liberals and New Democrats who brought in the motion we have here today. If the minister is saying we are behaving irresponsibly, I am saying he is attacking the very members right behind him who voted for this.

I would like the members to listen to what the Premier had to say. He said: "We have nothing to hide. The Minister of Consumer and Commercial Relations has nothing to hide. We do feel we have an obligation to see that the proper judicial processes are allowed to proceed in this province. We will have a chance to debate that this afternoon."

The judicial process of this House is not in question. No one on this committee is investigating anything directly related to something before the courts. The member for Ottawa East (Mr. Roy) clearly showed that. The member for Riverdale (Mr. Renwick) has clearly demonstrated that in his speeches. We have a very narrow, unfair mandate as to what it is that we are after.

The importance of this debate is not that any time the government says something is under investigation it can hide it from the public. The matter before us is whether a government can say, not that we stop when a matter is sub judice, but that we stop when a matter is merely under investigation. Surely that is not what the public of Ontario wants.

I have had letters during the last few days saying over and over again: "We are the ones who have lost our life savings. We are the ones who want to know if the ministry has acted in a responsible way. We know the courts will handle the other matters of a legal nature and a judicial nature. We know you are not set up as a court and that the Legislature is not behaving in that way."

No one can say the chairman of the justice committee has ever behaved otherwise. When there was an inquiry into the alleged actions of one member of this House, a member on the government side of the House, nobody protected his rights more than the chairman of the justice committee. No one argued that the justice committee should not act as a court. Even the member will tell you that. He came to me personally and said I had handled it in a way that was fair and that protected his rights. That member, I notice, has not spoken tonight. If that member were to speak, he would get up and say that the justice committee certainly did not do anything that denied his rights. Indeed, I have always argued that a committee of the Legislature should not go all the way that certain committees have gone in the United States where, under Joe McCarthy, individual civil liberties and rights were violated.

The former minister on that side of the House knows that. He knows my views on that. The government knows my views on that. To suggest, as did one member on that side of the House, that somehow we were a kangaroo court is simply irresponsible. We have never behaved that way, we never will and we are certainly not doing so in this instance. What we are trying to do is simply say we believe in an open

government. We believe the public has a right to know the actions of the ministers when it comes to competence or incompetence in certain matters. That is the only thing before the justice committee.

The committee met the officials of the Ministry of the Attorney General and we dealt with some very specific courses of proposals that would secure the safety of the documents we would be handling. Judging from the comments of some of the members on that side of the House, it seems fairly clear they are not aware of the strict security measures we proposed.

These guidelines with respect to the documents produced pursuant to the warrant the Speaker issued and served on Monday, November 24, 1980, were procedural rules that we developed in the presence of Mr. Morton from the Attorney General's office and in the presence of the two people who proposed the motion and myself. They were rules we took back to the committee and were approved by members of the committee, including the Conservatives. So if those measures were inadequate, then the onus was on members on that side of the House and on the Conservative Party to say so at that time, but they did not. The rules are very clear. All documents should be produced in committee by a certain date, namely, Tuesday, December 2, 1980.

**10:30 p.m.**

**Mr. Speaker:** Order. The House has one of two courses open to it. Either the honourable member who has the floor will move the adjournment of the debate or I require a motion from the government House leader to sit beyond 10:30 p.m.

On motion by Hon. Mr. Wells, the House agreed to sit until 10:45 p.m.

[Applause]

**Mr. Philip:** Mr. Speaker, I am assuming that applause was not only from the Liberal and New Democratic members but also from the other members of the justice committee who, no doubt, voted for what the committee had proposed and are entirely in support of it.

I do not know if the quality of my speech has improved as the night goes on but, certainly, the power of my voice has not.

I was dealing with the security measures we proposed. I would like to go over them.

"1. All documents should be produced to the committee by Tuesday, December 2, 1980.

"2. An inventory of all documents will be taken by officials of the Ministry of Con-

sumer and Commercial Relations. However, the taking of such an inventory should not delay the production of documents and may take place after their production."

That is an important role, because the problem Mr. Morton pointed out to us was fairly clear. He said, "It is important that the inquiry, either by the Solicitor General or by the Ministry of Consumer and Commercial Relations, not be impeded." That is why we agreed that, while we would not be delayed by the taking of the inventory, we would allow the ministries' officials, under the same security measures we were imposing on ourselves, to take an inventory and, where required, to photocopy certain documents and leave only the photocopy in our files.

Anyone knows when one is dealing with a security problem the more people who have access to documents the greater the security problem. That is why we, as a committee, agreed that each party should designate members who would represent the party for the duration of the hearings on this matter for the simple reason that there would be no irresponsible accidents and no negligent questions would be asked. Only members designated to represent the party were to have access to the documents. We clearly limited the access to those documents.

A member for each party would be designated as the person responsible for authorizing the researchers to have access to those documents so that, if there ever were a leak, be it a serious one or an inconsequential one but, none the less, a leak of some sort that gave some concern to the government, members of the Legislature or the Speaker, we would clearly identify who was responsible by the procedure we established. That surely was a manner of ensuring greater security for the documentation.

Photocopies of the original documents in the possession of any court could be provided to the committee rather than the original documents. Thus we overcame the problem of interfering or hampering any court proceedings in any way.

We also agreed that any original documents produced by the committee would be relinquished to the Attorney General or the Solicitor General or the Minister of Consumer and Commercial Relations upon the written request of that minister, with the stipulation that the photocopies remain in the hands of the committee.

The Solicitor General would provide officers of the Ontario Provincial Police to ensure

the security of the documents on a round-the-clock basis, so that those documents clearly would be secured by the police force.

All original documents and original photocopies of the documents should remain in the committee documents room and would not be removed except with the consent of one of the ministers.

Another requirement of the committee was that all members of the committee and the authorized party researchers would sign a book indicating a description of the material inspected and the date and time of the inspection.

These rules we developed are clearly so strict that some of them gave some of us some apprehension, but we developed them as a way of making sure that the Attorney General and the Solicitor General could never indicate that we were not concerned about the security of these documents and about the possibility that might create some problem in the court system.

We even suggested that the OPP officer should accompany photocopies of documents being transported from the room right up to the hearing room. I do not know what more security one could possibly ask for. I dare say that if we had diamonds down in that room they would not get that kind of security.

On June 13, one of the members of this House fairly clearly brought forth some information which I think bears repeating. He asked: "Mr. Simpson, may I ask you what criteria Mr. Weinstein, the registrar of the Mortgage Brokers Act, would look to in assessing the efficacy of an application such as Montemurro's in the context of Re-Mor? What criteria does he look to under the act?"

Mr. Simpson stated: "The criteria are clearly set out. I don't have one of our registration statutes in front of me. They are standard in all the registration statutes and relate to matters of a likelihood of being able to carry on business with financial solvency and responsibility."

[Applause]

Mr. Philip: The member for Wentworth North (Mr. Cunningham) never received such applause for his speech when he originally delivered it. I hope he is around to hear it now.

Mr. Simpson went on to say: "They look at the past; whether the individual has been bankrupt; has the individual been charged with anything, convicted of offences. They look at a whole range of matters in order to make the determinations under the general headings provided in the statute. They size up what the situation is, and what

the situation is likely to be concerning the matters being carried on. They make a determination in the light of all of these circumstances."

10:40 p.m.

It was in June 1980 that this question was asked. The justice committee and indeed the Legislature, has been dealing with it since then. It is not a new issue that is before us; it was clearly an issue then in June 1980. Even before that we were asking the questions: "What is the obligation? What are the requirements of the Minister of Consumer and Commercial Relations in dealing with a situation such as this?" Those are the questions this committee is dealing with now. It is not a matter that is before the court; it is the action of this minister that we wish to investigate.

To suggest that the committee is acting improperly in carrying out this mandate and in investigating the very questions that were asked in June 1980, and trying to find out why the government may or may not have followed, those very courses of action that Mr. Simpson clearly laid out it should be following, I say is absolutely irresponsible on the part of the government. If there was no impropriety in the question asked by the member for Wentworth North on June 13, 1980, then how can the government say there was an impropriety in the very same question the justice committee is asking at this time?

What we are dealing with is the right of the committee to investigate a matter that is clearly within its jurisdiction. The Attorney General and Solicitor General has somehow suggested we should develop Draconian methods, we should go back to the old days before 1975 when committees had no jurisdiction and the public could be kept in the dark, when inquiries by the representatives of this Legislature could actually get the information for their constituents. To go back, to subvert the evolution of the committee system because we want to do something that was clearly within our mandate and clearly asked for in June, I say is simply overkill.

Interjections.

**Mr. Philip:** I am finding it very hard to speak, Mr. Speaker, with all the interjections from members in the House. If I had known I was to give a five-hour speech, I would have prepared a five-hour speech.

**Mr. Speaker:** Order. If we are going to sit any longer this evening we will need further authorization.

**Hon. Mr. Welch:** In order to allow the member for Etobicoke (Mr. Philip) to wind up and perhaps to summarize his conclusions in a pithy way, I would move that the House sit for another 10 minutes.

On motion by Hon. Mr. Welch, the House agreed to sit until 10:55 p.m.

**Mr. Kerrio:** On a point of order, Mr. Speaker: Is that issue debatable, or do we just pass on and let the member speak?

**Mr. Speaker:** No. It is not debatable.

**Mr. Kerrio:** I am sorry it isn't, Mr. Speaker.

**Mr. Cunningham:** On a point of order, Mr. Speaker: Would it be inappropriate right now to draw your attention to the fact that question 315 in my name on the Order Paper, which was promised to be answered by November 30, has not yet been answered?

**Mr. Speaker:** You just did.

**Mr. Cunningham:** I did? May I then draw your attention to question 367 on the Order Paper, also in my name, which was promised to be answered by November 20? That was a question relating to the total advertising expenditures for the government.

**Mr. Speaker:** You really don't interrupt another member when he is speaking.

**Mr. Cunningham:** I am sorry, sir.

**Mr. Philip:** Mr. Speaker, I was perfectly pleased to allow the member for Wentworth North to interrupt me. He and I have been close colleagues. We have had some interesting discussions in various establishments in Washington and other places. We were both members of the select committee on the highway transportation of goods.

Since the member for Wentworth North has been denied the privilege of making a point, I think in fairness to him I will make a point for him. He has kindly provided me with a letter, which I think illustrates one of the problems we are facing and what the public thinks of what we are about.

It is addressed to Mr. Eric Cunningham, MPP for Wentworth North, P.O. Box 128, Parliament Buildings, Queen's Park, Toronto.

**Mr. Cassidy:** What is the postal code?

**Mr. Philip:** It has no postal code. It is a typewritten letter, as members were inquiring, single-spaced, with a very small typeface. It says: "I am an investor and I have invested money with Astra Trust. The previous year, when the certificate matured, Mr. [So and So], then the trust company manager, advised me that Re-Mor was a branch office of Astra Trust and would pay

0.5 per cent more interest per year and he could sell me a certificate at 14 per cent per year, whereas Astra only paid 13.5 per cent per year.

"I asked what the difference was between the certificates, and he told me there was no difference between them, other than the mortgage certificate could be held up to three months more than the term. I would receive interest for every day of it and the certificate would be insured and principal and interest guaranteed.

"Four months later, in March, I received a letter from Re-Mor telling me that my money was invested in real estate in Buffalo. Approximately two or three weeks later, I again received a letter from Re-Mor telling me the mortgage was in error and interest could not be paid until this matter was straightened out." If someone told me he had invested my money in Buffalo, I would certainly have second thoughts at that time, but the writer of that letter apparently did not.

The letter continues: "Since interest was not due until November, I found this very strange. Upon receiving that letter, I went to the Astra Trust office in Burlington and I asked the teller for the manager, Mr. Bentz. I was then told he had resigned but that the supervisor was on the premises and I asked to see him and he invited me into an office.

10:50 p.m.

"Then I showed him the letter from Re-Mor and asked him what it was all about. He said, 'I am sorry'—excuse me, Mr. Speaker; I am going to take a drink of water because this letter is so bad, it really kind of breaks me up—"I am sorry we have nothing to do with this.' I asked him what he meant by that, because I bought the certificates there, and I also told him that Mr. Bentz told me that Re-Mor was a branch office and the certificate would be insured, and the principal and interest guaranteed. He then told me Mr. Bentz should not have told me that, because it isn't a branch office.

"I then asked him if Mr. Bentz was moonlighting because he sold me the certificate in his office, and he said, 'No, not really.' I then said, 'Astra Trust is responsible for any loss I incurred since Mr. Bentz was the manager here and must have been bonded.' I asked him to have the matter straightened out and send me a letter. I heard nothing about the matter until May 9, when I was informed the company went bankrupt.

"Dear Mr. Cunningham, I am a merchant and my \$10,000 investment represents many hours of hard work, and I thank you very much for your concern with this matter, and I hope that you can help me and other investors regain our money."

Mr. Speaker, you have listened to what really amounts to two speeches, as have members of the House who have been here during all of it. One was probably worth listening to and the latter part I hope you found at least entertaining. I now yield and will sit down.

**Hon. Mr. Wells:** Mr. Speaker, at this hour I am not going to burden the members by making a speech. I am merely going to move an amendment to the motion before the House.

**Mr. Speaker:** Hon. Mr. Wells moves that the motion for the adoption of the report of the standing committee on administration of justice be amended by deleting from the recommendation of the committee the words "Friday, 5 December" and substituting therefor the words "Monday, 8 December"; and that the documents required by the warrant be delivered in confidence to a subcommittee of the justice committee composed of two representatives from each of the parties with one vote for each party.

Shall the motion carry?

**Mr. Nixon:** A point of clarification, Mr. Speaker: It should be understood, and I hope there is agreement on all sides, that the matter delivered to the subcommittee in confidence may then be handed on, by the subcommittee's vote, to the full committee.

**Hon. Mr. Davis:** Under the same conditions.

**Hon. Mr. Wells:** That is agreeable.

**Mr. Speaker:** Is that clarification or addendum understood?

Agreed?

I declare the motion carried.

**Mr. Foulds:** Do you want to put the question? We just agreed to the amendment.

**Mr. Speaker:** I thought it was agreed unanimously.

All those in favour will please say "aye".

All those opposed will please say "nay".

In my opinion the ayes have it.

Report, as amended, adopted.

**Hon. Mr. Wells:** Mr. Speaker, although I have not had a chance to discuss this further with the House leaders, I wonder if I can have the indulgence of the House, since we have now finished this part of routine business,

to extend our sitting for five minutes more so that the Minister of Consumer and Commercial Relations can introduce the bill, which has an effective date of today, regarding pensions.

On motion by Hon. Mr. Wells, the House agreed to sit until 11 p.m.

**Mr. Speaker:** Do you want me to go through the routine proceedings?

**Mr. Nixon:** By agreement we can go to introduction of bills.

### INTRODUCTION OF BILLS

#### PENSION BENEFITS AMENDMENT ACT

Hon. Mr. Drea moved first reading of Bill 214, An Act to amend the Pension Benefits Act.

Motion agreed to.

### BUSINESS OF THE HOUSE

**Hon. Mr. Wells:** In the few minutes remaining, Mr. Speaker, perhaps I could outline to the House the order of business. Rather than outline it for the whole week, I

would like to outline the business for tomorrow and, with the consent of the House, only for next Monday and Tuesday. Next Tuesday, I will indicate the further order of business for the House from Wednesday on.

Tomorrow, in the House we will continue the consideration of the estimates of the Ministry of Revenue.

On Monday, December 8, we will conclude the estimates of the Ministry of Revenue and, if any time permits in the afternoon, we will continue the budget debate.

On Tuesday, December 9, in the afternoon, we will have second reading and committee of the whole House, as required, on Bill 187, Bill 209, Bill 192, Bill 193, Bill 177, Bill 205, Bill 190, Bill 188, Bill 189, Bill 201 and Bill 204. In the evening, we will continue with legislation that has not been completed in the afternoon. As I mentioned earlier, I will then indicate to the House the order of business to be followed after next Tuesday.

At this time, it is considered the House may meet on Wednesday afternoon in addition to the regular sittings next week.

The House adjourned at 10:59 p.m.

## CONTENTS

---

Thursday, December 4, 1980

|  |      |
|--|------|
| Report, standing committee on administration of justice: Mr. Philip, continued ..... | 4947 |
| Pension Benefits Amendment Act, Bill 214, Mr. Drea, first reading .....              | 4972 |
| Business of the House, Mr. Wells .....   | 4972 |
| Adjournment .....  | 4972 |

## SPEAKERS IN THIS ISSUE

---

Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
 Bolan, M. (Nipissing L)  
 Bradley, J. (St. Catharines L)  
 Breithaupt, J. R. (Kitchener L)  
 Cassidy, M. (Ottawa Centre NDP)  
 Cunningham, E. (Wentworth North L)  
 Davis, Hon. W. G.; Premier (Brampton PC)  
 Davison, M. N. (Hamilton Centre NDP)  
 Edighoffer, H.; Deputy Speaker (Perth L)  
 Foulds, J. F. (Port Arthur NDP)  
 Gregory, Hon. M. E. C.; Minister without Portfolio (Mississauga East PC)  
 Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
 Hodgson, W. (York North PC)  
 Kerrio, V. (Niagara Falls L)  
 Laughren, F. (Nickel Belt NDP)  
 Mancini, R. (Essex South L)  
 McClellan, R. (Bellwoods NDP)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 Philip, E. (Etobicoke NDP)  
 Pope, Hon. A.; Minister without Portfolio (Cochrane South PC)  
 Reid, T. P. (Rainy River L)  
 Roy, A. J. (Ottawa East L)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Sweeney, J. (Kitchener-Wilmot L)  
 Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
 Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)











No. 133

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Friday, December 5, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

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FRIDAY, DECEMBER 5, 1980

The House met at 10 a.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### WINE CONTENT LEGISLATION

**Hon. Mr. Drea:** Mr. Speaker, when the Wine Content Act was first enacted in 1972 it allowed the Liquor Control Board of Ontario to regulate the amount of imported grapes or wine brought into the province for use in the manufacture of Canadian wine. However, the act contains a sunset clause and the most recent extension of the legislation is due to expire as of December 31, 1981. After this expiry date Ontario wine manufacturers will not be able to use imported grapes or wine for blending in the production of domestic wine unless the legislation is extended.

Both the Wine Council of Ontario and the Grape Growers' Marketing Board have requested that a decision be made at this time regarding an extension of the act to August 31, 1984. This would allow Ontario wine producers to plan for the continued use of imported grapes and wine for not only the current vintage year, but also for the 1982 and 1983 vintages. I strongly recommend renewal of the act as quickly as possible in light of the production requirements of the wine producers of Ontario.

Later this morning I will be introducing the Wine Content Amendment Act, 1980.

### DEATH OF PORTUGUESE PRIME MINISTER

**Hon. Mr. Wells:** Mr. Speaker, on behalf of the Ontario government, members of this House and the people of Ontario, I would like to express to the people of Portugal, and particularly to the Portuguese community here in Ontario, our very deep sorrow for the tragic and untimely death of the Prime Minister of Portugal, Dr. Francisco Sa Carneiro, and other members of his party who died yesterday in a plane crash.

Dr. Sa Carneiro was first elected Prime Minister of Portugal one year ago and was re-elected last October. He was a very

promising young politician who, in a life devoted to public service, had already made significant contributions to his country. He will be particularly remembered and mourned by the community here in Ontario because he visited Metropolitan Toronto a few years ago and is remembered by many Canadians of Portuguese origin who live in this area.

On behalf of all the people of Ontario, I would like to express our most heartfelt condolences to all those who are touched by this tragic event.

**Mr. S. Smith:** Mr. Speaker, I would certainly like to add a word to the sentiment expressed by the government House leader. I want to associate ourselves with his comment and to say what a tragic event this is, particularly since all of us were so pleased to see the return of democratic government to Portugal. Anything which in any way threatens the ongoing stability of the way things are developing there is of great concern not only to Portuguese Canadians, but to all Canadians and citizens of the free world.

It is a personal tragedy for the late Prime Minister of Portugal and his family, and we wish to offer our condolences and very sincere hopes that the process of democratic government will, none the less, continue to flourish in Portugal forever despite this dreadful tragedy.

**Mr. Cassidy:** Mr. Speaker, on behalf of the New Democratic Party, I would like to add my words of condolence to the family of Dr. Sa Carneiro and also express our grave concern at the tragic loss in Portugal of a promising politician in an election campaign. We join in the words that have been put forward by the government House leader.

### ORAL QUESTIONS

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question on the financial affairs of Ontario, but I am not sure what minister might answer. I suppose, in the absence of the Premier (Mr. Davis), the Treasurer (Mr. F. S. Miller), the Minister of Revenue (Mr. Maeck) or anybody else, I will direct a question to the Deputy Premier. The title

must mean something. He should do something to merit it.

**Hon. Mr. Welch:** If the Leader of the Opposition would like to have a full and complete answer, it is my understanding the Treasurer and Minister of Economics is on his way.

**Mr. S. Smith:** I am standing on my feet at the moment. Whether he is on his way or not is not much help to me. I am here now.

**Mr. Speaker:** We do not have a question yet. We have had a reaction to a question.

**Mr. S. Smith:** It is a reaction to a warning of a question.

**Mr. Kerrio:** A Friday morning question.

**Mr. S. Smith:** It is the second to last Friday; let us be reasonable.

### INTEREST RATES

**Mr. S. Smith:** Mr. Speaker, could the Deputy Premier tell us whether his government has any intention whatever of taking action to protect Ontarians, particularly those who run small businesses, those who work for small businesses and those who face enormous increases in their mortgage payments who, as a result of the tremendous increase in interest rates, are going to face bankruptcy or the loss of their homes? Will the Deputy Premier tell us whether the government intends simply to continue to preside over the decline in the character of economic life in Ontario or whether it has some plan to assist the people of this province and to reverse Ontario's economic decline in the face of these high interest rates?

**Hon. Mr. Welch:** Mr. Speaker, the Leader of the Opposition knows that during the course of this week he has directed this same question to both the Premier and the Treasurer. He has had answers from both of them that have clearly indicated the concern of Ontario. The situation is being monitored. There was also my interjection that the Treasurer himself could be here to give the answer if the Leader of the Opposition really wanted an answer.

In fact, I am surprised the Leader of the Opposition is here. I thought he would be home resting because I know he is going to be in St. Catharines this evening and the four or five people who will be there to greet him are looking forward to his arrival at Sir Winston Churchill School. But I can assure him under the circumstances there is really nothing that can be added to answers already given to this same question in this House this very week by both the head of government and the Treasurer.

**Mr. S. Smith:** Supplementary: Notwithstanding the obvious nervousness on the part of the Deputy Premier, since we are going to nominate an excellent candidate in his riding tonight, one who will win the seat for the Liberal Party—I can understand why his mind would constantly go back to that event because of the clear trepidation which he will associate with it.

10:10 a.m.

Interjections.

**Mr. S. Smith:** If I could ask the Deputy Premier momentarily to bring his mind back from that feared event in his riding to the question being asked in this House, I would ask him to recognize that each time I have asked the question I have been faced with a government that refuses to take the slightest action, other than waiting to see what is going to happen.

May I ask him now will the government take some action to protect the small business people? Is it not alarmed by the fact there were three to four times as many bankruptcies in Ontario this year as there were in the whole of Canada 10 years ago? Does the government really like to preside over Ontario as it becomes the bankruptcy capital of this nation? Will it take action when people are being hurt with regard to high interest rates? The government has helped some farmers. Will it now help some business people and some home owners as well?

**Hon. Mr. Welch:** Mr. Speaker, it is obvious the Leader of the Opposition does not really want an answer. He simply wants to posture on this matter. I remind him that he has had responses from the Premier and the Treasurer this week. He knows the Treasurer is going to be here, but he conveniently thought he would ask the question before he got an answer again. As soon as he gets a second question, he can rush out to the television cameras and get it all on television without any benefit of response. I know the tactic.

I would remind the member not to get carried away with all the cars he sees near the school he is going to tonight because they are all going to the Pen Centre to do their Christmas shopping.

**Mr. S. Smith:** I would have expected a supplementary from the NDP at least asking for a study of options again, but I guess they do not want another study.

**Some hon. members:** What is your position?

**Mr. S. Smith:** Apparently the NDP and the Tories believe it is strictly federal and nothing can be done in the province. I dis-

agree. I believe the province can take action; yes, indeed it can.

### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** I will ask a question of the Minister of the Environment, Mr. Speaker. Could the minister explain to this House why in the case of the region of Durham, even though the region was a proponent of the proposed waste facility in the first place and is now apparently in the process of changing its mind, the opinion of the region is to rule and the region will be able to get out of this particular facility, whereas in the matter of the region of Haldimand-Norfolk the region was never consulted and simply had the matter rammed down its throat? Could it possibly be related to the fact that in one case the region is represented in the minister's caucus while in the other the region is represented in my caucus?

**Hon. Mr. Parrott:** Mr. Speaker, I think the member knows full well that the proposal in Ajax, as he said, was just a proposal from the regional municipality. That is a matter of record and that is the way it is. They can determine what they choose to do.

With regard to the second part of his question, the member again conveniently wishes to forget some basic facts. There was no question why that particular site was chosen. It was chosen after a great deal of careful consideration by a very extensive review of this province by MacLaren. There was a great deal of effort, properly documented. I want to say, as calmly as I can, that the member's insinuation that this was motivated because of one caucus or another is totally incorrect. It happens to be the best site, and that is why it was chosen.

**Mr. S. Smith:** Supplementary, Mr. Speaker: The Minister of the Environment is presumably the only person in Ontario who now believes that by coincidence the one site that John White and the Premier bought for this pollution-free community on the shores of Lake Erie turns out to be the best site in Ontario for liquid waste.

**Hon. Mr. Parrott:** You do not even believe that last statement.

**Mr. S. Smith:** I do not believe it. I certainly do not believe it, but the minister apparently does.

Since the minister is the only person who believes that site is the best one, when it was not even one of the 17 that was being looked at, would he recognize now that it is possible to have hearings done on that site without taking three years and the other

nonsense he has been speaking of? We can have reasonably brief hearings and get the matter dealt with without destroying the environmental assessment legislation which has been trumpeted about this province for the last five years but seems to protect no one.

**Hon. Mr. Parrott:** Mr. Speaker, I must repeat what the Deputy Premier has said. I am afraid the Leader of the Opposition this morning is devoid of new questions. He is recycling a few old ones. It is just a recycle program he is on. He received those answers before. If he does not choose to accept those answers, of course it is his right. But the rules, I thought, were against repetition, and this is a repetitive question.

Perhaps I should send over the MacLaren report. He apparently has not read it because if he had, he would not have made the statement he did during the posing of the question.

**Mr. Cassidy:** Supplementary, Mr. Speaker: The minister has already indicated over the last two weeks that the government intends to ride roughshod over the Environmental Assessment Act with respect to the project in South Cayuga.

We now are led to understand by the minister that the government also intends to ride roughshod over the Planning Act. Rather than complying with the Planning Act as the government normally does in the case of government-owned land, it intends to ignore it or to override it in the case of the land-use designation for the proposed liquid industrial waste site in South Cayuga.

Would the minister inform the House whether the government intends to ignore the provisions of the Planning Act? Or does the government intend to pass legislation that would suspend the regional municipality's power to zone that part of its territory in South Cayuga? If so, when is that legislation going to come before the Legislature?

**Hon. Mr. Parrott:** Mr. Speaker, I think that too is almost a repeat. If the member looks at the appropriate legislation, there is a vehicle there. He should know. He has quoted the Planning Act. He should read it. I will be glad to send him another copy. The appropriate mechanism is in the Planning Act and other legislation.

**Mr. Cassidy:** Another loophole; that is what it is. You are the minister of loopholes.

**Hon. Mr. Parrott:** I can assure the member we have not run roughshod over anyone. I have not heard in this House any suggestions whatsoever of how the opposition would deal with this very significant problem. I really tried to search for one in what was said in

the emergency debate. I have looked at that debate rather extensively. There is not one single proposal. I think if we talk about running roughshod over it, we should also talk about what somebody would do about it. The opposite side would do nothing. It is far too important a problem for us to do nothing about and we are going to do something. We are in the process of treating the problem and we will do the best that it is humanly possible to do.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: The minister has indicated to the House this morning that the government is not running roughshod over the people of Ontario. Why is he not willing to accept the legislation as it is and provide it for the people of the region of Haldimand-Norfolk who have requested a hearing? Why will he not give them the opportunity to go to a fair hearing without it being hammered to them as he is doing?

**Hon. Mr. Parrott:** For two obvious reasons. One, we are working well within the act. The member may not like that, but it happens to be the very point of the act. This act says we can exempt an environmental assessment process if we choose. That happens to be the law. It has been the law for five or six years. In my time in office, there have been far more processes proceeded with than previously. That also happens to be a fact. All of them are important or they would not be under the environmental assessment process. Members opposite make light of the Samuel Smith Park. We happen to think that was an important one. The extension of highways has been important on occasion. Those are all important projects that have been under the act. They just want to ignore that fact of life that has been in this act for a long period of time. It is convenient to do so.

10:20 a.m.

Even more important, indeed much more important, as has been obvious, what they want is not to live with the terms of the act; they want to use that as a convenient place in which to destroy any possible way of dealing with the problem. They are not interested in solutions; they want to see this thing go on forever so they can make political hay. I really am convinced that is all they are interested in.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Why is it that whenever problems arise in regard to liquid industrial waste disposal, be it our request for hearings in the South Cayuga incident or be it the problems they are having in Niagara Falls, New York right

now, the minister immediately raises the spectre of illegal dumping of liquid waste in the woods, streams and fields of this province? Does the minister have so little faith in the liquid waste producers in this province, with whom his officials met on October 27, that he thinks they are going to engage in those kinds of illegal practices?

**Hon. Mr. Parrott:** Mr. Speaker, there may have been one or two responses of that kind, but it certainly has not been the usual response. I do not remember giving that as a response this morning at all. I do not know why it is part of the supplementary question. There was no talk this morning in this House about illegal dumping. I do not know where the member comes from with that particular supplementary question.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Mr. Cassidy:** Mr. Speaker, I have a question to the Minister of Labour which relates to the Ontario Chamber of Commerce brief submitted to cabinet on Wednesday, December 3, 1980. The brief states on page seven, "It has been estimated that if severance pay was awarded on the basis of one week's pay for every year worked, the annual cost to business in the province would be over \$700 million."

Does the minister realize that this estimate by the chamber of commerce is, on the most conservative estimate possible, equal to 75,000 workers being laid off and entitled to severance pay next year? Does the minister agree with that estimate? Does he not agree that if 75,000 workers are to lose their jobs next year due to shutdowns and layoffs there is even more urgency in getting an adequate severance pay provision written into the law of Ontario before the House rises next week?

**Hon. Mr. Elgie:** Mr. Speaker, I think the government's position on severance pay has been made very clear. The Deputy Premier and the Minister of the Environment have already outlined it in great detail, so it seems repetitive to go over it again. If the member wishes me to do so, I will.

**Mr. McClellan:** Answer the question.

**Hon. Mr. Elgie:** I will. Just hang on, my friend. The member always likes what he wants to hear said first, but if he does not mind I will do it my way. Is that okay with him?

The government remains unopposed to the principle of severance pay. It thinks the committee did not do justice to the Legislature nor to the public in reaching conclusions be-



fore it had gone through the process it had originally agreed upon. We are not commenting upon the validity of the concept of severance pay because we have no fundamental objection to that; so get that off the record again.

Secondly, I am aware of the brief from the chamber of commerce, but I personally am unable to authenticate the figures they have used. I have heard the figure of \$700 million. I think that would refer to all cases of termination, but the amendment the member proposed earlier this week would have confined it to situations of mass terminations. Those are the very sorts of questions we expected that committee to look at. Please let them do it.

**Mr. Cassidy:** Supplementary: Since the committee representing all parties has said quite explicitly to the government that it is time to act now, and since the chamber of commerce estimates indicate there may be 75,000 workers hit by shutdowns next year as compared to about 46,000 so far this year—in other words, they are suggesting the problem is going to get worse rather than be alleviated next year—does the minister not agree it is time to act on the recommendation of all parties on the plant shutdowns committee and to initiate the amendment to Bill 191 which will ensure that workers who are hit by mass layoffs will at least be entitled to one week's pay for every year of service as a matter of severance and as a matter of right?

**Hon. Mr. Elgie:** Mr. Speaker, let us get back to some of the asides the member made. I do not accept that there are 46,000 laid off. The member knows the position of the Ministry of Labour on the figures it has before it. They would indicate there are considerably fewer people than the number the member used who are either on indefinite layoff or who have permanently lost their positions as a result of plant closures.

Let me now say again for the member's benefit that this government has no objection fundamentally to the principle of severance. It remains anxious to hear the thoughtful consideration that the committee was supposed to give to the issue, which it now expects that committee to do.

**Mr. Swart:** Supplementary, Mr. Speaker, the minister must recognize that if these laid-off employees do not get severance pay, they will become a burden at some point on the public sector. The government has made a great fetish of reprivatizing the economy. Does the minister not think this is an area where he should transfer something from the

public sector to the private sector and let it accept its responsibility by providing severance pay?

**Hon. Mr. Elgie:** Mr. Speaker, as I look over the record of the more recent shutdowns and some of the earlier ones, I find no evidence that in the great majority of cases severance pay was not given. We are talking about application of the principle universally and mandatorily in legislation. I am saying that the committee had an obligation to review it thoughtfully and to hear all points of view before reaching decisions. We still expect that committee to do so.

**Mr. Laughren:** Mr. Speaker, do the Liberals not have any supplementaries on this question?

**Mr. Speaker:** The questions are really repetitive.

#### TREATMENT OF HANDICAPPED PATIENTS

**Mr. Cassidy:** Mr. Speaker, in the absence of the Minister of Health (Mr. Timbrell), I have a question for the Provincial Secretary for Social Development. I would like to bring to her attention the bizarre treatment of a native Indian named Fred Selby, who has been in the Queen Elizabeth Hospital in Toronto because of muscular dystrophy. Mr. Selby had his wheelchair taken away for the months of August, September and October of this year because of a disciplinary decision by the hospital authorities related to his drinking.

Will the minister investigate the case? Is the government willing to condone the taking away of the use of a wheelchair for three months from a patient as an acceptable means of discipline in a hospital, and will the minister inform the House what recourse to their human rights handicapped and disabled people have when they are treated that way in provincial institutions of Ontario?

**Hon. Mrs. Birch:** Mr. Speaker, I am not aware of the problem the honourable member has brought to my attention. I will certainly speak to the Minister of Health and see if he is aware of it. I am sure, like myself, he would be very distressed if such were the case. I can only assure the members of the House I will look into it immediately.

**Mr. Cassidy:** Supplementary: Would the minister also investigate how a patient, namely, Mr. Selby, could be transferred against his will to a nursing home, largely occupied by psychogeriatric patients, who were much older than he and who were

certainly far more impaired in mental function? Further, could the minister assure the House that handicapped and disabled patients will have some recourse in cases like these, where inappropriate placements are being made, that there will be legislation in the Human Rights Code amendments or by some other means to give patients that recourse, and that an appropriate placement can be found in the case of this particular patient, who has not only lost his wheelchair for three months but has also been put into an entirely inappropriate setting?

**Hon. Mrs. Birch:** I think it would be very inappropriate for me to make comments on the information just presented because I have no facts at the moment. I have indicated that we will have an investigation immediately to find out the true facts of the case. I am sure the honourable member is aware that there will be amendments in the Human Rights Code that will indeed provide those kinds of safeguards for the handicapped people of this province.

10:30 a.m.

**Mr. McClellan:** Supplementary, Mr. Speaker: Surely, at the very least, if the minister is not prepared to make a comment beyond the commitment she has made to investigate, she can make a commitment to us here in the House that she will undertake to find a proper placement for Mr. Selby, who has been punished in the Queen Elizabeth Hospital and, secondly, as a further punishment sent to an inappropriate placement at the nursing home for psychogeriatrics in question.

**Hon. Mrs. Birch:** Mr. Speaker, I think I have already indicated I would like to have further information about the whole incident before I comment any further. If the facts that have been brought to my attention are true, yes, we will make sure there is a more appropriate placement for this gentleman.

#### DIOXIN TESTING

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of the Environment. In the light of recent evidence concerning levels of dioxin found in herring gull eggs throughout the Great Lakes, will the minister act to have a ban on the manufacturing of 2,4,5-T in the United States? Will he also investigate his own ministry's monitoring of the Niagara River to be able to tell us why it has not shown signs of dioxins that are going from the upper Niagara to Lake Ontario without being reported by his ministry? Thirdly, is the minister going to

have someone attend at two o'clock this afternoon at the hearings in Lewiston, New York, to see if we can convince them to reopen the hearings on SCA Chemical Waste Service Inc. and do his job because I am sick of doing it with limited resources on behalf of the people of Ontario?

**Hon. Mr. Parrott:** I really cannot believe this question, Mr. Speaker. That too was answered some time ago. Surely the member remembers asking me the question.

**Mr. Kerrio:** The minister is not finding the dioxin. What are his people doing?

**Hon. Mr. Parrott:** One cannot find what ain't there. It is that simple.

**Mr. Kerrio:** It is in Lake Ontario and in the river.

**Hon. Mr. Parrott:** If the member reads the report, he will see the level of dioxin in herring gull eggs is significantly being reduced. Does the member agree with that? That is part of somebody else's report. This is not my report. I am only repeating for the member what is in that report. The level of dioxin in the herring gull eggs is markedly reduced, dropped, lessened. That is good news. We are monitoring and we can measure to one part per trillion of the water supply. We have measured and there is no level of dioxin in the water supply. Surely the member does not want me to go out—

**Mr. Kerrio:** Somebody has to do it.

**Hon. Mr. Parrott:** Would the member listen for a minute? We have the only provincial lab in Canada, as we should have, opened at great expense to measure for dioxin. We have done those measurements which show no measurable amount of dioxin in the drinking water. Does the member want me to take those measurements and then somehow or other say, "We do not believe them. There has to be something there because we have to prove there is bad news?" What nonsense!

The member knows we have measured. If he had listened, if he had called the lab or done anything besides shouting from that crazy position of his, he should have known that there is no dioxin in the drinking water of that area. That happens to be fact. He may not want the facts.

**Mr. Kerrio:** Is the minister going to the hearings this afternoon?

**Hon. Mr. Welch:** Alarmists.

**Hon. Mr. Parrott:** Let me come to the last one, Mr. Speaker, and I just cannot believe it. The Deputy Premier is so right.

**Hon. Mr. Welch:** There is a big meeting tonight.

**Hon. Mr. Parrott:** Yes, there is a big meeting tonight, so maybe we can understand the reason for the questions this morning.

**Mr. S. Smith:** The Premier (Mr. Davis) will go as a private citizen.

**Hon. Mr. Parrott:** May I repeat the answer I gave to the member a while back? We have been to Albany. We raised the question directly with the commissioners. He knows that. We sent a telegram instantly to the member's party in Ottawa and we are still waiting for an answer. All we had was an acknowledgement. That telegram said very clearly that we believe those hearings should be reopened because of the threat of TNT.

**Mr. Kerrio:** Have him there at two o'clock.

**Hon. Mr. Parrott:** The member does not like to hear the facts on this particular matter.

**Mr. Kerrio:** I certainly do.

**Hon. Mr. Parrott:** He is not listening to them or he does not understand them. It is one or the other. We sent that telegram not only to the—

**Mr. Speaker:** Now the minister is becoming repetitive.

**Hon. Mr. Parrott:** You are right, Mr. Speaker. I am indeed. May I also say that we sent it to the commissioners and to the federal minister. We are demanding that those hearings prove to us there is no threat from the TNT at that site. We demanded that. Why do they not listen to what is being said?

**Mr. Kerrio:** I am going and I want to know if the minister is sending someone. Beyond that, is the minister embarrassed by the fact that at Ajax, Ontario, he is going to dump 8.8 million gallons into Lake Ontario? He cannot go over and point a finger at the Americans because he is going to add to the pollution of the Great Lakes system himself. Is that intimidating the minister?

**Hon. Mr. Parrott:** I am not quite sure what the member is saying in that last question.

**Mr. Kerrio:** I am suggesting he is going to dump into Lake Ontario from the Ajax facility and the people are against it.

**Hon. Mr. Parrott:** Having made two statements in the House, I cannot believe that this was not very specifically cleared up yesterday. The proposal is under reconsideration by the region. It is that simple.

**Mr. Kerrio:** You better believe it; they are going to turn it off.

**Hon. Mr. Parrott:** Fair enough. I cannot add to what the statement said yesterday. If the member does not wish to hear, there is very little I can do about it.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Does the minister not realize that the reduction in the dioxin levels in seagulls' eggs has not occurred as a result of any actions of his ministry and it is not known why that reduction has occurred? There could be a further increase at some point in the future unless someone starts taking some positive action to ensure that the sites causing the problem are cleaned up?

While the minister is to be commended for his testing laboratory, will he at least ask the federal minister if he can sit in on the meetings the federal minister has now scheduled so he can establish some formal and informal contact with his colleagues from New York state so these problems can be addressed on a joint level rather than always having to go through the federal government?

**Hon. Mr. Parrott:** I am sorry to be so repetitive, but maybe I can again tell you that we have been there during these discussions and not through the minister in the federal government. If I were still waiting on him, I am afraid I would be sitting, waiting and doing nothing.

The member asks what Ontario has done. No dioxin has ever been produced in this province. There is no way we will permit it to be produced. That is a fact of life. It is banned now. The member asks what more we can do. We are the watchdog on that river. Tell me where there is any other jurisdiction that can even offer to do that. We have completely banned it. There is no possibility.

I would support the ban on dioxin throughout the world. We have done it here in Ontario. There is nothing more we can do that has not already been done by us except to be the watchdog. We will fulfil that role enthusiastically because we have the tools to do it. I only wish other jurisdictions could tell me that in their own jurisdictions they have the facilities to do the lab tests we can do in Ontario. It is unfortunate they have not. If they had, maybe they would be as concerned and as serious about this issue as we are.

**Mr. Gaunt:** Supplementary, Mr. Speaker: would the minister, in conjunction with the stated intentions of the federal Minister of the Environment, consider taking legal action against Dow Chemical of Midland, Michigan, as well as Hooker Chemicals and Plastics of Niagara Falls because of the environ-

mental degradation they have caused in this province over the last 30 years?

**Hon. Mr. Parrott:** As a matter of fact, just before I came here this morning, I received a phone call on that type of matter from John Roberts, the Minister of the Environment for the federal government. He asked if we think it is a good idea for him to proceed by appropriate channels through the US Secretary of State and on his own behalf and with reciprocal agreement. We are unconditionally in agreement that such action should be taken. If they want any assistance of a technical nature from us, I have said previously they are welcome to have any of our facilities put at their disposal. We think that is right.

I noticed not long ago the federal government on a totally unrelated issue said it did not think the province should deal with a foreign country. I think the member, being the fair-minded person he is, would agree with that principle.

10:40 a.m.

If that is what the member is asking—and I think that is exactly what he is asking—I say unconditionally that Ontario will not only give lip service to that but will put our full resources at the disposal of the federal government as it pursues, with our total support, any action against any company in the United States. Fair enough?

#### EXEMPTIONS FROM MINING ACT

**Mr. Foulds:** In the absence of the Minister of Natural Resources (Mr. Auld), I have a question for the Provincial Secretary for Resources Development about exemptions to section 113(1) of the Mining Act.

Can the minister confirm, as I believe a report of the Ombudsman states to the employees of Canadian Smelting and Refining in Cobalt, that an exemption to section 113 of the Mining Act has been granted to Silverfields division of Teck Corporation in Cobalt? Not only that but can he confirm that a blanket exemption is prepared and there is a recommendation to cabinet that "would exempt all lands in the Cobalt-Gowanda area from the provisions of section 113 of the Mining Act"?

**Hon. Mr. Brunelle:** Mr. Speaker, I am not familiar with the matter the member has raised. I would be pleased to look into it and either the Minister of Natural Resources or myself will provide an answer.

**Mr. Foulds:** Supplementary: As a former Minister of Natural Resources and as a member of the cabinet, would the provincial secretary not agree that such an exemption

is a precedent-setting one for the cabinet? All previous exemptions to section 113 have been specific as to mine and site.

Will the provincial secretary have the Minister of Natural Resources comment on the allegation that the specific exemption to section 113 to Silverfields in Cobalt is contrary even to the present guidelines of the Ministry of Natural Resources for granting such exemptions? Why was such an exemption granted?

**Hon. Mr. Brunelle:** Mr. Speaker, that will also be taken into consideration.

#### HOUSING AUTHORITY COSTS

**Mrs. Campbell:** Mr. Speaker, my question is to the Minister of Housing. I appreciate receiving from the minister the costs that are incurred by reason of the transfer of the package from Bloor Street to Yonge Street to establish the Metropolitan Toronto Housing Authority. Could the minister advise the House who is paying the \$337,000 nonrecurring costs and the annual cost increases recurring in the sum of \$553,000?

**Hon. Mr. Bennett:** Mr. Speaker, I do not have the entire breakdown with me this morning. The entire cost is absorbed by provincial and federal taxpayers. We split the costs of operation of our public housing portfolio on a 50:50 basis between the ministry reporting for the Canada Mortgage and Housing Corporation and the Ministry of Housing through the Ontario Housing Corporation.

**Mrs. Campbell:** Supplementary: Does the minister not view it as rather strange, at a time of restraints when hospitals are closing and when other services to people are being cut back, that he would engage in this kind of expenditure for what are, in essence, administrative costs?

**Hon. Mr. Bennett:** I would be pleased to supply to the House a complete breakdown on the cost factors related to the establishment of the Metropolitan Toronto Housing Authority or any of the housing authorities. I am in the process of doing that right now and will commence giving them at 10 o'clock next Wednesday morning in the final two hours of my estimates. In presenting the breakdown, I am prepared to analyse the member's question in full and give details. I am ready to supply them to this House.

We have gone into the process of establishing housing authorities across the province. There are some administrative costs in doing that. For a long period of time we have heard from the members in the Metro

area and in other areas of the province, that Ontario Housing Corporation should not be administering the local responsibility; that in some way, shape or form, this government under this administration should try to transfer those responsibilities back to the local people, to those people who are nominated by the federal, provincial and municipal governments.

In fairness, in trying to deliver the services at the local level, where there is the best understanding of the services required by the taxpayers of that community, we have taken this direction in establishing the Metropolitan Toronto Housing Authority, the Ottawa-Carleton Housing Authority and others. I do not have the specific details of the exact breakdowns the member speaks of this morning, but I am prepared to get them. I think this is money well invested on behalf of Canadian and Ontario taxpayers in making sure there is a degree of autonomy at the local level which the honourable members have constantly asked for.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Before the minister goes on too long about local autonomy and local participation, would he explain why in all the new housing authorities established by the ministry there has been consistent opposition by the provincial government to participation on the board of those housing authorities by the people who know the problems of public housing best, that is, the tenants who live in Ontario Housing across the province? Will the government now undertake that in every housing authority there will be at least one or two representatives of tenants who can be authentic spokespersons for those who live in public housing across the province?

**Hon. Mr. Bennett:** It is rather interesting, Mr. Speaker, that a member of his party happens to be the chairman of the justice committee which is reviewing the Ontario Housing Corporation's annual report. I have said to that committee, and I repeated it again on Wednesday past at the estimates for the Ministry of Housing, that while I do not suggest tenants who are going to represent a specific cause be put on the board, tenants who represent causes of general interest in that community can certainly seek nomination to the board through the municipal, provincial or federal level.

Just to put things in their true form, if the member would look at what I have said over the last number of months and if he would look at the Ottawa-Carleton Housing Authority and some of the others across this province, including the Metropolitan Toronto

Housing Authority, there happen to be people who are classified as tenants under that particular portfolio.

**Mr. S. Smith:** Supplementary, Mr. Speaker: To get back to the question asked by the member for St. George, granted it is a good thing to have local authority in these matters, the question is—and I am still waiting for an answer—why the heck should it cost a third of a million dollars to make the transfer and a half a million dollars a year in recurring expenditures in additional administrative costs just to switch the authority from the province to Metro? Why is it going to cost us an extra half a million dollars a year to do that when there is not a whole lot of public housing being built that I can see?

**Hon. Mr. Bennett:** Mr. Speaker, there are times when I wonder why the leader of the Liberal Party does not take his own advice in his own professional occupation. I told the member for St. George very clearly and very distinctly I would secure those figures and report to the House. Obviously, I do not want the House to hold budget estimates of my ministry at every question period of this House. Now that I am before the estimates committee, I would be prepared to supply that information in detail.

**Mr. Speaker:** The member for Etobicoke with a new question.

**Mr. Philip:** My new question was to the Minister of Intergovernmental Affairs (Mr. Wells), but I will pass to the member for Riverdale so he can ask his question.

#### CANADA METAL PLANT

**Mr. Renwick:** Mr. Speaker, my question is to the Minister of the Environment and relates to the public meeting held last night in Riverdale under the auspices of the Ministry of the Environment with respect to the extension of the control order against Canada Metal Company Limited. Will the minister make certain that the decision is made before this House rises for the Christmas recess or for the prorogation, and will he take into consideration the seven items mainly related to the requests and demands made by the community on his ministry to provide for adequate assurance of health standards and health tests in the Riverdale area to ensure that low-level blood is not affecting the children and adults in that area?

10:50 a.m.

**Hon. Mr. Parrott:** Yes, I will certainly try to make that decision, although that is a

decision the director must make. I think the member is aware of that.

I noted at that hearing last night, which was, as you clearly said, at our instigation, that it is a contract problem and not a lack of commitment on the part of the company to do it. The contractors have run into problems. I trust we are agreed on that. That does not change the bottom line, which is whether there needs to be an extension. We will try to give the member that determination before this House rises.

With regard to the demands for health standards, as I said to the member for St. George (Mrs. Campbell) the other day, I think that question more appropriately should go to my colleague the Minister of Health (Mr. Timbrell). I have just recently written to him about that specific. With the Ministry of Labour and the Ministry of Health, we need to determine those standards. We believe the standards will be met with this new equipment.

Once the company has met the standards, then I think it is for others, rather than ourselves, to determine the level those standards must meet in order to protect their health. At the moment, the company is meeting the standards which are set to protect health. I guess we can conclude that the health of the people around that area is being protected, but that whole matter of the appropriate levels should be and is under review by the Minister of Health and the appropriate people in the Ministry of Labour.

**Mr. Renwick:** By way of supplementary, will the minister refresh his memory about a question I asked him over a year ago and on which we have pressed the minister on a number of occasions privately, that is, whether or not he will, in conjunction with the Minister of Health, the University of Toronto and the Hospital for Sick Children, design and carry out a study in that area with respect to the effect of low-level lead on children? Will he finally give us an undertaking that study will take place in the area?

**Hon. Mr. Parrott:** What I am trying to say, is that that study on health is not one I think my ministry should lead. We do not have the expertise per se on health, that we have on how to meet the standards that have been established.

**Mr. Renwick:** Nobody has expertise on health; that is the problem. The Minister of Health does not have any expertise. If you ask him for information, he does not have any.

**Hon. Mr. Parrott:** Within the Ministry of Labour and within the Ministry of Health they have that expertise. I wrote to my colleagues and I think that kind of study is being done. It is not as though it is a unique one here in this province. The establishing of standards to meet the health needs of the citizens on the various components is a universal study. It goes on continuously. As we get new information, we update our standards. We have done that many times. It is not a simple matter to resolve what is the appropriate standard for the thousands of chemicals, metals, et cetera, that must be established to establish the health risks of all of these components. I really believe that among the three ministries we have assessed that and we will continue to update that information.

At the moment, the standards are such that we believe and the experts in the ministries believe that health is being protected, but that is under continuous review. I have just recently written to my two colleagues to see if something further can be done.

**Mr. Speaker:** That is the third time the minister has said that. The Minister of Industry and Tourism has the answer to a question asked previously.

#### GUELPH TEXTILE FIRM

**Hon. Mr. Grossman:** Mr. Speaker, I have the answers to two questions previously asked. Last week the member for Wellington South (Mr. Worton) asked a question regarding the financial arrangements being made with the former owner of a Guelph textile firm in relation to support my ministry or the federal government might be providing for that firm. I would like to confirm this morning, notwithstanding news stories to the contrary in the local media in Guelph, no financial arrangements whatsoever have been made between that firm and the Ontario Development Corporation.

#### BENDIX CORPORATION

**Hon. Mr. Grossman:** Mr. Speaker, last week the member for Windsor-Walkerville (Mr. B. Newman) raised a question regarding the recall of two sets of dies by Bendix Corporation from Central Stamping Limited in Windsor. The removal of those sets of dies is another consequence of the slump in the auto industry. To reduce excess capacity, Bendix decided to produce in-house the backing plate, which is part of the brake system, I am told, and the brake shell. Both activities were being sup-

plied outside its own system by Central Stamping.

It is my understanding the set of dies used to manufacture backing plates was removed approximately seven weeks ago. The set of dies used to manufacture brake shells is scheduled to be removed this month. At this time, I am told, Bendix has no plans to recall any of its other sets of dies from Central Stamping. In addition, Bendix has indicated it does not intend to lower the proportion of Canadian content in its outside sources. We will continue to monitor this situation.

The member also expressed the opinion that the removal of these sets of dies was a violation of the auto pact. The answer to that question is no, since the automotive assembly companies, not the parts manufacturers, are the signatories to the auto products trade agreement and letters of intent, the two documents commonly referred to as the auto pact.

I should remind the member, and I know he is aware of this, we have been on record for some time as being opposed to the low levels of Canadian value added required under the auto pact in automotive assembly by the federal government and the letters of intent. More than seven months have passed since we last raised this issue and called upon the federal government to raise the CVA requirements from the current level. In most cases, it is currently 60 per cent. We have advocated 100 per cent of Canadian sales. That is the only thing that can solve this kind of problem.

#### ENVIRONMENTAL HEARINGS

**Mr. McGuigan:** Mr. Speaker, I have a question for the Minister of the Environment. In light of the fact that on Tuesday a divisional court ruled that the certificate of approval issued by the Ministry of the Environment for the Ridge Landfill Corporation in Harwich was null and void, because a hearing was not held when the old certificate was renewed with substantial changes, will the minister ensure proper hearings are held in the near future if the corporation applies for a new certificate of approval?

Since the Ministry of the Environment has withdrawn its participation from the Browning-Ferris Harwich solidification proposal which the company intends to proceed with, and since the proposal was originally to go through hearings under the Environmental Assessment Act, will the Minister assure this House and the residents of Harwich township that a full hearing under the Environmental Assessment Act will still take place?

**Hon. Mr. Parrott:** Mr. Speaker, I will try to be brief. On the first question, it is a pretty important decision that was rendered by the court. The last time I checked, which was late yesterday, the ministry did not have the written decision. I want to see it personally and I would not like to make any comment about that decision of the court until such time as we have had the chance to review it.

With regard to the renewal of certificates, I do not think there is any doubt that on a renewal the court decision is quite significant to that renewal as well. I think they were related questions and that I should not make any further comment until I have had a full opportunity to look at the court decision.

**Mr. McGuigan:** Since the minister evaded answering the question posed by the Leader of the Opposition in the House on Tuesday, I will ask the question again. Because the ministry's proposed mega-liquid industrial waste facility in South Cayuga will be handling the lion's share of the liquid industrial wastes generated in the province, does the minister not agree that the Browning-Ferris solidification proposal may be a redundant operation with respect to the solidification of inorganic liquid wastes generated in the province?

If this is so, can he assure that if the Browning-Ferris proposal is acceptable, no inorganic liquid wastes will be accepted either from outside the province or outside Canada?

11 a.m.

**Hon. Mr. Parrott:** I think that we would only put into any solidification process, wherever it would be located, the appropriate chemicals that go with appropriate treatment. There has to be a certain mix for the solidification process to work correctly. I hope the member accepts that. It is very important to have the proper mix of those chemicals to be combined in the solidification process or it will not work. I think it would be inappropriate of me to suggest we would have a process that would not have the appropriate chemicals in it. We would not want that to happen. It is absolutely fundamental to the process itself.

That being the case, I want to also say that it is the full intent of this government to have our facilities in place so that we can look after all of the wastes in Ontario in the appropriate technical fashion according to the best standards in the world. That in place, I believe other jurisdictions should follow the lead we are establishing and

clearly have at the moment. We will continue to be in the lead. I would hope other jurisdictions would recognize their social obligations to deal with their waste as well as we are doing it in this province.

#### FLOOD DISASTER RELIEF

**Mr. Philip:** Mr. Speaker, I have a question for the Minister of Intergovernmental Affairs. It has now been several months since the minister first received correspondence from the mayor of Etobicoke asking for provincial assistance to compensate those residents of Rexdale who suffered from a very serious flash flood on July 28, which created a great deal of damage in that area. When will the minister reply to the borough and residents as to what assistance the provincial government is prepared to give to them in that rebuilding?

**Hon. Mr. Wells:** Mr. Speaker, I have already replied verbally to the mayor explaining to him the kind of assistance that could be available if the flood qualified. In other words, since this is for damage to private property, if the damage qualified as a disaster, it could be declared a disaster area and they would then be eligible for the disaster assistance fund, which would be on a matching dollar-for-dollar basis.

The mayor and I have been having some discussions on this, but I have not heard back from him. I think there was some misunderstanding in the beginning that there was some direct grants available from the government. Of course, the only grant that would be available, if it was declared a disaster, is if money was raised locally it would then be matched dollar for dollar. I am really waiting for another answer from the mayor.

**Mr. Philip:** Do I take it from the minister's answer that what the minister is proposing is a matching system similar to what was given in the area of his own borough of Scarborough when a similar disaster happened? Would it be possible for the minister to write to the mayor and council and clearly state his understanding of the present state of affairs at this time so that we could have something on record of these nice conversations that are going back and forth and something on record to know exactly what the government's position is?

Furthermore, would the minister accept my invitation to meet with the two aldermen and myself sometime before the Christmas holiday so that we can discuss exactly what is going on, since these conversations

back and forth seem to be dragging on and not producing very much?

**Hon. Mr. Wells:** I will be happy to write to the mayor. I think the member and the aldermen should talk with the mayor; then they should communicate back to us whether a matching grant type of arrangement is the thing for which they are really looking. That is the only kind of help it would be possible to give—I just put the proviso—provided it does qualify for declaration as a disaster.

#### HOUSING CONSTRUCTION

**Mr. Epp:** Mr. Speaker, I have a question for the Minister of Housing. Given the fact that the Premier assured the people of Ontario in his charter for Ontario only a short three years ago that 90,000 new housing units would be constructed in Ontario over a 10-year period, and since that commitment has never been met and less than half those units are being constructed, how does the minister reconcile the present dismal failure to construct new units with that commitment and assurance the Premier gave the people of Ontario three years ago?

**Hon. Mr. Bennett:** Mr. Speaker, at the time the Premier made the statement the housing industry was flourishing. The expansion of population in Ontario was also in that direction. The need for housing was apparent and there seemed to be a very optimistic view by the industry and by governments at the federal and provincial levels that we would continue to require that number of housing units.

Then some degree of logic set in with both the private sector and governments. The market was analysed in relation to need and capacity. In the latter part of the 1970s, the industry continued to build a very substantial number of units and found themselves with a large inventory. As a result, some of them collapsed and went out of business. Canada Mortgage and Housing Corporation became heir to some of those properties. In relation to the market situation, the private sector industry adjusted its requirements accordingly.

I would like to make a comment relating to some of the units required in the rental sector. Over the last 18 months I have said several times that some real shortfalls are to be encountered in major municipalities in Ontario and across Canada. The fact remains that when we had the assisted rental program, multiple-unit residential buildings and the Ontario rental construction grant program, we were able to encourage a num-



ber of people in the private sector to get into moderately priced and low rental accommodation. As a result of a number of programs that have been taken out of existence by the last two federal governments, with only the MURB being reintroduced, there is not the incentive for the private sector to get back into the rental construction field.

I will be meeting with Mr. Cosgrove again this week and early in 1981 to review further requirements in the rental field. I have been saying not only to the federal minister but to the private rental section, the mortgage section and the building section that there must be some new incentive programs to get rental construction starts under way in 1981 for use in 1982.

## REPORT

### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Lane, on behalf of Mr. Villeneuve, from the standing committee on resources development presented the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Agriculture and Food be granted to Her Majesty for the fiscal year ending March 31, 1981: ministry administration program, \$6,112,000; agricultural production program, \$105,386,000; rural development program, \$11,150,000; agricultural marketing program, \$14,977,000; agricultural education and research program, \$31,665,000.

And be it further resolved that supply in the following supplementary amount for the same ministry be granted to Her Majesty for the fiscal year ending March 31, 1981: agricultural production program, \$6,900,000.

## MOTIONS

### COMMITTEE MEETINGS

Hon. Mr. Wells moved that the standing committee on administration of justice be authorized to sit on Monday afternoon, December 8, 1980, for consideration of its report on the Ontario Housing Corporation.

Motion agreed to.

Hon. Mr. Wells moved that the standing committee on general government be authorized to sit on Tuesday afternoon, December 9, 1980, for consideration of Bills Pr42 and Pr46.

Motion agreed to.

11:10 a.m.

## INTRODUCTION OF BILLS

### WINE CONTENT AMENDMENT ACT

Hon. Mr. Drea moved first reading of Bill 215, An Act to amend the Wine Content Act, 1976.

Motion agreed to.

### FARM PRODUCTS PAYMENTS AMENDMENT ACT

Hon. Mr. Henderson moved first reading of Bill 216, An Act to amend the Farm Products Payments Act.

Motion agreed to.

Hon. Mr. Henderson: Mr. Speaker, section 3 of the present Farm Products Payments Act sets out the circumstances on which a producer may apply for payment from a fund. The new subsection provides that a producer is not entitled to payment from the fund in circumstances set out in section 2. Section 7 of the act provides grounds for the suspension or revocation of or the refusal to issue or renew a licence under certain acts listed in the section.

The addition to the Live Stock and Live Stock Products Act is complementary to the amendments to that act enacted by the revised statutes of Ontario, 1980, chapter 5. Section 3(8) of the act authorizes the Lieutenant Governor in Council to make regulations. The amendment enlarges the authority to make the regulations.

Mr. Speaker: The minister is going through the entire bill. The purpose of this is just to give a brief outline as to the principle.

Hon. Mr. Henderson: I have one more line, Mr. Speaker. The Ontario Egg Producers Marketing Board is authorized to make payments to producers described in the section.

### HIGHWAY TRAFFIC AMENDMENT ACT

Mr. Foulds moved first reading of Bill 217, An Act to amend the Highway Traffic Act.

Motion agreed to.

Mr. Foulds: Mr. Speaker, this bill is specifically directed to allowing those who have lost their drivers' licences or have had their drivers' licences downgraded for medical reasons to have an appeal system and to be able to submit during that appeal specific medical evidence on their own behalf. It differs from the amendments put forward by the minister recently.

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

**Hon. Mr. Wells:** Mr. Speaker, before the orders of the day, I would like to table the answers to questions 285 to 288, 306, 400, 401, 404, 406, 408 and 410 on the Notice Paper. (See appendix, page 5006.)

ORDERS OF THE DAY

House in committee of supply.

ESTIMATES, MINISTRY OF REVENUE  
(continued)

On vote 802, administration of taxes program:

Item 3 agreed to.

On item 4, corporations tax and other taxes:

**Mr. Haggerty:** Mr. Chairman, I would like to direct a question to the Minister of Revenue on item 4. Is the ministry contemplating any further changes in the corporation tax to be much more parallel with the federal tax? Instead of having two tax programs for corporations, so that they file one return for the province and one for the federal government, is there some way we can complete the paralleling of the two, so as perhaps to have the federal government collect the corporation taxes as is done in some other provinces?

**Hon. Mr. Maeck:** The member will probably recall that in 1977, I believe it was, we brought in a completely new Corporations Tax Act which is consistent in most cases with the federal Corporations Tax Act. We have already done all that.

The only exceptions are the areas where our needs differ from the federal government's. In the main and in principle, almost all of the Corporations Tax Act in Ontario is now consistent with the federal tax. That work has already been done.

Item 4 agreed to.

On item 5, gasoline tax and other taxes:

**Mr. Haggerty:** Item 5 says "and other taxes." I believe it was last Monday that the Minister of Consumer and Commercial Relations (Mr. Drea) was visiting members of the Fort Erie council. I wonder if the minister could inform the Legislature if any proposals have been given to assist racetracks in Ontario, in particular the Fort Erie racetrack. Perhaps a portion of the horse racing tax could be given back to the racing industry to increase the purses. Has any decision been made by any of the ministries?

**Hon. Mr. Maeck:** That item really should come under retail sales tax, but I am prepared to tell the member there have been some consultations going on. However, that is a question the member would have to direct to the Minister of Consumer and Commercial Relations, under whose jurisdiction racetracks fall. I understand there are some conversations going on at the moment to see if something can be done.

**Mr. Haggerty:** Have any of the ministers, such as the Treasurer (Mr. F. S. Miller) or the Minister of Consumer and Commercial Relations, consulted with the Minister of Revenue on this matter, or is the minister left out in the dark until a decision is finally made and then he comes in and makes the changes?

**Hon. Mr. Maeck:** I have been involved in some of the conversations, but I am not at liberty at the moment to give the member any other information. That information must come from the Minister of Consumer and Commercial Relations.

Item 5 agreed to.

Items 6 and 7 agreed to.

Vote 802 agreed to.

11:20 a.m.

On vote 803, guaranteed income and tax credit program; item 1, administration:

**Mr. Haggerty:** I want to deal with the tax grant for seniors. I have had a number of inquiries at my constituency office, my office at Queen's Park and my home. There are people who still have not received their tax grant. I understand the minister did say in his opening statement that there were a good number of persons who have not yet received them. One of the questions which apparently arises is that further inquiries would have to be made to the federal income tax division to get additional information. I may be wrong in that, but I thought that was one area in which the minister was lacking information.

A year or so ago, persons applied for their tax rebate, property tax credit, sales tax credit and so on, using the little pink sheet enclosed with their income tax. Pretty well everybody, particularly the pensioners, understood for a number of years how to fill it out. Normally when they filled out that application, they had somebody there who would assist them. This year, the difficulty was that many of them did not understand all the questions on the questionnaire they were required to answer. I think this is what caused some difficulty. Again, I suppose when the federal government was doing it,

there was no cost involved to the province of Ontario.

**Hon. Mr. Maeck:** Yes.

**Mr. Haggerty:** The minister says there was some. I do not think you would have the problems that happen now if you had followed the same procedure there and had increased your formula for those persons who would be recipients of the grant.

The Treasury critic for the Liberal Party outlined this in the budget debate, last April. He drew the attention of the government to some of the discrepancies that would take place following the introduction of the new proposals for tax grants for senior citizens. He outlined a couple of cases and he said, "Let us take the case of single pensioners with incomes of about \$6,000—and remember that means they are not eligible for Gains—who are perhaps fortunate to be living with . . ." their children. They are probably contributing or would like to contribute to their upkeep. "They claim no property tax credit and therefore would not be eligible for a grant.

"Under the old system those pensioners would have received no property tax credit, a sales tax credit of \$43.10 and a pensioner tax credit of \$110, for a total of \$153.10. Under the Treasurer's new system, they will receive no property tax grant and a sales tax grant of \$50." He goes on to mention a couple of other examples.

Just to show some of the discrepancies that have taken place under your new proposals, it has been brought to my attention that under the old scheme, some of the senior citizens in my area received higher tax credits in 1979 than they have this year. They still own the same piece of property, and they still have to live under the same conditions and so on. It is hard to explain to them why they get less this year. Is this new scheme fair, is there equity in it?

When I look at persons on low incomes, such as widows who have their old age pension, and maybe Gains as a supplement, they may not pay quite \$500 a year in taxes. The previous year they got almost \$500. In some cases, this year they will be receiving \$100 to \$120 less than they did the year before. It is difficult for those persons on that income. Maybe you should have applied the tax credit to other low income areas too, such as those persons who are not 65 but are in the grey area and need assistance in maintaining their homes.

I think the critic from the NDP mentioned the people living in senior citizens' homes

for the aged and other institutions—I should say foster care programs under the homes for senior citizens in the region of Niagara. Some of them contribute to their portion of the cost, and there are other persons who enter into a home but pay nothing. Those are subsidized for pretty well all the cost.

I think in an area like this, a person who is contributing to the cost of maintenance in foster home care or the homes for the aged in the region should receive the tax grant. They are paying their share. For those persons who are not contributing to the cost of maintenance, I think you are right in saying they should not receive it.

**Hon. Mr. Maeck:** Maybe I could answer some of the questions. If we get too many piled up at once I may forget something. The member was asking about the applications for which people have not received cheques. There are still some 44,000 applications that—but everyone has been contacted. We are waiting for information on some of them.

**Mr. B. Newman:** Not everyone.

**Hon. Mr. Maeck:** Anyone who has an application in has been contacted. How can you be sure their application has not been in?

**Mr. B. Newman:** I'll talk to you later.

**Hon. Mr. Maeck:** For the applications that are on file, everyone, according to what my staff have told me, has been contacted. Some of the applicants had to be asked for signatures or the application had to be returned because the forms were wrong, and so on. I am not suggesting everyone has received his cheque by any means. I am saying for the 44,000 applications that are in, those people have been contacted by telephone or by some other means. If someone knows that an application is in, it is pretty obvious that he has been in contact with us, or he would not know the application is there.

This has been a very difficult program to administer because in the whole program we have had almost 200,000 applications that were not properly filled out. It has been a very massive program; a total of 526,000 applications have been received. Roughly 40 per cent of the applications that came in had mistakes in them. But when it was done through the federal income tax people there was a mistake rate of 68 per cent, so we have not done that badly when it comes right down to it. Our figures indicate, from the federal people themselves, that income tax returns filed by people in this age group to the federal government had a 68 per cent mistake rate.

It has been a rather difficult situation for us. It is the first year we have had the program in effect and we have found ways and means that we can improve it for the next time around. I hope members will bear with us on this. We have done the very best we can. We have tried to get back to people as quickly as we could. We had, as discussed before, problems with telephones, not being able to get the lines, and that sort of thing.

I anticipate, now that seniors and other people who assist seniors in filling them out are familiar with the forms, that we will probably not have the same problems with them next year. The other thing is that we will have a longer period of time to work before the cheques go out than we did this year. We made every attempt to get as many of them out as we could by October 1, simply because that is about the time of year when the final tax bills come in from the municipalities. We wanted them to have the money in their hands to assist in the payment of those property taxes. We have had a great number of difficulties, but we look towards improving that system and I think we will.

I could give some more figures here but it would only serve to confuse the issue. I mentioned in my opening statement that 18 per cent of the applications we received were not complete—simply did not have a signature on them. We had to get back to these people. We had to send the application back, they had to sign it and we pointed out the other mistakes whatever they might be. In some cases we had to send them a new application because the old one was beyond use. That sort of thing happens. It is a case of educating the people who are filling out the forms to do them as properly as they can. We have tried not to rush these application forms. We want to do it thoroughly.

11:30 a.m.

The members will recall when the ministry was in the Ontario home buyers' grant situation, before my time as minister. Those applications were rushed through and not properly investigated. That is not a secret around this House. I do not want to go through that situation. I want the applications to be processed properly. It may take a little longer but I hope the people who receive the money will not have difficulties later on, waiting for us to ask them to return it. We want to do it right.

The member suggested the other program did not cost us any money. That is an error. The Ontario tax credit program, in total, cost us \$4.4 million a year. We paid one per cent to the federal government to do that

work for us. As far as the area of senior citizens is concerned, the share we paid the federal people to process the applications when they went through the income tax system was a little over \$2.2 million.

**Mr. Haggerty:** How much is it costing you now?

**Hon. Mr. Maeck:** I can get into that now if you want, or you can wait until I answer all the other questions.

I am not trying to be negative about this in any way, but these kinds of programs do involve a lot of work. As an example, the federal furnace conversion grant that was announced will not be delivered for a whole year. We have moved into this one fairly quickly for such a massive program. That has created some difficulties; there is no question about that.

**Mr. B. Newman:** Doesn't the fact that you moved in quickly tell you something?

**Hon. Mr. Maeck:** No. I must advise the member we had been contemplating this for a year or two.

**Mr. B. Newman:** You could not have goofed as much as you did if you had been planning it for over two years.

**Hon. Mr. Maeck:** It has been under discussion by my ministry for some length of time. I can recall preparing a brief to cabinet at least one and a half or two years ago regarding senior citizens in homes for the aged and nursing homes, as an example, whereby there would have been a removal of the property tax credits in that regard because we felt those people are being subsidized through other means and are not paying property taxes.

We have been working on this for some time. It is not something that was done with a snap of the fingers by any means. It is still a very long and detailed program and there are going to be difficulties. I hope we will resolve most of them by the time the applications go out next year.

You wanted to know what the costs of this program were. These costs include expenditures already approved by Management Board together with a submission for additional funds, which is pending approval. The costs: general administration, which includes postage, supplies, furniture, printing of forms, et cetera, \$788,500; planning and liaison staff, \$148,500; communications and inquiries, \$1,404,900; application processing, data entry and filing, \$793,100; benefits control, \$590,300; computer systems, \$1,323,000. That is a total of \$5,048,300, less the expected reduction in the federal administration costs we

were paying before, which was \$2,070,000, to be exact. The total administrative cost of this particular program is \$2,978,300. This includes advertising costs of \$934,000.

**Mr. Haggerty:** Was that \$934,000?

**Hon. Mr. Maeck:** That's right.

**Mr. Chairman:** Does the member for Dovercourt have a point of order?

**Mr. Lupusella:** No, it is a supplementary question, if I may have your indulgence and the indulgence of the—

**Mr. Chairman:** The honourable member was asking questions and the minister wanted to answer something. There is ample time. The member for Erie.

**Mr. Haggerty:** A figure of \$934,000 for advertising is just out of this world, is it not? How many are receiving the benefits?

**Hon. Mr. Maeck:** A total of 820,000 senior citizens.

**Mr. Haggerty:** That is almost a dollar per capita, I guess; quite a bit of mailing.

**Hon. Mr. Maeck:** Seventy cents.

**Mr. Haggerty:** Seventy cents; not too bad.

Can the minister tell me whether he has collected the cheques issued in error to the 40 senior citizens of St. Anne's Tower for Senior Citizens in Toronto? Was that ever returned to the Ministry of Revenue? How many cheques were issued in error in situations similar to the St. Anne's Tower residence?

**Hon. Mr. Maeck:** My staff will get that for me in a moment. In the meantime, I thought the member would like a breakdown on the advertising. I might as well give him that information while we are here.

The total amount of advertising: newspapers, which included the ethnic press and all the weeklies, as the members know, were \$418,109; television was \$231,614; radio was \$245,899; transit, which is the transit cards on the buses and so on, was \$24,078; and display materials, posters, those kinds of things, \$15,000. This gives a total of \$934,700.

There were 83 in ethnic advertising, which did not include radio or television advertising. It was newspapers only. There were 83 of them and they were in all daily, weekly and semi-monthly papers in the province. I must say the total sounds like a lot of money for advertising, but this was a brand new program and the senior citizens had to be made aware of what was going on.

We tried to restrain our advertising budget, but I think members will agree that adver-

tising was necessary in this particular program. I don't think I have received much criticism from members opposite because of the advertising program, as they will agree the message had to be got across to the recipients.

There are 820,000 senior citizens, not all of them eligible for Ontario tax grants but all of them eligible for the retail sales tax grants.

**Mr. B. Newman:** They didn't use your application to get the sales tax.

**Hon. Mr. Maeck:** No, but they had to be advised what the program was all about. If someone does not get the retail sales tax grant, he would like to know why he did not. They had to be told they were eligible. All senior citizens, as the member knows, were eligible for retail sales tax grants. Had we not advertised, some might not have received them through mistakes or other reasons and would never have known the difference. It was important initially that the program be well advertised.

I do not anticipate we will spend anywhere near this kind of money on advertising next year. We will probably revert to the kind of advertising we used to do with the Ontario tax credit program, which just draws attention to the fact things are happening. We probably will not go to TV and radio advertising any more. We will probably use newspaper advertising as we did with the Ontario tax credit program. I do not anticipate that we will be spending this kind of money each year on advertising. This is the initial cost, the startup cost, to make everyone familiar with the program.

11:40 a.m.

The member asked one other question: the number of pensioners who were paid in error to December 1. I think this may include more than St. Anne's. But this is the total, I understand. Yes, there were two: St. Anne's, and St. Hilda's Towers Inc.

The number who were paid in error was 71. The number of recoveries we started action on was 64. I do not know at this precise moment how many have paid it back. When I say recovery actions, that does not mean we are suing them, or anything like that. We are making a reasonable attempt to get the money back.

I indicated earlier in the House it is not our policy to harass senior citizens, but I have a lot of faith in the senior citizens of this province. I think if most of them have received money and they do not feel entitled to it, it will be returned.

**Mr. Haggerty:** I have one final question and I will yield to the other members.

The ministry's advertisement sent out to senior citizens says: "What will you receive next year? Starting in 1981 you will receive the property tax grant in two instalments. Early in 1981 a cheque for one half of your 1980 grant will be automatically mailed to you. Later that year you will receive an application form which when processed will make up the balance of your annual grant."

Could the ministry not be more specific than "early in 1981"? Should that not be done by regulation, or something of that nature, to say they will receive the first portion of the grant in, say, March or April of 1981?

**Hon. Mr. Maeck:** Yes, I would agree with what the member is saying. At that time, we had not decided exactly when those grants would be mailed out. We will be setting a date. As a matter of fact, staff are now discussing that very matter. We have to work it in such a way that we clear all the other things on our plate, and are able to do it, and get the thing out properly. I am guessing at the moment, but I would think it might be in March. I am not sure at the moment, though. We will come to that decision and we will announce it ahead of time so they will know when to expect it.

To answer the other part of the question, of course, it is imperative that we have a new application each year so we know what their property taxes were, or how much rent they paid, to evaluate the amount they should receive.

One of the other points the honourable member raised in his initial question was that some people are getting less of a grant now than they were under the other program. That is quite true. That is happening. But if we look at it in the proper perspective—

**Mr. Haggerty:** They are the ones who—

**Hon. Mr. Maeck:** No, that is not so. They can get all their taxes back if their taxes are less than \$500; that is the first thing. If they are only paying \$200 or \$300 they get all their taxes back. The member mentioned those with more than \$6,000, who would not be covered by the guaranteed annual income system, and so on. The way the program is worked out as far as property tax is concerned is that those people who may not be eligible for Gains or the guaranteed income supplement have as much or more money at their disposal after the payment of taxes as the other people who get the \$500. I am referring to people on Gains who get the \$500.

**Mr. Haggerty:** Does the minister know what is going to happen in this area? I will tell him. I have already had some feedback on it. Where there are local councils saying they want to do some local improvements on a street, there may be a number of senior citizens resident there. If they want storm sewers and gutters put in they have to pay for that under local improvements, and they must have the signatures of the property owners. What is going to happen now is they are going to come back and say: "You can get \$100 or \$120 more a year. You can apply this against this local improvement."

Does the minister see what is going to happen? If somebody gets the \$500, they are going to have to spend maybe \$2,000 on local improvements to get it. This is what will happen. The feedback is coming to me already. They are already telling people they can get the local improvements because they can get \$120 from the provincial government to play around with.

Sometimes when we give a grant it could encourage some other government body to spend it in the wrong direction. That is what happened when the minister first came out with the tax rebate program a few years ago. It was given directly to the municipalities; of course, that was like a little golden egg sitting there. They said, "If we raise the mill rate so much this year, we have this little nest egg coming from the provincial government that can offset it." A few years ago, it encouraged municipalities to spend more—beyond their means in many cases. This is one of the reasons they have such high taxes today. Some of them have the Cadillac approach instead of the Ford approach.

The minister says he is not quite sure when he is going to send out the first tax rebate cheque in 1981; he is only guessing. Could I guess and say before the announcement of the next provincial election? Would I be hitting it pretty close?

**Hon. Mr. Maeck:** That is quite possible. The member can guess that if he wants to. I might guess that it would not be. It is obviously going to come out before the next provincial election, unless something happens in this House in the next week and we end up trudging through the snow with our high boots on in northern Ontario campaigning. I suspect the announcement will come out before the next election.

As a matter of fact, the announcement is already out that early this coming spring senior citizens are going to get half of what they received this year, and then they will be asked to fill in another application form

and we will balance the books when we receive those other applications. It is announced for the spring; no question about that. The exact date remains to be determined. But I do not think it will be very long before we will be able to tell members the exact date the cheques will be going out.

I want to be sure this time around, when the cheques go out, that we are prepared to get them out to everybody; so we do not have the same kind of problems we had in the last administration. I would like to see, when we mail these cheques, that all the senior citizens in the province get their cheques basically at the same time. We all know they belong to golden age clubs and senior citizens' clubs, and they live in senior citizens' buildings and all the rest of it. If one gets a cheque and the other does not, there is a great deal of pressure on all the members in this House, and on the ministry, as to why did they not get theirs when Mrs. Smith down the hall got hers.

I would certainly like to prevent that by getting all the cheques out at one time.

**Mr. R. F. Johnston:** The problem is it is four months out. It doesn't matter if it's a couple of weeks.

**Hon. Mr. Maeck:** You will get your turn.

**Mr. R. F. Johnston:** I know, but I'm in good spirits today.

**Hon. Mr. Maeck:** Christmas spirit, is it?

That is my goal as far as getting those cheques out is concerned: I want them all to be out at the same time.

**Ms. Bryden:** Mr. Chairman, the minister's admission that there are a considerable number of payments to people who were not eligible, and the fact that many cheques did not get out for months and people were very confused as to when they were going to get them, indicate to me that the administration of this program is paralleling the administration of the home buyers grant by the Ministry of Revenue three or four years ago. That was considered one of the administrative fiascos of this province because all sorts of people were paid who should not have been paid. I think we may have only looked at the tip of the iceberg on this one.

I still want to have a complete total of the cost of this program. The minister says it is valuable to advertise to the people about the new program so they will know what is happening. It did not have to happen; the minister is simply changing the distribution system and incurring millions of dollars to change that system. It is true he was paying

the federal government something for the collection through the income tax system, but he still has to pay that for all the people under 65 who will still be getting tax credits or who have to pay a large amount of it. But he incurred millions of extra expenditure in advertising, computer time, printing, contracts for services, telephones, mailing, cheque writing and auditing, and we still do not have a total figure for all those services. What we want is coverage of each one of those by item.

11:50 a.m.

I asked for that information in my opening remarks. I asked for a breakdown of the costs of telephone service, of the contract for services, of printing, stationery and supplies, of the advertising and mailing and so on. We want to know exactly what it is costing the taxpayers of this province simply to change the distribution system to get more political capital out of issuing these cheques.

The minister has to remember he is spending all this money to give the seniors a total net increase of \$39 million in property tax exemption, according to the Treasurer's own statement in his budget, and \$9 million in sales tax. So, for \$48 million worth of additional help to seniors, we are spending millions of dollars in taxpayers' money in administration. I want to know what that administration is actually costing the taxpayers.

**Hon. Mr. Maeck:** Mr. Chairman, I just read out a complete list of what and how much those expenditures were. I do not know what more the member expects to get. I have indicated to her that the total expenditures were \$5,048,300 minus the administrative costs we have paid to the federal government. If we subtract that \$2,000,070, the total cost as far as the administration is concerned is \$2,978,300. I think I have given her that information.

**Mr. R. F. Johnston:** Plus the advertising.

**Hon. Mr. Maeck:** No. The advertising is included in there. It is all in there.

I read them out in detail. If the honourable member wants to know how many stamps I bought and how many pieces of paper I bought, I think that is a rather ridiculous request. She does not ask that from any other ministry. Certainly she would not expect me to come here equipped with 17,000 pieces of paper and 89,000 stamps or whatever to break it down in that sort of detail.

I have broken it down into general administration, and I have said it includes postage, supplies, furniture, printing of forms, et

cetera, of \$788,500. I have said we paid \$148,500 for planning and liaison staff; \$1,404,900 for communications and inquiries; \$793,100 for application processing, data entry and filing; \$509,300 for benefits control; and \$1,323,000 for computer systems—which gives the total I have already given. I have subtracted the amount of money we will no longer have to pay to the federal government to administer the Ontario tax credit program as it relates to senior citizens. I do not know what else the member wants beyond that.

The other point she is making has been argued many times. I have answered the questions in the House many times. She has indicated this is the same sort of fiasco, as she terms it, as the Ontario home buyers grant. She has said that in statements to the press and so on. I do not see any grounds for that whatsoever. I talked about 71 applications, and she says that is a great amount. Out of 526,000 applications, I do not see how the member could expect there would not be some disallowed. I do not see that as a fiasco at all.

I indicated, when I was replying to the member for Erie (Mr. Haggerty), that we were being particularly careful with these applications so that when we do process them we can hope to assume they are right. In the case of the Ontario home buyers grants, they were handled too quickly and no investigation was made. That is why we had the problems afterwards in demanding the money back, because people got the money who should not have got it. That is surely a matter of making sure the applications are handled in a proper fashion.

That is what we are trying to do and that is why there has been some delay in the cheques going out to some of the senior citizens. If we were not careful in the handling of the applications, we would have the same kind of problems that the member indicated with the Ontario home buyers grants. That is what I am trying to avoid.

Ms. Bryden: While the minister has given us some of the costs, he hasn't given us the number of additional employees who had to be hired and he hasn't given us the printing costs or the postage costs broken out, which are a very important part. I estimated the postage costs were \$500,000 just to send out all these extra letters.

As far as his net total is concerned, subtracting the costs that used to be paid to the federal government, has he renegotiated that deal with the federal government or is he just making an estimate of how much he may be able to cut down on his payments

to the federal government? All the income tax forms will still have to be processed, except for people over 65, regarding the Ontario property tax credits. It seems to me rather strange he would be getting that large a reduction from the federal government as an offset.

As to whether it is an administrative fiasco, just the fact that about 40 per cent of the applications had to be put into the prepayment unit for further information indicates this kind of program is costly and difficult to administer with a lot of senior citizens who aren't used to filling out forms in many cases, and who weren't given a working copy of the form. There were so many reasons why they didn't get their cheques, but the fact is, they didn't get their cheques until months after other people got them. There was great confusion, unhappiness and uncertainty among senior citizens.

The whole fiasco could have been avoided if the government had improved the property tax credit system through the income tax, provided, as it had been, through information centres' assistance to seniors in making out the income tax forms, and could have avoided what appears to be a large expenditure of money for no purpose whatsoever, except a political one.

Hon. Mr. Maeck: To answer the first part of the member's question, she wanted to know about the staff. The cost of the staff is included in the figures I read to her; so this is not additional. I gave her the total cost of the program from the administration viewpoint, and not the extra money that is being sent out to seniors.

Ms. Bryden: What about the staff?

Hon. Mr. Maeck: Dealing with permanent staff first, the new complement is 36 and, with transfers within the ministry which is another six, there is a total permanent staff of 42. The contract or temporary staff who have been processing the applications and so on will be there while the applications are coming in and will be gone when the applications are finished. In man-years, it is 89. In numbers, the contract staff at peak period was 236. When most of the applications came in, we had 236 contract staff processing applications and doing other work, being supervised by the permanent staff I mentioned earlier.

Two or three times the honourable member mentioned the 40 per cent mistakes in the applications. I don't know whether she heard me when I was replying to the member for Erie. Last year, when this was being



done through the federal income tax system, the mistake rate was 68 per cent. We probably didn't hear about it, and she didn't hear about it, because they were dealing with the federal government. But she shouldn't think for one moment the senior citizens didn't have problems when they had to file their income tax returns to get the property tax credit.

**Mr. R. F. Johnston:** Does that include the 26,000 who haven't got theirs yet?

**Hon. Mr. Maeck:** That has nothing to do with this at all at the moment.

**Mr. R. F. Johnston:** That is a major mistake, is it not?

**Hon. Mr. Maeck:** Why doesn't the member wait his turn and ask his questions like everybody else?

12 noon

**Mr. R. F. Johnston:** I enjoy annoying you.

**Hon. Mr. Maeck:** I can see that. I am prepared to answer the member's question when his turn comes, but surely he will allow me to answer his colleague's questions. He is interrupting the answers to his own colleague's questions. That's what he is doing.

**Mr. Lupusella:** It was just a supplementary question.

**Hon. Mr. Maeck:** I am happy to answer a supplementary any time. But I just want to point out that mistakes were being made when they had to apply through the income tax system. It's not something new. As a matter of fact, our mistake rate on applications is lower than when they had to do it the other way. Obviously it should be lower.

The forms we have used are a lot less complicated than the income tax forms that had to be filled out to take advantage of the property tax credit program. That was one of the reasons we decided to go with this program: to eliminate the need for most senior citizens to file an income tax return. They don't have to file one as long as they are below a taxable income. That's eliminated. They don't have to do that any more.

We were hopeful that this sort of form and this sort of program would make it easier for them. That was one thing. The other reason, if the member will recall what I said in my statements and what I said in the House on many occasions—as a matter of fact, in answers to questions—is that we wanted to get the money to the senior citizens at the time their property taxes were due. We couldn't do that through the federal system. I negotiated with the federal

people to try to arrange that. They couldn't do it. They said there was no way they could possibly accommodate what we wanted to do, which was very simply to get the cheques out in time for when the interim tax bill comes in in the spring, so they would have some money to help pay the taxes, and in the fall when their final tax bill comes out, so they would have some assistance to pay their property taxes.

That, to me, is a very logical reason why we would change this program to accommodate them. That is what we are trying to do. If there are some political marks in it, fair enough; we are all politicians. But the basic reason was to provide a better service to the seniors, and I regret there have been some problems with the applications. I would have liked to see them 100 per cent perfect, but we are never going to attain that. We are going to improve next year on the procedures we used this year; there is no question about that. But we will always have people filling in their applications wrong, and we will have to deal with those. That's what we are doing now with the ones we are still working on. I think the member will find as time goes by that this will be a very good program and it will be an easier program for the senior citizens to deal with than the one they had in the past.

**Ms. Bryden:** One comment: The Treasurer in his mini-budget contemplated rather obliquely a tax credit for home heating fuels or the hope of getting such an arrangement with the federal government. Seniors undoubtedly have home heating if they own their own homes and they will have to put in an income tax form to obtain a credit of that sort; so we may not be eliminating the need for income tax forms for seniors. However, that is just a comment. I will let some of my colleagues ask their questions.

**Mr. B. Newman:** Mr. Chairman, in the first instance, I express my thanks to the minister's staff for the way they have expedited problems we confronted them with from my constituency office. They were most courteous, very pleasant to talk to and, when they were able to give us an immediate answer, they did so. If they couldn't they called back, which we really appreciated. Having said that, I can assure the minister that not everyone has heard from his ministry who has filed an application form for this senior citizens' tax grant.

The question I am confronted with by constituents is how long they are still able to apply for the tax grant. Some of them just won't believe there is \$500 waiting for

them. It just doesn't sound right; there is some hook in the whole deal and, up until the time they find that other friends or relatives of theirs have obtained the money, they are extremely cautious and hesitant to apply.

I would like to ask five or six questions and I would prefer an answer to each one as I ask and then to continue up until the time I complete my questioning. It will not be too long.

**Hon. Mr. Maeck:** Mr. Chairman, they have until December 31, 1981, to get their applications in. We are still receiving applications; the member is quite right. Two hundred or 300 applications a day are still coming in from people who have not taken the time to apply up to this time.

I think the member is correct that there is some hesitation on the part of some people. Some of them perhaps still think the income will be taxable, for example. But it is not taxable; there is an agreement with the federal government. People will pay no income tax on this money; it is a grant. There really are no strings attached to it.

If what we are saying today ever gets into the media, perhaps some more people will be informed. That is one of the very reasons why we tried to have this advertising campaign to make as many points as we could. However, not everybody reads advertising; not everybody watches television or listens to the radio.

There are those who are still waiting for application forms who had their birthday after July 1. They will get their applications in January. They are eligible for the grant for this year.

We had to do this in a way that was perhaps worrisome to some people whose applications contained a mistake. But we did set aside the ones where there was a problem and processed the ones that were correct. I remind members those applications that were correct were processed in a three- to four-week period, which is not a bad turnaround for a new program.

**Mr. B. Newman:** One of the problems we are confronted with is that, on getting in touch with the minister's office, they generally tell us just to wait until the end of the month. When the party still has not heard, they tell us to wait another two weeks. When they still have not heard, they get very distressed at that. The first thought that goes through their mind is that maybe the application has not even reached the minister's office. Maybe they inadvertently did not mail the application.

What answer can we give to the constituent who says, "You have already told me three times just to wait for a short while and I will receive my \$500"? How do we reply to a question like that?

**Hon. Mr. Maeck:** I am informed by my staff that there are 14,000 applicants who will get cheques dated December 8. They may not have been contacted, but their cheques have been processed and are ready to go out on December 8. Those people may not have been contacted because there was really nothing wrong with their application. But the 14,000 are part of the overall number I gave earlier.

My suggestion to the member is, if he has anyone who is concerned, we are now in a position to be able to give him an answer pretty quickly as to where that application is and what is holding it up. I suggest the member can call my office if he wants to, or any of the numbers we have given out. But there should be no reason now why staff cannot give the member a quick response as to where an application is.

There is always the possibility that an application was never received. We did have two mail interruptions. There is always that possibility. I think it is well worthwhile inquiring. I would think within a couple of days' turnaround, staff could tell the member where the application is, what we are waiting on if anything or, if the cheque has been mailed, when it was mailed out.

We are down now to few enough applications that we can handle that kind of request. We could not do it originally because there were just too many applications in the system. But we have eliminated most of them now, and it is much easier to give relatively quick information on those files.

**Mr. B. Newman:** It was this week that my staff did inquire and were told to wait another week. That was for the third time. It may not have been the same individual, but it was the third time we have been told to wait a little.

12:10 p.m.

I appreciate the magnitude of the problem. I know we cannot come along and resolve a lot of these overnight. As I said in my first comments, the ministry staff has been most co-operative, but we would have preferred in the first instance if we were told, "It may take six weeks, not another month." If we had told the constituent that, then he would have felt that much better because, as I said earlier, he wonders, "Did they get my application?" As the minister mentioned,

there would be no problem in tracing it and informing us as to the stage at which the application happens to be resting right now.

Is there any provision for an individual who may not pay any rent but is providing services to a senior citizen? In other words, if there are two seniors living together, the home owner and another senior who acts as the custodian taking care of that elderly individual but who does not pay or, if she does pay, pays a minimum amount of rental, is she covered? One case we have is where the lady paid only \$20 a month rent but provided services that might have been worth \$150 a month, and that is excluding meals and so forth.

**Hon. Mr. Maeck:** I think that is covered now. If someone is providing services in lieu of rent—and that is what the member is suggesting—if that is made known, that person will be eligible to receive property tax grants on that basis.

**Mr. B. Newman:** Would they have to provide the receipts from the home owner for that?

**Hon. Mr. Maeck:** I think they would have to have some sort of receipt for the services rendered in lieu of rent because of the Income Tax Act and so on.

**Mr. B. Newman:** I do not question the need for the receipts, but I would like to follow up on that. Rather than 12 receipts, one for each month, would one receipt for the total of the year be satisfactory?

**Hon. Mr. Maeck:** That would be satisfactory. If the ministry were to receive a letter from the owner indicating the person was providing a service in lieu of rent valued at so much for the year, that would be sufficient.

**Mr. B. Newman:** That takes care of the problem I had with several of my constituents. It was kind of difficult to try to convince the home owner in this case that she has to provide a receipt; she is afraid it is going to affect her own income tax if she has to declare that she is receiving \$100 a month in services from the individual as income for income tax purposes. At least I have the answer for that from the minister.

What happens if an individual passes away in the middle of the year? Is there entitlement to the complete grant?

**Hon. Mr. Maeck:** We are not sure whether the federal government would advise us of that information. If we were advised that someone had passed away in the middle of the year, obviously there would be entitlement to the grant for the period of time up until the person passed away.

**Mr. B. Newman:** It is prorated on a monthly basis?

**Hon. Mr. Maeck:** That is right. Whether it be rent or whether it be taxes would not make any difference, but I doubt very much that we would even become aware of it, to be quite honest, because I doubt very much if that kind of information would be passed on from the federal government.

**Mr. Warner:** Mr. Chairman, I will try again as I did earlier. I will change the tone. The message may be the same, but I will change the tone.

There is no question in anyone's mind that, if there were any positive program that could be brought forward to assist senior citizens, all of us should support such a program. I think the minister knows well, as do other members of the House, that many senior citizens in our province continue to have difficult problems. They continue to go through difficult times.

A large part of the problem is that many seniors, when they reach 65, or, as one member in this House would have it, 70, reach a plateau in their income. Some of them have nothing more than the old age security, or perhaps the Gains. That is a fixed amount. Inflation erodes those dollars. Taxes increase on their homes; there are sales taxes, food costs, whatever it is. In total, the cost of living increases. The seniors find it increasingly difficult to cope with that. Anything a government can do or the Legislature voting unanimously can do to make the lot of the life for seniors a little better is to be applauded.

What bothers me is that I firmly believe the problems the ministry has experienced in this program could have been avoided. I acknowledge that no program is going to work perfectly; there will be mistakes. People will leave off needed information when they fill out forms; no question about that. But I think the failure rate was unacceptably high, for a very basic reason. I believe the program was brought forward prematurely.

The minister himself acknowledged that we are looking at approximately 800,000 seniors in this province, some of whom will not qualify but most of whom will. It is a brand-new program. The 800,000 seniors are scattered throughout the entire province, some in small rural communities and others in very large centres like Toronto. People who are unfamiliar with the program will take time to become accustomed to what is required of them. The forms themselves, to be filled out and sent in, have to be done

properly. They must be explained in a lot of cases. Seniors will need help with that in some cases. The technical machinery required to make sure the program functions is a problem for the ministry and likely a headache as well. It is something the ministry has to do a lot of work on to ensure that it works properly. That takes time; no question about it.

The minister and I both know that in September we had an election scare. Rumours started to float around that there would be or could be a fall election. The rumours were unsubstantiated but, none the less, rumours. People get a little edgy. Will there be an election or not? The government obviously in a minority position begins to get a little edgy about it; maybe there will be an election this fall. Either the Premier would call it—it has always been my theory from the day after the 1977 campaign that the Premier will determine when the election will be held; maybe the polls showed the Premier this was the time to go in September 1980—or perhaps they thought, when the Legislature reconvened in early October, the combined opposition parties would move a vote of no confidence and trigger an election. Either one of the two scenarios was possible. The Premier could call the election in September or at the beginning of October, or the opposition parties could gang up on the government and force an election.

So what can each ministry do in an effort to help secure some potential votes? One thing is to bring forward a program that will be popular with the people of Ontario. How can the government be more popular than to hand out money? The minister could go as far as to have his picture on the cheques that go out.

12:20 p.m.

**Hon. Mr. Maeck:** I was thinking about that.

**Mr. Warner:** I imagine that crossed the minister's mind. It is a tempting suggestion; perhaps even, "Greetings from Lorne Maeck," or "Help yourself to some Maeck money." It is mind boggling to think of the possibilities to exploit that situation.

None the less, the basic fact is that giving away money is a popular thing to do. Not only that, but how could a government go wrong by giving away money to senior citizens, who are amongst the most deserving people in our province? Surely it is not possible to go wrong while giving away money to deserving senior citizens.

While the program may not be ready in the technical aspect to avoid unnecessary

problems in the mechanics, let us bring it forward now just in case there is an election. Wouldn't it be delightful to think that several hundred thousand seniors would receive money from the government of Ontario, otherwise known as the Progressive Conservative Party, in the midst of an election campaign, with or without the minister's picture and signature? What better tactic than that in the midst of a campaign?

That is why it was done. You and I know that, Mr. Chairman. The minister knows that. The election scare caused the program to come forward prematurely. It was not ready to go.

**The Deputy Chairman:** I wonder if the honourable member would come to his question. This is not necessarily a period for making speeches but to inquire into the estimates of the Ministry of Revenue. I have allowed a fair amount of latitude, but there are other people on my list who are waiting; so if you would come to the questions.

**Mr. Warner:** Mr. Chairman, I know you wanted some background for the question.

**The Deputy Chairman:** I do not mind a reasonable amount of background, but not necessarily a speech.

**Mr. Warner:** The question is one I attempted to raise during the main office vote. Who accepts the responsibility for having brought this program forward prematurely? Is it the minister, is it cabinet or is it some other person who is responsible for that decision?

**Hon. Mr. Maeck:** I do not necessarily agree with the member that it was brought forward prematurely. If he wants to stroke that part of the question out, I will accept the responsibility for bringing in the program. I do not necessarily agree it was premature.

**Mr. Warner:** You do not believe it was premature?

**Hon. Mr. Maeck:** No. I do not know whether you were here when we were discussing this matter earlier. We talked about the fact there had been some mistakes. It works out to about 40 per cent of the applications being improperly filled out in one form or another. I did advise the members of the Legislature that when it was being done by the federal government through the income tax system, there was a mistake rate of 68 per cent, and that has been in place for years. There will always be mistakes in these kinds of situations.

I do not think it was premature. If one looks at our record, most of those cheques did get out in time to assist those people's

property tax bill. The prime purpose was to get the money in their hands in time to assist with the property tax payments for the municipality, whether one agrees with that or sees it as a political thing.

We are all in politics around this room. I am quite sure if the member were sitting on this side of the House, if he were contemplating bringing in a program such as this and if he thought he smelled an election in the air, he would do exactly the same thing as we have done. Let us not play games.

**Mr. Warner:** If we were on that side of the House, we would have such stable programs the little political gimmicks would not be necessary.

**Hon. Mr. Maeck:** I admit there have been a lot of mistakes in the application and in the administration—I have never denied that—but I still find mistakes were being made on the old program as well. It is not something we are going to avoid in the future. I hope we will reduce that number of errors, but we will never get to the point where there will be none.

**Mr. Warner:** The federal Liberals are equally capable of making errors and running programs as are the Ontario Conservatives.

**Mr. Ruston:** I have a question with regard to the grants. Apparently the minister is now sending letters out to people who have not yet received their cheques, telling them their application is being considered. One of those letters has already been received by someone in my area, and I am wondering if that is necessary. When these applications are being processed, can you not do a lot more than send out a letter saying it is being considered? Surely they are all being considered. I was under the impression some time ago they would all be processed by November 30, but apparently that is not the case now.

**Hon. Mr. Maeck:** The reason for that letter is that there is some concern among senior citizens as to whether or not we have ever received the application. There were a couple of mail stoppages and other things during that period when we were receiving applications and sending out cheques. There are quite a few seniors who are concerned because they have not heard from us and they were not sure we had received their application. We thought we should make sure they were aware we had received them and were processing them.

In almost every case of that kind there is some mistake in the application. We have tried to get in touch with those people to correct it, but we want to acknowledge that

we have it so they can at least be assured it is going to be processed. That is the reason for it. I do not think there are that many of them, but we have done this in some cases.

**Mr. Ruston:** About how many do you feel are now in the offices of your ministry being processed? Do you have a ball-park figure of how many are yet to be sent out?

**Hon. Mr. Maeck:** I think earlier in the debate I indicated there was still something like 44,000. I indicated that of those there are 14,000 applicants who will get cheques dated December 8, so it is gradually being cut down. I am told there are another 11,000 cheques to go out on December 15 as well, so they are in various stages of process.

**Mr. Lupusella:** Mr. Chairman, the critic of the NDP claimed the property tax credit program was a fiasco. I do not want to use the same language. I just want to say that people are getting into constant red tape. First there is the problem of identifying the application and then the delay in processing the application until the money goes out to the applicant.

12:30 p.m.

I realize the minister is aware of the difficulties encountered in the administration of this program. I also realize his goodwill in trying to improve the program next year or in the future. The reason I am standing up today is to raise a few questions to make sure those improvements will take place and, also because I do not want people, in the near future, to get into the same frustrating process they have been getting into this year: (1) the number of phone calls made by constituents to your ministry; (2) the difficulties of locating the department to which application should go.

I think the major problem people encountered in asking questions about the delay of payments was the location of the appropriate department. The minister should give us certain guarantees now in order that this problem will not happen again. I am talking about constituents directly contacting the department looking after the applications.

I want to talk about myself. I have called your ministry several times in a month about certain constituents of mine, and the inability of ministry employees to locate the applications. I hope the minister will give us guarantees that the average individual affected by this program will, in the future, be able to get in touch with your ministry to make sure he or she knows the different steps implemented in his or her application, and will get immediate answers in relation to the final

processing of the application, that is, the grant payment.

I do not want senior citizens applying for this program to get into the same red tape as they do at the Workmen's Compensation Board. Their usual reply is, "I am sorry, we will have to locate the file. We do not know anything about it. We do not know what type of decision has been taken in relation to the particular issue before the Workmen's Compensation Board. You will have to wait." Waiting for the administration of this program, this year, has taken more than a month, after inquiring myself on several occasions through your ministry.

I do not want to say it is a fiasco. I think this type of red tape should not occur in the future when your ministry plans a different administrative process to make sure that payment will go out immediately. If a constituent or a senior citizen gets in touch with your ministry staff directly they should know immediately where the file is and what type of problems are encountered. If there are mistakes, that is fine. At least they should know a mistake has taken place and when the file is located by your employees in your ministry, eventually they can get new information either by phone or other means.

I hope the minister will give us this type of guarantee. We do not want further red tape on something that the public at large is relying upon. In the case of senior citizens, eventually the money will be very useful to pay property taxes and so on, and they should not have to wait months and months, spending so much time on the phone without getting a reply.

I want some form of guarantee or improvement, if I may use that word, so that in the near future, when claimants inquire about their applications, at least the employees in your ministry will be able to locate their applications immediately and the claimants will be able to find out what type of mistake has been made in them.

You mentioned that a lot of people were making mistakes when filling out their income tax forms before this program came into effect. Of course, now the Ministry of Revenue is facing the same type of problem—a figure of 68 per cent was used and you may correct me if I am wrong—with people filling out applications for income tax purposes. You are faced with the same number now, the same percentage of people making mistakes in filling out the application. Am I correct?

Hon. Mr. Maeck: Less than that.

Mr. Lupusella: Less. A little bit less? How much?

Hon. Mr. Maeck: I would say 40 per cent.

Mr. Lupusella: Forty per cent. Even though there is an improvement on that, the fact remains that a lot of people are affected by it. This year, we have been faced with more than 100,000 people?

Hon. Mr. Maeck: Two hundred thousand.

Mr. Lupusella: Two hundred thousand people made mistakes on the application and that is why the big load has been increasing on that ministry.

I also want to ask the minister what he is doing in relation to those who receive the application for the property tax grant and who do not return the application for some reason or other. I refer particularly to senior citizens who are sick or very old, and who are unable to fill out the application; therefore, they do not send back the application which was previously sent to them by the ministry. I want to know what the minister or his ministry is doing to trace those applications in order that senior citizens, or other people who are unable for one reason or another to fill out the application, may at least be contacted by the ministry to be asked why they did not fill out the application.

For example, I was asked by a senior citizen who is 90 years old to help with the application on her house. She told me she did not know how to fill out the application, and could not get out at all even to mail it. I did the work for her. I was glad that I was just passing by her place during the summer when she was sitting on her verandah, and she called to me. I did the work for her and was able to mail the application for her.

I am just wondering how many people, as a result of these problems, did not return their applications to the ministry. Maybe the applicant has a serious problem and cannot fill out the application or is unable as a result of a disability to mail out the application for the grant.

I want to know, and I want a guarantee that the minister is going to follow up on those applications that are not returned to his ministry, to make sure everyone will be able to get the tax credit.

I also would like to show the minister my dismay at the fact that this program is not incorporating disabled people. I am just thinking of injured workers who are either 100 per cent disabled or partially disabled with severe disabilities that they encountered on the job and were compensable accidents, as a result of which they are unable to go back to the labour market.

12:40 p.m.

I guess those individuals can be compared to the people who reach the age of 65 but are unable to go back to the labour market to make further earnings. I want to know from the minister whether the cabinet or government is contemplating the expansion of these programs to those disabled people, starting with those who are 100 per cent disabled and receiving 100 per cent disability pension from the Workmen's Compensation Board. Surely we are 100 per cent sure those people will not be able to go back to the labour market. They are on a fixed income. They will be receiving their pensions from the Workmen's Compensation Board based on 100 per cent disability, and eventually the Canada pension plan if they are entitled to it.

The property tax credit should be extended to those people and also to those who are severely injured, who are receiving, for example, a 50 per cent pension from the Workmen's Compensation Board, are unable to return to the labour market and are receiving just the Workmen's Compensation Board pension and the Canada pension plan if they are entitled to it.

Why is such a program not extended to those who are in great need? Maybe the guideline that should be used is the principle of whether they are able to go back to the labour market. As long as they are unable to go back to the labour market, they should at least be incorporated in this program to get the property tax credit to alleviate their economic hardship, taking into consideration that property taxes have been skyrocketing in the last few years.

I hope the minister will give me some answers in relation to this to make sure people will be able to get an answer about locating their applications when they get in touch with this ministry, with the follow-up principle for those who did not return their applications and the extension of this type of benefit to disabled people across the province.

**Hon. Mr. Maeck:** The member has posed two, three or four questions here. He wants assurances that in future we will be able to locate an application and advise an applicant what stage his application is at in the ministry. What we are doing for 1981 is putting in a new system that will identify each application received and what area of process it is in. In effect, we will be able to accomplish what you are requesting.

I still have to come back to defend the Ministry of Revenue's administration program because I think members will recall, if they think back a bit, that we also administer the guaranteed annual income system for senior

citizens. There have not been problems of any amount in that program. When we get this one set in properly, I am hopeful this program will run as efficiently as our Gains-A program.

Members know they can phone for Gains information and usually get the information on the phone at the time they call. So can people other than members, if they call that particular branch of my ministry. This program may not be quite as efficient as that one because there are more technical problems with this one but I would hope we would become efficient enough to give an answer quickly as to where that application is, why it has not moved and when a cheque can be expected.

We had great difficulty this time around because once it got into the system it was very difficult for us to locate it in the program. We are going to correct that so we will be able to pull the file while it is being processed at any place within the system to give people who telephone an answer as quickly as possible. I assure the member, we are going to do that. We learn by experience and certainly we will improve that.

I am sure the member knows that the extension to disabled persons and so on is not within my jurisdiction as Minister of Revenue. As a cabinet minister, I do sometimes become involved in those decisions. The type of people the member is referring to are eligible for the Ontario tax credit program at the moment, so they are getting some assistance. In some cases, they could be some of those your critic has been complaining about who may get less under this program than under the Ontario tax program.

I have a great deal of sympathy for this subject. I agree those persons are not going to be productive any longer. They have no opportunity to get out on their own and get a job. In effect, they are in the same condition and position as those 65 and over, as are all disabled people. I have a great deal of sympathy for those people. I feel we should be doing as much as we can to assist them.

All I can do is assure the member, if and when the matter comes up for discussion within cabinet, that his views will be taken into consideration because I agree with what he said. It will not be the first time I have said it, because I have some real sympathy for those people, although, as I say, they are entitled to the Ontario tax credit grant, which they still get. In some cases they might get just as much under that program as the new one.

I don't know if there is any other question I have not covered.

**Mr. Lupusella:** There was another question in relation to those who received the application but the application was not sent back to your ministry for one reason or another. What type of follow-up is your ministry using to trace them to make sure the application will be filled out and that you are alerted if they need any assistance or that there are certain problems affecting them? Something should be done about it.

**Hon. Mr. Maeck:** I agree there could be people out there who have not submitted their application.

**Mr. Grande:** There are.

**Hon. Mr. Maeck:** If you want to be technical, sure there are, there are bound to be. Our problem is that in a lot of cases we sent out two applications to one family. They only send one back so we have no way of comparing the numbers we receive with the numbers we send out, simply because of the fact some are married and we do not have any way of identifying the applications that are not returned to us.

The only thing we could do is more advertising on that aspect. I think we will still have to do a bit of advertising for the ethnic people, the landed immigrants and so on, to find them as well. I am sure there are some who have not yet come to us for information about the program. We have no records within the ministry to find those people, so we will have to do a bit more advertising in that regard.

**12:50 p.m.**

I do not know how to reach the people you are referring to. We had the same problem with the Ontario tax credit program. We know there are people who never, ever filed an income tax return to be eligible for the Ontario tax credit. If it were just a simple case of sending out applications and expecting everyone to return them, everyone being eligible, it would not be so tough. But the fact is the way the system is set up, we do send out applications to a husband and wife, if they are both 65, but they have to send only one back to us. So we lose one in the process and it would make it very difficult.

I think the only way we are going to get these people is through more advertising or perhaps through community groups and so on. They might know who the senior citizens are in their areas—the Golden Age clubs or senior citizens' clubs or those groups that assist them. They could be very helpful in locating those who have not at the moment filed for

their property tax grants. I do not see any other way at the moment. We will certainly look into it and see if there is a way we can do it. I, as much as you, want to see everyone who is eligible apply for it. They are entitled to it and I would like to see them get it, so we will do everything we can.

**Mr. Lupusella:** I understand. Mr. Chairman, I would like to ask a last question. Why is the minister sending two applications for families? How difficult is it for him to get a list of those receiving old age security and mail out the application to them? Surely he must have a list of those who are receiving old age security. I really do not understand why he is sending out two applications when we can easily reach the senior citizens who are in receipt of old age security. Will the minister please explain why he is sending out two applications and why he does not use the general list of those receiving old age security? Why does he not mail just one application so at least he can follow the number of people filling out the application and those who do not?

**Hon. Mr. Maeck:** That is our problem. We do use the old age security list the federal people supply us with but that list does not match up husband and wife. Thus we have no way of knowing who is married to whom when we get the list. The only way we can be sure to cover everybody is to send an application to each one on the list. The instruction when they receive them is that if they are husband and wife, they need only send one back. It is because the computer tape might identify them as being married but it does not say to whom. That is our problem.

**Mr. Lupusella:** A last comment, Mr. Chairman: I hope the minister will be able to find other ways of reaching them. I do not have alternative ideas at this point but I hope he will analyse the problem and will find a way of reaching everybody.

**Hon. Mr. Maeck:** Certainly we will do our very best.

**Mr. Worton:** Mr. Chairman, can the minister say if during the past seven years of the operation of the tax credit through the income tax there have been any studies done to indicate how a return of this rebate could be made with fewer problems? In other words, the government actually is giving money back to people which it has collected. Is there no simpler method? My feeling in dealing with people is that regardless of age, they seem to freeze when they see a cross to put here or a mark to put there or a figure to put here.



Have any alternative programs been put forth to see if there is a simpler method?

The other thing I would like to raise, does the minister feel there is any income level where it could be cut off so that some of those with smaller pensions or those with disabled pensions could be helped? The federal government has about an \$18,000 cutoff, I think, where family benefits are concerned. The Treasurer was well intentioned when he said all of these have contributed to it and everybody should qualify. But I think you and I know it is still only money. It is the medium of exchange.

If some of that money could be put to the benefit of people with social service incomes or disablement pensions, it would be of far greater assistance than giving it to a number of people who really don't need it. You must have some idea of that number—whether it is 10 per cent or 15 per cent or 20 per cent—in an income bracket of \$10,000 or more.

**Hon. Mr. Maeck:** Mr. Chairman, we did look at various ways and means of administration, prior to implementing this program. My instructions to my staff at the time the decision was taken to implement this program were to bring in as simple a program as possible, bearing in mind that we were dealing with senior citizens in the province and that some of them would have great difficulty in filling out forms. The member is quite right. Some of them do have a real problem.

We did bring out a form we feel is almost as simple as we can make it and still have some check on what is going on. We are responsible to the provincial auditor and to the public accounts committee of this Legislature for the proper handling of money, whether we bring it in or send it out. There is certain information we really have to have in order to justify the payment. I think the form we have is about as simple as we can make it.

One of the things that disturbed me at the time I first saw the form was the request for the assessment number. That is why, if the member has seen the instruction sheet, we have not asked for it this year. We say, "If you have it, please give it to us; if not, save it and put it on next year's return."

The reason we want that is so we don't have to bother anybody. If we want to do an audit, we can call the municipality; we can get the mill rate. We already have the assess-

ment on file; we can do an audit to find out if they are really putting in the right amount of tax. It prevents us from having to ask them for tax receipts. We put that number in to simplify the procedure, yet that is a burden to some people. When many people get the assessment notice, it is gone. That is why I instructed staff not to press this year for the number but to ask people to be sure to save it for next year's return. That is the reason that is there.

If the member goes down the application, he will find there is a good reason for everything on it to be there. We do have to have enough reliable information on those forms to satisfy the provincial auditor and to satisfy the public accounts committee of this Legislature. We did look at various ways of implementing this. But basically, to keep it very simple, we had to—not only for that reason but for others—eliminate income. That leads into the member's second question.

In the Ministry of Revenue, we do not have the income of individuals. That is filed with the federal people. As long as they were administering the program, they had that information at their fingertips, because the people filed an income tax return at the same time as they made the application. Anything dealing with income, any adjustments we would make that would require us to know what the income of the person is, would be a very difficult thing for us to do. We would have to ask them for their personal income, and if we wanted to audit we would have to go back to the federal people to find out whether in fact that was what their income was.

**Mr. Worton:** Unless you establish a figure of \$20,000 or \$18,000?

**Hon. Mr. Maeck:** Yes, but how do we prove that is what they made? That is the problem. We don't have that information on our files any more. That is one advantage of it being done by the federal government. When they were doing it, they had those kinds of figures at their disposal and they could easily verify income as far as the application was concerned.

Vote 803 agreed to.

On motion by Hon. Mr. Wells, the committee of supply reported certain resolutions.

The House adjourned at 1 p.m.

## APPENDIX

(See page 4990)

ANSWERS TO QUESTIONS  
ON NOTICE PAPERHOMES FOR FORMER  
PSYCHIATRIC PATIENTS

285. **Mr. Breagh:** Will the minister list the rest homes and boarding houses to which discharged psychiatric patients are referred? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** It is not a ministry policy to discharge persons from our psychiatric hospitals to boarding homes or rest homes. We recognize that persons being discharged often require assistance to locate suitable accommodation, and as such endeavour to provide that assistance. In doing so we elicit the help of appropriate social service agencies in the person's community. These agencies provide information regarding all forms of housing, and offer several alternatives to individuals.

## UNLICENSED PRACTITIONERS

286. **Mr. Breagh:** Will the minister provide the number of "unlicensed practitioners" at work in Ontario psychiatric hospitals? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** There are no "unlicensed practitioners" at work in Ontario psychiatric hospitals.

## PHYSICIANS' QUALIFICATIONS

287. **Mr. Breagh:** Will the minister provide a breakdown of physicians' qualifications in psychiatric hospitals? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** The breakdown of physician qualifications in psychiatric hospitals can be best addressed by referring to three specific categories.

First, there are those practitioners who are certified in the specialty of psychiatry and who have their Royal College fellowship in psychiatry (FRCP(C)) and who have obtained their licentiate of the Medical Council of Canada (LMCC).

Second, there are those practitioners with a hospital practice licence, who may also have their Royal College fellowship in psychiatry but have not yet obtained their licentiate of the Medical Council of Canada. These individuals are on the special registry and may only practice in a hospital setting.

Finally, there are those who are general practitioners who have training in psychiatry but who have not obtained either their FRCP(C) or their LMCC.

## INVOLUNTARY ADMISSIONS

288. **Mr. Breagh:** Will the minister identify the procedure used to notify relatives in case of involuntary admission to psychiatric care? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** Part of the normal admission process is to contact relatives wherever possible, to notify them of the admission and to obtain background history. In most instances the relatives are invited to visit the centre to meet the attending psychiatrist and primary therapist for a discussion of the presenting problems and to initiate plans for the post-hospitalization period.

The individual's competence to make a decision with regard to release of information, and notification of relatives, is an area that is assessed prior to the above action being taken. Needless to say, the wishes of the competent patient must govern any notification that the hospital makes to members of the family.

## LEGAL AID

306. **Mr. Warner:** 1. Will the Attorney General table, for each of the last 12 months and for each of the provincial courts at which duty counsel are stationed: (i) the number of accused persons interviewed; (ii) the number represented by duty counsel in: (a) bail hearings, (b) appearances, and (c) trials; (iii) the number represented in trials who plead guilty and the number who plead not guilty? 2. Will the minister table, for each of the last 12 months and for the York, Windsor, Ottawa, Hamilton, London, Sudbury and Thunder Bay areas of the Ontario legal aid plan, information on the average length of time taken to process legal aid claims by persons accused of criminal offences who are: (i) remanded in custody, and (ii) on bail? 3. Will the minister table information, for each of the last 12 months but for the York region of the Ontario legal aid plan only, on the numbers of: (i) persons accused of criminal offences; and (ii) persons seeking assistance in connection with civil disputes of all kinds, who: (a) made inquiries in person; (b) were given summary

legal advice; (c) were referred to other agencies; (d) made formal applications for a legal aid certificate; (e) were awarded such certificates; (f) were refused such certificates; and (g) subsequently had such certificates withdrawn or discontinued? Will the minister also provide this information in percentage terms? (Tabled October 10, 1980.)

See sessional paper 317.

#### HALTON REGIONAL LANDFILL SITE

**400. Mr. Isaacs:** What criteria are under consideration by the Ministry of the Environment related to the possible exemption of the proposed Halton regional landfill site from the requirements of the Environmental Assessment Act, 1975. Why would the minister give any consideration to such an exemption? When does the minister expect to announce that the exemption will not be granted? (Tabled November 18, 1980.)

**Hon. Mr. Parrott:** The question appears to confuse a decision the Minister of the Environment is required to make under section 35 of the Environmental Assessment Act, 1975, with an exemption order made under section 30 of the act or an exempting regulation made under section 41 of the act. A decision will be made under section 35 very soon and it will be announced forthwith after it is made. The answers to the three parts of the question are as follows:

1. The criteria under consideration are those raised in the over 80 written submissions made by the parties to the proposed hearing and other interested parties;

2. The minister is required to do so by an order of the divisional court requested by the town of Milton and by section 35 of the Environmental Assessment Act; and

3. This question assumes that a particular decision will be made and therefore cannot be answered.

#### BAYCOAT PLANT EMISSIONS

**401. Mr. Isaacs:** What is the nature and amount of airborne emissions from the Baycoat Limited plant located on Lanark Street in Hamilton? (Tabled November 28, 1980.)

**Hon. Mr. Parrott:** Baycoat emits a total of 280,000 cfm of oven exhaust from its Nos. 1, 2 and 3 paint lines. The exhaust contains 1,750 to 3,100 ppm hydrocarbons (60 per cent ketones, alcohols and esters and 40 per cent aromatic solvents). The oven exhaust from No. 4 line is completely oxidized/incinerated.

#### STORAGE AND TRANSPORTATION OF PESTICIDES

**404. Mr. Isaacs:** What quantity of 2,4,5-T and 2,4,5-TP is stored in Ontario? How has this quantity fluctuated during the last 12 months? What controls exist for the transportation of 2,4,5-T and 2,4,5-TP across Ontario's provincial and international boundaries? (Tabled November 18, 1980.)

**Hon. Mr. Parrott:** The quantities of formulated products held by vendors (wholesale, retail class one and two), agencies and exterminators throughout Ontario are listed in the appended table. A total of 21,728 gallons of formulated products is currently being stored in either one-, five- or 45-gallon drums.

In addition Ciba-Geigy Canada Limited and Niagara Chemical have reported that they hold a total of 560 pounds of 2,4,5-T acid (technical) and 3,550 pounds of 2,4,5-T isooctyl ester (raw material).

The reduction over the past year has been approximately 5,000 gallons by MNR and Hydro and about 62,000 pounds of technical material by Pfizer C. and G. Inc. By sales outside the province, Ontario Hydro has greatly reduced its stocks of 2,4,5-T, the Ministry of Natural Resources has eliminated its entire stock and Pfizer C. and G. Inc. has eliminated its entire technical stock.

In Ontario the intra-provincial transportation by road of 2,4,5-T and 2,4,5-TP are regulated by the Pesticides Act, 1973. The legislation requires that pesticides be secured in a manner sufficient to prevent their escape or discharge from transporting vehicles. Further, it is mandatory that schedule two products, which include these herbicides, shall not be transported together with food or drink intended for human or animal consumption, household furnishings, toiletries, clothes, bedding or similar commodities, unless separated in such a manner as to prevent contamination. In addition, it is required that vehicles carrying bulk shipments of pesticides shall bear placards warning of the presence of pesticides.

In addition, the movement of any pesticides in Canada whether intra- or inter-provincially or internationally, fall within the federal Pest Control Products Act, 1969 and the newly enacted Transportation of Dangerous Goods Act, 1980. The federal requirements complement the existing provincial statutes.

Total quantity of formulated products held by vendors, agencies and exterminators:

## QUANTITIES

(gallons)

|                      | 2,4,5-T      | 2,4,5-TP     | Mixtures*     | Total         |
|----------------------|--------------|--------------|---------------|---------------|
| Vendors              | 2,431        | 1,725        | 9,696         | 13,852        |
| Ontario              |              |              |               |               |
| Hydro                | 180          | 490          | 30            | 700           |
| MTC                  | —            | —            | 5,200         | 5,200         |
| MNR                  | —            | —            | —             | 0             |
| Extermi-<br>nators** | 123          | —            | 1,853         | 1,976         |
| <b>Total</b>         | <b>2,734</b> | <b>2,215</b> | <b>16,779</b> | <b>21,728</b> |

\* Represents 1:1 and 2:1 mixtures of 2,4-D/  
2,4,5-T

\*\* Includes operators and custom sprayers

## PAYMENTS TO CONSULTANTS

406. Mr. T. P. Reid: Would the Minister of Government Services advise the House, re: the two contracts to the consulting firm of H. Sutcliffe, what were the original terms of the contract? What was the original contract price? What were the expanded terms of these two contracts? How much additional money was paid over and above the original contract? (Tabled November 21, 1980.)

Hon. Mr. Wiseman: Contract 1: This contract awarded June 27, 1979, was for a legal survey and land titles expropriation plan for the north half of lot 12, concession one, township of Burt, in the district of Timiskaming. The original estimate for this work was \$7,500. The project proved more difficult

than anticipated because of the lack of any monumentation, the destruction of original blazes and flooding along the Blanche River. Therefore, additional payments of \$3,500 were authorized.

Contract 2: This contract awarded October 12, 1979, was for a legal survey and land titles expropriation plan for part of lot 11, concession one, township of Burt, in the district of Timiskaming. The original estimate for this work was \$1,500. Access to the site was hampered because the river was blocked by timber and the configuration of the river required the inclusion of more territory on the plan than had been anticipated. Therefore additional payments of \$236 were authorized.

408. Mr. T. P. Reid: Would the Minister of Community and Social Services please provide the terms of reference and the original agreed upon price for the consultant, Bailey and Rose? Please provide the expanded or changed contract and the amount of additional funds that was paid to Bailey and Rose? (Tabled November 21, 1980.)

See sessional paper 318.

## INTERIM ANSWER

On question 410 by Mr. T. P. Reid, Hon. Mr. McCague provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

## CONTENTS

Friday, December 5, 1980

|  |      |
|--|------|
| Wine content legislation, statement by Mr. Drea .....  | 4977 |
| Death of Portuguese Prime Minister: Mr. Wells, Mr. S. Smith, Mr. Cassidy .....                                   | 4977 |
| Interest rates, questions of Mr. Welch: Mr. S. Smith .....   | 4978 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy, Mr. G. I. Miller, Mr. Isaacs ..... | 4979 |
| Plant closures and termination entitlements, questions of Mr. Elgie: Mr. Cassidy, Mr. Swart .....                | 4980 |
| Treatment of handicapped patients, questions of Mrs. Birch: Mr. Cassidy, Mr. McClellan .....                     | 4981 |
| Dioxin testing, questions of Mr. Parrott: Mr. Kerrio, Mr. Isaacs, Mr. Gaunt .....                                | 4982 |
| Exemptions from Mining Act, questions of Mr. Brunelle: Mr. Foulds .....  | 4984 |
| Housing Authority costs, questions of Mr. Bennett: Mrs. Campbell, Mr. Cassidy, Mr. S. Smith .....                | 4984 |
| Canada Metal plant, questions of Mr. Parrott: Mr. Renwick .....  | 4985 |
| Guelph textile firm, question of Mr. Grossman: Mr. Worton .....  | 4986 |
| Bendix Corporation, question of Mr. Grossman: Mr. B. Newman .....  | 4986 |
| Environmental hearings, questions of Mr. Parrott: Mr. McGuigan .....   | 4987 |
| Flood disaster relief, questions of Mr. Wells: Mr. Philip .....  | 4988 |
| Housing construction, question of Mr. Bennett: Mr. Epp .....   | 4988 |
| Report, standing committee on resources development: Mr. Villeneuve .....  | 4989 |
| Motions re committee meetings, Mr. Wells, agreed to .....  | 4989 |
| Wine Content Amendment Act, Bill 215, Mr. Drea, first reading .....  | 4989 |
| Farm Products Payments Amendment Act, Bill 216, Mr. Henderson, first reading .....                               | 4989 |
| Highway Traffic Amendment Act, Bill 217, Mr. Foulds, first reading .....   | 4989 |
| Tabling answers to questions 285-288, 306, 400, 401, 404, 406, 408 and 410 on Notice Paper: Mr. Wells .....      | 4990 |
| Estimates, Ministry of Revenue, Mr. Maeck, continued .....   | 4990 |
| Adjournment .....  | 5005 |
| <b>Appendix: answers to questions on Notice Paper:</b>   |      |
| Homes for former psychiatric patients, question of Mr. Timbrell: Mr. Breaugh .....                               | 5006 |
| Unlicensed practitioners, question of Mr. Timbrell: Mr. Breaugh .....  | 5006 |
| Physicians' qualifications, questions of Mr. Timbrell: Mr. Breaugh .....   | 5006 |
| Involuntary admissions, question of Mr. Timbrell: Mr. Breaugh .....  | 5006 |
| Legal aid, questions of Mr. McMurtry: Mr. Warner .....   | 5006 |
| Halton regional landfill site, questions of Mr. Parrott: Mr. Isaacs .....  | 5007 |
| Baycoat plant emissions, question of Mr. Parrott: Mr. Isaacs .....   | 5007 |
| Storage and transportation of pesticides, questions of Mr. Parrott: Mr. Isaacs .....                             | 5007 |
| Payments to consultants, questions of Mr. Wiseman: Mr. T. P. Reid .....  | 5008 |
| Interim answer: Mr. McCague .....  | 5008 |

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**SPEAKERS IN THIS ISSUE**

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Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)  
Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)  
Bryden, M. (Beaches-Woodbine NDP)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Chairman (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Epp, H. (Waterloo North L)  
Foulds, J. F. (Port Arthur NDP)  
Gaunt, M. (Huron-Bruce L)  
Grande, A. (Oakwood NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Lupusella, A. (Dovercourt NDP)  
MacBeth, J. P.; Deputy Chairman (Humber PC)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
McClellan, R. (Bellwoods NDP)  
McGuigan, J. (Kent-Elgin L)  
Miller, G. I. (Haldimand-Norfolk L)  
Newman, B. (Windsor-Walkerville L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Philip, E. (Etobicoke NDP)  
Renwick, J. A. (Riverdale NDP)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Energy and Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Worton, H. (Wellington South L)



No. 134

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Monday, December 8, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back.

An alphabetical list of members of the Legislature of Ontario, together with lists of members of the executive council, the parliamentary assistants and the members of all standing and select committees, also appears at the back as an appendix.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

MONDAY, DECEMBER 8, 1980

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### DEATH OF DON O'HEARN

**Hon. Mr. Davis:** Mr. Speaker, it was with deep regret and a sense of profound personal loss that I learned earlier today of the death of Donald O'Hearn, a gentleman and a journalist.

Donald was associated with Queen's Park for more than four decades, earning the reputation of a distinguished political commentator. He was an observer but he was also—and I speak personally here—a participant in many respects. Through the years Premiers, Leaders of the Opposition, members of the House, civil servants and press gallery colleagues have turned to Don as a confidant, respectful of his wit and wisdom, his knowledge and his insight. To the thousands of faithful readers across Ontario, Don's name was synonymous with Queen's Park.

For those of us fortunate enough to know him personally, he will always be remembered as an independent and fiercely proud individual. For us, too, the familiar figure, the brown fedora always at the correct angle, on occasion the kid gloves and umbrella in hand, was very much a part of Queen's Park.

Don preferred his earlier days here when life was somewhat less hectic and there was more time to devote to forming the kind of respect and friendships that survive partisanship and heated debate. Don used to say of the Legislature in recent years, "The fun has gone out of the place," and perhaps there are some days when some of us might agree with that. Perhaps we could all take a lesson from our predecessors who knew somewhat better than us when to put our differences aside and when to stop taking ourselves quite as seriously as we do on some occasions.

He was every inch a newspaperman, often impatient with change brought about by the demands of electronic journalism. Don set some difficult standards and from among his

peers only those who measured up qualified for his respect and friendship. Don O'Hearn has left behind enough stories and legends to fill a very large book. It is very sad that he did not write his memoirs, because he was somewhat of a legend himself. In the retelling of stories by colleagues from across Canada who mourn his loss, we will all be reminded that he worked hard and played hard. In many ways, Don was the last of an era in which he and his colleagues like Jack Pethick and Roy Greenaway left an indelible mark and were as colourful and well known as the people they wrote about.

Don was a wise man who never hesitated to share his wisdom with others, particularly young reporters and neophyte politicians taking their first steps through the maze of Queen's Park. I can attest to this personally as can, I am sure, many other current members of the Legislature.

To his family I take this opportunity to extend, on my behalf and on behalf of his many friends and colleagues at Queen's Park, our very deepest sympathy at this very sad time. Don O'Hearn will be missed.

**Mr. Nixon:** Mr. Speaker, my colleagues in the Liberal Party and I want to join in the expressions of sympathy put before the House by the Premier. We are very saddened at the news of Don O'Hearn's death. He has been a fixture in the press gallery and in this building and in politics for many years. Probably he was well known and respected even before the Premier was elected. His record does go back.

He has not always been exactly prescient in his predictions. I recall at the beginning of 1962, as was his custom, he wrote an article picking out the man of the year. The choice was difficult in 1962. He had to pick two, Bob Macaulay and Bob Nixon. I think probably in his view we were both somewhat disappointments, but I can recall his active interest not only in reporting politics but also in politics itself.

We knew on this side that he had been very ill during the last few weeks. I know that many of his old friends were able to chat with him even, I guess, just a week

ago. He was able to respond with much of his vigour and knowledge of the current scene. He will certainly be missed. I am not sure I agree entirely with the Premier, who was quoting Don, in his absence, as saying perhaps it wasn't as much fun around here as it was. I think there is a tendency for people, as they grow older, to think things perhaps are less fun. It is sad and difficult to realize that happens when really the procedure here and, I suppose, the fun, if you want to call it that, goes forward. Don would be the very best person to observe that and write about it with feeling, prescience and humour. He certainly will be missed, and we will miss him.

**Mr. Cassidy:** As a former newspaperman, Mr. Speaker, I want to join in the comments made both by the Premier and the former leader of the Liberal Party and extend my condolences and the condolences of the New Democrats to Mr. O'Hearn's family. I say, "as a former newspaperman," because Don O'Hearn was one of a vanishing breed now of parliamentary reporters, both in this parliament and in the Parliament of Canada, who stuck to their craft as a lifetime career, rather than holding to it only for a period of years before going on into other metiers, such as public relations or, dare I say, such as politics.

I think the nation and the province is the poorer for not having had more newspapermen who continued to hold to that avocation, to that career for a lifetime, for being deprived of the kind of wisdom, knowledge and sense of continuity of events which only comes when a person stays in the newspaper field for a lengthy period of time as Don O'Hearn did.

In his latter years, when as a member I got to know Don O'Hearn for the last eight or nine years, he continued to have a strong influence in portraying what happened in this Legislature, particularly in the smaller communities of Ontario which carried his column through the Thomson press. He was here when my colleague the member for York South (Mr. MacDonald), who had not yet been elected to this Legislature, was working in the national office of the Co-operative Commonwealth Federation. Don O'Hearn began his lifetime career in this Legislature back in the 1940s and had that continuity which too many of us, too often don't have.

2:10 p.m.

I would like to say to some of the members of the gallery that I hope one or two of them will see fit to stick around to

do to the Ontario Legislature what Don O'Hearn attempted to do and that men like Charlie Lynch or Bill Wilson have done in Parliament at the national level. It is an honourable calling. It is a craft and a calling which Don O'Hearn fulfilled with dedication, with zeal, with vigour, with a sense of fun. He always thought it was important and he was right to do so.

**Hon. Mr. Davis:** Mr. Speaker, I will not ask the leader of the New Democratic Party to identify those journalists in the gallery that he would like to see stay here for some 35 or 40 years. I am sure one of them is the distinguished columnist for the Toronto Sun.

I assure the House leader of the Liberal Party that anything I might say would not reflect my own personal point of view. I really do have fun most days of the week in this Legislative Assembly, and I want to make that clear.

**Mr. Nixon:** I was detecting a certain deterioration.

**Hon. Mr. Davis:** No, no. Greying of the hair a little bit, but intellectual deterioration I have not yet experienced.

**Mr. Nixon:** No. It is the things that the Premier can't help that I worry about.

**Hon. Mr. Davis:** I understand that, Mr. Speaker, and the next statement does give me a certain sense of satisfaction and I know that will be disturbing to the Leader of the Opposition (Mr. S. Smith) and some members opposite.

#### URBAN TRANSPORTATION DEVELOPMENT CORPORATION

**Hon. Mr. Davis:** Mr. Speaker, I would like to take a few moments to comment on Saturday's announcement out of Vancouver—it was early Saturday morning and some of us left there late Friday—by the Minister of Municipal Affairs, Mr. William Vander Zalm that British Columbia's Urban Transit Authority has been given the green light to proceed immediately with the design and construction of a 22.4-kilometre, advanced light rapid transit system for greater Vancouver. The cost to the BC government will be, as reported, \$650 million, a cost to be shared between the BC government, 66 2/3, and the municipalities, 33 1/3.

The Ontario Urban Transportation Development Corporation will provide the technology and assume responsibility for the implementation of the project as prime contractor.

I have not included in my statement some of the rhetoric used by some members opposite in days gone by. I have not even got a phrase in here to the Leader of the Opposition, saying, "I told you so." That is not in my statement.

**Mr. Kerrio:** If the Premier keeps trying, he's got to do something right.

**Hon. Mr. Davis:** I have to say to the member for Niagara Falls it is just one other clear indication of the foresight, the wisdom, the logic and the intelligence of the existing government and why we will be here for another 10 years in spite of what the people opposite do.

This, I am sure all members will agree—I can see the delight opposite—is a most important and encouraging decision; it is a decision that justifies the faith this government has maintained in the intermediate-capacity transit system development program.

Our aim has been to promote not just a superior technology that would satisfy the immediate future requirements of urban transit in Canada but also an industry in this country that would provide skilled employment opportunities and attract manufacturing investment dollars, as well as providing an affordable, innovative, efficient alternative to rapid transit for cities of all sizes.

**Mr. Martel:** Socialism is great, isn't it? Too bad the Premier wouldn't get a little more involved.

**Hon. Mr. Davis:** I have to say this to those in the New Democratic Party: They were not quite as critical in the development of this as others, but I can recall a few things said by that party too with respect to this.

**Mr. Martel:** Now if we could get some mining equipment for Ontario.

**Hon. Mr. Davis:** I have a bad cold today; don't interrupt me.

For example, in the greater Vancouver region this technology—designated as advanced light rapid transit, or ALRT—will provide both regional and downtown rapid transit along routes that include underground, some at-grade and some elevated alignments, and will be served by short, compact trains, powered by linear induction motors which will provide fast, quiet, frequent, all-weather transit at all times of the day or of the night. It will go around corners, Mr. Speaker, and I am waiting for the Leader of the Opposition to find his way around this corner. I do not know how he is going to do it.

**Hon. Mr. Timbrell:** He has already gone around one too many.

**Hon. Mr. Davis:** I would never say he has been around the bend.

The selection of Ontario's ICTS technology by the BC government and its transit agency and planners leaves no doubt about the merit of this technology and the value of this government's investment in this kind of industrial development.

**Mr. Peterson:** Why the money-back guarantee?

**Hon. Mr. Davis:** Just wait.

Mr. Speaker, further proof of this merit, if it is still needed, is the fact that the American federal government's Urban Mass Transit Administration (UMTA) undertook an evaluation of UTDC's capacity to supply and deliver equipment. Such an evaluation is a prerequisite to bidding for any major contracts in the United States. It was a 30-day evaluation; it was prolonged, detailed, exhaustive—I could hardly stand the pressures—and the UTDC qualified to undertake prime contract responsibility for delivery of complete rapid transit systems. As a result, we are currently negotiating with Los Angeles, Detroit and Miami for similar sales of similar systems. If we are successful, I will be delighted to take the House leader of the Liberal Party with me to either Miami, Los Angeles or Detroit to turn the sod.

**Mr. Nixon:** I've had these offers before. You always back out. You never deliver.

**Hon. Mr. Davis:** This is an offer I know he will accept.

**Mr. Bradley:** Has the Social Credit bailed you out again?

**Hon. Mr. Davis:** If anybody really needs bailing out, it is the member for St. Catharines. He should just wait some two months from now. He is in trouble. I am even prepared to lay a wager.

I am also happy to say that this first commercial application outside of Ontario of our transit technology is also evidence of its national scope involving, as it does, the co-operation of two provincial governments, a west coast municipality and even possibly the federal government, which recently stated it was prepared to consider participation in the Vancouver project as an industrial development initiative. To this end, because there will be joint employment benefits resulting from the construction and assembly of rolling stock and operating technologies, UTDC and the BC authority will work out suitable and equitable production elements.

I would like to add that this kind of co-operation underlines that, despite political differences which all too often dominate people's thinking, we in this country do have a real and working spirit of Confederation.

Perhaps one aspect of the agreement deserves particular attention since it has been a featured aspect of news reports. I refer to the so-called "money-back guarantee." This is, in fact, a \$300-million bond that will be posted by the government as a guarantee that the trains will perform reliably. It is, in the vernacular of the trade, very simply a performance bond such as is sought and given on all these undertakings. Such bonds, as members will be aware, are part of standard business practice for contracts of this type. In turn, that means the potential for the export of our technology and the growth of a national industry is within our reach, and that means jobs and investment, as I noted earlier.

In the meantime, the Hamilton rapid transit project, which was authorized earlier this year, is proceeding. If the regional municipality approves the design and the routes now under study, we shall be able to move into the construction stages within the next 12 months, and I invite the Leader of the Opposition, and one of the members opposite who has never been that helpful, to join me once again, he in his role as Leader of the Opposition, me as Premier of the province, when the sod or whatever is turned for one of these systems, in Hamilton, some 12 months from now.

I hope therefore, the day is not far away when this outstanding example of Canadian knowhow, development and technology will be in place in both the east and west of this country and available for export to many other nations of the world.

2:20 p.m.

#### HEALTH PROTECTION LEGISLATION

**Hon. Mr. Timbrell:** Mr. Speaker, I would like to table today a discussion paper on the proposed Health Protection Act for the information of the honourable members. This paper is being circulated to local boards of health and municipalities across the province. It represents the second stage in the development of a new act to replace the existing Public Health Act, which was originally written approximately 100 years ago.

The proposed Health Protection Act also reflects my ministry's policy of shifting emphasis from acute institutional care by developing health care delivery strategies fo-

cused on disease prevention and other programs based in the community.

As the honourable members will recall, my staff completed the first stage of the Health Protection Act project earlier this year, with the development of a package of core public health proposals to be included in the new act.

Incorporating these core programs into legislation not only will provide a clear legislative mandate for the delivery of public health services in the province but also will remove many of the existing inequities in program delivery. In so doing, it will provide access for all Ontarians to what public health authorities consider to be a basic level of service.

Following the development of the core proposals, a series of meetings was held across the province to introduce the concept to local municipalities and boards of health. These meetings were held in Toronto, Ottawa, London, Hamilton, Owen Sound, Trenton, Sudbury, Timmins and Thunder Bay. All the meetings were well-attended and, without exception, representatives of municipal authorities and boards of health members endorsed the concept of core public health programs. The distribution of this discussion paper I am tabling today marks another step in the consultation process which has been a vital part of the development of the new public health legislation.

Following consideration of the discussion paper, we will be holding a conference in late January with local municipal representatives and members of boards of health. At that meeting, we will not only receive their comments on the discussion paper but also discuss in detail the proposals for the new Health Protection Act. My staff will then be in a position to refine these proposals in preparation for the third stage, namely, the introduction of the new bill into the Legislature which, as I have indicated on a number of occasions, is planned for the spring session.

#### MINISTRY OF HEALTH ANNOUNCEMENT

**Mr. O'Neil:** Mr. Speaker, I rise on a point of privilege. On November 27 of this year, the Minister of Health (Mr. Timbrell) visited my riding to announce the expansion of the home care program to include the chronically ill. The announcement was made by him at the Belleville General Hospital, which is in my riding, and the announcement concerned a large portion of my riding which is in Hastings county.

The announcement reads: "Belleville, November 27: A program to enable the chronically ill people to be cared for at home will soon be expanded in the counties of Hastings and Prince Edward. The program was announced today by the Health Minister, Dennis Timbrell, Clarke Rollins, MPP for Hastings-Peterborough, and James Taylor, MPP for Prince Edward-Lennox."

I would like to point out to the minister that, when fellow colleagues of his visit my riding, they usually have the courtesy and good common sense to notify me. They are also usually aware of whose riding they are in. When the minister uses an announcement such as this to play politics with the sick and elderly of my riding, I feel it is a real slight to the people of Quinte who have democratically elected me as their representative—might I say by 700 votes in 1975 and more than 7,000 in 1977.

I find this announcement by the minister to be totally lacking in judgement, misleading and not becoming of a minister of this government.

**Hon. Mr. Timbrell:** Mr. Speaker, I thank the honourable member for adding that extra emphasis to the announcement. When he joins the Progressive Conservative Party and is prepared to support the Ministry of Health, rather than always trying to cut it down—at one point his party tried to slash our budget by \$50 million—then I will add the member's name.

#### STATEMENT BY LEADER OF THE OPPOSITION

**Hon. Mr. Davis:** Mr. Speaker, on a point of privilege: The Attorney General (Mr. McMurtry) has a bit of the flu. I am very concerned. I am sure the Leader of the Opposition will either want to apologize for or perhaps alter what he is reported to have said on Friday evening.

I will just quote what he said; I am not going to fuss about it. Members can make whatever determination they want. He said: "While the possibility exists that the documents could be 'laundered' before the opposition sees them, he is maintaining a scientific scepticism"—whatever that means—"and won't 'blame' anyone before the fact."

I am not objecting to the Leader of the Opposition already having made up his own mind on this situation. However, I take issue with him on behalf of those public servants who have the responsibility for dealing with this issue that is before the committee. The suggestion by the Leader of the Opposition that these documents may

be laundered before they reach the committee is a very questionable observation to make about the senior law officers of the crown in this province. I invite him to either say he did not make it or that he would apologize for it.

**Mr. S. Smith:** Mr. Speaker, I am very happy to have the opportunity to correct that. The question I was asked by a reporter was whether I was certain we would be getting all the documents or whether some would have been selected. The reporter asked whether some might be given to the police for their purposes and some given to the committee. I said I had no way of knowing whether—

**Hon. Mr. Davis:** You knew exactly what the arrangements were.

**Mr. S. Smith:** I am going to answer the Premier's point.

**Hon. Mr. Davis:** Did the member use the word "launder"?

**Mr. S. Smith:** Yes, I am going to give it to the Premier in a moment. He should just listen for a moment.

I said it was always possible that documents could be laundered. But—and the operative point is this—I was making no accusations. I also stated that at no time was I suggesting this would happen. I was simply saying—

**Hon. Mr. Walker:** Withdraw it.

**Mr. Wildman:** Are you a psychiatrist or a lawyer?

**Mr. S. Smith:** If members want to hear it, they might as well hear it.

The question I was asked was whether they could be laundered. The answer was, "Yes, it could be, but I am making no such accusation whatsoever." That is what the discussion was.

Interjections.

**Mr. S. Smith:** I may just add to that statement regarding the beginning of the conversation. The conversation was, "Are you sure you are going to get all the documents, because a certain minister of the crown"—I am now quoting a journalist—"is going around saying, 'Those Liberals will be sorry they asked for those documents, because they are only going to find Liberal names and no Conservative names.'" That was the preface to the question: "Do you think they could be laundered?" I said, "Maybe they could, but I am making no accusations." I just thought I would give members the full context. It was a certain minister of the crown.

**Hon. Mr. Drea:** Just to clear that up, Mr. Speaker, I did not say "Liberals." I said "other parties."

**Mr. S. Smith:** Other parties, yes. Now we have it on the record from the Minister of Consumer and Commercial Relations what he was brouhahaing to the press.

## ORAL QUESTIONS

### ENVIRONMENTAL HEARINGS

**Mr. S. Smith:** Mr. Speaker, I will ask a question, if I might, of the Minister of the Environment. It has to do in particular with his interview on last night's CTV News. In that interview he said, and I quote: "We have made a concentrated effort in the last year and a half for the hearing process to work and it has not." He also said, "The greatest effort has been made to have the hearing concept work, and that concept has not worked."

I ask the minister to recall that on June 5 of this year we had an interesting set-to in committee. He practically had apoplexy asking me to swear allegiance to the hearing process. He said, "Will you say that you believe in the board and its process?" Again, "Will you say that you believe that the process will do well, not only for the constituents of Harwich, but for the other hearings that are equally important?" I stated, "Yes, I believe in the board and its process."

**Mr. Speaker:** Is there a question here some place?

**Mr. S. Smith:** Yes. Can the minister explain what has happened since June 5, 1980, when he believed so deeply in the process, and last night, when he said the process has been a failure and he no longer believes in hearings?

**Hon. Mr. Parrott:** Mr. Speaker, I think a great deal has happened in that time. On that occasion—and I do recall it well—the Leader of the Opposition eventually did say he believed in the process. What has happened in those five or six months is that he and the members of his party have consistently made a very conscious and significant effort to make it not work. That is what has happened in the last six months. It is that simple.

**Mr. S. Smith:** The minister not only has lost faith in the process of hearings, apparently, but now has given up, it would seem, on the judicial process as well. Browning-Ferris Industries in Harwich, which had its licence quashed in the courts, is continuing to operate with his permission under an expired licence which he now says the com-

pany should continue with even though the township went to court and won its case against the company. Will the minister explain what process he does believe in, if he does not believe in hearings and now subverts the judicial process as well?

2:30 p.m.

**Hon. Mr. Parrott:** I think the Leader of the Opposition should take that back. It is not a supplementary by any stretch of the imagination, but let me address the question nevertheless, Mr. Speaker.

We will accept the decision of the court. I had a meeting with BFI this morning; the company will accept the decision of the court. It is that simple. Again, if the leader would only try to understand the issue rather than make all these accusations that sound so nice but have no foundation, it would help all of us understand the issue.

We will not be appealing that decision. When I have a chance to see that particular decision in writing, and we are pressing to get that particular decision, we will abide by that decision.

**Mr. Cassidy:** Mr. Speaker, a supplementary to the Premier on the question of hearings: Since it was the Premier a week and a half ago who said there would be hearings in connection with the South Cayuga dump, and since we have been unable to determine from the Minister of the Environment what the nature of any hearings would be, could the Premier perhaps share with the House what will be the nature of the hearings with respect to the proposed liquid waste facilities in South Cayuga? Will they be carried out by some independent body or tribunal, and what access will the public have to all the material on which any hearings will be based?

**Hon. Mr. Davis:** Mr. Speaker, I will go back to what I said to the honourable member a few days ago. I will only recall for his purposes the fact that the Minister of the Environment has undertaken certain conversations with Dr. Chant, who has assumed the responsibility. Part of those discussions, although I was not privy to them, related to the fact that some of the technical aspects would be available for public discussion. I am not sure I am right in this, but I think the Minister of the Environment and I are meeting Dr. Chant this afternoon, when I expect this matter will be further explored.

The point that has to be made is that the hearings as envisaged by the act will not be proceeding, but the opportunity for the public to have an awareness of the technology, the information et cetera has never been in any doubt.

I know the position of the honourable members opposite with respect to this issue, but I remind them of something else. I will restate it, in case they did not hear it from either the minister or me. This facility will be the finest anywhere in the world. It will not be an environmental hazard to anyone, whether 50 feet away or two miles away. It is the most creative and imaginative solution to a problem that is besetting all of North America, and this province will be in the lead. When we are finished, we will have a plant here that will be an example for every other jurisdiction in Canada and in the United States.

**Mr. S. Smith:** Supplementary, Mr. Speaker; perhaps I might ask it of the Premier because of his comments just now: Since SCA also says that its plant is the most modern and will be an example for all of North America, and since there will be hearings there, will the Premier admit that the reason the Minister of the Environment has not gone to those hearings to represent the interests of Ontario is that he would be awfully embarrassed if, while he was on the witness stand, SCA were to say, "Are you not doing the same sort of thing on your side of Lake Erie, with the effluent going into Lake Erie, and can we come to your hearings to make objection or to raise questions just the way you have come to ours in New York state?" Would the minister not look just a little foolish trying to protect Ontario's interests in New York state when we do not even have hearings when we are proposing the largest toxic facility of this kind on our side of the Great Lakes?

**Hon. Mr. Davis:** Mr. Speaker, I will answer only one part of the question, and the honourable member can redirect the more technical aspects to the Minister of the Environment.

I must say to the Leader of the Opposition that I have yet to find him in a position where he can at any time say the Minister of Environment is caught in an embarrassing position. If anyone is caught on issue after issue, in embarrassing positions, changes of positions or laundering documents, it is the Leader of the Opposition in this province and not the Minister of the Environment.

#### URBAN TRANSPORTATION DEVELOPMENT CORPORATION

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question to the Premier on the subject of the sale by the Urban Transportation Development Corporation to British Columbia. We are pleased to see this sale taking

place, but we are a little concerned that the mayor of Vancouver was on the radio today saying he feared they are buying a pig in a poke. Since it does appear it took a \$300-million performance bond to get this sale, will the Premier kindly table in the House the exact conditions of the contract and the exact conditions of this performance bond so we will know what the taxpayers of Ontario are going on the hook for? In particular, since the Premier refers to this as simply standard business practice, does he remember it was not standard business practice in dealing with Babcock and Wilcox?

**Hon. Mr. Davis:** Mr. Speaker, I had a note from somebody in the press gallery about that latter matter, and I do not think the two are related. I say that with great respect to the gentleman who sent me the note. Perhaps he also sent it to the Leader of the Opposition. I do not know.

**Mr. S. Smith:** No, he did not.

**Hon. Mr. Davis:** I do not care whether the member gets his notes from Harold or Jimmy or whoever he gets his notes from. I do not care.

I can only say that the provision of a performance bond for a contract of this nature is standard within the industry. We will be delighted to table it when the bond is formalized. I will even support the establishment of a select committee of the Legislature to determine that the bond was not laundered before it was signed, if it will make the Leader of the Opposition happier.

**Mr. S. Smith:** The Premier might do well to talk to the Minister of Consumer and Commercial Relations (Mr. Drea) and ask him why he told the press the documents will all have Liberal names and not Conservative names. He might just ask the minister what he meant by that comment. The Premier might launder his mind when he comes into this place and makes his own statements in this House. It is a bit like brainwashing but slightly different.

May I ask the Premier whether he knows if UTDC, which will act as a contractor and will subcontract out the manufacture of the various components of this system, will be receiving from the various subcontractors a performance bond so, if it is found that the reason the system may have some difficulties is a problem with one of the subcontractors, the people of Ontario will not end up on the hook for money and the money will be recovered from the other manufacturers?

**Hon. Mr. Davis:** I can only make one observation. I understood it was the Lead-

er of the Opposition's profession that did mind-laundering, not mine. I will not pursue that any further here this afternoon. I sense his embarrassment.

**Mr. Speaker:** I think that has been washed long enough on both sides.

**Hon. Mr. Davis:** Mr. Speaker, I will bow to your total wisdom on most issues.

**Mr. S. Smith:** You and your innuendos.

**Hon. Mr. Davis:** It is there in print. The member had a chance to apologize and he would not. Here it is. I will send it over to him to read.

**Mr. Speaker:** Order: Does the Premier have a reply?

**Hon. Mr. Davis:** Mr. Speaker, I do have an answer to the question.

**Mr. Van Horne:** You are boring.

**Hon. Mr. Davis:** If the member for London Centre has the gall to refer to—London North? Who said I was boring?

**Mr. Peterson:** I think you are boring.

**Hon. Mr. Davis:** If I am boring, where does that put the member? Worse, I know.  
2:40 p.m.

Mr. Speaker, I can assure the Leader of the Opposition that this contract entered into by UTDC with, I assume, the greater municipality of Vancouver or whatever authorities, probably the government of British Columbia, which will contain a performance bond where obviously some of the work will be done by firms in other parts of Canada, that those firms will follow the normal business practice.

I know it bothers the honourable members to see this thing succeeding. It upsets them; I know that. Here we have the member from a riding—and I will not refer to the member, because he will not apologize either—who refers to this as a great turkey. I have to say, this great turkey has emerged as one of the great economic pluses of this country. Are the honourable members going to change their minds? Yes, we will make sure the interests of the taxpayers of Ontario are well protected.

**Mr. M. Davidson:** Mr. Speaker, can the Premier confirm newspaper reports that in addition to the \$300-million performance bond, there is also a commitment on his part that certain component parts of the Urban Transportation Development Corporation rail service will be manufactured in British Columbia. If this is true, does he not feel the performance bond is greater than the \$300 million, given the loss of jobs that will create in this province?

**Hon. Mr. Davis:** Mr. Speaker, I do not know where the honourable member learned his arithmetic, but there will be an agreement or an understanding with the government of British Columbia. Obviously the guideway system is going to be built in British Columbia, because that is where it is geographically located. Certain other aspects of the vehicle itself may be assembled in British Columbia, but I have to say to the honourable member, if he starts from zero and if this means X hundred jobs in Ontario and X hundred in British Columbia so that there is a net plus of several hundred jobs, how can he say this leads to a loss of jobs?

I took the old math, and in the old math that sounds to me like a plus, not a diminution. I say to the honourable member that there will be a plus in numbers of jobs. Because it is the person or the group putting up the money where the facility is being built, it will be another province in Canada where a certain amount of the work will be done. That is how we get these things accomplished, and I do not think it diminishes the obligation for or the practice of the industry to provide a performance bond for the total facility.

Interjections.

**Hon. Mr. Davis:** Yes, the honourable member should get his colleague out of the way. How can I talk to him when he is interrupting and ignoring these pearls of wisdom as I speak?

**Mr. Cunningham:** Mr. Speaker, a supplementary. Given the fact that \$100 million of Ontario taxpayers' money has been spent on this, do we recover our development costs with this sale?

**Hon. Mr. Davis:** Mr. Speaker, I have checked the rules very carefully. I am not going to be provocative this Monday, but I would just say to the member who asked the question that there is nothing in the rules that obliges a member of this government to answer. I would be delighted to answer if the honourable member would do himself and this House a service first; if he will make a very simple apology to the member for Oriole (Mr. Williams), I will be delighted to answer his question.

**Mr. Cunningham:** I have nothing for which to apologize whatsoever, and I ask the Premier to answer that question.

Interjections.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Mr. Cassidy:** Mr. Speaker, I have a question of the Premier in respect of severance pay



for workers who are affected by layoffs and shutdowns over the course of this winter. Since the recommendation of the select committee on plant shutdowns and employee adjustment was unanimously endorsed by the Conservative members as well as the Liberals and the New Democrats; since that was seen as an interim recommendation to take us over the winter to protect workers, and since the government has repeatedly said it is not opposed in principle to the idea of severance pay, will the Premier now undertake that the legislation for severance pay will be brought forward by the government this week so it can adopt it before Christmas to protect workers this winter?

**Hon. Mr. Davis:** Mr. Speaker, the government's position is quite clear. As the Minister of Labour (Mr. Elgie) has said and as I have said, we do not have a philosophical or ideological problem with the principle of severance pay. My recollection of the discussion and the understandings that were reached was that we appointed a committee of this House with specific responsibility to deal with this particular issue and associated issues.

We have had an interim report, and I am not being critical of the committee except to make this observation, that there are yet a number of groups who have points of view to express, concerns to be registered and perhaps constructive suggestions to be made as to how this might best be dealt with. The government's preference, quite obviously one that will be maintained and I think is the wise course to follow, is to have the committee continue to deal with this situation. The committee is going to finish its hearings by February 5, and the government will then have the report from it dealing with these issues.

I have discussed this with people who have conflicting points of view. Once again, it is not a straight philosophical problem. The problem is in developing a solution that is workable and does not have an inhibiting effect on the growth and investment in industry in this province. We saw that coming out in the committee's deliberations. That is still, by far, the preferable route to go.

**Mr. Cassidy:** Can the Premier then explain why it is the government is acting in such an inconsistent way? Last Thursday it was prepared to bring forward proposals for pension protection of workers, inadequate proposals but proposals none the less, which have had no more discussion within the select committee on plant shutdowns and employee adjustment than the question of severance pay. Why is it he is prepared to move on the

pension proposal in the next week and not on severance pay? Is it the fact that government has caved in to the representations being made by the business lobby and the chambers of commerce?

**Hon. Mr. Davis:** The New Democratic Party may cave in to representations made to it. We do not work that way on this side of the House.

**Mr. Breaugh:** Oh, come on.

**Hon. Mr. Davis:** I say to the member for Oshawa that he is one of the greatest cave-in artists I know.

I say to the leader of the New Democratic Party that in the minister's opening statement we made it very clear that the pension bill that would be brought in is an interim solution. We also made it quite clear that, while we were not objecting in principle to the concept of severance pay, we saw a workable solution to the pension issue but we wanted the general community to have an opportunity to discuss the question of severance pay with the committee. That was clearly understood at the time the committee—which, incidentally, the member insisted be structured and which we agreed to; that was the understanding at the time the committee was structured.

**Mr. B. Newman:** Mr. Speaker, I have a supplementary question of the Premier. Is he considering the date on which the House approved the severance pay and having it made retroactive to that date rather than having it set up from some date in the future?

**Hon. Mr. Davis:** Mr. Speaker, I think that is one of the considerations that I would hope the committee in its wisdom would give us some advice on. During the intervening period of time—and we are not talking of a very long period of time, when the committee can complete its activities; we are talking of some two months, by and large—I would hope the committee might have some recommendations, in the hope that the actual problem in that period of time would be very limited in any event.

**Mr. Cassidy:** Can the Premier explain to me and to workers across the province, since there is a strong likelihood there will be some plants that will be shut down by their owners over the course of the next two or three months, there will be workers who will be put out in the street with notice but no other means to look for another job at a time of unemployment running at seven per cent or so, can he say how those workers will meet their bills, buy their Christmas presents, pay their food bills at Dominion Stores, pay their

mortgages or their rents on the basis of promises and declarations in principle from the government if those promises are not backed by the interim solution of legislation proposed by the select committee on plant shutdowns? Why is he not prepared to bring in that interim solution now?

**Hon. Mr. Davis:** Once again, I will not repeat all that I said, which I thought was fairly clearly understood some six weeks ago when the committee, which I think by and large at the suggestion of the member and some other members opposite, was appointed to deal with this issue. The principle of pensions has always been with us. The short-term solution for the pension situation is easier to determine.

The question of severance pay as a statutory requirement is a new principle here in this province; I do not say it is a negotiated agreement. I have to tell the member it will be new when it happens in any jurisdiction in North America. With great respect, the member can shake his head but I have not learned of any others that have it.

I say to the leader of the New Democratic Party, it is an issue where we were quite genuinely anticipating the constructive advice from the select committee.

2:50 p.m.

**Mr. Cassidy:** You have the advice. They say to do it now.

**Hon. Mr. Davis:** With great respect, the member has talked to me about hearings; he has made a great issue of South Cayuga. I have to tell him, if that is the kind of hearing he envisages the select committee to have, then he is just contradicting whatever he has said about South Cayuga.

I have to tell him, there are individuals, small businessmen, small companies—I am not talking about the multinationals, the chamber of commerce or the Canadian Manufacturer's Association—who have been told and who are most anxious to acquaint the members of this House with their concerns. They were working, I guess, under the misguided feeling that the members of this House were fair-minded, objective and trying to treat it responsibly. Now he is saying those people will not have an opportunity to express a concern or a point of view. All I am saying to the member is there is a distinction.

#### ASBESTOS LEVELS

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Labour about the standards for exposure to asbestos in work

places which were published the other day and are now going before the advisory committee for consideration.

Will the minister tell the House how he can justify proposing a standard of one fibre per cubic centimetre for work-place exposure to chrysotile asbestos, in the light of the ministry's own admission in the report on asbestos in public buildings last spring, that "as with all other carcinogens, safe levels of exposure to asbestos are unknown"?

If there are no known safe levels of exposure to asbestos, why is he proposing a level of one fibre per cubic centimetre?

**Hon. Mr. Elgie:** Mr. Speaker, first of all, I think the member should have acknowledged that even the two-fibre standard we have today is the lowest in North America. Indeed, it is quite a bit lower than that of our neighbour to the east, the province of Quebec. In spite of that, we have evaluated the evidence, accepting that we just do not have the scientific evidence—and the member knows that—to know what exactly is a safe level. Nevertheless, we are making a move towards a reduced level—not without a lot of objection, I have to say, including objections from some of our neighbouring provinces. But we have made that decision and we are proceeding with it.

**Mr. Cassidy:** Can the minister say whether there is any scientific basis for the finding his ministry is proposing that there is somehow a safe level of exposure, particularly in the light of the opinion of the British advisory committee on asbestos that a one-fibre level of chrysotile asbestos would mean an excess number of deaths, and in the light of the US National Institute on Occupational Safety and Health, which reported last April, "There is no level of exposure below which clinical effects do not occur"?

If those are the findings of the most eminent British and American authorities, what is the scientific basis for the minister's findings that a one-fibre standard is adequate?

**Hon. Mr. Elgie:** I am really surprised that there is some suggestion we are not acting appropriately. We are moving ahead with the reduced standard in the face of the Royal Commission on Asbestos sitting to review this very matter in very broad ways. In spite of the fact that there is a royal commission sitting, we are nevertheless moving to reduce the level of asbestos in the work place.

**Mr. Mackenzie:** Supplementary, Mr. Speaker: The minister is proposing a different standard for chrysotile, amosite and croci-

dolite. Can the minister explain why he is proposing a different standard for these three different kinds of asbestos when the evidence we have from Dr. Selikoff, the most renowned expert on asbestos in North America, is that there is no difference in the hazards from these three major types?

**Hon. Mr. Elgie:** Mr. Speaker, I confess I do not have a deep understanding of the scientific basis for the difference. But the member knows that, in every country's standards, there is a variation in the levels with different types of asbestos because of the perceived difference in the hazard of different types of material. That is the basis upon which we are proceeding. I hope he will agree we are proceeding in the right direction.

#### UNIVERSITY FUNDING

**Mr. Sweeney:** Mr. Speaker, I have a question for the Minister of Colleges and Universities. Given the minister's statement of a few weeks ago that there was no significant decline in the funding-support for universities and colleges in this province; given the well-known fact that there is a tremendous shortage in this province and in the whole country of people in the areas of economics, computer science and commerce; given the University of Toronto has indicated it is going to have to reduce its enrolment in these very high-demand courses because it cannot afford to teach the students wanting to enrol, and it was not optimistic that other universities in Ontario would be able to absorb the students because they have the same financial problems the University of Toronto has, will the minister not now agree in the universities of this province we have a significant underfunding problem with respect to accessibility and enrolment in those very courses where there is the greatest demand?

**Hon. Miss Stephenson:** Mr. Speaker, I think the word I used was "dramatic," rather than significant. There is at this time—and the honourable member is very well aware of it—a committee that has been established to examine the ways in which our universities in this province may more appropriately meet the perceived needs of our society and its students over the next decade, in the relatively short term, the medium term and the long term.

In addition to that, the Ontario Council on University Affairs will continue in the very short term to discharge its responsibility in making recommendations to the minister regarding levels of funding and the distribution of those levels of funding that are made available.

**Mr. Sweeney:** Given that the report and brief given to the minister shows on page two, with respect to student enrolment and accessibility, the current public policy concerning accessibility to universities appears to be that all residents with a secondary school honours diploma—that is an average of 60 per cent—would have accessibility; given those figures plus the fact that the University of Western Ontario is now going to put a 4,000 limit on first year and Queen's University is going to put a 10,000 limit; given that the minister has said herself that the first two purposes of her study were to get a public statement of objectives and then to relate the costs; and given that the minister is going to have a broadly based committee—

**Mr. Speaker:** There are a lot of "givens" in there.

**Mr. Sweeney:**—given all these problems and that the minister says we are going to get the answers to them, how can she exclude, for example, from that committee faculty members and students to help to solve these very clear problems?

**Hon. Miss Stephenson:** Mr. Speaker, the committee that has been established has a major role to assume at this time, and that is to examine the overall position of the university system within this province and its relationship with government. Those are the areas in which I, as minister, have some responsibility. There will be opportunity for full and detailed discussion of that committee's report throughout the entire university community. I anticipate that will be done.

There is no doubt in my mind there are representatives on that committee at present who are very sensitive to student positions. There are representatives with current particular relationships to faculties within the province. There is no one appointed to represent a specific constituency within the educational system. The members of that committee are to provide a broad view of the university system and government's responsibility within that university system.

#### SUPERMARKET PRICING SYSTEM

**Mr. Swart:** Mr. Speaker, my question is to the Minister of Consumer and Commercial Relations. The minister will recall that he rejected legislation announced on August 1 of this year; that he had come to an agreement with the supermarkets and the retail council to keep price tags on individual products in the supermarkets. But the min-

ister will also recall that he found out in his food monitoring program for August, the month after this commitment was made, that the percentage of items without prices, tags or designation went up from 12.2 per cent to slightly more than 15 per cent.

May I inform the minister that last Thursday evening eight members of Consumers in Action did a survey in Loblaws on Main Street in Brampton and found more than 50 per cent of the products without individual price tags. They included such things as soup, cat food, tomatoes, Kleenex, pasta, cornflakes, all cereals, et cetera. Does the minister not realize that supermarket chains are thumbing their noses at the minister and removing prices by attrition? What is he going to do about it?

3 p.m.

**Hon. Mr. Drea:** Mr. Speaker, I have yet to see a supermarket chain that thumbed its nose at me.

**Mr. McClellan:** They are laughing too hard.

**Mr. Peterson:** Take them out to lunch.

**Hon. Mr. Drea:** I might go to lunch with them. At least it is an improvement. At least it is Canadian, instead of helping Buffalo.

However, what the honourable member says is true. I believe in the month of August there was a commitment from the supermarket industry not only to keep the prices on but also to put the prices that had been taken off back in the five or seven test stores. We do get some queries or concerns from time to time about people finding prices not on. We draw it to the attention of the supermarkets and, in all fairness, I must say they have been putting them on.

Unfortunately, I did not hear the name of the store. If the member wants to give it to me, I would be very glad to do so.

**Mr. Swart:** May I send over the documentation on this in that store from the survey being made?

**Hon. Mr. Drea:** He can distribute that to somebody. I don't need it. I'll take the member's word for it. Just tell me the name of the store.

**Mr. Swart:** The minister says to the best of his knowledge they are putting them back on. Why has he refused to meet with Cathy Farrell of the CBC who is investigating this matter? She has repeatedly asked to meet with the minister. She has documentation from all over the province with more than 1,200 signatures.

Is it not true that the minister agreed to have certain products, such as these, with-

out price designations on them? When is he going to stop being a flunky for the supermarket chains and bring in legislation to require the chains to price each individual item and retain price consciousness and price awareness for the consumers?

**Hon. Mr. Drea:** If only I could live this well at the racetrack, I would be a man of independent means. It just so happens that I have with me a little document concerning the letters Cathy Farrell of the CBC got and which she was good enough to hand over to me. Out of the first 500, only 19 had specific references or complaints concerning a price not being on. The rest of them were general letters that said, "I don't like the universal product code." The UPC really has nothing to do with whether prices are on or off.

**Mr. Swart:** It has a lot to do with it. That is why they are taking them off.

**Hon. Mr. Drea:** Out of the first 500, only 19 were specific. The stores involved in those 19 matters have received letters concerning the individual complaints. I compliment the honourable member for what he has done today. If he would do as much in pointing out to the world that that commitment has been made, I think it would go a long way towards reassuring the public. One of the problems in most of the letters we received is that the writers are unaware that the commitment has been made.

**Mr. Swart:** You are the one who is supposed to enforce it. That was your opinion, not ours.

**Hon. Mr. Drea:** Even the member's buddies in Saskatchewan, the Sweden of the north, are coming to see me as to how we did it when they cannot with all their legislation or their proposals.

**Mr. B. Newman:** Supplementary, Mr. Speaker: Is the minister aware that the use of the computerized checkout saves the store 1.2 per cent in its labour costs, that within three years those savings would pay for the computerized checkout and for that the retailer certainly has an obligation to keep the individual price tag on?

**Hon. Mr. Drea:** Mr. Speaker, over the past year or 18 months both the ministry and other organizations have done some very exhaustive analyses. I would like to correct the honourable member when he referred to labour costs, because the concept is that the big saving is not on labour in the store, but on labour in the warehouse and by inventory.

There is no question it leads to the more efficient utilization of labour. That is why in the work we did we insisted that whatever the expansion of that technology—certainly we have no quarrel with it being used in the warehouse and so forth—up to the checkout counter, not only must it be apparently beneficial to the consumer but also the consumers must want it. As a result of the very exhaustive survey this ministry did, which was tabled at the end of June, we pointed out the consumers did not want it and the industry has acted accordingly.

#### EMPLOYMENT IN LIQUOR STORES

**Mr. Bradley:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations regarding how to get a job in the liquor stores of Ontario. Will the minister inform the House when he is going to implement a policy in his ministry whereby individuals who wish to obtain employment in the liquor stores of the province may do so by being hired through Canada Manpower rather than having to go through the local designator of Tory patronage in the ridings of Ontario?

**Hon. Mr. Drea:** First of all, Mr. Speaker—

**Mr. Makarchuk:** The minister would like to protect the consumers the same way.

**Hon. Mr. Drea:** Why is the member always asking for a favour? Ha, ha, ha.

**Mr. Makarchuk:** The favour asked was for guys in the region.

**Hon. Mr. Drea:** Mr. Speaker, I tell you, the next person who comes here on Friday around my seat, I am calling Wally, the policeman.

**Mr. MacDonald:** Is that a threat?

**Hon. Mr. Drea:** No. But it should produce interesting results.

Interjections.

**Hon. Mr. Drea:** Mr. Speaker, the application forms are on file in the liquor store. A person walks in, gets one, fills it out and sends it to the personnel department in Toronto.

Interjection.

**Hon. Mr. Drea:** If the member for Niagara Falls is accusing me of allocating jobs in the liquor store, let him stand up and say so.

**Mr. Kerrio:** No.

**Hon. Mr. Drea:** If the member for St. Catharines wants to say I do it, let him stand up and say so.

**Mr. Bradley:** Is the minister denying to this House that the local person who dis-

penses patronage on behalf of the Progressive Conservative Party in the ridings across Ontario has no say in who is hired in the liquor stores in this province?

**Hon. Mr. Drea:** Yes.

**Mr. S. Smith:** Your nose is getting longer by the minute. His nose is going to hit the microphone.

**Hon. Mr. Drea:** Mr. Speaker, if some of the buffoons will be quiet, I will elaborate.

The first jobs on a permanent basis now go to temporary employees as a result of the labour agreement with the Liquor Control Board of Ontario employees' union. Secondly, applications for temporary employment are obtained in the local liquor store and are processed through. If anybody has an allegation in here that somebody interfered with the hiring process since I have been the minister, I would like him to table it.

#### FOOD INDUSTRIES PRACTICES

**Mr. MacDonald:** Some five weeks ago, the Premier was in receipt of a letter from Ralph Barrie, the president of the Ontario Federation of Agriculture, dated October 7, with reference to the Leach commission and its report into discounts and allowances. One paragraph of that letter stated: "The first step is that the federation wishes to request you, the Premier of the province and the leader of the government, to refuse to accept the report of the said Leach commission."

3:10 p.m.

Since most people have condemned this report as inadequate and since the Minister of Agriculture and Food (Mr. Henderson) copped out totally in commenting on it and the criticism of it from the opposition parties during consideration of his estimates, saying the matter now rests with the Premier, would the Premier mind informing the House as to whether he replied to that letter? If he did, what was said? Specifically what was said to Mr. Barrie with regard to his proposal that, instead of accepting the Leach report, he should respond to five specific recommendations they made?

**Hon. Mr. Davis:** Mr. Speaker, I think there are actually about a dozen questions there.

I will check to see whether I have as yet replied. It is a fairly large report. I must confess I have read some of the highlights but have not totally digested the report yet; so I may not have replied to Mr. Barrie as yet. If I have, I will be delighted to share that reply. If I have not, I shall be doing so and when I reply I will share it with the

member for York South. At that time I will share with him whatever observations I have shared with Mr. Barrie.

**Mr. MacDonald:** May we have some assurance we will have that sharing process engaged in before the House lifts?

**Hon. Mr. Davis:** I have never seen this House lift, but before the House prorogues, if I am in a position to share and join in the sharing process, I will be delighted to do so. If I am not in a position to share prior to the lifting or proroguing of the House, then I will personally undertake to share with the member whenever I do it. If I have to travel far afield to find the honourable member between Christmas and New Year's—up at York University or wherever he is doing his sabbatical—I will find the honourable member and share the information with him.

#### PUBLIC SERVICE GRIEVANCES

**Mr. Van Horne:** Mr. Speaker, a question to the Chairman, Management Board of Cabinet, with a request that the Minister of Labour (Mr. Elgie) listen too, because both of them may wish to get involved with the answer.

Can the Chairman of Management Board say whether it is true that his ministry recently investigated the financial effects of the Graham Cook forgeries only to find that, in addition to almost bankrupting some companies, the forgeries have increased in number from 55 to 169?

**Hon. Mr. McCague:** Mr. Speaker, I am sorry but I missed the first part; the reference to what?

**Mr. Van Horne:** I am trying to determine whether it was Management Board that further investigated the Graham Cook forgeries in the light of the fact that the employee in question was a member of the public service when he ran into some difficulty. There were violations of the Construction Safety Act. I put the question, in the chairman's absence, to another one of the ministers last week and was told by the Minister of Labour the case had been investigated and the employee in question was reinstated.

My question is not so much about the reinstatement but rather about the forgeries themselves and the investigation by Management Board or another ministry. Have these forgeries been investigated? Has the number of forgeries reported grown to 169 rather than the 55 that was originally indicated?

**Hon. Mr. Elgie:** Mr. Speaker, I will answer that question to the best of my knowledge. First of all, the facts should be clear. There

were some allegations against an employee at the ministry in the construction safety division in Windsor. It was investigated and, as a result of that, he was discharged. He grieved at discharge before the Crown Employees Grievance Settlement Board, the board appointed under my colleague the Chairman of Management Board, and it overturned the dismissal. That decision was appealed by my ministry to the Supreme Court, which upheld the decision of the Crown Employees Grievance Settlement Board and the employee was reinstated.

As to whether there are any further investigations going on, I am not at liberty to reveal that and I have no personal knowledge of them. I will be pleased to look into it. I will not assure the member I will report to the House, because it depends on what stage the investigations are at—if they are going on; I do not know that they are.

**Mr. Van Horne:** While the minister is doing that, will he attempt to determine whether the fatal accident involving a 16-year-old volunteer worker on a construction site in August 1977 was related to one of those forgeries? If that was the case, can he come back to the House and give us some indication as to what his ministry might do to preclude this sort of thing happening in the future?

**Hon. Mr. Elgie:** Just so we get the air perfectly clear here, the particular gentleman the honourable member referred to was discharged by my ministry; he was fired. He grieved that firing and the decision of the ministry was overturned by the Crown Employees Grievance Settlement Board. The decision of that board was upheld by the Supreme Court of Ontario. Let us not leave any slight suggestion that there is anything improper going on here. He was discharged and that decision was overturned at two levels of appeal.

I am not aware of any further investigations going on in that case. Certainly they could not go on with regard to events that preceded that particular charge, since these had been dealt with. If there is anything going on, whether or not I report to this House will depend on the stage things have reached. I can give the member no other commitment than that.

#### OHIP BILLING BY PHYSIOTHERAPISTS

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of Health concerning the problems facing certain private physiotherapy clinics. Can he indicate why his ministry, after 15 years, continues to deny

Ontario health insurance plan billing privileges to new private physiotherapy clinics when the Workmen's Compensation Board is granting billing privileges? Will the minister indicate to this House what he intends to do about it?

**Hon. Mr. Timbrell:** Mr. Speaker, my answer may be a little lengthy; so I warn you in advance.

First of all, let us look at the background. Until the mid-1960s, the only insured service at all was in the hospitals under the original hospital insurance plan. In the mid-1960s, it was the decision of the minister of the day, Dr. Dymond, to allow for some billing by private practices to relieve the pressure that existed at that time on some hospitals in some areas of the province. Even those practices that are allowed to bill OHIP directly today, are allowed under the existing policy, which is basically hospital-oriented.

Second, it was the Ministry of Health that recently reopened the discussions with the Ontario Physiotherapy Association with a view to trying to resolve, after admittedly many years, the question of whether there should be more or whether there should be any private practices billing OHIP directly.

The honourable member knows I met earlier today with representatives of a group of physiotherapists. I pointed out to them that we are meeting on Wednesday of this week—and when I say “we,” I mean representatives of my ministry staff—with representatives of the Ontario Physiotherapy Association. I have frequently stated it is my hope we can bring these matters to a head by the end of the calendar year and resolve, one way or the other, where we go from here in the future.

I also indicated to them that as far as I am concerned the range of options is as wide as one can imagine. They submitted to me that every physiotherapist should have the right to bill OHIP on referral from a physician. I indicated that is one extreme. The other extreme would be that perhaps we would move towards having no physiotherapists billing OHIP directly, and instead, like co-operative services and many others, they would all be based in hospitals, particularly in outpatient clinics.

The negotiations are continuing, and I hope it will be possible to resolve this matter by the end of the calendar year.

**Mr. Isaacs:** Given that this is a matter of public access to the health care system, does the honourable minister not think the public should be involved in the discussions?

Does the minister not think he has a responsibility to state government policy on these matters rather than holding closed-door negotiations with one of the groups involved?

**Hon. Mr. Timbrell:** There is one group involved, which represents all physiotherapists in the province. Even the group with whom I met today made it very plain it was not asking to meet with me to embarrass the Ontario Physiotherapy Association or to usurp its efforts. They wanted to make it very plain that they see we must negotiate with one body, namely, the Ontario Physiotherapy Association. That is what we are doing and that is what we are going to do.

**Mr. Nixon:** Supplementary, Mr. Speaker: I wonder whether the honourable minister can tell the House if it is his intention, in preparing budgets for the coming year, to remove the inequities that have been referred to in the original question so that he will be able to deal with the physiotherapists on a uniform and just basis, recognizing the concept that their requirements are uniform and they should be under OHIP in a uniform way?

**Hon. Mr. Timbrell:** Mr. Speaker, I pointed this out to the group of physiotherapists, and I remind the honourable member that basically whatever evolves as new government policy must be based on public need and the assessment of the public's needs. I pointed out to them that because one has the ability to operate a laboratory, one cannot set up a laboratory anywhere in the province and demand we accept the billings. I pointed out to them that just because they have the ability to operate a private hospital, nursing home or whatever, they cannot just set it up and demand that the government pay them. Any question with respect to the provision of physiotherapy services, laboratory services, hospitals, nursing homes must be based on an assessment of public need.

3:20 p.m.

#### LIQUOR REGULATIONS

**Mr. Nixon:** Mr. Speaker, I want to direct my question to the Minister of Consumer and Commercial Relations. Is the minister considering withdrawing or amending the regulations which have been uneven over the last two years and which have so seriously disrupted the fund-raising operations of a number of service clubs across the province? I am referring particularly to the uneven application of the rule that says one cannot take a drink to a gaming table. The honour-

able minister smiles, but it was raised last week when he indicated he was afraid they were going to spill their drinks on the gaming table.

I would ask the minister if he is not aware that what he designates as Monte Carlo nights are okay out in Scarborough, where he and his friends attend in white tie and tails, but in the rest of the province, where they are referred to as turkey rolls, the regulation appears absolutely preposterous and ridiculous and is bringing his regulations into disrepute.

**Hon. Mr. Drea:** Mr. Speaker, that is the same as the silly letter the honourable member wrote to me the other day and I thought I explained it to him.

**Mr. Nixon:** I want an intelligent answer.

**Hon. Mr. Drea:** The member got a very intelligent answer, if he would only—

**Mr. Nixon:** It has not arrived.

**Hon. Mr. Drea:** I gave the member a very intelligent answer the other day.

**Mr. Nixon:** That the minister was afraid they would spill their drinks on the table?

Interjections.

**Hon. Mr. Drea:** I did not say I was concerned about the spilling of drinks, I said we had a number of complaints. The application is even across the province. I have spoken to the Liquor Licence Board of Ontario about the interpretation of the things we want. I spoke to them on Friday. Did it go well on Friday night, I ask the member for Brantford, who was over here hustling on Friday?

**Mr. Makarchuk:** I was not there.

**Hon. Mr. Drea:** He was not there.

**Mr. Speaker:** I do not know whether that word is unparliamentary or not.

**Hon. Mr. Drea:** Mr. Speaker, the application is very even. I took steps on Friday, particularly at the liquor licence board, with individual inspectors, which I think indeed has been some of the problem. It is very clear that the bar, or the place where the drinks are being sold, is to be physically separated. That does not mean a partition or whatever, just a physical distance.

There is another reason for this, and I am not talking about anything in the member's area when I say this. One of the problems when we first introduced Monte Carlo was that some hall operators attempted to put an admission fee in both for a bingo and for a Monte Carlo and to run a bar somewhere else in the building, keeping the bar proceeds

for themselves. It is government policy that if one has a Monte Carlo and a liquor licence, the proceeds from the bar must go to the same place as those from the Monte Carlo.

The reason for the physical separation is because of a number of complaints. We also want to make sure that the bar proceeds—in the member's area there has never been an abuse but there has elsewhere—go to the same charity the proceeds from the Monte Carlo are supposed to go to.

**Mr. Nixon:** Is the minister not aware that the abuse does not come from the community to the ministry, but from the ministry to the community? That is a fact, and these people who have operated very well and accepted individual turkey rolls and Monte Carlo nights for years, have all of a sudden had the minister's people come in and disrupt them and stop them. It is extremely embarrassing, and if the minister thinks he can fix up one for my good friend the member for Brantford he had better fix them all up.

**Mr. Makarchuk:** Two.

**Hon. Mr. Drea:** Two.

**Mr. Nixon:** That is what I mean, it is uneven. If the minister is interested, it is okay.

**Hon. Mr. Drea:** They were in your area.

**Mr. Nixon:** You have already closed them down.

**Hon. Mr. Drea:** I have not. Mr. Speaker, this is a little bit silly. The two places were Branch 90 of the Legion and Norbrant Optimists Club. If the member was not at both, I guess he was at home and I cannot help that.

The application of the law is uniform. It is in terms of community betterment. The member says it has been going on for years, but we have not had Monte Carlo under licence in this province for more than two years.

**Mr. Makarchuk:** Supplementary, Mr. Speaker: As much as I appreciate the honourable minister's involvement to resolve the problem for the two clubs in question, can he at this time give some assurance that his officials will stop acting in the arbitrary way they have in the past and allow the veterans' service clubs to operate as they have done in the past without bringing the society down and without corrupting the community or without creating any problems whatsoever? Why does he allow his officials to persist in



harassing them? If it is not one damned thing it is something else from day to day.

Hon. Mr. Drea: Mr. Speaker, my officials do not harass anybody. As a matter of fact, it is a matter of record, and this comes from the United States so it must be true, that we have the best control, the best mechanisms, the best programs for social gaming in this province that exist anywhere in North America. Would the honourable member believe that last year between \$135 million and \$145 million, because our figures are not yet up for the fiscal year, were donated to charity by those devices?

### PETITION

#### OHIP BILLING BY PHYSIOTHERAPISTS

Mr. Isaacs: Mr. Speaker, I wish to table a petition signed by 1,120 residents of the province of Ontario addressed to the Legislative Assembly:

We, the undersigned residents of Ontario, have had occasion to utilize physiotherapy outpatient services as a part of a prescribed medical treatment program. Each of us has reason to believe that the OHIP insurance coverage, as it pertains to physiotherapy outpatient services, is failing to serve the citizens of Ontario in a reasonable and responsible manner. We submit that it is our personal experience that OHIP has failed to meet our essential needs in one or all of, but not necessarily limited to, the following situations:

1. In certain circumstances we have been caused to pay from personal and means other than OHIP for medically prescribed treatments which are within our rights to have within the terms of the OHIP plan. The reason, as we understand it, is that although any registered physiotherapist may treat a patient on referral from a medical practitioner, only a very limited number are allowed to bill the OHIP plan on our behalf in terms of regulations made under the Health Insurance Act.

2. In certain cases, because we had no personal means of payment outside of OHIP, we have been caused to attend treatments at facilities which were, in our opinion, overcrowded and which were probably not conducive to earliest recovery as a result of overcrowding. This overcrowding is present, in our estimate, only because other physiotherapy practitioners available within the community are prevented from billing OHIP on our behalf.

3. In certain cases, we were caused to travel past one or more available physio-

therapy clinics at significant personal cost and hardship in time and travel in order to reach a clinic approved for OHIP billing.

4. In certain cases, we have been caused to accept treatments from persons who at least failed to inspire our confidence while professionals of equal standing were available within the community but could not bill OHIP.

In view of these points, we respectfully request attention by the Legislative Assembly towards resolutions to these failings of the health insurance plan which affect our physical welfare and inhibit freedom of choice as to the practitioner we might utilize.

Mr. Speaker: That was a very detailed explanation. I will have to look at it to see whether it falls within the four walls of a legitimate petition.

### REPORT

#### LEGISLATIVE LIBRARY

Mr. Speaker presented the annual report of the director of the legislative library research and information services for the fiscal year 1979-80.

### INTRODUCTION OF BILLS

#### NURSING HOMES AMENDMENT ACT

Mr. Warner moved first reading of Bill 218, An Act to amend the Nursing Homes Act, 1972.

Motion agreed to.

3:30 p.m.

Mr. Warner: Mr. Speaker, the purpose of the bill is to establish statutory fire safety requirements for nursing homes. The bill requires the licensee of a nursing home to ensure each room in the home is equipped with a heat- and smoke-activated fire detection device, a warning light and a sprinkler system.

The bill also requires that fire safety and fire evacuation procedures be developed for each nursing home. Members of the staff of the nursing home are required to be trained in these procedures and residents of the home are required to be provided with information setting out the procedures to be followed in case of a fire.

#### REPRESENTATION ACT

Mr. Breaugh moved first reading of Bill 219, An Act respecting Representation in the Legislative Assembly of Ontario.

Motion agreed to.

**Mr. Breagh:** Mr. Speaker, the purpose of the bill is to increase the number of members in the Legislative Assembly of Ontario from 125 to 180. The bill provides for the establishment of a select committee of the assembly to consider and make recommendations concerning electoral districts for Ontario.

#### FIRE DEPARTMENTS AMENDMENT ACT

Mr. Breagh moved first reading of Bill 220, An Act to amend the Fire Departments Act.

Motion agreed to.

**Mr. Breagh:** Mr. Speaker, the purpose of the bill is to enable full-time firefighters to bargain with municipal councils on behalf of retired firefighters with respect to pensions, pension increases and other benefits for retired firefighters. The current provisions of the act do not provide any means for negotiating the pensions and benefits of retired firefighters with municipal councils.

#### ORDERS OF THE DAY

House in committee of supply.

#### ESTIMATES, MINISTRY OF REVENUE (concluded)

On vote 804, municipal assessment program; item 1, administration:

**Mr. Charlton:** Mr. Chairman: I have a number of things I would like to raise quickly with the honourable minister under this vote.

First of all, we have had a number of discussions over the last couple of years about policy matters in the property assessment area. I suppose I should say that at least on a number of issues, the minister has been particularly receptive and I think we have actually worked out some accommodations and some changes have occurred.

But I want to raise a matter with him that has been of concern to a number of us for a fairly long time now. I think it was first raised in this Legislature in 1974. It is the matter of what happens with the small commercial tenants in shopping malls. The assessment that is placed against their premises in the mall quite often puts a hardship on all small tenants that is, in many instances, unbearable, and many have gone under as a result.

I do not know how familiar the minister is with exactly what occurs but he knows

what happens in large malls. The developer of the mall looks for a couple of major anchor tenants—Woolco, Loblaws, Eaton's, Dominion or whatever the case happens to be—because they will attract people to the mall. The owner of the mall will rent premises for \$3, \$3.50 or \$4 a square foot to those large anchor tenants because he desperately wants them. On the other hand, the small tenants who are occupying the smaller premises throughout the rest of the mall are paying prices anywhere up to \$30 a square foot and in some instances, probably here in Metro where I am not quite as familiar with the rents, even more than that.

The minister is also aware that in rental malls like that, the mall is being valued economically based on the rents. What is happening is that the small tenants who are being forced to pay \$30 a square foot to get in there are also paying business taxes and, through their rents, realty taxes that reflect the \$30 a square foot. In very pure economic terms and in terms of the theory of how those assessments are developed, the assessment division is probably correct in the pure sense, in the appraisal sense and in the value sense.

I want to suggest to the minister that in the same way, when we are talking about retail sales tax, income tax, corporations tax or any other kind of tax, this government has a responsibility to look at the tax systems it sets up, to look at their impact and where the incidence of their effect is occurring. It should attempt to see that the taxes it levies and the taxes it causes to be levied, since it is actually the municipalities in this case which levy the tax, are fair and in the best interests of the whole society—those minorities in society—and of the development of the economy in this society.

We have seen it in other taxes where certain tax breaks are given for specific sectors of the economy because that tax would cause a particular hardship. There are all kinds of ways of dealing with this kind of problem, and, as I say, it is a problem that has been around for a number of years now. It is a problem that was originally raised in this Legislature, to the best of my knowledge, in 1974 and is a problem that this government has to deal with at some point in some kind of effective way. The minister knows as well as I do that the real backbone of the economy in this province is the small business sector. This government should be doing everything in its power to see that the small business sector is treated as fairly as possible and encouraged as much as possible.

I have a letter here from a Mr. Donald S. McKechnie in Ottawa who wrote to his own member of the Legislature and has not received any satisfactory response yet. I will send the minister a copy of his letter, but I want to suggest to the minister that the complaints he lays out are very real and have to be dealt with. I would like to suggest to the minister that in order to deal with this problem we need to sit down and carefully look at, not so much how one comes up with the total market value, the economic value for a mall, but how one spreads that assessment across the various tenants in that mall.

3:40 p.m.

I do not think it very fair for the minister, his ministry and the people in his assessment division to take the same attitude and the same approach as a mall owner takes to determine the distribution of costs within the mall.

The minister's people know very well from the analyses they do that what I suggest about the rent differential between the large anchor tenants and the smaller tenants is a very true and real economic fact of life out there. That does not suggest that the minister has to follow the same discriminatory game. The large anchor tenants who have the rent of \$3 and \$3.50 per square foot do not need additional encouragement from the minister to be there, but certainly the small business tenants of that mall do.

We have to find some way of distributing the assessment of mall properties and the like that is better than the present pure-economic, tied-to-rent approach to dividing that assessment once you have come up with it.

**Hon. Mr. Maeck:** Mr. Chairman, I cannot disagree with some of the points the member for Hamilton Mountain is making, but I would remind him that attempts have been made to get some agreement among the tenants in these shopping malls. The House might recall that before I was minister a committee was formed to try to discuss this matter, as the honourable member perhaps has indicated in a round-about way. He is saying something should be done. We took that approach, but we could never get that committee to come to any sort of agreement. We were never able to get anything out of that committee, other than a lot of discussion.

I am told by my staff that rents are set by the owners on the basis of bargaining, as I am sure the member is aware. It really boils down to whatever the traffic will bear in that situation. But the allocation of assessment among the tenants is calculated on the basis of fair market value—not necessarily totally on the

rent, as the member's remarks would indicate. We feel this has the effect of evening out, at least to a certain degree, over the complete shopping centre.

There is another thing one has to take into consideration. We have talked about anchor stores and so on, the major stores such as Eaton's and Simpsons and all of the large ones. The reason they get the deal they do obviously is simply because they are the star attractions. If they were not there, the smaller stores would have very few customers to deal with. I am sure the member is aware that is how they get that advantage with the developer. Without an anchor store or a large chain store of some kind, the other small centres just would not exist because there would not be enough traffic created. It is the large department stores that create the traffic that the small stores take advantage of.

The member knows we continue to look at these situations and try to rectify them. I don't know if we can go much further, unless we get back into the committee type of discussion whereby we can get some sort of agreement. Staff advise me they feel the way it is set up at the moment is as fair as they can get it.

**Mr. Charlton:** If I could just comment further on that, Mr. Chairman, the minister is correct: the rents do not exactly reflect the assessments, but the differential between the rents the small tenants pay and the large tenants pay is not adequately, not completely, dealt with in the approach to fair market assessment of each unit.

My point is simply this: The minister has just admitted quite clearly, as I suggested in the first instance, that the landlord, the owner of the mall, the developer, is offering the low rent to the anchor tenant as a benefit. He has to make that up somewhere else in the rents to the small tenants. Being next door to the anchor tenants has some advantages to the small tenants.

On the other hand, because you have admitted that those rents do not necessarily in any way reflect the real value of the space, because there is an economic consideration being made here in terms of who would get in as opposed to the value of the property, I am suggesting to you that you should be ignoring who paid the rents.

You have to use the rents to determine the total value of the property, but you should be ignoring the deals that landlords make in order to get certain people in there. You should be dealing with the total value of the property and breaking up the total assessment that you come up with, based on

what people actually occupy in the mall, as opposed to this supposed fair market value. The fair market value is being distorted by the deals that are being done by the landlords, the developers, in order to suit their economic needs, not the needs of the tenants necessarily at all.

I am suggesting to you that if the landlord feels the need to give an advantage to the large tenant in order to get him there, then, based on your committed support of the small business sector in this province, the first thing that should be popping into your head is that since the landlord is giving an advantage to that big tenant, how can you help some assistance to flow the other way. I am suggesting to you that if you ignore the economic deals made in the best interests of the landlord and just look at the total value of a mall and break it up, based on what people actually use in occupying that mall, you will be doing a great service to the small business community in the malls across this province.

**Hon. Mr. Maeck:** What you are suggesting to us then is we should be doing it by the square foot rather than taking into consideration any rent at all.

**Mr. Charlton:** Square foot and an appropriate amount of the common area.

**Hon. Mr. Maeck:** My staff tells me that we still work out a fair market rent for the anchor tenants. We do not accept necessarily what they pay in rent as their portion towards the taxes.

**Mr. Charlton:** I understand that but the differential does not get totally taken care of in the adjustments.

**Hon. Mr. Maeck:** The point is well made.

**Mr. Ruston:** Mr. Chairman, I know the minister has had some problems in assessing apartments with regard to the time that elapses until the time the house is occupied. Some of the municipalities have complained considerably over this as they want to be able to collect taxes. People move in and might be there for nine months or something, whatever the case might be. Then they would get a notice later that their taxes were due for nine months or whatever, where normally a lot of the places would get a tax demand every three months. They get this large tax demand all at one time because the assessment was far behind for the municipalities to get out their notice.

I was wondering if you have that problem. I know I received a letter from you which, I think, you sent out to most of the municipalities with regard to that matter. I do not have

it before me now. What is the status of that now? Are you getting caught up with that, or does it have to do with the amount of building that is going on?

**Hon. Mr. Maeck:** In the letter I wrote to you, I said the process that we will be following within the ministry now is that it will be updated four times a year. I do not think they will run into the period of nine months any more. When we are doing this additional assessment that we pick up as we go along, if we do it four times, I think it will resolve most of the problems you have been referring to.

**Mr. Ruston:** Do you make up the voters' lists for all the municipalities? I noticed in some of the voters' lists—we get a copy, of course, from each municipality—some will have a very correct and precise address, but other municipalities will really have hardly any address at all on the list. I am wondering whether that is because of the way the enumerators fill it out. It is very difficult in some rural areas or where they might have a number, but it does not mean too much because there might be a box holder or something. Being in a semi-rural area, I notice in some of the municipalities there was quite a difference in the actual addresses. If one wants to send a letter to someone it is more difficult to do this with some municipalities than with others.

3:50 p.m.

**Hon. Mr. Maeck:** I believe the cause of that would be the difference in the enumerators. They are supposed to provide us with a proper mailing address because, obviously, we need to know exactly where they live. Some of them will go to the extreme and put down the lot and concession number if it is a rural area. But that does not help much if one wants to send a letter to them. If there are municipalities where the address is not sufficient to receive a letter, I would like to know about it because the address should be sufficient so they could receive their mail properly. I know some enumerators take down considerably more information than others. Some of them go to extremes and take down information that is not of much value, but as long as the addresses we get are sufficient for those who receive mail, we are rather happy about that.

If there are some municipalities in a riding where the address is not proper, there could be another reason. Our enumerators, on the average, miss about five per cent of the people. I am talking about personal contact. They go back once or twice or three times. I forget what the procedure is. If

they are not there on that last visit they leave the enumeration information and ask them to fill it out and mail it in, so some of those addresses could be given by the people themselves. There could be some mistakes there.

**Ms. Bryden:** Mr. Chairman, I would like to congratulate the minister on his announcement about holding province-wide assessment open houses to demystify assessment notices sent out to taxpayers and tenants. I would like to ask him if he might not also be prepared to explain to taxpayers and tenants when the property tax credit, which is needed to give tax relief to low- and middle-income earners, will be revamped. It has not been changed in the past five years and it is now largely eroded by inflation. Has the minister considered indexing that property tax credit and has any work been done on bringing forward a new proposal for a property tax credit to present to the Treasurer (Mr. F. S. Miller)?

**Hon. Mr. Maeck:** We have long passed the section of the vote that deals with property tax credits. However, I think the member knows that in the past it has not been the policy of this government to index. We do not anticipate we will be doing any indexing unless there is a change in policy across the government. We have not been indexing. It has not been our policy.

We look at the Ontario tax credit program from time to time. If there is a change in that, and I presume the member is referring to whether it is going to be raised rather than any other change—

**Ms. Bryden:** The flat rate, Mr. Minister, plus the percentage increases.

**Hon. Mr. Maeck:** But you are really talking about the funding.

**Ms. Bryden:** It doesn't take account of the tax increase.

**Hon. Mr. Maeck:** The Ontario tax credit is based, as you know, on income so it does change with the person's role in society. If he starts to make more money, of course, he gets less; if he is in a poor position where he is making less this year than he was last year, obviously he will get more help. There is a fluctuation there. I presume the member is talking about the overall injection of additional funds into that program. That would be a decision the Treasurer would necessarily take rather than the Minister of Revenue. When it is budget time, he would decide whether there are additional funds that should go into that particular program.

Vote 804 agreed to.

**Mr. Chairman:** This completes consideration of the estimates of the Ministry of Revenue.

On motion by Hon. Mr. Wells, the committee of supply reported certain resolutions.

#### CONCURRENCE IN SUPPLY

**First Clerk Assistant:** Mr. Edighoffer from the committee of supply reports the following resolutions:

That supply in the following amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1980.

**Mr. Speaker:** Dispense?

Reading dispensed with. (See appendix A, page 5055.)

Resolutions concurred in.

#### BUDGET DEBATE

(continued)

Resuming the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

**Mr. Gaunt:** I am indulging in a bit of last-minute preparation. Perhaps my speech will sound like it, but that has never deterred me before and it is not going to deter me this time.

Mr. Speaker, I want to say to you that it is a pleasure to participate in this debate once again. I commend you for the way in which you conduct your onerous responsibilities. I do not always get recognized for a supplementary in question period, but I recognize full well that is right and proper. I really have no complaints and I commend you for the excellent way in which you preside.

There is always a good opportunity for me to advance some of my pet peeves and theories, either in the throne debate or in the budget debate. I am participating now in the budget debate and I have a brief commentary on the province's budgetary management. It seems to me it is not getting any better. Of course, the honourable members would not expect me to say anything else, would they?

I know when Mr. McKeough was the Treasurer he said he was going to balance the budget. We were going to have a balanced budget in this province by 1982 or 1983, mark you. As a matter of fact, we are getting further away from it. We are going into hock this year for just a shade

over \$1 billion. It is hard to say what will happen next year, but since Mr. McKeough made that promise, the budgetary affairs of this province have not got any better. Indeed, I think in many respects they have got worse.

I am going to talk in very brief terms today about an industry that I consider to be very important. I also want to deal to a greater extent on the topic that was going to be my subject had I been able to participate in the private members' hour. Since we have had two emergency debates on two successive Thursdays, that means I am going to be bumped from that opportunity. If one cannot do it one way, one does it another and that is exactly what I am going to do.

4 p.m.

I want to mention the province's worsening position financially and the energy problems that we face in this province, which appear to be—and I think are, in reality—much more severe than in many other parts of the country. Because we are the most industrialized province, energy impacts on this province perhaps more than any other when the world price for oil shoots up as it has been doing in the last five, six or seven years.

First, I want to speak about the dairy industry because in my part of the province the dairy industry is very important. In my riding of Huron-Bruce, I have a lot of good dairy farmers who are top producers in their field, and I think it is only fitting I should put on the record some of the facts related to the dairy industry in this province. The dairy industry is economically and politically important in all the provinces, obviously, but especially so in the Maritimes, Quebec, Ontario and British Columbia.

Just to give the House an idea of its magnitude, the dairy industry directly has sales of \$2.5 billion, which is about one per cent of Canada's total gross national product. Milk and dairy beef represent the single largest section of the Canadian food system and direct employment in the dairy industry is estimated at 145,000, which is 1.3 per cent of the total Canadian work force.

A dollar of gross sales in the dairy industry generates \$3 of sales in the economy. In comparison, \$1 brings only \$2 in the motor vehicle and aircraft industry. A dollar of net income in the dairy industry generates \$5 of income in the economy. When one compares that with the motor vehicle industry and the aircraft industry, the com-

parison figure is \$1 generating \$3.60 in the economy.

I think the dairy industry is one of the strongest, if not the strongest, sectors in the Canadian agricultural picture at the moment. We, of course, do have supply management in the dairy industry which has brought a great deal of stability to it. I would certainly say that back in the early 1960s and mid-1960s it was obvious something had to be done, and I think the supply management program has been very successful. Undoubtedly there are problems, but there always will be with these things. Obviously, up until now, they have been worked out rather well.

The Canadian dairy farmers are among the most productive and efficient in the world. Forty-six per cent fewer dairy farmers now produce virtually the same volume of milk as was produced in 1971. On average, Canadian milk producers now produce enough milk for 275 consumers compared to only 60 in 1961, an increase in productivity of 460 per cent, which I think is a credit to the dairy industry and a credit to the agricultural industry.

I want to turn now to the subject of my resolution on the Notice Paper, Mr. Speaker, if I may do so. I put a resolution on the Notice Paper which, in the normal course of events, would have been debated last Thursday, but, because of the emergency debates we have had in this House, it is now obvious that it will not be debated in private members' hour. Hence I am going to deal with it today in the budget debate.

I indicated that I feel this province should move forward immediately to implement a policy of cogeneration to make use of the waste byproduct power from our nuclear plants and all thermal generating plants. It is disturbing that six years after the industrialized nations of the western world received clear warning that the days of plentiful and cheap Mideast oil were ending, neither the United States nor Canada has taken any significant steps towards domestic energy self-sufficiency.

At the national level the energy issue has become so embroiled with the constitutional debate that one tends to treat them as one and the same. Moreover, there is a feeling that if the domestic price, along with the problem of revenue-sharing between the producing companies and the two levels of government could be settled, then the constitutional debate could be resolved quickly. That is not necessarily so, and I doubt it would happen that way. Unfortunately, however, the two issues

have united to develop a serious confrontation between east and west, and between the federal government and Alberta.

I say "unfortunately" for a number of reasons, one of which is the fact it has tended to cloud the energy problem with which we are faced in this country. Here in the east we take a look at the Alberta heritage trust fund now totalling \$6.4 billion, growing by \$2,000 a minute and reaching \$35 billion by 1990, just 10 years hence. Actually, if Alberta deposited all its oil reserves in the fund instead of the 30 per cent, the province theoretically would be able to buy the assets of General Motors of Canada in 188 days. We in the east look at that and say there must be some mechanism to share that wealth with the rest of Canada, and we look to a new constitution as one way to achieve this. This, unfortunately, has deflected our discussion and efforts from energy self-sufficiency.

Aside from the strictly partisan, political aspects of the issue, one of the problems is that half of the people in this country do not believe there is any real energy problem, at least not to the extent they are prepared to make any significant changes in their lifestyle for the purpose of conserving energy. They believe the present situation is an artificial shortage engineered by the multinational oil companies for the purpose of increasing prices.

As a result, there was a 3.4 per cent increase in demand for oil products in the first nine months of this year, while gasoline consumption was 4.3 per cent higher for the same period. Based on the current usage projections, Canada's imports of foreign crude by 1985 are expected to be in excess of 600,000 barrels a day compared with about 270,000 barrels a day at the present time. By 1985, less than five years away, price predictions indicate a price of more than \$42 per barrel, which would mean that Canada's annual bill for imported foreign crude would be more than \$9.28 billion. All of this is assuming, of course, that foreign oil imports will still be available at that time.

The instability in the Mideast and the possibility of an attempt by Russia to shut off the Persian Gulf, through which most of the Mideast oil moves, suggest that foreign oil will not be available at any price in the not too distant future. At least that is a possibility. Given those circumstances, we have to do whatever is necessary to attain domestic energy self-sufficiency at the earliest possible date. Not to do so would indicate we are living in a fool's paradise. Our governments at all levels must recognize and acknowledge

the reality and seriousness of our energy position.

Conservation is one of several approaches, and while there have been some positive developments in this respect the current waste of energy in this country, is alarming. It goes without saying that Ontario must secure an affordable supply of fuel for most of its industry. If it does not we will continue our decline in industrial growth, with severe dislocation in terms of unemployment and rampant inflation.

We cannot escape the tragedy of a world that continues to rely on a diminishing resource, namely oil, to feed and fuel its people and its industry. In terms of oil, Canadians consume 9.3 tons per person per year, and we consume it at half the world price. That will require a government subsidy of \$1.5 billion this year alone. Obviously we cannot continue on this self-defeating, self-destructing energy path. We must move to alternative energy sources.

4:10 p.m.

It is against this background and because of my concern that I have placed before the House the particular resolution to which I made reference earlier, for the purposes of discussion at that time and now for the purposes of debate. I did so because of my interest in cogeneration, because of the fact that I have the largest nuclear generating plant in the world in my riding, and because along with that goes the largest steam plant in the world. Those things can and should be very positive ingredients in the energy picture, but so far their potential has not been adequately tapped.

The resolution on the Order Paper deals with all nuclear and thermal plants in the province, but let me just take as an example the Bruce nuclear station to show the tremendous energy potential. Obviously it is the one with which I am the most familiar. Daily electrical production at the Bruce complex corresponds to the energy equivalent of 115,000 barrels of oil or 23,000 tons of coal. The complex will raise a power equivalent to 300,000 barrels of oil a day.

The nuclear process, when used exclusively for electrical production, is only 30 per cent efficient. The other 70 per cent is wasted. It is in this so-called 70 per cent that there are some exciting possibilities. Part of that waste nuclear energy can be used in the form of steam for industrial processes. Using the Candu reactors and Ontario's indigenous uranium for purposes other than electricity offers both long-term security of supply and relatively inflation-proof energy costs. It is

an exciting opportunity for industry and agriculture.

The Ontario Energy Corporation has determined that a thermal resource equal at least to Syncrude, Hibernia or Cold Lake can be made available at Bruce for industrial purposes. That is where the cogeneration comes in. Cogeneration describes the dual production of heat and electricity from a single energy source. Cogeneration supply simply refers to the process of combining the generation of electricity with the production of process steam for industrial purposes. This combination doubles the efficiency of the fuel used to generate electricity because it eliminates much of the energy wasted when electricity is produced independently from process steam.

Cogeneration saves at least 50 per cent of the fuel that is needed to make a kilowatt of electrical power. With regard to the fuel needed to produce both steam and electrical power, cogeneration saves 27 per cent of that fuel that is necessary to generate steam and electricity independently.

Cogeneration is not new. However, in North America it is a developing concept, a concept whose time has come. California has the most aggressive cogeneration program at the moment. How can this be applied to the Bruce nuclear power development? Bruce has the largest steam generating station in the world. The steam generating capacity at Bruce is equal to 36 per cent of all installed steam capacity in the province. It can produce 80 million pounds of steam per hour when completed. Each reactor generates 10 million pounds of steam per hour which, if it had to be raised conventionally, would take between 40,000 and 50,000 barrels of oil per day per reactor.

Just to give some perspective to the potential energy waste at the plant, the energy equivalent of 20 Niagara Falls is being wasted each day. That is the bad part. The exciting part is that it need not be so, indeed should not be allowed to continue any longer. It can be harnessed and used for very productive purposes. The opportunities are almost limitless.

Industries that use large quantities of hot water or steam, such as plastics, pulp and paper, food and beverage, steel, glass and cement refining industries, should be sold on the idea of taking part in what could become the world's first nuclear steam-powered industrial energy park. Hydro is now agreeable to selling processed steam to industrial customers at a price ranging from \$1.50 to \$1.90

per million BTUs depending on the overall demand and load factor.

Put another way, the first 250,000 pounds for 1982 employment will sell for \$1.50 to \$1.90 per million BTUs. The price of nuclear steam is therefore about half the price of natural gas. No other nuclear plant can match the existing capacity of the Bruce plant for the dual production of process steam and electrical power, although other plants have considerable potential in this respect as well. That is just the beginning.

Hydro is lamenting the fact that by 1983 it is going to have power from the first unit of Bruce B bottled up because there is no twin power line out of Bruce and no likelihood of getting one fast enough to get the generated power to the consuming public. I strongly suggest to Hydro it dedicate the first unit of Bruce to hydrogen production.

Hydrogen is the most abundant element in the universe and is one of its more promising fuels. On top of that, the unused electricity during the night, which is one third of the 24-hour generating capacity, could also be used for hydrogen production. By locating electrolysis plants beside the Hydro generators, we can use hydrogen to store power, not use the peak times, and use that for other purposes, making the entire electrical production system more efficient.

Moreover and more importantly, hydrogen can be used as a transportation fuel. People often forget cars ran on all sorts of things before gasoline was invented, and they will again. An official of General Motors has said, "Whatever fuel is available in the future, General Motors will have cars that will run on it to the public satisfaction."

That statement is being proved at the Provo, Utah, plant where the Billings Energy Corporation is leading the world into a brand new energy age. The Billings people have converted everything they can think of to clean-burning hydrogen. They have converted camp stoves, big cars, little cars, trucks, buses—the whole works—and are in the process of converting a transit bus for a major US city. They then intend to convert the whole urban fleet for Pittsburgh.

Hydrogen is really the master fuel. Experiments with the fuel were carried on in the late 1880s, again in 1900 and then in 1930. General Motors did some work with the fuel but lost interest because fossil fuels were so plentiful and cheap. Hydrogen, as a fuel, has many advantages. It is the safest form of energy we have. It is clean burning. It creates only water vapour, which returns to the ecosystem immediately. It is the most power-



ful fuel known to man. Gasoline is a very poor fuel compared to hydrogen. As a matter of fact, there were many people who watched the launching of the US Saturn rocket several years ago. It was powered by pure, raw hydrogen. It is powerful enough to take a rocket to the moon and it is certainly powerful enough to take one's car anywhere one wants to go.

The exciting part of all this is that since water is two thirds hydrogen, one can separate the two by running an electrical current through water to get hydrogen and oxygen. This is the most logical way of getting hydrogen and if we use off-peak or surplus power we can get it at very little cost. At Bruce we have both an abundance of water and plenty of off-peak and surplus electricity. It is an ideal combination to produce massive amounts of hydrogen, which can also be used in airplanes and railway engines as well as cars and trucks. It is an opportunity we should not miss. Further hydrogen can be the primary element in producing nitrogen fertilizers and in methanol production. The former would allow us to move away from natural gas to produce nitrogen fertilizers, which could stabilize the price and give us more stretch.

4:20 p.m.

Then there are promising possibilities in combining energy production and agriculture by the production of ethanol. Sixteen million gallons of alcohol blended with 160 million gallons of unleaded regular gasoline will give a total of 176 million gallons, but the combination of the two gives an additional eight million gallons of equivalent combustible power for a total combustible power equivalent of 184 million gallons. That 16 million gallons of ethyl alcohol would require 80,000 acres of corn at 90 bushels per acre. This would produce by-products amounting to 2.4 million bushels of distilled spent grain at 35 per cent protein, plus 160 million pounds of CO<sub>2</sub> or carbon dioxide.

If one were to add 50,000 acres of corn silage and corn stover and mix it with the spent grain, it would finish 120,000 head of cattle at a 600-pound gain. At the present time one third of Ontario's beef cattle are finished within a 50-mile radius of the Bruce nuclear plant so the potential to increase that exists and should be harnessed.

The massive amounts of CO<sub>2</sub> generated in the production of ethanol can be moved into greenhouses at 1,800 parts per million enrichment and that will increase photosynthesis by 20 per cent, which means

that plants grow much faster and produce more prolifically. The greenhouse aspect seems to have attracted most of the public and press attention at the Bruce because there is a prototype at present being operated there on five acres of land consisting of eight tenths of an acre of greenhouse production. Interestingly enough, they are heating that greenhouse operation with oil, but we hope we can get away from that. Plans are currently under way to expand that to 380 acres; however, the potential is much bigger than the greenhouses. Actually the greenhouse portion of the project is a very small part in the overall picture.

Fish farming and agriculture are logical developments as well. Fish grow and do their best when the temperature is between 56 and 60 degrees Fahrenheit. The embryo stage of a fish farming operation is already going at Formosa, which is some 40 miles from the plant in which my friend the former Minister of Agriculture, the member for Durham York (Mr. W. Newman), has an interest. The potential for producing a high quality protein food such as fish for human consumption is exciting and can be done more efficiently through fish than livestock or poultry. Fish grow faster and are better feed converters; hence they are more efficient protein producers.

The area is an excellent one for growing alfalfa as a cash crop. With the available heat and steam, an alfalfa palletizing plant would be a natural. The availability of raw material and the process steam certainly would make such a plant affordable. The possibilities are extensive and exciting.

There are a number of things Ontario Hydro and the federal and provincial governments should be doing to utilize this resource to its fullest potential. Ontario Hydro should abandon its flat rate across the province, which encourages companies to locate in the large urban centres of the province so that the big get bigger and some experience rapid growth, while other communities stagnate, thus compounding many of our social and economic problems. Instead it should develop a differential rate to encourage high energy industries to locate near power centres such as the Bruce.

This would also encourage development of northern Ontario, particularly if the North Channel plant goes ahead, although it is shelved for the moment, I understand. It would encourage growth near all nuclear and thermal plants in the province because

of the viability of energy from various sources.

The provincial and federal governments should build a deep water port, which four industries say they need in order to locate at or near the Bruce. A preliminary survey of Lake Huron's depths indicates the lake deepens close to shore and depths in the prospective harbour area are equal to the depth of the St. Lawrence Seaway. A deep water port is a necessity.

This is not a visionary's dream of what might happen. All this can happen in the next two or three years if the government has the will and the leadership to see it through and put it into practice. The economic and energy wealth of our province depends on us finding and using new energy sources and lessening our dependence on oil. Oil and energy are not necessarily synonymous. There are other ways and we should pursue them with all our strength and political will.

Before I close, I want to say that I recommend to all honourable members, and particularly our friends to the left, the fact that they should support the motion as proposed by my friend and colleague the member for London North (Mr. Van Horne). We will be voting on that motion later on in the week, presumably Thursday or Friday. I commend it to my friends to the left.

I think this is an opportunity to give the people in this province a chance to speak. What better opportunity can we have than to do it now? We can start the new year off right. Let us do it. The saying from my friend the member for Nickel Belt (Mr. Laughren) was, "Move over, the NDP are coming through." This is the chance for them to come through, at least to the extent that they join us in this motion. I commend it to them. We will be looking forward to their support.

**Mr. Ziembra:** Mr. Speaker, last May I said the member for Armourdale (Mr. McCaffrey) and the member for Wilson Heights (Mr. Rotenberg) both bought their seats. At this point I withdraw that remark.

**Mr. Speaker:** Since the member for High Park-Swansea (Mr. Ziembra) has withdrawn the offending remarks, the privileges and the rights accorded all members of the House are restored to him. Do you wish to participate in this debate?

**Mr. Ziembra:** I do.

This speech is about patronage, Mr. Speaker. The dictionary defines patronage as the power to make appointments to government jobs on the basis of other than

merit alone. I see patronage as using government office for party and personal advantage. When public office is not awarded on the basis of merit alone, the public interest suffers. Patronage tends to exist under cover like a skunk in a hole: We know it is there, but few people want to disturb it.

The provincial Tories have been dispensing patronage to their friends since before I was born. In 1923, Premier Howard Ferguson boasted that Conservatives held power in Ontario because of patronage or the hope of patronage. These days we have come to accept patronage as a way of life here in Ontario. It is the modern version of the Family Compact.

There is a story about an all candidates meeting in the country. The young upstart politician is trying to knock off the old campaigner. He criticizes the incumbent for arranging to have his private road paved at taxpayers' expense. In the audience one farmer turns to another and asks, "What do you think? Are you going to vote for the old campaigner after that or shall we give the young fellow a chance?" The other farmer thinks for a minute and says, "No, as far as I am concerned, I will vote for the old boy; he has already had his road paved."

4:30 p.m.

This story might apply to the member for Hastings-Peterborough (Mr. Rollins). He has certainly been around a long time, but the member did not get around to getting any paving until this year. The Ministry of Transportation and Communications finally paved both road shoulders outside the member's farm in L'Amable on Highway 62, south of Bancroft. The work took two months and cost \$50,000.

It does not appear in the ministry's contract bulletin which lists tenders, contracts and so on because it is considered a small job. Fifty thousand dollars is a lot of money to ordinary working people in this province. Of course, this paving job is the talk of the local farming community. The road shoulders outside the local farms are not paved in this way, but apparently nothing is too good for the local Tory member.

I first started paying close attention to the whole question of patronage during the brief Joe Clark government. The federal Progressive Conservatives made patronage a priority. They were trying to imitate their provincial cousins. One of the first things they did was cancel all government advertising in the ethnic press, in order to assess who were Tory

supporters and who were not. Their friends were going to be rewarded at long last. As it turned out, the election caught them by surprise and they never did get around to starting up the government advertising campaign. This hurt them badly in the ethnic community. To this day, even the right-wing press is angry over this.

Mr. Clark even had the nerve to designate certain "ministers of patronage." Do you remember the defeated Tory Mrs. Pigott? Many newspaper reports described Mrs. Pigott sitting beside her china cabinet full of little china pigs. We are told how Mrs. Pigott would open up her big green book, how she would pore over the names of the Tory faithful and finally she would pick out some lucky Tory hack and reward him with a patronage appointment.

Do you remember Mr. Ron Atkey, the former Minister of Employment and Immigration? Mr. Atkey was the one who took the credit for the ill-fated bid to move the Canadian Embassy from Israel to Jerusalem. You will recall that he was also declared the minister of patronage for Ontario. Imagine making a virtue out of such a sleazy practice. Imagine appointing ministers of the crown to dispense patronage and being so blatant about it. Of course the Tories' blatant appointment of a minister of patronage followed a quieter Liberal practice. Even if both old parties use patronage, the practice still stinks. It is a rotten way to run a government.

Sure, many people read about government patronage and get a little chuckle out of it, like the item about the member for Renfrew South (Mr. Yakabuski). The member is facing a tough fight in the upcoming election. He won his seat by only 1,000 or so votes in the last one. The Tories are not taking any chances. They spend \$700,000 of taxpayers' money to pave every street, every lane, every alleyway of Killaloe in Mr. Yakabuski's riding.

Here is a recent item in the Whig-Standard. Datelined Oshawa, it is headed "Politics Implied in Free Bus Rides." I am going to quote directly. "The Ontario government was criticized by one of its Tory back-benchers today for setting up a free commuter service in the riding of Premier William Davis and Transportation Minister James Snow. Sam Cureatz, member for Durham East, said in an interview that the experimental project which gives passengers free bus rides to the government of Ontario rail terminal in Oakville should be extended to other areas. 'What about the area east of Toronto? What about Oshawa and Bowmanville?'

"The program encourages commuters to use the government subsidized GO system to get to work in Toronto from the Oakville-Brampton areas. Snow represents Oakville and Davis is the member for Brampton in the Legislature. Cureatz suggested politics was involved. 'I have to get re-elected too,' he said." The member for Durham East was not objecting to this dual-purpose program to carry passengers and to get votes; he was simply objecting because it did not benefit him as well.

The \$17.7 million spent on government advertising this year has to be the most arrogant and most blatant perversion of public funds. Most of the money was funnelled through two Tory advertising agencies, Foster Advertising Limited and Camp Associates Advertising Limited. The money was spent to promote the Conservatives in the upcoming election. This is not advertising at all but propaganda. What else can you say about "Preserve It, Conserve It"?

The Minister of Industry and Tourism (Mr. Grossman) comes on the radio with a pitch to buy Canadian, complete with jingles. When he was shopping for a nanny, he did not buy Canadian. The Tories can find \$17.7 million more to spend on a "We Treat You Royally" campaign, Mr. Grossman's "Shop Canadian" campaign, a "Happy Hospital Day" campaign, a nuclear energy campaign; \$17.7 million more for "Preserve It, Conserve It" advertising, yet there is no more money for adequate services to help seniors stay in their homes, no more money to provide needed day care spaces to ensure equality of opportunity for women and proper care for the children of working parents, no more money for preventive health programs, and no more money for preventive services for children to forestall future problems.

The pork barrel is quickly rolled out for leaders in the ethnic community, leaders who are willing to serve as shills for the Conservatives. There is Mr. Rocco Lofranco, one of the organizers of the Bill Davis visit to Italy in 1975. Mr. Lofranco went from a \$30,000 a year job as a co-ordinator in the PC's west-end community office to taking charge of government propaganda for the Workmen's Compensation Board. He has a regular feature on CHIN radio. He shills for the Tories in every nook and cranny and at every ethnic function and activity.

For example, the First Portuguese Canadian Club applied for a \$40,000 Wintario grant. When the grant was approved, they decided to sponsor a dinner for the presentation of the money. The Portuguese committee

met with Mr. Lofranco and went over the list of invited guests. Mr. Lofranco suggested to the committee that certain names be deleted. The names of the two members representing that area, a Portuguese community in west Toronto, my seatmate the member for Dovercourt (Mr. Lupusella) and the member for Bellwoods (Mr. McClellan) were removed from the list.

Testifying before a parliamentary committee, another long-time Tory booster, Mr. Joe Forrester, adviser to the Ministry of Culture and Recreation, admitted Mr. Lofranco removed the names from the list. It is going to be a strictly Tory bash.

Conservative Frank Kowalski has a real scam going for him. He operates Lingua Ads Service. Lingua acts as a representative agency for the ethnic press and media. Mr. Kowalski receives a 15 per cent finder's fee for every advertising dollar he is able to get for them. Mr. Kowalski wears two hats, representing the buyers as well as the sellers and getting commissions from both. He started out working for the information department of the Ministry of Industry and Tourism. His job was to select which ethnic papers were to receive government ads.

That was two years ago, before the *Globe and Mail* blew the whistle on him. These days he does the same thing for Foster Advertising. For this, Foster pays 17 per cent commission to Lingua Ads Service. Lingua, in turn, charges 15 per cent to the ethnic press that receives the ads. The ethnic press is being blackmailed by this shakedown artist. They must belong to his representative agency in order to get these government ads and must accept 60 cents on the dollar or do without. On an average yearly expenditure of \$400,000 of taxpayers' money, Mr. Kowalski's cut would be \$140,000, leaving an average advertising income of \$4,300 for each of his clients. The Conservatives know all about Mr. Kowalski's scam but they go along with it.

Mr. Kowalski's federal counterpart is Liberal Stan Martyn. Mr. Martyn operates New Canada Publications. On December 18, 1978, Prime Minister Trudeau was the guest of honour at a Liberal fund-raising dinner held at the Sheraton Centre Hotel. Two thousand tickets at \$150 per plate were sold for this event. The regular press and media were invited to cover this event and there was no charge for them, but Mr. Martyn pressured representatives of the ethnic press to pay the \$150 a plate, in his words, "to show respect for the Prime Minister." In fact, he

offered an easy instalment plan. The ticket money could be deducted in three payments as their advertising cheques from the federal government came in. Like Lingua Ads Service, Mr. Martyn's New Canada Publications skims 35 cents off every dollar the ethnic press receives in advertising from the federal government.

Then we have Mr. David Carmichael, the director of the citizens' information branch of the Ministry of Culture and Recreation. Mr. Carmichael is paid \$37,575 annually. One of his jobs is to hire translation companies. Mr. Carmichael likes to keep the business in the family. The ministry's books show that an A. M. Carmichael received \$4,434.98 for translation services. A. M. stands for Anna Maria. Anna Maria Castrilli Carmichael is the wife of director David Carmichael.

4:40 p.m.

Italian Language Services received \$3,203.27 from the ministry. This company too is operated by Mrs. Carmichael. Mrs. Castrilli Carmichael was also paid \$4,000 in consulting fees on a Wintario project that studied Italian immigrant women. It was scrapped because of errors, including an interview with a woman who had been dead for seven years.

Government patronage is not just for big-time Tories. If you want to get a job at the LCBO, you do not go to a local outlet as the minister said earlier; first find a local president of the PC riding association and if you can get the Tory executive's blessing, then you go to the liquor store and the job is waiting for you.

The Ontario Human Rights Commission has condemned this practice in Brockville on the ground that it appeared to discriminate against women. They said the hiring process kept liquor stores a long-time male preserve. On October 1, 1980, the Minister of Consumer and Commercial Relations (Mr. Drea) defends his ministry before the procedural affairs committee by stating: "I can assure you that since I have been the minister, which is since October 1978—I do not know what went on before that—I can tell you that any liquor store manager—that is where you get an application or you write him, or if you are in a local town, you go to the liquor store and get your employment application—or assistant manager or clerk who tells somebody he does not get his application there, he gets it in the Conservative riding office, his employment is terminated, period."

It is striking that the minister did not try to deny that this kind of disgraceful patronage was going on until very recently in the liquor control board. The whole business is an outrageous affront. There is absolutely nothing political or confidential about putting liquor bottles into brown paper bags. There is no reason why one has to be a Tory, a Liberal or a New Democrat to get this job, and it is a downright disgrace that people have to suck up to the local Tory bigwig in order to get honest work like this. This kind of dirty patronage really makes me sick.

The same goes if one wants to open a hunting and fishing outlet. You must first get the okay from the local Tory bigwig and then you go to the Ministry of Natural Resources. This is what Mr. and Mrs. Harry Courtney learned the hard way. They operate a little tourist shop on St. Joseph Island. They sell Indian handicrafts and souvenirs as well as hunting and fishing licences. They used to sell about 1,500 licences a year until new people moved in next door. These new people had the support of the former Conservative MPP for the riding, Mr. Bernt Gilbertson, and they were able to get a licence franchise as well. Now there are six such licensed outlets on St. Joseph Island, all thanks to Mr. Gilbertson.

When my colleague the member for Algoma (Mr. Wildman) complained about the location of hunting and fishing licence outlets in the standing committee on resources development on November 5, 1980, the Minister of Natural Resources (Mr. Auld), had this to say, and I am quoting from Hansard:

"We look at how much business they do. I can give you an example in my own area. There had been one issuer in Brockville for many years and there was a lot of pressure from a community just 15 miles away. I will be very frank with you. I have been writing to the Department of Transport for five years asking them to appoint somebody in Athens. There were three hardware stores there. I said, 'I don't care, toss a coin,' because they were all Tories." What the minister was saying was that all applicants are equal, but Tory applicants are more equal than others.

Getting back to St. Joseph Island, two men applied to the Ministry of Natural Resources for trapping licences. Everything is in order until the head biologist's phone rings. In a few minutes he came back to tell them, "I am sorry you can't have the licences. I have just received a call from Mr. Gilbertson and he is recommending someone else." Mr. Gilbertson still calls the shots on St. Joseph Island, even though he no longer represents the area.

The Minister of Natural Resources has a policy of crown land sales at market value, but it appears to me that there are always bargains to be had for certain people. Mr. Harold Lapointe of Sault Ste. Marie was able to purchase 10 and a half acres of crown land in the township of Havilland for \$10,000. The previous year, the Ministry of Government Services appraised the same land at \$18,700. Mr. Lapointe had been a squatter on the property. Nevertheless, that is a tidy \$8,700 profit for Mr. Lapointe. I say that is an \$8,700 loss for the people of Ontario. Why did we get ripped off? Was it because Mr. Lapointe is a strong Conservative supporter?

I have tried to document a number of patronage situations. There is a clear pattern emerging. The first priority of the Davis government is to wrestle unemployment to the ground among Conservatives.

The Tory cabinet is always ready to overturn an Ontario Municipal Board decision when it comes to a development or a land deal that will benefit one of its own. The local PC riding associations are encouraged to rule their own little fiefdoms any way they see fit. There are cheap government loans available and a lot of them go to the party faithful. Ministers of the crown can be persuaded to issue licences by Tory hacks circumventing environmental laws. Government ministries patronize Tory establishments. Finally, because of patronage appointments, we have people involved in the administration of justice who owe favours to the Tories.

For instance, do you have a good barber, Mr. Speaker? Is he thinking of switching careers? Would he like to become a justice of the peace? If so, why not send him off to the Minister of Housing (Mr. Bennett). The Minister of Housing looked after his own barber in this way.

Why are there so many lawyers who contribute and knock on doors for the Tories at election time? Most of them do it for patronage or in the hope of patronage. They hope to get government work. They hope to get a QC after their names at New Year's or a judgeship upon retirement.

I learned of a lawyer from a well known Tory firm who was found canvassing, not for the Tories, but for the Liberals in a general election. When asked about this he shrugged and said his partner was out canvassing for the Tories, as usual, but he was out working for the Liberals this time because he felt the Liberals had a better chance of winning and he wanted to be on the winning side. He wanted to be appointed a special federal prosecutor. This patron-

age was only available from the federal government.

Under this patronage system nothing is sacred. Even our justice system is treated like a milch cow. The winning political party grabs at the udder.

This is what happens. Joe Clark's Tories win. All the special federal prosecutors appointed by the federal Liberal government were fired and replaced by Tories. In Hamilton, three Liberal prosecutors got their walking papers. Surprisingly, they were not bitter. One of them, an active Liberal, Mr. Stan Tick, simply said, "It was expected." The second prosecutor who was fired was the former Liberal MP, Mr. Colin Gibson. The third was Mr. Milton Lewis, who had run for the Liberals against the Tory incumbent, Mr. Lincoln Alexander.

Mr. Alexander has no pity on them. He said, "I hope they were not counting on the jobs as a lifetime appointment." Anyway, they were all replaced by Tories. In Leeds county, another long-time Conservative worker, Mr. Barr, a lawyer, finally got his reward. He was appointed crown prosecutor by the Joe Clark government. Then the Joe Clark government fell, Mr. Barr was fired. But he is philosophical about it. He is quoted as saying, "I knew I was expendable politically since the untimely defeat of the Tory government." He went on to say, "To the victor goes the spoils, and that is as it should be."

Our justice system was established to hand down verdicts, not to hand out slices from the pork barrel. I am not naive enough to believe lawyers are going to be entirely free of political leanings, but these appointments should be handed out on merit alone. Some would go to Conservatives, some would go to Liberals, and even some New Democrats would receive appointments. At present, they are nothing more than political payoffs. This is a damned disgrace and should be stopped.

Let me remind you what can follow from the political partisanship of these federal prosecutors. The former Solicitor General, George Kerr, got hauled before the standing committee on administration of justice. Mr. Kerr had been approached by a constituent who was down on his luck and had to appear in court on a number of charges. Mr. Kerr decided to help him out and telephoned the crown attorney on his behalf. This was a mistake. As Solicitor General he ought not to have done this, but he did. Another crown attorney overheard this call. This crown attorney was a federal appointee

and of course an active Liberal. He was not above a little partisan politics given the opportunity.

4:50 p.m.

So the story about Mr. Kerr's telephone call to the crown was leaked to the press. When the provincial Liberals found out they demanded that Mr. Kerr resign—until, that is, a member of their own party got caught. The next thing we knew a federal Liberal cabinet minister had called a judge. Member of Parliament John Munro had telephoned a judge on behalf of a constituent. This was a Tory-appointed provincial judge. I wonder if, after the outcry about Mr. Kerr, the Tories went on a head-hunting expedition of their own to get revenge. The rest is history. Both politicians resigned their cabinet posts, but of course Mr. Munro was soon rehabilitated.

The impression left in my mind is that Liberals and Tories may both be using their appointees in the justice system for partisan purposes. They may be trying to score political points at the expense of the administration of justice in Ontario. That is the sort of thing that can happen when patronage is brought into the courts.

Local PC riding associations jealously guard their authority. They must have their say in all appointments to government agencies, boards and commissions. How else can one explain the series of events that resulted in the mass resignation of the Windsor Housing Authority? This board is made up of members put forward by all three levels of government, but the provincial Minister of Housing (Mr. Bennett) does the appointing.

The Windsor Housing Authority set a fine example for all the other boards in the province. It was one of the first to be established, and over the year attracted dedicated, hard-working people regardless of political affiliation. Ms. Karen Schofield was regarded as one of the most progressive members and was elected acting chairman. Ms. Schofield was also an active Liberal. That is all right with me, because as long as she was the right person for the job she should be there to do it regardless of her political affiliation.

However, the local PCs could not tolerate the thought of having a Liberal chairman. When that position became vacant and it appeared that Ms. Schofield was in line for it, the board's problems began. Because she was doing a good job as acting chairman, board members requested that the Minister of Housing appoint her chairman. This did not happen. After consulting with the PC riding association, the minister appointed

prominent Conservative lawyer Mr. Armando DeLuca as chairman. The board members were so outraged by this partisan political appointment they resigned en masse. Even one of the Tories, Mr. John Hrena resigned in protest. Mr. Hrena, who operates an insurance agency, risks losing government business as a result.

The Windsor PCs are a frustrated group of people. No provincial Tory has been elected in living memory. That must be why they get the Minister of Housing to give them public appointments to compensate for their election failures.

The Marentette brothers are well known Tories in the Windsor area. One of them ran as a Conservative candidate against New Democrat Fred Burr. The Marentettes are in the road building business. They also own a quarry on Pelee Island. Pelee Island is the most southerly part of Canada. It is eight miles long, 8.5 miles wide and served by a ferry from Leamington and Kingsville. It is a wildlife sanctuary, exclusive home of the Blue Racer snake, as well as several rare species of birds. Fishing grounds were established at Pelee Island in 1870 and are operated by the Harris brothers to this day.

Mr. Marentette's quarry was not operating in 1974. At this time he needed to build a dock in order to ship stone off the island. He asked the Minister of Natural Resources (Mr. Bernier) for a licence to build this dock, as well as a licence to operate the quarry. Both licences were refused pending an environmental impact study. This study was completed, there were a number of conditions imposed, including guarantees that the dock would be constructed on pilings according to ministry specifications so as not to disturb the movement of fish or cause soil erosion.

Apparently Mr. Marentette could not be bothered with this. In August, 1977, quarrying was begun again with no licences issued. Workmen began drilling and blasting. The island's official plan did not allow for a quarry. The matter was before the OMB at this time. Mr. Marentette used the excuse that he could start up his operation again because it was a nonconforming land use. In other words, because there was a quarry before the official plan was passed, he had squatter's rights. In fact, he bulldozed a pile of rocks on another site that he owned on the island and tried to claim that quarrying had been going on there as well before the official plan was enacted. He got away with it since the Minister of Housing had conveniently not signed the official plan at this time.

This was the first in a series of lucky breaks Mr. Marentette enjoyed throughout this saga. At this time, a boyhood chum came to Mr. Marentette's assistance. We hear more about him later, but after the intervention of this good buddy, Mr. Frank Miller, in 1977, the then Minister of Natural Resources, issued a licence for quarrying even though it endangered species which came under the Ontario Endangered Species Act and which the minister is bound to protect; but what are friends for? He did not even wait for the Ontario Municipal Board hearing.

However, the dock was not approved. The minister could not bring himself to do it. The dock licence was refused. So Mr. Marentette went ahead and built it anyway. The ministry staff saw that the work was going ahead without a licence. Eventually, he went too far and the ministry charged him with occupying crown land without authority. The crown land was a lake bed where he was dumping his dredgings.

This did not stop Mr. Marentette. He carried on with his project, sinking an old scow as well as three railway cars filled with stone 150 feet offshore to facilitate his loading operation. The scow is almost submerged and constitutes a hazard to navigation to this day. After laying the charge, the ministry took aerial photos to make sure that all work had stopped. They were surprised to find that the dock was finished and no further work was necessary. Coincidentally, this is when the ministry issued a stop-work order.

The illegal dock is there to this day hampering fish movements and limiting fish nests. This is in direct contravention of the ministry's environmental study. In the spring of 1978 the ministry issued a quarry licence. A dock permit was also issued for the illegal dock on the condition that a new dock be built by 1980. So far this has not happened. Mr. Marentette got his way after all.

At this time he began dredging a channel 60 feet wide and 150 feet long without the necessary government permit. When the dredging was completed, the ministry ordered his company to stop work. This was the second time that a stop-work order had been issued after all the work was done. When the charge of unauthorized occupation of crown land came up in court, Marentette was fined a token \$200. A \$200 fine for sinking that old scow that is now a hazard to navigation as well as the three boxcars filled with stone is cheap rent for crown land, since the ministry did not even order it removed.

As I have said, the ministry ordered that the dock be built on pilings to be completed by

the end of 1980. Again, Mr. Marentette just ignored this order. Local opponents of the quarry were amazed that Mr. Marentette could thumb his nose at the government with such impunity, though there were rumours that Mr. Marentette had friends in high places. One of the island cottage owners is the Provincial Secretary for Social Development, Mrs. Margaret Birch. Somebody put it about that she was so fed up by this time that she exposed Mr. Marentette's government contact as Mr. Gerald Nori.

Mr. Nori was a good friend and former schoolmate who had been helping Mr. Marentette behind the scenes. Mr. Nori at this time was president of the provincial PCs. To the local people this explains everything. He had used his influence to help obtain two licences from the Ministry of Natural Resources circumventing the OMB. Mr. Frank Miller, the then Minister of Natural Resources, approved this without allowing an OMB hearing. The illegal dock and scow and railway cars were never removed and they were never ordered removed.

Mr. Marentette's road building company has a terrible reputation with local towns and municipal councils. Just because someone is getting public contracts because of patronage is no guarantee they are giving good value for the public money they receive. He is known for his shabby work and constant squabbling. The local towns and councils want nothing to do with him. He built part of Highway 401 between Windsor and Chatham, and after a few years it turned into a washboard and had to be resurfaced. Yet, Mr. Marentette has no trouble getting Ontario government contracts. In the last five years Mr. Marentette has been paid over \$24 million for road building. After all, what are friends for?

### 5 p.m.

The Parkway Inn in St. Catharines is the local Tory's home away from Queen's Park. It is owned by Mr. Archie Katzman. Mr. Katzman is an influential Conservative in the area. He is the former secretary of the Ontario Progressive Conservatives, local bagman and campaign manager for the member for Brock (Mr. Welch). For his efforts, Mr. Katzman has been appointed to the Niagara Parks Commission, a prestigious appointment. Also, as a little token of gratitude, Mr. Katzman was given a government loan to expand his Parkway Inn—\$400,000 at six per cent. Welfare for the rich, Mr. Speaker; \$400,000 at six per cent is an annual saving of almost \$40,000 if conventional interest rates were charged. The Parkway Inn consists of the Big Wheel Restaurant, a bowling

alley, as well as an accommodation complex. Mr. Katzman's bowling alley has a liquor licence, one of only a few in Ontario to have a liquor licence. I have never seen one. The Tories can always make an exception for one of their own.

In addition to Mr. Katzman's Parkway Inn, he and his partner, Mr. Len Herzog, own the K-Mart plaza. Mrs. Herzog will be the Conservative candidate in 1981 and, as I say, the Katzmans and the Herzogs wield a great deal of influence in St. Catharines.

Following the unorthodox Ontario Provincial Police raid at the Landmark Hotel near Fort Erie, in which a number of young people were skin-searched for drugs, an inquiry was called by the government. Where were the hearings held? Not near the Landmark Hotel, where most of the witnesses lived. The hearings were held 30 miles away in St. Catharines—at the Parkway Inn. Mr. Katzman must have made a lot of extra income from overnight accommodation as well as from rent for the hearing room.

Just last week, December 1, 2 and 3, the Minister of Transportation and Communications (Mr. Snow) arranged for a presentation outlining the proposed widening of the Queen Elizabeth Way through St. Catharines. Where was the presentation held? Not in one of the free public buildings, the school auditoriums or even a church basement; not in the community centre which is right next to the proposed expansion. This presentation too was held at the Parkway Inn.

Just how influential Mr. Katzman is was shown during the controversy surrounding a fatal March 14 crash involving Toronto Maple Leaf coach Mr. Floyd Smith. On that day, as was his custom, Mr. Smith stopped at the Parkway Inn for a few drinks. Later on the Queen Elizabeth Way, just outside St. Catharines, Mr. Smith's car mounted a three and a half foot median and crashed into another car, driving it back some distance. There were two people in the other car. The woman died immediately. The man died four days later in hospital. Mr. Smith was taken to hospital with a knee injury. On the way to the hospital the ambulance attendant noted that Mr. Smith smelled strongly of alcohol and put this in his report.

Shortly after Mr. Smith was admitted to the St. Catharines General Hospital, Mr. Katzman, the proprietor of the Parkway Inn, arrived with his own doctor to see Mr. Smith. Mr. Smith was then placed in the hospital's intensive care unit where no visitors are allowed. How did Mr. Katzman learn so quickly of his customer's accident?



I just have to tell "John C" of the CBC that I can't make it now. His note says: "I know you have a lot of time to make up for, but we have to leave now to make deadlines. Is it possible for you to join us?" No, it isn't possible, John, because I have only this opportunity and then the election will probably be called next year and that will be the end of it. I have to get all this on the record. I am sorry.

**The Acting Speaker (Mr. MacBeth):** Will the honourable member please address his remarks to the chair?

**Mr. Ziembra:** I am sorry, Mr. Speaker. How did Mr. Katzman learn so quickly of his customer's accident? Did Mr. Katzman have anything to do with putting his customer in the controlled atmosphere of the intensive care unit? Of course, Mr. Smith's knee injury had to be treated at once, but a nurse could not understand why he was taking up space in the intensive care unit. If Mr. Katzman did have anything to do with the decision to put Mr. Smith into the controlled environment of the intensive care unit, no wonder one observer described him as "walking around the hospital as if he owned it."

Mr. Katzman was asked if Mr. Smith had been drinking at the Parkway Inn, since this was his favourite watering hole on the way through St. Catharines. Mr. Katzman said he had only one or two drinks and he definitely was not drunk. The Parkway Inn waitresses were ordered not to say anything, but before that one of them told a reporter that she had served Mr. Smith about six drinks and he was well and truly liquored up when he took off.

Normally a blood sample is taken for the police. For some reason this was not done. In due course, the crown attorney had to subpoena the hospital's own sample. The accident was on a Friday night. The next morning local reporters went to the St. Catharines Ontario Provincial Police detachment. They asked if alcohol was a factor in the crash. They were stalled for the entire weekend by the OPP. Finally, Corporal George Adams made a statement to the press ruling out alcohol as a possible cause for the mishap. Corporal Adams said no charges would be laid.

In the meantime, the hospital reported that Mr. Smith was still in intensive care and there was no further information. On Wednesday, the driver of the other car died. On the same day, Mr. Smith was quietly released from hospital. By noon he was admitted to the Buffalo General Hospital. People who followed the case cannot

understand how someone who had been kept in intensive care for four days did not even require to be transferred by ambulance.

Meanwhile back in St. Catharines, 12 days after the fatal crash, the crown attorney finally lays charges. He charges Mr. Smith with criminal negligence causing death. The crown attorney said he did not ask for a report from the OPP about their earlier statements because this would be casting reflections on the OPP and he did not want to do this. Eight months later Mr. Smith faces a preliminary hearing to decide if he should stand trial for criminal negligence causing death. This charge was dismissed. Mr. Smith was ordered to stand trial only for impaired driving.

Here we have a case where two people died in a highway accident. One of the drivers involved had been drinking in an establishment whose proprietor arrives at the hospital with his own doctor in tow, hard on the heels of the ambulance carrying his customer. There is some question as to whether this customer should have been placed in the intensive care unit. Later the police rule out impairment in explaining the cause of the accident, even though the customer was later charged with impaired driving. I cannot help wondering about these aspects of the case.

I would like to continue about St. Catharines. St. Catharines does not just have important Tories such as Mr. Katzman. In addition, it has a whole host of lesser Tories enjoying government patronage. They have local Tory activist Mr. Ron Zimmerman, who was awarded with a franchise to sell motor vehicle licence plates on Niagara Street, and defeated Tory candidate Mrs. Eleanor Lancaster, who was appointed vice-chairman of the Environmental Assessment Board. This was in spite of the fact that Mrs. Lancaster has never shown any interest in the environment. Her husband is Mr. H. H. Lancaster of the law firm of Lancaster, Mix, Welch, Thorsteinson and Edwards. Mr. Lancaster was appointed to the Ontario Municipal Board because of his Conservative connections.

This same law firm helped another Tory old boy, Mr. John Campbell, bypass a local bylaw. Mr. Campbell is the Niagara regional chairman. He wanted a second severance on rural property he owns in Niagara-on-the-Lake, even though the region's and the town's official plans state that only full-time farmers who have farmed their land for the past five years can sever a retirement block. In fact, Mr. Campbell is not a full-time

farmer and he should never have been given permission two years ago to sever a two-acre lot, but he got the severance anyway. Now he wants a further severance, so he goes to the Tory law firm of Lancaster, Mix, Welch, Thorsteinson and Edwards. Mr. R. W. P. Welch, the son of the Deputy Premier and Minister of Energy, looks after him—no problem. Mr. Welch contacts the Ministry of Agriculture and Food and is successful in getting the ministry to support Mr. Campbell's severance.

At first, council turns down the severance, but Mr. Campbell uses his powerful public office and persuades council to approve the severance. Only one councillor dared stand up to him. Councillor Nellie Keeler objected to Mr. Campbell bending the rules. Councillor Keeler, acting as a private citizen, forced the issue to the OMB, but I do not think she is under any illusions. After all, Mr. Campbell can always go to his friends in cabinet if he does not get his way at the OMB.

5:10 p.m.

There are Miss Mary Burgoyne, former owner of radio station CKTB in St. Catharines, a lifelong Conservative supporter who was appointed to the freedom of information commission, and Mr. Jim Allan, former provincial Treasurer who was appointed chairman of the Niagara Parks Commission.

Fellow New Democrat, the member for Welland-Thorold (Mr. Swart), has accused the Minister of Housing (Mr. Bennett) of being involved in a scheme with the developers of Epping Commons to bypass the Niagara Escarpment Act. His own ministry's ruling was to permit a 305-acre commercial-residential complex on the escarpment in the Beaver Valley area. The minister pretends to support the escarpment, and turns down the proposal as premature and incompatible with his government's objectives. Pious words. Behind the scenes he works with his developer friends to push the proposal through. After all, Maxtone Holdings and Cambay Investments are the government's friends. The law firm for both companies is Goodman and Goodman. Mr. Sam Kolber, the president of both, is vice-president of Cadillac Fairview. Cadillac Fairview is always good for a maximum contribution to the Tories.

In the Welland area we have a well known wheeler dealer by the name of Mr. Secord. Mr. Secord was the secretary-treasurer of the notorious Quinn Truck Lines. Mr. Quinn, the House will recall, is the fellow who ripped off the Ontario government for hundreds of thousands of dollars with a little help from his Tory friends. In any case, Mr. Secord,

finding himself out of work after the Quinn fiasco, is given a job in the local liquor store. In the process of getting this job, Mr. Secord stepped over part-time employees who had long years of service, contrary to what the minister said today in question period. Another Tory hack is looked after.

Defeated Progressive Conservative candidate Maurice Carter of Hamilton was given \$15,000 by the Ministry of Industry and Tourism—I will not get into that now—to race his car at LeMans this past summer. However, the minister did make a great fuss about getting the money back, because Mr. Carter's car did not qualify for the race. But nobody in his office can tell me whether the money has been returned or not. This was another case of straight patronage.

I have placed several questions on the Order Paper that should have been answered by now. I asked for a list of all the former Tory MPs and MPPs, as well as defeated Tory candidates, who hold jobs in government agencies, boards and commissions and an indication of how much they are paid. There is also a question about ex-MPPs' pensions.

A number of former cabinet ministers, not satisfied with a generous legislative pension—as I said I would like to know the amount—are pulling down big money by serving on some agency, board or commission. First, there is the appointment of Mr. Lincoln Alexander, the former Conservative MP for Hamilton West for 12 undistinguished years. He is getting \$60,000 a year as Workmen's Compensation Board chairman. Mr. Alexander succeeds another former Tory Labour minister. It is interesting that both former Tory Labour ministers got the job for the same reason. They were Conservatives and they were just straight patronage appointments. We needed somebody with some familiarity with the horrendous problems of the Workmen's Compensation Board, someone with sensitivity to the problems of injured workers. This was an especially offensive appointment for New Democrats and the labour movement.

Then we see ex-cabinet minister Mr. John Yaremko appointed chairman of the Liquor Licence Appeal Tribunal at \$51,000; Mr. Arthur Wishart, former Attorney General, appointed chairman of the Commission on Election Contributions and Expenses at \$51,000, and Mr. Allan Grossman, appointed chairman of the Criminal Injuries Compensation Board at \$51,000; they all get \$51,000. Mr. John White, former Treasurer, was appointed to the Ontario Heritage Foundation, but I cannot find out what he earns. Former Conservative MPP Judge Thomas Graham was

appointed chairman of the Ontario Police Commission at \$54,000. He is now retired.

Then we have the losers. I will start with my former opponent, Mr. Yuri Shymko. Mr. Shymko ran four times for the Conservatives—twice provincially and twice federally. He served as Parkdale MP for six months. Mr. Shymko was appointed chairman of the Ontario Advisory Council on Multiculturalism and Citizenship at \$40,000 a year. That is a big step up for a high school French teacher.

Mr. Lincoln Alexander is not the only Tory at the Workmen's Compensation Board. There is also Mr. John Smith and Mr. Roger Regimbal. Mr. Smith, a former Conservative cabinet minister from Hamilton Mountain, was a disaster as a Correctional Services minister. When he was defeated in 1977, he was given a sinecure at the Workmen's Compensation Board. A defeated Quebec Tory MP, Mr. Regimbal, was appointed full-time commissioner in February. Mr. Regimbal, together with Eddie Goodman, co-chaired the Progressive Conservative convention that chose Mr. Robert Stanfield as national PC leader in 1967.

Then we have the former defeated MP for Dovercourt, Mr. George Nixon. Mr. Nixon is really miscast as one of the chairmen of the Social Assistance Review Board. He was given the job when he was knocked off in 1975 by my seatmate the member for Dovercourt (Mr. Lupusella). I run into Mr. Nixon from time to time at west-end Polish functions. He always sits at the head of table and is introduced as the Hon. Mr. Nixon. I asked about this once and I was told the reason they do this and the reason they are all nice to him is they can always count on Mr. Nixon's assistance in landing a job in a liquor store. There is only one problem. The jobs never lasted very long. They were all contract jobs, but they were better than nothing. While Mr. Nixon may not know very much about social services, he is a good ward healer for the Tories.

There is the Conservative turncoat, Mr. Marvin Shore, who was given a job with the Ministry of Industry and Tourism for double-crossing the Liberals but losing as a Tory in 1977. There is the defeated Halton Tory federal candidate, Mr. Alan Masson, who was appointed Niagara Escarpment development control chief at \$42,000. There is always a job for defeated Tories in Davisland.

**Hon. Mr. Gregory:** Don't you wish you were a Tory?

**Mr. Ziembra:** I should not respond to that.

I have also put a question on the Order Paper requesting a list of PC Party officials

who were given government appointments. Of course, the Tories are not in any hurry to provide this list, but I think the question is long overdue in being answered.

Every once in a while the Premier and a bunch of the boys get together to dispense patronage. When he does this, the Premier reminds me of that TV character, Boss Hog. They call themselves the appointments committee. One of their recent appointments was Mr. Ward Cornell of Hockey Night in Canada fame. Mr. Cornell, a close personal friend and supporter of the Premier, had earlier been appointed Ontario's Agent General in London. Perhaps he got bored after six years of glad-handing in London and wanted to come home. When there was a vacancy as Deputy Provincial Secretary for Social Development, Mr. Cornell got the nod. It is too bad he has no background and no expertise in the social policy field.

For me it is always a sad experience, representing someone before the Social Assistance Review Board. The questions are very personal and demeaning. It is a kind of inquisition conducted by the two board members. The applicant is often reduced to tears before the ordeal is over. I have yet to win one of these appeals. Who are these board members? I have here the curriculum vitae of all the present board members. These are the actual documents they submitted when seeking their patronage appointments.

First, we have Mr. Desmond S. Bender of Ottawa. Mr. Bender submits the following as his qualifications for the board. These are his words: "Mr. Bender has been campaign manager in three provincial elections for the Progressive Conservative Party and a fully paid-up member of the Progressive Conservative Party of Ontario."

Next we have Mrs. Joan Dool of Sault Ste. Marie. In her biography, Mrs. Dool lists the following: "PC committee room supervisor and organizer for Arthur Wishart's two elections. Russ Ramsay's two elections and John Rhodes's first election." She goes on: "Friends of Rhodes family, seconded the first nomination of John Rhodes for provincial election; Sault Ste. Marie riding executive and district women's executive."

She actually had the nerve, Mr. Speaker, to write all this down under the heading, "School and Church Activities." Maybe that is what is meant by the expression praying for a patronage appointment.

5:20 p.m.

Next we have Mayor Maurice Hotte of Cochrane. I understand Mr. Hotte may be

asked by the Conservatives to run in Mr. Bernier's place in the upcoming election. He is a good Tory.

Next is Mr. Manuele Gaetano of Toronto. Mr. Gaetano ends his curriculum vitae by stating: "I am also member of public relations of the PC community centre. In this capacity I frequently deal with the Toronto Italian news media: Corriere Canadese, Giornale di Toronto, Television Cable 10 and so on, preparing press releases and at times giving television and radio appearances." This must be Mr. Rocco Lofranco's old job.

Here is a good one, Mr. Speaker, you will like this one: Mrs. June Marks of Toronto—do you remember her? She used to be an alderman here. These are her words: "In July 1974 I was the Progressive Conservative candidate for the federal riding of Spadina and was defeated. I continue to hold membership in six provincial and federal riding associations." She did get the appointment, but surely she was overdoing it. One or two memberships should have been enough.

Mr. Donald Morrow states that he "served the people of Ontario for 20 years as the member for Ottawa West and was Speaker of the House from 1963 to 1967."

Mr. George Adam Nixon: "First elected to the Ontario Legislature October 21, 1971." I mentioned him earlier.

Next—and this is interesting—listen to what Mrs. Lamarche says about herself: "Mrs. Pierrette Lamarche of Timmins, court clerk, clerk typist, assessment clerk and saleslady." Then she goes on to elaborate: "This type of work involves direct selling door to door, also calling on community groups to organize parties to which I was the counselor in skin analysis and proper make-up colouring. This job was very good in meeting different nationalities and different cultures. I was able to dialogue with a lot of lonely people. The same type of work was done for a household product called Amway. Both of these jobs were done at the same time and in the same manner."

Mrs. Lamarche goes on: "Also very active in provincial politics; vice-president on the executive for 10 years; organizer for three provincial elections." In fact, Mrs. Lamarche did work hard in the French community to help elect the member for Cochrane South (Mr. Pope). A close observer of political affairs in Timmins told me it was well known that Mrs. Lamarche only got into PC politics to get a job as a riding assistant to the present Tory member, but apparently she

was too abrasive for this job so he arranged for her appointment to the Social Assistance Review Board.

Then we have the Conservative riding activists, the organizers, the foot soldiers: Tory supporter Dr. W. C. Winegard is appointed chairman of the Ontario Council on University Affairs, \$61,000; former secretary of the Elgin PC riding association, Mr. Eber Rice is appointed chairman of the Liquor Licence Board of Ontario, \$53,000; Conservative campaigner Mr. Bruce Alexander is appointed chairman of the Ontario Highway Transport Board, \$49,000; Conservative Party worker Mr. Henry Stewart, is appointed chairman of the Ontario Municipal Board, \$61,000, even though he claims that he "didn't do enough to be owed."

Tory municipal politician from Peel, Mr. J. I. McMullin, is appointed chairman of the Niagara Escarpment Commission, \$31,000. He always works for Mr. Davis when the Premier is running for re-election.

PC loyalist and former party executive director Mr. Ross DeGeer is appointed Ontario's Agent General in Britain; former car dealer, backroom adviser and former executive director of Ontario Conservatives Mr. Hugh Macaulay is appointed chairman of Ontario Hydro.

There is a high-profile Cambridge Tory, Mr. Norman Morris, who was just appointed general manager of the Ontario Lottery Corporation with a big salary. What are Mr. Morris's qualifications for this job? Well, he did have a car agency in Kitchener that went bankrupt, but his best qualification seems to be a membership card in the Conservative Party. It certainly saved Mr. Morris from the unemployment insurance line.

Another Tory good old boy who was helped when he fell on hard times was Mr. Bert Woodman of Wolfe Island. The Attorney General (Mr. McMurtry) appointed Mr. Woodman sheriff of Frontenac county. Mr. Woodman, an active Tory worker, admitted that frankly he needed the sheriff's post. His farm machinery business in Kingston township had failed earlier this year, so he was really grateful to the Attorney General for the appointment. Another Tory was saved from the ranks of the unemployed.

I have been speaking today about a number of despicable practices that make up the Tory patronage system in Ontario. We have seen government business for the boys, and I am referring to the vehicle and the hunting and fishing licence outlets, as well as fat contracts for friends of the Tories in advertising, consulting and road building. We have seen how

some of our rules do not seem to apply as strictly to those with good Tory connections as they do to you and me, Mr. Speaker. We have seen jobs for the boys, big jobs for leading Tories as well as ordinary jobs in liquor stores for people who can get the stamp of approval from the local PC riding association. It is with this sort of patronage system that the Premier can wrestle to the ground unemployment among Tories.

I am not naive enough to think the Premier would appoint any but Tories as deputy ministers. But it is past time we had the merit principle apply to all but the most senior government appointments. My party believes in giving unfettered political rights to civil servants. Civil service jobs should go to those who can do them well, and those people should be free to work for whatever political party they choose or vote the way they like once they have gone home for the day.

We want to end the political restrictions that now apply to the liquor clerks and the snowplough operators, but it is time to start putting some restrictions on the blatant patronage system the Tories use to reward their supporters. We have to stop political patronage in order to stamp out waste, inefficiency and corruption. It is the ordinary working people in Ontario who are getting it in the neck when the Tories spend public money to interview dead people. It is the ordinary working people of my riding who ultimately are out of pocket when Mr. LaPointe of Sault Ste. Marie buys crown land at only half its market value.

In conclusion, I would like to comment on the item that led me to look into patronage in the first place. I have come across an awful lot more but I will save it for another time. The issue I am referring to was my charge that two Tories, the member for Wilson Heights (Mr. Rotenberg) and the member for Armourdale (Mr. McCaffrey) bought their seats. Since I have withdrawn this charge about the buyers, I would like to say something about the sellers. They are not protected by parliamentary privilege.

Both Mr. Givens and Mr. Singer sold their seats to the Tories for \$50,000 a year each, plus a chauffeured limousine for Mr. Givens. Here is how they did it. They are both well liked, high profile Liberals. They could probably have held on to their seats as long as they wanted to, and the Tories knew this. But just before the 1977 election writ was issued, both those fellows abandoned ship. At the last minute they announced they were retiring from politics and left their riding associations surprised and unprepared to fight

an election. No replacement Liberal candidates had been groomed to take over, and it was too late to start.

In other words, Mr. Phil Givens and Mr. Vernon Singer took a dive. They threw the fight. They pulled a Duran. Like Duran, they laughed all the way to the bank. The Tories bought those seats. Those seats have been bought and paid for on the instalment plan, which adds up to \$100,000 a year. In fact, a cabinet minister boasted about it. The Minister of Agriculture and Food (Mr. Henderson) boasted right outside this Legislature that the Tories bought off Mr. Singer with an appointment to the Ontario Municipal Board. Coming from him, I believe it. Before he became Minister of Agriculture and Food he had the unofficial title of minister of patronage. He is known for his famous line—

**Hon. Mr. Gregory:** On a point of privilege, Mr Speaker: Despite the fact the honourable member has deigned to apologize and withdraw his remarks, he is now saying the same thing again. This is a very cute little game they played in order to give him a chance to spout this nonsense all afternoon. It was a very cute trick to withdraw his remarks, make his speech and then make the same remarks again. I would suggest to you the member is out of order.

5:30 p.m.

**Mr. McClellan:** Mr. Speaker, speaking to the point of privilege, the standing orders are clear. They forbid allegations against another member. The member for High Park-Swansea has withdrawn the allegations against other members. He is making a series of remarks identical to the remarks made this afternoon during question period, having to do with Tory patronage appointments to jobs at the Liquor Control Board of Ontario. He is talking about the activities of the Progressive Conservative Party, not about the activities of any specific member of this assembly.

**Mr. Speaker:** I have listened with great care to all the remarks since the member for High Park-Swansea has again been recognized. I do not know of any instance where he has accused a member of this assembly of wrongdoing. If he had, I would have been the first to bring him to order. If the honourable member can point to any such instance, I will listen to him, but I have listened with great care and I find that not to be the case.

**Mr. Ziemba:** Mr. Speaker, I was going to quote the Minister of Agriculture and Food's famous line, "Me and the Premier bring you this cheque." Remember that one? Mr. Givens was made a judge in order to be installed as

chairman of the Ontario Police Commission. He gets \$50,000 a year and a chauffeur-driven limousine. This is the Tories' economic strategy for Ontario. When they say they will buy back Ontario, they want to buy it back one seat at a time from the Liberals.

**Hon. Mr. Wells:** Mr. Speaker, I would like to take part in the budget debate and deal with a few matters I think are probably of greater pressing interest to this House and to this country and province than the kind of drivel we have just heard.

My friend has dealt in a lot of innuendo and accusation without really knowing what most of these situations are all about. He has in this House perhaps cast aspersions on the names of people who are serving this province well and on the citizens of this province in many capacities. I hope he will think sincerely about that and consider that when he makes speeches like this.

As my friend the chief government whip said, perhaps he would like to make his speech outside where those people who have been talked about would have a chance to take any action they might wish to take against him. But I do not really want to descend to this kind of tack. In fact, I really find it very difficult to be in a House with a member like the member for High Park-Swansea because I think his general actions tend to lower the status and quality of members of this Legislature, and for that I am very sorry.

I would like to talk this afternoon about the constitutional debate in this country today, about the position we find ourselves in, and about the reason Ontario has taken the positions it has in the constitutional debate and why we have taken these positions with a great deal of vigour.

The first thing I would like to deal with is the question oft put to me: "Why are you worrying about the constitution? The issues that really matter in this country today are economic issues. They are matters concerned with inflation, jobs and the economy. These are the things government should be spending its time debating and should be directing its attention towards. To be spending the effort and energy that it is on the constitution is really not very productive in these times."

The answer I would like to pose to these people, an answer I think is a very relevant one, could best be summed up in a letter which the Premiers of this province and of all the other provinces received from a group called the Business Council on National Issues. This is a group of prominent Canadian businessmen, presidents and chairmen

of the boards of prominent companies like Honeywell, General Electric and so forth—companies that are most concerned about the economic issues of this country.

This group said they "hoped that the Premiers would come to some conclusion or at least the beginnings of some conclusion on the constitutional question because the fact that it is unresolved is having an effect on the economy of this country." In fact they went so far as to say, "The fact that we have not solved our constitutional problems is costing us jobs and costing us investment."

I can believe that, Mr. Speaker. I can believe the fact that we have not been able to resolve, at least in some small way, the renewal of our constitution as we promised during the referendum debate last May in the province of Quebec is having an unsettling effect on the business community and such an effect that it is causing them not to create the jobs and carry out the investment that we know needs to proceed.

The fact that we have not arrived at oil pricing agreements between the government of Canada and the province of Alberta, I would submit to members, is partially because we have not been able to come to any conclusion to our constitutional problems. The fact that we do not have those oil pricing agreements in effect is having a disturbing effect on the economic climate of this country.

Therefore, the premise that I am putting to you, Mr. Speaker, and to this House today is that the constitutional issue is very directly connected with the whole issue of the problems we face with the economy in Canada today. The need is for some kind of log-jam breaking, deadlock breaking action to get this matter on the road to bring some beginning to a resolution of our constitutional problems, because that will have an offshoot effect on our economic problems. That, I would submit, is the kind of action that the present government of Canada is contemplating in its constitutional package.

My feeling is that it has looked at this problem. I have to say I believe we all sincerely worked throughout the summer on the committee that I was a part of and that the Attorney General was a part of and that had on it ministers from all the provinces and the federal government. We sincerely tried to come to some conclusions, to some resolution on 12 constitutional issues and to move from there to implementing and presenting to the first ministers some package of constitutional reform that could be put

into effect because that would mark a beginning and would get us out of this deadlock situation that we are in where nothing appears to happen. That did not happen.

The first ministers met in September and they tried but came up with no agreement. Hovering over that meeting was, of course, the implied suggestion that there would be unilateral action by the federal government; that a constitutional package would be presented. I do not believe that hindered or helped the kind of discussion that went on.

Many people will be trying to analyse why, after a summer of work and a first ministers' conference in September, we did not come to some agreement; but I think the bottom line to it all is that for many years—perhaps 50 years now—we have not been able to come to any agreement on anything concerning the constitution. The question then is, shall we allow this indecision to forever stop us from taking action? Shall we forever allow this indecision to prevent us from achieving the kind of economic goals that we need in this country because we cannot come to any agreement on issues concerning our constitution?

5:40 p.m.

I believe the answer has to be that we must move and we must, this one time, take the kind of action that has now been proposed for this country.

It is not right to call it unilateral action. In essence, it is supported by this province, it is supported by New Brunswick, and it is probably half supported by Saskatchewan and Nova Scotia, so it is far from unilateral action. But it is certainly opposed vigorously by six provinces. There is no question those six provinces are opposing it to the extent that they are going to court and through various routes to try to prevent this package from happening.

The constitutional package and its perpetration are being held out as one of the further causes of western alienation. There is no question there is an alienation on the part of people in some of the western provinces, particularly towards central Canada—Ontario and Quebec—and the central government. As the Premier said in his speech in Vancouver on Saturday, it is an issue we must come to grips with. We must be ready to make some accommodation to bridge this alienation. One of the ways suggested to bridge this alienation is to accept the premise put forward by six of the provinces that one of the major causes is the unilateral action on the constitution.

My premise is that there is no question it is an immediate impediment to establishing better relations between the central government and the western provinces, but I view it a little differently from the way I am sure it is viewed by many of the western provinces who are opposed to the package. Distasteful as it may be to those provinces, we must take this action, perhaps being able to accommodate some of their views as the constitutional resolution moves ahead, but we must take this dramatic step and break the deadlock that we are now in. Once this is done, we must work to build the bridges that have to be built across the country and which I firmly believe are there to be built.

In other words, my premise is that what we need to do now is bring our constitution home to Canada—patriate it, as we commonly say—with a charter of rights that will guarantee basic fundamental rights to Canadians, democratic rights, mobility rights, minority language education rights; we must bring that constitution home with provisions that will guarantee equalization payments, and we must bring it home with an amending formula. If we do that and if this country takes that dramatic action, even though it is not being taken with a degree of unanimity and even though it is causing rifts in our country, once that action is taken, once this constitution with these amendments arrives back here and we have our own Canadian constitution, we then will better be able to build the bridges.

What is the alternative? The alternative is to take no action, to accede to the demands of provinces and groups that are opposing the action being taken by the federal government, and to sink back into the whole realm of indecision and nonagreement. If we sink back into that, we will have still worse economic problems. We will not be getting any agreements between provinces on oil pricing. We will not be making the kind of progress on division of powers and readjustments in the constitution that has to be made. We will not be making any progress on those things that Quebec wants. I know they are very much opposed to the action currently being taken, because the government of Quebec says: "These are not the things we really want. The things we want, such as communications and other divisions of power and rearrangements in the constitution are not here."

I am convinced those things are not going to happen at the present time, but I am also convinced that they can happen if we can take this present step, bring the constitution

back with those things that are now suggested within it and then move from there. I think the goodwill of Canadians is such that, having taken this step, we would then be able to sit down and come to some better agreements on those things I know we must be able to come to agreement on.

In other words, what I am saying is it is better to take this very tough, drastic action right now, recognizing that rifts are being caused, get it over with and then start to build the bridges. Those bridges can be better built and the new division of powers in this country and the new kinds of agreements that are going to be necessary can be better taken.

If we do not take this action now and we allow this opportunity to slip through our fingers, we will find 10 years from now we will still be arguing, discussing and trying to come to some agreements while the country will have suffered. We have a far better chance to make the 1980s greater for this country by taking this action now than by not taking it.

Let me just deal with a couple of things in the constitutional package. One of the things in the package that is greatly disturbing to some provinces is the amending formula. I recognize that. I recognize that the Victoria formula basically suggested, as my friends know, the procedure that for two years unanimity be the rule. In other words, for any amendment to the constitution there must be unanimous consent of the provinces and of the federal government, the federal House and the Senate. After that, the Victoria formula with a referendum takes effect.

The Victoria formula was a formula supported by all the provinces at the Victoria conference in 1971, at which time they arrived with the Victoria charter. My friend the member for Brant-Oxford-Norfolk (Mr. Nixon)—we should fix that name when we get the 180 members—remembers because he was there. He will recall that amending formula was agreed to. In fact, the whole charter was agreed to. The province of Quebec, for reasons known only to them, chose not to approve it afterwards, but here was an amending formula which was agreeable to people then.

The problem with that amending formula, in the eyes of those provinces out west and some of the maritime provinces, but particularly those provinces out west, is that formula gives a veto to the province of Ontario and to the province of Quebec. Under that formula, an amendment would have to have the approval of Ontario and

Quebec to be passed. I hear them say that creates two first-class provinces and eight second-class provinces. I do not think that is quite correct, but I am willing to agree with their suggestion that there is perhaps in their eyes a problem with this kind of formula.

What is the answer to that? The answer is we have two years under unanimity for all of us to sit down and come up with a better formula. As far as this province is concerned, we are perfectly willing to do that. We tried during the summer and were not successful, but we came up with a lot of variations.

**Mr. Nixon:** You are not willing to give up the veto.

**Hon. Mr. Wells:** We looked very carefully at the so-called Vancouver consensus. I guess if all the provinces and the federal government had been agreeable to that, we would have accepted that too. That does not have the veto in it.

It is not fair to say we are absolutely not willing to give up the veto. I think we are willing to sit down and look at a formula, but we think that can be done in the two years when unanimity is the amending rule. When we have this dramatic dead-lock-breaking patriation of the constitution achieved, we can sit down and then work it over. The first thing to remember is that we do have that two years when unanimity is the rule to work out a formula which could take the place of the Victoria formula with the referendum that is suggested here.

5:50 p.m.

We also have to remember there is a provision for a referendum on amending formula within that two year period. If eight provinces come up with a formula and the federal government or the central government and several provinces still want the Victoria formula, those can be put to a referendum of the people of this country. I do not say that is a satisfactory way of solving it, but I think it shows there are mechanisms there to allow us to arrive at new amending formulas after this patriation and the present amendments are concluded.

I sometimes get the feeling, talking to some people, that we are doing something that is going to be forever done and which will never be able to be touched—that once we do this, that is it. But that is not so. People should look at the kinds of things that can happen in the process after the constitution arrives back in Canada.



The other matter which has troubled some people in some of the provinces has been the referendum. I think the referendum can be used as a deadlock-breaking mechanism in the amending formula—although we are not particularly enamoured with referenda. We hope—and I am led to believe the present resolution in the House of Commons and Senate will be amended this way—the referendum will only be used after there is a deadlock. In other words, the regular process of provincial legislatures, House of Commons and Senate must be used first and then, if there is no agreement, the referendum can be used.

We have further suggested the referendum could only be used not just on the initiative of the federal government but with at least four provinces also agreeing that a referendum should be held. I think that is a very reasonable position. It suggests the referendum, as a deadlock-breaking mechanism, is not there for only one government but for several governments, and that could be very helpful. I am sure those kinds of amendments to hone down the Victoria formula with those changes will be coming forward as the House of Commons-Senate committee proceeds with its work.

There are two other things I would like to mention today. There is not much time left. Rather than get into a long discussion on the charter of rights, I would recommend that members who are interested in this subject—as I have done on many occasions over the last few months—should get out the Right Honourable John G. Diefenbaker's speech of July 1, 1960. He was Prime Minister at that time and I guess he decided there should be a special sitting of the House on July 1—Canada Day, Dominion Day, or whatever they were calling it then. At that time he was bringing in his Canadian Bill of Rights.

It is very interesting to read the language that he used, talking about why we needed a bill of rights. Many of the reasons are the same reasons that we use 20 years later to support an entrenched Canadian charter of rights. He also says in his address at that time he would have liked to entrench this in the constitution, but he could not because he could not get the agreement of the provinces. Therefore, he would not do it. That was his position. I suppose it also is the position—

**Mr. Nixon:** That is when he had 208 seats.

**Hon. Mr. Wells:** Yes, but he still wanted to respect the agreement of the provinces.

But here we are 20 years later with a bill of rights, much of it now being transferred

into the Canadian charter of rights and still we do not have the agreement of the provinces. I guess the question is, do we go on forever not having a Canadian charter of rights, something that I think can be substantiated and proven by the many instances he refers to and that others of us have heard over the years.

That brings us to the position of some other inclusions in the constitution. There has been much discussion about section 133, which is the section of the present British North America Act that says the statutes of a province—and it says now the statutes of Quebec and New Brunswick—"shall be in both English and French and they shall have equal authority" and so forth.

**Mr. Nixon:** Don't give us the Davis line on this one.

**Hon. Mr. Wells:** I know my friend would want to hear the line. We would say that by including that kind of thing for this province, where five per cent of the population is francophone, we would be accepting the idea of official bilingualism.

**Mr. Nixon:** Hatfield is the only one who wants that in.

**Hon. Mr. Wells:** Mr. Hatfield has suggested that. I think it is a red herring that he casts across all these discussions. He is really in favour of the federal proposals, but people forget that he is in favour of them because he spends so much time Ontario-bashing. It is about time he went home and looked after New Brunswick.

**Mr. Nixon:** I am going to send that one to him.

**Hon. Mr. Wells:** Send it to him. I said that on Canada AM the other morning and I have said other things. The thing that surprises me about the Premier of New Brunswick is that he says all these things away somewhere and yet he comes down here to the meetings and never says anything about that to us when he is face to face with us. I want to say there is no need for section 133 to apply in this province.

I want to put on the record and share with my friends something I know they would want to share in, particularly if they are looking for a good Christmas present to buy for a friend, a relative, their wife, or a member of this Legislature. There is a very fine book out called *The Northern Magus* by Richard Gwyn. It is on the Prime Minister of Canada. Mr. Gwyn is someone who has studied the Canadian scene very extensively. I think he brings a pretty good perspective

to a lot of these things. I want to read a paragraph from that book. He says:

"Ontario, for a francophone minority that, after all, constitutes no more than five per cent of its population, does now provide most government services, including legal services, in both languages. Franco-Ontarians fill their full five per cent of civil service posts against only an equivalent two per cent by anglophones in Quebec."

**Hon. Miss Stephenson:** It is 17 per cent in the Ministry of Education.

**Hon. Mr. Wells:** It is 17 per cent in the Ministry of Education. I will remember that.

"TVOntario broadcasts one fifth of its programs in French. Premier Davis has done as much for Franco-Ontarians as he could have accomplished through a bilingual law, and probably more since he has managed to avoid a backlash."

I think that is a very interesting quotation.

**Mr. Nixon:** It's a special favour and not by right.

**Hon. Mr. Wells:** No, it is not as a special favour, it is because we firmly want to provide the services to the Franco-Ontarians in this province. The member just said a minute ago he was in favour of what we are doing. That was what he said, was it not? We believe those services have better been able to be provided. Believe me, I know because I stood up here and moved a bill to cause a French-language school to be built in an area of this province where the local authorities did not want that school built and on which the members of the Liberal Party stood up and voted against in this House. You both remember that, and are probably the only two people in this House who voted against that school.

**Mr. Conway:** I remember Carleton.

**Hon. Mr. Wells:** There is nothing inconsistent with what I have said and what has happened in Carleton or what was said in

Carleton. I gather my friend is going to make a speech about what has happened in Carleton. He would like nothing more than to get us into a great squabble so that we could not provide French-language services and would have a backlash and disaster.

**Mr. Nixon:** You are courting a backlash by your actions in Carleton.

**Hon. Mr. Wells:** No, we are trying to prevent a backlash and I think that is the kind of thing we have always done in this province.

As I said, Mr. Speaker—and I would just like to conclude with this remark—the road to complete constitutional renewal is going to be a very long and difficult one and it is going to take a lot of energies on all our parts, but this province is committed to moving ahead and finishing that job and we hope that the central government and the other provinces will continue to work with us for what we know is going to be for the best and the betterment of all Canadians.

On motion by Mr. Ruston, the debate was adjourned.

**Hon. Mr. Wells:** Mr. Speaker, before I move the adjournment of the House, I wonder if, with the consent of the House, we could revert to motions. I understand one of the committees needs authorization to meet tomorrow morning and does not have the authority to do so.

**Mr. Speaker:** Do we have unanimous consent to revert?

Agreed to.

## MOTION

### SUBCOMMITTEE SITTINGS

**Hon. Mr. Wells** moved that the subcommittee of the standing committee on administration of justice be authorized to meet on Tuesday morning.

Motion agreed to.

The House adjourned at 6:02 p.m.

## APPENDIX A .

(See page 5033)

## CONCURRENCE IN SUPPLY

Mr. Edighoffer from the committee of supply reported the following resolutions, which were concurred in by the House:

Resolved: That supply in the following amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1981:

Ministry of Intergovernmental Affairs: ministry administration program, \$2,194,000; intergovernmental affairs program, \$1,295,000; local government affairs program, \$466,049,000;

Office of the Lieutenant Governor: Office of the Lieutenant Governor program, \$145,800;

Cabinet Office: Cabinet Office program, \$1,275,200;

Office of the Premier: Office of the Premier program, \$1,718,100;

Ministry of Northern Affairs: ministry administration program, \$1,541,000; project development and community relations program, \$5,980,000; northern communities assistance program, \$32,975,000; regional priorities and development program, \$117,237,000;

Ministry of Government Services: ministry administration program, \$6,266,000; provision of accommodation program, \$145,509,000; upkeep of accommodation program, \$72,223,000; supply and services program, \$50,274,000; communication and computer services program, \$12,991,000;

Ministry of Revenue: ministry administration program, \$6,491,000; administration of taxes program, \$32,236,000; guaranteed income and tax credit program, \$90,471,000; municipal assessment program, \$59,066,000.

## APPENDIX B\*

ALPHABETICAL LIST OF MEMBERS OF THE  
LEGISLATURE OF ONTARIO

(125 members)

Fourth Session of the 31st Parliament

Lieutenant Governor: Hon. John B. Aird, OC, QC

Speaker: Hon. John E. Stokes

Clerk of the House: Roderick Lewis, QC

| Member  | Constituency                 | Party |
|---|------------------------------|-------|
| Ashe, G. ....   | Durham West .....            | PC    |
| Auld, Hon. J. A. C. ....                              | Leeds .....                  | PC    |
| Baetz, Hon. R. C. ....                                | Ottawa West .....            | PC    |
| Belanger, J. A. ....                                  | Prescott and Russell .....   | PC    |
| Bennett, Hon. C. ....                                 | Ottawa South .....           | PC    |
| Bernier, Hon. L. ....                                 | Kenora .....                 | PC    |
| Birch, Hon. M. ....                                   | Scarborough East .....       | PC    |
| Blundy, P. ....                                       | Sarnia .....                 | L     |
| Bolan, M. ....  | Nipissing .....              | L     |
| Bounsall, E. J. ....                                  | Windsor-Sandwich .....       | NDP   |
| Bradley, J. ....                                      | St. Catharines .....         | L     |
| Breaugh, M. ....                                      | Oshawa .....                 | NDP   |
| Breithaupt, J. R. ....                                | Kitchener .....              | L     |
| Brunelle, Hon. R. ....                                | Cochrane North .....         | PC    |
| Bryden, M. ....                                       | Beaches-Woodbine .....       | NDP   |
| Campbell, M. ....                                     | St. George .....             | L     |
| Cassidy, M. ....                                      | Ottawa Centre .....          | NDP   |
| Charlton, B. ....                                     | Hamilton Mountain .....      | NDP   |
| Conway, S. ....                                       | Renfrew North .....          | L     |
| Cooke, D. ....  | Windsor-Riverside .....      | NDP   |
| Cunningham, E. ....                                   | Wentworth North .....        | L     |
| Cureatz, S. ....                                      | Durham East .....            | PC    |
| Davidson, M. ....                                     | Cambridge .....              | NDP   |
| Davis, Hon. W. G. ....                                | Brampton .....               | PC    |
| Davison, M. N. ....                                   | Hamilton Centre .....        | NDP   |
| Di Santo, O. ....                                     | Downsview .....              | NDP   |
| Drea, Hon. F. ....                                    | Scarborough Centre .....     | PC    |
| Dukszta, J. ....                                      | Parkdale .....               | NDP   |
| Eakins, J. ....                                       | Victoria-Haliburton .....    | L     |
| Eaton, R. G. ....                                     | Middlesex .....              | PC    |
| Edighoffer, H. (Deputy Speaker<br>and Chairman) ..... | Perth .....                  | L     |
| Elgie, Hon. R. ....                                   | York East .....              | PC    |
| Epp, H. ....  | Waterloo North .....         | L     |
| Foulds, J. F. ....                                    | Port Arthur .....            | NDP   |
| Gaunt, M. ....  | Huron-Bruce .....            | L     |
| Germa, M. C. ....                                     | Sudbury .....                | NDP   |
| Gigantes, E. ....                                     | Carleton East .....          | NDP   |
| Grande, A. ....                                       | Oakwood .....                | NDP   |
| Gregory, Hon. M. E. C. ....                           | Mississauga East .....       | PC    |
| Grossman, Hon. L. ....                                | St. Andrew-St. Patrick ..... | PC    |
| Haggerty, R. ....                                     | Erie .....                   | L     |
| Hall, R. ....   | Lincoln .....                | L     |

\*The lists in this appendix, brought up to date as necessary, are published in Hansard once a month and in the first and last issues of each session.

| Member   | Constituency             | Party   |
|--|--------------------------|---------|
| Havrot, E.   | Timiskaming              | PC      |
| Henderson, Hon. L. C.                                  | Lambton                  | PC      |
| Hennessey, M.  | Fort William             | PC      |
| Hodgson, W.  | York North               | PC      |
| Isaacs, C.   | Wentworth                | NDP     |
| Johnson, J.  | Wellington-Dufferin-Peel | PC      |
| Johnston, R. F.  | Scarborough West         | NDP     |
| Jones, T.  | Mississauga North        | PC      |
| Kennedy, R. D.   | Mississauga South        | PC      |
| Kerr, G. A.  | Burlington South         | PC      |
| Kerrio, V.   | Niagara Falls            | L       |
| Lane, J.   | Algoma-Manitoulin        | PC      |
| Laughren, F.   | Nickel Belt              | NDP     |
| Lawlor, P. D.  | Lakeshore                | NDP     |
| Leluk, N. G.   | York West                | PC      |
| Lupusella, A.  | Dovercourt               | NDP     |
| MacBeth, J. P. (Deputy Chairman<br>and Acting Speaker) | Humber                   | PC      |
| MacDonald, D. C.                                       | York South               | NDP     |
| Mackenzie, R.  | Hamilton East            | NDP     |
| Maeck, Hon. L.   | Parry Sound              | PC      |
| Makarchuk, M.  | Brantford                | NDP     |
| Mancini, R.  | Essex South              | L       |
| Martel, E. W.  | Sudbury East             | NDP     |
| McCaffrey, B.  | Armourdale               | PC      |
| McCague, Hon. G.                                       | Dufferin-Simcoe          | PC      |
| McClellan, R.  | Bellwoods                | NDP     |
| McEwen, J. E.  | Frontenac-Addington      | L       |
| McGuigan, J.   | Kent-Elgin               | L       |
| McKessock, R.  | Grey                     | L       |
| McMurtry, Hon. R.                                      | Eglinton                 | PC      |
| McNeil, R. K.  | Elgin                    | PC      |
| Miller, Hon. F. S.                                     | Muskoka                  | PC      |
| Miller, G. I.  | Haldimand-Norfolk        | L       |
| Mitchell, R. C.  | Carleton                 | PC      |
| Newman, B.   | Windsor-Walkerville      | L       |
| Newman W.  | Durham-York              | PC      |
| Nixon, R. F.   | Brant-Oxford-Norfolk     | L       |
| Norton, Hon. K.  | Kingston and the Islands | PC      |
| O'Neil, H.   | Quinte                   | L       |
| Parrott, Hon. H. C.                                    | Oxford                   | PC      |
| Peterson, D.   | London Centre            | L       |
| Philip, E.   | Etobicoke                | NDP     |
| Pope, Hon. A.  | Cochrane South           | PC      |
| Ramsay, R. H.  | Sault Ste. Marie         | PC      |
| Reed, J.   | Halton-Burlington        | L       |
| Reid, T. P.  | Rainy River              | L. LAB. |
| Renwick, J. A.   | Riverdale                | NDP     |
| Riddell, J.  | Huron-Middlesex          | L       |
| Rollins, C. T.   | Hastings-Peterborough    | PC      |
| Rotenberg, D.  | Wilson Heights           | PC      |
| Rowe, R. D.  | Northumberland           | PC      |
| Row, A. J.   | Ottawa East              | L       |
| Ruston, R. F.  | Essex North              | L       |

| Member                      | Constituency                    | Party |
|-----------------------------|---------------------------------|-------|
| Samis, G. ....              | Cornwall .....                  | NDP   |
| Sargent, E. ....            | Grey-Bruce .....                | L     |
| Scrivener, M. ....          | St. David .....                 | PC    |
| Smith, G. E. ....           | Simcoe East .....               | PC    |
| Smith, S. ....              | Hamilton West .....             | L     |
| Snow, Hon. J. W. ....       | Oakville .....                  | PC    |
| Stephenson, Hon. B. M. .... | York Mills .....                | PC    |
| Sterling, N. W. ....        | Carleton-Grenville .....        | PC    |
| Stokes, Hon. J. E. ....     | Lake Nipigon .....              | NDP   |
| Stong, A. ....              | York Centre .....               | L     |
| Swart, M. ....              | Welland-Thorold .....           | NDP   |
| Sweeney, J. ....            | Kitchener-Wilmot .....          | L     |
| Taylor, G. ....             | Simcoe Centre .....             | PC    |
| Taylor, J. A. ....          | Prince Edward-Lennox .....      | PC    |
| Timbrell, Hon. D. R. ....   | Don Mills .....                 | PC    |
| Turner, J. ....             | Peterborough .....              | PC    |
| Van Horne, R. ....          | London North .....              | L     |
| Villeneuve, O. F. ....      | Stormont-Dundas-Glengarry ..... | PC    |
| Walker, Hon. G. ....        | London South .....              | PC    |
| Warner, D. ....             | Scarborough-Ellesmere .....     | NDP   |
| Watson, A. N. ....          | Chatham-Kent .....              | PC    |
| Welch, Hon. R. ....         | Brock .....                     | PC    |
| Wells, Hon. T. L. ....      | Scarborough North .....         | PC    |
| Wildman, B. ....            | Algoma .....                    | NDP   |
| Williams, J. ....           | Oriole .....                    | PC    |
| Wiseman, Hon. D. J. ....    | Lanark .....                    | PC    |
| Worton, H. ....             | Wellington South .....          | L     |
| Yakabuski, P. J. ....       | Renfrew South .....             | PC    |
| Young, F. ....              | Yorkview .....                  | NDP   |
| Ziamba, E. ....             | High Park-Swansea .....         | NDP   |

**MEMBERS OF THE EXECUTIVE COUNCIL**

|                             |   |
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| Hon. R. Brunelle .....      | Provincial Secretary for Resources<br>Development   |
| Hon. T. L. Wells .....      | Minister of Intergovernmental Affairs   |
| Hon. L. Bernier .....       | Minister of Northern Affairs  |
| Hon. J. W. Snow .....       | Minister of Transportation and<br>Communications  |
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| Hon. C. Bennett .....       | Minister of Housing   |
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| Hon. D. R. Timbrell .....   | Minister of Health  |
| Hon. H. C. Parrott .....    | Minister of the Environment   |
| Hon. B. M. Stephenson ..... | Minister of Education and Minister of<br>Colleges and Universities                        |
| Hon. R. McMurtry .....      | Attorney General and Solicitor General  |
| Hon. L. C. Henderson .....  | Minister of Agriculture and Food  |
| Hon. K. C. Norton .....     | Minister of Community and Social Services   |
| Hon. F. Drea .....          | Minister of Consumer and Commercial<br>Relations  |
| Hon. L. Grossman .....      | Minister of Industry and Tourism  |
| Hon. G. McCague .....       | Chairman of Management Board of Cabinet<br>and Chairman of Cabinet<br>Minister of Revenue |
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| Hon. R. C. Baetz .....      | Minister of Government Services   |
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| Hon. R. Elgie .....         | Provincial Secretary for Justice and Minister<br>of Correctional Services                 |
| Hon. M. E. C. Gregory ..... | Minister without Portfolio  |
| Hon. A. Pope .....          | Minister without Portfolio  |

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|  |   |
|--|---|
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| Hodgson, W. (York North) .....             | Assistant to the Minister of Housing                              |
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| Kennedy, R. D. (Mississauga South) .....   | Assistant to the Minister of Education                            |
| Lane, J. (Algoma-Manitoulin) .....         | Assistant to the Minister of Northern Affairs                     |
| McCaffrey, B. (Armourdale) .....           | Assistant to the Minister of Culture and<br>Recreation            |
| McNeil, R. K. (Elgin) .....                | Assistant to the Minister of Agriculture<br>and Food              |
| Ramsay, R. H. (Sault Ste. Marie) .....     | Assistant to the Minister of Labour                               |
| Rotenberg, D. (Wilson Heights) .....       | Assistant to the Minister of Intergovernmental<br>Affairs         |
| Smith, G. E. (Simcoe East) .....           | Assistant to the Minister of Industry<br>and Tourism              |
| Sterling, N. W. (Carleton-Grenville) ..... | Assistant to the Attorney General                                 |
| Turner, J. (Peterborough) .....            | Assistant to the Minister of Health                               |
| Watson, A. N. (Chatham-Kent) .....         | Assistant to the Minister of Community<br>and Social Services     |
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**Members' services:** Chairman: Campbell, M. (St. George L); Vice-Chairman: Newman, B. (Windsor-Walkerville L); Bryden, M. (Beaches-Woodbine NDP), Jones, T. (Mississauga North PC), Smith, G. E. (Simcoe East PC), Watson, A. N. (Chatham-Kent PC), Worton, H. (Wellington South L), Young, F. (Yorkview NDP); Clerk: Arnott, D.

**Procedural affairs:** Chairman: Braugh, M. (Oshawa NDP); Vice-Chairman: Davidson, M. (Cambridge NDP); Charlton, B. (Hamilton Mountain NDP), Mancini, R. (Essex South L), Rotenberg, D. (Wilson Heights PC), Rowe, R. D. (Northumberland PC), Ruston, R. F. (Essex North L), Sterling, N. W. (Carleton-Grenville PC); Clerk: White, G.

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Isaacs, C. (Wentworth NDP), Leluk, N. (York West PC), MacBeth, J. (Humber PC), Makarchuk, M. (Brantford NDP), Peterson, D. (London Centre L), Ramsay, R. H. (Sault Ste. Marie PC), Sargent, E. (Grey-Bruce L), Taylor, G. (Simcoe Centre PC), Turner, J. (Peterborough PC); Clerk: White, G.

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**Constitutional reform:** Chairman: MacBeth, J. P. (Humber PC); Campbell, M. (St. George L), Conway, S. (Renfrew North L), Di Santo, O. (Downsview NDP), Johnston, R. F. (Scarborough West NDP), Leluk, N. G. (York West PC), McCaffrey, B. (Armourdale PC), Ramsay, R. H. (Sault Ste. Marie PC), Renwick, J. A. (Riverdale NDP), Roy, A. J. (Ottawa East L), Samis, G. (Cornwall NDP), Sweeney, J. (Kitchener-Wilmot L), Taylor, G. (Simcoe Centre PC), Taylor, J. A. (Prince Edward-Lennox PC), Villeneuve, O.

(Stormont-Dundas-Glengarry PC); Clerk: Forsyth, S.

**Ombudsman:** Chairman: Lawlor, P. D. (Lakeshore NDP); Campbell, M. (St. George L), Eakins, J. (Victoria-Haliburton L), Havrot, E. (Timiskaming PC), Isaacs, C. (Wentworth NDP), Lane, J. (Algoma-Manitoulin PC), McClelland, R. (Bellwoods NDP), Miller, G. I. (Haldimand-Norfolk L), Taylor, J. A. (Prince Edward-Lennox PC), Villeneuve, O. (Stormont-Dundas-Glengarry PC); Clerk: White, G.

**Ontario Hydro affairs:** Chairman: MacDonald, D. C. (York South NDP); Vice-Chairman: Foulds, J. F. (Port Arthur NDP); Ashe, G. (Durham West PC), Belanger, J. A. (Prescott and Russell PC), Bounsall, E. J. (Windsor-Sandwich NDP), Bradley, J. (St. Catharines L), Cureatz, S. (Durham East PC), Haggerty, R. (Erie L), Hennessy, M. (Fort William PC), Kerrio, V. (Niagara Falls L), Leluk, N. (York West PC), Mackenzie, R. (Hamilton East NDP), McGuigan, J. (Kent-Elgin L), Williams, J. (Oriole PC); Clerk: Richardson, A.

## CONTENTS

---

Monday, December 8, 1980

|  |      |
|--|------|
| Death of Don O'Hearn: Mr. Davis, Mr. Nixon, Mr. Cassidy .....  | 5013 |
| Urban Transportation Development Corporation, statement by Mr. Davis .....   | 5014 |
| Health protection legislation, statement by Mr. Timbrell .....   | 5016 |
| Point of privilege re Ministry of Health announcement: Mr. O'Neil .....  | 5016 |
| Point of privilege re statement by Leader of the Opposition: Mr. Davis, Mr. S. Smith   | 5017 |
| Environmental hearings, questions of Mr. Parrott and Mr. Davis: Mr. S. Smith,<br>Mr. Cassidy .....                                       | 5018 |
| Urban Transportation Development Corporation, questions of Mr. Davis: Mr. S. Smith,<br>Mr. M. Davidson, Mr. Cunningham .....             | 5019 |
| Plant closures and termination entitlements, questions of Mr. Davis: Mr. Cassidy,<br>Mr. B. Newman .....                                 | 5020 |
| Asbestos levels, questions of Mr. Elgie: Mr. Cassidy, Mr. Mackenzie .....  | 5022 |
| University funding, questions of Miss Stephenson: Mr. Sweeney .....  | 5023 |
| Supermarket pricing system, questions of Mr. Drea: Mr. Swart, Mr. B. Newman ...  | 5023 |
| Employment in liquor stores, questions of Mr. Drea: Mr. Bradley .....  | 5025 |
| Food industries practices, question of Mr. Davis: Mr. MacDonald .....  | 5025 |
| Public service grievances, questions of Mr. McCague and Mr. Elgie: Mr. Van Horne   | 5026 |
| OHIP billing by physiotherapists, questions of Mr. Timbrell: Mr. Isaacs, Mr. Nixon   | 5026 |
| Liquor regulations, questions of Mr. Drea: Mr. Nixon, Mr. Makarchuk .....  | 5027 |
| Petition re OHIP billing by physiotherapists: Mr. Isaacs .....   | 5029 |
| Report, legislative library .....  | 5029 |
| Nursing Homes Amendment Act, Bill 218, Mr. Warner, first reading .....   | 5029 |
| Representation Act, Bill 219, Mr. Breaugh, first reading .....   | 5029 |
| Fire Departments Amendment Act, Bill 220, Mr. Breaugh, first reading .....   | 5030 |
| Estimates, Ministry of Revenue, Mr. Maeck, concluded .....   | 5030 |
| Concurrence in supply .....  | 5033 |
| Budget debate, continued:  |      |
| Mr. Gaunt .....  | 5033 |
| Mr. Ziemba .....   | 5038 |
| Mr. Wells .....  | 5050 |
| Motion to adjourn debate, Mr. Wells, agreed to .....   | 5054 |
| Motion re committee sittings, Mr. Wells, agreed to .....   | 5054 |
| Adjournment .....  | 5054 |
| Appendix A: concurrence in supply .....  | 5055 |
| Appendix B: alphabetical list of the members of the Legislature, the executive council<br>of Ontario, and membership of committees ..... | 5056 |

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**SPEAKERS IN THIS ISSUE**

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Bradley, J. (St. Catharines L)  
Breagh, M. (Oshawa NDP)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Charlton, B. (Hamilton Mountain NDP)  
Conway, S. (Renfrew South L)  
Cunningham, E. (Wentworth North L)  
Davidson, M. (Cambridge NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Chairman (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Gaunt, M. (Huron-Bruce L)  
Gregory, Hon. M. E. C.; Minister without Portfolio (Mississauga East PC)  
Isaacs, C. (Wentworth NDP)  
Kerrio, V. (Niagara Falls L)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Mackenzie, R. (Hamilton East NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Martel, E. W. (Sudbury East NDP)  
McCague, Hon. G.; Chairman of Management Board; Chairman of Cabinet  
(Dufferin-Simcoe PC)  
McClellan, R. (Bellwoods NDP)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
O'Neil, H. (Quinte L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Van Horne, R. (London North L)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Ziemba, E. (High Park-Swansea NDP)









No. 135

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, December 9, 1980

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.





# LEGISLATURE OF ONTARIO

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TUESDAY, DECEMBER 9, 1980

The House met at 2 p.m.

Prayers.

## VISITORS

**Mr. Speaker:** I would like to draw to the attention of honourable members the presence in our east gallery of a group of young people from the Blackheath Binbrook Lions' midget fastball team from the ridings of Wentworth and Haldimand-Norfolk. They won the 1980 Canadian midget championship in Prince Edward Island earlier this year and they will be journeying to Edmonton to represent Canada in the 1981 World Youth Games. Would you please congratulate and welcome them.

## STATEMENTS BY THE MINISTRY

### CANADIAN NATIONAL EXHIBITION

**Hon. Mr. Grossman:** Mr. Speaker, the problems surrounding the Canadian National Exhibition are by now obvious and well known. While these problems do exist, the CNE and Exhibition Place continue to be an important tourist attraction for the province. In addition to the annual summer exhibition, the CNE grounds are the home of the Royal Agricultural Winter Fair as well as numerous trade, cultural and sports shows held there each year. It is important, therefore, that the deterioration in physical plant, in attendance and in reputation be redressed.

The CNE will continue to be a Canadian institution. We are committed to ensuring that permanence. For several months now I have been meeting with Metro Chairman Paul Godfrey and representatives of the Canadian National Exhibition. We have agreed that a full review of the use, design and existing facilities of the CNE and Exhibition Place is in order.

Accordingly, Mr. Godfrey and I have agreed that we should strike a three-member committee under the chairmanship of my assistant deputy minister of tourism, John Maxwell. Other members will be a representative of the municipality of Metropolitan Toronto and a representative of the Canadian National Exhibition. The mandate of

the committee will be to study the future of the Canadian National Exhibition and Exhibition Place and make recommendations which include a long-range plan, a workable marketing plan and proposals for development and funding. The costs of this study are expected to be shared equally by Metropolitan Toronto and my ministry.

A comprehensive research project will be commissioned to monitor consumer opinion of both the existing grounds and buildings and the CNE itself. The research project will also determine consumer needs and preferences for facilities such as Exhibition Place. Following the initial phase of the review, a detailed feasibility study will be prepared to include long-range forecasts, economic impact statements, effects on tourism and analyses of sporting, cultural and trade show requirements and facilities.

When the results from these two studies have been received, a formal plan will be proposed, we hope no later than June 30, 1981.

We believe this comprehensive review of the Canadian National Exhibition and Exhibition Place is much needed. We want to ensure a viable and long-term future for this important tourist attraction in our province and we are prepared now to undertake this initiative towards that goal.

### CONN SMYTHE PAPERS

**Hon. Mr. Baetz:** Mr. Speaker, it is my pleasure to be able to announce to all honourable members here this afternoon that the family of the late Conn Smythe has chosen to donate Mr. Smythe's papers to the archives of Ontario. Their gift involves 24 boxes of personal papers and photographs which span 68 years of Mr. Smythe's deep involvement in sport, business and community affairs.

The papers include files on the National Hockey League, Maple Leaf Gardens, horse racing and breeding, the Ontario Society for Crippled Children, the Ontario Community Centre for the Deaf, an extensive file of personal correspondence and a large collection of photographs. It is a remarkable record that represents an intriguing and im-

portant contemporary addition to the archives.

The Smythe family has asked that the documents remain private until January 1, 1982. As minister responsible for the archives, I will, of course, respect the family's wishes. During the next year, the staff of the archives will catalogue the collection so that, when it is made public, it will be properly organized for scholars and other interested people.

Such donations as the Conn Smythe papers are basic to our need as a people to know and to celebrate our heritage. I know all honourable members will want to join me in thanking the Smythe family for the generous way in which they have chosen to share the life and times of a remarkable Canadian with their fellow citizens.

#### ENERGY STANDARDS IN GOVERNMENT BUILDINGS

**Hon. Mr. Wiseman:** Mr. Speaker, in October, my colleague the Minister of Energy (Mr. Welch) announced a \$165-million, 10-point program of energy initiatives designed to assist Canada to achieve self-sufficiency in crude oil by the end of this decade.

Today I would like to advise honourable members as to the details of two of these programs which will be administered by my ministry. The first is a \$10.6-million, five-year extension of our successful energy conservation program for government buildings. The second is a program for converting government buildings from oil to other energy forms.

Four years ago the cabinet established an energy saving goal of 15 per cent in government buildings, a program involving more than 2,000 buildings occupied by nine ministries and some 35 million square feet in all. Working with the Ministry of Energy and the resident ministries, buildings were individually examined for energy efficiency. While the details of individual programs are available and need not be repeated at length here, I would like to point out one case by way of example. I refer to the provincial court and registry office in London where energy usage was cut in half over a three-year period with savings of more than \$120,000. Improvements in the building cost slightly more than \$100,000; so the pay-back period was about two and a half years.

2:10 p.m.

**Mr. J. Reed:** When are you going to start on Queen's Park?

**Hon. Mr. Wiseman:** It's coming. The improvements made are typical of such projects and begin with the effective management of energy through changes in operations and modification of controls for heating, cooling and lighting. These changes help reduce the intake of fresh air which must be heated or cooled and reduce unnecessary exhaust of air already heated or cooled. They also control the distribution of warm and cool air within the buildings, directing it where it is required when it is required. For example, automatic thermostats reduce temperatures when the building is not occupied. Lighting is also monitored and maintained at the appropriate levels.

There are other cases where the magnitude of savings is similar to that achieved in London so that, taken as a whole, the results of the program have been gratifying. Our savings goal of 15 per cent was reached within two years. It has since been surpassed, and it is now estimated that by the end of the five-year program we will have achieved a net energy saving of more than 21 per cent.

The success of this program is even more dramatic when one looks at the cumulative energy savings in dollars. Subject to confirmation at the end of the present fiscal year, the value of energy actually saved will be more than \$24 million, while expenditures will be about half that amount. During the program, further opportunities for savings were identified and resulted in the \$10.6 million extension I am detailing today.

We have telescoped the initial program and the five-year extension so that we now have a nine-year program ending in 1986. In the extension period we will be working to achieve further energy savings of 7.5 per cent, worth \$8 million. I should point out that this extension phase will be the more difficult part of the program as the opportunity for the greatest savings has already been realized. Added to the savings already achieved, our revised goal is to save 25 per cent of the energy used in government buildings. This saving is worth about \$32 million. Total program expenditures to achieve these savings will be about \$20 million.

Before considering the second program, I would like to turn to a project of considerable interest to members; that is, the Legislative Building. It is an important symbol to the public of the need to conserve energy wherever possible. I am pleased to advise honourable members that

my ministry plans to replace all the windows in this building with tight-fitting, modern, aluminum, double-glazed units.

It is worth noting that in spite of the apparent benefits it has not been seen up until now to be a cost-effective project. While the economics might still be questioned in terms of cost-effective savings on this investment, the government feels it is nevertheless important and must be undertaken. Because the work will involve the replacement of complete units, including casements, it must be done in the summertime. Tenders for this work will be let before the end of the winter, and construction will start when the House rises for the 1981 summer recess.

I would now like to turn to our program to convert government buildings from oil to other forms of energy. About 21 per cent of government buildings are heated with oil. Of these, 338 could be converted from oil to other energy forms. The goal of the program is to displace 4.4 million gallons of oil a year for an estimated annual saving of \$1.1 million. While this program is presented with a five-year implementation, we feel it could be completed within three years with the co-operation of the gas companies involved.

In closing, I would like to make two final points. The first is that savings realized as a result of both these programs are savings repeated year after year throughout the life of the building, savings that increase in value as the cost of energy rises. It is also worth noting the cost of building improvements is a cost that is incurred only once.

My last point is this: An important factor in establishing its energy program was that the government must provide leadership in conservation and related matters. I believe it is fair to say that the achievements of our programs to date and the goals we have set for the next five years do exactly that.

#### URBAN TRANSPORTATION DEVELOPMENT CORPORATION

**Hon. Mr. Snow:** Mr. Speaker, I would like to make a brief statement but, as I just got the information as I came to the House, I do not have a written copy. Might I have permission to proceed?

**Mr. Speaker:** Is it agreed?

Some hon. members: Agreed.

**Mr. Speaker:** Please proceed.

**Hon. Mr. Snow:** As the honourable members may know, Mr. Speaker, the Urban Transportation Development Corporation has

submitted proposals for the intermediate-capacity transit system in the United States. Just as I was leaving my office this afternoon to come to the House, I was informed that at a public presentation this morning in Los Angeles, the technical evaluation team of officials from the city of Los Angeles has released its report, which has evaluated the UTDC proposal, and recommended to the Los Angeles city council that a contract be negotiated with UTDC for the building of their new downtown people mover.

This recommendation comes forward after a very complete investigation and evaluation of the price, the technical compliance, the life-cycle costs, and the adherence to the minority business enterprise regulations in that city. I am pleased to announce to the members that was announced in Los Angeles a very short time ago.

#### ORAL QUESTIONS

##### URBAN TRANSPORTATION DEVELOPMENT CORPORATION

**Mr. Nixon:** Mr. Speaker, I want to ask the Minister of Transportation and Communications a question about the UTDC technology and the Premier's statement yesterday concerning his agreement with the authorities in British Columbia for the installation of the facility in Vancouver.

Can the minister indicate whether a contract exists or whether there is just a verbal agreement between either the two provinces or some other authority? The reason I ask this is that the Premier in his statement yesterday indicated there was a contract with the greater municipality of Vancouver, or whatever authorities, probably with the government of British Columbia.

I see the Premier has taken his place, Mr. Speaker, and I would ask him for clarification. Can he indicate to the House whether a contract has been signed or is in existence, or was this an agreement entered into by the Premier himself or representatives of UTDC? I have a feeling that when the Premier was out there proposing this special commission for western problems in general, he sat down with somebody and came back with this agreement on the back of an envelope.

**Hon. Mr. Davis:** Mr. Speaker, I am delighted the acting leader of the Liberal Party feels we personally negotiated this contract and that I came back with it on the back of an envelope, but I have to disabuse the honourable member of that idea.

I did not come back with a contract on the back of an envelope.

The Minister of Transportation and Communications will have more detailed information. My recollection of my statement was that the government of British Columbia announced on Saturday morning at a breakfast, which I did not attend, because I was somewhere at 30,000 feet while they were having breakfast—

**Mr. T. P. Reid:** You saw the latest polls.

**Hon. Mr. Davis:** No, I did not.

**Mr. Swart:** Got your head in the clouds again?

**Hon. Mr. Davis:** Better to have my head in the clouds than where the member has his head on occasion.

**Mr. Swart:** It is not me being accused of having my head where it shouldn't be.

**Hon. Mr. Davis:** I see.

My understanding—and I think I said this in the statement—is that the Minister of Municipal Affairs, Mr. Vander Zalm, announced at the breakfast that the government of British Columbia was prepared to share, roughly on a two-thirds, one-third basis, with the greater municipality—whatever the transit organization is—

**Mr. Nixon:** The municipality of greater Vancouver.

2:20 p.m.

**Hon. Mr. Davis:** Something of that nature. They are supporting it.

My impression is that there will be some documentation yet. When I was asked by members of the media, who have taken a very great interest in just how performance bonds work, I explained to them that quite obviously one does not provide a performance bond until it is specified in the contract what it is he is to perform. I doubt the performance bond the Leader of the Opposition (Mr. S. Smith) asked for would be available until the contract itself is finalized.

The commitment is from the British Columbia government. There will be some details as to some aspects of the contract to be finalized, but it is a commitment from the government of British Columbia, and I did have some conversations while I was out there.

**Mr. Nixon:** Does the Premier realize the problem presented to all members of the House? That problem will arise when a bill is presented to us for debate—possibly today—which declares UTDC not a crown corporation and yet gives the government

the authority to enter into performance bonds.

The \$300-million bond with greater Vancouver may be relatively small compared with the one we will be asked to support for Los Angeles. While the Premier is convinced not a nickel would have to come out of that bond, he must realize, for those who have observed the situation over the years, he is batting zero in the public transportation proposals he has put forward in the past, if we are to go on his record. How can we move without a contract or without any further knowledge about what is proposed by the Premier and his friends in British Columbia? How can we really consider the thing in a rational way?

**Hon. Mr. Davis:** The acting leader of the Liberal Party can approach this in a very rational way, as he does some subjects. I do not think this should be any exception. I only say to him, if he is saying his party will not support that legislation, I will be profoundly disappointed.

I say to the acting leader of the Liberal Party that these are the first four submissions of this detailed nature, exclusive of the city of Hamilton, that UTDC has made for this particular system. If there are three to date that have been determined, UTDC is batting 1.000, which is not bad in any person's league. I also say to him I understand the figure in Los Angeles will be in the neighbourhood of \$130 million.

**Mr. Nixon:** You do not include your failures.

**Hon. Mr. Davis:** All I suggest to the member is, if he wants to oppose a bill that will provide close to \$1 billion worth of work for UTDC employees in Ontario and technology that in Los Angeles outbid some of the major companies in the world in terms of its technical capacity and its price, then I say, be my guest, oppose that bill and live with his own conscience in terms of what he is doing to the economic life of this province and this country.

**Mr. Eakins:** The Premier is twisting it.

**Hon. Mr. Davis:** I am not twisting anything.

**Mr. Nixon:** You certainly are.

**Hon. Mr. Davis:** I am not at all. We cannot and will not be able to. The Los Angeles contract, if it finally emerges, has to be approved by the city council of Los Angeles. The approval the minister announced just a few moments ago came from the technical advisory committee. It is also supported

by the federal agency, which is very important in terms of the bids.

**Mr. Makarchuk:** The cameras have stopped taking pictures.

**Mr. Speaker:** Order. It has taken five and a half minutes for this answer.

**Hon. Mr. Davis:** I say to the member for Brantford, he is always more interested in the cameras than I am. I do not even bother to look up there. I see he is looking at them all the time.

**Mr. Speaker:** Do you have anything further to answer?

**Hon. Mr. Davis:** Yes. I have quite a bit to add, Mr. Speaker.

**Mr. Martel:** This socialism is going too far!

**Hon. Mr. Davis:** He is provoking me, Mr. Speaker.

**Mr. Speaker:** Yes, he is.

**Hon. Mr. Davis:** He is being provocative.

**Mr. Speaker:** Yes, he is. I agree.

**Hon. Mr. Davis:** I say to the acting leader of the Liberal Party—and I know his party will come around to support this bill—this bill is essential in terms of the economic activities of UTDC. It is essential in this particular part of the business to provide the performance bonds. I said to his leader or somebody yesterday that the moment the contract is signed and sealed with the t's crossed and the i's dotted, the moment the performance bond is finalized, not only will we be delighted to table it here but also I will send the member personal copies. I will send it to the member for Hamilton West (Mr. S. Smith). I will send it to whoever wants it, because we will be taking great delight in the fact that, in spite of his reservations, in spite of the way one of his members has described this as being a turkey, in spite of the opposition of the member for Hamilton West, we are on the verge of a very significant breakthrough in transit and economic life here in Ontario. If those people had any wisdom at all, they would join in its support with enthusiasm.

**Mr. Cassidy:** Mr. Speaker, I will refrain from asking the Premier for support when we propose crown corporations in areas like mining machinery where some government leadership might also be of benefit to the people of the province.

I have a supplementary question.

Can the Premier outline for the House the nature of the \$300-million bond which the people of Ontario are being asked to take on which, according to the legislation

coming to the House this week, will be undertaken by the corporation but which the Legislature and the province would eventually have to make good if the bond were ever called? What is the nature of the \$300-million commitment and to what extent are we committed? Is it the full \$300 million or only a portion thereof?

**Hon. Mr. Davis:** Mr. Speaker, I am trespassing into the field of the Minister of Transportation and Communications. I must confess to the member, I have never personally built a transit system in my life.

**Mr. Roy:** You bragged about it a lot.

**Hon. Mr. Davis:** So it has taken a while, I say to the member for Ottawa East, but it is on the verge of being successful. It upsets him that it is successful. He would have loved to have seen it fail. He has no faith in this province. He has no faith in the technical capacities of the people.

I was not going to answer that.

I can only assume a performance bond will mean exactly what it says, that the system will perform in accordance with the specifications upon which the contract is bid. It will then, of course, conform to the contract that is executed. I assume the contract will call for the completion of the system, that the vehicles work, that the control system works, et cetera. UTDC; which will be the prime contractor, quite obviously will have involvement from the people building the guideways, for instance. I do not anticipate UTDC will have problems with the guideway system. I assume it will obtain, from whoever constructs the guideways in Vancouver, a bond or whatever in terms of that portion of it.

I say to the leader of the New Democratic Party, it will be fairly similar to most performance bonds. We will be delighted to share it with the member. By and large, a performance bond means that for which they are contracting performs. I think it is very simple.

#### DISPOSAL OF PCBs

**Mr. Nixon:** Mr. Speaker, I would like to direct a question to the Minister of the Environment having to do with the disposal of polychlorinated biphenyls.

Being aware of the government's commitment of \$400,000 to plasma arc research at the Royal Military College, why did the minister not give some additional support to the diesel destruction unit under experimental development by D and D Disposal Services rather than forcing them to go to

Manchester, England, for the kind of testing and development which might mean the facility will not be so readily available to us?

In conjunction with that, does his commitment to the fusion principle, or high-temperature destruction, mean we will not have to put up with PCBs in the proposed South Cayuga site but that, whatever the positive results will be, we will be able to destroy PCBs on site?

**Hon. Mr. Parrott:** With respect to the first part of that question, Mr. Speaker, we reviewed the proposal. We gave those reports to the federal government. I think it wanted to see whether there was merit in it and was prepared to fund more than we were prepared to fund. We had greater reservations, I guess.

2:30 p.m.

**Mr. Nixon:** What, the English people?

**Hon. Mr. Parrott:** No, for the original request for funds. We think there are some real technical problems with that facility. We had to make some choices as to where we would put our research dollars, and we put them in the plasma arc concept.

There are other research proposals going on now. For instance, there is the one with the jet engine; I signed an approval two or three days ago for that to be carried on here in the general Metropolitan Toronto area. Other research is going on, not necessarily with our dollars involved. I just say that to give a broad prospective of what research is going on at the moment.

We would not be happy if we had to lose any method. At the same time, we need to have some priorities on where we spend our money. We think we have done it appropriately, and most technical experts would agree with us on that point.

With regard to the member's second question, there is no doubt—and it has always been the policy of this government—that we would like to destroy PCBs on site. That has been our position and it will continue to be our position. I hope, before any facilities for storage are built, the technology can be proven.

We have a dual responsibility here. We have to be very sure the destruction of PCBs is complete. We will put a lot of resource and effort into making sure that, whatever method is chosen, public safety will be our first criterion. That is extremely important to us. We likely will have a method of destroying PCBs on site. It has so many advantages. It reduces the transportation risk as one illustration. If we can, we will do it on site. We will not store them in South Cayuga or wher-

ever it might be. We do not want to see storage as our prime objective.

**Mr. Nixon:** The minister, in his original statement about South Cayuga, made reference to a kiln incinerator. Will he confirm that this has nothing to do with any attempt to burn the PCBs in South Cayuga? Will he confirm that it is not a part of the original plan and the plan does not envisage transporting PCBs to South Cayuga even if it does go forward, which frankly I doubt?

**Hon. Mr. Parrott:** The member and I differ on the latter part of that.

The proposal was for a rotary kiln. Any rotary kiln has a capacity for the destruction of a large variety of chemicals. That is one of the things we hope will go there. Everyone would share the view that destruction is far better than storage, regardless of where or how.

**Mr. Nixon:** But those kilns will not do it.

**Hon. Mr. Parrott:** That is not proven yet. We think there is a great potential in rotary kilns. But because of the transportation to the kiln, it is not the method of choice. If we had our druthers, it would be the plasma arc to do the destruction on site. We think it is better.

We have to face the reality of today. Those materials are in our society. We want them destroyed safely and completely. I know the member knows the incomplete destruction of PCBs can lead to a more hazardous situation than either storage or total destruction. There must be total destruction, not partial destruction, and we will use the best facilities to do so.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Today, as on November 20, when the minister responded to a similar question from myself about the D and D Disposal diesel engine process, he insinuated that D and D Disposal were asking for money from his ministry. Does he not understand that D and D Disposal was simply asking for approval to go ahead with further research in Ontario?

Does the minister not understand that the company feels his ministry has stood in its way? It is because of the obstructionism by officials of the ministry that they have had to sign a contract with a corporation in the United Kingdom. This means the benefits of research and possible development of the method have gone outside the country.

Does the minister not think we should do more than put all our eggs in one basket? Does he not think that, if the diesel engine has any hope of success at all, as Environment Canada believes it does, then

the ministry has a responsibility to encourage the research and development to take place here in Ontario?

**Hon. Mr. Parrott:** Quite frankly, Mr. Speaker, the member and I see this quite differently. We did not put roadblocks in its way. The fact that we did not enthusiastically endorse it is not the same as saying we put roadblocks in its way. They are capable of doing their own research. I am surprised that, all of a sudden, it seems both parties are terribly supportive of that process. I had previous information that indicated the member too had some very serious concerns.

Let me put it very simply. I am sure the member and we agree that the most important thing is that the destruction be complete and total for the safety of everyone concerned. That is where my ministry will come into full play. We will have an opportunity to assess that. We did nothing to discourage them. We did not give them much encouragement, because we have some technical reservations. But that does not mean they could not proceed. That is where the member and I do not agree.

#### OPTED-OUT SPECIALISTS

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Health if I can get to see him. My question is about the difficulty the people in Ontario continue to have in getting service from specialists across the province at Ontario health insurance plan rates despite the claim of the minister that only 16 per cent of doctors across the province have opted out.

Is the minister aware that, when one compares the number of opted-out specialists he has given to the House with the number of full-time specialists one finds in the tax returns for Ontario, that the opting out among specialists now has reached the level of 38.8 per cent? Does he not agree that, when the effective level of opting out among specialists in Ontario has now reached almost two specialists out of every five, it is time for the government to outlaw extra billing, as was proposed in the Hall commission report?

**Hon. Mr. Timbrell:** Mr. Speaker, I do not know what kind of figures the leader of the third party is playing around with. I can tell him the figures we have given him are based on the physicians billing OHIP. I have always told him that he has to add to those figures the number of physicians, including specialists, who are in salaried posi-

tions and who do not bill OHIP or patients one way or another. In fact, if he added those into the total number of physicians practising and delivering services, the opted-out rate would actually be lower, not his cooked-up figures.

**Mr. Cassidy:** Does the minister know how many full-time, fee-for-service physicians there are in the province? Is he not aware that, according to the figures he has tabled in this Legislature, 38.8 per cent of those full-time physicians in the province, if they are specialists, have opted out, and that the level of opting out among general practitioners is much higher than he has given the House to understand? Does he not know how many full-time doctors there are in the province, and why can he not share that information with the House so we can know to what extent his tolerance of opting out has eroded medicare in the province?

**Hon. Mr. Timbrell:** The figures I have given the member on every occasion have been totals of the physicians billing services in Ontario. That includes people who are billing the plan which accounts for about 93 per cent of all the claims. It also accounts for those practising physicians who are billing their patients directly, some of whom are billing no more than what OHIP reimburses but who are billing them directly none the less. They are all the physicians billing at that time.

The member or one of his researchers, in the traditional quality of research in the last year or two, has cooked up some other figures on some other basis; I do not know what. I will be glad to see them. I suspect that in the final analysis the figures I have given the member are correct.

**Mr. Conway:** Supplementary, Mr. Speaker: I wonder what the minister has to say in response to what Mr. Justice Emmett Hall indicated about the Ontario proposal to deal with patients who want to be directed to an opted-in physician in cases where that is their request. The evidence in the Hall report clearly indicates that, on the sample that particular inquiry dealt with, that proposal in Ontario that has been engaged in by the minister and the Ontario Medical Association has, according to the two analysts involved, been an abject failure. What does he have to say in response to that rather sharp indictment of his own government's proposal to deal with the opting-out problems?

2:40 p.m.

**Hon. Mr. Timbrell:** Mr. Speaker, I am not sure which report the member is referring to

but, if it is the one I am thinking of, it was based on out-of-date information, and very limited information at that. I had a letter from the federal minister in the last few days indicating that the reports are going to be available for release in the future. I am pleased about that because, as I say, I think our conclusions have been to the effect that that particular study, if it is the one done out of Hamilton, was very skimpy, very limited and very biased from the start.

#### TRANSIT FARES

**Mr. Cassidy:** Mr. Speaker, I want to ask the Minister of Transportation and Communications what the government intends to do for transit riders in this province, since it is prepared to talk about the successes of the Urban Transportation Development Corporation out in western Canada.

In view of the fact that ridership is up in the public transit systems of the major cities of the province, and in view of the fact there are now fare increases that are projected or have recently come into application in Metropolitan Toronto, Ottawa-Carleton, Hamilton, Sudbury, Kingston and Oshawa, will the government undertake to provide enough additional subsidy for transit riders to ensure there are no further fare increases in 1980-81 for transit riders in Ontario?

**Hon. Mr. Snow:** No, Mr. Speaker, I cannot make the blanket commitment that there will be unlimited funds available to any municipality that might wish them to eliminate the need for an adjustment in transit fares. I will say that I expect in the very near future to be able to announce to the 60-odd municipalities in Ontario that operate transit systems what the funding level will be for 1981. As soon as I have final confirmation of my budget allocation, I will make that announcement to the municipalities, as I have done in previous years.

**Mr. Cassidy:** Perhaps the honourable minister could be more explicit. Does the government have a policy about transit fares, or is the government's policy that it simply will allow the transit fares to continue to increase despite the very clear interest among the public in using public transit systems, as expressed in the ridership, despite the Treasurer's (Mr. F. S. Miller) pleas to the federal government to become involved with public transit? Is the government not prepared to do more to assist municipalities to ensure that they can maintain an adequate and affordable

alternative to private transportation using petroleum-based fuels?

**Hon. Mr. Snow:** Mr. Speaker, as you well know, although the leader of the New Democratic Party may not, this government has a very major commitment to public transit in this province. I might say it is a much greater commitment than any other jurisdiction of which I am aware.

As honourable members know, our policy is to fund capital construction of public transit at the rate of 75 per cent. We fund the total operating costs of the public transportation system on a formula basis as a percentage of total operating costs, depending on the size of the municipality. There are other formula adjustments depending on the growth rate in that municipality. It is also our policy that the operation of the transit system, the financial management and the establishment of the percentage of the operating costs that are collected from the fare box are left to the jurisdiction of the municipal government.

**Mr. B. Newman:** Supplementary, Mr. Speaker: Would the honourable minister consider using the unemployment index in certain municipalities as a guide to provision of additional assistance to that municipality so that at least the unemployed would have the opportunity of using the public transit at a reduced rate in their search for employment?

**Hon. Mr. Snow:** Mr. Speaker, I had not considered such a suggestion. I must say it is unique. I think I would have some difficulty in trying to establish formulas for public transit systems based on a fluctuating unemployment rate that may change from day to day or from month to month. We fund the transit systems very liberally, if I might use that horrible word, and I and my ministry have an excellent relationship with the transit systems in this province.

It is quite interesting, Mr. Speaker, to note that in Ontario we subsidize the construction of capital projects at 75 per cent. I note in the British Columbia announcement they are going to subsidize at 66½ per cent, so the member can see that we are doing much better than any other jurisdiction.

#### UNITED PARCEL SERVICE

**Mr. Peterson:** Mr. Speaker, to the Minister of Transportation and Communications: As I am sure the honourable minister is aware, in 1975 United Parcel Service made an application to the Foreign Investment Review Agency to purchase two Canadian companies, Genoble Distributors Limited and Delivro Canada. That application was disallowed on



June 26, 1975. What was the position of the Ontario government on that application?

**Hon. Mr. Snow:** Mr. Speaker, the Minister of Industry and Tourism is the minister responsible for making presentations of the province's views to FIRA. I understand that he is bound by the federal act and cannot state those views. He may wish to answer that question further.

**Mr. Peterson:** Would the minister redirect that question to the Minister of Industry and Tourism?

**Mr. Speaker:** Do you have anything further to add?

**Hon. Mr. Grossman:** I can only say that federal legislation sets out the ground rules and binds us to confidentiality.

**Mr. Peterson:** Now that the Minister of Transportation and Communications is at least seized of jurisdiction in an application they are undertaking by way of appeal to cabinet, would he not agree with me that there is no reason to give away a right in this province to a foreign company, particularly when, if one takes the evidence of a number of Canadian companies at face value, there is going to be a loss of jobs here and there is going to be very serious competition for our Canadian sector? Would the minister not agree with me that this should be looked at very seriously by the cabinet and probably be turned down?

**Hon. Mr. Snow:** Mr. Speaker, I do not particularly agree with that. As the honourable member knows, the UPS application and hearing has a long history. The UPS did establish a Canadian company, although it is wholly owned by the US parent—as are numerous other transportation companies that are in competition and are opposing UPS's licence. They are also in the same position; they are Canadian companies or Ontario companies owned by foreign parents.

The rehearing of the UPS application was a lengthy and detailed hearing. I think an excellent report was written on the reasons for a decision. It was very complete. That decision was brought down a month or six weeks ago. That licence has been issued based on that certificate. There are appeals before cabinet which will be considered very carefully by my colleagues and a decision will be rendered in due course on those appeals.

#### FOOD PRICES

**Mr. Swart:** Mr. Speaker, to the Minister of Consumer and Commercial Relations: He will know that the three-cents-a-dozen increase

in the farm gate price of eggs is imminent and, as he also knows, this has been justified by the National Egg Marketing Board on the basis of producers' costs. However, the minister will recall that in the case of the farm gate milk price increase of less than three cents last year, he stood aloof while the processor and the retailer marked that up to seven cents to the consumer. Will the honourable minister now give this House and consumers a firm commitment that he will use the power he constitutionally possesses at this time to investigate and prevent excessive markup on eggs so the increase to the consumer will be kept to the absolutely necessary minimum?

**Hon. Mr. Drea:** Of course I will, Mr. Speaker, I do that every time.

2:50 p.m.

**Mr. Swart:** Does the minister realize that not only is this increase in the price of eggs going to take place, but it has been announced by Mr. Ken McKinnon, chairman of the Ontario Milk Marketing Board, that milk will likely go up again in February by two—

**Mr. Speaker:** Order. Your original question dealt specifically with the price of eggs. You asked the minister if he would monitor. He said, "Of course I will." Your supplementary should be something that arises out of the answer. You have started on milk now. A new question.

#### OTTAWA COURTHOUSE

**Mr. Roy:** Mr. Speaker, I have a question for the Minister of Government Services. There is some concern in the Ottawa area on the part of the legal and judicial community that the wholesale renovations taking place in the court facilities at 1 Nicholas Street are an indication the government has changed its mind, to the apprehension of some, about the new courthouse. Can the honourable minister assure the public of Ottawa the new courthouse will proceed on schedule, on time, with no delay as a result of these extensive renovations at 1 Nicholas?

**Hon. Mr. Wiseman:** Yes, Mr. Speaker, I will give the House that assurance.

**Mr. Roy:** That is fine. You should be congratulated. That is the first straight answer in this session.

Is the minister aware that as far as the renovations at 1 Nicholas Street are concerned, the chief of police and the Ottawa Police Commission are very concerned about security? They say that prior to the renovations at 1 Nicholas, the police forces were

not consulted and, as a result, the police chief says the security "is a bloody mess. There are so many areas where people could escape you can't count them." Is the minister aware of that situation and does he intend to assist the Ottawa police by giving them extra financial assistance as he does in the Toronto, London and Peel areas?

**Hon. Mr. Wiseman:** The renovations are to extend the provincial criminal courts at 1 Nicholas Street to twice the present size. As well as the renovations, that cost is to take care of the lease and leasehold improvement. I will have to check whether part of the improvement is to have holding cells.

I think part of the honourable member's question should come under the Ministry of the Solicitor General when it gets into security and whether we will put more police in that area. We are moving along. The member knows the lawyers in that area, as well as the people who are backed up with court cases, will be glad of this additional court space. I am surprised that some of the people quoted in articles in the Ottawa papers would be saying some of the things they are. They should be thankful to get those court cases off the backlog in the five years while we are waiting for the new courthouse.

**Mr. Cassidy:** Supplementary, Mr. Speaker: I hesitate to ask the minister whether the member for Ottawa East has expressed an interest in coming to some of the meetings about the courthouse.

**Mr. Roy:** A point to correct the record; a point of order, Mr. Speaker: I have attended the only meeting to which I have been invited. I do not invite myself to these meetings like the member for Ottawa Centre.

**Mr. Cassidy:** My question to the minister is the following: Will the government now undertake that the mezzanine, the public area of the courthouse building, will include information services about Ontario, access to publications of the province of Ontario printer not otherwise available, and the various paralegal and quasi-legal services I have been recommending for some time be included in the courthouse so it is genuinely a palace of justice and not just a limited courthouse building?

**Hon. Mr. Wiseman:** Mr. Speaker, when the honourable member asked that same question in estimates a week or so ago, I thought I made it quite clear that we had circulated a questionnaire, asking the ministries that he had given us on his shopping list, and others, for possible candidates to go in there. Up

until that time and until the present time we have not received all those reports back, but we will be looking at it and seeing whether there is an interest. If there is, we will try to accommodate some of those interests.

#### SPEECH THERAPY FUNDING

**Ms. Gigantes:** Mr. Speaker, I have a question for the Minister of Education. It concerns the case of Stephanie Lemieux whose parents are within the jurisdiction of the Carleton separate school board. Stephanie, who is six and who is from a French-speaking family, has a severe speech disability, which apparently can only be treated therapeutically in a course provided in the Outaouais area on the Quebec side of the Ottawa River. The separate school board has made application for funding for her course and for her transportation to the regional office of the Ministry of Education and has been refused.

Can the honourable minister indicate to us what she can do about this case? Furthermore, can she tell us what difference Bill 82 might make to this case once it is proclaimed?

**Hon. Miss Stephenson:** Mr. Speaker, this case was brought to my attention last week by the member for Carleton-Grenville (Mr. Sterling). The decision taken by the regional office was also brought to my attention. It is a matter that is under consideration at the present time. We are aware there are some limitations within the scope of potential available resources for a number of areas in the province at this point. A program has been established in Hull for a specific group of young people. We are examining this to see whether there is some way in which we can be of assistance to the Carleton board and to that family.

The intent of Bill 82, as I think the honourable member knows, is that within a five-year period there will be within the province an appropriate program for all children, regardless of their exceptionalities, and there will be mechanisms available to ensure that boards will be able to purchase the programs if they cannot provide them themselves.

**Ms. Gigantes:** Does the Minister of Education mean to indicate to us that a six-year-old will have to wait up to five years to have the appropriate funding come from the provincial level of government through to the Carleton separate school board? Will this case be met once Bill 82 is proclaimed?

**Hon. Miss Stephenson:** The member obviously was not listening to what I said. I said this matter was under consideration within the ministry right now.

## TEACHERS' MEMBERSHIP FEES

**Mr. Stong:** Mr. Speaker, I too have a question for the Minister of Education. Can the minister advise this House whether the same situation exists in relation to the Norfolk teachers' strike as exists in Wellington county, where about one half of the cabinet-approved professional membership fees paid by members of the Ontario English Catholic Teachers' Association, which fees are totally tax exempt, go into a cabinet-approved reserve fund, out of which tax-free money, strikes by teachers are underwritten? In other words, a cabinet-approved scheme allows teachers to fund their strikes out of money that would otherwise be subject to income tax. Have the teachers in the Norfolk strike been funded in the same way?

**Hon. Miss Stephenson:** Mr. Speaker, to my knowledge the fee that is approved under the legislation by the Minister of Education for membership within the teachers' association is directed towards association activities primarily, towards activities that help teachers in professional development, in organizing and becoming knowledgeable about labour-management relationships in bargaining and other federation activities.

It is my understanding that one federation under the Ontario Teachers' Federation had considered last year making application for a significant increase in its so-called membership fee to fund a strike fund. That proposal has never come forward. I think it probably died on the vine.

3 p.m.

Whether the additional funds which the federations establish to ensure they have appropriate funds for support of teachers on strike come from membership fees, I have no way of knowing at this point, but it is my understanding special levies, which are subject to income tax, have been imposed from time to time in order to replenish that strike fund.

**Mr. Stong:** Does the minister intend to approve a proposal by the executive of an annual membership fee increase for 1981-82 to a maximum of \$375 without investigating what it is going to be used for and what portion will go into the reserve fund out of which teachers' strikes are financed?

**Hon. Miss Stephenson:** I believe the honourable member is speaking about OECTA's proposal of 1979-80, which did not, in fact, come forward at that time. I have heard nothing of a further proposal from OECTA, but the amount being suggested by the honourable member would be more than a 250

per cent increase in the membership fee for that federation and obviously could not be considered to be an appropriate membership fee increase. Obviously there must be some other purpose in that kind of increase and that most certainly would be investigated, not only by the ministry, but obviously by the executive of the OTF as well.

## SILICA DUST LEVELS

**Mr. Martel:** Mr. Speaker, I have a question for the Minister of Labour. Is the honourable minister aware since the United Steelworkers of America in Elliot Lake started to express its concerns over the dust conditions in the surface crushing and grinding operations in 1978 and 1979, the results of tests taken to date show respirable silica dust levels to be either equal to or above the threshold limit value in 67 per cent of the samples taken? If this is the case, what action has his ministry taken to guarantee or to protect the workers occupied in the Elliot Lake area?

**Hon. Mr. Elgie:** Mr. Speaker, I will have to take the question as notice and report.

**Mr. Martel:** Supplementary: Recently, I understand, the federal government has removed 17 regulations concerning uranium and thorium mines, and apparently the federal ministry is about to propose the introduction of TLVs for silica dust at two milligrams per cubic metres. Is the Ontario government now prepared to introduce its silica program? As I understand it, is the Ontario government going to move to one milligram per cubic metre? If that is the case and the ministry is moving to one milligram per cubic metre and the federal government is moving to two, how in God's name are we ever going to protect the Elliot Lake workers, because the federal jurisdiction and the regulations therein supersede the Ontario regulations?

**Hon. Mr. Elgie:** As the member knows, last summer an intent to regulate certain substances was published and one of them was silica. The parties had until November 28 to submit their comments. Those comments are in and we are now reviewing them, but the ultimate decision will be from a provincial point of view and it has not been settled yet. I was unaware the federal government had indicated its intent to legislate with regard to silica, but I will be glad to review that as well.

## DISPOSAL OF PCBs

**Mr. Hall:** Mr. Speaker, I have a question for the Minister of the Environment.

**Mr. Speaker:** Perhaps you could put your question while he is in transit.

**Mr. Hall:** That is a very good idea, Mr. Speaker. Will the minister advise how many gallons of liquid PCBs are stored at the Smithville site of Chemical Waste Management Limited, and will the minister assure the House that he will reject requests for increased storage of PCBs at Smithville, bearing in mind that all along the Smithville plant was intended to be a transfer station and not a storage depot?

**Hon. Mr. Parrott:** Mr. Speaker, certainly we will be able to tell the honourable member how many gallons are there. I do not have that figure in my mind. As the member knows, it keeps changing. An upper limit of gallonage has been approved, so I will give the member an update, and I think we can do that pretty accurately, of how many gallons are there now. That is the first part of the question. Of course, I would have to get that information.

In answer to the second part of the question, we have not had any requests for extended facilities. I hope we do not. I would like to think we can get on with the job of having either a permanent site or a permanent method of destruction. The commitment to Smithville was that it would not exist after one or the other existed. I am hoping we can either have the site to destroy or the site to store permanently and securely, if necessary, in time to do what the member would like.

**Mr. Hall:** Nevertheless, there have been spokesmen for the Environment ministry who said the ministry is considering a request for expansion of the site facilities. This is my concern. I know there should be an upper limit and that limit will be reached. But there should be no more added to Smithville, in my view—certainly without an environmental hearing, which has never happened.

I am confused that the ministry spokesman has indicated that such an application is under consideration.

**Hon. Mr. Parrott:** No, it is not.

**Mr. Speaker:** Is the minister not? That is what the question should say.

**Mr. Nixon:** The situation is confused, don't you agree?

**Hon. Mr. Parrott:** I understand the member's concern and such an application certainly has not come to my desk asking for an extension. It would not be without the appropriate hearing. I assure him of that. I do not think we can do other than what we have done to this time. We have monitored the situation very well over in Smithville. The

air quality in that city has proved to be excellent as a result. There has been no change. He is asking about the future. I guess we will have to deal with the future when we get there. I am well aware the commitment was made in the first instance to the people of Smithville and I intend to keep it.

## GENETICS

**Mr. Grande:** Mr. Speaker, my question is directed to the Minister of Education, but I see she has left the chamber.

**Mr. Speaker:** You cannot ask a question of a minister who is not here.

**Mr. Grande:** As the minister is not here, may I ask the question of the Premier?

This question has to do with the comments that were made a little while back on a community channel by Miss Irene Atkinson, the present chairman of the Toronto Board of Education. Since the Premier was the former Education minister in this Legislature, perhaps he would have an answer.

When the question was asked, "How do you raise the achievement levels of immigrant children and children of low socioeconomic backgrounds?" the chairman answered, "I am not so sure you can because I think genetics plays a very large part in determining the potential of students." The Minister of Education of this province has not made a peep about this matter and silence is often interpreted as consent. Are we to understand that the Minister of Education is in agreement with the position expressed by the chairman of the Toronto Board of Education that workers and immigrants are mentally and/or intellectually deficient and that they pass on their deficiency to their children?

As the minister is here now, perhaps she can answer.

**Hon. Mr. Davis:** Seizing the opportunity to reply to that question and not having heard all of it except the honourable member's concern about his intellectual deficiencies, I could answer and comment on that, but I would—

**Mr. Martel:** Why do you not reply to a sensible question in a sensible way? It is a pretty sensitive area.

**Hon. Mr. Davis:** No. I am just going to suggest that he repeat the whole question for the Minister of Education.

**Hon. Miss Stephenson:** I heard it.

**Hon. Mr. Davis:** The minister says she has heard it so she can answer it. I could not hear it because of all the noise of the member's colleagues.

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding that the remarks made by the chairman of the board of education of the city of Toronto occurred in conversation with an interviewer. I understand she suggested that when the schools had done everything they could and the child was still not making progress perhaps the genetic background of the child should be looked at.

It apparently has been interpreted as a racist remark and I am not aware of the context in which the remarks were made. It is not my understanding, as suggested by the honourable member, there was any suggestion the children of new Canadians or immigrant Canadians would be relegated to that specific group and all others would be in some other group. It was my understanding the chairman was talking about society as a whole.

3:10 p.m.

As a physician with some limited background in genetics and biomedical science, there is no doubt in my mind that genetics plays an important role in the development of us all in a number of our aspects, not just in our intellectual development, but also our physical development, our personality development, our emotional development—in fact, the totality of a human being. To ignore genetics completely is to ignore a very significant component of humanity in a way we cannot afford.

I am sure the member would not wish, as some of his colleagues in that party have done, to impute motives to the new chairman of the Toronto Board of Education simply because she does not happen to be a member of their party.

**Mr. Grande:** I had understood that the Minister of Education had heard my question. However, obviously she did not. To quote from the interview, and I shall read it again, the question to the chairman was: "How do you raise the achievement levels of immigrant children and children from low socioeconomic backgrounds?" The answer: "Well, I am not so sure that you can because I think genetics plays a very important role."

Would the minister, as the Minister of Education responsible for the education of children in this entire province, use her persuasive power to ask the present chairman of the Toronto Board of Education to withdraw that remark? I did not make any statement about its being racist or otherwise. I simply say she should withdraw that remark because it has connotations that are beyond the educational system.

**Hon. Miss Stephenson:** I should be pleased to look at the entire transcript of whatever interview there was. I have not seen it. However, I would remind the member that the chairman of the Toronto Board of Education is a member of that board duly elected by the electorate of the city of Toronto, responsible and accountable to the city of Toronto and to the electors who elected her.

It is unfortunate if anyone makes a remark that can be taken out of context and used inappropriately. I shall be pleased to look at that and I am sure I shall be having conversations at some point with the new chairman. If there is some way in which we can solve this problem, I shall be pleased to attempt to do so. However, I really feel it would be inappropriate for an elected individual at one level to tell an elected individual at another level what to do.

#### AUTO WARRANTIES

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Is the honourable minister aware of the fact that car buyers in Ontario, in purchasing extended warranties, in the event of a bankruptcy of a company, do not have a protection of the extended warranty? Is that a fact?

**Hon. Mr. Drea:** No, Mr. Speaker. This has been one of our difficulties with that type of protection. It is my understanding that in the event of an insolvency by the parent company, because they are sold at the dealerships, the ones we have registered or approved are backed by a performance bond that is more than capable of providing the moneys that would have to be spent if the warranty had to be used.

In the late 1960s or early 1970s, someone started one of these, the plan did become insolvent, and when many people were required to utilize their warranty, in other words when they had to get repairs, they found out there was no money. Since that time there has been an extremely limited application of that type of warranty. We have been accused of being too tough, but we do want a rather sizeable performance bond to protect against an insolvency.

**Mr. Kerrio:** I am talking about something very recent. Is the minister aware of a bankruptcy in Niagara Falls where the Ford Motor Company extended warranty plan was a plan of that company itself and the car buyer does not have the protection of the extended warranty? I wonder if he would look into that and see if that extended war-

ranty does have backing so the people will have coverage?

**Hon. Mr. Drea:** Yes, Mr. Speaker. I am sorry I misunderstood the honourable member. I thought he was talking about some companies that offer them generally. Yes, if the member will provide me with the name of the Ford dealership I will look into it. I would be very surprised if any extended warranty granted by a car dealer at point of sale would not be covered by some of our protective legislation.

#### AID TO PENSIONERS

**Ms. Bryden:** Mr. Speaker, I have a question of the Minister of Revenue. Will the honourable minister confirm that in order to speed up payments of senior citizens' tax grants, the ministry has suspended the computer check on applications that was designed to prevent payments to deceased persons, to ineligible people and to possibly fraudulent applicants, and that no one is auditing the applications now before payments are made? If so, has the minister checked with the provincial auditor regarding this procedure?

**Hon. Mr. Maeck:** No, I have not checked with the provincial auditor. I am not aware of the point the honourable member is making. I did not catch all of the question. I wonder if the member could repeat it.

**Ms. Bryden:** Will the minister confirm that in order to speed up payments of the senior citizens' tax grants, the ministry has suspended the computer check on applications, a check which was designed to prevent payments to deceased persons, to ineligible people and to possibly fraudulent applicants, and no one appears to be auditing these applications?

**Hon. Mr. Maeck:** I will check into that. I am not aware that is taking place.

#### ENVIRONMENTAL ASSESSMENT

**Mr. Isaacs:** On a point of privilege, Mr. Speaker: My point of privilege is regarding some information provided by the Ministry of the Environment (Mr. Parrott) to this House on December 1.

On December 1, in response to a question from the Leader of the Opposition (Mr. S. Smith), the minister assured this House he would be introducing bills last week to amend the Environmental Protection Act and other statutes to impose minimum fines. That legislation was not tabled last week as the minister promised. I wonder whether he can offer an explanation.

**Hon. Mr. Parrott:** Mr. Speaker, without checking Hansard, I think I said "in the next few days." I will be introducing it on Thursday. I have the statement prepared, and the necessary material, and it will be here in the House on Thursday, the next sitting of this Legislature.

**Mr. Ziemba:** On a point of order, Mr. Chairman.

**Mr. Speaker:** I am the Speaker.

**Mr. Ziemba:** Mr. Speaker.

**Mr. Speaker:** Thank you.

**Mr. Ziemba:** I have not seen you for a long time.

**Mr. Speaker:** The member should know that better than most.

#### QUESTIONS ON NOTICE PAPER

**Mr. Ziemba:** My point of order, Mr. Speaker, is that I have a number of questions on the Order Paper, one dating back to May and several dated October 6. The standing orders call for these questions to be answered within 14 days or else the government ought to decline answering the questions if that is their intention. They have not done that. Can you take the necessary steps to see that my questions are answered?

**Mr. Speaker:** I am sure the government House leader has taken note of the member's point of order and will investigate it.

#### REPORT

##### STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mr. T. P. Reid from the standing committee on public accounts presented the final report and moved its adoption.

**Mr. Speaker:** It is my understanding there is nothing to be read. Would the member like to move the adjournment of the debate?

**Mr. T. P. Reid:** Mr. Speaker, if I may be allowed, I think this is the most comprehensive report of the public accounts committee in Ontario. It has a great deal of interest in it particularly, I am sure, as far as the government is concerned. The committee has worked long and hard on the report. The basis of the report really is to try to ensure some accountability and responsibility in the financial administration of the province.

3:20 p.m.

If I may, I would like to commend the members of the committee for the hard

work they put in and, particularly, our research assistant from the Legislative Library, Mrs. M. Fletcher, who has done an excellent job in assisting the committee.

On motion by Mr. T. P. Reid, the debate was adjourned.

## MOTIONS

### HOUSE SITTINGS

Hon. Mr. Wells moved that, notwithstanding the previous order, the House will meet tomorrow, Wednesday, at 2 p.m.

Motion agreed to.

### SUPPLEMENTARY ESTIMATES

Hon. Mr. Wells moved that the supplementary estimates of the Ministry of Natural Resources be referred to the standing committee on resources development.

Motion agreed to.

Hon. Mr. Wells moved that the supplementary estimates of the Office of the Assembly, Office of the Provincial Auditor and the Office of the Ombudsman be referred, in accordance with standing order 46(a), to the standing committee on general government.

Motion agreed to.

### COMMITTEE MEETINGS

Hon. Mr. Wells moved that the select committee on constitutional reform be authorized to sit the afternoon of Wednesday, December 10, 1980.

Motion agreed to.

Hon. Mr. Wells moved that the standing committee on administration of justice be authorized to sit the afternoon of Wednesday, December 10, 1980, to consider Bill 140, An Act to amend the Children's Law Reform Act, 1977.

Motion agreed to.

## INTRODUCTION OF BILLS

### MINING AMENDMENT ACT

Hon. Mr. Auld moved first reading of Bill 221, An Act to amend the Mining Act.

Motion agreed to.

Hon. Mr. Auld: Mr. Speaker, under the current Mining Act, peat is considered to be a mineral which may be acquired by claim-staking. The mining of peat as an energy source to be commercially viable will require vast areas of land. If this land is acquired by claim-staking, the claim holder obtains the

right to acquire the minerals, including peat, and the peat might never again be available for large-scale exploration or development.

This bill amends the Mining Act by reserving peat to the crown from the staking of mining claims. This is now done with sand, gravel and other surface-oriented natural resources, and peat will then be in the same category as them.

### PUBLIC VEHICLES AMENDMENT ACT

Mr. Cunningham moved first reading of Bill 222, An Act to amend the Public Vehicles Act.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, the purpose of this bill is to allow standing on school buses.

### ENVIRONMENTAL ASSESSMENT AMENDMENT ACT

Mr. Isaacs moved first reading of Bill 223, An Act to amend the Environmental Assessment Act, 1975.

Motion agreed to.

Mr. Isaacs: Mr. Speaker, the purpose of the bill is to remove the authority of the minister and the Lieutenant Governor in Council to exempt persons in undertakings from the provisions of the Environmental Assessment Act, 1975.

## ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Wells: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 296, 368, 369, 411, 412, 413, 415, 416 and 417 standing on the Notice Paper. (See appendix, page 5106.)

Mr. Speaker: Do you have a point of order?

Mr. Stong: Mr. Speaker, it was just answered.

## GOVERNMENT ADVERTISING

Mr. Nixon: Mr. Speaker, I have a point of order: On October 14, 25 questions were tabled on the Notice Paper with respect to the government's advertising budget. We were informed on October 20 that more time was required for this but that the answer would be forthcoming by November 30. We have not heard anything except that the advertising budget for the senior citizens' tax grant program, which was described as not exceeding \$650,000, has reached almost \$1 million. But we have not received any other information.

Why have we not got an answer to that under the rules?

Hon. Mr. Wells: I will be pleased to look into it, Mr. Speaker, and find out.

Mr. Speaker: That is two little chores you have now.

## ORDERS OF THE DAY

### RETAIL SALES TAX AMENDMENT ACT

Hon. Mr. Maeck moved second reading of Bill 187, An Act to amend the Retail Sales Tax Act.

Hon. Mr. Maeck: Mr. Speaker, this bill contains amendments to the Retail Sales Tax Act to implement the proposals in the economic statement of the Treasurer (Mr. F. S. Miller) on November 13, 1980. They are aimed at increasing demand and providing support to those important sectors of our economy which are underperforming at present.

First, to stimulate the residential construction, appliance and furnishing industries, which are adversely affected by a depressed economy, a temporary exemption from retail sales tax will be provided for certain building materials, major household appliances and residential furniture. This applies to materials, appliances and furnishings delivered in the period November 14, 1980, to June 30, 1981.

Since the policy was first announced, certain changes in the scope of the exemptions have been effected. For instance, the exemption of bricks, originally limited to clay bricks, has been expanded to include other types of brick to provide increased stimulus to the Ontario segment of this industry.

Similarly, for purposes of the retail sales tax and where the charges are \$250 or more, upholstery has been traditionally considered essentially the creation of a new item. For this reason, reupholstery jobs costing \$250 or more have been included in the exemption for new household furniture.

At the same time, to increase the effectiveness of the building materials exemption and to simplify its administration, both for dealers and the public, end use has been removed as a criterion for establishing eligibility.

Second, to ensure the continued growth of the tourism industry in Ontario and to provide assistance for the development and improvement of tourism facilities, the temporary exemptions for transient accommodation, restaurant kitchen equipment and furnishings for hotels and restaurants will be extended an additional nine months, to December 31, 1981.

The temporary sales tax rebate program for light vans and trucks, also announced by the

Treasurer, does not form part of this particular bill. Like earlier rebate programs of this nature, this will be covered by way of remission through an order in council. The order will rebate to purchasers the retail sales tax paid on eligible vehicles delivered to them between November 14, 1980, and July 4, 1981, provided a written contract of purchase was entered into on or before June 30, 1981.

Finally, I have taken this opportunity to improve further the administration of the Retail Sales Tax Act by extending the time for filing a notice of objection to make it consistent with our other taxing statutes; at the same time, provision is being made to extend the time within which a notice of objection or notice of appeal may be filed in special circumstances.

In addition to the statement, I wish to advise the members of the House that I will be moving an amendment in committee which will permit the minister to extend the time of delivery on certain articles that are contained in the bill but not in excess of 90 days. That amendment will be forthcoming when we get into the clause-to-clause debate.

3:30 p.m.

Mr. Haggerty: Mr. Speaker, I want to address my remarks to the amendment to the Retail Sales Tax Act and to inform the minister we will be supporting Bill 187, which is before us this afternoon.

A week ago both opposition parties in the discussion on the minister's estimates expressed their views in detail on retail sales tax. At that time, I suggested to the minister that, although we welcomed the goal the government is trying to attain in a depressed economy, perhaps it was a case of too little too late. Our critic suggested the government should have been moving in this direction in the budget introduced in the House last spring.

I suppose the end result of the tax rebate on building materials for homes and apartments, the temporary tax rebate program for light trucks and vans and the temporary exemptions for major household appliances and new household furniture will be that by the time industry gets involved in new sales, hopefully created by consumers, we will not see the benefit of the tax cut until next September or perhaps even a year from now. As we are facing the cold winter months in Ontario, it is perhaps a little late to be moving in that direction. The government should have been moving in this direction some nine months ago to reduce the sales tax on certain



items. Maybe it should have reduced the tax across the board as it did in 1975.

During consideration of his estimates I mentioned to the minister that the retail sales tax cut in 1975 from seven per cent to four per cent generated sufficient revenue in corporation tax and personal income tax. There is a benefit for the government by moving in this area sooner. There is not that much of a loss to the Treasurer in revenues generated. If we go back and look at the budgetary revenue from the retail sales tax in the past five years, we can see it has almost doubled, based on the estimated figure for 1980-81 of \$2.67 billion. That is an increase of about 20 per cent per year in a five-year period.

If we look at the \$260 million the government says it is going to lose by removing the sales tax on specific manufactured items, it amounts to about 10 per cent of what the normal increase would be in every year on the basis of a 20 per cent increase. Actually, the government is not losing that much. I suppose there could be a gain in corporation tax and in personal income tax. The Liberal Party has suggested that, to generate the economy and to get the confidence of the consumer, the government should perhaps look at income tax cuts across the board. In the long run, that will put more money into the economy to keep it going.

In the United States the President-elect was elected because he said: "Look what I did in the state of California. I removed a deficit there of \$160 million in one year." People thought that was great and that he would perhaps get the economy rolling in the United States. If we look at the government's track record here in Ontario in respect of revenue generated through sales tax and income tax, it is not that good. Year by year it has had deficit spending. I think 1970 was the last year there was a surplus. That was rather a good year for the province. I think there was a surplus of about \$150 million.

If the minister will look at the record, at the budgetary transaction of revenue alone—this is taken from the Ontario budget—in 1969-70 there was a surplus of \$150 million. The minister has had a deficit as high as \$1.48 billion, and it has continued over the years. Yet the revenues have increased almost 300 per cent.

I suggest to the minister there is sufficient revenue that can be generated in other areas, not by temporary measures but by bringing in an employment strategy

that would continue with employment on the upswing in Ontario. I question whether this is going to create any new jobs.

The Treasurer suggested there is another \$750 million in his mini-budget that is going to create a number of job opportunities in Ontario through an employment development period. If one looks at that over a period of five years, the minister is actually not giving the economy the lift that is required. I suppose the minister is looking at about \$100 million in the long run.

I want to bring to the attention of the minister that, in 1978, a study by the Federal Department of Industry, Trade and Commerce found that the sales tax cut on footwear, furniture and textiles in Quebec had a similar effect. All it did was change the timing. That is all the minister is doing now. He is really not adding new life to stimulate the economy in Ontario, to create the jobs we are looking for.

All he is doing is changing the timing. Perhaps the timing will be that we will get the impact of this some time next summer, in June or July, or maybe just in time for the spring election.

We saw one of the largest deficits ever in the history of the province in 1975. It was a pre-election giveaway.

The first-time home buyers grant was a good program when it was implemented, I suppose, but it encouraged many persons to buy property they could not well afford. The question is, was any monitoring done of the pass-through?

When the \$1,500 was given, the price of real estate went up. Actually, the pass-through did not go to the person who bought the property. The same thing applies now. What monitoring is going to be done to see that the sales tax rebate is passed on to the consumer?

This is one of the things I fail to grasp. When a sales tax rebate is given by this government in certain years, one cannot see the pass-through being given to the consumer without proper monitoring being done.

I can listen to commercials on local radio stations where the furniture industry advertises that, whatever one purchases, it will write off the sales tax. I understand some furniture stores have already gone through that and now they have had to give almost 14 per cent. Is it fair to say even to the industry that it might have to absorb some of the additional cost of this?

The minister shakes his head and says no. All I am suggesting to the minister is that,

when he has these temporary sales tax cuts, there should be some monitoring done by the government or his ministry to make sure the pass-through goes through.

3:40 p.m.

The theme of the mini-budget—and it was stressed—is that people should buy Canadian. I have mentioned to the minister before in his estimates that, if one wants to buy some light trucks, all the components are not made here in Canada. Some are even made in Mexico, depending on what people want. How is the Treasurer going to get the public in Ontario to buy Canadian if, as I understand it, about 60 per cent of the goods, even the furniture purchased in Ontario, are not made in Ontario? Some of it is not even made in Canada. The same thing applies to automobiles. I suggest the minister may run into difficulties there.

I have spoken before on this topic, but I think the whole problem is not in sales tax cuts but in the high interest rates in the province and throughout Canada and the United States. I was looking at the automobile industry in the United States. The chairman of the Chrysler Corporation says the interest rates put Chrysler in reverse. If some help is not given to them in controlling the interest rates in the United States, we are going to have some of the pass-through here. The Chrysler Corporation is going down, and perhaps even Ford will go down. There is that whole problem in the United States. We seem to look to the United States and think that, hopefully, their economy is going to be on the upswing and we are going to get some of the benefits in Ontario.

If the interest rates continue to be as high as they are, and they seem to be going higher, I just do not think the minister is going to have the confidence of the consumers to go out and buy goods today. Because of this amendment to the retail sales tax in the mini-budget, I do not think we are going to see the economy going up in Ontario as it should. The simple reason is people just cannot afford the high interest rates. Until this government and the federal government sit down at the bargaining table and come to their senses to control those interest rates in some manner, we are not going to be moving ahead in Ontario. I suggest that high interest rates are the cause of our problem today.

Until the minister can gain the confidence of the consumers, they are not going to be buying things because they have been given the sales tax cutback here and in some

other areas. This is the whole problem. A young married couple going to buy furniture will not be paying cash for it. They have to go out and borrow, and they are looking at 15, 16 to 24 per cent interest on borrowed money to purchase those goods.

I suggest both the federal and provincial governments should be moving in this area to control the interest rates and bring them down to a level where everybody is going to be treated alike. I am sure we would see the economy moving forward then. Until some action is taken by this government jointly with the federal government and perhaps all nine provinces, I think we are going to see the economy at almost a stalemate. We are not going to see the job creation that it was hoped this mini-budget and the retail sales tax rebate would bring about, nor will we maintain the present employment in Ontario.

The minister has made substantial gains over the years in sales tax. It has been increased considerably through people buying, through the consumers having confidence in purchasing and in the economy of Ontario. As I said before, the consumers are the heroes if the minister wants an upswing in the economy that is going to create employment, provided he is not hamstrung by having high interest rates; unless he gains their confidence, I do not think this budget or this sales tax cut is going to have the impact it is supposed to have.

We will support it, and I understand the minister will be moving an amendment related to the exemption on furniture sales.

**Hon. Mr. Maeck:** Delivery date.

**Mr. Haggerty:** Delivery date; that is right. I look forward to hearing that amendment, and I am sure we will be supporting it from this side.

**Ms. Bryden:** Mr. Speaker, this bill is an implementation of the sales tax cuts in the mini-budget. It is part of the Treasurer's so-called package to stimulate the Ontario economy which he brought in this fall. Certainly he pinpointed the need for stimulation in that mini-budget. I would just like to quote one paragraph in his budget statement:

"The bottom line is that labour force growth has outstripped job creation. The seasonally adjusted unemployment rate has increased from 6.2 per cent in September 1979 to 6.7 per cent in September this year. In fact, over the first nine months of 1980 the unemployment rate has averaged seven per cent. This is an unacceptably

high level of economic hardship and lost potential."

The Treasurer recognized that we needed stimulation. In his total stimulative package there is claimed to be \$1 billion. It sounds big. But only \$360 million, a little more than a third, is to be provided in the next 16½ months. The rest is a collection of vague five-year plans with no timetable. Of that \$360 million, \$260 million is in the form of retail sales tax cuts and rebates. The balance is made up of \$75 million for "new structural initiatives"—which I call typical Treasurer's gobbledegook; it does not tell us anything—\$20 million for cutting rural Hydro rates, because Hydro refused to do so, and a puny \$5 million to increase the production of wood fibre in central Ontario.

In this bill, we are looking at the bulk of the minister's stimulative package. I say it is a pretty poor effort. It is a popgun attack on the problem of what he calls, and I agree, an unacceptable level of unemployment. We know the reason why there is so little in his package. It is his reluctance to add to expenditures or cut revenues because of the overblown deficit this government has built up. The deficit is a result of its huge handouts to the pulp and paper industry and other industries; its waste, like the Minaki Lodge sinkhole, which it keeps ploughing money into; high unemployment costs; and rising social and health costs. Many of these latter are due to lack of preventive programs which could be financed if they did not have this overblown deficit and handouts to industries and other expenditures.

What is more, like most stimulative policies of the Tories it is a stab in the dark. I understand the Treasurer did not ask the Minister of Revenue for any real analysis of the impact of these exemptions and rebates on the economy. There was no estimate made by either ministry of the number of jobs that would be created by these measures. There was no monitoring of past sales tax cuts, although we have not had one exactly in this form. This is a stimulative package with no estimate of its impact except possibly an estimate of its impact on the voters in Carleton riding in Ottawa. That seems to have been the main reason why the mini-budget was thrown together rather hastily without this kind of study and brought down in November.

Briefly, this bill, as the minister has explained, provides for a rebate of seven per cent sales tax on vans and light trucks with a limit of \$700. It also provides for the re-

moval of sales tax from new residential furniture but with specific exclusions prescribed by the minister. It provides for the removal of the seven per cent sales tax from new major home appliances, again with the minister being given the power to prescribe specific exclusions from the list of appliances. Finally, it provides for removal of the seven per cent sales tax from building materials for homes and apartments, but with the minister being given the power to define what building materials are eligible.

3:50 p.m.

The bill also includes the extension of the temporary sales tax exemption to the hospitality industry from March 31, 1981, to December 31, 1981. I question whether this particular exemption was ever passed on to the customers in hotels and restaurants or whether a great deal of it was not just financing the overbuilding of hotels, particularly in the large urban centres. I can see some justification for helping that part of the hospitality industry that is seasonal, that caters to the tourist industry and operates on a fairly short year, but I question why large hotels, which seem to be continually raising their room rates, should get a tax reduction and the customer get no benefit from it.

We in this party have decided to support this bill because we do favour any reduction in what is basically a regressive tax and we do admit we need stimulation at this time. We would have liked to see a good deal more stimulation in the mini-budget and a greater attempt to place less emphasis on commodity taxes in our tax structure and more on progressive taxes like corporations and income taxes. We would have liked to see more stimulation generally of other kinds in the mini-budget as well.

We have some reservations about the form in which these tax cuts are being provided. We are concerned they will benefit the rich mainly, since they have the purchasing power. There is no ceiling on the size of the purchase except on vans and trucks, and the ceiling there is \$10,000. There is very little in this bill for those with low purchasing power and very little to make the sales tax less regressive. It might have been more palatable if it had included some provisions that might have benefited a larger segment of the people of Ontario and if it had included some cuts that would specifically benefit those on low incomes.

For example, the temporary exemptions could have been extended to footwear costing more than \$30. Shoes costing \$30 or less

now are exempt. This price ceiling came into effect in 1974, and since then inflation has rendered it less effective as a measure to reduce regressivity. I might point out that the Maritime provinces exempt all footwear and Quebec exempts shoes costing up to \$100.

**The Deputy Speaker:** Perhaps the honourable member would revert to what is in the bill.

**Ms. Bryden:** Yes, Mr. Speaker, but things like that could have been in this bill to make it more acceptable. I might point out that the minister does have power, under the regulations, to change the ceiling on shoes any time he likes. We have urged him to use this power on many occasions, but he and the Treasurer prefer to squeeze money from hard-pressed parents and all low-income earners who cannot do without shoes.

Another small concession that could have been made in the exemptions provided, and would have helped those with low purchasing power, would have been to include used furniture in the exemption given to residential furniture. In effect, this bill discriminates against people who cannot afford new furniture and have to settle for secondhand. They get no tax saving. They get no benefit from the Treasurer's generosity, his Santa Claus bill. He missed their chimneys. If the bill had given them an exemption, I am sure they would have spent the saving on other purchases in Ontario, thus stimulating the economy.

I might also point out that the failure to include used furniture means the bill also discriminates against used furniture dealers. They will have to sell furniture with full tax and will be competing with the big department stores selling tax-free goods. I thought this government supported small businesses, but it is making it more difficult for them to survive by this legislation. There are other omissions which we would have liked to have seen in there.

**The Deputy Speaker:** Order. The honourable member is certainly straying from what is in the bill. I wonder if she could contain her remarks to that.

**Ms. Bryden:** I am coming to the actual exemptions very shortly. There is one discrimination on which I think all members of the Legislature received a letter. Building materials are defined to cover clay bricks. The definition does not include concrete blocks and bricks. It seems to me the minister has power under this bill to define building materials. I urge him to use that power under

this bill to include the concrete block industry. This block is used in many residences and is being accepted more widely. He is discriminating against that particular industry which, I understand, employs about 1,500 people.

I may say I am rather disturbed by the sweeping powers this bill gives to the minister to define what is eligible for the tax exemption. In the case of building materials, he can say what is in it. In the case of other furniture and appliances, he can say what is not covered. That certainly enables him to pretty well write the tax bill as he wishes. I would think this Legislature should have more say in what exactly we are exempting. We know the old phrase, "no taxation without representation." Actually, this bill gives the minister the power to impose whatever model of taxation he likes in those three fields by the very extensive powers given to him.

I might also point out there is still time for the minister to bring in amendments to adopt some of the suggestions I have made regarding items that have been omitted. I am hoping the minister will do so.

Another point that worries us considerably on this side is whether retailers will not just raise prices by seven per cent in the next few months and, in effect, pocket the tax saving.

**Hon. Mr. Maeck:** What does the member suggest I do about that?

**Ms. Bryden:** The bill may simply be a welfare grant to the big department stores. Of course, if we had a prices review board, as this party has been urging for many years, this kind of blatant profiteering would be exposed and stopped. Under this bill there is no machinery to stop it. The consumer has no protection against price rises which may or may not be justified.

I would also like to have seen in the bill a clause making it mandatory for the ministry to undertake a monitoring and study program during and after the period of the exemptions and rebates. We would then be able to assess the impact of this kind of measure on the economy. We would also find out what kind of purchases were stimulated by it. We would find out what was the median tax saving for different classes of goods. This would tell us whether it was the very high-priced purchases that were benefiting most from the application of this bill. We would also know for future reference what kind of temporary or permanent reductions in tax were useful and which ones were counterproductive or discriminatory.

I note the minister is bringing in an amendment to give him the power to extend the delivery date on furniture, building materials and appliances purchased up to June 30, 1981, because of possible difficulties in the store of actually achieving delivery by that date, even though the purchase may have been made a considerable time before that date.

4 p.m.

I can recognize there are problems there. The problems vary greatly between the different items that will be exempt from tax. It does create a considerable problem. I am prepared to accept the minister's proposal that he be given 90 days as a period he may allow for delivery. However, I hope he will keep the period as short as possible so we do not allow people to buy on June 30 with the expectation they will get the sales tax rebate sometime on merchandise they may not have to pay for until way on in the future.

That would defeat the purpose of the bill, although it is quite possible we will need stimulation for a good period beyond June 30. I think that date was selected for election purposes. I am not too enthusiastic about the minister having the power to choose all the periods of exemption he will allow for the different items. I am sure he will be under a great pressure from most manufacturers and retailers.

**Mr. Makarchuk:** It was just in case they had to hold the election in the fall.

**Ms. Bryden:** That may be the reason. It certainly is giving the minister considerable power. But I would not like customers to be done out of the sales tax rebates because the store could not deliver a different colour or a slightly different model that was not on the floor at the time the customer made the purchase. It would not really have been the customer's fault that he could not get delivery immediately.

The minister proposes in his amendment that this power will be applied to all three categories of goods which are eligible for the exemption. I do have serious reservations about extending it to the building materials category. The building materials will be largely bought, I would think, by developers who may be using this saving to build some much-needed housing. But I am just a little afraid they may place huge orders on June 30 for a year's supply of building materials and they will be given the maximum 90 days to take delivery on those. We may have a real excess use of the exemption by developers. I think this exemption was intended mainly for home renovators and

people building individual homes. I do not know that it should be considered a bonanza for developers.

I am proposing the amendment be changed to delete the building materials from the power to change the delivery date and that the minister's power be confined to appliances and residential furniture.

I feel this bill is not sufficient as a stimulative measure. We would like to have seen other kinds of stimulative measures besides tax cuts in the retail field in the mini-budget. I feel it does very little to make this a less regressive tax. It is mainly tinkering and not a real restructuring of our tax system. That is really what is needed and that is what we in this party would be advocating.

**Mr. Breithaupt:** Mr. Speaker, there is only one point I wish to raise with respect to this bill. I did not hear the initial remarks of the Minister of Revenue as he brought the bill before us, but from the comments that were made I presume he is still giving some consideration to the concrete block problem that a number of members had brought to his attention.

I recall the information we all received and the points that were raised in so far as the Treasurer was concerned with respect to the stimulation, to some extent, of the use of the products made by the various members of the Ontario Concrete Block Association. Can the minister, in his response, advise us whether he has been able to sort out those particular concerns so that a more precise definition of the building materials opportunity will or will not be able to be accommodated? I think it would be worthwhile for us to know just what may be able to be done, recognizing, of course, that the various costs of these component parts all have to be considered within the total moneys available that the Treasurer has been prepared to forgo with respect to tax.

There are other items, some of which have been mentioned this afternoon, which might or might not have been included. I recognize that the impact on the economy has to be weighed one way or the other to attempt to accommodate the purposes the Treasurer has been prepared to except as he raises a lesser amount of sales tax for the variety of reasons set out in the additional budgetary message, which I recall was on November 13. If the minister can respond as to whether this is able to be dealt with or what his expectations may be, I think it would be helpful for us as we reply to the letters we have received.

**Mr. Makarchuk:** Mr. Speaker, I have a couple of points to raise. One concern is that people have entered into contracts for refurbishing of homes, buildings, et cetera. When the final price on the contract was decided, the sales tax was in place. Now they are concerned about the fact that when the builder or contractor goes ahead, he certainly will not pass on the seven per cent reduction for which the customer was charged before. There does not appear to be anything within the legislation to ensure that this money is passed on to the consumer through the builder or contractor to ensure that the people benefit from the tax measure.

The other matter that was brought to my attention is the matter of the vans that could be sold. As I understand it, if one buys a pick-up truck or a van it is exempt from the tax measure. But some manufacturers of these camper vans are a little apprehensive about the fact that if a person buys a truck and then wishes to buy the camper top separately by himself, he does not get the benefit of the seven per cent tax exemption. I am not sure if that is the case but, if not, I think, in all fairness, if that camper top was on the truck when it was originally sold then the seven per cent benefit would accrue to the buyer. However, if the person wishes to buy it separately, or in some cases have it mounted by himself, he is not entitled to the seven per cent.

It seems to me this should be considered because it still answers to the intent of the bill to stimulate some employment and manufacturing activity. This is exactly what it would do, except that the consumer would probably find it cheaper to put on his own van or modify it to some extent. I think he should be allowed the privilege of buying it, the same as the dealer or the original manufacturer does when he puts it on and sells it. He gets the advantage, whereas the person who buys it separately does not get the seven per cent advantage. I hope the minister will address himself to that problem. I will be awaiting his reply on those two questions.  
4:10 p.m.

**Mr. McKessock:** Mr. Speaker, it is important when any act comes into place that it is as fair as possible to as many as possible. I was pleased to see building materials included as exemptions from the seven per cent tax, but I was concerned about the way we were notified as to what was eligible and what was not. It was vague as to what was eligible. We finally received word that materials for farm construction were eligible.

I am also concerned about concrete blocks and cement. Surely somebody within the ministry is aware all buildings start with a concrete foundation or concrete block wall. I am not sure whether that is included, but I would like the minister to advise me and, if it is not, I would like to know why not.

The pamphlet giving information on what is eligible for rebate talks about siding but does not say steel siding or steel roofing is included. Steel is a necessary part of building materials. Steel should be included as well as concrete blocks. It seems to discriminate against some manufacturers while favouring others. The concrete block industry is quite concerned that other blocks, clay bricks, I believe, have been given it. I will await the minister's response and, if these materials are not now covered, hopefully he will see fit to include them with the other items listed for the seven per cent exemption.

I do not share the concern of the former speaker from the New Democratic Party pertaining to the fact that builders may store up a year's supply at the end of June. I am sure they are not going to bring in a year's supply of material for a seven per cent saving and turn around and pay 17 or 18 per cent interest on it.

**Mr. Samis:** Mr. Speaker. I rise to speak in qualified support of the bill. Like my other colleagues, I have some reservations about the whole concept and principle of the sales tax. It strikes me it would be far more equitable to place a greater reliance on the income tax than the sales tax. If you look at history, every time a sales tax cut is introduced it is always increased in the succeeding 10 years. In this case it is used as a political football as well.

Mr. Speaker, with your keen historical perspective, I know you will afford me a brief opportunity to look at the recent history of sales taxes in this province. We can start in 1975 with the famous home buyers' grant, the famous \$1,500 bribe to the people of Ontario to buy a house. At the same time there was the rebate on new cars under Lord Darcy McKeough. Most people realize that combination of programs was geared purely to the 1975 fall election. It was used as an outright election bribe to try to get people to vote Tory. Fortunately, it did not work. We had a minority government.

In the case of the home buyers' grant, if I am not mistaken, the standing committee on public accounts came to the conclusion that somewhere between \$11 million and \$14 million was given to people who were not eligible or deserving of the grant in the first

place. Obviously it served the government's purpose, because it was all done during the election and it hoped to recoup all the benefits from it.

In 1978, we had a joint program between the feds and the province to reduce the sales tax from seven per cent to three per cent for six months. Obviously that had some mixed results. There was a short-term stimulus, but I think it is fair to say that with every one of these programs there is no real proof over the space of one year that there was any substantial increase in production or sales of any good or product. I suspect the government has studies that indicate such. All it means is people will buy things in the fall as opposed to the spring, but the overall production and sale of any particular item is not substantially affected at all by these types of programs. I would challenge the minister, if he has any study that proves the contrary in the last five years in this province or any other jurisdiction in Canada to bring it forward.

Earlier this year they came out with another sales tax rebate on cars. This one was to help the car dealers to get rid of 1979 models which were still on the lot. That scheme was an incredible program and was restricted to 30 days. There was not even a specification as to its being restricted to cars built in North America. People could go to a car dealer in Toronto and buy a Lada made in the Soviet Union and get the sales tax rebate. They could buy a Toyota, Honda, Datsun, Volkswagen, Renault, Subaru, Mazda or Fiat—you name it—and they got the same rebate as somebody buying a car made in Oakville or in Oshawa.

Surely the purpose of the program, first of all, was to stimulate jobs and production here in Canada and, secondly, for the North American auto industry, but the boys over in Russia benefited from it, and people in Europe and Japan benefited from it. The people of Ontario were the ones who were subsidizing them, which was an absolutely incredible situation.

Now we have the latest instalment in this long record of gimmickry. We saw an election looming this fall at one stage, which was then cancelled. Realizing the election would have to be postponed until the spring because the polls were not sufficiently favourable, once again the government came through with a watered-down version of the old Darcy McKeough approach.

I have to tell the minister that in my particular riding it was greeted with a fair amount of scepticism. When people saw the

expiry date was June, they immediately said: "Aha, right after the election the program disappears. Here they go again, trying to pull the wool over our eyes." More significant than that scepticism was a keen sense of disappointment. In my riding we have a carpet plant, which is now closed and which had announced it was closing just prior to the announcement of the introduction of this particular program.

When the 200 employees looked at the list of all the items that are eligible for the sales tax exemption, they said: "Why in terms of that particular category don't carpets rate? Here is a plant in our own community closing down. We have a plant in Lindsay closing down with 500 people thrown out of work. We have somewhere around 20 manufacturers of carpets in the whole province and this industry doesn't rate a sales tax exemption."

I brought the question up with the minister. I respect the fact that he was not part of the policy-making process; it was done via the Treasurer (Mr. F. S. Miller) and the Premier (Mr. Davis). What was the Premier's answer? He said, "We haven't got enough money. We had to draw the line somewhere. We couldn't afford it." I would really like to ask how much it would have cost to include carpets under the sales tax exemption. They tell us there is no money available.

How much have they spent this year on Minaki Lodge? How much have they allotted for building that monstrosity up in the north? How much money have they spent on advertising this fall to soften people up for the election? By my rough calculations, somewhere between \$20 million and \$25 million has been spent on advertising and on Minaki Lodge in this year alone. I think the minister's own ministry spent upwards of \$1 million on the pensioner tax credit, if I am not mistaken. That may be considered legitimate. Some of those energy ads and some of those environment ads which have been roundly condemned by almost every segment of society were not legitimate. Yet they have the gall to tell the people of Cornwall and of Lindsay: "We can't afford it. We haven't got the money." It is just incredible.

I would like to see the government reverse its policy on this. We recognize there is a certain amount of electioneering inherent in this, but if one of the justifications for the program in the first place was to stimulate production and create jobs, I

would really ask the minister to look at the economic status of the carpet industry. It is in bad shape as a result of the recession. It is an industry that deserves short-term assistance, if we are going to have these programs. I would like to ask the minister if he could reconsider his decision and his policy not to include the carpet industry.

**Mr. Nixon:** Briefly, Mr. Speaker, I want to say to the minister that while I do not believe the bill is as stimulative to the economy as he and the Treasurer would like it to be, naturally we in the opposition are not going to stand in the way of the reduction of a regressive tax, such as the sales tax, even if it is temporary and only related to certain products.

The only specific complaint I have received from my constituents has been about the cutoff level pertaining to smaller trucks. It has been brought to my attention by one very competent farmer, who was going out to buy a pickup truck to use in his corn and cash crop operation, that the obvious truck he required was a very small weight measure above the upper limit the minister or his advisers in the Treasury have established.

4:20 p.m.

I understand the argument, of course, that there has to be a limit in time, amount and probably size. In consulting with the minister's officials or his advisers in Treasury, I understand the indication was the weight limits in the bill were more or less a classification clearly understood in the truck manufacture industry. I am told that is a very subjective perception. The cutoff there, in my view and in the view of my constituent, is needlessly arbitrary and means that if he opts for a truck on which the tax is remitted, he is buying something that does not fit in with his operation when just a small variation, which would be an optimum size for him, would be fully taxed.

I just hope the minister will give some consideration to some flexibility in that regard. I have raised it with his officials, who have contacted my constituent, but so far—I would not use the word “stonewalled”—they have indicated they are not prepared to consider any flexibility in that connection. I want to bring it to the minister's attention publicly so that some further consideration at this level might be undertaken.

**Hon. Mr. Maeck:** Mr. Speaker, I will try to deal with the questions that were raised. We have had considerable debate on this bill in the budget and in other places.

The member for Erie (Mr. Haggerty) was talking again about Canadian content of the items that have been granted exemption. I have to say to the member it is very difficult when bringing in a program such as this to combine articles manufactured wholly in Ontario with an area that needs stimulation. We did choose trucks and vans particularly because 60 per cent of them are manufactured in Ontario. That is probably a bigger percentage than in the case of any of the other vehicles that are manufactured. Besides that, of course, the fact is that area does need some stimulation and we had to move in that direction in some way. Hopefully, we chose the ones that have the greatest Canadian content in the manufacturer.

The member also talked about interest rates, which really have no bearing on this particular bill at all, although I note this is the second time he has drawn it to my attention. I do not disagree that it is a very important subject, but it does not really come within the confines of this bill.

The member for Beaches-Woodbine (Ms. Bryden) talked about children's shoes. This is a subject we have talked about many times, both with the member and her predecessor as critic. By the way, we did a study on that, although it is not contained in this bill. Our study indicated it really was not a high priority at the moment, that there were still many children's shoes that could be purchased out there for under \$30. That is the purpose of the bill.

**Ms. Bryden:** It is not just for children.

**Hon. Mr. Maeck:** Of course, the whole program is for children's shoes, not for adults to buy shoes. That is the purpose of the bill.

The member has talked about my sweeping powers in choosing what would be exempt and what would not be exempt. I must advise her that my sweeping powers do include consultation with the Treasurer and with my cabinet colleagues. It is not as if I can arbitrarily decide all of these things on my own. I do consult with people on this side of the House in those matters. Granted, there is no input, as there never is, in budgetary bills from the opposition, but that is the way the democratic system is set up not only in this province, but in all others.

The member for Kitchener (Mr. Breithaupt) and others asked about concrete blocks. The member will be aware we have extended bricks to cover clay bricks and have included concrete bricks in that group. Our



problem with concrete blocks is simply that we would then be moving into a completely new area. I do not think we could stop with concrete blocks. We would then have to go to the other concrete precast items that are manufactured, particularly in large buildings.

**Mr. Breithaupt:** Precast?

**Hon. Mr. Maeck:** Yes, precast. When we get into that situation, it then becomes a monetary thing. There is a limit to the money we have to spend. We felt it would be unfair to move into one area of the cement industry and not extend it to others. So we drew the line at the concrete blocks.

The member for Brantford (Mr. Makarchuk) was concerned about the contractors who had signed contracts prior to the program coming into effect. There is certainly nothing in this bill that would cover that situation. I do not know of any way we can do it. It is a contract between two people who have signed the contract for so many dollars. I guess the only thing we can hope is that the contractors will reduce their contracts by the seven per cent that relates to sales tax. If they do not, I think that is an agreement between two people, and I do not see any way how we could possibly cover that in any legislation. I have some sympathy for those people because they should be credited with the seven per cent sales tax they had agreed to pay and the contractor now does not have to pay, but I do not think there is any way of administratively addressing that particular problem.

It is quite right that if they buy a camper for a truck, they must pay retail sales tax on it. I would think in most cases it would not have very much effect anyway because there is a \$700 limitation on the sales tax. I would think in almost every case they will be taking full advantage of the \$700. They would not be able to get more than that even if they included the price of the campers, though there may be the odd situation where there might be a problem. I think in most cases when they purchase the vehicle they would get the full \$700 retail sales tax credit. If that is the case the other part of it would make no difference anyway.

**Mr. Haggerty:** Not necessarily. If they are trading in, they won't get the \$700.

**Hon. Mr. Maeck:** No. If it is a trade-in, of course, they will not. I am talking about purchasing a new vehicle.

**Mr. Makarchuk:** Suppose they got a truck and just wanted to buy a top?

**Hon. Mr. Maeck:** The member is extending it into a completely different area again,

away from vehicles into campers. Our legislation covers vehicles and vans. The member would be extending it again beyond where we could possibly go at this time.

The member for Grey (Mr. McKessock) also mentioned concrete blocks, and I agree with him on the first item he brought up. The information bulletin was not clear as to building materials and how they applied to farms and farmers. I have arranged to have a new bulletin sent to cover that situation along with the other amendments we have made that I mentioned in my opening remarks. The bulletin originally covered in the margin—to be exact—homes and apartments; that is the way it was written. That was wrong. It was never intended to be for that purpose. The end result does not matter. We are not concerned with where the lumber or any material that is exempt goes or what it is used for. The end use is not part of the criteria at all. That was not made plain in the bulletin. We are going to correct that. I agree it was a mistake.

There was some confusion, particularly in the farming community, that they did not qualify for the exemptions for building materials. We are clarifying that and sending out a new bulletin to make sure that everyone is aware of it.

**Mr. Breithaupt:** We cannot have that.

**Hon. Mr. Maeck:** No, we cannot have that. It never was intended anyway. The end use was not taken into consideration. It was just the articles themselves.

4:30 p.m.

The member for Cornwall (Mr. Samis) mentioned that we covered other vehicles besides North American-built cars. I would remind him that in 1975, when we brought out a similar program and exempted only North American cars, it was quickly pointed out to us that was against the constitution. We then had to change our program to include the foreign cars—

**Mr. Samis:** The Tories subsidize the Russians.

**Hon. Mr. Maeck:** —in order to give the subsidy to the North American manufacturers. That is quite true. The same thing applies to half-ton vehicles. We cannot restrict them. The constitution dictates that, if we are going to have this sort of program, we cannot pick and choose. We have done what we could this time by choosing light trucks and vans, 60 per cent of which are North American-built.

**Mr. Samis:** How did Darcy McKeough do it in 1975?

**Hon. Mr. Maeck:** We had to change it. It did not go through. We had to amend it and go back and cover the ones that were sold. It was a real problem. Obviously we will not do that a second time.

**Mr. Samis:** You should change the constitution. Stop the filibuster in Ottawa.

**Hon. Mr. Maeck:** The member for Cornwall also talked about carpets, and I can sympathize with him. When one has a carpet factory in one's riding which has to close because of economic conditions and because a program is not extended to that article, I can understand the member being rather upset about it. I can only say what I said in reply to the member when the question was raised in the House before. We did not exclude only carpets from this program but we excluded all floor coverings, which include carpeting, tile, hardwood and anything that is manufactured for floor covering.

**Mr. Samis:** The Premier said there was not enough money.

**Hon. Mr. Maeck:** There was a limit to the amount of dollars we had to expend.

**Mr. Samis:** The government spent \$14 million on advertising though.

**The Acting Speaker (Mr. MacBeth):** Might I remind the House that second reading is not a time for exchange of questions. This is the principle of the bill. Would the minister direct his remarks to the chair.

**Hon. Mr. Maeck:** I acknowledge the remarks made by the member for Brant-Oxford-Norfolk (Mr. Nixon) and I will look into that situation.

Motion agreed to.

Ordered for committee of the whole House.

House in committee of the whole.

#### RETAIL SALES TAX AMENDMENT ACT

Consideration of Bill 187, An Act to amend the Retail Sales Tax Act.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Chairman:** Hon. Mr. Maeck moves that sections 4 and 5 of the bill be respectively renumbered as 5 and 6 and that the following section be added to the bill:

"4. Subsection 3 of section 42 of the said act, as enacted by Statutes of Ontario, 1975, chapter 9, section 11, and amended by 1976, chapter 23, section 12; 1976, chapter 82,

section 4; 1979, chapter 27, section 8; and 1980, chapter 22, section 3, is further amended by adding thereto the following clause:

"(j) extending to a date not later than September 30, 1981, the period within which delivery is required to be made for the purpose of any exemption conferred by paragraphs 71, 72 or 73 of subsection 1 of section 5."

**Hon. Mr. Maeck:** Mr. Chairman, this gets rid of all of the extra numbers, whereas, chapters, sections and that sort of thing. Basically, I am asking the Legislature to give the Minister of Revenue permission to pass regulations affecting the delivery date of furniture, white goods and building materials. This extension of the delivery date is not to exceed approximately 90 days. Actually, I think it would be 91 or 92 days because we have dated it September 30. The original bill calls for a delivery date not later than June 30. This bill will permit me, if necessary, to extend that date by regulation to not later than September 30.

I am requesting this because I have had submissions from retailers who think we may have a problem, particularly with regard to the delivery of furniture. In some cases, it takes two or three months for furniture to be delivered. They feel that in a program of this type many people come in at the last moment to purchase something and they have to order it. If the delivery date is beyond June 30, they would not be able to take advantage of the exemption.

I am not at this time making a commitment that I will extend any delivery dates. I want time to look at the whole situation and make a decision as to whether or not it would be advisable to extend the delivery date beyond June 30. I am not making any commitments whatsoever. If we find the program will proceed well without the extension of the delivery date, that is fine. If, after investigation, we find it would be wise to extend it, then we will consider that. It would not be necessarily for 90 days but for the amount of time the ministry feels would be necessary to ensure delivery of articles that had been ordered and purchased prior to June 30.

One of the other reasons I ask for this is from time to time we do have strikes and other interruptions in the manufacturing sector which can delay the delivery of goods. If something like that happens, it gives me a little leeway as to delivery to compensate for something unforeseen happening. That is basically why the amendment is requested.

**Mr. Haggerty:** Mr. Chairman, I was trying to get my thoughts together on this amendment. If I am correct, the minister is saying this will provide him with the leverage to bring in regulations which will apply to this sector. The amendment says, "extending to a date not later than September 30, 1981, the period within which delivery is required to be made for the purpose of any exemption conferred by paragraphs 71, 72 and 73 of subsection 1 of section 5." We agree with that in principle, but I want to ask the minister if we shouldn't add something such as, "the offer to purchase goods must be made before June 30." We could extend the time then to include the delivery date. As it stands, this could be interpreted to mean the minister is extending the purchase date from June 30 to September 30. I do not know how you are going to work this so the regulations come forward to this particular section.

4:40 p.m.

**Hon. Mr. Maeck:** The original bill already says the purchase must be made before June 30. This does not change that. But that bill also says delivery must be made before June 30, while this amendment permits me, if necessary, to make regulations that would allow the delivery date to extend beyond June 30. It would not give me power to make regulations to extend the exemptions beyond June 30, only the delivery date.

**Mr. Haggerty:** I am a little lost on this thing. If I understand this, it gives you the authority under legislation to extend it to September 30. You do not have to bring in regulations then, do you?

**Hon. Mr. Maeck:** I would still have to bring in a regulation. This restricts me in that if I bring in a regulation I cannot go beyond September 30 in extending the time. But I still must bring in a regulation dealing with any exemption that might come in. I cannot arbitrarily extend the delivery date. I cannot extend that without passing a regulation, even when this is passed. It just gives me the authority to pass a regulation.

**Mr. Breithaupt:** There is an interesting point on this, if I may follow through on this theme. Can the minister explain to us what sort of expectations he has for sorting out these various problems? Would he, for example, expect to hear from various retail or manufacturing groups that problems were going to arise and a certain volume of goods were going to be caught unless he made an exemption? Is that when he would then propose it? I am wondering what is going to

trigger extension for delivery if it is going to prove to be necessary.

**Hon. Mr. Maeck:** I guess what I am saying is I would have my staff check with the retailers' association and others to find out if they do need that extended time for delivery. The submissions I have received up to date indicate they do, but I would like that verified. We are talking about furniture here. But it may be in white goods, refrigerators and freezers that time will not be necessary at all. It may be the consumer does have a choice in those situations. They do not make special refrigerators as they make special furniture. It is possible I might go into one store for a 15 cubic-foot refrigerator and could not get it, but I could probably go down the street and buy one.

If it is there on the market and the consumer can buy it before June 30 and have it delivered, then I see no need for extending that delivery date, other than maybe for two or three days or something, so that if they have a rush they can deliver after the purchase has been made, or for some minor thing like that.

In a matter like furniture, which is perhaps, at the moment anyway, the one I have had the most input on, you can go into a furniture store and find a chesterfield that you like, but it is not in the proper cloth you want or not the right colour. You cannot always buy that kind of article off the floor. If they come in, say, in the last two weeks of this program, obviously they could not take advantage of the exemption unless we extended the time for delivery. We really have not had a chance to look at whether that is a major problem. That is why I am asking for authority to make regulations after we have had a chance to examine it.

I want to examine the building materials a lot more before we extend the date of delivery. I would like to know many things about the building material. It is just too early for me to bring in an amendment to the act which would give us a specific date if we were going to extend it. It is too early for me to even say whether we will extend it. We have to investigate it first and see whether it is warranted or not.

With small trucks and vans, I doubt very much whether an extension beyond what is named in the act would be necessary because it is a program we have done before. The purchasers and automotive dealers know how this program runs. It is not a new program. In effect, it is the same system we used the last time we had this sort of program and we had no problems with it. I do not see

any need at the moment to extend the delivery date.

The building material is the one that concerns me a great deal because we have not had a chance to look at that at all. I need authority to pass a regulation extending the time of delivery if we find it is necessary. As I said earlier, I am making no commitment at this time that I will extend any of them because I just do not have enough information at my disposal to make that kind of decision.

**Mr. Breithaupt:** In order that there might be as accurate a development of the expected needs as possible, will the minister be publicizing in his retail sales tax bulletin the expected opportunities that may develop for all those who are called upon to pay tax and submit it?

If publication is done over the next several issues of the bulletin in a fairly large size type or in a bit of a block notice or whatever, there would be then the opportunity for those persons, if they expect to have the need for this, to advise the ministry as early as possible. If that were the case, you would know and your officials would be able to consider what the total might be and get on with the need for the extension if that occurs.

I would hope persons would be given as much notice as possible as to what might be available so that they, in turn, could advise the ministry as to what their expectations are, particularly as you have mentioned it is more likely for certain items of furniture than for vehicles or for refrigerators and freezers which perhaps could be obtained elsewhere if they were not exactly in stock at the particular dealers that might otherwise be involved.

**Hon. Mr. Maeck:** We have never used the bulletins for that purpose. The bulletins we send out are normally used to announce any tax changes rather than to ask for information. They are used when we change tax policy, or there is a new tax law or policy change within the ministry regarding taxes or assessment—anything within the ministry.

**Mr. Breithaupt:** That is what this is to some degree.

**Hon. Mr. Maeck:** Yes, it is, except that I do not know whether I want to encourage that kind of input. I think perhaps we can get the information we need from dealing with the manufacturers' and retailers' associations rather than a whole bunch of individual people. It would be difficult and time-consuming.

**Mr. M. N. Davison:** If you keep this up, we will have to bring back the member for Hamilton Mountain (Mr. Charlton) to embarrass you.

**Hon. Mr. Maeck:** That member never embarrasses me. He is a good friend of mine. He is a good fellow, not like you.

**Ms. Bryden:** Mr. Chairman, in this party we are always distrustful of government by regulation, and taxation by regulation in particular is suspect. It affects all our pocket-books, so we were looking carefully at this proposal by the minister. I think the main reason he is bringing it in is lack of knowledge in the ministry on how these tax exemptions are going to work. He is moving in untried territory.

I do think more study should have been done before they were brought in and there should have been more investigation of the purchasing patterns of people and how long it takes for deliveries. Of course, the haste with which the tax exemptions were put together for the Carleton by-election is the main reason the Ministry of Revenue was not given any time to study the proposal. This is the kind of half-baked legislation we get. We would have much preferred to have seen spelled out in the legislation exactly what is eligible and what are the limits on delivery dates.

4:50 p.m.

We protest the fact that this kind of amendment appears necessary at this stage in order to allow some flexibility for hardship cases that may develop because of the delivery date. I am not sure whether this amendment may be opening the dikes to a much greater use of the exemption than the Treasurer anticipated and, therefore, it may throw out his estimate of the cost of his mini-budget. At the present time, it appears the government's position on spending money is, if it is going to win the election, then spend it without regard to the amount involved. The Treasurer (Mr. F. S. Miller) may argue it might increase the stimulation of his budget, but there are other places he could put any additional money he may have. I am prepared to go along with the amendment as far as giving the minister power on the 90 days. I hope he will use it very carefully and not extend it to every item and that he will make a study of delivery patterns.

I have one major concern about the amendment, however, and that is on the building materials. I think there is real room for abuse by developers and builders where it would not benefit the ordinary taxpayer. We

have to remember that most building these days is luxury housing, because of the lack of programs to encourage construction of affordable housing. Assuming the developer passes the benefit on to the home buyer, we may be helping those who can buy luxury housing. This creates a real problem. It is why I would like to move an amendment to the amendment, that we delete building materials from the application of this amendment.

**Mr. Chairman:** Ms. Bryden moves that clause j of subsection 3 of section 42 of the said act, as contained in section 4 of the bill as set out in the minister's amendment, be amended by deleting "72 or 73" in the sixth line and substituting in lieu thereof "or 72."

**Ms. Bryden:** Mr. Chairman, this says that the minister does not have power to extend the delivery period for building materials, but we still leave him with up to 90 days for furniture and appliances. I have given my reasons why I think we should adopt this amendment and leave building materials under the present terms of the bill, which means people would have to anticipate their purchases and accept delivery before July 1, 1981.

**Hon. Mr. Maeck:** Mr. Chairman, I cannot accept the member's amendment. I am not familiar enough with the building material problems at this time to be able to assess whether or not—

**Mr. M. N. Davison:** Then you should not be the minister, should you? Make way for somebody knowledgeable.

**Hon. Mr. Maeck:** Why don't you go back to Hamilton? Somebody down there might love you. Nobody likes you here.

The reason I cannot accept the amendment at the moment is that we do not have enough information on the building material business to know whether or not at some time in the future an extension should be granted on the delivery date. It is too early to make that kind of decision. If this amendment were accepted by the Legislature, it would restrict me from being able to do anything in that regard, even if it were necessary. I would much prefer to allow my amendment to go ahead, which would include the building material. I certainly have no intention of bringing any extension to the delivery date, unless it is absolutely necessary. I assure the House of that. I can tell the House that as far as the Ministry of Revenue is concerned any extension to the delivery date causes us

from an administrative viewpoint a lot of extra work and a lot of extra problems. It is not going to be dealt with lightly.

I have concerns also. I want to know exactly what would happen if an extension were granted not only in the building materials, but in any of them. I just don't have enough information at my disposal to make a valid judgement on it at the moment. That is why I am asking the Legislature to allow me the prerogative of passing a regulation if and when it may be necessary. At this time, I think it is premature to decide whether building materials should or should not have an extension on their delivery date.

I respectfully request the members of the Legislature to take that into consideration when they are considering this amendment.

**Mr. Bradley:** It is always dangerous, Mr. Chairman, to say that my remarks might be slightly out of order because it then makes the chairman listen too carefully to what I am saying.

I would say I look upon with some favour the amendment the minister has proposed because it is practical in that we see the problems that are going to arise with people in those circumstances. But I do feel, nevertheless, speaking on behalf of a number of people who have expressed concerns to me, that the whole idea of these temporary measures tends to disrupt business rather than assist business. This is the complaint that business people have brought to my attention.

Bookkeeping problems become very real and very time-consuming for people in the kind of business we are talking about here. Secondly, and I will only take 20 seconds to deviate, when we are talking about vans and things of that nature, the same thing applies in that business. Unfortunately, it disrupts business. There is a real surge of sales and sometimes people can't even meet the commitment because of a lack of inventory. When the tax is taken off, sales dive again. It makes it very difficult for those in the business and those who actually have to do the selling.

I thank the Chairman for allowing me to bring those comments to the minister's attention. The amendment itself, however, I feel is valid.

**Mr. Chairman:** Those in favour of Ms. Bryden's amendment to the amendment to section 4 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mr. Chairman: Those in favour of Hon. Mr. Maeck's amendment to section 4 will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Section 4, as amended, agreed to.

Sections 5 and 6, as renumbered, agreed to.

Bill 187, as amended, reported.

On motion by Hon. Mr. Maeck, the committee of the whole House reported one bill with amendments.

5 p.m.

### HUMAN RIGHTS CODE

Hon. Mr. Elgie moved second reading of Bill 209, An Act to revise and extend Protection of Human Rights in Ontario.

Hon. Mr. Elgie: Mr. Speaker, as I mentioned when I introduced this bill, it constitutes a comprehensive and thorough revision of the Human Rights Code, the first since the code was introduced some 18 years ago.

I believe this bill, when enacted, will place Ontario in the vanguard in the field of human rights legislation. It responds affirmatively to the majority of recommendations contained in Life Together, the 1977 report of the Human Rights Code review committee, and it includes as well other important provisions not included in that report.

Apart from changes to the structure of the code, the most important of which is the clearly defined charter of rights in part I, the new provisions fall into three broad categories: first, expansion of the code to cover new groups or classes of people; second expansion of the code to govern new areas and activities; and, finally, a number of administrative, procedural and structural changes. While we shall be discussing each of the specific changes during clause-by-clause debate, I would like to review the contents of each of these categories generally and indicate the principles underlying the proposals.

As to expanded coverage, the following changes are proposed: discrimination on the ground of handicap is prohibited in all areas of the code. Members will share my hope that this most significant extension of coverage will greatly assist the efforts of handicapped people to achieve the greater measure of self-sufficiency and independence which many seek. The large number of informal complaints concerning handicaps received and acted upon by the commission in the

recent past indicates both the importance of this protection and the distance that we, as a society, have yet to travel to reach full acceptance of the handicapped individual.

Handicapped is broadly defined in section 9b and includes past, present and perceived physical disability, mental illness, mental retardation and learning disability. After much deliberation, we concluded that in this regard Life Together had not gone far enough and that none of the major categories of disability should be excluded. This is the broadest definition of any Canadian jurisdiction and will protect the victims of past injuries, including those who have received workmen's compensation benefits.

Exceptions will apply to those situations where a particular handicap renders the person incapable of carrying out essential functions associated with the activity in question. While, for example, an employer must be able to expect that the handicapped candidate can perform the job being filled, we agreed with the representatives of the handicapped community that this qualification should be more limited than that which would result from the use of the term bona fide and reasonable. Relating the qualification to the concept of being able to do the essential duties of a particular function will protect the handicapped person against rejection because he or she cannot perform tasks that are either unrelated to, or are but a minor part of, a particular job.

In addition to the general prohibition against discrimination in employment, employers are prohibited from refusing to employ a handicapped person on the ground that he or she cannot enrol in an employee benefit plan or pension fund [section 21(2)]. Where a bona fide ground is established which excludes the handicapped person from such a plan, the employer must pay to the employee an amount equivalent to the contribution the employer would otherwise have paid to the plan on the employee's behalf.

Handicapped persons have a right as well to equal treatment and insurance, subject again to bona fide exceptions. These may apply in four cases: in individual insurance policies [section 20]; in employee pay-all plans [section 21(3b)]; in employee group plans of under 25 lives [section 21(3b)]; and in employee disability plans where a pre-existing handicap substantially increases the risk [section 21(3a)].

In arriving at these limited exceptions, the government has attempted to reconcile the legitimate concerns of representatives of the

handicapped community and those of those of insurers. Essentially, it is only possible for the insurers to provide benefits to handicapped and nonhandicapped alike if it is possible to spread the risk over a large group of people. Hence, the four exceptions I have mentioned.

Protection against discrimination because of age is extended from the employment area to all sections of the code. The definition of age has been changed to protect persons between the ages of 18 years and 65 years. Section 9a is the relevant section. This is important to ensure that young people have access to public facilities, housing and jobs. As I mentioned in my statement in the House two weeks ago, the upper limit in the definition of age is an issue which remains particularly perplexing.

The government appreciates that a healthy and able-bodied employee should not be forced into retirement simply because his or her employer has rigid and universally applied retirement rules. On the other hand, we clearly do not wish to enact in our human rights code, measures which might inadvertently encourage indirectly delaying retirement benefits for older workers. As I mentioned, I expect the report of the royal commission on pensions will contribute to our understanding of the issue of pensions and retirement. I will be appointing an advisory mechanism to make recommendations to me on the matter of the upper limit for discrimination on grounds of age. I also mentioned in previous remarks that I hope the standing committee reviewing this bill and these sections will give first priority to that issue.

The bill also extends protection against discrimination because of family status to persons in all areas of the code, subject to certain exceptions in the case of accommodation to preserve legitimate lifestyle preferences: for example, shared accommodation, single sex accommodation and accommodation in a building containing more than one unit served by a common entrance and restricted to adults only. It is very difficult to make universally applicable family status rules with respect to accommodation. On the one hand, it is argued that an individual's right to enjoy a quiet place to live should be protected. On the other hand, it is pointed out that families with children in large urban areas have difficulty finding suitable accommodation. We have given careful consideration to both arguments and have decided that the latter is essentially a question of housing supply, a matter really beyond the purview of human rights legislation.

In the past, parents, particularly single mothers, have been denied employment as well as training, promotional and transfer opportunities because it is believed their family status will limit the length of their employment or their willingness to relocate. The new code should provide an effective remedy for these situations.

Protection against discrimination on the basis of marital status is given in all areas of the code subject to exceptions in the case of shared accommodation, single sex accommodation, such as residences, and accommodation in a building of not more than four units, one of which is owner-occupied. The addition of this ground to the area of accommodation will prohibit the denial of housing to individuals on the grounds they are unmarried, widowed, divorced or separated.

Discrimination against persons in receipt of public assistance is prohibited in accommodation. This will prevent landlords from screening out individuals receiving public assistance as undesirable tenants based on a generalized and, in our view, an unwarranted and, indeed, offensive stereotype held by some about welfare recipients.

In the recent past, the problems facing domestic workers have received considerable public attention. The present human rights code does not apply to domestic workers. We have come to the conclusion that it should. Anti-discrimination protection is extended to domestic workers, other than companions, in section 21(6c) to preserve the freedom of choice of those individuals who require personal or medical assistance.

Protection in employment, subject to bona fide occupational requirements, is given to those who have a record of offences defined to mean a conviction for an offence for which a pardon has been granted or a conviction for a provincial offence. Life Together pointed out that eight out of every 10 inmates in Ontario prisons are repeat offenders. Obviously the difficult task of successful re-entry to the world beyond the institution is made much more difficult by discrimination against those who have had a record of offences. This provision parallels the federal Human Rights Act with respect to federal offences and applies as well to all convictions for provincial offences.

5:10 p.m.

In the second category—added areas and activities governed by the new code—I would like to draw to the attention of the members the following provisions: protection against discrimination in the equal enjoyment of goods, services and facilities is broadened

by removing the limiting phrase "available in any place in which the public is customarily admitted." This conforms to the spirit of Life Together and is broader than its recommendation. It will place such institutions as universities clearly within the ambit of the code.

Protection is added against discrimination in contracts, including the buying and selling of property. This provision means that contracts must be offered to all persons of legal capacity on equal terms. Its application should be especially significant in the case of contracts for the buying and selling of property, since it recognizes that the ownership of property is a fundamental right in our society that should be exercised without invidious discrimination.

The code review committee concluded that there was evidence to show that certain prospective purchasers were sometimes denied the right to purchase houses on the ground of race or colour. Such obviously discriminatory practices would now be prohibited.

Tenants and employees are given specific protection against harassment because of any grounds or prohibited discrimination, including sexual harassment by landlords, fellow tenants, employers and fellow employees [section 4(2)]. A persistent sexual solicitation or advance made by a person in a position of authority is prohibited, as are reprisals without persistence or threats thereof by a person in a position of authority for refusing or rejecting a sexual solicitation.

**Mr. M. N. Davison:** What is persistent?

**Hon. Mr. Elgie:** Be quiet. Go back home. Take an Aspirin.

This is not an issue dealt with in Life Together. It is clear to me that the powers of the present code, which have been interpreted to protect against sexual harassment, should be reinforced and made more explicit. I think there is general recognition in society that this subject must be squarely addressed.

Constructive discrimination is expressly prohibited. For example, an employer is prohibited from arbitrarily refusing to hire men with beards, because such a practice would effectively exclude Sikhs from employment. Discrimination because of association with members of a protected group is also prohibited. Thus an employer is prohibited from refusing to hire a white man because his spouse may be black.

The third miscellaneous category includes a number of significant administrative, procedural and structural matters. For instance, the Human Rights Code will bind the crown and will have primacy over future legislation

immediately and over existing legislation after two years, unless the legislation expressly states that it excludes the application of the code.

Provision is made to exempt affirmative action plans or programs legitimately designed to benefit particular classes of persons. This is in response to the view expressed by many special interest groups that special programs to help their members achieve equal opportunity should be allowed to operate with the minimum amount of difficulty. Exception is also made for government programs of similar intent, including tax legislation.

The commission's powers are expanded and clarified. In particular, the commission will have the power to recommend the implementation of affirmative action plans or programs to rectify this systemic discrimination. In the past, while boards of inquiry have had the authority to require affirmative action plans to remedy specific complaints, the commission did not have the power on its own initiative to recommend such measures. This was identified in Life Together as an important means of overcoming historic disadvantage. Together with the power to examine and make recommendations on any statute or regulation, this significantly extends the purview of the commission.

In view of the need to continue to promote racial harmony, the new code creates a race relations division of the commission headed by a commissioner for race relations. The race relations division is to consist of at least three commissioners. Members will recall that approximately one year ago the government appointed Dr. Ubale as the first commissioner for race relations in Canada. In the interim, that commissioner has, with his colleagues, undertaken a number of initiatives in this area.

On October 23, I also announced an increase in the complement of the race relations division of five new officers to expand and accelerate their important work. The powers of the commission to inquire into and eliminate sources of conflict, to initiate investigations and to encourage and promote remedial activity now are included in the code.

With respect to boards of inquiry, I draw the attention of members to two items in particular. First, the responsible minister no longer has the discretion to approve or not to approve a board of inquiry on the commission's recommendation. Second, to ensure the independence of those chosen to head boards of inquiry as they review evidence put before them by the commission, the minister retains



the authority to appoint the boards from a panel of persons selected to act as members of boards of inquiry. Where the commission decides a board will not be appointed, it is required to give written reasons for its decisions. As well, persons whose complaints are rejected by the commission as not warranting referral to a board of inquiry will have the right to request that their complaints be reconsidered.

Provisions included in the new code are designed to expedite hearings by boards of inquiry. Under these provisions, proceedings must commence within 30 days of the appointment of the board of inquiry and decisions must be issued within 30 days of the completion of hearings.

The remedial powers of boards of inquiry are expanded in three significant areas. First, boards of inquiry will be permitted to issue orders requiring landlords and employers to take appropriate action to prevent future harassment of tenants and employees by fellow tenants and fellow employees. I hope, among other things, this measure will serve to prevent the vicious incidents of racial taunting and attacks to which some individuals in our community have been exposed over the past two years.

Second, boards will be able to award damages of up to \$5,000 for mental anguish in appropriate cases. Third, subject to reasonable cost considerations, boards of inquiry will be empowered to make orders for access to premises and facilities following findings of discrimination contrary to the code.

Finally, an important illustration of the government's intent with respect to human rights is that the new code makes it a condition of every crown contract and subcontract that the contractor or subcontractor will not discriminate in employment contrary to the code. A breach of the code will be sufficient grounds for cancellation of the contract or refusal to enter into a further contract.

The people of Ontario deserve the increased human rights protection this bill provides and they have asked for the leadership I think it reflects. I am convinced the bill will improve the quality of life for all people in this province. The bill addresses the major human rights issues equitably and humanely, and I am pleased to commend it to the members of the House.

**Mr. Roy:** Mr. Speaker, I am pleased to have the opportunity to participate briefly in a debate as important as this one dealing with Bill 209.

In the course of one's limited career in public life, one participates in a variety of legislation dealing with a load of issues and problems. Some of it is more interesting than others. You, Mr. Speaker, would know that from your long experience in the chair. You sit here days and nights, listening patiently and keeping order over individuals in this assembly who are very unruly at times; it is not an easy task. In addition to having to keep order when these individuals misbehave, you have to listen to some of the speeches made by people, including myself, on topics of great concern only to themselves.

But that is not the case here. This is a very important piece of legislation. As the minister has said, it is a comprehensive and thorough revision of the Ontario Human Rights Code, the first since 1962. Considering what has happened to this province and in a sense, I suppose, to this city, and the changes that have taken place, it is a necessary and important revision of the code.

**5:20 p.m.**

The government some time ago had established a commission to report on the question of human rights in Ontario. The commission, chaired by Tom Symons, reported back in 1977. The report was called *Life Together*. It outlined a variety of very important amendments that would make our human rights code respond to the needs of 1980 Ontario society. I guess at that time it was 1977 Ontario society.

The government took its sweet time in coming forward with these amendments. I will not spend too much time criticizing the government on that point. I quite appreciate it does take some time to review these amendments.

Many of the things mentioned in the report require some time for absorption and acceptance by a community. I do not think any government, in today's politics and today's communicative world, can embark on a frolic of its own and start putting forward amendments that do not receive what is called public acceptance. So I understand it is not an easy matter for the government to just accept all the amendments overnight, bring forward legislation and have them passed. I understand why there would be some delay, but in these circumstances I felt the delay was somewhat too much.

Nevertheless, I must congratulate the minister for finally having brought forward these amendments to the code. The minister at an earlier time, at a time when he did not have the benefit of my criticism, had tried by a cir-

cuitous route to bring forward amendments to deal with the problems of the handicapped in this province, and we saw the fate of that exercise. But we will not remind the minister of that. He was derailed there, but he is finally back on the rails and he is bringing forward this legislation. Certainly the principles outlined in this major revision will receive the full support and co-operation of this caucus and this critic. He has our enthusiastic endorsement.

Although we may have some criticism about some of the things that are not in the bill—do not shake your head at me; do not curtail me now, Mr. Speaker, just when I am getting going. I will not spend much time on things that are not in the bill.

If we do criticize some of the things that are not workable, it is because we want to see a better piece of legislation. The human rights code is an important matter. Human relations is extremely important in 1980 Ontario society. It is not something we can do with haste. It is not something we can give unanimous agreement to and say "Go to it; let's start enforcing." This matter requires close revision; it requires the attention of the best minds in this Legislature. It certainly requires the assistance of the people in the community who will be affected and come forward and make submissions and possibly assist us to see to it that we have the best possible type of workable legislation in Ontario.

I am relatively inexperienced in the job of being critic in this area, but I just want to mention that the basis for most of this legislation was this report called *Life Together*. The chairman of that commission was Tom Symons. The contribution that individual has made in the area of language, race, and human rights in Ontario is a large one. He was the same individual on whom the government relied in the 1971 election in dealing with the secondary school problem in Sturgeon Falls. He was called upon to look at that situation. I think he reported in 1972 or 1973. I recall his report on French-language education in Ontario. Shortly after that, there was another problem in Cornwall. Again, they got Tom Symons, who went down there and helped to solve the very difficult situation in Cornwall. In fact, some of the major amendments that have taken place through the Education Act in relation to French-language education were as a result of his report at that time on French-language education.

Since that time he has gone on to do a variety of things. One of the contributions he has made now is this report. *Life Together*:

*A Report on Human Rights in Ontario.* One should pay tribute to individuals whose contribution is not measured in the field of high-profile publicity but who, in the long term, have made consistent contributions in that area. I want to underline the name of Tom Symons as one of those. There are others who were part of this commission who should be mentioned but certainly Tom Symons, the chairman, is one who deserves our applause for his contribution in that field in Ontario.

The report mentions a very important principle which should guide us about the role of human rights and the role of individuals in the community as far as human rights are concerned. Another individual who has made a tremendous contribution in the field of justice and human rights in Ontario is the Honourable Justice McRuer. He made a comprehensive report of laws in Ontario. The man's contribution as Chief Justice of Ontario, on the bench and as a counsel is something that is beyond the comprehension of those of us who have made so little contribution in the field of law.

Mr. Justice McRuer states in his report at page 18, "Although freedom of the individual is a basic right, it is a limited one." He goes on to say: "In a well-ordered society, there cannot be freedom in the abstract nor in the absolute. If there is not freedom for the community to develop in harmony and peace, there cannot be secure freedom for the individual who lives within it. The individual's rights to freedom must be exercised in the context of his or her responsibilities to the community of which he or she is part."

Another individual he has quoted here, and I just want to read this briefly, Professor Tarnopolsky, has also made a tremendous contribution in the field of civil rights. He is quoted as saying: "An act of discrimination does not give rise merely to a new private claim for compensation. It amounts to a public wrong. It is a rip in the fabric that binds society together."

So human rights is a matter for all of us. That is why I feel extremely privileged to be participating with the minister in the enactment of this very important legislation. I have already expressed to the minister in the estimates my concern about the fact that certain matters mentioned in the report *Life Together* are not included in the bill.

I suppose the major matter, the one that had the highest profile, is the question of sexual orientation. I have said to the minister, and it is on the record, that I am sorry that is not included in the bill, because the report states clearly they have evidence there has

been discrimination. The position of this critic is simply that all discrimination, to whatever variety of individuals, including those who do not have much public support or sympathy, should be outlawed. We know there has been discrimination in that field but it is unfortunate, because of circumstances, that we do not have this in the bill.

The other matter I have expressed concern about to the minister is the fact that the report had suggested that the Ontario Human Rights Commission should not be associated with any ministry. They have said it clearly in the report. The Ministry of Labour has not hampered the commission, it has not unduly constrained its discretion, but the fact remains that human rights are very important. The commission should be made to appear independent. You know, Mr. Speaker, the great principle that justice must not only be done but appear to be done; that is very important in the field of human relations and in the field of human rights. That is why it is important that the commission should be divorced completely not only from the Ministry of Labour but also from any other ministry and should be completely independent. The minister and I have had a brief discussion on this and we do not fully agree, but I do not consider that to be a major problem with the legislation.

**5:30 p.m.**

Considering the legislation is the fairest major revision in 18 years, it is deserving of close scrutiny. I am pleased the legislation is going to standing committee so that various groups will have the opportunity to review it and see how we can make it practical and workable. We have already had submissions and I have already had concerns expressed by a variety of individuals. Some have expressed concern the law may be too specific.

One of the things prohibited in the bill is refusing to hire a person with a criminal record if that person can show he or she has been rehabilitated. The minister knows it is not easy to prove a person with a criminal record has been rehabilitated.

Another area some people will raise concern about is where a landlord cannot refuse accommodation on the basis of marital status. I do not intend to go into all the specifics of the bill, but one can understand that, in a society that considers itself free and democratic, we say to an individual: "You do what you want with your property subject to certain laws. You can't discriminate on the basis of marital status." A landlord can say: "I am not discriminating on the basis of marital status. I am discriminating on the

basis. I consider married people to be more financially stable than someone who is not." These are the difficulties that can come forward and it is important we look at these things.

Any legislation that goes to protect one's rights is at the same time usually done at the expense of someone else. Mr. Justice McRuer has said that no right is absolute. There has to be some constraint, some flexibility and it is going to be important that those affected by this legislation have an opportunity to be heard, that they be made to understand, that they be made to participate in the process so they will see willingly that we in this Legislature are prepared to listen to them and have legislation that is workable. They are the ones who are going to be affected by it.

The minister mentioned in his statement that the commission is going to be able to tell employers or landlords to prohibit some of their employees or tenants from discriminating against other individuals. That can create problems. I can see situations where employers will be caught in the cross-fire between an individual who may be discriminated against and some of their other employees. That can be a problem. I am anxious to hear some of the people from small business give us an explanation on the issue.

Section 38 is the section that gives the powers to a board of inquiry to award damages not exceeding \$5,000 for mental anguish. The concept of mental anguish and awarding damages is not an easy one. What is mental anguish? Once we open that door we are going to have to look at some of the topics discussed in the legislation.

The minister is very much aware of some of the concerns of people such as the Coalition on Human Rights for the Handicapped. My colleagues in my caucus and I have had meetings with these individuals, and they appeared to be not only very responsible but also very knowledgeable and very practical in the suggestions they have made. I am sure the minister will understand that, although no legislation can be perfect, some parts of this bill will provide an opportunity to improve its effectiveness.

For instance, on the question of what is called reasonable accommodation, the coalition has made submissions to the minister on the basis that the proposed legislation does not define as an act of discrimination the refusal or the unwillingness of an employer, service provider, or landlord, to make reasonable accommodation to a handicapped person's condition.

Without these changes, they claim reasonable accommodation can be ordered only when discrimination is proven on another ground. This makes section 38 of the Human Rights Code virtually an unenforceable remedy in such cases. They have a point. I think we should look at their submission to see whether we could respond to their point that it might be an act of discrimination to refuse to make reasonable accommodation.

They also want to discuss the question of onus of proof, and members can understand that when we are into this type of legislation it is not an easy concept either. On whom do we put the onus of proof in such legislation? They have proposed that the onus of proof should be on the individual who is alleged to have infringed upon the human rights of the complainant.

They go on to say that the definition of handicapped should be enlarged to include people who have diabetes—

Hon. Mr. Elgie: They are.

Mr. Roy: The minister says they are included. In which section? Maybe the minister could be of assistance. I have not looked at the section to understand that people who have diabetes are included.

Hon. Mr. Elgie: Section 9b(1).

Mr. Roy: I am looking at section 9b(1). I take it what the minister is saying, although it is not precisely on the question of diabetes, is that the definition is wide enough to include people with diabetes.

Hon. Mr. Elgie: No doubt about it.

Mr. Roy: My colleague the member for Windsor-Walkerville (Mr. B. Newman) has been making this submission for nine years, and I think that contribution should be underlined.

I have not had a chance to look closely at section 9b(1) to see whether it is included. As I said to my dear colleague the minister, some days I have more confidence in his medical expertise than in his legal expertise, but he may yet convince me before this whole exercise is over that he has some legal capabilities.

I do not want to be unduly harsh with him, but when I heard some of his colleagues last week talking about human rights, including the member for Kingston and the Islands (Mr. Norton), and the Minister of Industry and Tourism (Mr. Grossman), their remarks left a lot to be desired in terms of their legal knowledge in that field. I trust that as we go through—

Hon. Mr. Walker: He has a QC.

Mr. Roy: He's a QC? Who is a QC? Is the Minister of Labour a QC? When I found out that the Minister of Community and Social Services got a QC, the same time as I did, I was truly offended. I felt like returning mine. I am really just saying that in good fun, because I think his contribution to this place is deserving of that honourable title. Mr. Speaker, you and I are deserving of that honourable title, after the contribution we have made to the profession. I ask the minister if he has ever practised.

Hon. Mr. Norton: Of course I have. More consistently than the member, for a shorter period of time.

Hon. Mr. Walker: You are just trying to avoid having your QC stripped this year.

Mr. Roy: Mr. Speaker, I am told that when the Attorney General handed those out, he said, "You get yours on merit, Roy, and the others are political." That's what he said.

5:40 p.m.

The other concern of human rights and the handicapped is in the field of insurance. That is not an easy concept either, as to when the insurance companies are discriminating against this group.

There are many more things I would like to talk about; for instance, the question of affirmative action programs and whether that means setting up quotas; or when they are ordering access to premises, the difficulties that causes. But I have highlighted all these things to explain, when we are dealing with something as important and as complex as human rights, that there are so many people involved. There are not only those whom we want to protect, but, in so protecting those who will be affected, not all these people are entitled to a hearing. They are all entitled to see to it that they have confidence in their legislation and that they participate in the process.

That is why I was pleased to hear the minister say this legislation will be going to standing committee. As I said before, we support this bill in principle, but any criticisms we will have will be to make it a better piece of legislation so that Ontario can give leadership, can be in the forefront and can maintain its position as the protector of human relations in this jurisdiction.

Mr. Renwick: Mr. Speaker, when the member for Ottawa East was talking about the medical skill as distinct from the legal skill of the minister, I was reminded of an occasion when I was practising law. Dr. Roscoe Graham died suddenly one day while

he was away skiing, and the next day Dr. Harry Botterell came into the law office where I was associated and said: "Now that Roscoe is dead, who is there to operate on me? I need a will urgently." I feel very much the same way; if anything were to happen to my friend the minister, I would certainly need to have a will urgently, because who else would there be to operate on me?

I rise to participate at some length and perhaps, in the view of some members of the assembly, at undue length, in the bill before us. I compliment the minister on the bill. I hasten to assure him this caucus will support the bill on second reading, because it is very much what we have been waiting for, an entirely new Human Rights Code, as he said in his opening statement when he introduced the bill on November 25 last.

I was particularly taken by a comment of his at that time which he repeated on two occasions in his remarks. He said, "It does not represent the end of reform, but rather a new beginning." Later on that same day, he stated: "I have characterized this as a new beginning in both substantive and symbolic terms. I have described the substance of the proposals. The symbolic importance of the revisions cannot be over-emphasized. I hope the people of Ontario will recognize that the new code represents this government's rededication to the elimination of the corrosive effects of discrimination in our society. Ultimately, of course, the success of laws, especially in this sensitive area, depends on the good will, tolerance and maturity of our people."

I may say also the introduction of the bill led me again to read—I picked it up, I may say, intending only to refresh my mind and to skim through it—Life Together: A Report on Human Rights in Ontario, which was the culmination of the work of the Ontario Human Rights Commission under the distinguished chairmanship at that time of Thomas Symons. I read the whole of the report because I found it, again, an extremely fascinating report and a great tribute to the empathy and perceptions of not only a distinguished Canadian but a humanitarian of immense depth and wisdom. I urge all members of the assembly, when they have occasion during the recess, to reread it if they have not done so recently.

The chairman stated in the preface, "The preparation of the report has been given highest priority by the commission since its

reconstruction as a public body of private citizens in 1975." It has taken some time, but I am not one to grudge the time if the result, in its final analysis, is good.

I think the bill is a first-class bill. It very much reflects what Dr. Symons said at that time: "Respect for human rights is an old tradition in Ontario, but it is a tradition that may be more fragile than we think. Public respect for human rights is not something that can be taken for granted in any part of the world, not even in Canada. A climate of understanding and mutual respect will not grow of its own initiative. It requires careful and constant nurturing and encouragement through public education and legislative action."

I hope to draw those two threads together, public education and legislative action, as we look at the report. I do not intend to go through the provisions of the bill in any minute detail. As the minister indicated in the weeks ahead we will have an opportunity to deliberate upon the bill and its provisions. It would not be fitting in any event to dwell upon that kind of minutiae. But I want to deal with a very fundamental concept in it.

I am always amazed at the skill of legislative counsel in drafting a bill. The guts of the bill is in two short lines in section 8. The principle of the bill is very simple: "No person shall infringe or do anything that results directly or indirectly in the infringement of a right under this part," referring to part I, which is the part of the bill designated "Freedom From Discrimination." The eight sections of that detail the rights with respect to nondiscrimination that we are looking at as we peruse the bill.

It is a very succinct principle we are dealing with. The elaboration of it is in all of the provisions of the bill. In a little while I may come back to those provisions of the bill and the different parts of it and make some comments about them. But the preamble is essential. As I was considering the bill I thought perhaps I should look at the dictionary to refresh my mind about the words "dignity" and "worth." They are in a sense interchangeable. The question of equal dignity and equal worth of each individual is fundamental, as the recital states, to any civilized society.

5:50 p.m.

Nondiscrimination provisions of any bill are a reflection of that civility, in the sense of the ancient term "civility." That is the only basis on which a society of fairness and justice can exist in any way. However, I want to

indicate that in that recital, there is a reference to the Universal Declaration of Human Rights as proclaimed by the United Nations. When I was thinking about that declaration, I was concerned as to why there is no reference, in the recital to the act, to the International Covenant on Civil and Political Rights, to which Canada is a party through the United Nations, which is obligatory by virtue of Canada's adhesion to international law—obligatory in the international sense at the federal and provincial levels as well as at the level of the two northern territories.

I felt I should draw three or four distinctions so we can be clear about the particular documents to which we refer related to Canada's participation in the ongoing work of human rights and the protection of those rights in the world at large, and in Canada in particular, in the international community.

We do have the Universal Declaration of Human Rights. As many of us will recall, on December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. That document has been referred to on many occasions and is carried forward, quite properly, in the bill before us.

I have here the report of Canada on the implementation of the provisions of the International Covenant on Civil and Political Rights, which refers at some considerable length to the province of Ontario and the compliance by the province of Ontario with the international covenant and its obligations as assumed by the federal government. I want to come back to that very briefly.

There are two documents, the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights. The international covenant was adopted on December 16, 1966, and was adhered to by Canada some 10 or 11 years later, in 1976 or thereabouts. At that time, two covenants were adopted, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Although I may be wrong—my information may not be as accurate as I would wish it to be—it seems that while Canada has adhered to the one international covenant, it has not as yet adhered to the second covenant adopted by the General Assembly of the United Nations at the same time, December 16, 1966.

Both of those covenants contain very detailed provisions concerning the delibera-

tions of the nations of the world that are members of the United Nations with respect to this ongoing problem. When we come back to our particular bill and the eight sections related to our rights, we must not lose sight for one moment of the immense detail, complexity and necessity of all the provisions of those two international agreements.

I thought I also should refer at this time, since it is in many people's minds, to the Helsinki accord because sometimes that is considered by many of us to have supplanted other declarations. I simply want to say that the statement I have from the International Commission of Jurists is that: "The Final Act of the Helsinki Conference on Security and Co-operation in Europe is a comprehensive and varied code for the improvement of security and co-operation between east and west in Europe. The parties to it are all the states of Europe except Albania, the United States and Canada. While it is still too early to assess what the results of the Final Act will be, it has already proved to be a powerful instrument for raising the subject of the observance of human rights to the forefront of foreign policy."

I want to distinguish it from the two covenants to which I have referred and, particularly, the covenant with respect to civil and political rights to which Canada is an adhering party. The reference goes on to state: "The term 'Final Act' itself has no precise meaning in law. It is certainly not a treaty or pact with binding obligations placed on the states that are parties. It is essentially a statement of principles for the guidance of interstate relations, a statement of intent."

I do not want to go on at any great length, but I thought the record should clearly distinguish the status of the Helsinki accord from the two international covenants of the General Assembly of the United Nations, to one of which Canada adheres, and to distinguish it, of course, from the position with respect to the Universal Declaration of Human Rights which is in the preamble to the bill that is before us.

How does one relate Canada's adhesion to that international covenant to what we are doing in this assembly? Mr. Speaker, if this could be six of the clock, I want to pick up, when we return at eight o'clock, on an explanation of the connection be-

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tween Canada in its international aspect, Canada in its domestic aspect, the obligations of Ontario with respect to the performance of those covenants and its connections

with the human rights bill that is before us.

I would like, if I may, Mr. Speaker, to resume at eight o'clock.

The House recessed at 5:58 p.m.

## APPENDIX

(See page 5081)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## AMBULANCE SERVICE CHARGES

296. **Mr. Breagh:** Can the minister indicate when the Ministry of Health will exempt from ambulance copayment charges those on all forms of OHIP assistance? Can the minister table any studies which are in consideration of this? (Tabled October 9, 1980.)

**Hon. Mr. Timbrell:** Ministry policies, including those related to copayments, are always under review but there are no definitive studies concerning exemption from ambulance copayment available for tabling at this time.

## UNIONVILLE SCHOOL FACILITIES

368. **Mr. Stong:** (a) Will the Premier intervene immediately in the secondary school issue in Unionville and order the required capital allocations so that the Minister of Education's inability or unwillingness to act will be overcome? (b) Does the Premier approve of the policies imposed by his Minister of Education which force the same fiscal restraints on growing areas as are placed on slow-growth and no-growth areas? (c) Does the Premier approve of the policies imposed by his Minister of Education, which policies have caused the present chairman of the York County Board of Education, Mrs. Dorothy Zajac, in her most recent report to the citizens of York region, to complain as follows: "Unfortunately, the Minister of Education insists upon using badly outdated capital allocation formulae which present no problems to boards with declining enrolment, a trend across the province, but do not adequately meet the needs in York region." and further in a recent letter to this member, to state that the York County Board of Education "is convinced that the 'rules' being applied by the ministry impose undue hardships on those communities which are expanding"? (d) Does the Premier approve of the policies imposed by his Minister of Education which require the transportation of children out of their communities to outlying areas for school accommodation? (e) Would the Premier instruct the Minister of Education to revise immediately her ministerial policies so that the educational needs in the regional municipality of York will be met? (f) Would the Premier address the problems which accompany a

growing area in terms of supplying educational services, inter alia, and respond to the letter from the mayor of the town of Vaughan, addressed to the Minister of Education, who writes that the "boards of education have been securing additional sites with these new subdivisions but are finding the rigid guidelines established by the ministry for the construction of new schools unreasonable in responding to the areas within our towns which are experiencing concentrated growth"? (g) Would the Premier either instruct his Minister of Education to respond to the immediate needs in the growing regional municipality of York or, in the alternative, replace that minister with a minister who would be more sensitive to those needs? (Tabled October 26, 1980.)

**Hon. Miss Stephenson:** (a) The Minister of Education has now taken the necessary steps to assign a capital allocation to the York County Board of Education respecting a new secondary school in the Markham area.

(b) The capital fiscal restraints being applied to most non-growing areas have not been placed on the growing areas. Ninety per cent of the building funds allocated to school boards this year are for new pupil places in growth areas.

(c) The minister does not agree that the ministry policy with respect to capital allocations represents problems to growing boards. The policy dealing with pupil loadings for building planning purposes worked extremely efficiently in those years when most boards were facing rapid expanding enrolment. We can see no reason, particularly in the present period of capital shortages, to alter a policy such that the inevitable result would be an overwhelming demand across the province for additional pupil accommodation.

(d) The transportation of school children out of their communities to schools where there is surplus space will be necessary for some time. Unfortunately there is a growing imbalance in Ontario between the number of pupils and the accommodation available. As enrolment declines in one area it grows in another; however, the total student enrolment is dropping. We must face the reality of having to use existing schools even if they are not "in our community."

(e) The educational needs in the regional municipality of York are well served. Capital allocations to both boards totalled \$19



million since 1977 and additional approvals will be granted in 1981 and 1982.

(f) The Ministry of Education philosophy that in areas of housing growth new pupil places will be approved where there is insufficient accommodation has been applied assiduously in the York region. On the other hand we refuse to build new schools until a careful analysis by experienced and competent ministry staff in the field confirm that a school is needed at a specific date in a specific area and that no alternatives exist. The minister has responded in a positive way to the concerns expressed by the mayor of Markham and the mayor of Vaughan.

(g) No reply.

369. **Mr. Stong:** (a) Now that the York County Board of Education has struck its new priority list and has placed the requirement of a new secondary school in Unionville high on the list, namely second, preceded only by the necessary repairs to the Thornhill High School, when will the Minister of Education provide the capital allocations needed for the new high school? (b) On June 9 past, the minister stated in the Legislature that the decision involving a Unionville high school "is in the process of being made at this time," and further, at the meeting held in the ministry's offices on October 1 past, the minister requested an updated priority list from the York County Board of Education which has been set; how much longer will it take the minister to decide? (c) Why does the minister insist on imposing policies on the growing regional municipality of York, which policies have caused the chairman of the York County Board of Education, Mrs. Dorothy Zajac, to complain "that the 'rules' being applied by the ministry impose undue hardships on those communities which are expanding?" (d) Why does the minister continue to enforce a policy which requires 31.5 students per classroom at the elementary level and 27 at the secondary level when the minister knows that the collective agreements entered into between the York County Board of Education and its teachers set pupil-teacher ratios of 20 to 1 and 17 to 1 respectively in the two panels, and those figures translate into average class sizes of 25 to 27 at the elementary level and somewhat less than this at the secondary level? (e) Will the minister revise her policy immediately so as to conform to the obligations which arise out of collective agreements with the teachers and which have to be met by the York County Board of Education? (f) Since the ministry's policy requires that 80 per cent to 85 per

cent of the pupils needed to fill all places in a new school must be actually present at the time, would the minister change her policy and grant earlier initial approval to applications because of the considerable time required to put a new school into place after that approval? (Tabled October 24, 1980.)

**Hon. Miss Stephenson:** (a) and (b) The Minister of Education has now taken the necessary steps to assign a capital allocation to the York County Board of Education respecting a new secondary school in the Markham area.

(c) The capital fiscal restraints being applied to most non-growing areas have not been placed on the growing areas. Ninety per cent of the building funds allocated to school boards this year are for new pupil places in growth areas.

(d) The Ministry of Education policy on pupil loading does not require 31.5 students in an elementary classroom or 27 students at the secondary level. The pupil loading specifications set out in the capital grant plan are factors used in determining the number of learning spaces to be provided in a new school or addition to a school at the initial planning stage. In cases where pupil enrolment projections can be reasonably estimated for five years, the regional director of education has the authority to approve accommodation based upon the projections. In actual practice, experience has demonstrated that actual enrolment seldom reaches those projections and in these times of declining enrolment it is wise to build for immediate need. A further variable is the diversification of pupil numbers in the various class grades in a given school.

The ministry does not recognize pupil-teacher ratios that may result from school board/teacher collective agreements as a basis for accommodation needs in projects that qualify for ministry grant support. Accommodation required by a school board, as a result of a collective agreement, in excess of that which can be approved by the ministry is the responsibility of the school board.

(e) The ministry is not prepared to adjust the present policy respecting pupil loading. This has been communicated to all school boards in a memorandum dated June 30, 1980.

(f) The ministry has always adopted a flexible policy with respect to approving school accommodation sufficiently in advance to allow for design and construction. This policy is followed consistent with the availability of funds for school building that are assigned to the ministry and the need to

ensure that when a school is ready for occupancy it will not open and be partially empty. Every effort is made to ensure that the school will be fully utilized. This may mean that existing schools may for a time be crowded or that portable classrooms may be required or the students may have to be bussed some distance.

#### ENVIRONMENTAL ASSESSMENT

**412. Mr. Isaacs:** What specific projects are exempted from the requirements of the Environmental Assessment Act, 1975, by section 3 of Ontario Regulation 855/80 that were not exempted prior to the passage of the regulation? (Tabled November 25, 1980.)

**Hon. Mr. Parrott:** The regulation referred to in the question does not have a section 3. However, subsection 3 of section 1 of the regulation adds new subsections 8 and 9 to section 5 of O. Reg. 836/76, the general regulation under the Environmental Assessment Act. Subsections 1 to 7 of section 5 of O. Reg. 836/76 were made by O. Reg. 468/80. Section 5 is the section which made the act applicable to municipalities last June. It is assumed that these are the provisions to which the question refers.

The new provisions have general application and therefore apply to many undertakings rather than a few specific undertakings. The purpose of the new provisions is to clarify the "grandfather" exemption found in subsection 5 of section 5. As explained in announcing the municipal environmental assessment regulations to the Legislature, the purpose of the grandfather provision was to exempt undertakings to which municipalities had, prior to June 3, 1980, already made a firm commitment to implement. The grandfather provision also specifies that projects so exempt must be complete or substantially underway by three years after the effective date of the regulation (i.e., by June 3, 1983).

The grandfather provision referred to the authorization by resolution or bylaw of the council of the municipality as the means of establishing a firm commitment to proceed with the undertaking. Municipalities normally would take such actions by resolution or bylaw. However, as it turned out, some municipalities regularly determine to implement an undertaking prior to passing a formal bylaw or resolution, either because of their own traditional practices or because some other approval is needed before the bylaw is passed.

An example which came up when the amendment made by O. Reg. 855/80 was being considered, was a proposed senior citizens housing project in Metropolitan Toronto which had been approved by the metropolitan council and for which land had been purchased, but for which final formal approval had not been given by bylaw because formal approval required a number of other prior approvals such as Ontario Municipal Board approval of the 1981 capital budget and approval of mortgage financing.

Another example involved the provision of certain services in a proposed plan of subdivision in Oakville which had received draft plan approval. However, since all of the conditions of draft plan approval had not yet been satisfied, a formal agreement authorized by bylaw had not been executed.

In both of these examples it is clear that the municipality had made a firm commitment to proceeding with the undertaking prior to the effective date of the municipal environmental assessment regulations. The amending regulation provides legal certainty that similar works which had been authorized by various types of procedures, used by municipalities, are entitled to the "grandfather exemption" if it can be demonstrated that a firm commitment had been made, by June 3, 1980, to implement an undertaking at a specific site. The requirement remains that for any undertaking thus entitled to an exemption, at least 25 per cent of the cost of the undertaking must be incurred by June 3, 1983, for the exemption to be applicable. If this provision cannot be met, the exemption becomes inapplicable.

#### ROTHSAY CONCENTRATES

**413. Mr. Isaacs:** What has the minister done to eliminate the smell created by Rothsay Concentrates Limited in Rothsay? Will the minister describe how he intends to meet his commitment "to do something" about this serious odour problem? (Tabled November 25, 1980.)

**Hon. Mr. Parrott:** Representatives of the company met with Jack Johnson, MPP, Wellington-Dufferin, and the minister on December 1, 1980. At that time, Mr. Vic Malta, the company vice-president, outlined a very substantial financial commitment for installation of additional pollution control equipment. Plans include the installation of additional air pollution control equipment, renovations to existing equipment and the installation of automatic controls to ensure a high degree of performance. A consultant

is conducting a study on the wastewater treatment facilities to ensure optimum performance. The company has also advised of plans to establish a pollution control department at the plant to be responsible and dedicated to all aspects of pollution control.

The pollution control equipment was recommended by a major consulting firm, with experience in the rendering business, after an inplant study of odour emissions and a stack testing program completed by the Ontario Research Foundation. The consultants are confident that a very high level of odour control can be accomplished. The company, and its consultants, are meeting with ministry design review staff to discuss the technical details of the proposal. Ministry approval of the design is expected by December 15, 1980. The company anticipates installation of the control equipment by the end of May 1981.

The Ministry of the Environment issued a press release December 5, 1980, to this effect so that the general public is kept informed.

#### HYDRO LAND PURCHASES

415. Mr. Isaacs: Is it correct that the Ministry of the Environment is responsible for the delay in Ontario Hydro negotiations for the purchase of cottage properties east of Hydro's Nanticoke generating station? What is the reason for the delay? (Tabled November 26, 1980.)

Hon. Mr. Parrott: The Ministry of the Environment was not responsible for any unnecessary delay in Ontario Hydro's negotiations for the purchase of cottage properties east of Hydro's Nanticoke generating station.

Ontario Hydro required two approvals before proceeding with the purchase of the property, one under the Environmental Protection Act, and one under the Power Corporations Act.

Hydro submitted a request for an exemption to the Ministry of the Environment in late July 1980. The exemption request was subsequently revised and discussions regarding the conditions of exemption were held between the Ministry of the Environment and Hydro staff. The exemption was granted on November 13, 1980.

#### CARBON TETRACHLORIDE

416. Mr. Isaacs: What information does the Ministry of the Environment have concerning hazards associated with the use of carbon tetrachloride as a fumigant sprayed

on harvested wheat and other grains? How extensive is the use of carbon tetrachloride for this purpose in Ontario? Is the ministry considering further restrictions? (Tabled November 26, 1980.)

Hon. Mr. Parrott: Carbon tetrachloride is used in the fumigation of grain for insect control in combination with fumigants that are flammable or explosive to eliminate these hazards. It is not, in itself, an effective fumigant.

In Canada, only a small percentage of grain is fumigated, as grain may be moved, screened, dried, or exposed to low temperatures to reduce insect populations. Aluminum phosphide is the most commonly used fumigant and has virtually replaced combinations containing carbon tetrachloride. Vendor data for 1980 show sales of less than 1,000 gallons of carbon tetrachloride for grain fumigation in Ontario. This represents treatment of 166,000 bushels of grain.

The health hazards associated with carbon tetrachloride as a chemical have been extensively documented for many years. Details may be obtained from such texts as:

1. Chemical Safety Data Sheet SD-3, Manufacturing Chemist Association Inc., 1825 Connecticut Ave., N., Washington, D.C. 20009;
2. Kirk-Othmer, Encyclopedia of Chemical Technology, second revised edition, volume five, 1964, Interscience Publishers;
3. Faith, W. L. et al, Industrial Chemicals, third edition, John Wiley and Sons Inc.;
4. H. A. U. Munro, Manual of Fumigation for Insect Control, FAO, 1969, St. Pauls Press Limited.

As a result of its toxicity, most unregulated uses have been discontinued.

As a pesticide, carbon tetrachloride is a schedule two product and is available only to farmers, or to licensed exterminators who hold a licence for fumigations. The placing of carbon tetrachloride in this schedule recognizes that the hazard is primarily to the handler and restricts its use to qualified applicators.

Carbon tetrachloride is registered as a pesticide for grain fumigation by Agriculture Canada for use in Canada. This agency, as well as the US Environmental Protection Agency, is currently re-evaluating all fumigants, including carbon tetrachloride, as part of a routine process. Appropriate action will be taken by the Ministry of the Environment on the basis of these re-evaluations if warranted.

## INTERIM ANSWERS

On question 411 by Mr. T. P. Reid, Hon. Mr. Auld provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

On question 417 by Mr. Isaacs, Hon. Mr. Parrott provided the following interim answer: Additional time will be required to prepare an answer to the above question. The answer will be ready on or about December 12, 1980.

## CONTENTS

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Tuesday, December 9, 1980

|   |      |
|---|------|
| Canadian National Exhibition, statement by Mr. Grossman .....   | 5067 |
| Conn Smythe papers, statement by Mr. Baetz .....  | 5067 |
| Energy standards in government buildings, statement by Mr. Wiseman .....  | 5068 |
| Urban Transportation Development Corporation, statement by Mr. Snow .....                                       | 5069 |
| Urban Transportation Development Corporation, questions of Mr. Davis: Mr. Nixon,<br>Mr. Cassidy .....           | 5069 |
| Disposal of PCBs, questions of Mr. Parrott: Mr. Nixon, Mr. Isaacs .....   | 5071 |
| Opted-out specialists, questions of Mr. Timbrell: Mr. Cassidy, Mr. Conway .....                                 | 5073 |
| Transit fares, questions of Mr. Snow: Mr. Cassidy, Mr. B. Newman .....  | 5074 |
| United Parcel Service, questions of Mr. Snow: Mr. Peterson .....  | 5074 |
| Food prices, questions of Mr. Drea: Mr. Swart .....   | 5075 |
| Ottawa courthouse, questions of Mr. Wiseman: Mr. Roy, Mr. Cassidy .....   | 5075 |
| Speech therapy funding, questions of Miss Stephenson: Ms. Gigantes .....  | 5076 |
| Teachers' membership fees, questions of Miss Stephenson: Mr. Stong .....  | 5077 |
| Silica dust levels, questions of Mr. Elgie: Mr. Martel .....  | 5077 |
| Disposal of PCBs, questions of Mr. Parrott: Mr. Hall .....  | 5077 |
| Genetics, questions of Miss Stephenson: Mr. Grande .....  | 5078 |
| Auto warranties, questions of Mr. Drea: Mr. Kerrio .....  | 5079 |
| Aid to pensioners, questions of Mr. Maeck: Ms. Bryden .....   | 5080 |
| Point of privilege re environmental assessment: Mr. Isaacs .....  | 5080 |
| Point of order re questions on Notice Paper: Mr. Ziemba .....   | 5080 |
| Report, standing committee on public accounts: Mr. T. P. Reid .....   | 5080 |
| Motion re House sittings, Mr. Wells, agreed to .....  | 5081 |
| Motion re supplementary Estimates, Mr. Wells, agreed to .....   | 5081 |
| Motions re committee meetings, Mr. Wells, agreed to .....   | 5081 |
| Mining Amendment Act, Bill 221, Mr. Auld, first reading .....   | 5081 |
| Public Vehicles Amendment Act, Bill 222, Mr. Cunningham, first reading .....                                    | 5081 |
| Environmental Assessment Amendment Act, Bill 223, Mr. Isaacs, first reading .....                               | 5081 |
| Tabling answers to questions 296, 368, 369, 411, 412, 413, 415, 416 and 417 on<br>Notice Paper: Mr. Wells ..... | 5081 |
| Point of order re government advertising: Mr. Nixon .....   | 5081 |
| Retail Sales Tax Amendment Act, Bill 187, Mr. Maeck, second reading .....                                       | 5082 |

---

|   |      |
|---|------|
| Bill 187 reported .....   | 5092 |
| Human Rights Code Act, Bill 209, Mr. Elgie, on second reading .....         | 5096 |
| Recess .....  | 5105 |
| <b>Appendix: answers to questions on Notice Paper:</b>                      |      |
| Ambulance service charges, questions of Mr. Timbrell: Mr. Breaugh .....     | 5106 |
| Unionville school facilities, questions of Miss Stephenson: Mr. Stong ..... | 5106 |
| Environmental assessment, questions of Mr. Parrott: Mr. Isaacs .....        | 5108 |
| Rothsay Concentrates, questions of Mr. Parrott: Mr. Isaacs .....            | 5108 |
| Hydro land purchases, questions of Mr. Parrott: Mr. Isaacs .....            | 5109 |
| Carbon tetrachloride, questions of Mr. Parrott: Mr. Isaacs .....            | 5109 |
| Interim answer: Mr. Parrott .....   | 5110 |

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**SPEAKERS IN THIS ISSUE**

---

Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Breithaupt, J. R. (Kitchener L)  
Bryden, M. (Beaches-Woodbine NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Eakins, J. (Victoria-Haliburton L)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Gigantes, E. (Carleton East NDP)  
Grande, A. (Oakwood NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Hall, R. (Lincoln L)  
Isaacs, C. (Wentworth NDP)  
Kerrio, V. (Niagara Falls L)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Martel, E. W. (Sudbury East NDP)  
McKessock, R. (Grey L)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Renwick, J. A. (Riverdale NDP)  
Roy, A. J. (Ottawa East L)  
Samis, G. (Cornwall NDP)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Stong, A. (York Centre L)  
Swart, M. (Welland-Thorold NDP)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services (London South PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wiseman, Hon. D. J.; Minister of Government Services (Lanark PC)  
Ziemba, E. (High Park-Swansea NDP)











No. 136

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Tuesday, December 9, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

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TUESDAY, DECEMBER 9, 1980

The House resumed at 8 p.m.

## HUMAN RIGHTS CODE

(continued)

Resuming the debate on the motion for second reading of Bill 209, An Act to revise and extend Protection of Human Rights in Ontario.

**Mr. Renwick:** Mr. Speaker, I will continue. The assembly does not march to my particular drum and I do not intend to detain the assembly unduly long, although I have some matters that are of immense importance to me in this debate on Bill 209, An Act to revise and extend Protection of Human Rights in Ontario.

A very brief summary of what I was saying before the dinner recess is that we cannot here in Ontario isolate ourselves from the obligations which Canada, as a nation state and member of the General Assembly of the United Nations, has assumed on behalf of Canada. I was trying before dinner to indicate quite clearly that in the preamble of the bill which is before us, the reference is to the Universal Declaration of Human Rights proclaimed by the United Nations. That was back in 1948. Since that time in 1976, Canada has adhered to two international treaties, the covenant with respect to civil and political rights and the covenant with respect to cultural and other rights.

In a strange way, I think we have to be clear in our own minds what that adhesion by Canada as a nation state to the international community to these two covenants means with respect to the obligations of Ontario under those covenants. The particular covenants I am referring to are the covenant with respect to economic, social and cultural rights and the covenant with respect to civil and political rights. I am not knowledgeable, except by reading, about the rights included in the covenant with respect to economic, social and cultural rights. I am, however, knowledgeable about the Canadian response to the international covenant on civil and political rights simply because, under that covenant, the government of Canada was required to respond to the UN committee

set up under that covenant about the position of Canada and about the position of Ontario.

I want to make that connection because my emphasis at the beginning was to select from the comments made by the Minister of Labour (Mr. Elgie) when the bill was introduced into the assembly the statement that this is a beginning and not necessarily the end of reform. It is very much a beginning.

Let me illustrate without quoting at great length, but quoting because it describes succinctly and well our relationship in Ontario to Canada and Canada's adhesion to the international covenant to which I refer. My reference is to the report of Canada on the implementation of the provisions of the covenant on civil and political rights, dated March 1979. It is published by the Secretary of State of Canada. It contains, unknown to me, I am certain to very many members of the assembly, some 55 pages about Ontario in relation to the performance by Canada in an international setting of its obligations under that covenant. Those 55 pages set out a number of statutes of Ontario and a number of problems related to Ontario's performance of the obligations which Canada has assumed in the international setting on its behalf about human rights and political rights.

As I said, I do not pretend to be knowledgeable about it, but presumably when the matter goes out to committee we can deal with the other international covenant, that is, the international covenant on economic, social and cultural rights. I think it is very important that members of this assembly understand what Canada has assumed on behalf of the provinces within the constitutional limitations that Canada has because of the nature of this country as a federal state.

Let me state the position, then let me make a recommendation and then let me make a comment about it. I know my colleague the member for St. George (Mrs. Campbell) will be interested in this because she has expressed an interest on a number of other occasions in this nexus or connection between what we do here in Ontario about civil and political rights and what we do here in Ontario about economic, social and cultural rights in relation to Canada as a nation state.

I want to quote, simply because it says better and more succinctly than I could say what the position is. I hope members of the assembly will on occasion ponder on this and when we are in committee perhaps we can deal with it: "The international covenant on civil and political rights and the optional protocol to the international covenant on civil and political rights were adopted by the United Nations General Assembly on December 16, 1966, and came into effect May 23, 1976. On May 19, 1976, Canada acceded to the covenant and to its optional protocol." I may say here at this point that the best information I have is that Canada also acceded on August 19, 1976, to the international covenant on economic, social and cultural rights.

"Since the instruments of accession to these agreements were deposited that day with the Secretary General of the United Nations, the covenant and protocol took effect in Canada on August 19, 1976." Presumably, that is the same day to which I have referred in regard to the other international covenant. I am skipping a part of what is said here because it is not necessarily germane but of information to the House.

"Canada's accession to the international covenant on civil and political rights and to its optional protocol has both international and domestic implications." Domestic, of course, means internal implications. I want to make the distinction. "At the international level, by acceding to the covenant, Canada undertook to respect and to guarantee to all individuals within its territory and subject to its jurisdiction the rights recognized in the covenant without discrimination of any kind, such as on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, not only in the fields under federal jurisdiction"—and I emphasize this—"but also in the fields under provincial jurisdiction. Indeed, article 50 of the covenant clearly states that the provisions of the present covenant shall extend to all parts of federal states without any limitations or exceptions.

"Further, by acceding to the optional covenant to the international covenant on civil and political rights, the government of Canada recognized the jurisdiction of the human rights committee"—that is the committee set up under the covenant—"to receive and consider communications from individuals within its jurisdiction claiming to be victims of a violation by Canada of any of the rights set forth in the covenant; and this whether

such breach occurs in a field over which Parliament or the provincial legislatures have jurisdiction. Such persons must, however, exhaust all available domestic remedies before presenting their communications to the committee."

My colleagues will be aware that there is already one petition to that particular human rights committee set out under this covenant with respect to the status of an Indian woman who has been deprived of her status under the Indian Act because of her marriage to a person of non-Indian descent. We will see references to that decision at some point by the human rights committee. That is by way of a digression, but I want members to understand it is because of Canada's adherence to the protocol that right is available to an individual.

8:10 p.m.

I think that also means that a person in Ontario, if deprived of a right over which this provincial Legislature has jurisdiction and having exhausted the procedures available under this Bill 209 which we have set forward, can, by direct application to that committee have the matter dealt with respecting Canada's adherence to the covenant on civil and political rights. I assume there may be some correlative way of appeal under the other covenant. I am not knowledgeable about that but it is a matter we would have to deal with in committee.

To repeat: "Such persons must, however, exhaust all available domestic remedies before presenting their communications to the committee. Therefore, the government of Canada is answerable to the international community for noncompliance in Canada with the obligations assumed. When exercising its jurisdiction over foreign relations, it acceded to the covenant and optional protocol whether the noncompliance occurs in a field under its jurisdiction or that of the provinces."

That is the position at the international level of the obligations which are assumed. "In Canada," that is at the domestic level, "international treaty law is not automatically a part of the law of the land. The provisions of a treaty may be incorporated into domestic law either by enacting legislation giving to the treaty the force of law or, if necessary, by amending domestic law to make it accord with the treaty. In general, however, the Canadian constitution does not authorize Parliament to legislate in fields under provincial jurisdiction to give effect to obligations assumed under a treaty."

That has been true since the labour conventions case in which this province was involved on a constitutional matter with the Attorney General of Canada in the Supreme Court of Canada in 1937 at the time when appeals were allowed to the Privy Council. The statement was that the federal government could not, on the basis of a treaty-making power, move into provincial legislative fields when the same legislative privilege was otherwise denied to it. That is the succinct statement which generally has guided the provision.

In another way this quotation from the report says the same thing: "Thus, implementation of a treaty whose provisions come under one or other or both levels of government requires action by the Parliament of Canada, the provincial legislatures and, unless Parliament decides otherwise, the territorial legislative councils for those portions of the treaty that fall under their respective jurisdictions."

There has been no legislative action here with respect to the adhesion by this assembly to what Canada as a nation state has adhered to under the convention of the United Nations. I am going to skip the part which deals—

**Mr. Sargent:** I am glad you are skipping something.

**Mr. Renwick:** I am sure the member is glad. The member for Grey-Bruce is not particularly interested in this topic. I hope perhaps during the course of the evening he will contribute his thoughts about the question of human rights.

The report that was filed with the human rights committee with respect to this covenant tries to set out the divided areas of jurisdiction under the British North America Act with respect to human rights. It goes on: "Given the fact that Parliament did not have jurisdiction to give effect to all the obligations which Canada assumed towards the international community by acceding to the covenant and its optional protocol, the government of Canada consulted the provinces before acceding to the covenant and the protocol and the latter"—that is the province—"undertook to ensure compliance with those provisions of the covenant falling within their jurisdiction."

This Legislative Assembly did not accede to those and was not consulted. The Ontario government was consulted and it therefore has the sole responsibility for the implementation within Ontario of the rights to which Canada has adhered under the covenant to which I have referred.

"Obtaining provincial consent in no way changes the international responsibility of the government of Canada. However, from a domestic standpoint, the fact that the province has consented to Canada's accession to the covenant means that they, like the federal government, agree to take the necessary measures to give effect to the rights recognized in the covenant."

I want to emphasize that distinction. There has been no legislative authority at the Parliament of Canada and no legislative authority here with respect to compliance by the federal government or the provinces on the international obligations accepted by Canada as a nation state. It has been purely an operation of the executive governments. I happen to think that is wrong. I happen to think we have to correct that in this assembly if we are serious about human rights and really want to establish the kind of protections which are necessary for citizens.

Let me carry on: "Although all the governments in Canada"—the governments, I emphasize, not the legislative assemblies or the elected members—"undertook to give effect to the provisions of the covenant, no government has as yet decided to incorporate into its domestic legislation the provisions of the covenant which fall within the scope of its jurisdiction. However, to fulfil its obligations under the covenant, each government has committed itself to amend domestic law in order to bring it into accord with the covenant, wherever this might prove necessary."

"Since the covenant was not incorporated into domestic law and, therefore, does not have the force of law at the federal, provincial and territorial levels, an individual cannot base a recourse on the covenant itself if there has occurred within Canada a breach of a right or freedom therein recognized."

That, of course, is the Achilles heel and that is the way it was designed when the government of Canada and the government of this province chose not to deal with the assembly on the question of this adhesion to the international covenant to which Canada is bound.

"However, the individual can resort to the remedies provided in Canadian law to have his rights respected." That in a funny way defeats entirely the adhesion by Canada to the protocol that is involved in this matter, and in my judgement, for what it is worth, will defeat the application made by the particular applicant to the human rights committee set up under the covenant to which I have referred earlier, with respect to her

status as an Indian under the Indian Act in Canada.

"In conclusion, we should mention the federal-provincial conference on human rights held in Ottawa on December 11 and 12, 1975." I doubt if there is a member of this assembly who is aware that that particular conference took place. I certainly was not aware that it took place. I saw no report to this assembly about that conference and yet it seems to have been a matter of considerable importance.

"This conference enabled the federal government and provincial governments to agree on the mechanisms for implementing in Canada the treaties, conventions and other international instruments concerning human rights. This conference also set up a continuing federal-provincial committee of officials responsible for human rights—not the assemblies; the officials responsible for human rights. "The mandate of this committee is to allow, on a permanent basis, for federal-provincial discussion on matters related to human rights."

My point is clear. If the minister responsible for this legislation and the government understand their obligations, then it is important they introduce into this assembly the legislation which will implement the treaty to which Canada is a party under the United Nations assembly. I think it is absolutely essential we consider that. That is why I chose those particular words from the minister's remarks, that this is a new beginning and not the end of the reform which is required, because there are many human rights.

8:20 p.m.

This is not by way of criticism. We cannot cover everything at once. Many human rights, many cultural, social and economic rights are spelled out in the covenants to which Canada has adhered as a nation state in the General Assembly but are not touched upon in the code of human rights we have here.

Let me give the members an example. When the select committee on constitutional reform was meeting, we dealt with some of these questions and tried to frame an economic rights position for our own committee. It was impossible for all three parties to agree, no matter how carefully expressed, to a minimum economic rights policy for every citizen of Canada who happened to be living in Ontario.

What I have been trying to say very clearly to the House is that the minister's opening remarks about a new beginning have a depth and a meaning far exceeding what

we perhaps thought was the case. It is not just a question of a few changes here and there and we will have a model code which will stand examination anywhere in the world. It requires an immense concentration of attention to the requirements of both those covenants to which Canada has acceded—the original universal declaration of human rights—to make certain we have the best possible code available anywhere in the world.

The minister should give serious consideration in committee, with whatever limitations are required, to an inclusion in the preamble of the bill of a reference not only to the universal declaration on human rights, which was passed in 1948 by the General Assembly of the United Nations, but also to the present reality of Canada's adhesion to those covenants, the covenant with respect to economic, social and cultural rights and the covenant with respect to civil and political rights. There is a vast field to be covered.

Let me make a second important recommendation. I think the government should commit itself to introducing legislation into this assembly, with whatever time lag is required in order to effect compliance, that will implement in domestic law, by law of this assembly, the treaty obligations accepted by Canada elsewhere. It is very strange. We went through that ritual in 1974 in a matter respecting wills, which, of course, is fairly esoteric. We are being asked to go through that same ritual again of Ontario's adhesion to an international obligation accepted by Canada in order to give effect in Ontario to matters with respect to the custody of children.

I am saying to the government, let us stop the nonsense. Let us get the kind of legislation before the assembly that will stand up and recognize that in Ontario, as part of Canada, we accept to the extent of our legislative jurisdiction the civil and political rights and the economic, social and cultural rights that are in the covenants to which we have agreed. I am not satisfied with, and I dissociated myself from, the view that those are matters to be decided by a committee of officials. I think it is time for Ontario to stand up and be counted in this whole matter.

I recall for the assembly that I was fortunate enough to articulate a resolution that expressed the views of all the members of the House about matters relating to terror, cruelty and killing in the world. That matter was referred earlier to the select committee on the Ombudsman and, in due course, it will report to the assembly.



I think it is extremely important that, just as we do for regulations wherein we have a statute that establishes by statute, not a standing committee by virtue of the orders of the House but, by regulation under the statute, a regulations committee to review regulations, so we should consider establishing in this Ontario Human Rights Code a statutory committee of the assembly to deal with matters related not only to Ontario in human rights but with respect to other matters the select committee and the Ombudsman may report about in due course.

The members will understand that I have gone on at some length because those are matters of immense importance to me. They are matters that need to be clarified and that have to be dealt with. I make those recommendations. That is why I personally am anxious, among other things, that the matter go to committee so that we can discuss this matter at greater length.

I am sure the law officers of the crown can explain better than I can the intricacies of the procedures involved. But the fact of the matter is that the Legislative Assembly of Ontario has been excluded from, and has no knowledge of, the obligations Ontario has assumed in the international world by virtue of Canada having adhered to those particular covenants.

Let me return to the bill. I want at this point to be a little bit technical without deriding it in any way. I want to talk about the legal questions in the bill. First of all, no citizen of Ontario has a right of civil action in the courts of Ontario by virtue of any provision of this bill. Any citizen in Ontario can be discriminated against under this bill and he has no right of civil action. I make that as a comment simply so that people will be aware of it. By making the point, I do not necessarily express a value judgement on it, but it is a matter that should be thoroughly considered in committee, whether a breach of such a fundamental statute as this should automatically entitle the person, if the breach can be established, to a civil right of action for damages in the courts of Ontario for any loss that may be suffered in respect of it.

Let me also emphasize that this is very much a closed-circuit bill. It is extremely self-contained. The only exit from the ambit of the bill, the circuitry of the bill, is if there is a decision of a board of inquiry with which one disagrees and one wants to go outside the ambit of the statute to the Supreme Court. That is the only exit from it. Everybody's rights are contained within

and defined by the terms of the bill in the legal sense.

Let me make it clearer. Whereas it is public policy in Ontario to recognize that every person is equal in dignity and worth and to provide for equal rights and opportunities without discrimination, that is contrary to law, and the law is in this act. The function of the Ontario Human Rights Commission with respect to this question of the enforcement of rights has nothing to do with all the grandiose expressions about educational mediation and other functions the commission may have, which are valuable, necessary, and important, but comes back to the function of the commission to enforce this act and orders of boards of inquiry and to perform the functions assigned to it by this or any other act.

8:30 p.m.

What that really means is that a complainant can go to the commission and the commission can decide whether the complainant has established an infringement of a right under the bill. If it decides adverse to the complainant, the complainant can ask the commission to reconsider. The commission can reconsider and, if adverse to the complainant, the decision of the commission is final and binding.

It gives to the commission the power, if it wishes to do so, to decide that a board of inquiry should be appointed. It is up to the commission. It is no right of the citizen or the complainant to get beyond that decision. The commission decides that matter. If it decides a board of inquiry is necessary in the particular instance, then the board of inquiry can make the decision as to whether or not there has been an infringement. Only at that point in the process is it possible, in the event of an adverse decision, for a complainant to reach out further to the courts.

Again, I am not making a value judgement. There may well be good and sufficient reasons for that kind of circuitry in the system, but I do want to say it is a closed circuit with that one and only out, that one connection out.

I want to say to the assembly that kind of restrictive avenue of enforcement of the rights we all value and feel important seems to me to require consideration in committee. The extent of the power of the commission with respect to those matters is extremely all-embracing. It is true that people can request the commission to reconsider and that is a step forward, but there is no

doubt whatsoever that a reconsideration, once made, is final and binding.

I know the minister, being a lawyer, would indicate that if there is a breach in the due process, that is, the hearing part of it, there may be a recourse to the courts under the Statutory Powers Procedures Act. I am not talking about that. I am talking about the commission acting in good faith within its jurisdiction, providing a proper hearing and coming to a decision. The commission is the end of the road unless the commission orders the board of inquiry.

As I said earlier, it is not my particular wish to go into the minutiae of each of the various sections involved. I want to comment briefly about three or four of them.

I am not certain we are talking to the right minister tonight. Obviously, the minister is the one who has had the responsibility for the genesis, the establishment and the introduction of the bill. It is interesting that he is not named in the bill. It says that whoever the executive council may appoint is the person who is charged with the administration of the act. Usually, in most bills, it names the particular existent minister and then provides for any other member. I think it would be important for the minister to indicate to us whether it is the government's intention to transfer the jurisdiction elsewhere.

Going back to the circuitry argument I have made, I also notice that appeals to the court from a decision of a board of inquiry requires the consent not of the Minister of Labour but of the Attorney General. The chances of being a complainant and ultimately getting to the court to decide the question has that additional obstacle. I think the government should advise us very clearly tonight who will be responsible for the administration of the act and why it has been decided that the person who will grant the consent is the Attorney General of Ontario. Again, I exercise no value judgement. It requires an explanation as so many of these matters do.

I have dealt now with the technical process under the bill. I said I did not want to take away in any sense from the other functions of the commission. Those functions are set out in the bill which is before us at some considerable length. I do not disagree with any of them. It relates to the educational function; it relates to the outreach function of the commission. It does not relate to the process of the complaint procedure, which I dealt with in the remarks I have just made. I want to see the commission take advantage of and perform those func-

tions in a very important and very real aspect.

They are contained in section 25 of the bill. I need not read them other than the very technical ones I referred to, namely, to enforce the act and orders of boards of inquiry and to perform the functions set out. The functions are well expressed and they are very clear; they are not mere rhetoric. They have an essential educational requirement that is inherent in the performance by the commission of its obligations.

I now want, if I may, to move on to five specific matters of concern to me in the bill, and to try to deal with them in a generic sense and not in the sense and not in the sense of the minutiae of the decisions. I welcome, and everyone welcomes, the obvious thought and attention the ministry has given, since its ill-fated introduction last year of an attempt to segregate the handicapped people into a different bill, to the introduction of and inclusion into the bill of the nondiscrimination provision against handicapped persons. I think that is extremely important.

We were fortunate, in our caucus, to meet with representatives of the Coalition on Human Rights for the Handicapped. We were very impressed with their comments. We met with them three or four months ago—of course, the minister did also—I showed them to him today. He indicated to me that he had not as yet had an opportunity to consider in detail the provisions of the letter from the Coalition on Human Rights for the Handicapped, dated December 2, 1980, to him about the proposed amendments to the Human Rights Code. It includes in it a summary of the issues pertaining to the proposed amendments to the Human Rights Code indicating matters of real concern to that group of people about the actual provisions of the bill. It includes in it as well, as my colleague from Ottawa East (Mr. Roy) has already referred to, a discussion paper prepared by the Coalition on Human Rights for the Handicapped in the province.

That is another reason I personally feel it is essential that these matters go before a committee of the assembly for a thorough discussion and review as to the implications of these provisions so that we can be certain, as we go into the 1980s and the International Year of Disabled Persons, that we have the best possible bill related to those matters that it is possible to devise at this time.

The next matter I want to talk about has something to do with the work place. I am not certain I can adequately express this particular concern. But there is a funny thing

happening out there in the work place. First of all, it started out as selection for employment on the basis of sex related to reproductive functions of women, which amounts to discrimination. Then it progressed to the point where the effects were not just on the reproductive functions of women, but were also on the reproductive functions of men. Therefore, it was not a selective process to get the kind of individuals in society who could perform without that kind of hazard to them. In a very strange way it was a transference to the individual of the blame for being unable to perform the job, rather than the importance of the employer clearing up the work place. This relates to both occupational health and safety in the work place, and to the question of human rights.

8:40 p.m.

But it has gone somewhat further than that. It is almost as if in our society there is going to be a kind of genetic selection of those people who are able to perform certain kinds of employment. If one has the genetic inheritance he will be able to perform; if one does not have it he will not be able to perform. It is almost like adapting people to the work rather than having the work adapt to people. It is giving a primacy to the work place over the people who work.

I wish to read a letter dated October 27, 1976, from the then chairman of the Ontario Human Rights Commission, T. H. B. Symons, addressed to the Treasurer (Mr. F. S. Miller), who at that point was the Minister of Health. He was trying to set out this concern which I do not find addressed in the bill. I do not pretend to understand the implications of it, but the committee of the assembly must deal with it:

"Dear Mr. Miller: The Ontario Human Rights Commission recently completed an investigation into seven complaints of alleged discrimination on grounds of sex filed by female workers against their employer, General Motors Limited of Oshawa. The substance of their allegation is that all females in the General Motors battery plant are required to produce a medical certificate indicating that they can no longer bear children.

"Since this requirement applies to females only, the complainants considered it discriminatory on the basis of sex and in contravention of section 41(c)(e)(f) and (g) of the Ontario Human Rights Code, Revised Statutes of Ontario 1970, Chapter 318, as amended.

"Because of the complex issues raised by the complaints, the commission reviewed the

scientific literature on the subject and sought expert medical opinion, in addition to conducting extensive interviews with all concerned parties including both the complainants and representatives of General Motors. In the course of our investigation, it became increasingly clear to us that the issues raised were predominantly medical rather than legal."

"This is why I take it upon myself to read it to the minister—because he combines in his person a capacity to deal with medical as well as legal matters.

"Consequently, the commission has recommended to the Minister of Labour, that a board of inquiry under the terms of the Ontario Human Rights Code not be appointed in this case. Such a recommendation if accepted would have the effect of dismissing all seven complaints against General Motors. None the less, the commissioners were alarmed by the medical evidence, which appeared to be confirmed in virtually all the literature it examined on the subject, that exposure to quantities of lead oxide emissions could lead to foetal injury.

"Moreover, medical evidence appeared to indicate that injury to the foetus may be brought about when either the father or the mother is exposed to these conditions, either directly or indirectly by exposure, for example, to the clothing or personal effects of those working in such conditions.

"Thus the commission believes strongly that both men and women capable of producing children should be protected against the possibility of exposure to levels of lead oxide that could cause foetal injury.

"By unanimous vote, the commissioners have asked me to express to you their concern and their sense of urgency about this matter and to request that your ministry act immediately to investigate throughout the province the health dangers involved for all those working in conditions where they are exposed to lead oxide emissions in order to ensure a safe working environment for all employees in Ontario battery plants.

"Copies of this letter are being forwarded to all the parties in the complaint.

"Yours sincerely, T. H. B. Symons, chairman of the commission."

That raises in my mind a form of discrimination which is not touched by this bill before us so far as I can understand it. The Canadian Centre for Occupational Health and Safety said in its newsletter—I do not have the date on it, but the dateline on the comment I want to make is Montreal, January 1980—"All too often the focus of the

scientific community is directed to the victims of occupational diseases rather than to the work place. Dr. Andre Lebrun from the University of Montreal is undertaking a three-year study to determine workers' 'genetic susceptibility' to asbestosis.

"According to an article in the Medical Post, "The purpose of the study is to develop a screening test which would allow doctors to advise certain workers not to work with asbestos. Approximately 10 to 20 per cent of asbestos workers will develop asbestosis and Dr. Lebrun hopes to be able to identify those workers. Unfortunately, asbestos does not cause only asbestosis, it also causes cancer of the lungs, throat, stomach and intestines. The screening test would not identify workers susceptible to cancer. The only way to eliminate asbestosis-related diseases is to eliminate exposure to asbestos."

Then the Metropolitan Toronto Labour Council in November 1978 published a health alert, Work Place Hazards to Reproduction. That document was referred to approvingly by the Women's Occupational Health Centre in July and August 1980. In April and May 1980, new US guidelines on reproductive hazards were proposed. Without pretending to understand it all, let me quote from it. These are guidelines proposed in the United States by the Equal Employment Opportunity Commission and the Department of Labour to clarify the relationship between employment discrimination and protection of workers against reproductive hazards.

"Some members are said to fear that allowing any sex-based exclusions might give employers an excuse not to clean up the work place for all employees. The principal points of the guidelines are: one, an employer/contractor whose environment involves employee exposure to reproductive hazards shall not discriminate on the basis of sex (including pregnancy or childbearing capacity), in hiring, work assignment or other conditions of employment; two, an employer/contractor may not have policies, practices or plans designed to protect employees from reproductive hazards which by their terms exclude applicants or employees from employment opportunities on the basis of sex. Such policies are discriminatory on their face."

I need not elaborate further on that matter, except to say that in a position paper, Reproductive Health Hazards in the Work Place, June 1980, of the Canadian Advisory Council on the Status of Women, the same matter was raised and I quote:

"Although women have always been part of the work force and have often been employed in jobs posing serious health hazards, their movement into a greater variety of occupations, many of them traditionally restricted to men, has raised new concerns. The hazards of male-dominated occupations have generally been better researched and more publicized. As a result, women seeking employment are often confronted by industrial policies which make them ineligible for employment in areas where exposure to certain toxic substances or other hazards could adversely affect a foetus.

"Such policies ignore an increasing body of evidence that work-place hazards can have serious effects on the reproductive system of the male and for his potential offspring. The resulting discrimination is double-barrelled. The women are denied lucrative jobs unless they can prove sterility and the men are left in a work environment which is hazardous to their general health and reproductive capacity."

Very briefly again: "Every protective measure must ensure that all workers will be protected equally from the effects of harmful agents and conditions of work. There must be no distinction in the rights and treatment of female and male workers."

The recommendation of the Canadian Advisory Council on the Status of Women is as follows: "That the federal government amend the Canadian Human Rights Act and the Canada Labour Code to prevent discrimination in hiring, job placement, promotion and other conditions of employment based on factors related to reproductive physiology such as reproductive capacity, pregnancy or childbirth; that exclusionary policies and practices arising from such issues be prohibited by law and that the legislation be monitored and enforced on a continuing basis."

8:50 p.m.

I am not going to go on at length. The position paper is undoubtedly available to the minister.

In so far as the work place and the problems of discrimination and employment are concerned, we need to address very real concerns in committee in order to understand the provisions with respect to the rights against discrimination in employment on the basis of sex, let alone on the basis of other matters.

I want to turn now, if I may, to a problem which has vexed Metropolitan Toronto for some time—racism. I do not need to go on at any length about the problems involved in racism. I simply want every member of

the assembly, if he or she has not already done so, to take an opportunity to read the very perceptive, understanding discussion of the question of racism which appeared in the Insight section of the Toronto Star on Saturday, December 6, by Sol Littman, the community relations editor, and not just because it happens to be in Metropolitan Toronto and happens to be related to the Albert Johnson case. The title of the article is "Assessing the Effects of the Johnson Case."

I hope there will be some understanding of the problems with respect to the Johnson case and its aftermath as a result of Sol Littman's perceptive, empathetic insights. That article comes after how many studies? Let me recite them, although I cannot give them all with their exact dates: the Maloney report; the Morand report; the Gerstein report; the Frances Henry research report on Dynamics of Racism in Toronto; the Social Planning Council of Metropolitan Toronto report on law enforcement and race relations; the draft report of the Toronto Board of Education's subcommittee on race relations; Cardinal Carter's report; Now is Not Too Late, the report of Walter Pitman; The Immigrants and Ethnic Groups in Metropolitan Toronto, by Anthony Richmond; the task force on immigrant women by the three advisory councils—the women's advisory council, the senior citizens' advisory council, the multicultural advisory council; and of course one of the major reports, the equal opportunity and public policy report by Dr. Ubale, the present race relations commissioner under the code.

There has been a tremendous focus in Toronto on the question of racism, related not just to the police but also to the indigenous sense of racism within the society and there have been an immense number of studies and reports on the topic. The provisions of Bill 209 address, to some extent, the obligations of the Ontario Human Rights Commission to deal with that particular problem by educating the public. It would be helpful in committee to discuss how we can deal with those particular matters.

The next matter with which I want to deal is the omission from the proposed bill of the question of discrimination based on sexual orientation. I want to approach the problem in this sense. I am subdued and quite sad that the temper of our times does not permit the assembly to deal with that question by providing something called leadership in order that persons other than heterosexuals will have the right to protection against discrimination in our society.

I go back to what I said, that we are talking about a bill which is limited in its applications. Regardless of these other functions that it may perform, it is limited in its application of giving redress to citizens for discrimination that is contrary to law. If it is not in the bill, then the discrimination may take place with the tacit approval of the society, whether it is agreeable to society or not.

I happen to be one of the persons who is extremely concerned that during the last municipal election—whatever the reasons and I do not pretend to understand it—there were outcroppings of an ugly display of intolerance in our society against those who are not heterosexual by sexual orientation. It was against those who, in the language of the day, are members of the gay community, and against those who, in the language of the day, are members of the homosexual community in its broadest sense. It was ugly. It attacked the dignity of citizens and the worth of citizens. In a funny way its non-inclusion in the code is a matter of regret rather than a matter of declamation.

I go back again to the opening statement made by the minister that I referred to earlier. It reflects the problem that we, as elected members of the assembly, must deal with. I want to quote it again because it is very pertinent to this matter and to the attitude I want to express in this assembly. I am quoting the minister's statement when he introduced the bill on November 25 last:

"I have characterized this as a new beginning in both substantive and symbolic terms. I have described the substance of the proposals. The symbolic importance of these revisions cannot be overemphasized. I hope the people of Ontario will recognize that the new code represents this government's re-dedication to the elimination of the corrosive effects of discrimination in our society. Ultimately, of course, the success of laws, especially in this sensitive area, depends on the goodwill, tolerance and maturity of our people."

I think it is sad to indicate that the temper of our times will not allow this assembly to reflect the need to protect a definable group of the population against the kind of discrimination to which the group's members are subjected because they are members of the homosexual community. I may say, by way of minor explanation, homosexual includes lesbian relationships. There is nothing male about it. It is an omnibus term, as I am certain all of us are aware.

Again I come back to the immense humanity of the report of Dr. Symons. I may say that as Dr. Symons was embarking on his report, I took the liberty of talking to the then House leader of the Conservative Party, the present Deputy Premier (Mr. Welch), I took the liberty of talking to the then deputy leader of the Liberal Party, the member for Brant-Oxford-Norfolk (Mr. Nixon), and I was trying to express the view of our own caucus about it. I talked to Dr. Symons about it. I said I thought it would be the time of wisdom because I said I thought the time was propitious and that people were in the mood of tolerance for change, of tolerance for differences of one kind or another and would accept an inclusion in the code of the very problem which still continues to cause us such immense concern.

9 p.m.

It was not accepted and the recommendation was not accepted, but I still think one must read pages 81 and 82 of the report *Life Together*, of the Ontario Human Rights Commission, with respect to sexual orientation. I am not going to read it all. It is available for those who want to read it. But let me quote it:

"Because they are not protected from discrimination on the grounds of their sexual orientation, many people in Ontario who are homosexuals live in constant fear that they may lose their jobs, their living accommodation and other basic necessities if their sexual orientation becomes known. As things now stand, this can and often does happen despite the fact that the individuals concerned may be exemplary employees or tenants. They are being discriminated against because of something which is a part of their private life.

"There can be no doubt that homosexual men and women suffer from frequent and extensive discrimination because of their sexual orientation. Although firm statistical data about the proportion of Ontario residents who are homosexual are difficult to obtain, it is clear that homosexuals constitute a quite sizeable minority of the population. Yet, as many briefs noted, and as the commission's own research confirms, individuals have been fired or denied accommodation, or have in many other ways suffered indignities simply because they are homosexuals. This is deplorable in a society which claims, as its public policy, that 'every person is free and equal in dignity and rights'."

It refers to various other organizations which support the position taken by the commission, and it goes on: "Because of the

possible consequences of public disclosure in these circumstances, many people in Ontario who are homosexual in their sexual orientation are vulnerable to blackmail and intimidation. The scope for such blackmail and intimidation would be radically reduced if the Ontario Human Rights Code provided protection from discrimination on the ground of sexual orientation.

"Following careful deliberations and discussions and with the support of many briefs and submissions, both from the homosexual community and from other groups, including many religious denominations, the Canadian Labour Congress"—I may insert the Ontario Federation of Labour at its recent convention concluded in Toronto—"and the Canadian Association of University Teachers, the commission recommends that the Ontario Human Rights Code be amended to extend to homosexuals the same protection against discrimination which is provided to their fellow citizens by including sexual orientation as a ground on which discrimination is prohibited by the code.

"The commission recommends further that, as with all other grounds, provision be included in the code for exemptions to be granted, on a case by case basis, in situations where sexual orientation may be a bona fide consideration."

I do not pretend to understand all the implications of why society responds as it does to this question of homosexuality in something which is ostensibly a heterosexual society. That is a very deep problem and it would take many people much wiser than any of us here in the assembly. I may say that compared to the question of racism and the list of studies, analyses and discussions which have taken place on the question of discrimination on the basis of racism, I know of no study or no understanding in depth which has taken place with respect to the problem.

I reassert it as a problem because it obviously is a problem. It raised in the last municipal election, related to the school system and related to children, very deep and profound feelings within the community. I am not engaged in trying to assess who won or what lost an election. I am not talking about that. I am talking about the ugliness that appeared in the city of Toronto as an outcropping of very deep feelings raised by an issue that none of us understands.

Let me simply say that both in the minister's estimates when the Ontario Human Rights Commission was before us quite recently and in the estimates of the Solicitor

General (Mr. McMurtry) a few days ago, I raised this particular piece of literature published by the League Against Homosexuals. This group says it is "a registered nonprofit organization seeking co-operation and/or amalgamation of any and all individuals and organizations concerned with the welfare of all children."

"Stand up and fight for children; they are our future. Join and/or support the League Against Homosexuals." It has a post office box address and there are four names of individuals attached to it.

It states, "Queers do not produce; they seduce." I will not read the whole thing, but it also says: "Some facts about queers: Queers are against God and the Christian Bible. Queers are against humanity. Queers are against every race and religion. Does our society need queers?"

"Who is against queers? All decent citizens. All normal, healthy heterosexual families. All couples that produce children. All right-wing political parties. All those who believe in Christ and his teaching."

**Hon. Mr. Norton:** I hope they do not claim to be charitable.

**Mr. Renwick:** The member can say what he wants. I do not pretend to joke about this topic.

I am simply saying that is hate literature. I do not think there is anybody in this room who does not think the ability of an organization, apparently incorporated, apparently recognized by the government—I do not mean recognized by the government, but recognized as a corporation incorporated under our laws—can produce that kind of hate literature so destructive of the dignity and worth of individuals.

When I presented the literature to the Solicitor General and asked him whether he would give consideration to whether a prosecution could be taken under the Criminal Code for that kind of literature—assuming as I do that it is hate literature; if people want to disagree with me, that is fine—he said he would look into it, and I am sure he will. He said he thought he had seen the literature, but the problem was that the League was not an identifiable group for the purposes of the hate literature provisions of the Criminal Code.

So it means that people who are something called "queers" in the mind of the League Against Homosexuals will continue to be subjected to that discrimination. I accept it as a personal defeat, as many members of the assembly will, not because of any particular concerns about the question

of homosexuality as against heterosexuality, but because of questions with respect to the attack on the dignity of significant numbers of people in our society. I accept it as a defeat at this point.

The temper of our times does not permit it. There are people like Sol Littman and others whom I respect. One of the commentators I respect, and some honourable members may have heard about him, is a man by the name of George Steiner. I want to put this comment on the record:

"Neither sociology nor cultural history, neither political theory nor psychology has even begun to handle authoritatively the vast theme of the part played by homosexuality in western culture since the late 19th century. The subject is so diffuse, of such methodological and emotional complexity, that it would require a combination of Machiavelli, de Tocqueville and Freud to produce the great missing book. There is hardly a branch of literature, of music, of the plastic arts, of philosophy, of drama, film, fashion, and the furnishings of daily urban life in which homosexuality has not been crucially involved, often dominantly. Homosexuality can be seen to have been one of the main generators of the entire fabric and savour of urban modernity in the West. This is a vast and as yet only imperfectly understood development of which the role of homosexuality in politics is only a specialized or dramatic feature."

9:10 p.m.

When I raised the matter with the minister in the estimates when the Ontario Human Rights Commission was before him, I urged upon the commission that if ever a matter cried for study, analysis and concern it was the question of what happened in the city of Toronto in the last municipal election which produced that kind of ugliness as an outcropping of deeply felt emotions. Many persons legitimately felt traditional emotions about the problem.

All I am saying is I guess we are going to have to be content over a long period of time to do the kind of educational work that is one of the main areas of the function of the Ontario Human Rights Commission: to understand, analyse and provide a forum for discussion of that question before we will be able to move in a legislative way to provide that protection. I do not know what the outcome or the result will be, but I can say quite clearly we should have the same number of studies in the same compression of time about the question of homosexuality in our society that we have had about racism.

Even though it has been difficult to achieve all the improvements we wanted in the field of racism, at least some perceptible movement has been made with respect to the maturity of society about these matters. If we could have the equivalent of a Pitman report, a Morand report, a Maloney report, a Carter report or a Frances Henry report, if we could have an Ontario Human Rights Commission report about this matter then it might well be we would be able to solve this problem at some point.

I emphasize that I accept, with a considerable degree of regret, that the time is not now to deal with this problem. I therefore have to accept the responsibility of the commission under its functions to deal with this problem in an educational, informative and studied way. Unless we deal with it, we will be harassed in society in Toronto with this kind of ugliness until we solve the problem. It will not go away.

I come back to what I said. Civilization, civility, a mutual respect and tolerance are on the chopping block in Toronto on this issue. We have made some progress—not perfect—in the area of racism. I think it will be possible for us to make some progress on this next question of whether it is possible for those persons of a nonheterosexual orientation to be protected against discrimination in this society so that their dignity and worth can be protected and preserved.

I have gone on at immense length.

[Applause]

**Mr. Renwick:** I know there are some members who would be glad if I sat down, but I generally do not accommodate myself to other than those members who have the privilege of sitting in opposition.

There is a section in the bill dealing with and excluding insurance from the provisions of nondiscrimination under the bill. It is section 20. I sat on the select committee on company law when it produced four reports on the insurance industry. Two were on automobile insurance and two on other aspects of insurance. There were recommendations about these matters. Let me summarize them briefly.

In the jurisdictions we visited and in the recommendations we made, we urged the government to get away from discrimination in automobile insurance on the basis of sex and age and to get to the point where it would accept some other criteria.

“In summary, the committee is impressed with the arguments in favour of eliminating age, sex and marital status as criteria to be used in determining automobile insurance

premiums, and it urges the industry and the superintendent to develop alternative criteria. The committee considers that more appropriate criteria would be driving experience, driving record, and miles travelled if an objective measurement of this latter factor could be found.”

I am not going to quote the whole of the particular chapter which is involved in that report. We will recall the astonishment of seeing the headlines in the paper that the Minister of Consumer and Commercial Relations was hauling the insurance industry in before him because they were going to do away with these matters. What a retreat he has beaten. He disappeared back into the woods and we have never heard about that topic again. Yet it reappears in section 20 of this bill that it is quite permissible to discriminate in automobile insurance on the basis of sex, age and marital status. I ask any members of the assembly who want to pursue that matter to read the second report of the select committee on the insurance industry dealing with automobile insurance.

Then we come to the question of life insurance. In the committee that tried to deal with this matter we had many presentations indicating quite clearly to us that the actuarial tables of the distinctions on longevity between males and females were such that it was a proper discriminatory basis. There was nothing unfair about it. It meant that those who bore the risks paid for the risk. We clearly recognized that distinction. We accepted that proposition of the insurance industry, but we went on to say “that there may be grounds in public policy to say that the overriding basis is the equality of the sexes and that there should be no discrimination.” The matter should be ironed out on that basis and the actuarial tables melded into one table.

Again, I simply want to point out that the select committee on company law in its fourth report, which many members of the assembly here will remember, has made a very clear statement about the decisions that were made by that committee on that matter.

Let me come to a much more fundamental question about the life insurance industry. We tried to grapple with it. The life insurance industry went on the basis of something called the normal person. They accepted something called the normal person. They developed actuarial tables with respect to the rates to be charged for life insurance for that person based upon the age of the person and the expected longevity. If there



was any deviation of the individual from that norm, the matter was referred to the medical doctors. The medical doctors, on the basis of their views of medical science, then adjusted the rates so that the rate charged to a person who was not a norm was based, not on actuarial evidence of the incidence of the trauma, the disease of the handicap that was involved but simply on the doctor's judgement with respect to whether that person's longevity was affected. The actual facts of the matter, of course, have shown that as far as the methods of computing the actuarial information are concerned many of those decisions were wrong.

We recommended very clearly in that report that the basis now should not be medical judgement but must be actuarial judgement. You start from the basis that, for life insurance purposes, all people are equal unless the actuarial bases on an evidentiary method are sufficient to say there should be an actuarial difference to properly distribute the weight of the cost of that burden for the particular group that was paying the cost for it.

I want to say that I think it is important that those questions related to insurance be properly aired and properly discussed again in committee.

9:20 p.m.

Mr. Speaker, I have gone on at great length. I do not apologize. I simply ask the House to understand that these are matters on which I, and I am sure other members of the House, feel deeply and strongly. They are matters of immense concern. I was constrained to speak at some length, because I know that when a bill such as this, a total revision of the Ontario Human Rights Code, comes before us, when it is all over and it is part of the statutes, then it is unlikely we will see any significant amendments to it for a long time. It is for all those reasons that I have taken up such an undue amount of time in the assembly.

There is the matter that my colleague the member for Sudbury East (Mr. Martel) has raised about that application for employment. I believe there is some indication that section 21 of the bill covers—what shall I say?—that disastrous, horrendous application for employment, and I spoke a little bit about employment criteria. I was dignified the other day as a Jesuit in my legal analysis of problems, but even my Protestant relation to the Jesuits does not permit me to see how the problem of my colleague, the member for Sudbury East is solved by section

21 of the bill. I would ask the minister in due course to speak to it.

**Mrs. Campbell:** Mr. Speaker, I would like to address myself in the first instance to one of the points made by the member for Riverdale, and that is the whole question of the ratification by Parliament, by Canada, of the United Nations convention.

During the course of the constitutional discussions, I had occasion to leave that committee and to meet somewhat briefly with the select committee on the Ombudsman which in turn had as witnesses before it a member of the staff of the Department of External Affairs and the Ambassador to the Vatican, who had been sitting as our representative at the United Nations.

On that occasion, when we were discussing the resolution to which my friend the member for Riverdale referred, we did get into a discussion about the ratification. We were advised, for example, that Canada did not ratify any of the human rights provisions until such time as there was "ratification by each and all of the provinces."

Listening to that particular discussion, I was very deeply puzzled in the select committee on constitutional reform as to the whole matter of our discussion of entrenchment of human rights. It was my belief that, if such rights were ratified, therefore there had been, in effect, amendments ongoing to the constitution of Canada. I sought clarification of that position.

We were advised by the staff member from External Affairs that there is an officer in Ottawa whose business is to pursue, with the provinces, the amendments to their legislation to bring them into conformity with the commitments of Canada to the United Nations convention. At this point, it is important that each and every one of us in this House understands what those commitments are and is able to discuss them and discuss our own legislation, which might very well include other labour legislation, in the light of those commitments.

As I understand it, there has been, for example, a ratification of a convention on the right to work. I have not as yet had an opportunity to study what the convention says or what it actually provides. I know the minister is very much aware of the other convention to which the member for Riverdale referred. I refer, of course, to the Hague convention, which has been signed although not as yet ratified, but which we in this House, I understand from the Attorney General (Mr. McMurtry), will be ratifying by a piece of legislation.

It was hoped that it would be ratified before the end of this session; I take it that now is a hope deferred. Nevertheless we are moving to ratify an international convention. I think it is very important that we all understand that process, which I must confess I still do not fully understand. The distinctions may be the distinctions made by the member for Riverdale between the signing and the ratification. Nevertheless, we are faced with an international commitment and, according to External Affairs, we must move to bring all our legislation within the terms of the commitment to that United Nations convention.

So it is important as we deal with this piece of legislation that the committee has the opportunity of hearing from the representative of External Affairs as to where we stand on some of these conventions. I do know there is a convention in preparation dealing with aboriginal rights. It seems to me we should be at least aware of what that convention says and how it applies to our aboriginals in this country. Albeit, it was brought forward because of some problems in the Third World, nevertheless if ratified by Canada, it certainly would become of necessity a part of our domestic law as I understand the situation.

9:30 p.m.

I think it is important that we really try to understand where we are in this province in the context of the international society of which we, as part of Canada, are also a part. It is because we now have this review of this legislation that I believe the time is most appropriate for this sort of discussion and understanding as to where this legislation fits into our international commitment.

As far as the bill is concerned, let me say this: I congratulate the government for moving in some of the areas where there has been a cry for the addressing of wrongs and inequities. I do not believe I should get involved in any great detail in the bill itself. If it is going to committee, that is where it can be addressed in detail. I really am interested in the statement in section 25: "It is the function of the commission (a) to forward the policy that every person is equal in dignity and worth and is entitled to equal rights and opportunities without discrimination"—and then the clinker—"contrary to law." Every person in this province is not entitled to be equal in dignity and worth and is not entitled to equal rights and opportunities. That expresses my great sense of failure: that I can be asked to stand and support a bill that denies equality and dig-

nity and worth to people within this community. I do not understand how we arrive at this position.

I recognize the problems in our community. I recognize there are many people who are honestly concerned about some of these problems, who find it very difficult to accept that, for example, in our society today there should be any group against whom the hate literature provisions of the Criminal Code do not apply. The fact that one can write as one likes about some people without fear of criminal prosecution is, to me, in itself an offence.

In our world today the violence we see, God knows, is with us morning, noon and night. One cannot pick up a newspaper, one cannot watch television without seeing it brought right into one's home. Surely one of the things we must learn to do, perhaps falteringly—perhaps we cannot expect to have courage—surely to goodness what we have to do, is to eliminate hate if we are going to take the first step to eliminating violence. Of course, this bill does not make any provisions to soften that situation.

I will not go into the enforcement aspects. I am sure those provisions will find amendment if the bill is going to committee.

I understand how difficult it is to establish a case today under the present provisions of the Human Rights Code. I am afraid that during the course of the hearings I did ask those hearing petitions to give some consideration to changing the onus of our procedures under this code—somewhat, I suppose, à la motor vehicle type of situation where a person would present a prima facie case and then the onus would switch, although there are those who say the onus does switch. But what happens is there is a prima facie case by an applicant or a complainant; one then is met with another prima facie case by way of defence, and there really is not the provision of an onus to bring forward a case. This is why the bill has been rather poor. It has not been successful, as we know by the number of women, for example, who have brought forward cases; it is almost impossible to prove beyond a shadow of a doubt that one is being discriminated against.

The minister was on a television program with me and with one of the critics for the NDP, and we looked at a woman who had been laid off, a woman who had no job. What did she say to the minister? She did not know she was speaking to the minister, but she pointed out that she could not get a job because of her age. The code says one cannot do that, but I think we all recognize

in her case that is precisely what her problem was—that and the area in which she lived, where jobs were not all that plentiful.

We have defined age in this particular bill, and we know that one cannot discriminate by reason of age, save and except if somebody is under 18 or over 65. I sometimes wonder what we should do with all the people out there who get to be over 65. Do they really cease to be persons deserving of dignity and worth? That question is not dealt with in this legislation.

9:40 p.m.

I have spoken broadly on the matter. I too have a great sense of failure about this bill. I hope when we get into committee, with the advice of External Affairs, perhaps we can resolve some of the questions as to our immediate responsibilities. Perhaps we in this House will not then need to have the courage to give to everybody the same right and dignity in work because it is in a convention to which we are committed.

Mr. Bounsall: Mr. Speaker, I must congratulate this government and this minister for finally bringing in this legislation. As the Acting Speaker (Mr. MacBeth) may well remember from his days as Minister of Labour at the time when I was the spokesman for our party as labour critic and, therefore, the spokesperson for our party on human rights, I have been trying ever since I came into the Legislature in 1971 to see that some amendments came into this act, which we were all concerned about, becoming effective. Finally, we have it before us.

I view this act, although it is a completely rewritten one, as a good start on revised legislation for Ontario, even though I am fully aware because of fighting for it since 1971 that it may well be another 10 years before we see any further amendments to this act. So the act we have before us today is one with which we will have to live.

I recall particularly in the fall of 1974 that the then Minister of Labour, the member for Humber (Mr. MacBeth), gave a commitment during the estimates of the Ministry of Labour that there would be amendments to the Human Rights Code by the spring of 1975. That is five and a half years ago. I understand what happened on some of it. He was as surprised as all the rest of us when the Ontario Human Rights Commission formed its committee and went on its code review. There was a bit of disappointment, certainly in myself, that when action was commenced by the commission without, it appears, having much contact with the minister at that time, that action

delayed any action at all until the report *Life Together*, which has been referred to many times here tonight, was released.

That was in the summer of 1977. Then a strange thing happened again. One would have thought, with such an excellent report put together by that committee of the human rights commission, we would have had this legislation long before now. Certainly this legislation is much more proper and much more satisfactory for the disabled in Ontario than the bill brought forward by the minister last year which would have treated them as a separate entity.

The way we have now gone is certainly the way we were urging all along. We are very pleased to see the minister has gone this way, even though there may be some fringes around the areas of the particular coverage of the disabled which are not 100 per cent, but this route is certainly much more preferable than the other route which the minister had at that time chosen to go.

I could turn to some of the details of the bill. There are certain things in this particular bill which cause questions in my mind or cause me some concern as we try to protect everyone in the province from discrimination, to recognize that every person is equal in dignity and worth and to provide equal rights for all those persons, to paraphrase slightly the preamble to the act. One matter that has been tickling me is this sort of new inclusion into the act in section 1 of services, goods and facilities. What do those services include? It is an interesting question because, when one turns to the definition section, we find that all it says is what services do not include. Services do not include, according to that definition section, a levy, fee or tax imposed or authorized by law. That is all very good, but I would like to know just how encompassing it is and what "services" means, because there are certainly court cases in Canada that would indicate that is rather narrowly defined.

In the minister's reply, I would like to know just what he intends by the word "services." He has defined it as what it is not, and yet certain courts in this land have defined it rather narrowly and have tended to define services and facilities as simply hotels, restaurants and other like facilities. Does the minister intend that services would be much more broadly based than that?

Under the handicapped section, the definitions there include one that has concerned us all over the years in this Legislature. Certainly in my work with my own constituents, as well as with cases around

the province, it has been of concern. I refer to epileptics. Epileptics are and have been very badly discriminated against in employment, but in this day and age epilepsy can be carefully controlled by medication. Yet they are so widely discriminated against that they need the protection of this code to function as productive people in our society, which they can do in most cases if given a chance.

I also wonder whether the minister would consider the inclusion of diabetes, because diabetes is another of those categories for which there is some discrimination in our society in terms of hiring and in certain services that those who suffer from diabetes perform. I am not at all sure that they fall within the terms of the definition of the handicapped. I would ask the minister to comment on the diabetes situation and whether they should be included in this act, or whether they should be included in the general definition.

I understand we must have various sections relating to the handicapped which sound reasonable, but I am a little concerned about section 16, not so much by the way it is written but by how the minister and the commission would interpret it. It reads: "A right under part I to nondiscrimination because of a handicap is not infringed by discrimination" because "the handicap renders the particular person incapable of performing the essential duties attending the exercise of that right."

Does this apply to housing? For example, does the handicapped person not have a right to housing simply because the apartment building has no ramp? Would it not be reasonable in this day and age, through grants if necessary, for older apartment buildings to be equipped with ramps? Most of them that are more than three storeys must have elevators. Would it not be a good act of this ministry, in this day and age, through this act to encourage the building of ramps so handicapped people who require wheelchairs may live in this province where they prefer to live and have a much wider choice than what they now have?

Does section 16, the way it is written, forever allow a landlord to continue to build apartment buildings without ramps at entrances and not require that person to provide the proper kind of entrance to the building? How section 16 of this act will be applied is a continuing concern to me. I would be interested in the minister's answer to that.

9:50 p.m.

Among some of the other sections that deal with the problems of what is not counted as discrimination, section 19 bothers me as well. According to section 19 it is not discrimination in occupancy and accommodation if the owner shares a bathroom with the tenants. One can then discriminate and the appropriate section on accommodation does not apply. That seems eminently reasonable.

We have a section that allows male-only and female-only buildings, such as men's and women's residences. We have the provision in section 19(3) that, if the landlord is living in the building and there are no more than four units, there can be an exclusion based on marital status. That seems reasonable enough as well.

It is the next section that seems forever to perpetuate the adult-only apartment buildings in our society. It says the rights of a family are not infringed if there is a common entrance in that building. Does that mean any landlord of an apartment building in Ontario served mainly by a common entrance, with perhaps another entrance that can be used from time to time, may exclude families?

I would like clarification from the minister on exactly what this section means. The way I read it, it would seem any apartment building would fall under this definition and therefore families would be excluded and the adult-only apartment buildings—quite unreasonably so phrased in many structures in the past—would be allowed to continue.

When rents get particularly tight in any given city and the vacancy rate is low, it is virtually impossible for people who have children to find accommodation. This has been particularly common in Toronto and any city in which the vacancy rate has fallen to a very low level. People with families can find virtually no place in which to live.

My concern here is that any apartment building, because it has a common entrance, will be forever allowed to have adults only and will not take families. If that is the case—and that is the situation under section 19(4)—I have to say this is a section that very much needs to be amended. I suggest we can put in its place a section that deals with the type of thing that would be reasonable.

I can see that there can be senior-citizens-only apartment buildings. We could write a section where that would be allowed, as we have in many places in the province, and rightly so. But in a normal apartment building, which is a mix of two- and three-bedroom apartments, why would we have adult-only occupancy? That has become the case many

times in Ontario whenever there has been a low vacancy rate.

This section appears to allow for that. If that is what it does, I suggest we rewrite this to cover the senior-citizens-only apartment buildings. Then we would not be tolerating in this province the discrimination that occurs against families. There are fewer problems when there are no children, and that very heavy penalty comes upon families whenever there is a low vacancy rate.

I would like the minister to explain that. If it is as I interpret it, and I am a very careful reader of legislation and its wording, it seems to me to perpetuate that particular discrimination against families which, in many cases, is an unreasonable one.

I also say to the minister that in my careful reading of the act, and we discussed this in the estimates, the inclusion of the disabled and the definition of the handicapped in this act in the way we have it would forever wipe out the question on application forms, "Have you ever received workmen's compensation?" If the person answers in the affirmative, irrespective of how light the compensation case may have been, or how lightly disabling it might have been so that he or she is permanently recovered, he or she does not get the position. If the answer is in the negative and some months later it is found out, although the injury does not at all affect the way he or she does the job, that he or she has answered that question incorrectly, that of course is grounds for dismissal even under most union contracts.

I would be very pleased to have the minister, having come to this second reading debate, give assurance to this House that the situation will not prevail where they will be able to continue to ask those questions. Those who are former Workmen's Compensation Board recipients will then have an equal opportunity for employment in Ontario and, having gotten that employment, will not find themselves unemployed because they have been recipients of workmen's compensation benefits in some other job where, in many cases, the work-place situations have been unsafe and they were injured through no fault of their own.

Virtually the only omission in this act which the human rights code review committee in its report Life Together recommended be included was a reference to sexual orientation. This government included virtually everything else except that which was recommended in that very far-reaching report from the committee chaired by Dr. Symons after it toured the whole province. It did not include some

of the administrative recommendations on which, in this bill, the ministry has actually improved. Some of the report's administrative suggestions would not have worked all that well. I think the administrative sections in this act are an improvement over the recommendations.

Apart from those administrative changes, the ministry has included virtually everything else, but it has not had the courage to include that recommendation. To have included it would not have been an encouragement in any way to those persons to proselytize or to expand their numbers, nor would it be, or would it have been seen to be, in any way an approval of their lifestyle. It would have been a simple statement that we as a society should not discriminate against them or exclude them on that basis from the very basic protections of existence this act confers.

I regret that this government included everything that Life Together recommended after that thorough study except this. I understand that this government feels it is, and it is indeed, a touchy and a sensitive issue. But if it had the courage to bring it in, it would have passed. The simple inclusion would have shown leadership on the government's part, and not exercising that tiny bit of leadership by extending non-discriminatory protection to them certainly shows a lack of courage on its part.

What bothers me, in that they are not being included and there is no protection, is that as this is the one area where there is no protection for continuation of employment for individuals whose sexual orientation is not heterosexual but homosexual. Persons may be employed and perform their jobs quite satisfactorily and adequately but, if it becomes known they are homosexual, they are either fired or hassled out of their jobs simply because of that. They certainly will continue to be discriminated against in the future if there are no protections under this act. We in the Legislature condoned that attitude and that action by not extending protection in that particular area. It is not to our credit in our society in Ontario at this time that we cannot see that injustice and remedy it here by this particular act.

10 p.m.

One of the positive things about the act which rather delighted me—it was rather a surprise, bearing in mind the attitude of this government over the years—was the section dealing with contract compliance. It appears on the surface to be well written and covers every case in Ontario in saying

there must be no discrimination on the basis of sex in employment—referring back to that section—by any person who has dealings with the government or any group that has received a grant from this government.

I hope the minister will make it very clear that by “grant” he means any of the moneys paid to the boards of education, colleges and universities or any moneys that normally flow out of the Treasury of Ontario to all the areas this government supports. If that is what is meant by “grant,” then this is indeed contract compliance and an entry for affirmative action in many of the work places across this province.

What this government should do, of course, is to have legislated affirmative action covering every employer in Ontario, and I think it might best be under the Employment Standards Act. But here at least we have a step, and I was surprised and rather pleased to see it, even though I think the wider step could be best taken in a different piece of legislation.

The other area that pleased me is what appears to be a very strong section on sexual harassment. It is short but very clear, and it appears to grant protection from sexual harassment to persons in this province. It follows, and puts into place and into legislation, the actions the commission has been taking over the last few months. But here it very clearly spelled out and not open to much interpretation by the courts, as I read it. This is certainly a welcome step in this legislation.

One of my favourite exclusions which the minister did not include in this act is that of political affiliation. During the years in which I was labour critic and dealing with the problems that come to the Ontario Human Rights Commission, it was surprising to me the number of calls I got, from both union and nonunion sources, over having to answer a question on an application form in Ontario: “Have you ever been a Communist?” They were not affronted by that question because they were Communists. They were law-abiding Canadian citizens who knew something about the political process; they knew the Communist Party was a legal party in Canada and Ontario, and they were affronted that they should have to answer that question on an application form when it was simply a form that was used south of the border and transferred up here with the branch plant of a multinational corporation. There is nothing in the code that prevents that question

being asked—nothing in the old code and nothing in this new code.

It would not have hurt the force of the bill—in fact, it would have improved it—if the minister could have included political affiliation so that question could be removed from the application forms. There are those who ask, “Why is that question there and why is that allowed in Ontario and in Canada?” That is a question that cannot be answered except to say, “Yes, it should not be allowed.” The only way it cannot be allowed is to have it covered in the code.

There are a couple of other things which cause me a little concern or cause me to ask questions. One is the makeup of the commission with a minimum of seven commissioners. In the appointing of these commissioners, I wonder if it is not time for the minister and this government to look at various groups in our society that should be represented there. However it is arrived at, I hope there may be a representative of the handicapped community as one of the commissioners. In terms of the way labour has stood up front for human rights in every form in this province, a representative of labour should be on the human rights commission and would be of assistance to that commission in terms of attitude and the matters which come before it.

Another matter which I must give the minister credit for—I think it is a step forward—is the section under enforcement which allows for a payment of mental anguish as a result of having suffered discrimination under this act. Quite apart from anything else which may fall to that person, his return to work, back pay, being allowed to live in some accommodation and whatever else, he can be compensated up to \$5,000 for mental anguish involved in the pursuit of that right and the laying to rest of the discrimination which befell him. It is important that this bill allows for that principle.

However, I would say to the minister I wonder if the amount is high enough. If this act may stand for eight or 10 years without amendment, that amount is either not high enough or it would need constant amendment by regulation. Although I am opposed to the general principle of things being done by regulation, \$5,000 in eight or 10 years time, before this act is seriously amended again may well be a pittance. One may well want to arrange so it can be upped yearly or on a regular basis to keep in step with the cost and the standard of living in Ontario as our minimum wage, Workmen’s

Compensation Board pensions and other payments by this province should be done periodically, more than is done at the present time.

I expected to find a primacy clause in any major revision of the Human Rights Code and I do.

**Mr. Speaker:** Again, you are talking about the exclusions.

**Mr. Bounsall:** The inclusion of a primacy clause in this act.

**Mr. Speaker:** Are you talking about something that is in the bill?

**Mr. Bounsall:** Oh, yes, it is right there in section 44.

**Mr. Speaker:** I thought you said you would have liked to have seen it.

**Mr. Bounsall:** No, it is here in the bill. It is a primacy clause. It does not surprise me it is here because it should be. It is in section 44. One really cannot say it is excellent because it is well expected. The primacy clause says that clearly this act prevails over all other acts.

Of course, it is qualified. It does not have to apply to present acts and regulations until two years after this act comes into force. Future acts or regulations to those acts specifically could contain a provision that this act is not to apply. I trust over the next few years this government will not amend a whole series of acts to exclude those acts from the protection and primacy of this act, and with acts in the future, will not write them such that they give those acts or sections of those acts primacy over this Human Rights Code.

I trust that will not happen and that this is indeed the primacy clause which the government intends to be virtually all-encompassing over all legislation in Ontario.  
10:10 p.m.

There are many other detail points I could make, Mr. Speaker. Let me conclude by saying that this new act has given the Ontario Human Rights Commission virtually all of the legislative tools to do a good job for us in the province. I still wonder if they will have the manpower to do the job. We are all aware there is an expansion in the human rights commission, an expansion which will allow them to do things they have not done in the past. But will their attitude change? Will it be one of really going out and trying to change society, of trying to change the attitudes? It allows them to do educational work and to do an effective job of affirmative action in this

province. Will they embrace that enthusiastically?

From this point on, I hope that with an expanded personnel, the attitude of commission employees to all those who come before them, many in very disturbed states of mind because of discrimination or perceived discrimination, will be encouraging. I hope their attitude will not be discouraging as it has been from time to time in the past. I hope when a case is brought before them they will move with speed and enthusiasm. I hope the commission, with this new legislative tool, will show it means business in extending to all the citizens of Ontario the very basic and basically good protections of this act.

**Mr. B. Newman:** Mr. Speaker, I rise to make a few comments concerning Bill 209, An Act to revise and extend Protection of Human Rights in Ontario. I do not intend to be very lengthy. I rise with a feeling of glee, but I am also a bit disappointed.

I am very pleased the minister has finally introduced a bill to amend the Human Rights Code. I am sure he and the Provincial Secretary for Social Development (Mrs. Birch) are aware I have introduced legislation time and again in the past—if I am not mistaken, it might be seven, eight or nine years ago—dealing with only one aspect of the Human Rights Code, namely, eliminating discrimination because of physical handicap, where that handicap did not interfere with the individual's performance of his work.

This legislation is an improvement on what I had originally suggested because I dealt only with the physically handicapped. The minister has implemented a lot of additional changes and, as a result, discrimination is now going to be eliminated for a fairly comprehensive series of reasons. I could suggest to the minister that he has probably erred a bit in his definition of the handicapped. That is on page three of the bill under the heading, "Interpretation and Application." I think he erred by not including diabetics because the minister knows that can be kept under control with medication.

**Hon. Mr. Elgie:** The general definition includes it.

**Mr. B. Newman:** Possibly the definition may include it, but I would have preferred to have seen the word "diabetes" included in that definition section.

**Hon. Mr. Elgie:** We have to include every disease. It is included.

**Mr. B Newman:** I will accept what the minister says and hope I am not disappointed when the application of the legislation is eventually put into practice.

The two individuals who will be responsible for the implementation of the human rights legislation have been involved in human rights and with the handicapped for a long time. The Provincial Secretary for Social Development knows the two individuals. I think she would agree with me that both are extremely capable and should be considered. One is Jack Longman, who is involved with the ministry on one of the committees. The other one is Marilyn Malott who, as editor of *Our Future*, a newspaper in the city of Windsor, has made a very substantial contribution over the years to the elimination of discrimination essentially because of the physical handicap.

I could come along and read into the record a lot of the comments I made on this when my bill was discussed back on May 31, 1976, but the minister's officials can read that themselves. I hope they do take into consideration some of the comments that were made, not only by myself but by other members who took part in that debate in the private members' hour.

I want to commend the minister for finally acting because his predecessors for many years had hesitated to introduce legislation that would, in my estimation, have eliminated discrimination because of the physical handicap, and that is essentially where my interests were concerned. As I said previously, the minister has improved on the legislation. I hope with that improvement that at least in the future discrimination will be at a minimum. We will never eliminate it at all, regardless of what type of legislation we may pass, if in the heart of the individual he does not want to accept that legislation and insists on being discriminatory in his practices.

**Mr. McClellan:** Mr. Speaker, I am pleased to be able to take part in the second reading debate on this very important and significant bill. Let me say at the outset, in passing, what an improvement this is over that thoroughly inadequate Bill 188 the minister brought before us last year. The minister gets agitated when we mention that.

**Hon. Mr. Elgie:** You never did understand what that bill was all about. You never did understand what was finally agreed to.

**Mr. McClellan:** I think the proof is in the pudding, whether I understood the process or whether the members on this side of the House understood the process that took place last spring or not. I think we understood the

process very clearly, thank you. The fact that the minister was unable to proceed with Bill 188 last spring because of the objections of the opposition, not in isolation and not in any kind of a vacuum, but based on the substantial and substantive opposition of the handicapped consumer organizations, resulted in substantially better and substantially more significant legislation being in front of us here today and which we are tonight debating.

Again, the minister shakes his head.

**Hon. Mr. Elgie:** This is going to be substantially the same.

**Mr. McClellan:** It is as different as chalk and cheese; it is absolutely different. There is no comparison whatsoever. We should be very clear about what this bill does well and what it does not do. I do not get very much consolation from the way the bill addresses the needs of women. I look, for example, at the ongoing plight of domestic workers; they are not going to be helped substantially or at all by this legislation. I look at the provisions with respect to families, and I don't get any sense that the kind of anti-family bias that seems increasingly to characterize our society is being adequately addressed in this legislation, although there are provisions that ostensibly call for an end to discrimination because of family.

There are loopholes that are large enough to drive a 10-ton truck through. I think that is regrettable, but I guess we had better understand what we have in front of us. We don't have an amendment to the Human Rights Code or a new Human Rights Code that is principally designed to meet the needs of families. That is not what this thing is. Other speakers have talked about the fact that sexual orientation is the great silence in this bill. It is not mentioned at all. That protection is not even addressed in passing as are some of the other provisions.

10:20 p.m.

What this bill principally deals with is the needs of handicapped people, but I want to repeat the theme in that context. I want to repeat the remarks my colleague the member for Riverdale made, that this is simply a beginning and we should not, either on the government side or on the opposition side, delude ourselves about how much benefit will accrue simply from the passage of a human rights statute.

I think there is a real danger, because of my expectation of a public relations campaign over the course of the next few months and even in the normal course of the reporting of this kind of legislation in the media of the kind of debate we are having tonight



and because of the subsequent debates that will take place, that false expectations will be raised. We need to be very clear about what human rights legislation can do for the physically handicapped and what it cannot do.

I think it is important for the government to acknowledge that as important as this legislation is, and I will concede as good as it is, as it affects the physically handicapped, there is still a whole myriad of problems which, while they are addressed in the language of the bill, will not be solved with the passage of the bill. I think it is absolutely essential, particularly as we are on the eve of International Year of Disabled Persons, that we do not play rhetorical games with the passage of this legislation as significant, as good and as important as it is.

Let me try to illustrate what I am talking about. The very first part of the bill, part I, set out under the heading "Freedom from Discrimination" the new grounds which are prohibited and talks about the right of equality in the occupancy of accommodation. I am speaking from the perspective of the needs of the physically handicapped. That is very nice. That is very good, and I am not being sarcastic. I have a tendency to sound sarcastic even when I am not intending to sound sarcastic. That is good language, but it does not deal with the problem of buildings not adapted to the needs of the physically handicapped.

If somebody who is a quadriplegic or a paraplegic applies for an apartment which is not equipped to admit physically handicapped people, because the doorways are too narrow to accommodate a wheelchair, because the elevators are not adapted to meet the needs of somebody who is travelling in a wheelchair, or because the apartments are not adapted to meet the needs of a tenant who lives in a wheelchair, then that language is as meaningless as if it did not exist.

We must not delude ourselves that we are solving the housing problems of the physically handicapped because we pass a statute that says every person has a right to equal treatment in the occupancy of accommodation and because we say in the preceding paragraph we will not permit discrimination by virtue of handicap. The discrimination *de facto* will continue. The discrimination will continue unless the government does a whole bunch of other things.

For example, the government has to amend part V of the building code to require buildings to be adapted to meet the needs of the physically handicapped. That is a project currently under way which somehow got lost in the shuffle between the Provincial

Secretary for Social Development, who wants part V of the code to be amended, and the Minister of Consumer and Commercial Relations (Mr. Drea), who does not appear to want part V of the building code amended to cover residential accommodation. That is where it was when we had our discussion in the estimates, I say to the Provincial Secretary for Social Development. Unless that is done, this section is meaningless because we have the exemption section. Unless these other things are done, there remain loopholes wide enough for anybody to drive a truck through. Unless the government brings in other programs as well to fund housing designed for the needs of the physically handicapped, that is, provides funds to redesign and equip apartments to accommodate the physically handicapped and to provide support services, this section will be utterly meaningless.

Another section of the bill deals with employment and prohibits discrimination in the work place on the grounds of a handicap. Now, for the first time in our history, a handicap is a prohibited ground of discrimination. What does that mean? On its face value, all things being equal, it means nothing. It means almost nothing. According to the Canadian Council on Social Development, 80 per cent of the physically handicapped in this country are unemployed.

We know that with the proper kind of support services, the proper kind of manpower programs and the proper kind of adaptation in the work place, a large percentage of those handicapped people who are currently unemployed will be able to join the work force, work productively and make a full contribution to their community. The simple passage of this statute does not address that problem because there is nothing in the statute that talks in legal language about reasonable accommodation, which is another way of saying that our employers and our work places should not be permitted to deny physically handicapped people access to them. We have not addressed that, I do not think. That is something we will have to look at in a long and tough kind of way. That is an obvious flaw in the legislation that is drafted.

The legislation does nothing about the fact that many handicapped people cannot compete on the basis of equality with people who are not handicapped. It does not talk about the needs of the economy to make those kinds of concessions. We know the economy is not going to make those kinds of concessions on its own, not our kind of

economy, which operates solely on the basis of profit considerations. Those kinds of adaptations will only be made if the government requires them to be made, either through incentives by the carrot, or by the stick through the introduction of quota legislation. It is an either-or situation. We have to do one or the other is what I am saying. It is not going to happen magically all by itself.

I have been advised that the government House leader has some business to do and that this would be an appropriate time to adjourn the debate.

On motion by Mr. McClellan, the debate was adjourned.

#### BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, as I indicated last Thursday, I would like to indicate now the business of the House for tomorrow and part of Thursday. Tomorrow

the House will sit from 2 p.m. to 6 p.m. and on Thursday we intend to sit from 10 a.m. through to 2 p.m. when we will have routine proceedings.

We will consider legislation tomorrow afternoon, Wednesday, and Thursday morning in this order: Starting tomorrow afternoon, we will have third readings on the Order Paper, followed by private bills on the Order Paper and reported from committees, except for Bills Pr18 and Pr36. Then we will move to second readings and committee of the whole House, if necessary, beginning with the bill we have been discussing tonight, Bill 209, followed by Bills 190, 177, 192, 193, 205, 188, 201, 204, 214, 215, 221 and then Bill Pr36, followed by Bill Pr18.

The business for Thursday afternoon and evening will be announced tomorrow afternoon.

The House adjourned at 10:30 p.m.

## CONTENTS

Tuesday, December 9, 1980

|   |      |
|---|------|
| Human Rights Code, Bill 209, Mr. Elgie, on second reading ..... | 5117 |
| Business of the House, Mr. Wells .....                          | 5138 |
| Adjournment .....   | 5138 |

## SPEAKERS IN THIS ISSUE

Bounsall, E. J. (Windsor-Sandwich NDP)  
 Campbell, M. (St. George L)  
 Edighoffer, H.; Deputy Speaker (Perth L)  
 MacBeth, J. P.; Acting Speaker (Humber PC)  
 McClellan, R. (Bellwoods NDP)  
 Newman, B. (Windsor-Walkerville L)  
 Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
 Renwick, J. A. (Riverdale NDP)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)



# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Wednesday, December 10, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

WEDNESDAY, DECEMBER 10, 1980

The House met at 2 p.m.

Prayers.

## DISTRIBUTION OF APPLES

**Mr. G. I. Miller:** I want to bring to your attention, Mr. Speaker, that the apples are simply a Christmas gesture. I had the opportunity of distributing them last year and this year. They come from my riding of Haldimand-Norfolk and are grown in the fine little village of Vittoria. They are a fine example of the fruit we can grow in that particular part of Ontario.

## OPTED-OUT SPECIALISTS

**Mr. Cassidy:** On a point of privilege, Mr. Speaker: Yesterday in the House the Minister of Health suggested the New Democratic Party was misleading this chamber with respect to statements I made about the proportion of specialists who are opted-out in the province.

Since the allegation by the Minister of Health was not accompanied by any figures and since the statistics we put in the House specifically used tax statistics of full-time doctors and compared them to the honourable minister's own declaration about the number of opted-out specialists in the province, I would suggest the minister either withdraw his allegations against the NDP or produce the correct figures on the number of full-time specialists compared to the number of full-time opted-out specialists in the province. He should withdraw his remarks.

**Hon. Mr. Timbrell:** Mr. Speaker, I believe the point has been covered in a variety of questions, particularly Notice Paper questions, over the last 18 months or so. We are working on some answers to questions right now, as a matter of fact.

The fact of the matter is that the honourable member's researchers have taken selective data from three years ago and applied their own criteria to extrapolate those data. If one wanted to take the number of left-handed, blue-eyed, blond-haired specialists of Icelandic descent one could get another figure. It depends what one wants to prove.

I know what the member wants to prove and he is not interested in the facts.

**Mr. Speaker:** I am not convinced that the word "misleading" was used and attributed to any particular member of the House. If the minister used the word "misleading" in describing a member of the House, I am sure there are many other words he could use to reflect what he feels about the material that was put before the House.

**Hon. Mr. Timbrell:** Mr. Speaker, I do not believe I did, but if I did use it, and the honourable member took it in that way, I withdraw it. The fact of the matter is that somebody, some creative individual in the research branch of that party, has taken selective data from Revenue Canada and applied his or her own criteria or factors to come up with an answer that the leader wanted.

**Mr. Cassidy:** Just to conclude the point of privilege, the minister—

**Mr. Speaker:** I have heard your point of privilege, and the minister has responded and withdrawn the implication that any member of the House was misleading the House.

## STATEMENTS BY THE MINISTRY

### DEATH OF JOHN LENNON

**Hon. Mr. Baetz:** Mr. Speaker, as Minister of Culture and Recreation, I rise to express my profound sadness and my dismay at the senseless murder of John Lennon.

John Lennon was unusually gifted, and his gifts made him a transcending influence on the global culture of our era. He perceived many of society's strengths and weaknesses and addressed them with an irreverent wit. He was a fearless and incisive poet. He and his lyrics spoke to and of particularly one generation, but as a father of three teeny-boppers of the 1960s and early 1970s, and as a person who listened to and appreciated Mr. Lennon's music, it is clear to me that he spoke for more than one generation.

There are millions who have never understood John Lennon; there are millions who have misunderstood John Lennon; but

ultimately there were many more millions whose frustrations, fears and hopes were captured by his work and by his wit.

Today, throughout the world, they mourn his sudden and tragic departure from the human scene. Mr. Speaker, John Lennon is dead, but his thoughts and ideals, and his uniquely riveting expression of them, live on.

**Mr. S. Smith:** Mr. Speaker, I might just add a word to that. I think a good many of us have been thoroughly shocked to see how a genius of the capacity of Mr. Lennon could exist one moment and then be wiped out the next by the action of a clearly twisted human being. One has to reflect on what that means for people who come to public attention in almost any endeavour, be it in achieving greatness in the arts or fame from being in movies, or in becoming even well known in politics or any other field of human endeavour. It is a dreadful reflection on the direction in which things are going around us when you can see such a fine person, such a fine mind and such a fine soul ended in its earthly form in this way.

I know all of us would want to add our feelings of dismay at the murder of John Lennon and also at some of the directions in which our society seems to be moving. It is a very upsetting time, and a time for all of us to take some stock of just what it is we are creating in this society.

**Mr. Cassidy:** Mr. Speaker, I want to propose something which I regret the federal House was not prepared to do, and that is that perhaps on behalf of us all, the three leaders could send a message of condolence to John Lennon's widow as an expression of sympathy, as well as an expression of understanding for what John Lennon represented, not just to a small group of teenage rock music fans but to people who, I confess, include me.

I became a Beatles fan back in the early 1960s when I was in England and they were still not heard of here in North America. Like so many other people of my generation, I grew up with their music speaking to my condition, as well as the condition of young people who traditionally listen to popular music. I, along with many others, at the age when presumably we were beyond the stage of that kind of music, found myself listening to and enjoying Sergeant Pepper and Abbey Road and the great series of albums that came out from John Lennon and the Beatles, realizing that they were talking very much about the

modern situation. This was a kind of poetry of the people which expressed a great deal of what we were striving for and hoping for.

John Lennon and Yoko Ono, in their bed-ins for peace, their efforts on behalf of the peace movement, used unusual techniques to try to bring to the attention of young people and people across the world their concerns to do more, to reach out to be more than just a traditional rock music hero, pop star and that kind of thing.

**2:10 p.m.**

John Lennon went to India to meditate for months. Over the last five years he has chosen to be a house husband looking after his young son while his wife, in a reversal of traditional sex roles, took on their business dealings. The man who had sprung from the slums of Liverpool, who had come from the most unlikely background, has been quite an extraordinary figure in the history of the western world for a very long time.

When I went home yesterday in the evening, I found the teenage boys who share my home had been up almost all day and some of them half the night listening to the Beatles' music, which was on every station. They were shocked and they couldn't understand what a senseless kind of world it is we live in that somebody like John Lennon, who was considered to have a contribution to make, could suddenly have been shot so senselessly and so tragically.

I want, therefore, to join in the words of condolence since they have come from the Minister of Culture and Recreation, and I will consult with the other parties in order to have a joint message of condolence go to Yoko Ono on behalf of everybody in the Ontario Legislature speaking for the people of Ontario.

#### SOCIAL INSURANCE NUMBERS

**Hon. Mr. Pope:** Mr. Speaker, it is my pleasure to table with the Legislature today copies of a letter addressed to Ms. Inger Hansen, privacy commissioner, Canadian Human Rights Commission.

**Mr. S. Smith:** Mr. Speaker, on a point of order: I am afraid I do not have a copy of the statement the minister is making and I would be grateful if I could have such a copy.

**Hon. Mr. Pope:** I understand the copies are there. Someone has them.

[Interruption.]

**Mr. Speaker:** Is everybody satisfied?

**Hon. Mr. Pope:** I would like to quote from that letter: "The government of Ontario will limit and control the use of social insurance numbers in its operations under the following guidelines:"—this is page four of the letter—

"The social insurance number will continue to be used in connection with any government inquiry, request, transaction, record or operation which directly and specifically pertains to the income of an individual (these are hereafter called 'income related programs');

"Where a file, record or data bank includes the SIN as the unique personal identifier in connection with an income related program, the same identifier may be used to identify the file or record;

"Because of the potential for life-saving actions, hospitals and other medical data banks will be permitted to use the SIN as a patient-file identifier pending a decision to establish a unique personal identifier for health programs;

"All other requirements to use the SIN as a unique personal identifier in a record, file or data bank will be discouraged and eventually prohibited;

"Access to personal data in all records, files, data banks, whether or not identified by or containing the SIN number, especially where computer-based, shall be effectively controlled and restricted and appropriate penalties and/or deterrents shall be legally established to discourage violations.

"The implementation of these policy guidelines will require some adjustment of administrative practices by some ministries and agencies of the government of Ontario, and no doubt will involve some alterations in established routines and procedures of some businesses and institutions within the province.

"However, the restriction of the use of the SIN to income-related data files (with a temporary exemption for hospital files where the SIN is currently in use) is deemed to be a rational solution to a problem where the mutually conflicting demand for citizens—the demand for privacy and the demand for efficient government—must be recognized and addressed.

"The government of Ontario intends to implement the guidelines on governmental use of the social insurance number on June 30, 1981."

#### GENETICS

**Mr. Grande:** Mr. Speaker, on a point of personal privilege: Yesterday I rose to ask

the Minister of Education (Miss Stephenson) a question, and in her absence I directed the question to the Premier (Mr. Davis), regarding the comments made by the chairman of the Toronto Board of Education on a community television program.

The interviewer, David Shanoff, asked Mrs. Irene Atkinson the following question: "How do you raise the achievement levels of immigrant children and children of low socio-economic background?" The response from Mrs. Atkinson was, "Well, I am not so sure that you can because I think genetics play a very large part in determining the potential of students."

Since we have not heard a reaction from the Minister of Education on this important matter, I asked, "Are we to understand that the Minister of Education is in agreement with the position expressed by the chairman of the Toronto Board of Education that workers and immigrants are mentally and/or intellectually deficient and that they pass on their deficiency to their children?"

The Premier began to answer the question by saying: "Seizing the opportunity to reply to that question, and not having heard all of it except the member's concern about his intellectual deficiency, I could answer and comment on that."

I feel the Premier chose to answer a serious question in a flippant, thoughtless manner that does not do justice to his station as Premier of this province. The Premier chose instead to attack my personal intelligence. Therefore, Mr. Speaker, I demand that the Premier withdraw that unfortunate remark and I will entertain an apology from him when he is in the Legislature.

**Mr. Speaker:** It is customary for a member to wait until the person he thinks has offended his sensitivities is present. I will await the return of the Premier to see whether he has a response to that.

#### ORAL QUESTIONS

##### ITALIAN EARTHQUAKE

**Mr. S. Smith:** Mr. Speaker, my question is directed to the Minister of Intergovernmental Affairs and it concerns the matter of measures to be taken in view of the Italian earthquake and the need to resettle its victims.

The honourable minister will know that I went to the federal Minister of Employment and Immigration, the Honourable Mr. Lloyd Axworthy, yesterday with the suggestion I have made in this House that we should open our borders for victims of the Italian earth-

quake to come here on an extended visitor status, whereby, under special arrangements, they could stay for two or three years and then go back to Italy once their villages or areas have been rebuilt and resettlement plans have been made. The Minister of Immigration expressed considerable interest, approved the idea in principle and is having his officials work on it. As I expected, he did say he would need co-operation from the provincial government.

Following my question of December 1, has the minister had a chance to reflect on this? Is his government prepared to accept the educational costs, the health care costs and so on that would have to be extended to these visitors if they were permitted to come here on a temporary but extended visitor basis?

**Hon. Mr. Wells:** Mr. Speaker, let me answer the question in two parts. First, we would certainly co-operate with the federal government in any program to assist in relocating and in measures that would help to overcome difficulties for families who have suffered great hardship in this disaster.

In so far as the specifics are concerned, we have not had an opportunity to discuss those in detail and I could not comment on those at this time.

**Mr. S. Smith:** Might I ask if the minister and the government would take into consideration the idea that people might come here on a temporary basis? Perhaps these might be cousins, aunts, uncles or more distant relatives of people already here. They would come under a less stringent form of sponsorship requirement and then have the choice of going home or applying for landed immigrant status, in which case all the usual rules would have to apply.

2:20 p.m.

Under these circumstances, since the province would have to pay for the schooling of the children, the hospitalization of the ill and that sort of thing, would the minister be good enough to give his consideration to this and to get back to the federal Minister of Employment and Immigration as soon as possible, since the federal minister would be very happy to hear what the opinion of Ontario and other provinces would be in this matter?

**Hon. Mr. Wells:** Mr. Speaker, I would certainly be happy to consider this. I do not recall, but I would want to check my correspondence and that of other ministers, that we have had any communications from the federal minister yet on this particular matter. I would think it might be a good

idea, if they are thinking of some special program, that they devise some form of temporary landed immigrant status that would then guarantee these people the rights that landed immigrants have for the time they are going to be here, which would probably simplify a lot of the legal problems for all of us.

However, I would be happy, and I am sure this government would be happy, to consider any measures that can be helpful to the community and the people in Italy in overcoming this disaster.

**Mr. Renwick:** Supplementary, Mr. Speaker: Perhaps the government House leader will recall that in the early days of Tory administration in Ontario, it was in the selfish interest of Ontario to arrange an immediate airlift for people from Europe when the government was under the leadership of the late Honourable George Drew. Perhaps the minister would recall those days and recognize when it is in the unselfish interest of Ontario to take an individual initiative on matters on which it has shared constitutional responsibility. The time is now.

**Hon. Mr. Wells:** I would just like to correct the honourable member, Mr. Speaker. We have never assumed that Ontario really has shared constitutional responsibility in regard to immigration. I think Quebec is the only one that has really taken the full legal meaning of the term "shared responsibility." We have always accepted that immigration is a federal responsibility.

**Mr. Renwick:** Does the government House leader remember the George Drew airlift?

**Hon. Mr. Wells:** Of course, I remember the George Drew airlift very well. I would just tell my friend that I joined the Conservative Party because of a man called George Drew, who I thought was one of the finest Conservative leaders this country ever had. Of course, he was the man who, standing over here in these benches, laid the foundation for 37 years of Tory government in this province.

I recall well that immigration airlift of people from Britain to this country after the war, and the immense contribution those people made. I would be glad to look into the suggestion along with all others that are being made at this time concerning this disaster.

#### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** I would like to ask a question of the Minister of the Environment, Mr. Speaker. The honourable minister said on tele-



vision this morning, concerning the South Cayuga matter, that there will be hearings on the appropriateness and suitability of South Cayuga as a site for this proposed facility. May I ask the minister who will conduct those hearings and under the authority of what statute will those hearings be carried out?

**Hon. Mr. Parrott:** Mr. Speaker, those hearings will be carried out with the co-operation of the board and of an appropriate hearing officer. The terms of reference I suggested yesterday could easily be put to the standing committee on resources development for discussion.

**Mr. S. Smith:** The minister misunderstood. I asked him under what statute; that is a law of Ontario.

**Hon. Mr. Parrott:** By an order in council.

**Mr. S. Smith:** That does not answer the question.

Since the minister is apparently unaware of these matters, could he please explain who will make up the group, in addition to an unnamed hearing officer, which under order in council, will be designated to carry out the hearing? That is the first simple question.

The second simple question is, under what statute will the group carry out its duties? Will it be under the Environmental Assessment Act, the Environmental Protection Act or the Public Inquiries Act? If it is not going to be under the Environmental Assessment Act, what does the minister see as preferable in any other statute he intends to use?

**Hon. Mr. Parrott:** I think we have said consistently, right from day one, that it would not be under the environmental assessment process. Does the Leader of the Opposition understand that? We have said right from day one there would be hearings. We have said right from day one how the corporation would be made up and what its duties would be. For those kinds of things we are still waiting for the corporation. There are many people who are ready, I think, to give us their advice as to who should be on the corporation.

**Mr. S. Smith:** I did not ask about the corporation.

**Hon. Mr. Parrott:** I know the Leader of the Opposition did not ask that. I am telling him the sequence of events.

**Mr. S. Smith:** I asked who would conduct the hearings and under what statute.

**Hon. Mr. Parrott:** I will come to that. We are going to have that corporation in place in its entirety. At that time we will discuss with that corporation the appropri-

ate vehicle for the hearings and the appropriate hearing officers. It will be done after that corporation is fully in place. We have worked very hard in the last two weeks to get that corporation in place. We are now waiting for a response from several agencies, which I think will be forthcoming in the next two or three days.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Bearing in mind the crown corporation might wish to make some amendments in what the minister has to propose, would the honourable minister undertake to come back to this Legislature tomorrow, when there will be people from South Cayuga in the galleries, and share with the Legislature what it is the government has in mind for terms of reference for the hearings that will take place? After two weeks, one has to assume the ministry has an idea of the nature of the hearings and of the possible legislation under which those hearings will take place. Why can the minister not undertake to share that with the Legislature before we rise this week?

**Hon. Mr. Parrott:** I think the leader of the third party put the case very well. He said it is possible the crown corporation may want to make some valid suggestions. I, for one, am quite prepared to listen to that crown corporation and its suggestions. I cannot listen until it is formed.

**Mr. Cassidy:** The minister is playing too close to the vest.

**Hon. Mr. Parrott:** I am not playing with anything. I went over Hansard very carefully for the last few days. I suggested on November 25 or November 27 we go to committee—I think that is an excellent suggestion—at the time when the corporation will be formed. I said earlier I hoped it would be formed by the end of the year. I think there is every possibility that will occur. At that time we will listen to the corporation and we will go to the committee and be glad to discuss those terms of reference when I have the advantage of advice from the newly formed corporation.

**Mr. S. Smith:** The minister said on the day he announced Dr. Chant's appointment that hearings would be held under the Environmental Protection Act "on the merits of the technology." Since he has said today there will be hearings on the appropriateness and suitability of South Cayuga as a site, may I ask what kind of confusion is in the ministry or in the minister's mind that prevents him from telling us who will conduct the hearings and under what statute

of Ontario the hearings will be conducted? This is the third time I have asked the question. I would like to know what is the problem.

**Hon. Mr. Parrott:** I think most of the problem is the honourable member's unwillingness to listen and to try to interpret what is being said correctly. It is that simple. I said we would make those determinations after the crown corporation is set up. I can put it another way. We are now drafting the terms of reference. They are not finished. Surely that is pretty simple and pretty clear.

I am glad to put on the public record that the question the member has asked is not finished as yet. I think the leader of the third party made an excellent point that the crown corporation headed by, I think, an excellent choice will be supplemented by people from the local community. All of a sudden the leader of the Liberal Party, before the local people have a chance to respond as to who they want to sit on that board—

**Mr. G. I. Miller:** The minister has never given them a chance. That is the problem right there.

**Hon. Mr. Parrott:** Oh, yes I have.

2:30 p.m.

[Interruption.]

**Mr. Speaker:** Order. Our very welcome visitors in the gallery are free to sit here and listen, to enjoy it if they wish, but they should not respond with any outbursts of clapping, please.

**Hon. Mr. Parrott:** Let me finish that answer, Mr. Speaker. I would be glad to read from the record of what was clearly said: "The mayor knows, and rightly so, that Dr. Chant and the corporation will have to satisfy the public as to the appropriateness of the site." I do not want the Leader of the Opposition today to act as if that was a new revelation. That was said some time ago.

**Mr. S. Smith:** The minister is backing down. Why does he not back down the whole way?

**Hon. Mr. Parrott:** The member is dead wrong and he knows it. He would like to see it that way.

**Mr. T. P. Reid:** That's not true. Now the minister is talking about the technology.

**Hon. Mr. Parrott:** No. I used the word "appropriateness," I think on December 1, or approximately on that date. There it says very clearly on the record, "Nothing

short of that would satisfy any of us in this government." We want the technology discussed with full public participation. I said that over a week ago, maybe 10 days ago, within a day of the original announcement.

They are talking about some change in policy. The only change I have seen around here is on that side of the House when they want to jump on any side that seems advantageous. Particularly, what bothers me is that they do not come to grips with the very seriousness of our waste disposal problems in this province.

We are going to have the best facilities in the world. We are going to have the assistance of the local people, be it the mayor or her appointee or be it the representative from the local federation of agriculture. They are going to sit on that board. They are going to help run it and help make the decisions. That is the kind of public participation we appreciate on this side of the House. It is real action on their part.

**Mr. Isaacs:** Supplementary, Mr. Speaker: How will these hearings we are talking about help the people whose lands are to be expropriated in the area? Why is the honourable minister rushing in to the expropriation of those lands without hearings under the Expropriations Act when the project may not go ahead if the site is found to be unsuitable?

**Hon. Mr. Parrott:** I had a statement read at the meeting last night. It made it very clear about the land owners. I said not only would I be more than prepared to be at a public meeting in the area, but also the next thing I am going to do is meet with the local land owners in a private session. We will be doing that in the near future. I have asked them to set aside some time for me so I can meet with them.

That is the kind of direct consultation that led the mayor of that municipality to say, when I went there before the public announcement, "Isn't it nice that a government is coming to the people?" Indeed we are; we will continue to do so.

Interjections.

**Hon. Mr. Parrott:** The members opposite can laugh all they like. There are some people out there who really understand the seriousness of this problem and that the sooner we address it, the sooner we protect the health of every citizen in this province. I say if we do not move, the health and the environment of the total province are in jeopardy. Liquid industrial waste demands solutions; it demands them as soon as we

can get to them and that is precisely what we are trying to do.

**Mr. G. I. Miller:** Supplementary, Mr. Speaker: How can the honourable minister explain spending \$425,000 on the MacLaren report that came out last year to justify the using of the site? How can he reply to the people in that area on that basis? How can they have any trust in his ministry when he is trying to buy them with money and put it in an area to protect his own government over there?

**Hon. Mr. Parrott:** I really have a little difficulty understanding how the spending of \$425,000 on a consultant's report is somehow or other buying that local community. I really do not understand that. I am sure that if we had not done that rather extensive survey and assessment of this province we would have been accused of not having looked at the total problem. It was an excellent and wise use of public funds to have that survey done.

#### DIOXIN TESTING

**Mr. Cassidy:** Mr. Speaker, I have another question for the Minister of the Environment related to reports about dioxin in chicken livers and dioxin found in fish in Lake Ontario with levels that are among the highest in the world.

Since the ministry now has a lab for detecting dioxin which is one of the most modern in the world, can the minister explain why his officials are refusing to confirm whether they have detected dioxin in fish in Lake Ontario when they have been sending samples to labs in other provinces and states to get confirmation of their findings? Will he give the House a definitive statement about what levels of dioxin have been determined from the Ontario testing of dioxin in Lake Ontario?

**Hon. Mr. Parrott:** Mr. Speaker, I am very pleased to have a chance to correct what I think is some erroneous information in today's press. When we saw that report we immediately contacted the people in New York state to get some confirmation of whether that was their understanding. I believe those people now are making a pretty concentrated effort to contact the media and correct that impression which is, in their opinion, wrong. They are referring to testing of some time ago.

It is true that last year in this House we said we were sending samples not only to New York but to Minnesota, I believe, as well—two or three other places—because we

did not have the facilities to test for dioxin. On that basis, because of the importance of it, we established our lab facilities.

Just a week or two ago I said in the House we have now established those facilities. They are in operation. We have done a lot of testing on the drinking water. We have not yet done enough tests in our fish testing program to issue reports. We have been doing fish testing for some 10 years. In that last statement I was referring to dioxin testing. We can do about 14 samples a week at this time. We will try to speed that up as we become more familiar with the techniques of doing that sampling.

We are also trying to test samples of the same fish with other jurisdictions so that when those tests from ourselves and other facilities go out, we will have the same sample tested. I think that will help to achieve a more consistent approach. Then people will not be confused by various results from different samples, which logically could vary one from the other. So we are now in a position where, in the near future, we will be able to tell the leader of the third party the results of our fish testing program.

I would add that the lab that did the testing was closed down for some time.

In summary, I think a good deal of that information the leader of the third party is basing that question on was inaccurate. That is a statement from the source.

**Mr. Cassidy:** The officials of the New York laboratories indicate they are now discovering levels of dioxin in fish in Lake Ontario which, apart from Vietnam and the vicinity of the Dow Chemical plant, are the highest they have found in the world.

Can the ministry give any assurance to people who are concerned about eating fish as to what the dangers may be? Will the ministry undertake to establish a task force that could report by the end of January next year with specific information on dioxin levels that may be found in fish, chicken and other foods available to Ontario consumers? Will it also provide unbiased information about whether there is any level that is safe?

**Hon. Mr. Parrott:** I guess I did not make it clear that the people who said that are denying that is their position. They are saying that information about those highest levels is not correct. It certainly is not our current position.

We have only been doing our dioxin testing on fish in the last few weeks. When sufficient samples are available to give out a scientifically satisfactory report, of course we will give that to the House. We always have

done this. It will not be new procedure. As soon as that information is available, based on a reasonable number out of the sample, it will be provided.

2:40 p.m.

On December 19 we are meeting with other jurisdictions to discuss this whole problem of testing and putting out that information on a full and complete basis. We will be more than happy to give the member that information as soon as it becomes available.

**Mr. McGuigan:** Mr. Speaker, the Minister of the Environment may wish to refer this supplementary to the Minister of Agriculture and Food: What steps are being taken to see that wood chips treated with pentachlorophenol, which I believe leads to dioxin, are not used in the production of poultry? What steps are being taken to see that this is not done?

**Hon. Mr. Parrott:** Mr. Speaker, the only thing I know on that is dioxin in wood chips is a contaminant. I think the Minister of Agriculture and Food can tell the member what action was taken previously, and I would ask him to do so.

**Hon. Mr. Henderson:** Mr. Speaker, I say to the members of the House, the recent news with respect to dioxin in chicken livers pertains to a study that was conducted by the federal government two years ago. It does not relate to chicken currently on the market. The Department of National Health and Welfare has all the data from that study and has made interpretations, because it was responsible for testing for dioxin.

The Ministry of Agriculture and Food can and does test for PCP but does not analyse for dioxin. During the past two years the Ministry of Agriculture and Food has taken very positive steps to remove any problem that might exist in commercial flocks from use of wood shavings and sawdust that have been treated with a preservative. Action taken included informing the poultry industry in 1978 about the possible dangers of using these shavings. We also offered a testing service to poultry producers wishing to have the quality of their shavings determined. This testing was for PCP only and not dioxin. We encouraged poultry producers to obtain shavings from sources where wood had not been treated or to switch to other bedding material, such as straw. We initiated research into the effect of pure PCP, dioxin-free, on poultry production and reproduction.

The ministry continues to offer a testing service to the producers and encourages all producers to avoid the use of this wood or

the litter connected with it. Testing services are available through the provincial pesticides residue testing laboratory of the ministry, located at the University of Guelph, for a modest fee. Although the ministry test does not measure dioxin content, it does identify materials that are free from PCP. Any material free from PCP is also free from dioxin.

It should be added that the Canada Department of Agriculture has restricted the use of PCP and plans further restrictions in January 1981.

**Mr. Samis:** Supplementary, Mr. Speaker: Does the Minister of the Environment have any further information as to the extent of the sampling at the eastern portion of Lake Ontario, when the sampling was done and at what locations?

**Hon. Mr. Parrott:** Mr. Speaker, I think I heard the member ask if I had identified those areas yet.

**Mr. Samis:** Has he any further information as to the location, the extent and the time it was done?

**Hon. Mr. Parrott:** When we have those tests completed, we will identify the area the fish were taken from and the level of dioxin that is in them, if any. I remind the honourable members that we can test to one part per trillion. We have done extensive reports and testing on water in the Niagara River and Lake Ontario, and we have not been able to detect any dioxin. I repeat, we can test to one part per trillion; so our ability to test is extremely sensitive. Thank God, we have not been able to find any dioxin in the drinking water of the people of that area. I think that is extremely good news. But, at the same time, I want to tell the members we will not stop there. There will be a continuous monitoring of the drinking water, the fish and the herring gull eggs, the whole bit on dioxin, and we will tell them where and how much as often as we possibly can.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Mr. Cassidy:** Mr. Speaker, I was hoping the Premier would be here by now but in his absence I have a question for the Deputy Premier.

Is the Deputy Premier aware that, at the morning meeting today of the select committee on plant shutdowns and employee adjustment, three more Conservative backbenchers endorsed the committee's recommendation for interim legislation that would

ensure that, before this House rose, we passed severance pay provisions in the law of Ontario to protect workers who may be laid off through shutdowns this winter?

Given the growing support of Conservative back-benchers for the concept of severance pay, can the Deputy Premier assure the House that the government will bring back Bill 191 before the House rises and include in it the severance pay measure which now has the unanimous endorsement of the select committee?

**Hon. Mr. Welch:** Mr. Speaker, I have to admit that the proceedings of this morning's meeting have not been brought to my attention.

I am in no position to give such an assurance. I can only draw the attention of the honourable member and that of the House to the statement by the Minister of Labour, when he introduced the legislation, indicating he wanted to provide an opportunity for those who had some interest in this matter to attend before the committee. I find it surprising to learn that the committee would want to foreclose that opportunity for public input.

**Mr. Cassidy:** There are now five Conservative back-benchers on the committee who have endorsed the concept after hearing from the Minister of Labour on several occasions. Will the Deputy Premier explain to the Legislature why the government is preparing to bring forward on an interim basis amendments with respect to pensions despite the fact we have yet to have the Royal Commission on Pensions report or the recommendations of the final report of the select committee on plant shutdowns and employee adjustment? If the government is prepared to move on an interim basis with respect to pensions, why would it not be prepared also to move on an interim basis with respect to severance pay to protect workers who are threatened by shutdowns over the course of the coming four or five months?

**Hon. Mr. Welch:** It was obvious the Minister of Consumer and Commercial Relations (Mr. Drea) wanted to address some particular matters of the legislation. I can only repeat what I have already said in response to the question and what has been said consistently since this line of questioning was introduced in the House, that the government wanted to provide the opportunity. It was quite open in making its intentions known. It has not in any way written off the possibility of that ultimately becoming part of the legislative package of this province. It simply asks for the opportunity for those who have some

contribution to make in this general discussion to appear before the committee.

**Mr. T. P. Reid:** Supplementary, Mr. Speaker: Is the minister not aware that last week in this very House we went through a process in which we decided collectively that the Legislature and the committees of the Legislature—in this case the standing committee on administration of justice—had a fundamental right to pursue their aims and objectives and that their voice should be heard? We established in the Re-Mor case that those documents should be provided on a majority vote and, even in this particular case, members of all three parties agreed to it. We are only trying to provide a minimum as far as severance pay goes, and why can we not have that in place before we leave before Christmas?

**Hon. Mr. Welch:** Mr. Speaker, all I am pointing out is that it is absolutely the same question. We have been very consistent, and to attempt to indicate that the government is not sympathetic to this matter is completely irresponsible. It is amazing what a full gallery will do on an afternoon as far as grandstanding is concerned.

Interjections.

**Mr. T. P. Reid:** Mr. Speaker, on a point of personal privilege: The minister is imputing motives to all of us in this chamber, and it is not a matter of that. We are facing hard times. We want to see some minimum standards in severance pay.

**Hon. Mr. Welch:** I am not imputing motives to any other member except the one whose question I am responding to. The member can wave his arms around, but he is not going to convince thinking people in this province that this government has adopted any position in opposition to the principle we maintain coming from this side. The members opposite want to foreclose the opportunity of public input into this particular discussion.

#### LIQUID INDUSTRIAL WASTE

**Mr. G. I. Miller:** Mr. Speaker, I have 300 letters here addressed to the Premier (Mr. Davis) and the Minister of the Environment. I would like to read one of the letters and then pose a question on the point that the writer is making. This letter, from one of the students in Haldimand county's J. L. Mitchener Public School, is addressed to the Premier:

"Although I am not yet of voting age, I am nevertheless deeply concerned that any provincial government in a free, democratic country such as Canada"—

**Mr. Speaker:** Order. Is this a petition?

**Mr. G. I. Miller:** It is a question, Mr. Speaker.

**Mr. Speaker:** Is there a question?

**Mr. G. I. Miller:** There definitely is—"should arbitrarily suspend the citizens' rights to full independent hearings on such an important"—

**Mr. Speaker:** What is the question?

**Mr. G. I. Miller:** I am coming to it, Mr. Speaker.

**Mr. Speaker:** What is the question? Put your question forthwith.

**Mr. G. I. Miller:** Given that this letter was written by a 12-year-old, Christine Clinton, from the public school in Cayuga, will the minister rescind the decision to proceed with the permanent liquid industrial waste treatment facility and follow the province's own environmental assessment process, which includes a full environmental study under the terms of the Environmental Assessment Act and an independent public hearing by the Environmental Assessment Board before proceeding with any such facility, so that the rights and the privileges of the people of that part of Ontario are protected and not bought by money?

**Hon. Mr. Parrott:** Mr. Speaker, I am going to have to ask the member to put up on the accusation that somebody is being bought. I want to know who and by how much, and I want to know it now.

**Mr. G. I. Miller:** What I am asking is for the rights of the people of that part of Ontario to be protected by the legislation of this Legislature. That is all. It is a simple question, and I expect an answer.

Interjections.

**Mr. Speaker:** Order. I distinctly heard the member for Haldimand-Norfolk saying that somebody was being bought. Is that what you meant to say? That is an imputation of motives.

**Mr. G. I. Miller:** They are proposing to put in a bridge to appease the area. There was a study made indicating that lands in classes 1, 2, 3 and 4 should not be used for waste purposes, and that study was brought out in 1979. They brought out another study in August of this year indicating that the land should be utilized, and they spent \$425,000 on that study. If the minister can explain to the people in my area how that is not—

**Mr. Mancini:** They are being bought with their own money.

**Mr. G. I. Miller:** Correct. People are being bought with their own money. I think it is obvious that the people want a fair hearing under the legislation of this Legislature.

**Hon. Mr. Parrott:** Mr. Speaker, I still have not heard a response to the "being bought" accusation. That really concerns me a great deal. If the placing of a facility like a bridge is buying people, the House is frequently asked to buy the people. That is utter nonsense. Of course we put in facilities. Of course we put in hospitals and schools and bridges. That is the thing we do. But that was not the implication in that question. I am totally unsatisfied.

I do not press, but let me tell about the hearing. I have said it here consistently for two weeks. There will be a hearing; it will be on the technology and on the safety of that site.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Mr. Mackenzie:** Mr. Speaker, I have a serious question for the Deputy Premier. I wonder whether he will explain to the House—

Interjections.

**Mr. Mackenzie:** Will the Liberals along there sit down?

**Mr. Speaker:** The member for Hamilton East can continue.

Interjections.

**Mr. Sargent:** On a point of order—

**Mr. Speaker:** Will the honourable member just take his seat? Please take your seat.

**Mr. Sargent:** Will you listen to my question?

**Mr. Speaker:** No, I will not. It is as simple as that.

**Mr. Mackenzie:** Will the Deputy Premier tell this House, and give us a clearer answer than he did a few minutes ago, why he is prepared to move on amendments to the Pensions Act before the umbrella groups can have the hearings to have some input into those amendments, and yet he is not prepared to move on the amendments with reference to severance pay when he has a unanimous recommendation of the committee? How does he explain this double standard that is apparent in this House?

**Hon. Mr. Welch:** Mr. Speaker, I see them as two separate items, and we are attempting to show how those matters referred to in the legislation being introduced by the

Minister of Consumer and Commercial Relations could proceed. What I was attempting to do, and we have both ministers here, was to explain the consistency of the position being taken by the Minister of Labour, who was attempting to emphasize the importance of the process.

I do not think anyone was calling into question what the ultimate resolution may be with respect to principle. Rather, the process being put in place is to provide an opportunity with respect to severance for those who have some interest in the subject to make presentations. I asked the question, why would the member not want to hear these representations? That is all. That is the basic distinction to be made in these two issues.

**Mr. Mackenzie:** He is not consistent in terms of the pensions. He is not consistent.

**Mr. Speaker:** Order. You are just repeating questions asked previously today. It was just a repetition of your previous question.

#### FEDERAL AID TO TRANSPORTATION

**Mr. Ashe:** Mr. Speaker, I have a question for the Minister of Transportation and Communications. Is the minister aware of a news report last week on a local radio station which suggested the Liberal government in Ottawa is finally recognizing its responsibilities of commitment to public transit in this province and indicated through a statement by the federal Minister of Transport, Mr. Pepin, that it is prepared to provide the \$30 million negotiated with the previous government in Ottawa? Is that a fact?

**Hon. Mr. Snow:** Mr. Speaker, I am not aware of that. I had a luncheon meeting with Mr. Pepin on Monday of this week and he did not mention any change in his plan; so I am not aware of any change.

**Mr. Ashe:** In that same news report, of which I have a transcript, there is an indication given by Mr. Pepin that each province receives \$10 per person in grants, which for Ontario would be \$85 million. The implication is that this is per annum. Is that correct?

**Hon. Mr. Snow:** Some of the press reports I saw, as well as Hansard from Ottawa which was sent to me, indicated Mr. Pepin saying in Hansard that Ontario got \$68 million per year under the urban transportation assistance program. I know that was obviously a mistake on Mr. Pepin's part, because the \$10 per capita is for a five-year program based on \$2 per year, which gives Ontario \$16.25 million a year, not \$68 million a year. If it

were \$68 million a year, I would be much happier.

**Mr. Speaker:** Do we have the unanimous consent of the House to revert to statements by the ministry to allow the Minister of Education to make a statement on something the minister thinks is of very important significance?

Agreed to.

#### STATEMENT BY THE MINISTRY

##### NORFOLK TEACHERS' DISPUTE

**Hon. Miss Stephenson:** Mr. Speaker, I should like the honourable members of the House to know that I have just been informed that the teachers of Norfolk county have ratified, by a vote of 172 to 50, acceptance of the offer and the schools will reopen on Friday.

**Mr. G. I. Miller:** Mr. Speaker, for clarification, the rumour is going around that the students of Norfolk county will not be accepted at the University of Waterloo or at Ridgetown this year. Can the minister tell us whether that is correct?

**Hon. Miss Stephenson:** Mr. Speaker, that has not been the position of any university or post-secondary institution in Ontario under any circumstance. The students in the county of Norfolk have more than adequate time to make up time that was lost, through a number of mechanisms that have been suggested to both the board and the teachers' federation, to ensure that their educational program is complete.

#### ORAL QUESTIONS

##### ITALIAN EARTHQUAKE

**Mr. Grande:** Mr. Speaker, I see the Premier is taking his place. Well, in the absence of the Premier from the Legislature, I will ask—

**Mr. Speaker:** Will you please put your question?

**Mr. Grande:** My question, Mr. Speaker, is to the Premier. In view of the fact that on Monday, December 1, I asked the Premier a question regarding making representation and using his influence with the federal government to allow entry into our country of all the earthquake victims who wish to emigrate to Canada, whether or not they have close family ties here, and in view of the fact that he agreed at that time to make such a representation to the government in Ottawa, has the Premier talked with the federal Minister of Employment and Immigration? If he has, what was the response? If he has not, does

he realize he is allowing Stuarts-come-lately to exploit the issue for political purposes?

**Hon. Mr. Davis:** Mr. Speaker, I do not want to get into the same problem as yesterday, which I will reply to in a second. I did not hear the last part of the question.

**Mr. Grande:** For the benefit of the Premier, perhaps from now on I should yell a little louder.

**Mr. S. Smith:** On a point of privilege, Mr. Speaker: I had a little difficulty hearing the member. I believe the member did say, and it is reported to me that he did imply, that I had somehow been trying to exploit the issue of this devastating tragedy in Italy for political purposes. I would suggest that is a very dishonourable motive to impute and I would ask the member to be a gentleman and withdraw that totally dishonourable imputation of motive.

**Mr. Grande:** Since the Premier has asked me to—

**Mr. S. Smith:** I ask you to rule, Mr. Speaker, that that deliberate and most dishonourable imputation of motive be withdrawn by the member.

**Mr. Speaker:** I heard your point the first time. Will the member for Oakwood please take his seat? If what the Leader of the Opposition heard is what you said, I ask you to withdraw it. I did not hear it but, if that is what you said, I would ask you to please withdraw it. It is a statement unbecoming of a member of this House.

**Mr. Grande:** Mr. Speaker, the question to the Premier, so the Leader of the Opposition can hear—

**Mr. Speaker:** Order. Is the Leader of the Opposition misquoting the member for Oakwood?

**Mr. Grande:** Yes, of course.

**Mr. S. Smith:** Oh, be a man. Say what you said. Repeat what you said.

**Mr. Speaker:** I will have to look at the record to see whether the observation made by the member for Hamilton West is valid.

Interjections.

**Mr. Speaker:** Order. I will check the record. Will the member for Oakwood please repeat his question?

**Mr. Grande:** Thank you, Mr. Speaker. My question was to the Premier. In view of the fact that on Monday, December 1, I asked the Premier to make representation and use his influence with the federal government to allow entry into our country of all the earthquake victims who wish to emigrate to Canada, whether or not they have close family

ties here, and in view of the fact that the Premier at that time agreed to make such representation to the government in Ottawa, has the Premier talked to the federal Minister of Employment and Immigration and, if he has, what was the response? If he has not, does he realize that he is allowing Stuarts-come-lately to exploit the issue for political purposes?

**Mr. S. Smith:** Mr. Speaker, on a point of privilege—

**Mr. Speaker:** I still have not got the significance of what was said.

**Mr. S. Smith:** Mr. Speaker, there are many political issues on which I really do not mind this kind of jesting, I can assure you, but on this particular matter the clear statement by the member was that the Premier, by not going to the federal Minister of Employment and Immigration, was allowing a Stuart-come-lately, obviously referring to my visit with the minister yesterday, to exploit the issue of the Italian earthquake victims for political purposes.

I do not mind if the member wants to suggest that I am able—

**Mr. Mackenzie:** What are you doing right now but exploiting it?

**Mr. S. Smith:** Yes, I issued a press release; that is correct.

I do not mind if the honourable member wants to suggest that I adopt a number of policies and so on with an eye to the electorate. If he wants to say that sort of thing, that is fine. We say that about each other all the time in this House. But it just so happens that I have been very profoundly moved by the tragedy in Italy, and in the most sincere way I stood in this House on December 1 and asked as a very ordinary and polite question that a suggestion be taken up, which I then took up myself. He is implying that the motive for this was somehow an attempt to exploit the deaths and the suffering and the maiming of people for political purposes, and that when he asks questions it is simply from the purest of motives, but that anybody else who might be interested in the matter is only speaking out of political motives.

I say to you, Mr. Speaker, we have had a number of jests here and a number of insults back and forth, which we all get used to, but on this issue I insist that the member of the New Democratic Party withdraw the imputation, because I am sure neither the Premier of the province nor I, nor anyone else in this House, has been moving on this matter to exploit the issue



for political purposes but rather out of humanitarian consideration. I took the Premier's motive that way when he donated money on behalf of the people of this province, which he did very sincerely and was very moved at the time, and I would like my own motivation also to be taken that way. I ask the honourable member to be a gentleman and withdraw that very dastardly imputation.

**Mr. Speaker:** Does the member for Oakwood have anything to say?

**Mr. Grande:** Mr. Speaker, if that offends the Leader of the Opposition in this province, then I will change my remark to "Johnnies-come-lately to exploit the issue for political purposes."

3:10 p.m.

**Mr. Sargent:** Mr. Speaker, the members of the New Democratic Party have not had the real guts to join with us in defeating the government, yet they take these kinds of shots which are unbecoming to most members of the party. I insist, sir, you make the member for Oakwood take that back and apologize.

**Mr. Speaker:** My only commitment was to check the record and see if anything that was said was unacceptable and unparliamentary. I will report back. Does the Premier have a response to the question from the member for Oakwood?

**Mr. S. Smith:** No member of this House has been exploiting it for political purposes. That does not deserve an answer.

**Hon. Mr. Davis:** Mr. Speaker, I say to the Leader of the Opposition that it happens in many sessions that the fact we are coming to a Christmas break is perhaps not a bad thing. As I tried to say to the Leader of the Opposition, we all play politics. I will get around to the point of order that the member raised because he had been asked by the press. I happen to know that is probably why he raised it earlier today. In doing so, I will endeavour to answer the question.

**Mr. Laughren:** Are you imputing motives already?

**Hon. Mr. Davis:** I am not imputing motives. I am telling the member the facts of life.

I think we could all do ourselves a little favour. I am prepared to express a point of view to the member for Oakwood for something he felt was a little bit upsetting to him yesterday. I do not impute any motives with respect to his interest. I say that quite gen-

uinely with respect to the earthquake situation in Italy. But if one were to pursue what he was saying a moment or two ago, he might have a word with the member for Wentworth.

**Mr. Isaacs:** Mr. Speaker, on a point of privilege—

Interjections.

**Hon. Mr. Davis:** The member is talking about the give and take in this House. He is talking about the imputation of one member and what he has said.

Interjections.

**Mr. Speaker:** Order. If the Premier is prepared or wishes to answer to the question posed by the member for Oakwood, will he please say so right now.

**Hon. Mr. Davis:** Yes, Mr. Speaker. Before the member for Wentworth gets too upset, I meant the member for Wentworth North (Mr. Cunningham). Before the member for Ottawa Centre (Mr. Cassidy) chuckles too much, I wish he would read what one of his members said and wonder, as I am wondering out loud, whether he wants to be associated with that. I pose that as a question and I intend to say no more. I will deal with the question, Mr. Speaker.

**Mr. Speaker:** Forthwith, to the member for Oakwood.

**Hon. Mr. Davis:** Mr. Speaker, my recollection of my answer was that I did not give any undertakings, because I do not like to give undertakings where I feel I cannot accomplish something or where the government itself has not made a determination.

What I think I said to the honourable member was that we shared the concern. I pointed out to him that, unlike some provinces where they treat it as a matter of joint or divided jurisdiction, the approach we have taken in this province is that immigration has been solely the responsibility of the government of Canada. I think I went on to say my impression was that Mr. Axworthy was dealing with this matter—this was about a week ago—in a way that I felt appeared to be going in the right direction. I think the government shares the concerns expressed by all members of the House as to what more we might be doing. I am not sufficiently knowledgeable to know exactly what those things may be.

I anticipate the government of Canada will be making further alterations to its policy. I anticipate this with respect to the concerns all of us have expressed. I convey that to the honourable member. I assure him this government will make every effort, both in terms of rehabilitation and in terms of those people

who are coming to Ontario, to assist in any way we can. If this means further discussion with the government of Canada with respect to immigration, if the government of Canada says this is all we are going to do, then I am prepared to undertake this. But I say to the honourable member, my impression is that the government of Canada is giving further consideration to the points that are being raised.

On the point of order he raised earlier today—

**Mr. Di Santo:** Just apologize.

**Hon. Mr. Davis:** For once why does the member not just sit and listen? He can be so self-righteous.

**Mr. Grande:** Will you answer the question I asked?

**Hon. Mr. Davis:** I am replying to the point of order which I gather the member raised. I have not read Hansard. I do not intend to read Hansard. I know exactly what transpired yesterday. I can almost tell him what was said. He directed a question to the Minister of Education, who was not in her seat, and he redirected to me. I listened and I tried very hard, but I say to him quite honestly, I do not hear most of what he is saying. I do not know whether it is the acoustics, whether it is because perhaps he should talk with a little more volume—I have the same trouble with the member for Beaches-Woodbine (Ms. Bryden). I do not know what it is about those two seats. I do not.

**Mr. Breaugh:** Can you hear me all right?

**Hon. Mr. Davis:** I never have difficulty hearing the member for Oshawa. I can hear him here. They can hear him in Oshawa. I never have that problem.

I cannot even recall how the member concluded the final part of his question. I only say to him, I have never in this House in any deliberate fashion attempted to embarrass another member of this Legislature in the way that one or two members—only one or two members of the gallery—were suggesting.

If the honourable member felt this was happening, I offer my apology. However, I would give him a little word of advice: For heaven's sake, develop a minimum sense of humour. I have listened to his colleagues across there—

**Mr. T. P. Reid:** Can't expect an NDPer to have a sense of humour.

**Hon. Mr. Davis:** Of course they do not have any sense of humour.

I have listened to some of his colleagues call into question the intellectual capacity

of people on this side of the House for the past 20 years. But does he know something? I do not object to it. But please, if we suggest facetiously on occasion that the people over there are not so bright—in fact, I think the public has demonstrated over the years they regard that to be the truth—please do not take umbrage.

I should say one further thing on his point of order, which I did not hear, but I understand he said he was not satisfied with my answer. If he checks Hansard, which I have not, he will see I did not attempt to answer his question. I redirected it to the minister to whom he had initially directed the question. So how in heaven's name could he be dissatisfied with my answer? That is my reply to the member's point of order.

#### REPORT IN TORONTO SUN

**Mr. Cunningham:** Mr. Speaker, on a point of privilege: I heard, on what I guess they call the squawk box, reference made to me. The Premier (Mr. Davis) talks about others being self-righteous. I think he has the sole domain of that tied up.

It is regrettable that the Premier wants to continue this matter. Frankly, I regret the attention that has been given to this and the attendant embarrassment that has resulted for the member for Oriole (Mr. Williams) and his family. I regret that the Premier has chosen to make such an issue of it.

#### REPORTS

##### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Cureatz from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Housing be granted her Majesty for the fiscal year ending March 31, 1981:

Ministry administration program, \$11,696,000; community planning program, \$91,300,000; land development program, \$35,054,000; community development program, \$23,036,000; Ontario Housing Corporation program, \$126,938,000; Ontario Mortgage program, \$9,812,000.

**Mr. Speaker:** Could we have a little order please? It is extremely difficult to hear these reports being read.

3:20 p.m.

STANDING COMMITTEE ON  
GENERAL GOVERNMENT

Mr. Cureatz from the standing committee on general government presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr42, An Act respecting the Italian Canadian Benevolent Corporation (Toronto District).

Your committee begs to report the following bill without amendment:

Bill Pr46, An Act respecting the Borough of York;

Your committee would further recommend that the fees, less the actual cost of printing, be remitted on Bill Pr42, An Act respecting the Italian Canadian Benevolent Corporation (Toronto District).

Report adopted.

STANDING COMMITTEE ON  
SOCIAL DEVELOPMENT

Mr. Gaunt from the standing committee on social development presented the following report and moved its adoption:

Your committee recommends that Bill Pr31, An Act respecting Canadian School of Management, be not reported and that the fees, less the actual cost of printing, be remitted with respect thereto.

Report adopted.

STANDING COMMITTEE ON  
RESOURCES DEVELOPMENT

Mr. Villeneuve from the standing committee on resources development reported the following resolution:

That supply in the following amount and to defray the expenses of the Provincial Secretariat for Resources Development be granted to Her Majesty for the fiscal year ending March 31, 1981:

Resources development policy program, \$2,821,000.

Mr. Villeneuve from the standing committee on resources development presented the following report and moved its adoption:

Your committee recommends that Appendix A, Mineral Aggregate Resource Planning Policy for the Government of Ontario, dated September 2, 1980, or any version thereof, be not approved as government policy, but rather any policy deemed necessary after the passage of Bill 127, An Act to revise the Pits and Quarries Control Act, 1971, be developed

in conformity with the bill as approved by the House.

On motion by Mr. Villeneuve, the debate was adjourned.

Mr. Laughren: Mr. Speaker, I wonder if you and the members of the House would allow me to present a petition. There was so much noise at the time the orders were called that I was unable to hear you.

Mr. Speaker: Do we have unanimous agreement to revert to petitions?

Agreed to.

Mr. Laughren: Mr. Speaker, there is still a Christmas spirit.

PETITION

EXTENDED CARE

Mr. Laughren: To the Lieutenant Governor and the Legislative Assembly from the residents of Rayside-Balfour within the regional municipality of Sudbury; this is signed by 1,314 residents of that fine community: "We, the undersigned citizens of Rayside-Balfour, would like to see an extended care wing added to the Rosemont residence in Chelmsford as soon as possible in order to accommodate senior citizens of the area who can no longer look after themselves."

Mr. Speaker: Who will pay for that?

Mr. Laughren: We will get the money where we can.

Mr. Speaker: The honourable member knows that he cannot address a petition that prays for the expenditure of funds. We will simply send it to the appropriate minister.

MOTION

HOUSE SITTING

Hon. Mr. Wells moved that on Thursday, December 11, 1980, the House sit at 10 a.m. with routine proceedings at 2 p.m.

Motion agreed to.

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

Hon. Mr. Wells: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 405, 407, 414, 418, 419, 423 and 424 standing on the Notice Paper. (See appendix, page 5180.)

ORDERS OF THE DAY

THIRD READINGS

The following bills were given third reading on motion:

Bill 118, An Act respecting the Registered Insurance Brokers of Ontario;

Bill 168, An Act to amend the Juries Act, 1974;

Bill 169, An Act to provide for Liability for Injuries caused by Dogs;

Bill 182, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 187, An Act to amend the Retail Sales Tax Act.

#### ONTARIO UNCONDITIONAL GRANTS ACT

Hon Mr. Wells moved third reading of Bill 199, An Act to amend the Ontario Unconditional Grants Act, 1975.

**Mr. B. Newman:** Mr. Speaker, may I make a comment on section 1(2) of Bill 199, which reads as follows: "Where the minister is of the opinion that property taxes in a municipality are unduly high or have been or may be unduly increased because of (a) a substantial loss of revenue previously available to a municipality . . . the minister may, by order, make a grant or a loan to the municipality under such terms and conditions as the minister considers necessary in the circumstances."

I would like the minister to assure us that under this section of the act, this would mean that the city of Windsor now can expect some assistance on the \$35 million that is owing to it as a result of the Ontario Unconditional Grants Act in the past.

Motion agreed to.

#### THIRD READINGS

(continued)

The following bill was given third reading on motion:

Bill 200, An Act to amend the Regional Municipality of Peel Act, 1973.

#### INSTITUTE OF CHARTERED SECRETARIES AND ADMINISTRATORS IN ONTARIO ACT

Mr. Belanger moved second reading of Bill Pr41, An Act respecting the Institute of Chartered Secretaries and Administrators in Ontario.

Motion agreed to.

Third reading also agreed to on motion.

3:30 p.m.

#### JEWISH FAMILY AND CHILD SERVICE OF METROPOLITAN TORONTO ACT

Mr. Rotenberg moved second reading of Bill Pr45, An Act respecting the Powers of

the Jewish Family and Child Service of Metropolitan Toronto.

Motion agreed to.

Third reading also agreed to on motion.

#### REDEEMER COLLEGE ACT

Mr. Ashe moved second reading of Bill Pr48.

Motion agreed to.

Mr. Ashe moved third reading of Bill Pr48.

**Mr. Nixon:** Mr. Speaker, it seems to me that the committee changed the name of that bill. Why does that not appear on the official list as it goes through second and third reading procedures?

**Mr. Speaker:** It should have if that is the case.

**Mr. Ashe:** Mr. Speaker, the name was changed by a duly approved motion in committee.

**Mr. Speaker:** And it is not reflected on the Order Paper?

**Mr. Ashe:** Not in the designation on here, Mr. Speaker, but I am sure it is designated in the appropriate—

**Mr. Nixon:** This is the only appropriate place.

**Mr. Speaker:** If that was the intent, I think it should be corrected now before it gets third reading.

**Mr. Nixon:** Why can we not move third reading with the appropriate name, Mr. Speaker? We would certainly agree to that.

**Mr. Ashe:** Mr. Speaker, you will note when I moved second and third readings, I just used the bill number and not the name in any event, on the assumption that the correct name would of course appear in the final printed bill.

**Mr. Speaker:** The problem is the table officer designates it by its name.

**Mr. Nixon:** Why do you not move it with its proper name??

**Mr. Ashe:** I don't remember what it was. I now have to remember what it was.

**Mr. Nixon:** Was it not Redeemer Calvinist Reform or something like that?

**Mr. Ashe:** If you would carry on for a moment, Mr. Speaker, I can clarify the actual name we amended it to.

**Mr. Speaker:** We will withhold the motion for third reading and see whether we can get that information.

## GRADORE MINES LIMITED ACT

Mr. Rotenberg, on behalf of Mr. Ramsay, moved second reading of Bill Pr49, An Act to revive Gradore Mines Limited.

Motion agreed to.

Third reading also agreed to on motion.

## CITY OF KINGSTON ACT

Mr. Watson moved second reading of Bill Pr50, An Act respecting the City of Kingston.

Motion agreed to.

Third reading also agreed to on motion.

## HAMILTON CLUB ACT

Mr. Nixon, on behalf of Mr. S. Smith, moved second reading of Bill Pr51, An Act respecting the Hamilton Club.

Motion agreed to.

Third reading also agreed to on motion.

## McCULL FARMES LIMITED ACT

Mr. Watson moved second reading of Bill Pr53, An Act to revive McCull Farms Limited.

Motion agreed to.

Third reading also agreed to on motion.

## THIRD READING

The following bill was given third reading on motion:

Bill Pr48, An Act to incorporate Redeemer Reformed Christian College.

ITALIAN CANADIAN  
BENEVOLENT CORPORATION  
(TORONTO DISTRICT) ACT

Hon. Mr. Gregory, on behalf of Mr. Rotenberg, moved second reading of Bill Pr42, An Act respecting the Italian Canadian Benevolent Corporation (Toronto District).

Motion agreed to.

Third reading also agreed to on motion.

## BOROUGH OF YORK ACT

Mr. MacDonald moved second reading of Bill Pr46, An Act respecting the Borough of York.

Motion agreed to.

Third reading also agreed to on motion.

## HUMAN RIGHTS CODE

(continued)

Resuming the adjourned debate on the motion for second reading of Bill 209, An Act to revise and extend Protection of Human Rights in Ontario.

**Mr. McClellan:** The ex-leader of the Liberal Party should not go away mad; he will get time too.

Mr. Speaker, I want to continue the remarks I had started to make the other evening. I will not repeat, but let me at least recapitulate. I think I was simply stating a reality when I said the bill really deals in a thorough way with only one group of people—that is the physically handicapped.

As I said before, there is a great silence in the bill and it is a very regrettable silence. It has to do with sexual orientation. I think the government should read the words of distinguished commissioners of a few years ago who were authors of the report on human rights in Ontario, *Life Together*. They were very clear and unequivocal with respect to the kind of discrimination that takes place within our society because of sexual orientation. They recommended that sexual orientation be included in a modern updated code. I hope there is still an opportunity on the part of the government to remedy that defect.

Other groups that are referenced in Bill 209 are really just referenced and not provided the same kind of comprehensive coverage that the physically handicapped are afforded. Let me illustrate again: I said the other night I did not think women were dealt with particularly effectively under this bill, and the minister sort of scrunched up his face in disagreement.

Let us look at the sexual harassment provision and—I don't wish to seem flippant—look at it in the context of another bill that we just gave third reading to a few minutes ago. A few minutes ago we passed Bill 169, An Act to provide for Liability for Injuries caused by Dogs. One of the things we did in that bill was remove the right of the dog to a free bite, if I am not mistaken. I have not been following that bill with great attention, but I thought what we did in that bill was say the dog no longer has a free bite.

3:40 p.m.

Looking at the Human Rights Code in front of us, discrimination by virtue of sexual harassment is barred only if it is persistent. What does "persistent" mean? How many incidents of unwarranted and unwanted sexual solicitation or sexual harassment must a woman put up with before she is afforded pro-

tection under the act? That is the kind of thing I am talking about when I say other groups are dealt with in a very cursory way or not at all. That is regrettable.

I want to focus on the position of the physically handicapped, because that is ostensibly what this bill deals with. Let me try to be more clear today. If it is the purpose of this bill to end discrimination in Ontario against the physically handicapped, it is not going to happen by virtue of this statute. I do not think anybody should delude himself that the kind of discrimination and exclusion that handicapped people have experienced in our society is going to be changed because of this act.

Discrimination against the physically handicapped is different from the kind of discrimination other groups of people experience. Discrimination against the physically handicapped is not simply personal or attitudinal, it is also structural. The physically handicapped are systematically excluded from housing accommodation, not simply because landlords are biased against handicapped people, but also because of the structural problem that buildings are not adapted to accommodate handicapped people. Handicapped people are excluded from the work place, not just because employers are biased against handicapped people and have a bad attitude, they are also excluded because our work places are not adapted to accept handicapped people in a physical way.

Unless the government is prepared to deal with the structural discriminations against the physically handicapped, this bill will be as useful as the kind of constitution we find in certain eastern European countries. It looks very nice on paper, but it does nothing to bring about an end to violations of human rights. If the physically handicapped are not permitted to gain access to normal rental accommodation on the basis of full equality with everybody else, then the discrimination is perpetuated. The bill before us has all kinds of loopholes. It has more loopholes than a loan shark's mortgage, unless the government deals with the structural problems.

I do not see any evidence on the part of this government that it is prepared to move on the structural problems with respect to occupancy. Let me repeat, it is not enough to have a nice little phrase that says every person has a right to equal treatment in the occupancy of accommodation.

Unless the government is prepared to move on amendments to part five of the building code, unless the government is

willing to stop its hypocrisy with respect to exclusionary zoning bylaws which are prohibiting the development of group homes for physically handicapped or mentally retarded people in nearly all the municipalities of this province, unless the government is prepared to come up with programs to provide funding to establish independent-living apartment facilities with support services built in for the physically handicapped, this legislation will be meaningless because of the exemption possibilities.

With respect to employment, unless the government is prepared to deal with the issue of reasonable accommodation, which has to do with the right of handicapped people to have access in the first instance either to a personnel office or to the work place, the employment provisions of Bill 209 will not have any reality.

We had some discussion earlier in the session about sheltered workshops in this province. I raised a question to the Provincial Secretary for Social Development (Mrs. Birch) who, with her usual incapacity to understand, sloughed the answer off saying I was talking about sheltered workshops for the mentally retarded. I was not. I was talking about sheltered workshops for the physically handicapped. I do not have my file with me but somewhere between 30 and 40 per cent of the sheltered workshops for the physically handicapped in this province are not accessible to wheelchairs.

The mind boggles. These are workshops that are funded by the Ministry of Community and Social Services. These are workshops whose employees are working on the authority of a ministerial exemption from the minimum wage laws issued by the Minister of Labour, whose bill this is. The Minister of Labour is doing his own study of sheltered workshops, which pay something in the order of, on average, 30 cents an hour to handicapped people.

This is the kind of discrimination that this bill will not even be able to contemplate. I should correct that. There is a provision in section 14 of the bill. I welcome that provision very sincerely because it will be a way of getting a handle on what is going on in these sheltered workshops, particularly for the physically handicapped and physically disabled. It provides a means of review, I assume. The minister will correct me if I have taken the wrong interpretation, but it would be a means of reviewing whether an employee who is in a sheltered workshop by virtue of an exemption from

the minimum wage is really in a bona fide special program that is designed to relieve hardship.

My interpretation is precisely the opposite, if the minister is interested. I think a lot of these situations are the cause of hardship of our constituents who have been in sheltered workshops for pennies an hour over a period of 10 years. Does the minister think they are particularly pleased with this kind of patronizing, second-rate treatment? Of course they are not. I expect there will be litigation as quickly as this section is passed and there will be cases brought before the commission for its adjudication.

If they are not brought forward by other people, they will be brought forward by me. I think the situation in this province with respect to employment opportunities for the physically handicapped is an absolute and utter disgrace, and nothing in this bill will change that. That will only be changed by a series of programs initiated, I hope, by the Minister of Labour to deal with this exclusion of handicapped people from their rightful place in our work places. That will require not legislation, but programs.

Finally, there is the area of economic right. That is something that does not get addressed. But if we understand correctly that 80 per cent of handicapped people are unemployed, as the Canadian Council on Social Development tells us, we understand that group will be living on some kind of social assistance program. We have said the solution lies in the development of employment opportunities, but we cannot ignore the mess in income security programs. Again that is not something that can be dealt with in human rights legislation. But that is at the very heart and soul of the plight of physically handicapped people in this province and in this country, whether they are injured workers victimized by the Workmen's Compensation Board, or whether they are handicapped people on social assistance or welfare programs or whether they are handicapped people on Canada pension disability programs.

In any case they are the victims of a second-rate, haphazard, hotchpotch income security program that consigns them to sub-poverty levels of existence. How do we make the wonderful words of the preamble to this act have any kind of reality for those people? Nothing in this bill will do it.

If this government can only find the will and the determination to end these kinds of injustices, it could deal with them. The minister has promised reforms to the Work-

men's Compensation Act, but it is going to take a lot more than that. It is not simply going to be Weiler recommendations implemented that will deal with the economic injustice suffered by handicapped people. There will have to be changes right across the board.

3:50 p.m.

There are in this country something in the order of 86 separate income maintenance programs. It is absolutely mind-boggling. We have one of the worst and craziest social security systems in the western industrial world. The minister is dealing with a little tiny piece of it, a little tiny corner; the rest of it remains untouched. His government remains intransigent with respect to changes in the Canada pension plan as it affects disabled people. His government remains indifferent with respect to the inadequacies of our provincial and municipal social assistance legislation.

His government is dealing with a tiny piece in isolation, and nowhere is it dealing with the overall problem and the overall approach to economic rights issues as they affect handicapped people. Unless that is dealt with, the rhetoric in this bill will remain simply that. It is nice-sounding rhetoric but it will not mean very much to real people who live in wheelchairs or who walk with crutches.

In concluding, I want to talk very briefly about what has become a persistent problem with the commission. That has to do with its administration. There was a marvellous quote from Aneurin Bevan, "You can make your laws as nice as you like but what counts is the spirit of administration." That is where the real problem is with the Ontario Human Rights Commission in 1980. The minister knows it.

We have a Human Rights Code that appears to be fairly tough with respect to racial discrimination. It is already in the language of the statute. Yet there are serious problems of credibility within multicultural communities such as Metropolitan Toronto with respect to the capacity of the human rights commission to have any relevance, with respect to the capacity of the human rights commission to respond to complaints, with respect to the capacity of the human rights commission to investigate complaints within a reasonable period of time, with respect to the capacity of this commission to do anything within a reasonable period of time.

It is not as though the government was not warned. The report Life Together has long sections dealing with the lack of resources

available to the human rights commission. This was in 1977. I could not find the section that talks about the diffusion of resources, but it is something I recall the commissioners talking about in the Life Together report. They were simply spread too thin to do what was required of them under the act.

They give a warning on page 11 that I want to repeat. "The best legislation in the world is rendered useless if resources are not provided to put them into action." Further on it says: "Words alone carry no power. They can be with justice labelled 'window dressing,' which produces frustration and resentment among the victims of discrimination while bringing comfort to the forces that would divide our communities."

The record of the commission over the past few years has been one of rhetoric and window dressing. I say that to the minister as forcefully as I can. I believe the code has been rendered almost useless because of the failure of this government to fund it at an adequate level to employ sufficient staff to do what is required under the code, and to bring in the kind of people who could give leadership to the administration of the human rights commission. Unless that is done, this bill will simply be, as the commissioners predicted in 1977, window dressing.

That is all I wanted to say. I would be interested to hear from the minister what he intends to do with respect to the administration of the code. If he does not think he has problems in that area then he has been locking himself in his office and ignoring the voices of respectable community leaders in this city, in this metropolitan area and in this province. I do not think I have to spell it out in black and white for him. He has real problems and he is going to have to deal with them. He knows what those problems are as does virtually every other member in this House. Unless he deals with them, his fine rhetoric, his good intentions and his good draftsmanship, which I acknowledge in parts of Bill 209, will be an unfulfilled promise.

Mr. Nixon: Mr. Speaker, I want to commend the minister and his staff for bringing forward these amendments. I believe they are well founded and certainly well drafted. I want to say more about that in a few moments.

I was first elected to this House in 1962, the year when the original bill, which we now recognize as a landmark, was introduced. I hasten to assure the House I do not take any of the credit for that original legislation. It seemed to go through the House rather readily, without recognition that it was prob-

ably one of the most important endeavours any Legislature could undertake then or subsequently.

The minister introduced his ill-begotten bill last year, which might have been an amendment to this legislation. Every time it is referred to I notice he flushes, that is, in the physiological sense.

Hon. Mr. Elgie: I blush with regard to your flip-flop.

Mr. Nixon: Well, the minister must surely be aware of our support for any statute we might pass that safeguards and extends the rights of the handicapped. The minister did not have the intestinal fortitude in those days to bring back amendments that might have been subject to amendment in ways he was not prepared to support or even to contemplate. The bill was consigned, I think rather properly, to the dustbin.

The matter has been, in my view, put before us quite well in these amendments, although my colleagues who are quite anxious this be reviewed by a committee feel that, even in the instance of the rights of the handicapped, there are improvements that should be considered.

I mentioned the drafting of the bill. I can understand it was no easy task. In my opinion, it was well carried out. I am not sure whether the minister, in the quiet of his surgery, contemplated the words. He may have had nothing directly to do with it other than to provide the guidance and final approval, which in itself is of great importance.

I am not sure the preamble registers with the preamble of the Bill of Rights or the constitution of the United States, but it sounds well. I just want to read a couple of lines from the preamble:

"... the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . ." To continue: "... it is public policy in Ontario to recognize that every person is equal in dignity and worth and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of his community and able to contribute fully to the development and wellbeing of the community and the province."

I think they were well drawn indeed. As one reads and thinks about them, one real-



izes we have fallen short of that aim but it provides the structure which, in a slightly different climate, might allow us to move forward, not to perfection, although we as Liberals believe in the perfectability of mankind.

**Hon. Mr. Elgie:** Perfection of mankind.

**Mr. Nixon:** Not just yet. It does not really require the elimination of any party, although I have a couple in mind. I should say that at least the goals are there and are well expressed. It leads me to say we are fortunate in a community such as ours that so many people can almost say, "What do we need these things for, because we have been well protected by the laws as we have known and understood them?"

4 p.m.

The role of the human rights commission has not been a high-profile one, not one that intrudes on a daily and regular basis into the front pages of the dailies. I want to say something brief about that in a moment.

When we compare our traditions and way of life, our recognition of the rule of law in this nation and province with so many other nations where there is oppression, torture and the complete disregard for the value of human life and the self-realization of the human soul, we know that we live in one of the more fortunate jurisdictions anywhere. We are proud of it and if we can improve it, that should be one of our principal aims.

In listening to most of the debate I have been quite interested but I am not prepared to classify it in quality with other debates we have had. All the members know just what pinnacles of quality we achieve here and what opportunities we miss. It is an important debate and yet as so many tend to be, it is sort of a set piece without too much political confrontation in a matter like this. The battles are over in many senses before they begin. I even sense that the battle in this bill is over before it even begins. It is something that can be dealt with perhaps on other occasions.

The commission and its staff, which is highly paid and has an extremely important responsibility, is represented here and yet is singularly noticeable by its lack of interest in the actual views expressed by the members. I am sure this does not, in any way, indicate a disregard for those views and yet I do not know what it does indicate. It surely does not indicate a heavy portfolio of pressing work that means

that they cannot be here to listen to the views, whether they can be constructed as pearls or otherwise. I do not suppose it is essential that they be here.

As the member cranes his neck around to the left, I say again that I am well aware that the commission is represented. He is also aware that there have been criticisms, particularly about the administration of the commission and the fact that we ought to perhaps think again as the opportunities to re-energize the concepts of the commission come forward, as they must. I personally feel that we might have looked for other alternatives, not for personnel, but in ways to administer the commission in the past.

The minister has asked for additional funds for field officers, I believe they were called. I gather these people are going to be hired on their ability to communicate to editorial boards and community groups the importance of the commission rather than to go out and assist those individuals who might feel that their rights have been infringed upon. The past speaker and others have referred specifically to the budget we are pushing to expand and have said we are not interested in providing a public relations budget other than to inform the public of their rights and their recourse.

I have not been impressed with the reactions of the commission in cases that have come forward. I do not intend to try to reignite fire in a burned-out tinder but we can think of some that have been important public issues in Toronto and elsewhere where the human rights commission, in my view, might have expressed a view more readily understood or more reacted to by the community at large than it has. There is no reason I cannot be specifically critical, as I am, and I feel we have missed an opportunity to enlarge the public profile and response of the commission itself.

I believe the legislation has been in specific respects inadequate and we have talked about that. These amendments, being the only ones of significance that have been presented since 1962, go a large measure in making up those inadequacies; not completely by any means but they go a long way. I simply say again that I congratulate the minister and his advisers and his colleagues.

I do not know what he might do about improving the public view of the commission itself. It may be that when we particularly need them and a specific case comes up they will be there, probably fighting for individual liberties and human

rights. In spite of the general view of the community, that is really why they are there.

If rights are being infringed, where the community is in support of remedying those, of course, every member of the Legislature is bound to shoulder aside the chairman or anybody else in the human rights commission in an attempt to remedy those rights. It is when the matter is not so popular that the rights commission must come into its own and where strong, vocal, intelligent, and sensitive leadership is paramount. I do not think the commission has been significantly put to that test or has not found an occasion where, in my opinion, the test has even been tried, let alone passed.

I was talking to a former chairman many months ago now who was in no way expressing any views about the present administration; far from it. It was at the time when we were contemplating legislation establishing an Ombudsman. The view was expressed, I am not sure whether it was by the chairman or by others, that it was quite possible for the human rights commission through other types of legislation to have some of the Ombudsman's responsibility shared by the chairman of the human rights commission or some new board that might have shared those responsibilities.

As I look over the record of the past number of years, it occurs to me that is an alternative we might have considered. Of course, I am not so sure that in the course of the unfolding of the universe it is still too late. We should not feel that we are entrenched in administrative procedures that cannot be improved and changed.

It is not my intention to review the sections of the bill itself; my colleagues learned in the law have already put their views before you and our colleagues in the House. I understand the matter will be reviewed, if not at leisure at least at some length, in standing committee hearings early in 1981 and I know that those hearings will be important and significant. We can expect the bill to return either to this House or our successor, because there is no doubt that whatever party has the responsibility of the seals of office at that time, there is universal commitment to the concepts expressed in the preamble and the sections of the original bill and these amendments.

Mr. M. N. Davison: Mr. Speaker, I want to join with my colleagues in saying that I too think Bill 209 is a significant legislative step forward. I am sure many of us in the House on all sides would have hoped we could have done it earlier. In spite of our concern

in that regard, I think we all view it as a significant legislative step.

Viewed against the commission to which it addresses itself, however, I think we have to recall the remarks of my colleague from Bellwoods. It is fair to say, to paraphrase him, one of the biggest problems that the commission had was not the legislation it was charged with handling but in fact the way in which it handled that legislation. So it seems to me we have done here only one of two things that needed to be done, in very broad terms. We have come ahead with much better, much stronger legislation. I think we also have to come ahead in terms of the way in which that commission administers the legislation we have passed in the House.

What I want to speak to in the bill really is two of what I view to be major and outstanding problems with the bill. Unlike my colleague from Brant-Oxford-Norfolk, I do not think yet that the battle is over in that regard. In fact, it continues because that battle has yet to be won or lost. It is still open to us.

4:10 p.m.

When the minister introduced the legislation on November 25, as I recall, I said at the time I was very pleased that he had come forward with legislation that included specific reference to sexual harassment. I withdraw not a word of the congratulations that I offered at that time because in principle it is a very significant step. Many of us have—I certainly have—over the past number of years talked to women who have faced sexual harassment in the work place and the difficulties that have ensued from that. Until May of this year, there had never been in this country legislation introduced to the parliaments specifically to prevent sexual harassment. At that time, I came forward with a private member's bill and, subsequent to that, the government has come forward with its own legislation. I applaud its move in principle.

The problem for working women was a severe one and, as a matter of fact, still is a severe problem. All available evidence indicated that somewhere between 50 and 90 per cent of working women face sexual harassment in the work place. That is quite astonishing. For the record to substantiate that, I would offer a survey by the Ad Hoc Group for Equal Rights for Women which reported that 50 per cent of those surveyed reported experiencing sexual harassment on the job, a survey conducted by the Working Women's Institute which revealed 70 per cent and the famous Redbook reader response survey of

more than 9,000 women which showed that 88 per cent of women had experienced sexual harassment in the work place. It was a problem of stunning proportions.

The problem was that our legislation in Ontario prohibited only sexual discrimination. The commission was hearing sexual harassment cases at the time when I brought my bill forward in May. The initial reaction of the government was simply to say, "We have read our legislation as showing we can do something about this." In fact, I think that was not a good argument simply from sheer numbers. Although most women experienced sexual harassment, hardly any had gone to the commission. Those who had faced a commission that rejected most of the cases and provided very little assistance, even in the cases that were finally won with the greatest of difficulty before the commission.

I respect very much the fact that the Minister of Labour has changed his position from that time on the wording of the old human rights legislation and what that did or did not do to help working women in terms of sexual harassment. It is not very often we see the kind of shift in the Legislature as we have seen in this instance. I think it does the Minister of Labour an immense amount of personal credit that since May he has been able to change his position and come forward with specific legislation because, until the day this legislation is passed, nothing stands to help working women suffering from sexual harassment. Their options are limited to quitting, rejecting the advances at risk of their jobs or simply putting up with the harassment. I think that is fundamentally wrong, and I am glad we are moving finally to change that in Ontario.

The parts of the bill that deal specifically with sexual harassment are somewhat different from the bill I brought forward. The central concern I have about the bill is one I referenced by way of interjection when the minister spoke in this debate last night. It deals with the use of the word "persistent." I do not mean to speak to that particular section but really about the theory behind the use of the word "persistent" in the legislation. It seems to me that the very presence of that word "persistent" is the ultimate inadequacy of this part of the bill. It provides a gap so big that bosses and employers will be able to drive a truckload of employees through it.

What does "persistent" mean? The minister has to this point refused to define it, but it seems to me that persistent is more than once. Whether it is two times, 10 times, 20 times or 100 times, I do not know. I do not want

to leave that up to some commission. I am not impressed with the way this commission, currently structured, has handled women's issues, and I do not want to leave it up to that commission. I want us in the Legislature to be very specific about it.

As I read the legislation, if the boss should grab a lady and say, "Hey, baby, let's get it on in the stock room or else," that is not sexual harassment by the definition of this bill. That is the very thing we are trying to stop in Ontario, and I do not think it would do us any credit as legislators to leave such a gigantic loophole as we will do if we permit the word "persistent" to remain in this legislation.

It is from no pride of authorship that I argue stronger language more in keeping with my original bill but because this is inadequate, and I am glad the minister has decided to send the bill to committee over the winter so it can be amended. I hope it will be amended in that way because, in Ontario today, all working women run the risk of facing sexual harassment on the job and, because of that, having their livelihood jeopardized. Working women deserve more from this Legislative Assembly.

I think the wording in the bill brought forward by the government is unacceptable to the vast majority of working women, even though realizing the principle in itself is a significant step. I think working women in this province deserve strong protection against sexual harassment in the work place.

The other element of the bill I want to address briefly deals with the way it relates to the report *Life Together* and the regrettable failure of the government to adopt all the proposals brought forward and, most specifically, the proposals for outlawing or prohibiting discrimination in this province on the basis of sexual orientation. That is a real tragedy.

One of the first uses of the word "discriminatory" I found around this place was drawn to my attention by the member for St. George (Mrs. Campbell). She is not here at the moment, but I thank her for it. We were talking about discrimination in another context, which had to deal with the office of the Ombudsman. The question came up of what was improperly discriminatory, and the member for St. George responded, as only she can, by saying, "What on earth is properly discriminatory in this province?" I think this is not properly discriminatory and, if we could find a similar phrase to describe this in terms of discrimination, I would offer the phrase "popularly discriminatory," because

that is exactly what we are facing with the exclusion of sexual orientation from this bill. I do not believe we can deny basic human rights to any identifiable group in this society, but the government's failure to include sexual orientation, in spite of the Life Together report, does exactly that.

If it is not an over-personal reflection to bring into the House, I recall what human rights were about when I was growing up in the north end of Hamilton, which was a rather tougher neighbourhood than I guess most of us are from. When I was a kid, one of my two best friends was German and one was Japanese. Maybe that was a strange relationship for us, in some way an apology for what an earlier generation of people had done to each other in terms of degradation of civil rights, but it was a strong relationship that has taught me a lot. I think about my German friend from childhood and the lessons I learned—the simple fact that basic human rights in any community are invisible. He could speak to that in a way I cannot, but in a way I can appreciate.

I think about my Japanese friend from childhood and about the deep sense of personal guilt I had when I learned what Canada had done during the Second World War to the Japanese people living in this country, born in this country. Although it happened before my birth, I have a sense of guilt I will never be able to get rid of. I can recall going to my parents as a young person and saying to my parents with total innocence, as I guess only a kid can, that what happened to the Japanese during the war just was not fair. My parents said, "Yes, we know."

4:20 p.m.

I hope younger members or future members of my family and younger people in this province will not have to look back one day on what we did in 1980-81 in regard to basic human rights for gays in this province and say the same thing. That would be a tragedy. I do not want them to have the sense of guilt about that issue that I feel about the Japanese issue.

We cannot discriminate in this province between different kinds of discrimination. It is time for us to say that discrimination is fundamentally wrong and we will have none of it in Ontario. It would be an unfortunate act of moral cowardice on the part of this assembly if it did not take the opportunity that will be presented to do something about that by specific legislation.

We learned from hard experience in the north end of Hamilton that discrimination is

fundamentally wrong. In the words of an earlier time, "it just ain't fair."

**Mr. Haggerty:** Mr. Speaker, I want to address myself to Bill 209, An Act to revise and extend Protection of Human Rights in Ontario, and to support the bill in principle. I only hope the minister's opening statements will be accepted and the intent of the legislation will be reached to its maximum. As he stated, the legislation will place Ontario in the vanguard of human rights legislation, which is a rather rational statement to uphold.

It is broadening human rights legislation to include a wide spectrum of almost all persons in Ontario's social fabric. In particular, the purpose of the legislation has been to respond to certain recommendations of the report of the Human Rights Code review committee of 1977, Life Together.

One of the recommendations incorporated in Bill 209 relates to discrimination on the grounds of handicaps. That is prohibited in all areas of the code. I hope handicapped persons achieve this measure of independence and self-sufficiency based upon the capabilities and job opportunities available. The minister in his opening statement said: "In this particular area, handicap is broadly defined in section 9b and includes past, present and perceived physical disability, mental illness, mental retardation and learning disabilities. After much deliberation, we concluded that in this regard, Life Together had not gone far enough and none of the major categories of disabilities should be excluded. This is the broadest definition of any Canadian jurisdiction and will also protect the victims of past injuries, including those who have received workmen's compensation benefits."

That is going to cover a rather broad area if, as I interpret it, it goes back to past injuries that occurred to workers in the province. I suggest there are going to have to be many changes made in the Workmen's Compensation Act as it is today. I suppose the minister is going to have to move in that area if he agrees with Professor Weiler's report on new directions for the Workmen's Compensation Board to function in. I suggest there are some good recommendations in that area that will have to be moved on now. There should be a bill put forward here in this Legislature right now to incorporate the intent of that statement by the minister under this proposed human rights legislation.

I do not have to tell the minister about the problems I had in trying to obtain em-

ployment for injured workers even within the industry in which they were injured. Those industries turn them out on the street and say they have no responsibilities in this area. I look forward to key amendments to the Workmen's Compensation Act if we want to see this bill function as it should in relation to human rights and opportunities for the injured or handicapped persons in Ontario.

As has been mentioned before, the minister is going to have to make changes in the Ontario Housing Corporation. In my area, and I am sure in other areas in Ontario, handicapped persons are refused rental agreements on the basis that they do not have the necessary equipment to allow them to move about in wheelchairs or other means of transportation.

Group homes were mentioned earlier. The minister is going to have to give some direction to local municipalities. Some have moved in this area to accept group homes, for which we have to give them credit, but other municipalities have not moved in that direction. We are going to require amendments or different thinking by the Minister of Transportation and Communications (Mr. Snow) as it relates to the issuing of driver licences. I have had a number of cases brought to my attention of people who, because they are diabetic, are refused certain operators' licences, such as to drive a tandem dump truck. They cannot be employed in that area alone, and some of them have to sacrifice their income because they are diabetic, yet statements from their family physicians state it is controlled.

In this particular area, I think there may be a conflict with federal legislation as it relates to human rights legislation. I can recall a young chap who was working for the CPR in Thunder Bay in a track gang. He was only 19 years of age and all of a sudden they got a medical report and he was dismissed right there and then because he was a diabetic, and even though it was controlled he lost his job. I tried to get his job back for him, but they said there were certain rules that applied to persons employed at CPR and diabetics were not acceptable in their work force. I suggest we are going to need some new amendments to certain other pieces of legislation to bring about changes in this area, particularly in MTC legislation.

When one wants to seek employment with a government agency, for example, the Liquor Control Board of Ontario, I suggest that the minister take a good look at this application form. To sum it up, it says: "I hereby declare

that the foregoing information is true and complete to my knowledge. I understand that a false statement may disqualify me from employment or cause my dismissal." Some rather important questions are asked: "Have you any physical handicaps to sight, hearing, speech, limbs? Have you had or do you have any trouble with heart, lungs or back?" "Have you been treated for mental illness?" They ask for weight in pounds, and height.

There is another white form that must be filled out, and I want to read this into the record. If the minister tells me this is not discriminatory, I do not know how he is going to relate it to this new bill. This form is from the Liquor Control Board of Ontario, and it says: "Please use reverse for any detailed explanations. Please answer the following questions in full: 1. Have you ever had a serious illness, injury or operation? Describe and give dates.

"2. Have you ever been (a) refused employment because of your health; (b) refused life insurance; (c) rejected for services in the armed forces; (d) discharged from the armed forces for medical reasons? If yes to any of this section, please explain," and they have little blocks here for yes and no.

"3. Have you ever filed a claim for veterans' disability?"

"4. Have you ever filed a claim for compensation because of an industrial injury or disease and why?"

Then it goes on to the second page: "Have you ever had head injuries, visual defects, fainting spells, convulsions or fits; nervous conditions or breakdowns; spine or back injury; spine or back operation; hip, knee or foot injury; hip, knee or foot operation; shoulder, elbow and hand injury; shoulder, elbow and hand operation; heart trouble; lung trouble; asthma; hay fever; allergy; skin trouble; stomach trouble; kidney trouble; liver trouble; diabetes; hernia or rupture; bone infection; varicose veins or ulcers; broken or fractured bones; backaches"—boy, they have covered the whole anatomy here—"arthritis or rheumatism?"

4:30 p.m.

It goes on to say: "I certify the above answers are true to the best of my knowledge and will form part of my conditions of employment if accepted."

There is a complete medical history there, but I look at one particular item which says, "Have you ever filed a claim with the Workmen's Compensation Board for industrial injury or disease?" I do not have to tell the minister that this is just one of the many

forms a person who is seeking employment has to fill out today. If we look at this as it relates to injured persons claiming from the Workmen's Compensation Board, many of whom are trying to obtain employment, the minute they file an application like that they know the response is going to be nil. They will not be accepted. This applies not only to the Liquor Control Board of Ontario but also to many industries in the province where an injured worker has been trying to get established in industry.

Am I to interpret this particular section of the act the minister quoted, "any physical handicap," to say that the ministry or the government is going to come through with new legislation which says industry has an obligation to a worker who has been injured? Is the legislation going to say this person must be employed in industry, or is it going to shove him out on the street with a measly pension of about \$80, \$90, \$100 or \$200 a month and say: "That is industry's responsibility. We have paid for the injury"? This is the area I am concerned about.

I hope the intent of this legislation will give that provision, as the minister has indicated, to cover the person who has claimed from the Workmen's Compensation Board. If not, I would like to see amendments come forward in this session to increase the benefits to those persons who have been injured and who cannot be reasonably accepted in industry.

I mentioned veterans. When veterans came back from overseas there was always a job available for them in some government agency. Those persons had either been maimed by the war or had some war injury. I think of the Welland Canal, for example, which is now part of the St. Lawrence Seaway, where almost every person who served overseas and was injured, lost an arm or a limb, had a job available there. It is not there today.

When I first came into the Legislature there were injured persons here who were running the elevators in this building. We do not see those persons today. I suggest that in this piece of legislation there is going to have to be some clear-cut direction given to industry and governments saying there is a place for these persons in a society. There should be self-sufficiency. They should be employed so they can at least earn a decent wage to maintain a standard of living and look after their families. This particular bill is a step in the right direction. I support it.

Mr. Samis: Mr. Speaker, I rise to speak briefly on this bill. First of all, I will say I

am pleased to support it. I welcome the initiative that it represents. I congratulate the minister for the work that has gone into it, because I think it is probably the most far-reaching change in human rights legislation in the history of Ontario. On that basis I certainly welcome the bill.

I am especially pleased, as a member of the Legislature, by the inclusion of the provisions for the handicapped and those involving sexual harassment. I am pleased about the handicapped provisions because I think it represents a major change in the government's position. We all recall the policy advocated last spring in the Legislature that they were to be provided with separate legislation, distinct from the Human Rights Code. The handicapped organizations across the province, and I know in my own particular riding, as well as both opposition parties, fought hard to have the handicapped included in the Human Rights Code. Here we are at last. The government has changed its position. It has recognized the validity of the position advocated by the handicapped and the opposition parties and has incorporated the rights of the handicapped in the human rights code. I congratulate the minister for that.

I do not intend to repeat some of the proposals made by my colleague regarding the various provisions under the human rights legislation, especially dealing with accommodation, but I do hope the implementation of the provisions on the handicapped will be conducted by some sort of public education campaign on the rights and role of the handicapped in Ontario.

As for the provisions dealing with sexual harassment, I welcome those because I think they were badly needed. I think they will serve to protect women with at least a modicum of protection in the work place as well as the domicile.

Like most of my colleagues, if not all, I have severe reservations about the inclusion of the word "persistent" in the definition of the word "harassment." I really do not see the need for introducing the whole concept of persistence in the definition. I think it seriously undermines the real rights of the individuals affected, in that it makes redress that much more difficult and will cause all sorts of problems for those investigating and adjudicating the complaints under the provisions.

I can guess what the minister is going to say in defence of the inclusion of the concept

of persistence, but I believe the result will be a considerable weakening of the provision. Many individuals will wonder whether they really have any chance of obtaining justice if they have to prove not only the existence of the act or acts of harassment but also the degree of persistence.

To me, the act of harassment is reprehensible and repulsive. Surely the purpose of the code is to protect women from any and all forms of sexual harassment, especially at work. Why dilute the provision beyond that? If the act of harassment is a violation of a person's human rights, why do we have to introduce the concept of persistence or repetition at all? It simply does not make sense, and I am sure the women of this province will make their concerns well known to the minister and the committee in this upcoming winter session.

I welcome the inclusion of the provisions dealing with age for the young, because I think there were all sorts of problems there involving discrimination. I do have to confess, I have some doubts in my own mind as to the efficacy of the existing provisions as they relate to people over the age of 40. I have had frequent complaints in my riding office and I am very struck by the fact that people over 40 are not aware of the existing provision.

I welcome the provisions dealing with the rights of families vis-à-vis accommodations. I welcome the provisions especially protecting the rights of people on social assistance who suffer all forms of discrimination in our society. I welcome the provisions requiring the commission to commence proceedings within 30 days and to make a decision within 30 days upon completion of their investigation. I also welcome the fact that they will now be obliged to inform someone who has issued a complaint whether or not they are proceeding with the investigation of the complaint.

In closing, I want to emphasize something I think is crucial to the Human Rights Code; that is, some sort of campaign to make this known throughout Ontario so that everybody knows and understands what his or her rights are under this code. I am not talking about some sort of partisan, slick campaign such as we had this fall regarding energy, environment and all that sort of muck—industry and tourism as well. I mean a really meaningful information campaign, especially one designed to reach the people whose rights are being protected by these amendments: the women, the handi-

capped, the tenants and the young people. I have a feeling that most people in our province do not know their rights and know precious little about our existing Human Rights Code. The good intentions of the bill will go for naught if we do not effectively make people aware of their real rights and the recourse available to them.

I draw the minister's attention to the Business Practices Act, which I think was introduced here in 1975 by John Clements. I think it represented a fairly substantial improvement in terms of consumer rights, but hardly anybody in Ontario knows what those provisions are. Hardly anybody understands what added rights that bill gave them in terms of consumer transactions. I have a terrible feeling that bill has gone almost for naught because of the failure of the government to publicize its provisions and to make people aware of what their rights are.

I plead with the minister, once this bill is adopted by committee and receives third reading this spring, to see that the government embarks on a massive information campaign, specifically designed to make the people of Ontario know what their rights are and how those rights have been strengthened by the amendments adopted by this Legislature.

4:40 p.m.

**Mr. McGuigan:** Mr. Speaker, I rise to support Bill 209, "a new beginning," in the minister's words.

If I can reminisce for a few minutes, as did one of the other members, in 1933 I was 10 years old. That was the worst year of the 10 lost years of the great Depression. My family had a large operation in farming: fruit and vegetables, tobacco, and livestock. It was quite an extensive operation that employed a lot of people. While tractors were just coming into general use, most of the work of haying, hoeing, barn cleaning, thinning and harvesting fruit and all those operations were performed by hand. As the competition was fierce, both locally and with the United States, prices were low and, of course, wages were low. It was and still is a low-wage industry.

Each summer people, mainly those from the city of Windsor but also transients moving all across Canada mostly by the railways, came into the village of Cedar Springs and set up a hobo jungle. There were several of them in the village. As a youth I grew up in a hobo jungle in the summertime; I certainly learned a great

deal and had a great many experiences at a rather early and tender age.

Many of these people were new Canadians. They lacked language skills, they lacked educational skills and probably above all else—and this is in the context of those days—they were not considered at that time to be part of the mainstream of Canadian society and they were discriminated against because of that. Many of them were highly skilled, very moral and fine people.

One I remember used to entertain himself and everybody else by singing what I interpreted at that time to be grand opera. He really had a beautiful voice singing unaccompanied; he would entertain everybody. I do not know what the arias were from or even if that is the right word, but certainly it was great music. Some were mainstream people down on their luck. Two I remember particularly were bankers. They were hopeless alcoholics but very likeable, nice fellows who had been reduced to that work by alcoholism.

But common to all these people was their dignity and basic feeling of self-worth. Even in those very trying circumstances they had a humanity and dignity I have always admired throughout my life. Whenever I am in circumstances where I might feel sorry for myself, I always to this day think back to those people. It gave me a lifelong respect for the dignity of the human spirit and of the human person.

All of them were victims of the cycle of depression that seems to affect our society approximately every 50 years. I guess we are about the 50-year anniversary right about now. I hope it will not happen. But most of them were victims of some sort of discrimination; age, sex, colour and physical handicap were the most apparent. Creed and racial origin may have been factors but, in the raw crucible of the Depression, where such factors were brought out more than normal, this really was not apparent to me, especially as a child.

The older men and women were perhaps the most pitiful. They could not stand the hard physical work and the rough life and conditions. Women were paid the same as men—both equally low. Women were easy victims of sexual harassment. Even as a 10-year-old and later on throughout that period until it came to an end in 1939, it was very apparent to me the sexual harassment that was carried on—

**Hon. Mr. Snow:** When they got Hepburn defeated, things improved.

**Mr. McGuigan:** There were other events too. It was very evident to me how women suffered in those times. I certainly made it a rule in my own business that, whenever and wherever I became aware of any of that, I brought it to an absolute halt.

I share the same concern as other members about the word "persistent." I suppose the minister is torn between the position where someone might accidentally bump into another person and that would be considered sexual harassment in their view, or might be cause for laying a charge, as compared to a bona fide case that is brought about by persistence. It seems to me that somewhere between those two extremes a better word or a better definition should be found. I cannot suggest what it might be, but it seems to me there is a midpoint much earlier than persistence to protect women in that case.

In these hobo jungles that I spent my youth in, colour was not a problem, because I suppose in those very dark days a black person would not venture into the job market since it was rather a vicious place. But the physically handicapped were there.

I remember an immigrant from Yugoslavia who told me that in his own country where the climate was dry—I do not know Yugoslavia that well—in the summer time he slept out on the bare ground and when he came to Canada as an immigrant he continued this practice in the summertime for a year or two. He ended up a rigid arthritic. If I ever saw a person as stiff as a poker, it was that man. It was a great agony for him to work and yet he did work until quite well on in life.

I remember another person who was raised in the village and who lost his leg in a hunting accident as a young man. Of course, those were the days when there was no welfare or anything of that sort of thing. I did not see this but I am told he earned his living for a year or two by dragging himself around, up and down the strawberry rows and raspberries, and so on, simply dragging himself. He was helped by the community taking a collection and raising money to buy a wooden leg. Today you would say prosthesis, but then they talked about a wooden leg. That man married and raised a family. He is dead now. With the burden of that wooden leg, he kept up to everyone else. He never let down his human dignity. In my view, he was really a Terry Fox of a small community years ago. His name was Dan Attewell.

4:50 p.m.

I want to say how much I appreciate the provisions in the bill, especially for the



handicapped. We might criticize the government for bringing this forward so tardily. Those people who take the assumption that if we provide employment for these people we are going to take it away from somebody else must be ignoring the history of the post-war years, when the baby-bonus group hit the labour market and so many women came into the labour market and we actually had a frenzy of activity for a good many years. It seems that workers created demands that fed on themselves.

Adding these people to the work force, I submit, is only going to benefit society rather than take away from it. We would have to assume that there is nothing more to be done in this province, that we do not have lands that need reforestation, that we do not have lakes and rivers that require cleaning up, that we do not have the need for research and development and for great and small renewable energy projects. There are so many glaring opportunities for work if we only had the will, the money and the people to do them. I wonder why it has been delayed all these years. However, it is here now and I certainly welcome it and wish to support it.

**Mr. R. F. Johnston:** Mr. Speaker, I am pleased to rise today to speak to the bill. I welcome the bill as all members of the House do. It is important at this stage to re-evaluate the human rights legislation in the province. It is important to do so in the worldwide context that the member for Riverdale (Mr. Renwick) spoke of in his speech earlier. Many of the items I would have liked to speak to have been spoken to by other members to this point.

I am particularly happy that the section on the handicapped has been included in the main body of the bill and is not being left as it was before in a separate bill which put them in a separate category. One of the major reasons we opposed that last bill was that it did that. It, therefore, made them a special case and not part of the general body of citizens. The member for Bellwoods (Mr. McClellan) spoke about a number of very practical problems to do with implementing actual equal rights for the handicapped and what that meant in terms of facilitating accommodation and access. I thought his comments were very useful and very helpful.

I am not going to take a great deal of time, because a number of people wish to speak to this bill. It is an important bill which is going to be going out to committee. Hopefully, it will get an awful lot of input, because we are not going to get another shot

at this bill for a long time. It is for that reason I am speaking today with a bit of sadness in terms of the major omission in the bill. That has to do with another major section of the Life Together report which had recommended the inclusion of sexual orientation as a ground for discrimination within the Human Rights Code.

The member for Riverdale spoke the other day, quite thoughtfully I felt, about the fact that it seems as if our society, and our society as it is represented here in this Legislature, is unwilling to take the necessary steps at this time to have that matter included, unobtrusively in my view, in this overall bill of opposing discrimination of any kind against citizens of any kind in the province.

In my view, we are taking a step backwards passively from a move by a once-famous prime minister of this country who spoke about the state having no rights and privileges in the bedrooms of the nation. By not acting now in an all-party agreement at this time on the matter of sexual orientation, I believe we are missing an opportunity to make that a real fact for a large group of people in this province. I regret we could not all have done it and all stood together and taken the flak because if it is not entered and brought in as part of the bill by the government it is bringing out, in my view, an awful lot of fear on the parts of other people who might have wanted to see it included in terms of taking the initiative to include it for fear of having that thrown back at them and being isolated in a campaign as pro a specific minority group and anti the needs and wishes of the province as a whole. For that I really regret an all-party agreement prior to the entry of this bill was not made. We are now left in the position that we in the opposition are too quiet by half on this issue.

This whole business of sexual orientation is not just a matter of homosexuality. If I could poke a little fun at us all here today, as we are all uptight about this issue and unwilling to deal with it—

**Mr. Nixon:** You mean all six of us?

**Mr. R. F. Johnston:** It is not just us. That is not the reason people are not in the House. As my friend knows, they normally do not come in at all for these speeches.

I am talking about our caucuses, which have all discussed this matter and all, in our various ways, turned away from it. What I want to say is, there are other kinds of sexual orientation which now are not given protection, not just homosexuality. I would like to

know how this affects a woman who has been deserted and is living in Ontario Housing Corporation housing, for instance. She is living with two or three kids; she develops a relationship with a man; the husband is not there; perhaps the divorce is through, perhaps it is not; and they decide for their own reasons as individuals to develop a sexual relationship.

I worry about OHC housing as a landlord. I worry about other landlords deciding the morality of whether those women should be sexually active when they are deserted or separated or whatever and saying: "You are in Ontario housing and you have this man here. Two or three nights a week we have seen this man here"—I am not sure what would be acceptable to property managers—"He is living here and your activities are not acceptable to us in our society." There is not going to be any protection at all for people in that situation.

What protection is there going to be for senior citizens? Is it normal sexual orientation, in our view, that people over the age of 65 would desire to have sexual relations? Maybe some of us are affronted by the idea and the possibility of rules against sexual interaction between senior citizens in homes for the aged. It is a possibility and I can see an administrator saying, "Now, now, Mr. Jones, it is not right for you to be off visiting down the hall with Cynthia; that is not proper." He would have no protection from that.

It is not too long ago that husbands and wives were separated in homes for the aged. I remind the House of that. They were put in different rooms, their sexuality and their life-long commitment to each other ignored. It now is on the goodwill of administrators that does not occur. In this act an administrator can decide for people over the age of 70. Why not 70? I mean, we are all wanting to move the retirement age, as I recall from the bill of the member for York West (Mr. Leluk). At the age of 70 it is now inappropriate. Separate them; put them into different rooms. Why not?

There are so many ludicrous things that come out of this. For instance, what about the use of sexual aids. Are sexual aids acceptable now in our society? Is this not an orientation which we as members in this honourable institution would feel to be unacceptable? If that is the case, perhaps we should wonder if we find a person in an apartment who has various sexual aids. Perhaps we should decide whether he or she is fit to live in that particular residence. Perhaps we

should say, "We should phone your employer because, really, that is not what our society accepts." Perhaps we should go to the doctors who prescribe those sexual aids—

**Mr. Speaker:** Can the honourable member tell me which section or principle of the bill he is speaking to?

**Mr. R. F. Johnston:** I am speaking to the principle of discrimination in terms of sexual orientation which is—

**Mr. Speaker:** I do not see that in the bill.

**Mr. R. F. Johnston:** Mr. Speaker, is it not possible to talk about an omission in terms of the grounds it is not proper? That seems an awful shame, because I was going to talk about the problems of not talking about celibacy in here.

5 p.m.

**Mr. Speaker:** Second reading is for the purpose of discussing principles contained in the bill.

**Mr. R. F. Johnston:** The principle I want to talk about is discrimination and the omission of discrimination against any individual in this society. This is under section 2.

**Mr. Warner:** Section 2(1).

**Mr. R. F. Johnston:** Thank you very much.

The point I want to make is that this is an all-inclusive amendment to the rights of people in this province, yet there is a group that is not included in this area and an area that is not addressed. I feel it is important to talk to that a little bit.

**Mr. Speaker:** You are saying you want to talk to a principle that has been omitted in the bill.

**Mr. R. F. Johnston:** Yes, I do.

**Mr. Speaker:** That is out of order.

**Mr. R. F. Johnston:** Is that out of order? Then let me speak to a principle that is in the bill, and I will allude to this secondarily. I think it is a wonderful thing that we are forbidding discrimination according to sex in this bill in terms of men or women. I think that is a magnificent thing and I am very pleased to see that we are now saying one cannot discriminate in terms of a person's sex. I think that is a great thing.

However, I am disappointed that we have not taken it further and extrapolated from that principle and that word to talk about other problems like celibacy. I worry about this tendency amongst a certain faction in our society, and I am wondering if perhaps this group should not be discriminated against in terms of housing or jobs. Are we going to get to the stage again where we allow people

to put the letter A on people if they commit adultery. I know I am out of order; so I will finish and get off this topic.

It cannot help but mock us, at this stage in our society's growth, that we are backing off from what is a common-sense inclusion to make sure that people are not unjustifiably taken out of their jobs or not given access to homes like any other citizen because of something they decide to do in the privacy of their own bedrooms.

I am not speaking here in favour of anything to do with a homosexual subculture or any of the accoutrements that go along with that. I am talking about individual rights. We should be ashamed that we are not able to stand up as one and come to grips with this instead of bowing to reactionary pressures, in my view, to exclude this group from provisions in this bill.

**Mr. Speaker:** The member for Scarborough-Ellesmere on the principle of the bill.

**Mr. Warner:** That is the only reason I rose, Mr. Speaker.

I appreciate the opportunity to speak on what I take to be—

**Mr. Kerrio:** The long and the short of it.

**Mr. Warner:** Don't start attacking short people again.

**Hon. Mr. Elgie:** David, look over here.

**Mr. Warner:** Yes. I will speak to the chair.

**Mr. Speaker,** I do not believe that in a civilized society there can be anything more important than a code of human rights and the civil rights that go with that. I suppose it is easy for us to take the matter of human rights for granted, because it is not very often that we are placed in the position of losing our rights. If we lived in some South American countries, such as Uruguay, Paraguay, Chile or Argentina, where human rights have been denied, where civil rights and civil liberties have been removed—in fact, there are literally thousands of missing persons there—then we would take the issue of human rights more seriously. If we wish always to have a civilized society, we have to pay very close attention to human rights.

I welcome the bill. I welcome the minister's initiative. The minister has brought forward a fairly wide-ranging new act, and it really is a new act. He has taken the time to address some of the problems which affect human rights in this province and he has done so quite well for the most part. The minister was making notes and I think he took under advisement some of the concerns raised by members as legitimate concerns.

I think the minister fully understands now that the bill is not perfect. The section on sexual harassment has to be altered, which I think is fairly evident to the minister. If it is not, then it should be because it is not good enough. I think the minister also understands the comments made by my colleague from Bellwoods (Mr. McClellan) regarding handicapped individuals. I wish to deal with a particular section in the bill, of which part of the principle has to do with what is euphemistically called in our society domestic service, which is really slavery. The minister knows that.

There is an attempt to have some protection built in, particularly to section 4 regarding harassment in employment. Before that section is finalized, I would ask the minister to read the recent article written in the *United Church Observer* in December 1980 called "Toil and Trouble."

It is illuminating. Some very disturbing remarks come out of that article. For example, it is the "bargain of the century" to get a live-in nanny. It reads: "The Canadian dollar does not buy much overseas these days, but in the overcrowded and underdeveloped countries of the Third World, it still buys bargains in people. It is one of those great deals where everybody wins. The Jones family gets Florence from Jamaica to cook, clean and babysit, for little more than the cost of sending one child to day care. We taxpayers get off the hook for subsidizing more day care, and we do not have to worry about services for Florence and her family because she is as disposable as the diapers . . . Though we pay her less than the minimum wage, it's more than she would get at home, and anyway she's not used to life's luxuries.

"Meet some of our bargains. Joyce is one of them. She came from Jamaica to Toronto to clean house, cook, care for two children and mow the lawn, six days a week, for room and board plus \$100 a month.

"Margaret is another bargain. She is 32 and has three children who depend on her to send \$200 a month, nearly her full salary from her Ottawa employer. So she will do anything to hang on to her job—including having sex with the man of the house when he told her that was part of her duties."

I want to know before the debate on this bill concludes and before the committee concludes that such travesties cannot and will not be tolerated under this new human rights code. The article goes on: "Though the employer has agreed with the federal immigration department on wages and working hours the employee may never see the agreement,

and it is not legally enforceable. Many employers live up to it. Many don't."

Some of the stories that come out about the slaves are really incredible, working 80 hours a week, for example. There does not seem to be anything in this bill to preclude that from happening, nor any protection in any other law in this province for that matter. There are "stories of women being fired and thrown out at night with no place to go, asked to 'help out' on their night off, wakened at 2 a.m. to serve sandwiches to a group home from a party, fired for going to church or wanting Christmas day off with friends, required to sleep with the family dog to keep him from barking." As John MacDonald of the Ottawa-Carleton Immigrant Services said, "Once they live in, they're practically slaves."

5:10 p.m.

The article talks about there being two basic parts to the problem. One half is "an immigration system that invites exploitation." That has been historical in this country. That is the history of our immigration laws in Canada; they are used to exploit people. "The other half is a lack of legal rights for all domestic workers." I find it difficult to find the wording in the section—particularly in section 4, but perhaps I have looked in the wrong part—that protects domestic workers.

Maybe there is a reason for it. Maybe there is a reason why there is not the coverage in this bill that there should be. It is also quoted in the article that the member for Sault Ste. Marie (Mr. Ramsay), a Conservative member of the Ontario Legislature, told the House that "his constituents would not be able to afford domestics if they had to pay the minimum wage, consequently, there would have to be more day care, and that would surely raise taxes." I wonder if the lack of specific protection for domestics is because of the Conservative Party's stand on the matter. They have no intention of ending the slavery. They have every intention of perpetuating a system which surely should be intolerable to any civilized society.

The article also includes as part of the evidence that the government has no desire to move on the subject and that, "according to court testimony, Ontario cabinet minister Larry Grossman paid his domestic, in Canada illegally from the Caribbean, \$230 a month for 80 hours of work a week." By rough calculation that is less than \$1 an hour. The Minister of Industry and Tourism is willing to pay less than \$1 an hour to an adult to work full time. That is absolutely incredible.

To the best of my knowledge, the sections in the bill which address the right to equal treatment in employment without discrimination are simply not good enough. I think the minister knows this. I am asking the government to improve the appropriate sections of the bill in an effort to end the legalized slavery which exists in our province. It is unacceptable to me and, I submit, to civilized people. I think that has to happen.

There are a couple of other remarks I would like to make. As I said at the outset, human rights legislation is essential in a civilized society. It sets out the kinds of things which we accept and do not accept. It sets a standard for other parts of the world to try to live up to. It allows for the equal treatment of human beings. In the attempt which the government is making in good faith, the minister has included some very good sections in the bill. I think the minister has picked up from the remarks made by various members that we applaud the efforts being made by him. Admittedly, there are many members of the government who would not have the courage to bring it forward. I believe that. But he has, and he has included some very good sections in this bill and some which will receive our wholehearted support.

There is an area left which this government has to come to terms with and there is an area where this government is lacking in leadership. In the city in which I live, Metropolitan Toronto, over the last few years we have had some severe problems with race relations. We have had some serious difficulties with the way in which our police force functions and with the kind of direction they have been given from the commission.

There has been a very serious and honest attempt to correct the problems within the police force and also to bring about better understanding and greater harmony within our multicultural society of Metropolitan Toronto. That effort has been in part by this government, through the Ministry of Education, through Culture and Recreation, through other ministries and through the Attorney General. That kind of effort has also been made by the city of Toronto and by the boroughs and Metropolitan Toronto council. Overall there has been a concerted effort over the last few years for people to get to understand each other's background, each other's culture and each other's heritage in an attempt to arrive at an atmosphere of mutual understanding and, hopefully, of mutual agreement on respecting each other's backgrounds and differing lifestyles.

I was born and raised in Toronto and I grew up here. My ancestry is English, so I bring with that my English culture and English heritage. But I hope that through my adult life I have come to understand and appreciate the lifestyles of other people whose background is not English, whose background may be East Indian or Caribbean or any number of the almost 100 different countries which are represented in Metropolitan Toronto.

I wonder if I could have the undivided attention of the Minister of Labour.

**Mr. Rotenberg:** He is talking to your own member.

**Mr. Warner:** Yes, I was just about to get to that. If the member for Scarborough West (Mr. R. F. Johnston) could contain himself for a moment

**Hon. Mr. Maeck:** He will read Hansard later. Go ahead.

**The Deputy Speaker:** Feel free to direct your comments to the chair.

**Mr. Warner:** I will, Mr. Speaker. It is obvious that neither the minister nor anybody else is concerned, so I will direct them to you.

A certain concern and sensitive treatment has been developed over the last few years in different levels of government and has been directed towards the difficult situation of race relations and race understanding in our city of Metropolitan Toronto and, I suspect, in other communities as well. I am suggesting that same kind of effort be duplicated by this government with respect to the homosexual issue—the “gay community.”

Unless that is done, the government will always feel its political neck about introducing protection for homosexual people against discrimination, whether that is discrimination in housing or employment or in any other field. Unless that basic work is done to try to develop a better understanding of someone else’s lifestyle, then the government will always feel sensitive and politically vulnerable about introducing the appropriate kind of protection.

I think it is essential. I think the government has to do that. That kind of effort is necessary, otherwise it is not fully living up to the stated principle of this bill, of protecting individuals against discrimination.

5:20 p.m.

In closing, I recall the remarks of a very experienced politician who has been consistently re-elected over the past 30 years. He was asked about discrimination, “Do you

support a change in the law to end discrimination against gay people?” He said to the reporter: “Who is it that you would like to discriminate against? I do not think we should discriminate against anyone.” I think that is the answer; I really do.

Surely there is not a member in this House who wants to discriminate against anyone. Our Human Rights Code must be amended that way. When we introduce a new code, as the minister is really doing—he does not call it a new code but it is revising one, so it really is a new code—surely the minister wants to say, “We do not want to discriminate against anyone.” I hope that as this goes through committee stage and the various sections of the bill are addressed my concerns will be met and, in particular, that the minister will make every effort both in this bill and any companion legislation to end the slavery which exists in this province. It is unacceptable.

**Mr. Di Santo:** Mr. Speaker, I would like to take part in the debate on Bill 209 because I think it is a very important bill. As many of my colleagues who participated in the debate said, it is a very important step in revising the old Human Rights Code which was passed 18 years ago and in such a short time has become obsolete to the point that it needed a full revision. In fact, I think the bill introduced by the Minister of Labour must be complimented because it is a gigantic step in the right direction.

I think human rights represents a very important achievement in our modern democracies. It is a great achievement because, for the first time in modern history, the laws of each country protect their minorities. I would like to say that the majorities never need to be protected because the majorities are those who pass the laws; the majorities are those who have power. Those who suffer are the minorities: be those racial, religious or political minorities. Therefore, human rights legislation is very important legislation because it shows that each and every person in our society is protected.

For this reason I think this bill is a very important piece of legislation, especially because for the first time it addresses issues such as sexual harassment, that personally I think are very important to our society. In this Legislature we have been dealing many times with episodes and instances where workers, especially female workers, have been harassed at the work place. Until now they have had no recourse at all because the law did not protect them unless they were able to lay criminal charges. In this legislation,

this is addressed in the right direction and I compliment the minister because immigrant women especially are affected in the work place. We hear innumerable examples of women who are in the most difficult circumstances because they are newcomers and have financial obligations that in many cases they cannot fulfil when only one person in the family works. Especially in families of immigrants, women are subjected to sexual harassment. I think the bill is a step in the right direction.

In the past, I have personally addressed and collectively our caucus has addressed the issue of the handicapped. I would like to limit my remarks to one single aspect, employment. I regret to say the bill does not address the issue in the right way. I am absolutely positive that by invoking affirmative action we will not be able to solve the problem of the disabled, the handicapped and, I should also say, those people who are disabled by reason of an industrial accident on the job.

I think the minister did not have the fortitude to reject a philosophical approach which is obsolete. This government does not want to accept the idea that at some point it is the responsibility of the government to tell the employers, be they private or public, that it is their moral responsibility to hire people who are disabled or handicapped. The only way to do that in a direct, straightforward way is by imposing a system of quotas. This may not be perfect but, in my opinion, it is one of the ways to solve the problem. When we rely on the good heart of the employers, I know there are many employers who hire people who are either disabled or handicapped, but there are many who would never do that because they are in a competitive field. They have to sell products and maintain productivity to compete on the market. Therefore, they are unwilling to hire people who are less productive.

By the way, I would like to bring to the minister's attention that Professor Weiler in his report made a fundamental step in that direction when he said that the employers should rehire workers who were injured at their work place or they should pay a fee, which is a different way of imposing rehiring injured workers on the employers.

Opinions are not unanimous because there is no perfect way of solving problems like this where human beings are involved. It is difficult to have absolutely perfect answers, but by going in that direction the minister would have indicated that we could solve the problem. By asking for an affirmative action,

I think we will not go much further. In closing my remarks, I would like to reaffirm my appreciation of the bill introduced by the minister. I hope when we go to the committee he will accept some of our suggestions.  
5:30 p.m.

**The Acting Speaker (Mr. MacBeth):** Is there any other member wishing to take part in this debate. If not, the minister in reply.

**Mr. Martel:** Would the minister be prepared to relax for a moment? Mr. Speaker, I do not want to take a very lengthy time.

**The Acting Speaker:** I did recognize the minister. If the minister is ready to give way, I am prepared to allow it.

**Hon. Mr. Elgie:** I do most things possible for the member for Sudbury East.

**Mr. Martel:** I will only be a very few moments, Mr. Speaker.

**Mr. Nixon:** Unless he is provoked.

**Mr. Martel:** I cannot get started.

Interjections.

**Mr. Martel:** Mr. Speaker, while I appreciate the contents of the bill, you will recall some weeks ago I raised the matter of a questionnaire being sent out and people being forced, in an effort to obtain employment, to answer a questionnaire which I found totally offensive.

I had hoped the minister would have had in the bill something that would have prevented this kind of questionnaire from going out. I have asked my colleague the member for Riverdale (Mr. Renwick) to look at the section of this bill which might prevent this from occurring, this sort of questionnaire being used. I checked with legal counsel for the Ministry of Labour. I think there is some concern that it will not do what the minister thinks it will do.

I do not think the questionnaire is covered in that section of the bill and I do not want to deal with it specifically or read it because we are speaking to the principle. I think this type of questionnaire, as it is, will not be covered by the legislation before us. Let me just indicate some of the ridiculous questions pertaining to both males and females. I will not even deal with the female section for a moment. The questionnaire asks such silly things. I do not know what they have to do with applying for a job.

Let me give a couple of the crazy questions in it "Do you have difficulty relaxing? Are you more tired or lacking energy lately? Do you worry? Does worrying get you down? Are your feelings easily hurt? Do you find it easy to cry? Do you feel apart even among

your friends?" What, in God's name, has this got to do with one's ability to do a job in a factory or anywhere? These questions just go on ad infinitum. I do not know how one blocks this sort of thing. I do not think the act does it. The section pertaining to women, as I indicated during question period a number of weeks ago, I found to be the most offensive material I have ever seen.

I do not know why, for example, one would have to ask questions such as the following: "Have you ever had or do you have masses of cysts, bleeding from the nipples, injury, infection?" Or, in regard to menstrual history, "when did you start to menstruate, age 10 or under, age 18? Irregular menstrual periods in the past 12 months? Flow three days or more, eight days or more?" What are they talking about?

**Mr. Riddell:** It's on the verge of being obscene.

**Mr. Martel:** Let me go on: "Pelvic organs, abnormal vaginal discharge, pain on intercourse, bleeding after intercourse." We simply cannot tolerate anyone in this province having to answer this type of questionnaire. As I said, I do not want to take the time of the House, but I know the minister is under the impression that section 21(1) will cover the area in question. I would urge that legal counsel for the ministry, in conjunction with people from the Ontario Human Rights Commission and legislative counsel here at Queen's Park, would review that section very carefully. I know it will not be easy, but we should find some way of eliminating this because, as the manager of the company said, people should not be offended at answering this. If they did refuse to answer, obviously they had something to hide. If they had something to hide, one would then not employ them. As I said earlier, I think some guy gets his jollies reading the answers in questionnaires like this. I hope that something in the act is changed substantially to ensure that does not occur again, not just in this company but across the province.

I thank the minister for giving me the five minutes.

**Mr. Riddell:** It sounds to me like a precursor of sexual harassment.

**Hon. Mr. Elgie:** Mr. Speaker, I will try not to take too long, but I do feel an obligation to make a few comments, in addition to the remarks I have made in my opening statement and on previous occasions.

May I say in a very personal way in this Legislature I think we have seen a degree of general approval about the principles in the

bill, which I think is very heartening, because I know of no issue on which some consensus in society is more important than the issue of human rights. For that alone I think we should all be proud there is a bill before the House—certainly I am—and that there is the degree of consensus we have heard in the past two days.

I appreciate there are matters included that some members think may need to be altered. I appreciate there are matters which should have been included that are not. I think we all have to respect each other's reasons for doing that. If they merit further discussion, we can do so during the clause-by-clause debate.

I was particularly pleased that several of the members have paid tribute to Tom Symons and to other members of the commission for the very thoughtful and perceptive way in which they carried out their study and drafted conclusions, which I think have become world renowned in terms of the people who have expressed an interest in receiving copies of that book, *Life Together*.

I have a rather personal reason for being kind of appreciative because Tom Symons and I were fellow students and friends together. In that way it just reconfirms the very nature of the man as he was as a student because as a man he continues to have those humanitarian reform instincts he had as a child. I would like to pay tribute to that commission for the very perceptive and excellent way in which it prepared *Life Together*.

Even though I wish I could just pass on and say many of the items discussed by members will be dealt with during the clause-by-clause debate it would be inappropriate. Some fundamental issues were raised that I have to and want to address now so that they do not linger around in people's minds as areas about which I think there are some misperceptions.

One member suggested *Life Together* indicated that the commission should be at greater arm's length from the minister than it is. With due respect to the commission and to the member who raised it, I fundamentally cannot agree with that. Here we have a situation where an administrative tribunal, much like the Ontario Labour Relations Board, reports through a minister to the House, to responsible government, to someone accountable, the minister. Yet that board, I am sure each member in this House knows, is really totally autonomous. This act gives them an even greater autonomy in that

they and they alone will have sole power to determine whether or not issues will or will not go to a board of inquiry. The minister will have no power to revoke or rescind any decision of the commission to have a matter go to a board of inquiry.

The only real connection of the minister is to be responsible for the human rights commission in the House, as he is for the labour relations board, which I think we all agree is totally autonomous in the same way. I have to take some argument with those who suggest there is other than an arm's length relationship.

5:40 p.m.

The commission files an annual report, something that has come about since the days of Life Together. I think the new code gives them broader powers as a commission and broader powers through the board of inquiry than they have ever had before. If one reads the act, one will find the commission itself will now have the power to make recommendations on government statutes, programs and policies. I would ask the members who think there may be some validity to that suggestion to think it over carefully. I honestly do not think that is a valid criticism.

The member for Riverdale (Mr. Renwick) noted the responsibility of the Minister of Labour was not explicitly spelled out in the bill. That is true. It was done quite deliberately because the government feels that, from time to time, with the changes in the nature of problems in society, it may be considered reasonable that a different minister should become responsible for the reporting relationship in the House.

Mr. Laughren: Very shortly.

Hon. Mr. Elgie: No, I do not think so. Mind you, if it seems that is reasonable and logical, it is fine with me. I think the important thing is the government recognizes there may be a time when a change is needed.

The member for Ottawa East (Mr. Roy) expressed some concern about section 4(2), harassment in employment, suggesting it might cast an undue burden on the employer. I would ask him to think about that carefully. What the section really says is that if one employee is harassing another, for whatever reason as outlined in the code, that employee has a right to bring a complaint to the Ontario Human Rights Commission. If, at a board of inquiry, the commission feels the employer should be aware of what is going on, it can include that employer for the pur-

poses of information only. As a result of the decision, if the harassment has been confirmed, the board of inquiry may then direct the employer to do certain things in the event of a subsequent case of harassment.

We have not put an employer or landlord in any unduly embarrassing or untenable position because he or she will be made aware of the existing problems in the work place or in accommodation. I suggest there might be some merit in the member reviewing his thoughts on that matter. I hope he will come to agree it is a fair and just provision.

Several members have raised the question of access with regard to the physically handicapped. It is a difficult issue. Let us not pretend it is not. What each of us has to do is what has been done in other legislatures, federally and in Saskatchewan, as they addressed this issue. They said to themselves that a human rights commission is meant to deal with attitudinal discrimination in society. I agree with that. It is on that basis that the Saskatchewan and federal Human Rights Codes indicate that, where there is discrimination against someone with a handicap, a board of inquiry may do certain things. That is also the position we have taken. A human rights commission must deal with attitudinal discrimination. If it finds it, the board of inquiry under our proposal would have the authority to order such adjustments with regard to access as may seem necessary, just and fair and do not cause undue hardship to the employer or landlord.

Mr. T. P. Reid: A pretty tough balancing act.

Hon. Mr. Elgie: That is right. That is what the honourable member's colleague, then federal Minister of Labour, John Munro, said in the House of Commons. It is a tough balancing act. That is what human rights are all about, trying to balance rights in society. I know the member will agree with him because the member thinks he is a wonderful man. I have heard the member speak highly of him on many occasions.

I would also like to remind the members that in the broad new powers the commission has, is the power to recommend affirmative action in certain situations, of its own volition or on a complaint. That is another new element of moral suasion that the commission, of its own volition, may introduce into a situation—to try to improve the educational process society has to go through to better understand and appreciate the legitimate needs of the handicapped in society.

We had a very interesting discussion from two or three members about the issue of



international covenants relating to human rights in Canada and how they relate not only to Canada but to the provinces in a federal state such as we have. I am sure these are matters that can be discussed at greater length at the committee level and I look forward to that.

Actually the inclusion in our preamble of the universal declaration of human rights was endorsed enthusiastically in *Life Together*, and I may, for the information of the members, just refer to that. On page 17, the last paragraph reads: "The members of the commission find that the current role of their chairman in federal-provincial consultations on human rights," which, by the way, are still going on, "and particularly in facilitating procedures for Canada's long-delayed ratification of the United Nations Human Rights Covenants and Protocol," which occurred in 1976, "is of great assistance in setting Ontario's human rights problems in a proper national and international context. Active participation in these wider relationships is essential for the continued nourishment for what is in Ontario, an old but still fragile tradition of concern for human rights."

We have accepted the principle that *Life Together* felt should be included in the preamble of the code. For that reason, I think the members who spoke on the issue will be supportive because we agreed with the authors of the text. We must, however, keep in mind that some of the matters referred to in the various covenants are sufficiently general that they may, indeed, be difficult to translate into legislative protection in a code which ensures against discrimination in the context of employment, accommodation and provision of goods, services and facilities.

Again, I look forward to discussing these matters in greater detail at the committee stage and hope we can elaborate on all of our thoughts on the issues at that time.

The member for Riverdale expressed some concern about the Human Rights Commission being a closed system and he commented that even though there was a semi-autonomous board of inquiry over which the commission had no say in the appointment of, a couple of things troubled him. First of all, he was troubled by the fact that it was necessary for the Attorney General to approve appeals, and second, he was troubled by the fact that no civil rights action arose from matters outlined in the code.

With the greatest of respect to the member for Riverdale, and I sincerely do have a great deal of respect for him, I think in the latter instance he was probably reading only the

trial judgement and not the Court of Appeal judgement. He will recall that as recently as a few months ago there was the second of two cases which I will refer to, which was *Bhaduria versus the Board of Governors of Seneca College of Applied Arts and Technology* where the Supreme Court held that cause of action was created by matters outlined in the code. I know the member is not here today, but I hope he and I will have an opportunity to talk about it because I think it was just a matter that it had not come to his attention that the Court of Appeal had overturned the trial division in each of those cases.

I think if the member for Riverdale will read section 41(2), which is the relevant section with regard to the Attorney General approving prosecutions, he will find it has nothing to do with appeals from boards of inquiry. We all know that boards of inquiry decisions may be appealed on both fact and law. What section 41(2) deals with is the requirement that the Attorney General must approve a prosecution for an offence under this act.

For example, let us take section 8: "No person shall infringe or do anything that results, directly or indirectly, in the infringement of a right under this part." There is a possibility then of an action for someone who is committing an offence in that they are trying to thwart the purposes of section 8—in other words, a criminal action. He is quite wrong in thinking that the Attorney General has anything to do with determining whether an individual has a right to appeal his decision from a board of inquiry.

5:50 p.m.

That right exists. But if there is a criminal charge to be laid for trying to thwart the purposes of the Human Rights Code then the Attorney General is involved in the process, as he is in all other actions. I think the member for Riverdale can be assured there is no motive for that particular inclusion other than that.

Many members have referred to the issue of racism. I am sure they know that is an issue I have spoken to and thought a lot about myself, because I cannot think of anything that is more corrosive to society or which demeans each of us more when it takes place in society.

I was grateful for the remarks I heard that indicated there was an appreciation that there had been a movement by the commission and by the government in order to get into these areas in a more aggressive way as they be-

come more apparent. I appreciate those remarks. I do not think there was any suggestion that there was any apathy about the issue, because let us be certain about that, there is not. There is no personal apathy, no apathy by members of the commission, no apathy on the part of the new race relations division and its chairman, and the cabinet committee is fully committed to the principles of the Human Rights Code.

I am sure all members are interested to note the varieties of activities that are going on in the area of racism at the municipal level. In North York and Toronto and everywhere around we have seen a response which is a healthy response to the issue of racism in all areas. We see the private youth employment services response in the York-Finch area facilitated and assisted by North York council and by our own commissioner, Dr. Ubale. The North York council has, as you all know, engaged Dr. Dan Hill to be its consultant in regard to racial matters. So there is lots going on in the community. It is never enough. It has been a problem that has been with us for years but I think each generation gets better. I hope we will all be part of an improving generation.

The member for Riverdale made some remarks with regard to insurance contracts and expressed his own concerns about some of the wording. I hope he will go back to the act and read that, whatever he may feel about a variety of issues, any exemption or preference must always be on "reasonable and bona fide grounds." So no matter what concerns him, the grounds must always objectively be proven to be reasonable and bona fide before a board of inquiry. The member for Scarborough-Ellesmere (Mr. Warner) is shaking his head. He has to understand the basic principles of common law. It is there. Whether he likes it or not, it is there, my friend.

**Mr. Warner:** It is all hollow words of the minister.

**Hon. Mr. Elgie:** No, they are not hollow words. They are hollow words of common law, which we are privileged to be part of this country.

**The Acting Speaker:** The member will please direct his remarks through the chair. Interjection.

**Hon. Mr. Elgie:** If I did, my friend, I could probably do something for you. You may need it some day. There are days when I think you need it now; a little hole up front here. It would make you a little more palatable.

The member for St. George (Mrs. Campbell) raised a question of reverse onus. I only want to say at this time that it seems paradoxical to me. I gave it some thought, as did many members of our government, but it does seem a little paradoxical to think of including a reverse onus section in a Human Rights Code which is intended to protect all people's rights, the accused as well as the accuser. We know that the balance of onus shifts from time to time and there are problems with it. I hope that she gives serious thought to the issue of reverse onus, because it may create an imbalance in the process which may be contrary to the fundamental purposes of a Human Rights Code.

I was disappointed that she suggested there was some lack of interest in the matter of age in this government. The member for York West (Mr. Leluk) has made it very clear, and so has this party, that it has a deep and continuing concern for the rights of senior citizens in society. But we also have a concern about other matters that I have expressed very clearly relating to pensions and other rights of people. We want those matters addressed before we make any decisions—and they should be thoughtful decisions—about changing the age of mandatory retirement.

The member for Windsor-Sandwich (Mr. Bounsall) raised some concerns about the issue of services, implying that it was a very limited and narrow definition. That surprises me, because services in the context of section 1, when used with goods and facilities, is used in the sense of any help, benefit or advantage. As such it includes any public or administrative help, benefit or advantage offered, or made available by the government, any service offered or made available under an act of the Legislature, any help, benefit or advantage offered or made available by municipal authority, a board or commission and any help, benefit or advantage offered or made available by an individual or a corporation.

I do not know how one can have a broader definition of service. I am not sure what cases he can be talking about. My information is that there has been no case law to limit that general understanding of the definition of services. If he wants to talk to me about it in private I would be glad to do it, because if he has some information I think it would be important for us to know it. But that is our understanding of the definition of service.

The issue has come up quite frequently about the question of epileptics and diabetics.

Clearly epileptics are covered in the act—they are specified. As a physician, there is absolutely no doubt in my mind whatever that diabetics are covered. Section 9(b) says very clearly diabetes is a physical disability which may be due to a birth defect, or due to an illness or due to trauma.

I appreciate that diabetics might like to have it spelled out differently, but there is a whole range of illnesses and conditions. Were we to itemize every one, the mere act of itemizing might mean we forget one.

**Mr. B. Newman:** Why would you not have included diabetics regardless?

**Hon. Mr. Elgie:** It may well be that we have to, if there is any doubt. But I am telling the member we could have an incredibly long list if one listed all of the disabilities—be they due to trauma, to burns, to infection. There is a whole classification of disabilities. But I know of no physician who would ever think that diabetes was not included in this general definition. So there can be no doubt about that.

I was also asked if section 16 applies to housing and it does. I could discuss the question of adult-only buildings in detail again, but as members know, I covered it in great detail in my opening remarks yesterday. I hope the member for Windsor-Sandwich will refer to that and if he wishes to speak to me about it privately or during the clause-by-clause debate I would be glad to. We think we have a very rational and logical position on that. I honestly believe in the position we have taken on it.

The issue of political belief was raised by the member for Windsor-Sandwich. I would be curious to know what empirical evidence he really has that it is a problem in this society. I would refer him to page 63 of *Life Together*. It was concluded there that Ontario does not begin to have the problems found in other countries where the lack of freedom of political belief is often the most common denial of human rights. They could not find a problem in this province at least. I will be interested, in clause-by-clause, to learn what specific types of political beliefs he is talking about and what kind of problems he has encountered or he has heard of that he thinks should be dealt with. *Life Together* could not find any evidence of it in this province. One must always be sure that one is dealing with the problems that exist in society.

We can get into the makeup of the commission in greater detail, but I hope the member will agree that by and large they are

a very thoughtful, committed group of people. I do not agree with his suggestion that it should be filled with people who have special interests. I think it is important that there be a balance in a commission.

He mentioned in particular a need for handicapped persons. Dr. Al Jousse, who himself is handicapped and who established the first rehabilitation centre, Lyndhurst Lodge, for handicapped people in this province and who is world-renowned, is a member of that commission. He is very knowledgeable in the field both from a personal point of view and from a physician's point of view. I was surprised the member picked that one example, because he brings both points of view to that commission. That is why he is there—to bring that kind of facility to the commission.

The member for Windsor-Walkerville, I think gave very thoughtful remarks. I have known of his great interest in the handicapped for many years, and he should take great pride in the fact that this bill is now before the House because it encompasses many of the things he fought for, for many years, and I am proud to be part of it because of that.

I would like to assure him again, because I know the special concern he has about diabetes, that there is no possible way that diabetics are not covered. We can talk about it at committee if he thinks there is a need to do more. It is just a matter of how far one goes in listing individual conditions. But there is no doubt it is covered.

**The Acting Speaker:** Can I draw the minister's attention to the time?

**Hon. Mr. Elgie:** Perhaps the other members who had many valuable comments will forgive me if I do not go over them all individually. I will keep these notes and perhaps when we go to committee we can review it on a clause-by-clause basis and discuss some of the matters raised.

On one issue, I must clear the air: The domestics are not excluded from the Human Rights Code. By not excluding them, they are specifically included. Let there be no doubt about that.

Motion agreed to.

Ordered for standing committee.

**Hon. Mr. Elgie:** Mr. Speaker, would it be possible for the government House leader to introduce a motion at a later date referring this to a specific committee?

**The Acting Speaker:** Yes, I think that can be done. It will be a standing committee.

The House adjourned at 6:01 p.m.

## APPENDIX

(See page 5155)

ANSWERS TO QUESTIONS  
ON NOTICE PAPERLCBO AND LLBO EMPLOYMENT  
APPLICATIONS

405. **Mr. Van Horne:** Will the Minister of Consumer and Commercial Relations indicate how many applications for permanent employment have been made with the LCBO and the LLBO from January 1, 1979, until the present time? Further, how many applications actually have the answer "yes" to number four on the medical history form and to number 5(E) on the application for permanent employment? Also, how many people with a "yes" to number four on the medical form have been hired and how many with a "yes" to number 5(E) on the application form have been hired? (Tabled November 21, 1980.)

**Hon. Mr. Drea:** Attached is the information supplied by the LCBO and the LLBO. It should be noted that the LLBO has a policy of retaining outstanding applications on file only for one year. Therefore, they are not able to indicate, for the period from January 1, 1979, to November 21, 1979, the number received with "yes" to number four of the medical history form, or the number received during the same period with "yes" to number 5(E) on the employment application form. They were able to determine, of those hired during the period in question, the number who had answered the questions as indicated, through a review of the application form submitted by all staff hired during the period.

## LCBO

(A) Number of applications for permanent employment received: (i) from January 1, 1979 to October 31, 1979, 3,692; (ii) from November 1, 1979, to November 21, 1980, 4,354.

(B) Number with "yes" to number four of medical history form (November 1, 1979, to November 21, 1980), 467.

(C) Number with "yes" to number 5(E) on employment application form (November 1, 1979, to November 21, 1980), 29.

(D) Of "(B)," number hired: (i) from January 1, 1979, to October 31, 1979, 15; (ii) from November 1, 1979, to November 21, 1980, 16.

(E) Of "(C)," number hired: (i) from January 1, 1979, to October 31, 1979, 1; (ii)

from November 1, 1979, to November 21, 1980, 0.

## LLBO

(A) Number of applications for permanent employment received: 644.

(B) Number with "yes" to number four of medical history form: 3.

(C) Number with "yes" to number 5(E) on employment application form: 1.

(D) Of "(B)," number hired: 3.

(E) Of "(C)," number hired: 0.

## RALPH HEDLIN ASSOCIATES

407. **Mr. T. P. Reid:** Would the Minister of Energy please provide the original contract details of two contracts with the consulting firm Ralph Hedlin Associates? What was the original contract price? What were the original terms of the contract? What were the expanded terms of the contract and what further amount of money was paid to Ralph Hedlin Associates over and above the contract price? (Tabled November 21, 1980.)

**Hon. Mr. Welch:** 1. Ralph Hedlin Associates were retained by the ministry in January 1979 to advise on natural gas matters.

The original contract was for a total amount not to exceed \$6,000.

The complexity of the gas export and eastern extension applications to the National Energy Board changed considerably between January 1979 and March 1979. Considerable new material was filed by all applicants and the review and assessment process required additional time.

The total payment over and above the original negotiated amount was \$3,075.

2. Ralph Hedlin Associates were also retained by the ministry in January 1980 to conduct a study of natural gas conversion in Ontario with regard to the present natural gas market and the potential for future conversion.

The original contract was for a total amount not to exceed \$15,000.

The terms of reference of the study were extended to expand the scope of the project. In addition, the information available from the Ontario natural gas distributors was not as detailed as expected, requiring additional work.

The total payment over and above the original negotiated amount was \$9,607.30.

A presentation based on this study was given to the standing committee on resources

development, April 10, 1980, during discussion of the ministry's estimates. (Hansard reference pages R-75 to R-79.)

**WCB PHYSIOTHERAPY PAYMENTS**

414. Mr. Isaacs: Why is there a backlog of up to six months or more in WCB payments to private physiotherapy claims? How does the WCB expect these small businesses to survive when the WCB fails to make proper payment on overdue accounts? Will the WCB immediately advance 90 per cent of all outstanding accounts to private physiotherapy clinics? Will the WCB pay interest on all accounts that have been outstanding more than 30 days? (Tabled November 25, 1980.)

Hon. Mr. Elgie: 1. There has been a delay in payment of physiotherapy accounts due to the implementation of a new computer system. The problems within this system are being addressed and early resolution is expected.

2. Once the problems of the computer are rectified, it is expected that, upon adjudication of a claim, prompt payment of the account will ensue.

3. No portion of outstanding accounts can be paid until they are processed through the system.

4. There is no provision in the act which would enable the WCB to pay interest on the delayed accounts.

**MUNICIPAL ASSESSMENT PER STUDENT**

418. Mr. Grande: Will the minister responsible table the residential and commercial assessment per student, excluding the equalized assessment, for each municipality in the province? (Tabled November 28, 1980.)

Hon. Miss Stephenson: The Ministry of Education does not collect school enrolment information by municipality except in 11 instances where a school board jurisdiction happens to include only one municipality. The 1980 data for those 11 are shown below.

| Municipality        | Residential assessment per student | Commercial assessment per student |
|---------------------|------------------------------------|-----------------------------------|
| Wicksteed Public    | 40,162                             | 13,492                            |
| Wicksteed Secondary | 97,093                             | 26,621                            |
| Timmins Public      | 11,847                             | 15,260                            |
| Timmins Secondary   | 18,453                             | 13,712                            |
| Timmins Separate    | 7,006                              | 1,408                             |

| Municipality       | Residential assessment per student | Commercial assessment per student |
|--------------------|------------------------------------|-----------------------------------|
| Hamilton Public    | 15,266                             | 14,892                            |
| Hamilton Secondary | 29,509                             | 22,654                            |
| London Public      | 16,503                             | 9,112                             |
| London Secondary   | 28,344                             | 14,133                            |
| Windsor Public     | 26,419                             | 26,354                            |
| Windsor Secondary  | 48,562                             | 32,942                            |

419. Mr. Grande: Will the minister responsible table the equalized assessment per student for each of the municipalities in the province? (Tabled November 28, 1980.)

Hon. Miss Stephenson: The Ministry of Education does not collect enrolment information by municipality except in 11 instances where a school board jurisdiction happens to include only one municipality. The 1980 data for those 11 are shown below.

| Municipality        | Equalized assessment per student |
|---------------------|----------------------------------|
| Wicksteed Public    | 75,919                           |
| Wicksteed Secondary | 173,978                          |
| Timmins Public      | 199,983                          |
| Timmins Secondary   | 232,118                          |
| Timmins Separate    | 58,143                           |
| Hamilton Public     | 229,115                          |
| Hamilton Secondary  | 392,512                          |
| London Public       | 192,799                          |
| London Secondary    | 318,498                          |
| Windsor Public      | 214,832                          |
| Windsor Secondary   | 326,663                          |

**FOOD PROCESSING INDUSTRY**

423. Mr. MacDonald: 1. How many loans, and in what amounts, have been made to existing or proposed companies in the food processing industry by the Ontario Development Corporation? 2. How many grants, to whom and in what amounts, have been made out of the \$5 million from the employment development fund and how much of the unallocated funds are available to future EDF applicants from within the food processing industry? 3. What other assistance, either financial or technical, has the Ministry of Agriculture and Food made to companies in the food processing industry? 4. Have any other ministries been involved in efforts to strengthen or expand the food processing industry; if so, which and in what way? 5. What role will the new Board of Industrial Leadership and Development have in reversing the deindustrialization trend in the food processing industry; specifically, what

amounts of money will be available and to what extent, and in what manner, will the Ministry of Agriculture and Food be involved? (Tabled November 28, 1980.)

**Hon. Mr. Henderson:** 1. The following covers all loans and guarantees approved for food and beverage industries by the Ontario Development Corporations from inception (1966) to the present.

**ONTARIO DEVELOPMENT  
CORPORATION**

Food and beverage industries  
loans and guarantees approved  
to the present

**Food processors**

| Category                          | Number of<br>loans and<br>guarantees | Amount              |
|-----------------------------------|--------------------------------------|---------------------|
| Slaughtering and meat             | 15                                   | \$ 2,099,200        |
| Poultry processors                | 4                                    | 668,333             |
| Fish products                     | 2                                    | 198,514             |
| Fruit and<br>vegetable canners    | 10                                   | 2,092,603           |
| Frozen fruits<br>and vegetables   | 7                                    | 1,833,540           |
| Dairy products                    | 21                                   | 3,235,220           |
| Flour and<br>cereal products      | 4                                    | 953,333             |
| Feed industry                     | 10                                   | 1,166,467           |
| Bakery products                   | 2                                    | 87,000              |
| Biscuit manufacturers             | 2                                    | 514,583             |
| Bakeries                          | 20                                   | 1,669,360           |
| Confectionery<br>manufacturers    | 2                                    | 70,000              |
| Miscellaneous<br>food processors* | 51                                   | 10,521,676          |
| <b>Total</b>                      | <b>150</b>                           | <b>\$25,109,829</b> |

\* Companies that would either fall under more than one of the above categories, or which would not fall within these headings.

**Beverage manufacturers**

|                                     |            |                     |
|-------------------------------------|------------|---------------------|
| Soft drinks                         | 3          | \$ 190,000          |
| Distilleries                        | 2          | 375,000             |
| Wineries                            | 3          | 224,900             |
| <b>Total</b>                        | <b>8</b>   | <b>\$ 789,900</b>   |
| <b>Totals—</b><br>food and beverage | <b>158</b> | <b>\$25,899,729</b> |

**2. Grants**

| Company              | Amount           |
|----------------------|------------------|
| Sun-brite Canning    | \$270,000        |
| Ja-Dee Meat Products | 150,000          |
| Cuddy Food Products  | 500,000          |
| <b>Total</b>         | <b>\$920,000</b> |

**Guarantees**

**Vegetein Inc.** \$250,000

No specific sum has been allocated to future employment development fund applicants from within the food processing industry. At the start of the current fiscal year, however, approximately \$75 million was allocated by the government to the fund. In anticipation of future applications, and in order to help the Treasurer set aside sufficient funds to address the needs of all ministries, my own ministry judged that approximately \$5 million would adequately cover any funding required by the processing sector in the current year. To date, almost \$1 million in grants has been disbursed.

3. Examples of other assistance, financial or technical, currently made to food processing industry companies by the Ontario Ministry of Agriculture and Food, are as follows:

(a) This ministry spearheads many of the applications which go to the Ontario Development Corporation.

(b) Current year major advertising campaign:

| Date           | Campaign                            |
|----------------|-------------------------------------|
| January 1980   | Processed vegetables mall posters   |
| January 1980   | Processed meat and pickle billboard |
| February 1980  | Processed fruit billboard           |
| March 1980     | Tomato juice newspaper ad           |
| March 1980     | Processed vegetable billboard       |
| March 1980     | Processed fruit newspaper ad        |
| March 1980     | Processed vegetable newspaper ad    |
| March 1980     | Processed fruit mall posters        |
| September 1980 | Grape juice newspaper ad            |
| November 1980  | Processed fruit transit ad          |
| November 1980  | Tomato juice billboard              |
| March 1981     | Apple juice billboard*              |

\* tentative

(c) Fifteen trade missions are planned, or have been completed in the current fiscal year.

(d) A seminar has been held this year regarding European marketing opportunities for processed products.

(e) Joint market development committees, composed of processors and ministry staff, examine and evaluate marketing plans of mutual interest.

(f) A major import replacement priority list will shortly be completed.

(g) Financial assistance is being made to the food service industry in the form of advertising in food service publications and participation in the annual Hostex exhibiton.

4. This ministry works principally with the Ontario Ministry of Industry and Tourism in making referrals to the Ontario Development Corporation. Other ministries are usually not involved.

5. The Board of Industrial Leadership and Development was only recently created as part of the supplementary measures contained in the November 13 economic statement by the Honourable Frank Miller, Treasurer of Ontario. The board's membership was announced by the Premier on November 24 and the first meeting will be in the week of December 8.

My ministry will be putting to the board a number of requests for funding assistance to both strengthen and expand the food processing industry. It will be up to the board to decide whether my ministry will have a specified earmarked amount of money which can be used at the discretion of the ministry.

The board has the flexibility to request the Minister of Agriculture and Food to provide input into the decisions which relate to the agriculture and food industry.

We would want to see this ministry get appropriate funding from the board for expansion of the food processing industry. The actual dollar amount spent by the board will therefore depend upon a combination of ministry initiatives and the response by the industry to the opportunity to obtain assistance.

#### PROVINCIAL CASH DEPOSITS

424. **Mr. Ruston:** Would the minister report to the Legislature the amount of cash on deposits which the province had in banks and trust companies on October 31, 1980, and whether any deposits were in any other financial institutions? (Tabled December 1, 1980.)

**Hon. F. S. Miller:** On October 31, 1980, the province's accounts in Canadian chartered banks were in a net overdraft position of \$9.6 million. The province had no cash on deposit with trust companies or other financial institutions.

On that date, the province's short-term investment portfolio included a total of \$694.6 million of securities issued or guaranteed by Canadian chartered banks.

## CONTENTS

---

Wednesday, December 10, 1980

|  |      |
|--|------|
| Point of privilege re opted-out specialists: Mr. Cassidy .....   | 5141 |
| Death of John Lennon: Mr. Baetz, Mr. S. Smith, Mr. Cassidy .....   | 5141 |
| Social insurance numbers, statement by Mr. Pope .....  | 5142 |
| Point of privilege re genetics: Mr. Grande .....   | 5143 |
| Italian earthquake, questions of Mr. Wells: Mr. S. Smith, Mr. Renwick .....  | 5143 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy, Mr. Isaacs, Mr. G. I. Miller .....               | 5144 |
| Dioxin testing, questions of Mr. Parrott and Mr. Henderson: Mr. Cassidy, Mr. McGuigan, Mr. Samis .....                         | 5147 |
| Plant closures and termination entitlements, questions of Mr. Welch: Mr. Cassidy, Mr. T. P. Reid .....                         | 5148 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. G. I. Miller .....  | 5149 |
| Plant closures and termination entitlements, questions of Mr. Welch: Mr. Mackenzie .....                                       | 5150 |
| Federal aid to transportation, questions of Mr. Snow: Mr. Ashe .....   | 5151 |
| Norfolk teachers' dispute, statement by Miss Stephenson .....  | 5151 |
| Italian earthquake, question of Mr. Davis: Mr. Grande .....  | 5151 |
| Point of privilege re report in Toronto Sun: Mr. Cunningham .....  | 5154 |
| Reports, standing committee on general government: Mr. Cureatz .....   | 5154 |
| Report, standing committee on social development: Mr. Gaunt .....  | 5155 |
| Reports, standing committee on resources development: Mr. Villeneuve .....   | 5155 |
| Petition re extended care: Mr. Laughren .....  | 5155 |
| Motion re House sitting, Mr. Wells, agreed to .....  | 5155 |
| Tabling answers to questions 405, 407, 414, 418, 419, 423 and 424 on Notice Paper: Mr. Wells .....                             | 5155 |
| Third readings, Bills 118, 168, 169, 182 and 187 .....   | 5155 |
| Ontario Unconditional Grants Act, Bill 199, third reading .....  | 5156 |
| Third reading, Bill 200.....   | 5156 |
| Institute of Chartered Secretaries and Administrators in Ontario Act, Bill Pr41, Mr. Belanger, second and third readings ..... | 5156 |
| Jewish Family and Child Service of Metropolitan Toronto Act, Bill Pr45, Mr. Rotenberg, second and third readings .....         | 5156 |
| Redeemer College Act, Bill Pr48, Mr. Ashe, second reading .....  | 5156 |
| Gradore Mines Limited Act, Bill Pr49, Mr. Ramsay, second and third readings .....  | 5157 |
| City of Kingston Act, Bill Pr50, Mr. Watson, second and third readings .....   | 5157 |



|  |             |
|--|-------------|
| <b>Hamilton Club Act, Bill Pr51, Mr. S. Smith, second and third readings .....</b>   | <b>5157</b> |
| <b>McColl Farms Limited Act, Bill Pr53, Mr. Watson, second and third readings .....</b>  | <b>5157</b> |
| <b>Third reading, Bill Pr48 .....</b>  | <b>5157</b> |
| <b>Italian Canadian Benevolent Corporation (Toronto District) Act, Bill Pr42, Mr. Rotenberg, second and third readings .....</b> | <b>5157</b> |
| <b>Borough of York Act, Bill Pr46, Mr. MacDonald, second and third readings .....</b>  | <b>5157</b> |
| <b>Human Rights Code Act, Bill 209, Mr. Elgie, second reading .....</b>  | <b>5157</b> |
| <b>Adjournment .....</b>   | <b>5179</b> |
| <b>Appendix: answers to questions on Notice Paper:</b>   |             |
| <b>LCBO and LLBO employment applications, questions of Mr. Drea: Mr. Van Horne .....</b>   | <b>5180</b> |
| <b>Ralph Hedlin Associates, questions of Mr. Welch: Mr. T. P. Reid .....</b>   | <b>5180</b> |
| <b>WCB physiotherapy payments, questions of Mr. Elgie: Mr. Isaacs .....</b>  | <b>5181</b> |
| <b>Municipal assessment per student, questions of Miss Stephenson: Mr. Grande ....</b>   | <b>5181</b> |
| <b>Food processing industry, questions of Mr. Henderson: Mr. MacDonald .....</b>   | <b>5181</b> |
| <b>Provincial cash deposits, questions of Mr. F. S. Miller: Mr. Ruston .....</b>   | <b>5183</b> |

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**SPEAKERS IN THIS ISSUE**

---

Ashe, G. (Durham West PC)  
Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Breaugh, M. (Oshawa NDP)  
Cassidy, M. (Ottawa Centre NDP)  
Cunningham, E. (Wentworth North L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Di Santo, O. (Downsview NDP)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Grande, A. (Oakwood NDP)  
Haggerty, R. (Erie L)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Johnson, J. (Wellington-Dufferin-Peel PC)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
Mackenzie, R. (Hamilton East NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. (Bellwoods NDP)  
McGuigan, J. (Kent-Elgin L)  
Miller, G. I. (Haldimand-Norfolk L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Pope, Hon. A.; Minister without Portfolio (Cochrane South PC)  
Reid, T. P. (Rainy River L)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Samis, G. (Cornwall NDP)  
Sargent, E. (Grey-Bruce L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Taylor, J. A. (Prince Edward-Lennox PC)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Wærner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)



Ontario

No. 138

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, December 11, 1980

Morning and Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 11, 1980

The House met at 10 a.m.

Prayers.

## ORDERS OF THE DAY

### URBAN TRANSPORTATION DEVELOPMENT CORPORATION LTD. ACT

Hon. Mr. Snow moved second reading of Bill 190, An Act respecting Urban Transportation Development Corporation Ltd.

Hon. Mr. Snow: Mr. Speaker, I would just like to make a brief explanation of this very brief but very important bill that we have before us this morning.

The bill outlines the interpretation of the Urban Transportation Development Corporation, which is a company fully owned by the province of Ontario but incorporated by letters patent dated October 10, 1974, issued under the Canada Corporations Act. It is a regularly incorporated company under the federal act. The shares are totally held by me on behalf of the government of Ontario.

Section 2 of the bill declares "that the Urban Transportation Development Corporation is not an agency of Her Majesty in common law nor a crown agency within the meaning of the Crown Agency Act." This is a similar clause to section 13 of the Ontario Transportation Development Corporation Act, which corporation was incorporated by act of this Legislature. Section 13 was included to state that the corporation was not a crown agency under the meaning of the Crown Agency Act.

As UTDC was incorporated under the normal method of incorporation, that was not included. We wish to give the corporation that status. That makes the corporation an operating company subject to the same rules and regulations basically as a regularly incorporated business corporation except that, as I understand it, the corporation is exempt from federal income tax under the Income Tax Act since it is more than 90 per cent owned by the crown.

The purpose of this is to confirm that the corporation is a separately operating business corporation. It will be subject to several

laws of the province, such as the Planning Act and the Labour Relations Act, just as any other corporation is. It would not be exempt from those acts as a crown agency is. It will also make a difference as far as the statute of limitations is concerned, and the employees would be private sector employees and not employees of the crown.

The other main purpose of the act is to provide for guaranteeing the performance of contracts or the indemnity by the crown. As the government of Ontario is the only shareholder and the owner of the corporation, this is not an unusual procedure at all when entering into performance bonds for the carrying out of contracts. I know that when any corporation is requesting bonding by the major surety companies of the world, those bonding companies will in almost every instance, ask for guarantees by the parent corporation or by the shareholder of the corporation.

I know from my own experience, having been in the construction industry for about 25 or 30 years and procuring bonds for the carrying out of contracts, it is always the procedure of the surety company to request guarantees from the owners of the company whether they be private individuals or other corporations. This provision of the act provides that the Lieutenant Governor in Council may, on behalf of the province of Ontario, provide such guarantees of indemnity to the surety company on behalf of UTDC.

10:10 a.m.

This would provide for the corporation to obtain the normal performance bonding that any company would be expected to provide in the carrying out of any significant commercial contract. This bill provides for that purpose. That is the explanation of the bill.

Mr. Cunningham: Mr. Speaker, initially I should say we will be supporting the bill today, requesting that it go to committee.

Bill 190 causes us some real concern. On the face of it, this small item of legislation appears to be reasonably innocuous but the main thrust of the bill is to permit the Lieutenant Governor in Council, on behalf of the province, to enter into covenants or financial

agreements to bond or guarantee contracts entered into by the UTDC.

Over the last six or seven years the Ontario Liberal Party has been somewhat sceptical, at least in a responsible sense, with regard to the rapid transit proposals put forward in the name of this crown corporation and its predecessor. Members of the Legislature will recall the pomp and ceremony and publicity that occurred with the ill-fated Krauss-Maffei system. I think in that year the Premier (Mr. Davis) was the beneficiary of the Transit Man of the Year award. Unfortunately, that system would not go around corners.

That same year, on September 12 or 13, 1974, we had an announcement during the fifteenth annual Premiers' conference in Toronto, the headline on which was "Ontario and Alberta Join in Urban Transit Development Corporation." It got headlines in all the local papers. There was a lot of whoop-de-doo in the press. Very briefly it said:

"The overriding theme of the fifteenth annual Premiers' conference has been inter-provincial co-operation. In part, this stems from an understanding which the province of Ontario gave at last year's Premiers' conference in Charlottetown to seek ways by which the various provinces could work together in development programs to the mutual advantage of all parts of this country. Since last year a number of areas of joint participation and co-operation have been explored, one of which resulted in the purchase earlier this year of Alberta coal by Ontario Hydro.

"Today Alberta and Ontario are pleased to announce that the province of Alberta will make an investment in UTDC and will co-operate with Ontario in the development within the private sector of Canadian transit technology and in the Canadian transit equipment industry." It goes on for five pages. The last paragraph quotes the Premier. "The government of Ontario's original announcement of the corporation and its activities suggested that it should be a corporation serving national interests. Alberta's participation is a significant step towards that goal," Mr. Davis said."

Mr. Nixon: How much of that Alberta money did we get?

Mr. Cunningham: Not one thin dime, Mr. Speaker. It is regrettable, because I think the intent and the purpose expressed in that agreement and in the press announcement, which obtained a great deal of coverage not only here but across the country, was excellent. It is the kind of thing that, especially in 1974, might have helped to bind us today. It might have helped cement better relations

today, but unfortunately, for a number of reasons, Alberta changed its mind on this situation and chose not to enter into an agreement.

Three days later, on UTDC stationery, we have a news release. It is dated September 16, 1974, Toronto, and says: "Kirk Foley, president of the Urban Transportation Development Corporation, today outlined a co-operative development program with Douglas Aircraft Company of Canada, Toronto, and the McDonnell Douglas Corporation for a North American application of the GO Urban rapid transit system." Yet again more headlines right across the country and this was just three days later.

"Earlier today the McDonnell Douglas Corporation of St. Louis, a company noted for its commercial aviation and space exploration activities, entered into an agreement with Krauss-Maffei of Munich for exclusive US rights to the west German company's magnetic levitation rapid transit technology. The UTDC will receive 10 per cent of the royalties flowing to Krauss-Maffei from its agreement with McDonnell Douglas. This arises out of the corporation's own licence agreement which was signed over a year ago. The US transportation company will invest at least \$20 million in further development of technology now evolving from the GO Urban transit development project in Toronto.

"With UTDC and McDonnell Douglas each holding exclusive rights to the use of this technology in Canada and the US respectively," Mr. Foley said, "We now have initiated a co-operative development program to bring a prototype maglev technology to production status within the shortest possible time." That was 1974.

"The decision by McDonnell Douglas to enter this field, which will involve engineering, marketing and manufacturing," Mr. Foley said, "is a result of several years of analysis of the urban transit market in the United States and an evaluation of emergent technologies for high-performance rapid transit." It goes on for another four or five pages.

"In making his announcement Mr. Foley stressed that this development program, including Douglas Aircraft Company of Canada, is another part of the UTDC commitment to transfer its technology rights to Canadian industry. This will ensure that the Canadian industry will lead in the development of revenue systems produced for markets in this country and for export markets." That was in 1974.

It is not surprising that we do not regularly get press releases from Mr. Foley any

more, I think he anticipates just how they might be used.

I may be wrong and I stand to be corrected, but I do not think we obtained much of our 10 per cent on that. If anything, I do not think we got one thin dime from McDonnell Douglas. That particular arrangement is unfortunately ancient history. McDonnell Douglas was to share in the cost of recovery of the KM technology 50:50, and I do not think that ever happened. The maglev technology soon found its way to the back burners.

Then there was the famous announcement, made I think through the good graces of CFTO-TV, announcing that we had obtained and we were going to perform a contract to build a system from Tel Aviv to Haifa. That project never got going. There was optimism and publicity with regard to a Caracas bid. Thereafter there were bids all across the United States—Philadelphia, Miami when it was cold up here, Boston, Buffalo. Now there are Los Angeles and latterly Vancouver.

In the meantime, UTDC has spent a small fortune developing technology—for the most part, technology that I believe the private sector already had. The arrangement with UTDC and Hawker Siddeley to build streetcars for Toronto has been, in my view, moderately successful if at all. The cars are extremely heavy. One can get a foot massage by standing on Front Street listening to these things run up and down the street. They are incredibly expensive. My gut feeling after this experience is that Hawker Siddeley probably could have done the job cheaper and more efficiently on its own.

Not a word has been heard—maybe it is because again I am not getting the press releases, but I do not sense that there is any progress—with regard to the UTDC arrangement with Bombardier-MLW. I recall they were going to build articulated streetcars; not a peep. I am inclined to think that particular project is again on the back burners and there is some real doubt.

Now we have an announcement of a project in Vancouver. The Premier, in co-operation with the British Columbia government, has announced an advanced light rapid transit system in Vancouver some two weeks before a feasibility study in that city would be completed. Globe and Mail columnist Robert Williamson said in yesterday morning's paper—I will just quote it here for you, Mr. Speaker, in the event you have not had a chance to see it:

"Here, through the political chicanery of the Social Credit government, is something to behold. In a sudden stampede to pre-

empt the installation of Vancouver city council and its new NDP mayor and claim the glory for the Vancouver transit system, Victoria has deceived municipal leaders into expecting up to \$100 million in cash from Ottawa. The federal cabinet has not even considered the west coast transit aid, and when it does it will be looking at no more than \$50 million."

I had a discussion with officials from that ministry yesterday and I am led to believe that that in fact will probably be \$40 million. The long and short of it is that it was a rather hastily arranged proposition. The cost of this is still in some doubt. I think the newly elected mayor of Vancouver is entitled to refer to this possibly as a pig in a poke and hardly the basis of a sound workable business arrangement.

10:20 a.m.

In response to questions from my friend the member for Brant-Oxford-Norfolk (Mr. Nixon), the Premier indicated no such contract exists at this time. Nothing was written and none of the real details had been ironed out.

In fact, there were more questions than answers on this particular project. Will the project be elevated or will it be below ground? Will it be a combination of those factors? Will it be run by computers or will it be manual? Will it be propelled by a linear induction motor or by a rotary motor?

These are all technical questions to be answered and questions that must be of vital concern to those of us who are concerned about the potential liability on the part of the Ontario taxpayer if this project should fail. That is what Bill 190 is all about.

Are there firm prices or are we anticipating cost overruns? Were there cost overruns at the Kingston test track? What is the assessment of the viability of this project by the independent bonding people? Very simply, are we considering advanced light rapid transit when a conventional light rapid transit might be simpler, cheaper and more efficient, and of less risk to the Ontario taxpayer?

What are the natures of the agreements with our subcontractors? Who are the subcontractors? At this point, we are not even sure who those people will be. Have we made or are we making arrangements with Bombardier-MLW? Does Canadair continue to want to work with UTDC? Does Hawker Siddeley Canada Limited? If they do not, and recognizing that UTDC has no manu-

facturing facility, what Canadian company would do business with us?

It is estimated that upwards of \$100 million of Ontario taxpayers' money has been spent on UTDC to date. Will this project we are speaking of in Vancouver recover those costs, or will this project in combination with the Los Angeles project recover our development costs? Those are questions yet to be answered.

It is estimated that at least 60 per cent of the costs will relate to land acquisition, and construction of terminal stations in the sky and, of course, the track bed itself. It is my understanding that the steel for the rails will not come from Ontario but will likely come from Sysco Steel in Nova Scotia or Interprovincial Steel and Pipe Corporation from the west. That leaves roughly 40 per cent of the cost of this project to be developed elsewhere, and if Ontario contractors were not to be involved, what really is the benefit of this project for Ontario? I think that must remain the fundamental question and I hope the minister will comment on that in some detail.

Through this bill we will be accepting the responsibility for a very large financial bond. I truly and sincerely hope the project works. I want to say this to the minister and I want to go on record very clearly and unequivocally right now, I will be one of the first people to admit I have been wrong on this if what has been proposed turns out to be successful, viable, there is no risk to the Ontario taxpayer and the original purpose of UTDC is achieved.

I remain somewhat doubtful with regard to that, but I would like to say our scepticism with regard to UTDC has not been unfounded. Other questions arise. Why are we putting the people of Ontario on the financial hook on this particular project? Have we tried private bonding companies? The minister has a great deal of experience in that particular endeavour. Have we looked at Canadian surety companies? Have we looked at Lloyds of London? It would almost be beneficial to take a look and see what it thinks of the viability of these projects. I would like to know why we have not gone to Lloyds. If we have, what does Lloyds of London think about this and what does it think of a money-back guarantee that will exist on a project of this sort that has never been tried or proved, at least to date?

It would be nice to know, when we are granting our friend Mr. Foley the combination to the consolidated revenue fund, the extent

of our possible liabilities. It has been said that with Vancouver it might be \$300 million. My gut feeling is that the initial estimate of the cost of that project is modest indeed. Now we have word of an LA project and a possibility of bids elsewhere. It is doubtful we will get more than one of those bids in the US, but it would be nice to know and I think it would be helpful to members of the Legislature who would like to be responsible on this, the maximum downfall we may be facing should one or more of these projects fail.

Frankly, I really am delighted to hear that the technical advisory group in Los Angeles is leaning to the UTDC proposal, but again I have some very real doubts about how many jobs will be involved for Canadians and specifically how many jobs will be involved for the people of Ontario. We, through this bill, are putting ourselves on the line. We are on the hook financially. The downside is at great risk to us and I am not entirely sure that a large proportion of the jobs is going to be there for us.

Very briefly, I do not think Mr. Foley has done a particularly good job of helping the minister with his job, and that is keeping the members of the Legislature informed with regard to the corporation's activities and just what it is doing. We have not denied UTDC funds in the past. I think we have been responsible on that. We have not pulled the plug on this corporation, in the fervent hope that at some point over the last seven or eight years Mr. Foley would come back with an order.

I, frankly, am not one who necessarily believes 100 per cent in Murphy's law, that being that if anything can go wrong, it is bound to. Often I thought that maybe that was a principle that underlined the UTDC bid policies. However, we have had a number of major capital projects in Ontario be subjected to some doubt. From Hydro across the street, we hear announcements in this Legislature that half of the Bruce B project is mothballed; Wesleyville is half done, it is mothballed; J. Clark Keith, a \$56-million proposition in Windsor, is mothballed, and I think a \$2-billion proposition, and I stand to be corrected, at the Lennox generating plant in Kingston is mothballed. That is a lot of money, and if something went wrong on this one, we really could be in a tough spot.

The original intent of the corporation I think was to assist the private transportation sector and develop a catalyst to export this particular material. The thesis remains very valid, but in practice it is now apparent that UTDC is in the process of abandoning some



of its original partners and is in fact competing with them. In the recent Buffalo bid, we successfully outbid Hawker Siddeley and another Canadian company—

**Hon. Mr. Snow:** By about 20 per cent.

**Mr. Cunningham:**—which really is inconceivable, because invariably we probably have to go back to those people and get them to do the work. I do not know how they could overbid, if they were interested in the work, and we could come under their bid if we would eventually have to use their services anyway.

It really disturbs me when the government of Ontario, or any government for that matter, chooses to go out and use its massive funding and resources to compete with the private sector. It is obvious that notwithstanding the abilities of Bombardier-MLW, Canadair, Vickers or Hawker Siddeley, none of them has the resources of the province of Ontario, the unlimited resources, and certainly none of them is going to have the key to the Treasury, as my friend Mr. Foley is going to have it when this bill becomes law.

I would like this bill to go to committee of the whole House so some more detailed questions might be answered.

**Mr. M. Davidson:** Mr. Speaker, we too will be supporting this bill this morning. It is a little difficult for me to talk about a light rail service or any other kind of service. Mr. Speaker, being an old railroader, you will know that when one lives in a community of 85,000 people and very seldom ever sees a train, it is kind of tough to get on track and talk about a rail service.

When we look at this bill we have several questions to raise. Many of the questions have been raised by the member for Wentworth North, who is much more knowledgeable in this than I. He has been the Liberal critic for transportation and communications for some time now and I am relatively new at it.

One of the things that we on this side are interested in is why it is the government is trying to put itself at such an arm's-length distance away from UTDC on one hand and on the other hand is accepting responsibility for any faults that may occur during the operation.

10:30 a.m.

For example, sections 1 and 2 of the act try to suggest that somehow or other UTDC is not a crown corporation while at the same time all of the shares are held by the Ministry of Transportation and Communications. It is a nice way of saying maybe the government's philosophy does not agree with the crown corporation structure, but let me

assure the minister that I do not know whether he can sell that to the people out there, that the government owns all the shares but somehow or other this is not a government operation.

It is a good trick if they can get away with it, and I suspect by passing this act today they will get away with it in a sense that they will be able to say, "UTDC is separate and apart from us, except we have all the responsibility when it comes to putting up the bucks for performance bonds." That is something we have to question on this side of the House. I should say philosophically that from a political point of view, were we the government, we would not attempt in any way to separate ourselves from an operation like UTDC. We would make it a crown corporation.

I can understand that when you originally got yourselves involved in this program, and you were a little concerned it was going to fall flat on its face, you would want to keep it at arm's length and suggest that was something separate and apart. But now, with all the nice announcements you keep popping up with to the effect that suddenly this thing is going to burst out all over—starting with Vancouver and then Los Angeles and then Miami; it could be going all over the place—if I were the government I would be proud to stand up and say, "My God, look, we have got something there that is worth while, and it is ours. It belongs to the people of this province."

**Hon. Mr. Snow:** It sure does.

**Mr. M. Davidson:** It may, as you say, but the way this act is written it is saying, "You guys stay over there and do the little operation and if anything goes wrong we will pay the money out of the bottom end, but we can still attach some blame on that side." I suggest to the minister, if there are failures and the money is going to be taken out of the public purse to cover those failures, then maybe you as the government should accept that responsibility. Maybe you should stand up and say we were wrong and not just stand there and say UTDC told us this was okay, that everything was going to be fine. I and my colleagues do not understand why it is you have to have that arm's-length separation between yourselves and UTDC.

Section 3, which gives the Lieutenant Governor in Council on behalf of the province of Ontario the right to post performance bonds for the operation of UTDC, is again something we would have to question. Some of those questions were raised by the member for Wentworth North as to whether you have

looked at other types of performance bonds. Have you gone to companies and asked them what it would cost you to pay for a performance bond through an agency? We are getting stuck here with \$300 million in Vancouver. If you go down to Los Angeles they are going to require a performance bond. If all of these things get into operation you are going to have performance bonds posted in three or four major centres, all of which are going to be very costly in terms of dollars to the people of this province. If there are any failures in any of those systems that require that bond to be paid, we cannot even tell you at this moment the amounts of money that that may cost the people of this province.

Nevertheless, having said that, I can well see that again the government is putting itself in a position to own the shares through the Ministry of Transportation and Communications, fund the project, post the performance bonds, but at the same time separate itself from UTDC through legislation and not admit that it is, in fact, a crown corporation.

It is rather funny; the member for Wentworth North talked in terms of jobs and of these supposed sales, because none of us is really aware of what kind of agreement or arrangement has been made for the Vancouver system. Questions were raised to that the other day and we really do not have a response nor do we have any idea what the agreement is or the conditions of the performance bond, or any of those things. They are not on board. All this bill does today is legitimize a supposed transaction that has already been made.

**Hon. Mr. Snow:** That is not so.

**Mr. M. Davidson:** It most certainly is so. How could a performance bond possibly be posted if legislation has not yet passed through the House?

**Hon. Mr. Snow:** A performance bond has not been posted yet.

**Mr. M. Davidson:** There you go. So how do we know what the conditions of that performance bond are?

**Hon. Mr. Snow:** What a bunch of sceptics.

**Mr. M. Davidson:** Sceptics? Mr. Speaker, I would like to remind the minister we are not playing with his money, we are playing with the money of the people of Ontario.

**Hon. Mr. Snow:** I have more in it than you have.

**Mr. M. Davidson:** You may very well have more in it than I have because I do not have very much. Getting back to the job situation, we have been given to understand that if this project rolls and gets going, if we get

sales to Vancouver and sales to Los Angeles, that is going to create a great number of jobs for Ontario.

The other day during question period the Premier indicated that I did not know my mathematics. Somehow or other the understanding was that part of the agreement with the BC government was that a certain number of component parts would be manufactured in BC. The Premier stood up and said when you start from nothing and you end up with 300 jobs, just to use a figure, then you have to gain. He said that was the old math. Thank the Lord I have children who taught me the new math. The new math in my view is, if the potential were 500 jobs and we gave 200 of them away, we have lost jobs in this province. We have not gained, even though we do end up with 300. You do not give away the jobs.

That is why I suggested the other day that the performance bond in terms of dollars is one thing, but in actual fact if you are going to allow the component parts of the units to be made outside the province then your guarantee is really a lot more than \$300 million. Your guarantee is perhaps 100 or 200 jobs and all of the benefits those would have brought into the province. Let's not finagle with figures. There are the facts. Even though you may end up with 200 or 300 jobs, you are still giving some of them away. That is the truth of the matter.

Even though we are going to support this bill I think many of the questions raised by the member for Wentworth North are valid and require some kind of answer. Many of the situations that could possibly come forward out of the passing of this legislation could very well put the people of Ontario in great financial difficulty if this system does not perform the way the government seems to think it will. Until we know the terms and conditions of those performance bonds, until we know what it is we are going to be covering with those performance bonds, the operation and all of the things that apply to it, then we really do not know what kind of agreement the minister is prepared to make.

10:40 a.m.  
I am like the member for Wentworth North: if I am wrong I will be the first one to apologize, but let me tell the minister, if this system fails and we have to start paying out these millions of dollars, the minister is going to hear from me on behalf of my people.

**Mr. Nixon:** Mr. Speaker, I appreciate the good spirits of my colleagues and I am extremely interested in this bill. As a matter

of fact, I might as well tell the minister that I find it extremely offensive. The Urban Transportation Development Corporation has been in operation for many years and I do not see why, if it requires these cosmetic changes to its corporate structure as well as the very important government responsibility to back it with a performance bond, we could not have had the legislation months or even years ago.

We could have had an opportunity in a committee outside this House to question the officials of UTDC and others who might have had an impartial ability to judge the quality of what we have produced here. Instead, the minister introduces the bill, which lies dormant for a few days, and then it is—

**Hon. Mr. Snow:** Two weeks.

**Mr. Nixon:** No, more than two. It was introduced on November 15, I believe. The minister then says this is an important bill that must be carried because—

**Hon. Mr. Snow:** Almost four weeks.

**Mr. Nixon:** Everybody is looking at it—it says November 14. When we questioned the Premier, of course, there was little or no information forthcoming but simply a challenge that would dare us to oppose this bill.

Honestly, going by the record and the information that we have, I personally feel it approaches irresponsibility to support it. I really feel that way. My colleague the member for Wentworth North has gone over the record of UTDC and its various predecessors, which is the only thing that is available to us, and it is a sorry record.

The only break in the corporate continuity was when the chairman either resigned or took a leave of absence to seek a Progressive Conservative nomination. He was defeated by a guy named Spurge Near—was that not his name? Maybe that is irrelevant, but honestly, there is nothing in the record of either the minister or his corporation to establish any confidence that would lead people on this side, let alone the supposed good business managers who support the minister, to say, “Here is \$300 million as a corporate bond which will be paid out of the consolidated revenue fund if your trains do not run on time.”

We asked the Premier about the contract and he really was a little vague about it. He kept referring to the other side of the contract as the greater Vancouver authority or something, and then he went on to say that maybe the province of British Columbia was involved. Is that supposed to instil

confidence in those of us on this side who are attempting to get some information that will permit us to support the very confident minister? He knows all of the background and it has been very well put down by my colleague.

He even goes back further than he described, because I was here at the time the original announcement was made. My colleague used the word “fanfare,” and believe me that is a very conservative noun to use in conjunction with what occurred. As I recall, we were all trundled up to the Ontario Science Centre. The very best hors d’oeuvres were flown in from Bulgaria. Everything was there. They had special banners flying from the walls of the science centre. I had a flashback to Nuremberg.

**Hon. Mr. Snow:** I was not there.

**Mr. Nixon:** Think about it; all right, the minister was not here.

**Hon. Mr. Snow:** I was here, but I was not there.

**Mr. Nixon:** The minister had other responsibilities. The Premier was flanked by—I do not know whether it was Stan Randall or somebody else; all I can remember was the Premier giving us the same shot that he gave us yesterday: “Shrink back ye of little faith, you people without the breadth of vision even to contemplate magnetic levitation. Forget all this. Go over to the lunch table.” He probably knew my weakness even then. “Leave all these important matters to us. We are working on a world-wide scale, with international agreements. All of my friends with special connections in the business communities of Switzerland and Germany have advised me this is what to do, that this international corporation with a reputation *ne plus ultra* called Krauss-Maffei is actually making us the North American agents for magnetic levitation.” It is just a riot when you look back on the damned thing, it really is.

Part of the Premier’s vehemence in response to the rather moderate questions put to him on this is based upon the fact that, in his own selective memory, this is one area he cannot rationalize as anything but an abject failure—

**Mr. Mancini:** A boondoggle.

**Mr. Nixon:** —“boondoggle” is a better word—and a failure that the electorate, which he is so careful to curry and stroke, has never really been aware of. He has been able to tell us that there has never been any significant amount of money lost on that, and yet I have been out—

Interjection.

Mr. Nixon: All right, I am not objecting, other than to the public relations costs; even the Beluga caviar must have cost somebody something. I regret I had only a couple of little wafers of the stuff and I did not like it very much either.

Mr. Sargent: The last figure was \$72 million.

Mr. Nixon: My colleague chimes in with "\$72 million," but, certainly the public relations costs must have approached \$1 million.

Even in those days, the Premier had this funny weakness of being carried away with his own enthusiasm. It may be some kind of a background worry about his place in history, that he has to have concrete pylons stuck into the earth with his initials carved on them or something, because the first thing he did was to announce that we were going to have this blooming train run around a test track at Exhibition Park. Even before it had been tested in any way, the holes were being dug, gas mains had to be moved, pylons were poured, trees were ripped or chainsawed down, and it was all in the interests of the William G. Davis people mover.

Then, all of a sudden, we did not hear much about it. It turned out the damned thing would not go around corners, and there was some concern that the guideway, if it had even a mere mist of snow on it, would cause the linear induction engine not to work efficiently, or to work sideways, backwards or something like that. So that drifted off.

Then, with bombast, he said we had not lost anything except, of course, the public relations costs, which were really designed not so much to levitate magnetically, but to convince the people of the province, who seemed to be so readily convincible by some of these arguments, that we had entered into the twenty-first century and that Bill Davis was the magus. I was thinking of something like "tooth fairy", but I have to be careful of that since this House has become remarkably sensitized to some of these words.

The honourable member has put in detail before you, Mr. Speaker, the procedures used by UTDC—and it used to have another name; I think it had "Ontario" in it: Ontario Transportation Development Corporation. It had several changes.

Hon. Mr. Snow: Only one.

Mr. Nixon: The minister did not even have a corporation when he started this thing. The minister is just like the Premier, who went out to Vancouver and delivered this oeuvre, I think the word is, about a commission on

western separation. He must have had a cup of coffee, or maybe two cups of coffee, with a couple of the ministers out there, had a handshake while they looked deeply into each other's eyes, and have come back with a contract that really is not backed by anything at all.

There are no papers you can lay on the table. The minister himself has said the performance bond has not been signed, so I would think the BC government is not stupid enough to sign anything on its part without Ontario putting all the money up, front and centre, in case anything goes wrong. Does the minister think they are going to take a risk with this business?

We hope it works. We have been listening to their propaganda for years about how wonderful it is. I see the minister has Hugh Winsor on his side in a big way; but even he admits, like most of us, that we love to see trains that work, and that they are exciting and really nice. However, the minister has not gone out of his way to provide any of the information for the members of the Legislature, who are asked to give him the authority to pay out \$300 million from the consolidated revenue fund if the thing does not work.

10:50 a.m.

It has never worked in the past. We have seen it going around on television and in the minister's own promotional films. There are always the minister and the Premier with a broad smile. Mr. Foley, who has joined us, is there, conducting everybody through it, saying: "My God, is that not quiet? You can carry on a conversation standing right beside this as it goes around its nice little track on its little rubber wheels." Honestly, I do hope it works. I am very interested in this sort of transportation, I really am.

My daughter rides to work on the new streetcar. It is almost half as nice looking as the ones I have seen in Amsterdam, and I do mean the streetcars. She says if you want to get up to signal your station, you cannot reach up and pull a string or push a button. You have to stand up and yell at the guy, "I want to get off at the next stop," or something like that. It is extremely heavy. It cannot be air conditioned. I like the looks of them and the paint job really is very nice, at \$500,000 each.

They had those in Warsaw in 1939, did they not? They ran on electricity and on rails, except that they were lighter. They were just as fast and they were not so expensive but I do not think the paint job was nearly as impressive.

The thing I really find offensive is that the ministry is asking us for this authority, which is very far-reaching, and this could be extremely expensive. We all hope it does not cost us a nickel. We hope that, but we have been so severely disappointed in the past. They tend to oversell the thing even to us.

**Hon. Mr. Snow:** I have never oversold anything.

**Mr. Nixon:** The minister is not as good a salesman. All he could do was get 401 six-laned out to his farm. Is that not right? That is one of the things that did not occur in the big speech last week. I was waiting and waiting. We heard about poor old Clarke Rollins getting his shoulders paved and all the rest, but they never got around to the Minister of Transportation and Communications who had 401 six-laned right from outside this office here to his farm, and then it sort of falls off into a gravel road. It is not exactly a gravel road, it is a four-lane, controlled access—

**The Deputy Speaker:** Now back to Bill 190.

**Mr. Nixon:** Oh, yes, back to this bill. I was particularly interested in the comments that have already been made about section 2, about the minister being proud of the fact that he has all the money in UTDC. In fact, its policy stems from the Ministry of Transportation and Communications, and I have a feeling that it is like the Ontario Institute for Studies in Education, educational television and certain other sacred cows in the stable of the Premier. I am quite sure nothing happens in UTDC that he does not know about even before the minister. Is Mr. Foley the president or the chairman?

**Hon. Mr. Snow:** President.

**Mr. Nixon:** President and chairman and chief executive officer. I will bet he has Bill Davis's home phone number and that every time the thing goes over 73 miles an hour or whatever it is, he phones and says: "Bill, wow, it is really working. We are really going." I have a feeling the Premier is staying in politics to prove to everybody that he can build a railway, that he can really build a people mover. It will be a relief if he finally achieves it after all the false starts, all the money we have thrown around, all the press releases we have had to wade through and all that crap we have had from him—if I may use that word, Mr. Speaker; you think about it—just like what we had yesterday when, since there was no information he said, "I dare you to vote against it."

Honestly, I really would like to vote against it. It has nothing to do with jobs in the province. All we can do is to look at the record, which has been abysmal. There really has not been anything that we can point to with any pride.

It is hard to sell these things. We know. We have been trying to sell the Candu, which is an extremely good reactor, and there was a time when I was critical of that and it is part of my job to be critical. I cannot look into the future. All I can do is to try to be as responsible as possible and to look at the facts that are available.

I do have quite a bit of confidence in the minister, and it is probably just a coincidence that the highway is six-laned out that far; I believe it is just a coincidence; almost a coincidence. I knew him when he was the chief panjandrum of the regional Lions Club and used to come out and speak to all the clubs. He was pretty definite and personable even in those days. But when it comes to pushing something down your throat, the Premier is the guy who does it.

This only leaves one thing for him to correct, and that is the teensy thing that happened a few years ago when he lost his majority. That is the only thing that would now drive him, assuming that this people mover—is that really what we call it?—this thing does function up to the specifications. I do not see any reason why it would not. It runs on wheels; the linear induction motor probably could be replaced by ordinary motors if necessary.

**Some hon. members:** No.

**Mr. Nixon:** All right, I see members are saying no and the minister is shaking his head, but the linear induction motor is probably just one of the reasons we ought to think about our \$300 million. It was invented years ago. The principle of it is extremely simple and the obvious advantages should have led to its development, if not perfection, half a century ago. But so far the very brightest engineers have not really been able to make it a workhorse type of kinetic energy concept.

Evidently this is an important breakthrough because, obviously, if it works, is reliable and runs the trains on time, we have something that is saleable and valuable. If it does not, it is going to cost us \$300 million. We will not even know. By that time the Premier will be retired to a rest home in Brampton and we will be trying to remember to send him a Christmas card. God knows what the minister will be doing; he

is going to be specializing in local planning, or something like that.

**Hon. Mr. Snow:** I'll have Highway 401 to Campbellville.

**Mr. Nixon:** All right, the 401 might be six lanes to Campbellford.

**Hon. Mr. Snow:** Campbellville.

**Mr. Nixon:** Campbellville, one of those great towns. But I simply want to express to the minister my grave concern that this bill is more important than he seems to realize. In the long run it could cost us an amazingly large amount of money, which he is asking us to approve without giving us any kind of significant background except to say, "Trust us." The Premier, in fact, says, "Trust me."

**Mr. Hennessy:** It's better than trusting you.

Interjection.

**Mr. Nixon:** Fine. I am not trying to sell you a pig in a poke. I would know better than that. You are a pretty good salesman too.

I think it is close to irresponsible to put it on that basis. But I would not worry for a moment to take a personal responsibility to vote against it if that would make any difference. I do not want to stop the thing; I hope it works. Whether the minister and his buddy four or five seats to his right believe it or not, I do hope it works, but I will tell him that I get awfully sick of the baloney he and his predecessors have passed out to the long-suffering public in support of these programs. It is about time they got it right.

**Mr. Renwick:** Mr. Speaker, I want to make two or three points on this bill but I do not want to bring to it the vehemence that the former speaker just brought to the topic. As a friend of the minister I hope he will not, for some time, accept any telephone calls from the Premier without recalling what happened to his predecessor when the doors on the light rail transit at Exhibition Park did not open that day. I think it was the next day that Gordon Carton, the former minister and member for Armourdale, got the telephone call and left the cabinet very abruptly.

**Mr. Nixon:** He's now running a milk store; you be careful!

**Mr. Renwick:** That is just a friendly warning to a friendly minister of the pitfalls of politics that he may not be aware of.

**Hon. Mr. Snow:** Now, de Grassi Street.

**Mr. Renwick:** That was my second point.

I was concerned that it was not within the principle of the bill, but now the minister admits that it was, I would like, when the bill is in committee, to introduce an amendment to the bill to provide for the reconstruction of the GO station at de Grassi Street, and for a permanent indefinite stop, at least to the end of the century, for the GO train in that de Grassi Street area.

11 a.m.

I have never had any support from the member for St. David (Mrs. Scrivener), whose riding is immediately across the street on the west side of de Grassi Street. I do not know why there is lack of concern by the Conservative members for people east of the Don and their ability to get to and from work. As I say, I am delighted that the matter is within the principle of the bill, and in committee I will introduce an appropriate amendment which I am sure will have the approval of the House.

The third matter I am concerned about is that we are the authority for an open-ended guarantee that we are permitting, if this bill is passed in its present form, without some kind of limitation or protection. I ask the minister to consider introducing an amendment himself, to save me the trouble of drafting the amendment, to provide first of all for the immediate tabling in the assembly—and, if the assembly is not in session, immediately upon the assembly being in session—of the order in council and the contract of indemnity for which the guarantee is going to be given. We have to have some kind of assurance that at the earliest possible moment the assembly is aware of the nature and extent of the open-ended obligation that is being assumed.

I recognize the difficulty of doing it but, certainly with respect to the financing of the government, there is always a dollar upper limitation in the bill, which will be introduced within the next few hours; I forget the name of the bill, but the annual financial bill which is introduced always has an upper dollar limit in it. Is it not wise for the minister to insert in this bill a protective upper limit for the guarantee and obligation which the government is asking authority to give? I think the assembly should expect that this kind of limitation would appear in the bill.

I ask the minister and his advisers in good faith to see if they cannot draft the kind of amendment to the bill that would do the two things; that is, to provide, for the immediate information of the assembly, the nature and extent of the contract and indemnity that is to be guaranteed; and, secondly, the specific question of whether this bill should

require an upper limit and, if the upper limit were going to be exceeded, would require the minister to come back into the assembly and to have it adopted.

I thought a little bit about the question of taking the UTDC out of the Crown Agency Act, and I agree with that way of ordering the relationship between the government and UTDC and the relationship of UTDC to its clients or customers with whom it may from time to time contract. I do not have any difficulty with that aspect of it, but on the other two matters I ask the minister to respond to them and, if possible, to work out a suitable amendment in committee to answer my concerns.

**Mr. Kerrio:** Mr. Speaker, I rise to speak to one aspect of the bill that concerns me. Having been involved in many contracts over the years dealing with municipalities and companies and having provided performance and maintenance bonds, in nearly every instance, it comes as a complete surprise to me that this government is now seeming to enter into a contract that is complete open-ended, as the previous speaker has just mentioned.

It is one of the reasons that it sort of contradicts the whole philosophy of the Tory party about free enterprise. When a free enterprise corporation enters into performance or maintenance bonds, it limits itself because of the value of the company. In the event that there is a major problem with providing the service or the performance or the maintenance and that company goes bankrupt, what the performance or maintenance bond does is suggest that a company that provides this kind of bonding is willing to see the job through to its conclusion.

**Hon. Mr. Snow:** That is exactly what we are doing.

**Mr. Kerrio:** Except, and this is a big exception, the people of Ontario are on the hook no matter what it costs the government. There is no limit. I wonder if any government should put the taxpayers on the hook for that kind of involvement. The railways might be running in British Columbia 10 years from now with the people of Ontario providing the means to keep that transportation system going. That is unconscionable. Unless this government can provide some kind of evidence that is not going to happen, it comes as a complete surprise to me that it should be asking us to put forth this kind of money. I defy the minister to suggest that it is any different. It is just like the Candu reactor sales.

I am surprised the government does not have a sales group in the middle of this whole organization doing the selling and taking another great big chunk of money. A corporation that can take these kinds of chances and limit itself is one thing but, I say with all respect, it is asking the people of Ontario to take a great deal of responsibility to enter into such an agreement where money will flow continually from the taxpayers of Ontario to British Columbia. I hope the minister does not enter into another contract with Los Angeles and two or three other places so that he would put this government in a position of not being able to fund it because we will not be able to raise enough money here. The people of Ontario will not be able to support those kinds of involvements.

If the minister can tell us this is a way to provide jobs in Ontario and that is the purpose, I can accept that, just as Candu reactors may have provided jobs for people across Canada. But to come here and tell us we are going to guarantee a system before it has been truly tested seems a most inappropriate way to enter into any kind of contract. I am certain there are not many people in the private sector who would do that. I cannot believe an airplane has ever been put in service that was not pretested and made damned certain it was going to carry people and do the function for which it was sold.

There are not too many people willing to take the risk they are asking the people of Ontario to take—not the government, which keeps pumping itself up as though this is a great thing the Tories are doing. It is not. The government is really taking money entrusted to it and putting it into a venture that is very questionable and I say, be careful.

**Mr. Sargent:** Mr. Speaker, briefly, we are in favour of this bill in principle. I am concerned because we continually have these large amounts of money—\$300 million here, the Minister of Industry and Tourism (Mr. Grossman) talking about \$700 million for Toronto, building subways for this great area of Toronto, paid for mainly by the outlying parts of the province. We are fed up to the teeth reading bills the government keeps bringing in to squander hundreds of millions of dollars of our money over which we have no control on how it should be spent.

In the Grey-Bruce area we do not have any means of transportation. Our trains have been cut off. Our bus system is run in a half-assed way. We have no way of being connected

with this part of the province. We have Canadian National and Canadian Pacific railway tracks with nothing on them. The people in the outlying areas of the province are tossing their money into the big pot down here, watching the Minister of Industry and Tourism and the government throwing away hundreds of millions of dollars.

**Mr. Rotenberg:** Where is the money coming from?

**Mr. Sargent:** It is coming from the outlying parts of the province, not from the people down here. We are paying the freight and the government is spending it.

The minister is asking us, in essence, to give him a blank cheque for \$300 million and, in any form of business, we have no purchase orders, no signed contracts, no idea of how he is going to assemble it or where he is going to do it. He is saying, in effect, "Give to this one department, not to a crown agency but a special department, \$300 million to play with." That was the last caper Stan Randall pulled.

11:10 a.m.

They could not make it work in Germany, but they have brought it over here with more fanfare than there is now, and it was a fiasco. The minister is now saying to us that he wants this kind of money. With tongue in cheek, I have to support this because it may be good. As the member for Brant-Oxford-Norfolk (Mr. Nixon) says, it may be good for the economy. It may be good for jobs in the province. It may be.

We have seen the minister flop on a lot of other things too; so how do we know he is right on this one?

**Mr. Nixon:** He has just started this.

**Mr. Sargent:** And God forbid if he gets mixed up in it. My point is that the minister has totally disregarded the need for transportation in western Ontario. I had planned to come to him and suggest we make a three-point deal, with the federal, provincial and western Ontario municipal governments putting the money in the pot, to let us run a GO train back and forth from Toronto; but we would get nowhere with the government, because we are subsidizing the GO train in Toronto here, including a great wealth of assessment for outlying parts of the GO train areas. We are paying for that through our taxes, but we cannot get the transportation to Owen Sound in the Grey-Bruce area.

As former speakers have said, unless the minister comes up with guaranteed purchase orders and contracts from a would-be buyer, and his modus operandi as to how he is

going to build this equipment and where he is going to build it—the total package—he has an awful lot of nerve just asking us to give him a blank cheque without these things amended to the contract. Our party is supporting it, but we do it with these things on the record and we will watch him very closely.

**Mr. Haggerty:** Mr. Speaker, I want to raise one question concerning Bill 190, An Act respecting Urban Transportation Development Corporation Ltd. I have heard members talk about \$300 million but, as I interpret this bill and the explanatory note, it could be \$300 million, it could be \$1 billion, it could be who knows what. It is a blank cheque.

**Mr. Kerrio:** It is seed money.

**Mr. Haggerty:** Seed money; the member for Niagara Falls is correct. It is a blank cheque the minister is going to be issuing to this company. As I look at it, it is a company.

I just question whether it is such a sure thing, this new type of transit car or vehicle that is going to carry passengers on rail. If the minister is so sure of the performance of this thing, why does he not go to the Ontario Development Corporation to borrow the money? Why does he not go to the Federal Business Development Bank?

**Hon. Mr. Snow:** We are not borrowing money at all.

**Mr. Haggerty:** He is not borrowing money at all. Surely somebody is going to have to put up some money to get this thing going.

**Mr. Kerrio:** The taxpayers.

**Mr. Haggerty:** The taxpayers; that is right. There is a hidden cost in this thing. The minister may tell me that his decision and the performance of that design may look good on paper. I have to say to him that, while I am not an engineer, my experience in the fabricating and machine shop business tells me the minister could have many complications in such a design that is not yet proven. The minister is head of the Ministry of Transportation and Communications. If this thing is that sure, then one would think this minister would be leading the province into mass transit system. We have the task force on rail services which has reported that the government should be heading in this direction just for the conservation of energy alone.

**Hon. Mr. Snow:** Did you ever hear of Hamilton?

**Mr. Haggerty:** Has the minister ever heard of Port Colborne and St. Catharines in the Niagara district? I have mentioned before



to the minister that one place he should be trying out this type of transit system—he should go back and perhaps bring back the old rail service that used to travel between Port Colborne, Welland, St. Catharines and Port Dalhousie. It was an exceptionally good rail service, carrying numbers of passengers on streetcars. That would have been a good place for the ministry to have tried this out and checked its performance, but I have not seen any of that, and I have been sitting here for 10 years.

I know my colleague went through the whole procedure from the beginning until now of the hopes and dreams of having this system work. Until this day, we have not seen it developed in the province. Perhaps it has been tested on the site at Kingston, but I suggest to the minister if it is that good, this is where he could borrow the money.

The system may be questionable because there are people more knowledgeable than the members of the Legislature who might ask: "Is it worthwhile going into the area of development of this proposed advanced streetcar?" They would probably take a good look at it and say, "No." Somebody mentioned Candu. The same thing applies to them. There are many checks in the system, but again it is not backed by the government of Ontario or taken out of the consolidated revenue fund. Ontario Hydro pays for much of the design and research and development, the same as the Atomic Energy Control Board in Ottawa, which sets it up through its system of checks and balances. We do not seem to have it here.

I am being told to give the ministry a blank cheque for promotion. I hope it is successful, because I am looking forward to seeing new job creation programs in Ontario. I am not convinced that this is the right way to go. I think there are other areas from which the ministry can obtain the money to back it up.

As my colleague the member for Niagara Falls says, any private sector operation has to get a performance bond without the government's backing. They get it from respectable business people in the industry, who say, "If it is worthwhile, we will back it and support it." Here, the minister wants a blank cheque, and I just question whether we are moving in the right direction in promoting this new scheme which has not been proven yet. If he wants to try it out in an area to promote his scheme, he should try it in the Niagara district, because we need a rapid transit system there.

**Mr. T. P. Reid:** Mr. Speaker, I hope I will not repeat all the concerns that have been expressed about this project. I wonder if I could—

**Hon. Mr. Snow:** How about Atikokan?

**Mr. T. P. Reid:** If the government is going to spend \$300 million, that is as good a place as any and better than most.

I will not go over the history of this thing; it has been an albatross and an embarrassment to the government all these years. We hope it will work and will have the effect we have been promised for almost 10 years.

However, I would like to just pose some questions to the minister in the hope that he might be able to answer some of them in his wrapup. I appreciate the fact that all the specifics are not known at this time, but I hope the minister will have some idea in the back of his mind, or perhaps on paper, as to what is involved in this.

For instance, can he tell us the specific terms in regard to the \$300-million bond? What is going to be in this performance bond? Does it cover everything from an act of God down to a wheel-nut coming loose? Exactly what is involved in this? By the way, I trust, just to add a little levity, that they will not have the minister driving the train, because I do not think we could get insurance for that.

Will it cover the operations of the trains? For what period of time; up to five years? If so, when will it be effective; from the beginning to the end? Will it be when they formally take over the system? Will it be from day one, when the trains start to run? What are the specifics on that?

**11:20 a.m.**

For instance, again to be specific, if a wheel falls off will the taxpayers of Ontario have to pay for its replacement? If the wheel was supplied by an Ontario company, will that company be obliged to supply the material and labour to replace it on behalf of the Ontario government? Will this be covered under the terms of a performance bond to be submitted by the supplier to whom work was subcontracted?

In other words, is the minister going to require a performance bond from someone else, either the subcontractors or somebody who is going to be doing some of the work under contract to UTDC? What are their performance bonds going to cover and what liability is there going to be for their work by the Ontario government? Let us face it, that is who is going to be responsible. When I say the Ontario government, I am talking about the taxpayers of Ontario.

Who will be responsible for the repair of equipment supplied by a British Columbia company in the event of malfunction of parts, shoddy workmanship or mistakes that can be made anywhere by anybody at any time? Who is going to be responsible for that? Will UTDC be drawing up the specifications for the work that will be done by companies in British Columbia, and will we have inspectors and engineers to ensure that things are built to the standards and design that presumably we have already in Ontario?

In the event of any malfunctioning or damage that might in total exceed \$300 million, what liability will rest with the Ontario taxpayers? To take the worst case presumably—and I am sure somebody would have insurance somewhere—if there were an accident of some kind, if there were material damage or damage done to human beings by way of accident, how far is this liability going to go? In a project this large, conceivably it could be more than the \$300 million. Is that going to be part of the performance bond, or is a separate insurance policy going to be provided?

These are all questions we are concerned about. As one of my colleagues mentioned, we are buying something of a pig in a poke, because we do not know the specifics. I hope the minister will be able to provide some of them here today.

My final question is, if the minister does not know all the specifics—I presume he does not and will not be able to answer each and every question—will he guarantee this morning that, as soon as the performance bond is drawn up and the specifics are known, that bond will be tabled in the Legislature so the members of the House and the public at large will be aware of its specifications and qualifications?

**Hon. Mr. Snow:** Mr. Speaker, I shall try to respond to the comments I have heard from my colleagues on the other side of the House. Listening to this debate today, it reminded me a great deal about when I started in the construction business on November 30, 1948. At that time, as a young fellow, I thought it might be a good idea and there might be a future in the construction business in Ontario and, having a total of \$600 in working capital to my name, I decided—

**Mr. T. P. Reid:** You were wealthy even then.

**Hon. Mr. Snow:** No. I thought I had better get some advice; so for instance, I talked to a number of fathers of friends of mine who

I chummed with in those days and I told them I was thinking of starting in the house building business in the town of Oakville. To the last one, everyone advised me this would be a foolish move, after all, this building boom we had in 1948 was almost over, and the demand for houses in the future could not possibly last. If I ever built that house, there would never be a customer to sell it to.

**Mr. T. P. Reid:** But you didn't have the government of Ontario backing you to the tune of \$100 million, did you?

**Hon. Mr. Snow:** No, I did not. I have never had the Ontario government backing me in anything. As I usually did and as I usually do to this day, I got advice from everyone possible and then did what I liked.

**Mr. T. P. Reid:** Could you have lasted 10 years without government assistance?

**Hon. Mr. Snow:** All I can say is that it usually worked over the years.

The member for Wentworth North (Mr. Cunningham) went into some of the history of the UTDC, OTDC, Krauss-Maffei and so on. He discussed something about a meeting of the Premiers of Canada when there was some agreement amongst them to have a co-operative effort with other provinces being shareholders of a corporation. I must say there was some planning for this type of arrangement shortly prior to my taking over responsibility for this ministry. It was considered and discussed with the federal government.

It became the Urban Transportation Development Corporation because the federal government and others did not want to be shareholders in anything called Ontario, which is understandable. When I got into the thing and when there were so many strings being attached by other possible shareholders, mainly the federal government, I recommended to my colleagues in cabinet that we not proceed with other shareholders in the corporation. The Urban Transportation Development Corporation has remained a wholly owned Ontario government company. It was not a case of people backing out.

I met in Edmonton with Dr. Hugh Horner, who was the Alberta Minister of Transportation at that time, and we discussed UTDC. Dr. Horner said to me: "We have a commitment with you. If you want us as shareholders, we are still with you. We will become shareholders of the company." As I say, we did not proceed with bringing in other shareholders.

**Mr. Cunningham:** Did you put out a big press release saying that?

**Hon. Mr. Snow:** No, I did not, as a matter of fact. I do not want to go into all the history. We all know the discussion on magnetic levitation. The proposal did not work. We happened to be astute enough business people that we could see that proposal was not going to proceed. As soon as we found out the problems, the German government withdrew its support of the program on the other side of the Atlantic. Through the very excellent negotiations by my predecessor and Mr. Foley Ontario was paid its total costs on the project. The papers were tabled in the Legislature which members have seen, I know. The total costs were paid by Krauss-Maffei when it cancelled the contract.

11:30 a.m.

The honourable member for Wentworth North stated the private sector had the technology, that it could have done all these things. We all know that is a lot of claptrap. It is not true. There is no technology in the world today like the technology we have now. There is no doubt in my mind that UTDC is looked upon around the world as having the best technology in transit today.

It was very interesting to hear the honourable member say Hawker Siddeley Canada could have built the streetcars cheaper, designed them cheaper, and so on. It was very interesting that in the bids on the streetcars for Buffalo, the low bid was \$34,780,000; UTDC \$35,771,000; Siemens was \$37 million; Bombardier was \$39 million, and Hawker Siddeley was almost \$43 million. So they certainly are economical when it comes to bidding.

**Mr. Nixon:** We put \$100 million into our firm and Hawker Siddeley has to find its investors.

**Hon. Mr. Snow:** That is absolutely a total fabrication.

**Mr. Nixon:** We put \$100 million into UTDC, did we not?

**Hon. Mr. Snow:** We have not.

**Mr. Nixon:** How much did we put in? What were the total ball park figures initially?

**Hon. Mr. Snow:** We have invested \$6 million capital in UTDC. My ministry has had a development contract on the intermediate-capacity transit system program for something in the neighbourhood of just over \$60 million. That has nothing to do with Hawker Siddeley and their price on streetcars.

**Mr. Cunningham:** You would have to reflect that in your cost. If UTDC got the contract, who would they have build it?

**Hon. Mr. Snow:** There would have been numerous subcontractors.

**Mr. Nixon:** Hawker Siddeley—

**Hon. Mr. Snow:** Hawker Siddeley could have been one of them for a portion of it. There are many other companies that were involved in the subcontracts.

**Mr. Cunningham:** What are the names of them?

**Hon. Mr. Snow:** I can give you the names of every one. There was Garrett Manufacturing Limited, SPAR Aerospace Limited, IT and T, Dominion Foundries and Steel Limited—how many more do you want?

**Mr. Cunningham:** The shell game.

**Hon. Mr. Snow:** The member would not know how to play shells.

**Mr. Cunningham:** I cannot afford to.

**The Acting Speaker (Mr. MacBeth):** Mr. Minister, this is all very entertaining but I think we should ignore the interjections. This is second reading. Get on with your remarks.

**Hon. Mr. Snow:** The honourable member is concerned about the assessment of the viability of this product. I would like to draw to his attention the fact that UMTA, the Urban Mass Transportation Administration of the federal government of the United States—

**Mr. Conway:** I am with UMTA.

**Hon. Mr. Snow:** It is obvious the member does not know what he is talking about. It is obvious he does not want information.

**Mr. Kerrio:** Where do you have one running that is carrying people?

**Hon. Mr. Snow:** In Kingston.

The UMTA organization did a complete study of the UTDC technology, and approved it as one of the four suppliers of this type of technology for projects funded by the federal government in the US. I think that has to be one of the greatest pluses. The Los Angeles technical committee, made up of their transit authority, their engineers, their specialists, did an evaluation of the proposals put in for the Los Angeles system. As I announced the other day, they recommended to the Los Angeles council that the UTDC proposal was the best for their system based on a number of factors.

The member wanted to know whether we were going to recover the \$60 million to \$70 million that we invested in developing this technology out of the one contract in Vancouver. I would have to say no, and we would not expect to. When one develops a technology like that, one does not expect to recoup development costs on one job. The member for Niagara Falls is nodding his head. He knows that.

When Boeing developed the 747 at a cost of God only knows how many million dollars, it would probably have to sell 400 to 500 747s before it would have its development costs back in its pocket. Similarly with any such product as that: de Havilland, in developing the Dash 7 and Dash 8, will have to sell 200 or 300 airplanes before it will recover its costs—that great crown corporation owned by the federal government. Canadair spent hundreds of millions of dollars developing the Challenger, which has been very successful and sold more than 125 airplanes, I believe, although they have not got their final certification yet. The company will not recover those development costs until it has sold a couple of hundred airplanes, I am sure.

**Mr. Kerrio:** You did not get the Arrow money back.

**Hon. Mr. Snow:** No. That was all spent in Ottawa by the Liberals.

Interjections.

**Hon. Mr. Snow:** We know who spent it; we know who stopped it too. Those are two different things.

I am told that the development or installation of these transit systems, as far as jobs are concerned—and jobs are one thing we are all concerned with—will provide something over 300,000 man-years of work for each \$100 millions of contract. With a little bit of new or old math, whichever one wishes to use, with the Vancouver project and the Los Angeles project, if they both evolve into contracts, we have something like \$800 million worth of contracts there. That comes out to something like 24,000 man-years of employment over the next five years. That comes very close to 5,000 man-years of work per year for five years. That, of course, would be spread out in the manufacturing end, the civil engineering end and all aspects of the contract. However, it adds up to a lot of employment.

It has been suggested that private bonding companies should be bonding this contract. I assure you, Mr. Speaker, that is the proposal, that a private bonding company would bond UTDC to the British Columbia government or to the greater Vancouver transit authority or whoever the final contract is signed with. That would be a performance bond to guarantee the performance of the contract.

**Mr. Kerrio:** If Ontario went broke. Because we keep paying as long as we can pay. That is what that does.

**Hon. Mr. Snow:** I am trying to explain it, Mr. Speaker, and I will try to disregard that. Comments coming from the other members of the House who are not as familiar I could understand, but not from the member for Niagara Falls.

**The Acting Speaker:** Mr. Minister, please disregard their comments. Sometimes I think you invite them.

**Hon. Mr. Snow:** First of all, when someone gets a bond to bond him on the contract, the bonding company issues a bond, which is a standard form that guarantees the fulfilment of that contract by that company, in this case by UTDC. But that bonding company also will ask the principals behind that company for their guarantee. The member for Niagara Falls states he got a lot of bonds in his construction business and never gave a personal guarantee to the bonding company. I would have to doubt that very much.

**Mr. Kerrio:** Oh, yes I did.

**Hon. Mr. Snow:** I know, I went through it for years. I had to sign guarantees; my wife had to sign guarantees. I had to sign over my life insurance policies and I had to tell them how many bats I had in the belfry and how many pigeons in the loft. Those bonding companies want to extract every bit of blood they can out of someone before they put their name on the line. In this case my wife and I did, as owners of our company. We put our money where our mouths were and we guaranteed that our company could perform that bond.

11:40 a.m.

**Mr. Kerrio:** You were limited in your assets, so when they were gone the bonding company would finance completion of the contract.

**Hon. Mr. Snow:** All the bonding company would do would be to take everything I had, except my wife.

**Mr. Kerrio:** That is my point.

**Hon. Mr. Snow:** The thing is that in this particular case the government and the people of Ontario are the owners, the shareholders of UTDC, so all the bonding company is asking is for the principal of UTDC, which is the Ontario government, to stand behind its company in the same way it would ask me to stand behind mine or the member for Niagara Falls to stand behind his. That is exactly the way it is and I do not know what is so difficult to explain about that.

**Mr. Kerrio:** You are putting the taxpayers of Ontario on the hook.

**Hon. Mr. Snow:** That is right, but unless one is going to go and bury one's head in the sand some place with the ostriches, one has to be on the hook some time.

I am not sure where I was, but there have been a number of questions asked as to who the contractors will be. There will be many subcontractors to UTDC on any one of these projects, whether it is the project in Hamilton, Vancouver, Los Angeles or wherever. I cannot tell the members who every contractor will be. Obviously, the civil engineering work, the construction of the guideway, the installation of the transformer banks, the transformer vaults, the installation of the rails, all those things that go together to installing that part of the contract, will be tendered and will be with contractors probably based in British Columbia.

It is impossible to construct a guideway in Ontario, construct guide piles in Ontario and transport that pile foundation to Vancouver, but that seems to be what I am being expected to do, which is crazy. We estimate that roughly 50 to 55 per cent of the total value of the contracts will be in the civil engineering structure and that type of work, whether it is Los Angeles, Hamilton or Vancouver, and will be done at the site of the installation. Surely we can understand that.

That leaves probably about 45 per cent of the value of the contract in the rolling stock, the engineering, the linear induction motors, the control systems, the signals system and so on, which will basically be built by contractors in Ontario. UTDC is not going to become a manufacturing company, UTDC may be assembling and testing the components once they are assembled into the car. It will be responsible for that end of the project and for the total engineering design, supervision of the overall transit system, wherever it will be.

I cannot tell the House who is going to supply every nut and bolt in the project. There are many capable manufacturing companies with capacity in Ontario to manufacture the car bodies, to manufacture the trucks. The number of companies that can manufacture the linear induction motor is limited. SPAR is the expert in the linear induction motor. We have Westinghouse Air-brake for the braking systems. I do not know whether that is for this or whether that is for the streetcar, but these are the type of Canadian manufacturers. Garrett Manufacturing was one of the big manufacturers for the streetcar, not for the ICTS, but those are the type of companies that will be doing the manufacturing of the many different com-

ponents that will go into the actual system itself.

I do not know where the member got the idea that the steel rails were going to be bought some place else. Where was that? I cannot tell the House where the rails would come from for Los Angeles. Obviously there are rail rolling companies in the US. I understand the Japanese market supplies rails to the US. I cannot say they are going to go from Ontario. That will depend on bidding and so on.

I would certainly expect that rails for any project in Canada would come from Algoma Steel in Sault Ste. Marie. The honourable member talks about Interprovincial Steel and Pipe Corporation. Some years ago I used to be a shareholder of Ipsco and I surely never understood it was a company manufacturing railroad rails. It may have gone into that. Maybe he knows something I do not; that is possible. But the major company that manufactures rails in Canada is Algoma Steel and it would be very likely Algoma would be the supplier. This, of course, would supply jobs in Sault Ste. Marie, in transportation and in many other spinoffs. One cannot trace the jobs to where they end up.

I would point out there have been comments about the Premier's visit to Vancouver last week, about his peering into somebody's eyes and coming up with a vision. I do not know where that came from. I would tell the House, this project has been negotiated for many weeks and months. On November 25, 1980, there was a press release from Mr. Edward Lumley, the federal Minister of State for Trade. He has been working with and had many discussions with UTDC about its technology and is most interested in seeing it developed and sold offshore. His press release stated the federal government was prepared to assist in the funding of a transportation system in BC, developed by UTDC.

The minister said federal assistance would be on the condition a Canadian system was used. He also said "a contribution would be directed primarily towards engineering design and prototype work, with vehicles and control systems being developed by the Ontario corporation," referring to UTDC. That announcement was made by the federal government long before Mr. Vander Zalm, British Columbia's Minister of Municipal Affairs—who I might say was in the gallery here about two weeks ago when he visited Toronto—made his announcement last Saturday morning.

**Mr. Cunningham:** Two weeks before the feasibility report was completed.

**Hon. Mr. Snow:** I do not know where you got that idea. I will not comment on it. It sounds ridiculous.

**Mr. Cunningham:** The Globe and Mail.

**Hon. Mr. Snow:** The Globe and Mail is not the fountain of all knowledge although it seems to be the fountain of yours.

I have probably answered most of the questions from the member for Cambridge while replying from the notes I have for the member for Wentworth North. I think the member for Riverdale summed up as well as I could the good reason, or probably better, for section 2 of the bill not setting aside the corporation as a crown agency.

The member for Cambridge again discussed lost jobs to the province that were never here. If there are 25,000 man-years of employment created by this \$800 million worth of construction and if 60 per cent of those are in Vancouver, Los Angeles, Hamilton or wherever the structure is built, it supplies jobs in those areas, but that leaves about 45 per cent of those jobs mainly in the manufacturing sector in Ontario.

11:50 a.m.

There may be some subcontractors involved in the development of the car, and some may be from Quebec, BC or wherever. In the manufacturing industry, there are many specialized products that one has to buy where they are produced. There will still be a tremendous number of high technology jobs provided in Ontario. I cannot tell the House exactly how many there will be, but I have given you my best estimate.

I was most interested to hear the member for Brant-Oxford-Norfolk enter the debate. I have heard that same speech several times. When I first came to this House in 1967, my former colleague Mr. Simonett used to sit just behind me and hear that speech and answer questions about the nuclear generating station at Pickering. The honourable member mentioned he had great doubts, and was perhaps his severest critic. He used to suggest to the government and to Mr. Robarts at that time that we were leading the Ontario taxpayers down the garden path.

**Mr. Nixon:** No, no. You are misquoting me.

**Hon. Mr. Snow:** I am quoting the intent, as I recall it from when I was sitting over there in—I hate to say it—the seat now occupied by the member for Etobicoke (Mr. Philip). I used to look with longing eyes at these front benches on this side. I well recall the member for Brant-Oxford-Norfolk

and his sceptical attitude towards research and development: why were we spending this money on nuclear power, why was a certain boiler delivered last week with some damage done to it, and how much was this going to cost the taxpayers of Ontario?

**Mr. Nixon:** Who is going to ask those questions if we don't ask them? By the way, how many of those have you sold outside Canada? How much money have you made on any one of them? Not a heck of a lot.

**Hon. Mr. Snow:** Mr. Speaker, if we are talking about Candu reactors, we are talking about the federal agency that is responsible for the selling of Candu reactors.

He talked about the record of UTDC and how bad it was. I have to say I am 180 degrees away from the member on that. I know he really did not mean that, because I know that member and he is a rather sincere, nice sort of fellow. Usually he takes a rather equalized approach to these things, so I take that comment with a grain of salt. I think UTDC's records of performance, of development and of achievement to this day have been unequalled by any other organization I can think of.

Maybe the member should read the article in Popular Science magazine last month which stated what great accomplishments UTDC has made. I will see that he gets a copy. Again, I refer to the Urban Mass Transportation Administration and its evaluation of UTDC, to the Los Angeles people and their evaluation, and to the BC people who were down here.

**Mr. Nixon:** Why can we not evaluate it? We are paying for it.

**Hon. Mr. Snow:** Over the last five years as this technology has been developed, members of this Legislature have been invited on numerous occasions to take advantage of the chance to visit and be briefed on it. Nothing has been hidden. Members of the legislative committee, including the members for Wentworth North and Etobicoke, have gone to Kingston to be briefed on the development as it progressed.

**Mr. McClellan:** In a few years the public accounts committee will go out and look at it too.

**Hon. Mr. Snow:** We hope you will.

There is a problem in trying to explain how a contract of this type is developed. It is not like us designing a bridge where we design specifically what has to be provided. Contractors who are prequalified by the ministry bid on that bridge; they do not bid options or alternatives. They all have to supply

the same bridge. When the tenders are opened, unless there is some imperfection in his bid, the low bidder in 999 cases out of a 1,000 is awarded the contract and the contract document may be signed within a week, allowing that contractor to proceed.

In this type of business, going back to when we bought the double-decker GO Transit cars, I recall an announcement was made by my predecessor of the contract. I signed the contract probably three or four months after the actual contract was awarded but after all the evaluation and details of that contract were worked out. Before I actually put my name on those contracts, it was three or four months after the announcement that the contract was awarded.

The tenders on the Buffalo streetcars went in six weeks ago or two or three months ago, I am not sure. They are being evaluated. Some people bid on four-axle cars and some bid on six-axle cars. The Japanese car may not meet the specification. We are the second bidder. I am not saying we are out of that contract now. It is not like bidding on a bridge when one knows he is out when he is not the low bidder. We do not know where it stands at this moment. They are evaluating those bids. They may scrap the whole works and recall it. We do not know what they will do.

When they evaluate the bids, as Los Angeles evaluated the intermediate-capacity transit system bid and made its recommendations, the technical committee in Buffalo may come back to city council and recommend that the UTDC bid, after taking all things into consideration, is the lowest. What we have at this time is a proposal that has been put to Los Angeles and a proposal to Vancouver and these have been evaluated. Now it has been recommended that these proposals be accepted. The detailed contract will be worked out. The performance bond will then be provided and I assure you, Mr. Speaker, the performance bond will be tabled in the Legislature. One request was that the order in council be tabled. As you know, Mr. Speaker, orders in council are posted after every cabinet meeting. I do not think it is necessary to table it in the Legislature.

I regret that the member for Brant-Oxford-Norfolk—this hurt me a little bit and I would like to look at Hansard—referred in a somewhat derogatory manner as far as promotion goes to my predecessor. I happen to think that my predecessor, the late Honourable John Rhodes, was one of the finest members this Legislature ever had and a fine Canadian. I wish he were still with us and I regret he was brought into this debate.

Mr. Nixon: On a point of order, Mr. Speaker: If the minister is under the impression that I do not agree with him about the qualities of the late John Rhodes, then I certainly want to say very clearly that I do. He was a personal friend of mine and I admired him. I was talking about the minister's predecessors who go back for quite a while. Some of them did make some mistakes. I do not know any of them who was perfect.

Hon. Mr. Snow: Mr. Speaker, I certainly understood the member to refer specifically to myself and my predecessor.

Mr. Nixon: Predecessors.

12 noon

Hon. Mr. Snow: The member for Riverdale discussed open-ended liability of the power that is granted in this act for the Lieutenant Governor in Council to guarantee performance of contracts. I really do not know how to deal with that matter because I do not know how it would be possible to put a limitation on it. I suppose some limitation could be put in the bill, but things move very quickly. I would hate to see a situation wherein the corporation had an opportunity for a contract and, because of the limitation in the bill and because the Legislature was not in session during the summer recess, we were not able to take the contract because the Lieutenant Governor in Council was bound by a limitation as to the number of guarantees that could be outstanding at any one time.

We can almost expect that any contract for a transit system will be something over \$150 million to \$200 million and rise. As we see the Vancouver contract, eventually, taking into consideration inflation and escalations, by 1986 it will probably be \$650 million.

I assure the House it is the intention of the corporation to ask only for the necessary guarantees from the Lieutenant Governor in Council to guarantee the outstanding bonds at any particular time. Of course, a great many of these bonds will be offset by performance bonds that we will receive from subcontractors. If we are calling for tenders in the Hamilton project, for instance, for the construction of the concrete guideway—and that may be worth \$10 million or whatever—then we would be obtaining a contract performance bond from that contractor, whether it be Piggott Construction, McNally and Sons, KBM Ready Mix Concrete, or whoever might make the successful bid. They would give a bond to UTDC that they

would successfully perform that part of the contract.

Then you call the electrical contract for all the major substations, and so on. That contractor would, no doubt, be providing a bond. I am not going to say that every time we want to buy \$100 worth of nuts and bolts we are going to ask a hardware store to bond us. Obviously, that is not going to happen. But a considerable portion of the overall liability will be offset by subcontract bonds to the corporation.

The member for Niagara Falls referred to airplane manufacturing companies testing their planes before they sold them. I would like to draw to his attention that that is exactly why we developed the Kingston test facility: so we could develop this technology, test it and have those three vehicles running around that track. I do not know how many thousands of kilometres they have put on. Very extensive testing has been done. It is very similar, basically, to the testing that is carried out in the development of a new aircraft. The only difference is that you do not end up with a final certification from some bureaucrat to say it is all completed. That is about the only difference.

The member for Erie made a great many comments about our borrowing money. He asked us why we did not go to the Ontario Transportation Development Corporation. As far as I know, OTDC is an arm of the government. To borrow from OTDC is to take money out of one pocket and put it into another. I would point out that we are not borrowing money. What UTDC is asking is that its shareholder, myself and, through me, the Legislature, guarantee its performance bond as any other company would ask its shareholders to do. The corporation runs on a normal basis and does normal bank financing just as any other company would do. I would remind the member for Erie that the first system I expect to see running with the ICTS technology will be in Hamilton. That is fairly close to the Niagara Peninsula.

The member for Rainy River had a number of specific questions. The terms of the bond, as I said, will basically be a standard performance bond. It will be tabled. The member heard the Premier give that commitment. If he wants to see the bond, that is fine.

The bond will cover the performance of the contract. There will be subcontract bonds. UTDC will be the prime contractor. UTDC will be responsible for the specifica-

tions and the supervision of the contract. I am already committed, as is the Premier, to the tabling of any performance bond the Legislature requests.

Motion agreed to.

Ordered for committee of the whole.

House in committee of the whole.

#### URBAN TRANSPORTATION DEVELOPMENT CORPORATION LTD. ACT

Consideration of Bill 190, An Act respecting the Urban Transportation Development Ltd.

Section 1 agreed to.

On section 2:

Mr. Nixon: Mr. Chairman, I have been interested in the debate as to why it was necessary for the House to declare that UTDC, which is wholly owned by the government of Ontario on behalf of the people, is not a crown corporation. I listened to the information put forward by the member for Riverdale (Mr. Renwick) and the minister, but it seems to me if we have to convince the people with whom we are doing business that we are not unnecessarily protecting ourselves as crown corporations, we could write into the specific contracts any protection the buyers might possibly require. It just seems ridiculous for this House, having set up this public company with the Minister of Transportation and Communications as the single shareholder on behalf of the government and the people of Ontario, to pass section 2, which says this is not a crown corporation.

As a matter of fact, I rather resent being asked to give up any protections crown corporations normally have that might be there. Those protections have been established over many years of tradition and enactment for the very purpose of protecting the taxpayers against some bad corporate judgement that might be entered into by individuals no matter how extensive their experience in using their wife's life insurance for bonding purposes.

There is no way I would ever question the minister's motives, credibility and responsibility, but this is or should be a crown corporation. If we cannot sell what the crown corporation has developed, technically and with hardware, then I suppose we could consider permitting a contract that divests us of specific protections. I resent section 2, and I am not convinced it is necessary.



**Hon. Mr. Snow:** Mr. Chairman, I do not know how much more I can say. It is a way of clarifying the corporation. It is not a crown corporation. It is a business corporation incorporated under the Canada Corporations Act. The member and I could go out tomorrow—maybe this afternoon if we could pull a couple of dollars together—and incorporate a company under the Canada Corporations Act. This is what this is. It is a business corporation. It so happens that Ontario is the shareholder for that corporation. To remove any doubt as to the fact that it is a business corporation rather than a crown agency, I have been asked by the Attorney General (Mr. McMurtry) and the Treasurer (Mr. F. S. Miller) to clarify that point in this bill.

12:10 p.m.

**Mr. Cunningham:** Mr. Chairman, I am sorry to prolong this, because we have gone on a long time and I know there are other matters that the Legislature would like to consider, but in view of the fact that it is quite clear that as of October 1974 this is a corporation under the Canada Corporations Act, this really is redundant. The corporation's standing is quite clear.

Why would the Attorney General ask the minister to come here today and, basically through this item of legislation, indicate that UTDC is not a crown agency. It is very clear that it is not a crown agency. UTDC is a corporation under the Canada Corporations Act, 1974. Is this not superfluous? What are the reasons that the Attorney General has asked the minister to do this?

Possibly to stimulate the minister here, is it so that the corporation does not have to come to the estimates? Is it so that the corporation, when it is bidding for these projects, can say that it is not related to the province and is an entity unto itself?

I am having a difficult time understanding this. The minister was asked this question specifically in debate by the member for Cambridge (Mr. M. Davidson), by the member for Riverdale (Mr. Renwick) and latterly by my former leader, and we have not heard any answers on it.

**Hon. Mr. Snow:** No, Mr. Chairman, it has nothing to do with the estimates. The relationship of the corporation to my ministry and the committee studying estimates will not change. I believe what it does is it limits the liability to the taxpayers of Ontario to the investment that the taxpayers have put into the company and the guarantees given to the company. In other words, the government does not need to be

brought into any third-party action in a case of a dispute with the corporation.

**Mr. Cunningham:** The next section indicates that the province, through the cabinet, will allow a guaranty, covenant or indemnity in connection with any contract the separate corporation enters into. Frankly, I am doing the best I can to understand the minister, but I am having a very difficult time understanding the relationship of this company to the government and the potential pitfalls for the Ontario taxpayer.

The minister has made reference to a Buffalo project, we have read about Los Angeles and now we are talking about Vancouver. There could be a myriad of others. Quite frankly, if the worst happened—and sometimes it does, especially in Hydro projects—we could be in for a lot of money. I am just wondering to what extent sections 2 and 3 are in conflict.

**Hon. Mr. Snow:** I have explained the reason. I cannot understand why no one can understand it. I feel it is clear anyway but, by clarifying the fact that it is not a crown agency, we have said the employees will not be civil servants; the changes of statute of limitations make the corporation subject to the Planning Act and Labour Relations Act. The employees of the corporation have the protection of the Labour Relations Act and all those types of things but it limits the liability of the province to the investment that we have put into the company and the value of guarantees given to the company.

**Mr. Cunningham:** Through the minister's explanation I think I have developed an understanding of it. It does not limit the liability; it limits the time in which somebody ostensibly could recover some moneys as a result of the failure in the corporation. If I am wrong there, let the minister tell me. If UTDC is a crown corporation, then legally—and I am not a lawyer—there is a time limitation during which one can attempt to sue the crown to recover moneys that one feels the crown owes one. I believe that, under the act, notification must be within six months. This being separate and unique from that, the provisions of common law would apply. I think that is the reason. Is that not the reason?

**Hon. Mr. Snow:** Not really. That is one of the things it does, I believe, under the statute of limitations. Someone who was going to bring action against the corporation, if it were a crown corporation, would have to do it within six months. This would give them six years or some such period to do that. But it limits the liability the taxpayers

can be put to. We have invested, as I say, \$6 million or whatever in shares in the corporation; so we have an investment there. The corporation has assets if it makes money and what not. It has its own assets. If we guarantee \$300 million for a bond, the maximum is the liability. Just as if one buys shares in any other company, one puts one's money up as an investment, and the personal guarantee one puts up in this case is a guarantee of surety for the bond.

**Mr. Cunningham:** If this private corporation operating pursuant to the Canada Corporations Act is involved, let's say hypothetically, in some negligence and 400 people go off one of these embankments or whatever and there is a tremendous loss of life, would the province's liability in that regard be limited in the context of common law?

**Hon. Mr. Snow:** Yes, as I understand it. That is a specific reason. If some disaster happened, the suits would be against UTDC, their insurers and so on, but they would not be able to bring in Ontario as a third party to the action.

Section 2 agreed to.

On section 3:

**Mr. Cunningham:** Mr. Chairman, so that we might better understand the potential liability we may have in the event of a failure, is the minister prepared to undertake today to table the presentation he has made to Los Angeles and to Vancouver—I see his lawyer shaking his head—

**Mr. Nixon:** That's not his lawyer; that's his best friend.

**Mr. Cunningham:** —and to inform us generally what projects he is in so that we might understand what the very minimum downside would be in the event there was a failure? Is he going to give Hamilton the same guarantee he has given these other areas?

**Hon. Mr. Snow:** Yes. Hamilton would be the same thing. Because it is one of our municipalities, I expect the contract will be between the regional municipality of Hamilton-Wentworth and UTDC for the installation of the system. The fact that the money is coming from the ministry by way of grants is the same as their buying from UTDC instead of buying buses from General Motors or whomever.

I cannot give the honourable member a guarantee or a commitment to table documentation of tenders and specific contracts that include much information. It is proprietary information, and no company could

continue to do business if that type of information were being made available to their competitors, to the Japanese and French companies we are bidding against in this type of system.

As far as the bonds are concerned, normally when one gives a performance bond for the performance of the contract, it is either a 50 per cent bond or 100 per cent bond for the performance of that contract.

**Mr. Cunningham:** We are being asked, through section 3, to grant the power to the cabinet to provide and enter into these covenants, agreements of guaranty, bonds and so on. I would like to know from the minister whether they have attempted on any occasion to go to the private sector, to private surety companies such as Lloyd's or United States Fidelity and Guaranty or whomever? Have they gone to the private sector to attempt to obtain these very same indemnities possibly to lessen the liability of the people of Ontario in the event that something does go wrong?

12:20 p.m.

**Hon. Mr. Snow:** As I tried to explain several times, that is exactly who would be supplying the bond. I do not know about Lloyds; maybe they are in the bonding business—they are in almost everything. United States Fidelity and Guaranty, Canadian Indemnity and different other bonding companies supply performance bonds. I would fully expect that one of those companies would be writing this bond for UTDC.

What we are saying, as I have tried to explain and I have discussed with the member for Niagara Falls (Mr. Kerrio), is that what we are doing is giving a guarantee to the bonding company, the same as he would give a guarantee to a bonding company if he were getting a bond for his company to build a bridge or whatever.

**Mr. Kerrio:** Mr. Chairman, the bond actually does nothing for the corporation. The bond is being insisted on by the buyer. It does nothing for us because, in reality a bond does not protect the selling agency. We have guaranteed, through the consolidated revenue fund, just to keep pouring money in there to do what has to be done. So the only demand for this kind of guaranty is from the buyer. Is that right?

**Hon. Mr. Snow:** That is right, Mr. Chairman. It would be the bond provided, just as, when I used to be in the construction business and we bid on a new school or something like that, the specifications would call for either a 50 per cent or 100 per cent performance bond. I would have to arrange

with United States Fidelity and Guaranty to supply me with that bond if I were successful in obtaining that contract. In the bond document itself, the contract for indemnity would set out the limits of the bond's liability.

The bond I said we would table in the Legislature would set out the limit of the liability of that bond, and the guarantee for the bond cannot be more than the limit of the liability of the bond.

**Mr. Cunningham:** I understand it is a little difficult to tell us to what end we might obtain a percentage return on this project with regard to development costs but, in the context of our responsibility as it relates to funding this potential liability, to what end does the province recover development costs or profits from this corporation? Does the money go back to the UTDC or will it ultimately come back to the province?

**Hon. Mr. Snow:** They should be one and the same. If UTDC makes a \$50-million profit out of this \$650-million contract, or whatever, that is a profit to UTDC. The corporation can use that money for increased working capital, for new research and development or for working capital for other projects, or it can declare a dividend and pay a dividend to the shareholder; as I am shareholder, they cannot declare a dividend without my approval.

**Mr. Cunningham:** I am not entirely certain whether this relates directly to section 3, or either to section 1 or section 2, but I would like to ask the minister to table the evaluation he made reference to from UMTA, in view of the fact that we are going to be doing a fair bit of business with them.

While he considers that, I would also like to ask whether he would table the Buy America agreement so that we might have an idea, especially with regard to American projects, of the extent to which Ontario corporations under that policy will be able to participate, and whether Ontario people will be able to get jobs through this.

**Hon. Mr. Snow:** Do we have a document from UMTA? They have done an evaluation and have approved the use of technology that qualifies for their funding by Los Angeles, Miami and Detroit.

**Mr. Cunningham:** Do they do it over lunch, do they issue a statement, or what?

**Hon. Mr. Snow:** The message I got here is that we will table the summary results. I presume that is a summary of the evaluation. I was hesitant on what I could table

because of what UMTA gave us. They have approved our system for installation in those cities, but they may not have given us all of the very technical evaluation they have done.

Section 3 agreed to.

Sections 4 and 5 agreed to.

Bill 190 reported.

On motion by Hon. Mr. Snow, the committee of the whole House reported one bill without amendment.

#### HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 188, An Act to amend the Highway Traffic Act.

**Hon. Mr. Snow:** I am sorry, Mr. Speaker; there was a change in schedule. I was not anticipating proceeding with Bill 188 this morning. However, a number of the sections involved in the bill relate to the reciprocity agreement and the provision of all the details for legalizing a CAVR cab card that would take the place of a licence when a vehicle from another province is operating on our roads. The main section provides for an appeal on the medical standards, as I announced on first reading of the bill.

**Mr. Cunningham:** Mr. Speaker, we have taken a lot of time on an earlier bill which was a very technical bill and one that has either great benefits for the people of Ontario or possibly some great problems some time down the road. I would like to restrict my comments on this bill very briefly.

I want to commend the minister for bringing in these amendments. We all are very supportive of less duplication of regulations, especially in the transportation industry across Canada. Quite frankly, I am very keen to admit that in Canada I think the extent of our regulatory process is somewhat less than what is seen in the United States, that is, after one gets a licence. In the United States when one has to travel from state to state one just about has to be a lawyer to maintain a firm grip on the different fuel regulations, weight restrictions, length restrictions, insurance restrictions, indemnity restrictions, et cetera. Many of those states are in conflict. The reciprocity agreements here help facilitate a more orderly movement of goods across this country.

Section 16, with regard to the responsibility of drivers when directed by officers to proceed to scales, is a rather important section relating to enforcement. I want to

go on the record again very clearly as stating that, if we are going to have a regulatory system of the movement of goods in Ontario, it is fundamental to improve our enforcement system. This is a step in that direction, as is section 22.

It is very distressing to people who obey the law, who go through the regulatory process, make applications to the Ontario Highway Transport Board and, more important I suppose, pay the licence fees to know that others are not going through that process but are skirting the law and sometimes avoiding the law where they can and are able to obtain benefits from that. It is very distressing to people who obey the laws to see that as a reality here.

I know we cannot have a Green Hornet, as the people in the industry refer to some of our enforcement officers, at every corner or every mile on the highway. But if we are going to maintain the system we have, and it is not a bad system at all, we have to step up the vigilance on the enforcement, especially as we contemplate the movement of dangerous goods and commodities in Ontario.

I hope section 22 can be broadened in time to permit some expansion of authority in that regard.

12:30 p.m.

My final comments relate to the provision for appeals and a re-evaluation of the ability of some of our people, who heretofore have been looked upon as being disabled, to drive on our highways. I know the minister is a fairly decent individual and I suppose is as compassionate an MPP as any of the rest of us. He gets the brunt of a lot of calls from members of all parties with regard to drivers who have been disfranchised and denied their right to drive certain trucks or buses after a heart attack, another medical condition or, as many of us are aware, diabetes.

Frankly, the blanket application of some of the policies contained in one of our regulations, in my view, is somewhat unfair. I think this amendment will go a long way. It is a step. My personal preference would be to see drivers evaluated on their individual merits, not withstanding any regulation we may have, and to have a medical advisory committee, complete with an appeal process, judge the efficacy of an individual's licence. With the large number of drivers we have in Ontario, it is not an easy job and I am totally sympathetic with the ministry and the task it has in determining the right of an individual to drive a vehicle carrying

other people that would be sufficiently heavy to do a lot of damage to somebody if an accident occurred.

I can think of a situation in my own constituency, if I may elaborate briefly. A gentleman came to me. He had had a coronary blockage. He had not at that time had a heart attack, or an infarction, as the regulation would have it. He went through the operation and, by way of law, the medical practitioners were required to notify the ministry that this operation had occurred.

The long and short of it is that, after the operation, the individual was a healthy man again and the blockage had been corrected. Ironically, this man was far healthier than he had been for many years. His licence, unfortunately, had to be removed. We negotiated and worked very carefully with the assistant deputy minister for safety and regulation, who was extremely co-operative in this and wary at all times of the possible danger to the public. Ultimately it was determined that, as a result of this operation, this individual was healthier than he was before the operation and really was not a danger to anybody.

Often that is the case with coronary patients, especially with people who may have had a lifestyle or conditions of living that would contribute to a heart failure, rather than a congenital situation. Many of them, as we read in the paper, moderate their living habits, take up jogging and do what they can to improve their lifestyle. After a heart attack or an infarction, they may be far healthier than they were for many years and at no great danger to the rest of the driving public.

The same, I suggest, applies to people who have diabetes. As we approach 1981, which I understand will be the International Year of Disabled Persons, we should be reflecting with a little more insight upon the problems of many people who have, through no fault of their own, such an affliction as diabetes. It is not a disability, but it is often perceived to be such. It is such a common disease, unfortunately, that I am sure almost every one of us has had contact with someone who is affected by diabetes. My grandfather was so affected and was able to function for the larger balance of his life. Ultimately, he did not die of diabetes.

We are having problems right now, and I have raised the matter with the Minister of Labour (Mr. Elgie). I am quite confident that he will endeavour to look into this situation in great detail, but prospective employees and current employees of Brewers' Retail are

now required to obtain licences that would allow them to drive Brewers' Retail trucks, notwithstanding the fact that only probably 15 to 20 per cent of them would ever have to drive a truck on any occasion.

The blanket application of this policy by Brewers' Retail ostensibly means a diabetic cannot work for that company. It is a rather silly situation. I raised two specific examples with the Minister of Labour on this. I think he tends to agree that it is a discriminatory type of proposition, and it is a situation that may not see current changes or current regulations affecting a change. Conceivably, if a young man or young lady was affected by diabetes at age 13 or 14, naturally he or she would not have had a licence and naturally would not be able, in a retroactive fashion, to have a licence returned. I commend the minister for the amendments and we support them.

**Mr. M. Davidson:** Mr. Speaker, we, too, in the New Democratic Party will be supporting the amendments that have been placed before us today. While the entire bill as amending the Highway Traffic Act is a good one, we are particularly pleased with sections 9 and 13. Section 9 is the one where an appeal process is now going to be allowed for those who have lost their licence or had their licence downgraded as a result of some form of medical disability, and we are pleased to see that the minister has included that in the amendments before us today.

I say that because the member for Wentworth North (Mr. Cunningham) is absolutely correct. I doubt very much if there is a member in this Legislative Assembly who has not at one time or another had someone from his own riding approach him with the fact that he has had his licence taken away for medical purposes or downgraded so that the person can no longer perform the job he had been doing. It is a situation where in many cases there are corrective surgeries or various other treatments that can make this person capable of returning to the health he once had, at least in a controlled situation. Such people should be given the opportunity to have the decision of the registrar reviewed and perhaps have their licences reinstated.

I point out just one case. There is a Mr. Gourgon of Ottawa who had been a transport driver for most of his working life. He is a gentleman in his forties. He had his licence downgraded as a result of an angina condition. But in 1980 he went through corrective surgery to the heart and apparently, according to the information we have received from his doctor, his cardiologist states he is less

likely to suffer heart problems now than previous to the operation and his health is better now than it has been for years. This is a prime example of a gentleman who probably will take advantage of the appeal process once it is put into effect in an effort to get his licence back so that he can go back to doing the work he was doing previously.

Section 13 deals with the handicapped, and my colleague from Bellwoods (Mr. McClellan) will be speaking to that section a little more specifically than I. We in this party are pleased to see that the minister has included this amendment in the bill, given that over the years there have been very serious accidents and implications resulting from the transportation of handicapped persons. I hope passing this amendment will make that a little bit better for those people.

We do not want to hold up passage of this bill. I do not want to spend too much time with it, other than to say that we are in agreement with the bill. We have no intent to amend any section of it.

12:40 p.m.

**Mr. B. Newman:** Mr. Speaker, I rise to support Bill 188. I intend to speak on only two sections of the bill. One is section 9, which deals with the downgrading of a licence because of a heart condition. I speak on this because three different constituents have contacted me within the past month and made mention that their chance for continuing in their employment had been completely eliminated as the legislation had been until that time. With the inclusion of section 9 in the bill, they can see there is the opportunity, if they provide medical evidence, that their licences can be restored to them once again.

Under section 9, an individual by the name of Russ Collins has contacted me. I brought his problem to the attention of Mr. Mackie in the ministry office. He was extremely cooperative as far as obtaining information was concerned and in advising me as to what I could pass on to Mr. Collins. Mr. Collins is the gentleman who appeared in the Legislative Building last Thursday and actually intended to demonstrate because he was losing his employment. He was a bus driver with the Sandwich, Windsor and Amherstburg Railway Company, or Transit Windsor as it is now called, in the city.

Because of a medical operation he had in May 1980 and because the licences are re-examined every three years—and they noted he did have bypass surgery—the legislation was such that he would automatically not

be allowed to drive a bus. In coming down here, Mr. Collins realized it would be better to approach the problem in a rational manner. He did so, spoke with the officials in the Ministry of Transportation and Communications and left, satisfied that something would take place that would once again restore his privileges to drive a public transit bus.

In the introduction of section 9 and the setting up of a Licence Suspension Appeal Board, the minister leaves the door open for Mr. Collins to present the report from his medical doctor, Dr. K. K. Wong in the city of Windsor, who indicates in a letter which has already been transferred to Mr. Mackie that the operation he had was for preventive surgery to prevent myocardial infarction resulting from coronary obstruction. The outcome was as good as we can expect. The patient has never had any myocardial damage in the past. Since the operation, the patient has recovered extremely well. As a matter of fact, he was walking at least a mile a day and doing all sorts of physical activities without limitation.

He returned to work driving a bus in September but, unfortunately, was relieved from his work in November because he had cardiac surgery, without the consideration that the surgery was preventive and to how excellently he recovered from the surgery itself. The patient is on no medication at present. Clinically speaking, the doctor writes that Mr. Collins has fully recovered from his cardiac problem and the doctor has no reservations in recommending that the patient can go back to his original occupation, unless other diseases arise. He will be no more dangerous behind the wheel, the doctor writes, than anyone without cardiac surgery, with stable or unstable angina and definitely much safer if compared to people who had actual myocardial damage in the past.

The setting up of the Licence Suspension Appeal Tribunal opens the door for individuals as Mr. Collins and the two others who approached me. I am very pleased that Mr. Collins may have the opportunity to drive once again. At least his case will be heard.

As one who has been interested in the physically handicapped, especially when the handicap did not interfere with the performance of one's employment, I am very pleased to see section 13 included in the bill, because the physically handicapped once again will have the opportunity to drive vehicles.

**Mr. McClellan:** Mr. Speaker, I want to speak on the principle of one part of the bill, and that has to do with section 13, which permits the ministry to pass regulations governing the use of vehicles for the physically handicapped. One would not know it from reading the section, but that is what I understand the section is designed to accomplish. This is something that is very long overdue. The failure of the government to act sooner on this matter has had serious and, in fact, tragic consequences.

What we are dealing with in section 13 is the implementation of a recommendation of the coroner's inquest into the death of Linda Anne Pyke, who died while riding in a van that belonged to a network of private van services for the physically handicapped in Metropolitan Toronto. The coroner's inquest verdict recommended that legislation should be introduced to amend the Highway Traffic Act to regulate vehicles carrying wheelchairs, and then made a number of specific recommendations.

I am in the difficult position of not knowing what the regulations are going to be, because all we have before us is the power given to the ministry to pass the regulations. I want to stress the seriousness of the problem and make a number of suggestions to the minister which I hope he will incorporate in the regulations when they are promulgated.

To give the members an idea of how serious the problem is, we have only to look at the Ministry of Transportation and Communications inspection reports with respect to the Wheel-Trans-Service for the physically handicapped here in Metropolitan Toronto. The minister has been very kind to share those reports with me in a very full and complete manner, and I want to express my appreciation to him for having done that. Those inspection reports reveal serious defects in what is supposed to be a public transportation service for the physically handicapped within Metro Toronto.

The report for the period from November 1979, when the service started, until April 1980 indicated the ministry had discovered that 20 of the Wheel-Trans vehicles, which were apprehended through a process of spot checks on the road—these were vehicles that were in service, actually carrying people—were in violation of the provisions of the Highway Traffic Act. In fact, three of them were found to be so unfit for use on the road that they had their plates removed. Other vehicles were found to be in a state of disrepair, not on one occasion but on numerous separate occasions. There is the instance of

the Dodge van that was found to be in violation of provisions of the Highway Traffic Act on November 11, 1979, on December 17, 1979, and on March 4 and 9, 1980. Each of these were separate and different violations of the Highway Traffic Act.

12:50 p.m.

There are a number of vehicles operated by the Wheel-Trans-Service that had no safety stickers. This appears to be an on-going problem. Vehicles that are on the road carrying handicapped people as part of a public transit service that is run by All-Way Transportation Services under contract from the Toronto Transit Commission, are running without safety stickers, running in violation of the Highway Traffic Act and in such bad repair that some of them have to be pulled off the road.

It is not as though the situation has been corrected, because the minister has been kind enough to provide the vehicle inspection checks for a subsequent period. I wrote to the minister in September, and he was good enough to send me the summary of vehicle inspection reports from April 1, 1980.

Another case involved Wheel-Trans-Service's vehicles owned or operated by All-Way Transportation Limited; again, I am talking about vehicles under contract to the TTC to provide transit for the physically handicapped. On April 9, a van was pulled off the road and had its plates removed. On April 14, a second van was pulled off the road and had its plates removed. On June 6, a third van was pulled off the road and had its plates removed. On July 22, a fourth van was pulled off the road and had its plates removed.

Mr. Mancini: What is going on with those vans?

Mr. McClellan: That is precisely the question. What is going on with the All-Way Transportation Services? I have a brief from an organization called Transportation Action, which is an organization of users of the All-Way service in Metropolitan Toronto. They raised a number of concerns, the kinds of things I have been talking about, that are very distressing. They point out something that is flabbergasting: The penalty clause in the contract between the TTC and All-Way has never been invoked.

Here is a company that has been providing unsafe vehicles as part of a public transportation system for a year and a half and nobody has done anything about it as far as I am able to determine. The Minis-

try of Transportation and Communications has given them a few slaps on the wrist. The TTC, with a degree of irresponsibility that I find absolutely appalling, has failed to invoke the penalty clauses of the contract to discipline All-Way. As a matter of fact, there is not the slightest shred of an excuse why All-Way should have the contract. If we were dealing with responsible public officials, that contract would have been taken away from the ripoff artist who runs it and assumed directly by the TTC or re-awarded to a responsible operator.

What we are talking about is handicapped people using a public transit service and being at risk of serious injury. The records of the personal injury rate, which were also included in the reports given to me by the Minister of Transportation and Communications, give no grounds for reassurance at all. Between November 1979 and June 1980, I believe, there were 11 personal injury accidents registered on All-Way's vehicles under contract to the TTC. The accident rate was down somewhat in the subsequent six-month period, and we can only hope and pray it stays down.

I would like to know from the minister how his regulations intend to deal with this situation. I would like to know why he continues to tolerate the fact that Ontario taxpayers' money is going to the service provided by the TTC for a fleet of vehicles that are flouting the Highway Traffic Act and regulations and flouting the terms of the contract between the TTC and All-Way. I would like some answers to those questions, because we are playing a kind of Russian roulette. There has already been one death and one inquest.

The situation has not been cleared up. The new vehicles that Comsca is required to bring into service—paid for at public expense, by the way—are not all in service, as I understand it. As a matter of fact, the brief submitted on September 22, 1980, by Beryl Potter of the Transportation Action group makes reference to nine wheelchair vans operated by the All-Way fleet which are more than five years old. The minister probably knows that the operating life of a wheelchair van is between five and six years. We are talking about at least nine vehicles in the fleet that are probably unsafe. I think it is safe to assume they are unsafe in the light of the kind of inspection material we have in front of us.

That brings me back to the bill and the recommendation with respect to regulatory powers. I have been advised through a

copy of a letter from Mrs. Beryl Potter of the Transportation Action group to Mr. Levine, who is a project officer with the Ministry of Transportation and Communications, that a draft of the proposed regulations was made available to the Transportation Act group. Personally, I commend the minister for taking that initiative. I think it is a very wise course of action, to allow the consumer group to participate in the process of developing the regulations.

I wish to express concern, however, if it is the intention of the ministry to include in the regulations some kind of blanket exemption or even a partial exemption for wheelchair van operators that would be coterminous with the operating life of a wheelchair van. In other words, we do not want to see an exemption of something like five or six years before the regulations apply to an operator by virtue of the fact that operators are going to be arguing that they need time to make the adjustments.

What we are talking about is a number of unsafe vehicles that are currently on the road. We are talking about a situation where the TTC is unwilling to act in a responsible way to protect its handicapped passengers. In this context and situation, the Ministry of Transportation and Communications has a clear and unequivocal responsibility to pass regulations that will apply as quickly as humanly possible. They must not contain loopholes or exemptions that will permit operators to continue to operate unsafe vehicles or vehicles that have passed their life expectancy.

I will conclude on that note. I would be grateful if the minister would make available to the transportation critics in the opposition parties copies of the draft regulations. We may have something constructive to say to him with respect to those documents.

Finally, the government's program of subsidization of a public transportation system for the physically handicapped was applauded by all members of this House when it was introduced. We said then it was a generous and wise course of action for the government to take. But what has happened in the past year is, in my view, a major scandal with respect to what has happened in Metropolitan Toronto. I do not know what has happened in other communities but, if it is not any better than what has happened in Metro Toronto, the government has very little to be proud of.

1 p.m.

This government has a responsibility to make sure that transportation service for the physically handicapped is first-rate, not second-rate, and certainly not the fourth- or fifth-rate service we have been saddled with because of the irresponsibility of officials at the TTC or in Metropolitan Toronto.

The minister is paying a good portion of the shot. He has some leverage by virtue of those dollars he is putting forward and by virtue of his responsibility for the administration of the Highway Traffic Act. He should inspect the entire fleet of All-Way Transportation Services. Never mind the spot checks on the road. Maybe they will catch some of them and maybe not. He should be doing systematic examinations of the entire fleet until this matter gets cleaned up once and for all. The minister should insist that the TTC enforce the terms of its contract, which is paid for with Ontario dollars in part, and he should put forward regulations sufficiently tough that they will protect handicapped passengers from unscrupulous operators like Mr. Comsca and All-Way Transportation Services.

Mr. Ruston: Mr. Speaker, I have a few words regarding Bill 188. Sometimes—and we have been doing it for a number of years—regulations are passed after a bill is passed. I know three or four members on the govern-

ment side who go through regulations when

I want to draw the attention of the House to a regulation I found this week, Ontario Regulation 906/76, which deals with sections 7(1) and 7(3). It relates to a person who received two tickets for speeding while driving an automobile and lost eight points. He also held a class B school bus licence. He was notified by registered mail to send in his class B licence. Section 7(3) says: "A holder of a class B or E driver's licence shall not have accumulated more than eight demerit points on his driving record."

He was obliged to return his class B licence, which he had for 27 years. However, he told me on the telephone that he was issued a class C licence. According to my reading of the licensing table, this is for a semi-truck and a Greyhound bus. If he is capable of driving a Greyhound bus safely, I cannot understand why he is not capable of driving a school bus. Is one not as important as the other? That sounds rather strange to me. He was not called in for an interview; he was just notified to send in his licence.

This happens through the regulations and many of us do not really read them. I know they are put in the Ontario Gazette, and we



all get that very important paper, but not too many of us read it on Saturday or Sunday afternoon when we should have some free time. I hope someone can explain how that regulation came about.

**Mr. Roy:** Mr. Speaker, I want to make a couple of comments on this bill. My colleagues have talked about section 9. I subscribe to the comments made by members of all parties. I think we all know of people who have been affected by this downgrading of licences. I am extremely supportive of that section. However, I do want to ask the minister a couple of questions in relation to two other sections of the bill.

Section 16(7b) of the bill provides a penalty for refusing or failing to follow directives in relation to weigh scales and people who obstruct "any weighing, measuring or examination authorized by this section." Considering the amount of money involved in Ontario's trucking industry, I wonder whether these penalties are adequate. In this section, a driver refusing or failing to redistribute his load or obstructing any weighing, measuring or examination "is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100." Considering the extra money one can make in relation to the payload or by refusing to subscribe to laws in relation to measuring, the penalty seems, in my respectful opinion, out of proportion to what one may gain by obstructing or not following the law.

There may be circumstances where a fine of not less than \$50 is adequate, but that is not the part I am looking at. I am concerned with a court's discretion to impose a fine of more than \$100 on a driver who disobeys the law in relation to weighing. I ask the minister whether he considers in these circumstances that this is an adequate deterrent and gives the court or the tribunal sufficient powers to have people respect the law.

I put it to the minister that on both that section and subsection 6, where it is \$500, the maximums appear to be somewhat small considering what is involved. Careless driving on our highways, which may be something even less than what is involved in this, has a minimum fine of \$100 today. I want that matter to be given some consideration. I may be wrong, but I put that proposition to the minister.

Another matter that interests me is section 21, which tells people using school buses to cover up the wording "do not pass when signals flashing" when they are not trans-

porting children or mentally retarded adults to or from school or a training centre. Why would the minister want that happening? Why would the minister want to say, as stated in subsection (5), that the words shall be covered or concealed when the school bus is not being used for transportation to or from a school or training centre. If the bus is not being used for that purpose, it strikes me that it likely would not be stopping and starting as it is when it is picking up and letting off students or retarded adults or other people who are protected under the statute.

I am wondering what the motivation is for asking this. People often rent these buses for a junior hockey team that is going to play some place. Is the bus starting and stopping all over the place? I do not understand why it would be necessary to do that if the vehicle is not used for transporting students to or from a school or training centre.

1:10 p.m.

**Hon. Mr. Snow:** Mr. Speaker, I will answer the questions that are in my mind at the moment. I cannot agree with the member for Ottawa East (Mr. Roy) in his concern for the penalty section in section 16. This is a penalty for a driver who refuses to unload some material. If he goes back on the road again, the truck is fined for overloading the second time. These things bring about pretty tough penalties. We are not talking about the truck owner or the transport company; we are talking about a driver who drives off while trying to set up a portable scale or something like that. He can be fined up to \$500. Until this time, I do not believe we have had any penalty for this section.

There are many other penalties involved in this type of process. I have looked over this and thought about it since the honourable member was talking and, taking into consideration the other penalties that go along with the same action, I do not think we are being too lenient.

With regard to the school bus matter, certain provisions apply when a school bus is being operated as a school bus. When it stops to pick up or drop off passengers, it must turn on its flashing lights. However, when that bus is being operated off season for charters and so on, and not on school trips, the bus carrying a charter does not need to have that sign. Those lights are to be covered when it is being used other than as a school bus. A normal bus does not have those signs. This is to clarify the

act that those flashing school light signs shall not be used other than when transporting school children.

The member for Essex North (Mr. Ruston) was wondering how regulations come about. We have a lot of them. What was the specific regulation the member was concerned about?

**Mr. Ruston:** Section 7(3)/regulation 906, 76; the holder of a class B or E driver's licence.

**Hon. Mr. Snow:** I recall it now. With regard to the school bus licence, there are requirements for a school bus licence that are not applicable to other licences. A class B licence is for a school bus; a class C licence is for a regular bus. As far as the number of points is concerned, we have a tougher restriction safetywise on the school bus driver than on the highway bus driver. There have always been tougher restrictions on the requirements of the driver, because we are concerned to try to make sure the school bus driver is a good driver.

**Mr. Ruston:** The Greyhound bus is going 70 miles an hour and the school bus is going 45.

**Hon. Mr. Snow:** That may or may not be so. I do not agree with that.

**Mr. Mancini:** That happens every day and you know it. They are the biggest speeders on the highway.

**Hon. Mr. Snow:** I do not agree with that remark from the honourable member but, if he wants to make it, that is all right.

With regard to the comments of the member for Bellwoods on handicapped transit, the new regulations that will be passed under the provisions of this act are being developed at the present time. Meetings are being held with groups of operators, the handicapped individuals' association that he mentioned and with vehicle manufacturers. These regulations are in the final draft stage now and I hope they will be brought in soon after this bill gets royal assent.

Many comments were made with regard to the Wheel-Trans-Service in Metropolitan Toronto. I cannot agree with all the remarks that were made. It is my ministry's duty to inspect those vehicles and make sure they are safe, and we will do that. If we find any that are unsafe, we will see they are removed from the road. We have an agreement with Metropolitan Toronto for the operation of this system. We fund Metro Toronto for this on the same basis as we fund them for the TTC and their road-building and maintenance program. They

are a responsible level of government and it is up to them to see that the system is run properly, other than to say it is up to us to inspect the vehicles and see that they are safe.

The new regulations will help in terms of making sure that there are safety devices available in those buses, that there are proper tie-down or hold-down facilities and many other things. The selecting of the contractor by Metro Toronto or the TTC is their responsibility.

I thank the members for their comments and support of this bill.

Motion agreed to.

Ordered for third reading.

#### HEALING ARTS RADIATION PROTECTION ACT

**Mr. Turner,** on behalf of Hon. Mr. Timbrell, moved second reading of Bill 177, An Act to provide for the Safe Use of X-ray Machines in the Healing Arts.

**Mr. Turner:** Mr. Speaker, to introduce this debate on the Healing Arts Radiation Protection Act, I would like to outline the background to this legislation and indicate the importance of the measures it contains.

The Healing Arts Radiation Protection Act, which was introduced by the Minister of Health (Mr. Timbrell) on November 3, will establish standards for the installation and operation of X-ray equipment, including the establishment of training standards for operators and the setting up of a Healing Arts Radiation Protection Commission to oversee these matters.

Existing legislation does not adequately deal with the issue of X-ray safety. Currently, regulation 721 of the Public Health Act addresses the issue of safety but primarily for the protection of the X-ray worker. It does not address all aspects of patient safety, nor does it set standards for the training of X-ray operators.

To put this whole matter in perspective, I think it would be worthwhile to remind ourselves of the origin of this legislation and of the way in which those affected have been consulted as the legislation was being prepared.

As a result of some concerns expressed about the matter of X-ray safety in our province, the Minister of Health last year established an advisory committee on radiology. It was headed by Mr. Brian Holmes, who was at that time dean of medicine of the University of Toronto. Also on the committee were three radiologists, two radiological technicians, two

medical physicists and two hospital administrators, as well as two representatives from the Ministry of Health and one from the Ministry of Labour.

Each member of the committee had been nominated by a key organization affected by the issue of X-ray safety. Involved in the selection of members were the Ontario Medical Association, the Ontario Hospital Association, the Ontario Society of Radiological Technologists, the Board of Radiological Technicians, the Radiological Research Laboratories of the University of Toronto and, as I have mentioned, the Ministry of Health and the Ministry of Labour.

1:20 p.m.

The 13-member committee was formed in July 1979 and submitted its report in March 1980. At that time, the Minister of Health announced that he accepted in principle the advisory committee's report. Its recommendations included the following:

1. A new Healing Arts Radiation Protection Commission to oversee and co-ordinate an X-ray safety program for Ontario;

2. New legislation requiring a safety code for all X-ray facilities and equipment, and registration of all facilities; and

3. Mandatory peer review programs for all groups of operators and mandatory audit programs for all facilities.

Over the next few months, the report of the advisory committee on radiology was circulated to associations and professionals in the X-ray field as well as to other interested individuals and groups. More than 60 groups and individuals responded to the report with comments and suggestions that have been taken into consideration in the drafting of the legislation.

To give some idea of the nature and scope of this consultation, let me briefly outline the types of organizations involved in responding. There were four universities and colleges, eight different associations, four governing bodies of professional groups, nine hospitals, 25 individual practitioners and technologists, five public health units, as well as the health ministries of Alberta, British Columbia, New Brunswick, Nova Scotia, Quebec, Saskatchewan, and the Department of National Health and Welfare.

When completing its report, the advisory committee outlined several unresolved issues. However, the committee also recommended a structure for dealing with these figures and any new ones that may arise. That structure was the Healing Arts Radiation Protection Commission whose job it would be to over-

see and co-ordinate the X-ray safety program for Ontario. The Health Arts Radiation Protection Act contains several provisions that will make a significant contribution to improved X-ray safety for both operators and patients alike.

One section will require the registration of X-ray machines, their location and the names and addresses of their owners. Other sections determine who may operate an X-ray machine and under what conditions. Specifically, operation is prohibited by an unqualified person. The qualifications required will be prescribed by regulation. There will be a transitional period of some three years to enable any unqualified operator to achieve the prescribed qualifications.

X-ray machines will only be permitted to be used on humans under the prescription of a medical practitioner, dentist, chiropract, chiropractor or osteopath.

Another section of the act will prohibit the operation of substandard X-ray equipment, and another requires the designation of a radiation protection officer in a facility and sets out the responsibility of such an individual. Also, provisions for peer review programs and inhouse audits of quality have been established under this act. Other sections deal with the powers of a director of X-ray safety and X-ray inspectors. An appeals mechanism regarding approvals and orders made by these officials regarding X-ray safety is also included. Another section establishes the Healing Arts Radiation Protection Commission and sets out its functions.

As I have mentioned, the commission's role would be to oversee and co-ordinate a program of X-ray safety for our province. The commission will also have the responsibility of having studies carried out to tackle the unresolved issues identified by the advisory committee on radiation. These unresolved issues include the question raised by the Consumers' Association of Canada as to whether chiropractors should take X-rays. Other issues the commission will deal with include the suggested use of a patient X-ray record card, the transfer of radiographs from one practitioner to another to avoid unneeded X-rays and the propriety of non-radiologists owning X-ray facilities.

Included in the commission's responsibilities will be the development of an X-ray safety code, the approval of courses in X-ray safety for operators, undertaking appropriate studies and advising the Minister of Health on all matters pertaining to X-ray safety.

The Healing Arts Radiation Protection Commission will consist of five members, none of whom will be a health professional. However, the lay members of the commission will be supported by professional and technical committees. These committees, as outlined by the legislation, will be advisory committees to assist it in all matters relating to X-ray safety in each of the disciplines: chiropody, chiropractic, dentistry, medical radiology and radiological technology.

As the Minister of Health (Mr. Timbrell) mentioned in his introduction of the legislation earlier this month, the draft act itself was reviewed by the key professional and technical organizations whose members would be affected by this legislation. As a result of that consultation, it was clear there was general agreement on the content of the act. This is what the new act will provide for: a peer review mechanism to maintain the quality of expertise among operators; in-house quality assurance programs; clearly delineated responsibilities for the individual responsible for the X-ray equipment in each facility; formal training programs for all X-ray operators; and the opportunity through the healing arts radiation protection commission to identify new initiatives in the area of X-ray safety.

As a result of consultation with the professional and technical groups I mentioned earlier, we have identified two concerns that will be addressed by specific regulations. The first is the problem of filling the role of the radiation protection officer in hospitals and medical radiological clinics where no radiologist is available. A new regulation will provide for the designation of a registered radiological technician as the radiation protection officer if a medical radiologist is not available.

The second concern is that some, though not all, dental assistants have had adequate training in X-ray safety and should be allowed to operate X-ray machines. We propose to recognize by a regulation those dental assistants who meet the qualifications prescribed by the commission of being capable of running X-ray machines. The safety code will be based on the code that has been developed by the federal government. The federal model is designed to provide for consistency of regulations across the country. Thus, the Ontario regulations themselves will be consistent with those that may eventually be developed by other provinces. This legislation will place Ontario in the forefront of developments

in X-ray safety compared to other jurisdictions.

As we are all aware, X-ray equipment constitutes an extremely important diagnostic tool for those who practise health care in Ontario. However, the misuse, inappropriate use and over use of X-ray technology can have an adverse effect on the health of individuals. This legislation is designed to afford maximum protection for the patient and the operator without interfering with the value of X-ray technology as a diagnostic tool. I, therefore, urge the adoption of the Healing Arts Radiation Protection Act in order to provide the fullest possible protection from X-ray radiation through adequate training and effective operating standards for the people of Ontario.

**Mr. Conway:** Mr. Speaker, I want to rise to agree with my friend from Peterborough in saying that Bill 177 is an extremely important and, from my point of view and that of my party, eminently supportable piece of legislation. Having said I stand happily in my place to tell the parliamentary assistant to the Minister of Health that my party is very supportive of Bill 177, I want to review briefly in a somewhat different fashion from the previous speaker some of the background that brings us to this bill on this date.

In a sense, words fail me in describing the indifference of this government over many years with respect to an urgent and pressing concern that has been identified by many in the health care community for at least the last 15 years. The negligence of the Ministry of Health and the government of Ontario on this vital matter of public interest and concern is inexcusable, if not worse.

**1:30 p.m.**

How did we come to this situation? We heard a very interesting, but equally incomplete, analysis of the background from my good friend the parliamentary assistant, who, I suppose, not surprisingly, represents the government on this occasion. I am sure the minister, as a responsible minister of the crown and of the government in this case, would be ashamed to come here today and share with us some of the background to this very important and eminently supportable piece of legislation.

Mr. Speaker, you will recall in your experience here in the past year or 18 months how the public debate in Ontario really got under way on this particular issue. It was not because this government brought forward

a discussion paper on the subject. It was not because the Ontario Medical Association initiated in a public way, on behalf of its radiological section, a major public discussion on the subject. It was not because of any such august body, public or private, that we came to the debate. It was rather because Dr. Gifford-Jones, writing in the *Toronto Globe and Mail* on May 10, 1979, had the courage to report on a private memo growing out of a private study done by, among others, Professor Kenneth Taylor of the University of Toronto.

There might be those who chuckle and laugh about this situation, but I am angry because when one looks at the background to this legislation, one is alarmed at just how many other and similar situations might be occurring out there that we do not know about. We are so often and so casually reassured by the government not to worry in the opposition, that all is well. Until Dr. Gifford-Jones wrote in the *Globe and Mail* on May 10, 1979, we had been told much of that about this very important subject.

What did Dr. Gifford-Jones tell the public of Ontario about the Taylor et al study of a situation that the government had known about for some months and of conditions about which it had been warned since at least 1964? Writing in the May 10, 1979, *Globe and Mail*, Dr. Gifford-Jones wrote as follows:

"It is being said that even the street dog has had luckier days. Good fortune also happened to me while researching a column. I came across a February 6, 1979, memo from the radiological section of the Ontario Medical Association to all radiologists in Ontario. Its contents were hard to believe, and it kindled shock, dismay and anger. The memo indicates a massive cover-up about the dangers of diagnostic X-rays in Ontario."

How many times have we listened to the sanctimony from the Premier (Mr. Davis) on down to the Minister of Health (Mr. Timbrell) about our unjustified concern about cover-up, to use that heinous phrase. Here is an interesting example of an important public policy that is being alleged by this particular doctor to have been covered up in this particular article.

He goes on: "There is every reason to suspect that other provinces and the United States are not immune to this hazard"—a wonderfully reassuring footnote. "The memo from the radiological section of the OMA indicates that patients in one hospital may receive 60 times the radiation exposure given patients in another hospital." Can you be-

lieve that? Sixty times the dosage possible in one hospital over another. That is a very reassuring commentary on the system over which this government has had a thirty-seven and a half year administration.

Dr. Gifford-Jones goes on to report: "For example, measured radiation exposures for a barium meal examination vary between 1.6 roentgens and 90 roentgens." That is very encouraging, isn't it? And on it goes.

One of the things he pointed out and one of the reasons why I have a personal interest in this subject is that, at the very time this was being discussed, the headlines of the national media were carrying stories, which were being discussed in this place, about the hazard afforded to two Hydro workers at Bruce who had received, as I recall, seven or eight rems of radiation, a couple of rems over the dosage allowed under the regulations in Ontario.

We were properly worrying in this province, not more than 15 months ago, about the negative consequences of seven or eight rems at Bruce. That same Hydro worker might well have walked into a public general hospital or other place where an X-ray for diagnostic purposes might have been administered and have received a blast, not of seven or eight rems, but of 90. God only knows how many times he or she might have received that kind of dosage.

This government and this Minister of Health tell us, through hundreds of thousands of dollars of public advertising, that we are our own liquor control board. We have an individual responsibility to look after our own health. This business about the use of X-rays for diagnostic purposes proves to me that one is not only one's own liquor control board but, whether one knows it or likes it, one is one's own radiological protection board. Think about that and the personal health related consequences that flow from that.

I invite all members to read the articles in question. The good doctor goes on to say in the article: "Why are faulty X-ray machines in use? There is an astonishing reason. Radiologists admit they must crank up the radiation dosage on faltering machines to obtain a good picture, yet the units are checked only every five years. One technician said a machine had not been inspected for 12 years. Others stated you had to call the government to request an inspection."

To the degree there is inadequate and imperfect inspection the government, from my good friend the member for Peterborough (Mr. Turner) on up or down, has to accept full responsibility and blame. Later in the

same article, Dr. Gifford-Jones says: "The Minister of Health has been well aware of the dangers to the public from radiation. In 1977, an X-ray standards committee filed a report expressing concern about the operators of X-ray equipment."

It may be this legislation, and the flurry of activity that preceded it and came after May 10, was a predictable flow from the government and bore no relationship to this highly interesting and controversial article, but I am more than passingly suspicious.

1:40 p.m.

Then this story gets worse. My friends from Lanark (Hon. Mr. Wiseman) and Parry Sound (Mr. Maeck) had better listen. God only knows what parts of their anatomy have been deleteriously affected by this government's indifference and inaction. They had better pay attention.

The report and the comments that followed the report of the Taylor study are truly frightening and concern me, as I indicated, more than words can express. What did Gayle Moffat, president of the 2,700-member Ontario Society of Radiological Technicians, say about all this? Among other things, she is quoted as having said anyone in Ontario can operate a piece of X-ray equipment.

She continues: "With grade eight, you can walk in off the street and with no knowledge of anatomy or physiology you can have a secretary show you how to push the buttons and to get to it. That is the way the law stands now and there is nothing to prevent it." This is the kind of information that inspires ever so much confidence in us about the creative capacities of this dynastic government.

The president of the Ontario Society of Radiological Technicians says her organization has been trying since 1964 no less to have the province introduce training requirements and licensing provisions for the operators of X-ray equipment. She says, "I definitely think they have been lax, perhaps because they did not feel the problem was widespread.

"Since 1964 we have been trying with the various means at our disposal. We do not have a big lobby; there have been subcommittees and reports on the problem and somehow it always gets shoved aside." It is clear to me and any other reasonable, objective observer of events that not until that article, damning as it was, appeared in the national newspaper of this country did this government find the resolve to move forward in a way that it had been told to do for at least 15 years.

Sometimes it is a case of the public sector being relatively pristine and leading the way,

whereas the private sector operations in a similar field are really the derelict ones. In this instance again, we are so encouraged by the evidence given at the time of this controversy a year and a half ago.

It was learned at that time, May to June 1979, that fewer than one third of the Ministry of Health's X-ray equipment operators working in chest clinics around the province are registered radiological technicians. Fewer than one third of the Ministry of Health's own operations were, in the view of some, properly qualified.

Here is more evidence. In the spring and early summer of 1979, about 66 of 1,732 pieces of X-ray equipment in Ontario hospitals still needed adjustment to lower levels of radiation. They were 30 to 60 times what they should be, according to University of Toronto radiation expert, Dr. Kenneth Taylor.

My good friend the Minister of Education (Miss Stephenson), the plenipotentiary of all Ontario Toryism, strides in here to say, "Who paid for the study?" Who created the mess that the study pointed out? Even when she was being a Liberal, the Tory friends she now sits with, the Tory friends that have been governing this province for over 37 years in the tradition to which the member for Lambton (Mr. Henderson) has long been accustomed, have created an outrageous, impossible environmental hazard in this area. Now she sits and preens herself, saying, "Who paid for the study?" What an enlightened thing for the Minister of Education to say. I have always wondered about her.

I am sure opted-out physicians like my friend the member for York Mills will be interested to know that the public's reaction to this was one of serious concern and alarm. A whole series of reports ensued from the Taylor report, indicating that hundreds, if not thousands of X-ray consumers, if I can use that phrase, were extremely concerned and upset by what had been reported by all kinds of informed observers. That is the kind of uncertainty that has to be laid at the door of the government of Ontario.

I want to say something else about the inspection for which the government has responsibilities in this area. As the use of X-ray equipment increased, as the number of X-rays increased exponentially, I am almost prepared to say the government's inspection decreased relatively speaking. There was a shifting from the Ministry of Health of some of these people over to the occupational health and safety branch of the Min-

istry of Labour. The Ministry of Health was left with a very understaffed capacity to oversee its responsibilities in this area. Some of the people involved complained bitterly about the mandate the government had, on the one hand, to see that proper regulation and enforcement was provided and the pitiful state of manpower to do the job on the other hand.

Listen to what Kenneth Taylor is quoted as having said back in mid-May 1979. He laid part of the blame for this situation, for what he described as "a mess" at the doorstep of the Ministry of Health inspection team, which he said at the time was surveying X-ray machines every five years and had been asking "all the wrong questions." Need we be surprised?

I realize others may wish to speak on this. Today I did want to put on the record some of the background as briefly as I could to show just how serious the negligence of this government over more than 37 years has been. To say the very least, the negligence of this government is inexcusable, if not worse. The health care consumers of this province have, in my view, been put in a situation of serious jeopardy because successive ministers of health for over 15 years knowingly ignored advice that would have provided for this kind of legislation a lot sooner than at this time in 1980.

I would be ashamed if I were a minister of that government sitting here to know that this kind of information had been laid before successive ministers of the crown and nothing was done until Dr. Gifford-Jones wrote an article in the *Globe and Mail* in May 1979. This is a government that seeks the mantle of managerial competence. If ever anything laid bare an incompetent, indifferent bungling pack of people, it is the background to this legislation.

1:50 p.m.

I say, in conclusion, however overdue, and God knows even the Minister of Colleges and Universities (Miss Stephenson) knows it is overdue, however overdue and in some ways imperfect Bill 177 is, we in this party, concerned as we are about the safety of the people of Ontario, we who believe that the individual health care consumer ought not to be his or her radiological protection board, we support this bill as an eminently significant step forward for the health and safety of the people of Ontario.

Mr. Breaugh: Mr. Speaker, I have just been subjected to a dose of something. I do

not know whether it is radiation or not. It certainly was flowing over here. We will support the bill despite the reservations which many members will be able to put.

Mr. Roy: We will accept your resignation this afternoon.

Mr. Breaugh: I do not mind if the member for Ottawa East is here more than one day a week, but would he shut up while he is here?

Mr. Roy: You are just trying to get on the record. Try to make a contribution for a change.

Mr. Breaugh: I yield my place to the member who desperately needs to get on the record about something. What does he want to get on the record about today?

Mr. Roy: Your incompetence.

Mr. Breaugh: My incompetence?

The Acting Speaker: (Mr. MacBeth): The excitement period does not start until 2 p.m. Will the member please proceed with his address?

Mr. Breaugh: That is the mistake we make when we try to do things on Thursday; the member for Ottawa East is here.

I want to speak briefly to this bill. I believe the government has finally recognized the problems that are inherent in a widespread use of a technology which not many people understand and which is one in which the basic machinery which is used, whether the cameras or the films, is changing rapidly. I believe the government has admitted, in presenting this bill, that it is a problem of substantial size and important.

I am a little dismayed that in the course of preparing legislation they did not follow the advice completely of their advisory committee, but rather sought to get the bill through the House in a form that everybody thought was acceptable. There are some problems in that. My hope is that the bill itself, in my view anyway, addresses itself to the principal problems that are involved in the field and provides some mechanism whereby further information can be gathered and some techniques whereby some of the problems can at least be unveiled.

I want to read a short quotation from a book entitled, *The Confessions of a Medical Heretic*, by Dr. Robert Mendelsohn, an American physician. He says, "I confess that I believed in the tradition of irradiation of tonsils, lymph nodes and the thymus gland. I believed my professors when they said that of course radiation was dangerous, but that the doses we were using were absolutely

harmless. Years later, around the time we found out that the absolutely harmless radiation sown a decade or two before was now reaping a harvest of thyroid tumours, I could not help wondering, when some of my former patients came back with nodules on their thyroids, why are you coming back to me, to me who did this to you in the first place? But I no longer believe in modern medicine."

He goes on at some length about many of the things which we have assumed for a long period of time to be, as he said in his book, absolutely safe. Somehow the dosages were not of the size or number that people should be concerned. I am reminded, in looking at this bill, that that same assumption was made here for some lengthy period of time. We are now at the point where we will begin to regulate, license and look at who is using X-ray machines in this province, what their machinery is like and what the dosages are like. Then perhaps in a short period of time we will have the kind of data whereby we might make some assessment of those judgement calls.

This bill is not a perfect piece of legislation by a long shot, but it is something which is necessary. I will follow with some care and interest the results of the various advisory boards and agencies which are set up in the course of this bill to see if they can provide us with answers which a number of other agencies have not been able to do to date.

This bill is supportable because it puts in place some mechanisms about the machinery and the people who use X-rays in this province. It provides very little in the way of answers. It offers some hope that we will be able to get some of those answers. It is one very small step, one very necessary step, in looking at a rather large problem.

We will be happy to support this bill because we feel it is necessary. It is marginal in its nature in terms of having an impact, but it does retain in it the potential to investigate an extremely serious problem and to provide us with some information which apparently no one is able to get his hands on these days. It forms a bit of a confession on the part of the government that there had been some areas in the past where assumptions were made that only safe dosages were used and that there really was no problem.

I look upon this bill as an admission on the part of the government that the accusations made by a number of groups around the province, consumers among them, that there were too many X-rays and the equipment was not properly monitored were true. It now

allows us the first opportunity to clean house and to provide ourselves with a source of information which will lead us to the large and perhaps more important question of whether there are people using X-rays who should not be doing that and whether those X-rays have a cumulative, long-term effect which is perhaps even more dangerous, even though it is of low dosage, than one short high-dosage exposure to radiation.

We will support the bill.

**Mr. J. Reed:** Mr. Speaker, my colleague the member for Renfrew North (Mr. Conway) spoke eloquently about the background that led up to the bill being presented before the Legislature. I would like to make a couple of brief comments. There are two observations I would make.

One is an observation on the kinds of priorities the government may or may not have in protecting the people of Ontario. I can recall a year ago having to deal with the ministry because of the quality of smoke from a wood-burning boiler that had been shut down because during the first two or three minutes the grade of smoke was not considered acceptable and was doing damage to the atmosphere. I can remember sitting on the select committee on Ontario Hydro affairs discussing radiation. Concern was raised over some dosages of radiation received by workers in the generating plants that did not compare at all with the dosages these X-ray machines were capable of delivering to patients who did not know they were getting them. I am very concerned about those kinds of priorities.

Some of the knowledge about what these machines were doing was well-known at least 15 years ago, as was pointed out. It seems this jurisdiction is always the last to act to protect its citizens. We are faced with this kind of thing time and time again. We are probably faced with it when we are dealing with this situation regarding the chemical dump in South Cayuga. This jurisdiction is always the last to move forward to protect its citizens. In my view, it is unconscionable.

**Mr. Turner:** Mr. Speaker, I would like to respond briefly and thank the members for Renfrew North, Oshawa and Halton-Burlington for giving us their support for this important piece of legislation. I want to congratulate the member for Renfrew North on his rather entertaining response. However, he did raise some rather important points. One is the weakness in gaining information on this type of problem from the media. I would like to comment briefly that, as a result of that article which appeared in the



newspaper he mentioned, the ministry wrote the doctor in question. From that date to this, we have not had the benefit of a reply. I would like that to be clearly understood.

2 p.m.

Also, Dr. Taylor's article, which was published in March 1979, was not in any way kept secret. There was no attempt, and I want to emphasize that, at not making that report public. As a matter of fact, the profession was notified immediately of the problems, as the member has already acknowledged, and the minister took immediate action as a result of that and appointed the advisory committee. I would like to clear up any misunderstanding the members of this House or the public at large may have. I would like to caution the members again, and anybody else who is interested in this, that this is not a problem exclusive to this province. This is a problem which is not only international and national in scope, but also global. We in Ontario are in the forefront in taking a leadership role to correct it. How do you like that?

Motion agreed to.

Ordered for third reading.

#### CORRESPONDENCE FROM PRISON INMATE

Mr. Speaker: On December 1, the member for Oshawa (Mr. Breough) rose on a question of privilege concerning the opening of his mail. I investigated the matter, and on December 2 advised the House that the member's mail was not tampered with by any agent of this House. The letter in question was from an inmate of a federal penitentiary, and I had been advised by the Solicitor General for Canada that mail addressed to members of provincial legislatures was still subject to scrutiny and to opening. I am now advised by the federal minister as follows:

"Under section 8a(3) of the Directors of the Canadian Penitentiary Service Commissioners directive number 219, 'Members of the provincial legislatures are included among those to whom inmates can forward correspondence unopened. In exceptional cases, however, where institutional staff suspect contraband in such privileged correspondence, it may be opened after the commissioner has given his approval.'"

There may have been a breach of this directive, but I regret that I have no ability to enforce a federal directive. I can only suggest that the member for Oshawa raise the matter with the Solicitor General for Canada.

Mr. Breough: Mr. Speaker, I know it is a little irregular, but I would like to thank you

for taking the time and effort to investigate this matter for me, and I want to assure you that I will take the matter up with the federal Solicitor General.

#### AUDITOR'S REPORT

Mr. Speaker: I would like also to inform the House that the report of the provincial auditor for the fiscal year ending March 31, 1980, has been tabled today and, in accordance with standing order 91, stands referred to the standing committee on public accounts.

#### STATEMENTS BY THE MINISTRY

##### COCHRANE DISTRICT LEGISLATION

Hon. Mr. Wells: Mr. Speaker, later today I will be introducing, for first reading only during this session, An Act respecting Local Government in Cochrane District. This legislation will be discussed thoroughly by the residents of the area and, following that, we hope to be able to reintroduce the bill during the next sitting of this House, with any necessary amendments.

This legislation would basically do three things. It would first incorporate the existing town of Hearst and five unorganized townships as a new town of Hearst. Second, it would incorporate the united townships of Shackleton and Machin and part of the unorganized township of Haggart as the township of Shackleton and Machin. Finally, it would change the name of the township of Fauquier to the township of Moonbeam.

The legislation is an outgrowth of the study of local government in the area from Hearst to Smooth Rock Falls. The study, which was undertaken by my ministry, began in 1977 with a final report presented in June 1979.

We conducted the study at the request of some of the local councils. My staff will hold extensive consultation between now and the spring with the local people affected. Copies of this bill in both English and French will be made available to the municipalities and residents. We are looking forward to hearing their comments and suggestions.

##### ENVIRONMENTAL LEGISLATION

Hon. Mr. Parrott: Mr. Speaker, today I am introducing legislation to amend sections of the Environmental Protection Act, the Pesticides Act and the Ontario Water Resources Act. These amendments will clarify, update and expand our powers to control pollution, especially in the area of liquid industrial waste.

Briefly, the amendments cover the following: They extend from six months to two years the time period during which we can take legal action against polluters under these three acts. For the first time, there will be minimum fines for offences under the Environmental Protection Act. In addition, there is an increase in the maximum fines to provide more effective financial deterrents.

The amendments to the Environmental Protection Act and the Ontario Water Resources Act will empower the ministry to seize permits and licence plates of vehicles in connection with offences involving liquid industrial or hazardous wastes.

Under the Environmental Protection Act no minimum fines were set. Instead, it provided for a maximum fine of \$5,000 for a first conviction and a maximum of \$10,000 for each subsequent conviction. Our experience with liquid waste offences clearly indicates the need for tougher fines to act as a more effective deterrent to potential polluters. Therefore, we are setting in the Environmental Protection Act a minimum fine of \$2,000 and a maximum fine of \$25,000 for a first conviction. For subsequent violations, there will be a minimum of \$4,000 and a maximum of \$50,000.

The third amendment empowers the ministry and the police to seize permits and licence plates of vehicles if there are reasonable and probable grounds that those vehicles have been or are involved in committing an offence that involves hauled liquid industrial and hazardous wastes. Where there have been a conviction and a penalty, the ministry is authorized to hold the permits in place until a fine is paid.

These new provisions in our legislation will give our courts even more authority to crack down on polluters in Ontario.

#### DURHAM REGIONAL ENVIRONMENTAL HEARING

**Hon. Mr. Parrott:** Mr. Speaker, I would take a brief moment to do as I promised, namely, to provide an update on the Ajax treatment facility. I advise the House formally that the region of Durham has withdrawn its proposal.

#### PLANT CLOSURES AND TERMINATION ENTITLEMENTS

**Hon. Mr. Elgie:** Mr. Speaker, on October 14 I made a lengthy and comprehensive statement concerning the important issue of plant closures and the detrimental effect of such closures on the economy of the

province and, more particularly, on the employees who are affected.

At that time, I announced a five-point program designed to deal with these problems in a variety of ways. At the same time, there was all-party agreement to establish a select committee to deal generally with the question of plant closures, to hear submissions from all interested parties, to study legislative and other policy initiatives in other jurisdictions and in due course to report to the House.

The committee has now been sitting for some weeks. I have appeared before the committee, as have my colleagues the Minister of Industry and Tourism (Mr. Grossman), the Treasurer (Mr. F. S. Miller) and the Minister of Consumer and Commercial Relations (Mr. Drea). In addition, the committee has heard testimony from employers and employees involved in certain specific closures that have recently occurred. It has not yet had the opportunity to hear from major employer and trade union groups in the broader range of policy issues alluded to in my statement on October 14.

However, as evidenced from the resolution passed by the committee yesterday, reaffirming an earlier resolution to the same effect, it is clear that committee members place a high priority on the question of severance pay, as I do. It is to that specific issue that I wish to direct my remarks today.

2:10 p.m.

As I said on October 14, the government is not opposed to the principle of severance pay. However, I took the position then, a position which I reiterate in the clearest possible terms today, that it is fundamentally important we have the benefit of the considered views of all interested persons in the industrial relations community, through the fullest consultative process envisaged when the select committee was established, before we arrive at a final decision on the precise details of any severance pay legislation.

It is obvious, and I hope all committee members would agree, that the consultative process, while it has begun, is far from completion. I understand the committee will resume its deliberations early in January and I hope and expect it will be prepared to turn, immediately upon resumption of the hearings, to this topic and to hear from the major interest groups, with particular attention being given to the various substantive and technical problems associated with

severance pay to which I referred in my statement of October 14.

In order to reassure the committee of the government's announced support of the severance pay principle, I can give to the committee and to the House the following assurances. The government is prepared to introduce severance pay legislation by way of amendment to the Employment Standards Act at the earliest possible time in the next session of the Legislature. Moreover, for those who are understandably concerned that some employees may be in jeopardy between now and the time such legislation is passed, I can also say the government will be proposing the amendments be retroactive to January 1, 1981.

In the meantime, the select committee will have completed its deliberations and will, I assume, have prepared its final report. We will then have had the benefit not only of the committee's recommendations, but also of the views and submissions of the various groups that will be testifying before the committee as well as the views of the persons and groups with whom I shall continue to consult in the interim period.

I would sincerely hope that, with these clarifying assurances, the consultative process now under way before the select committee, to which we all agreed, can be resumed and completed so that the legislation on this important matter can reflect the legitimate interests and suggestions of the industrial relations community at large.

**Mr. Cassidy:** This is a victory for the New Democratic Party.

**Hon. Mr. Elgie:** It is a victory for common sense that is not always reflected in that party.

#### SPEAKER'S CHRISTMAS PARTY

**Mr. Speaker:** Order. Before we get to oral questions, on behalf of all members of the House and all of the staff who participated in last evening's festivities, I would like to thank Santa and his elves, Pat Girouard and her associates, all of the House officers, all the committee chairmen, the Ministry of Government Services and our dining room staff for the excellent job they did in providing us with the service. Would you please thank them on behalf of everyone.

Applause.

#### ORAL QUESTIONS

##### INTEREST RATES

**Mr. S. Smith:** Mr. Speaker, I would like to direct my question to the provincial Treas-

urer. Given that the United States banks raised their prime lending rates to 20 per cent yesterday, there will undoubtedly be increases in Canadian interest rates as well. Could I ask the Treasurer what case he will be putting to the meeting of finance ministers in Ottawa next week, which I believe he will attend?

Up to now the Treasurer has said Canada should allow its interest rates to remain considerably lower than the American rates, even if it means the dollar would fall. The dollar is now at 83 cents. May I ask the Treasurer whether he will be recommending the dollar be allowed to fall further and, if so, what floor he would recommend for the dollar? Could he tell us in summary fashion what Ontario's position will be with regard to whether interest rates should be kept even lower in comparison to the American rates than they are now and whether the dollar should be allowed to fall further and, if so, how much further?

**Hon. F. S. Miller:** Mr. Speaker, most of what the honourable member said is correct. I believe what I have said in the past that interest rates in Canada could be independent of the American rate instead of traditionally being about one per cent higher, using the value of the dollar as the control mechanism and not necessarily implying that the dollar should fall.

The 84 cent level which we have hovered around for some time seemed to be relatively stable, relatively well received and one we have become accustomed to. Just as the member's question was coming to me, I received today's "good news": the Canadian bank rate at the federal level just went up 1.38 per cent. This will undoubtedly trigger reactions in the banking community within the next day.

**Mr. Cassidy:** Good news?

**Hon. F. S. Miller:** I put that in quotes—the 1.38 per cent increase in the Treasury and Bank of Canada discount rates.

Of course we suggested the position last year at a time when arguments were being made that Canada could not be independent of the United States, and that our rates had to be kept one per cent higher. I have been very happy to see that, for most of the year, we have pursued the very policy we recommended: something lower than the United States. We are still running three to four per cent below the American rates.

I would hope the Canadian dollar does not have a run on it. There appeared to be some indication of that yesterday with about a 0.03 cent drop and I have not seen today's figures.

I would suspect the change which I just mentioned, the 1.38 per cent, would stem that and would keep us relatively in balance.

Whether the American rates need to be in this historically high position of 20 per cent can be argued; that is academic. The fact is they are at that level and about the best we can hope for is 3, 3.5 or perhaps four per cent better than that in Canada, hoping that our basic energy resources, current balance of payments, and other improvements—they are not good yet, but they are better—will help us.

**Mr. S. Smith:** I take it then that the Treasurer will not this time be recommending that the dollar be allowed to fall further. I take it from what he says that he feels it is at the right level now, and that the interest rates will have to stay at whatever level is necessary to keep it there. That is what I take from the Treasurer's comments. I think that is a fair inference; if not, I hope he will correct it, Mr. Speaker.

May I ask the Treasurer, since that would seem to mean we are going to have to put up with these crushing high interest rates for some time to come, would the Treasurer be willing to tell this House, after many questions in this line, what programs the government of Ontario is prepared to undertake to prevent the rash of bankruptcies of small businesses that we can expect this winter, and to protect people from losing their homes when they are facing 50 and 55 per cent increases in their mortgage payments each month? Will the Treasurer introduce something either right now, or by order in council later on, to protect those elements in our economy that are so sensitive to this crushing burden?

**Hon. F. S. Miller:** Mr. Speaker, this kind of questioning has gone on many times in this House. Ontario has never tried to duck actions it could take. It has always stressed that these things were best fought by co-operation at the federal-provincial level. We have also tried to stress that we had worked long and hard at bringing our budget into some semblance of balance to give us some room to have the manoeuvrability in times of stress.

We took action several weeks ago and, in my first budget, I took a number of actions aimed at helping small business people. We have had the farm interest subsidy programs. We did look at the problems of mortgage interest assistance. I would argue that those can really only be afforded at the federal level, where tax measures such as Mr. Crosbie introduced last year are put into effect.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Is the minister aware that just in the past month the increases in interest and mortgage rates have increased the income that a family needs in order to afford an average priced home in Metropolitan Toronto, from an annual family income of \$37,000 to one of \$44,000, which is an increase in family income requirements of \$7,000, just in the course of the month?

Will the minister undertake to bring in a plan to protect families on low and modest incomes from these suicidal increases in costs, or is it the government's intention that home ownership should now be the preserve of the rich?

**Hon. F. S. Miller:** Again, Mr. Speaker, we have discussed this often. The question of somebody buying a brand new home in today's market is one in which at least they have some degree of discretion as to whether they do or do not.

What I am simply saying is, the decision to enter into the purchase of a home is one that is discretionary. Where there is no discretion, of course, is where somebody already owns a home and is rolling over a mortgage. Those are the people who have the greatest problems.

2:20 p.m.

However, I think it is a problem of adjustment to a large degree. Say one takes the 25 per cent level of income as being a fair amount to be spent on the gross costs of a home. If one looks at a home purchased five years ago, takes the percentage of income it had to be at that point to justify the purchase, takes the increase in salaries that have occurred in most cases in the meantime, even the present changes in the mortgage interest rates are generally keeping the new mortgage rate at no more than 25 per cent.

**Mr. Speaker:** A new question. We have spent seven minutes on this question.

**Mr. Peterson:** Mr. Speaker, just two seconds on this question—

**Mr. Sargent:** This is one of the most important things we have to talk about.

Interjections.

**Mr. Sargent:** How can you make that decision not to talk about that question?

**Mr. Speaker:** Will the member for Grey-Bruce please sit down?

**Mr. Sargent:** You can't make those decisions not to talk about that.

**Mr. Speaker:** I will hear it.

**Mr. Peterson:** Thank you, Mr. Speaker. By way of supplementary, how can the

Treasurer possibly argue that he cannot afford to bring in some kind of interest rate subsidy? He has just dissipated \$260 million on a sales tax scheme, at least \$100 million of which is going to support imports into the province. We are facing an emergency situation now. He could at least resurrect some scheme like our \$100 million plan to help out small businesses in emergency situations and for mortgages. How can he possibly argue that he does not have a responsibility, that he cannot afford it, when the government has dissipated so much other money in irresponsible ways? There is a crisis in Ontario now. The minister has an obligation to respond.

**Hon. F. S. Miller:** Mr. Speaker, the righteous indignation of my colleagues on the Liberal benches is always just that. The member knows darned well we are in trouble in this country because of Ottawa's mismanagement of the economy.

**Mr. Laughren:** Mr. Speaker, I have a two-part supplementary to the Treasurer. First of all, he did not respond to the Leader of the Opposition when asked what his position was going to be at the meeting of finance ministers next week.

Second, why does he say the province cannot afford it? If he would take a look at the proposal we put before him last spring, it would not have been a particularly expensive program. To provide relief to people whose mortgages were rolling over would have cost the province in the neighbourhood of only \$20 million. Did the Treasurer think that is an outrageous cost?

**Hon. F. S. Miller:** Of course not, Mr. Speaker. I will go back and carefully review the words on the record. One of the great advantages of Hansard is that I will be able to see exactly what I said.

First, it is a Canadian problem; it is not an Ontario problem. It goes across all 10 provinces. I think the members will accept that. Second, it is best handled on a co-operative basis. The Minister of Housing (Mr. Bennett) and I did go to Ottawa on March 17 of this year, our first visit to the new regime. We had every reason to believe the federal Liberal government was willing to look at some kind of assistance program. Mr. Cosgrove made some suggestions that he was willing to do so. I have to argue with my friend that when they are getting much greater access to the tax revenue of this country and are allegedly in control of the monetary process of this country, the programs have to be shared.

What am I going to do in Ottawa next Wednesday? Obviously I will be listening with great interest. We are preparing our papers right now and will be prepared to discuss the matter. I know that at least one province has sent a telegram to the Prime Minister and to Mr. MacEachen to make sure this will be on the agenda. I have been told it is on the agenda, so I know we will be discussing it.

#### LIQUID INDUSTRIAL WASTE

**Mr. S. Smith:** I would like to direct a question to the Minister of the Environment on the South Cayuga matter, Mr. Speaker. I am trying to determine what the difference is between an environmental assessment hearing and the hearings which the minister has unfolded before us as something we will have.

The minister has said there will be hearings and that the hearings will be into the appropriateness and the suitability of South Cayuga as a site for the proposed facility, looking at the technology, design, location on the 740 acres, the construction and operation of the facility, and that there will be a hydrological and geotechnical study conducted on the site. Given that all those things will happen under the hearing he proposes, may I ask him what would be the difference if the hearing was under the Environmental Assessment Act? What would be heard under the Environmental Assessment Act that would not be heard under his proposed hearing?

**Hon. Mr. Parrott:** One point of correction to begin with, Mr. Speaker: It is not 740 acres, it is 100 acres. I think that is important. It will be for the site—

**Mr. J. Reed:** How big is the buffer zone?

**Hon. Mr. Parrott:** I think we are talking about the use of that land and it is important that we keep those things accurately on the record. The difference would simply be a matter of format in the sense that in the first instance, as I am sure the leader knows, there is the normal process of establishing the proposal, then the review of that proposal and that consideration that would be put forward. Someone must be that proponent.

In this instance we are asking the board to make those necessary hearings on the safety of the site and on its suitability for the technology that will be there. It is a very direct way to deal with the South Cayuga site in a full and complete manner. There has never been any doubt that the

hearing will be totally and completely limited to that site and its suitability.

**Mr. S. Smith:** The minister has not made clear what the difference would be. I take it what he is saying is the only difference would be that in an environmental assessment hearing there might be evidence presented as to other sites that might be superior, whereas in the hearing he is suggesting the evidence would have to pertain to the site that has already been chosen. Is that correct? If I am not correct, will he please explain what the difference would be? What would be heard in an environmental assessment hearing that will not be heard in the hearings he has already agreed to?

**Hon. Mr. Parrott:** Mr. Speaker, one very significant difference would be the discussion on need. I think the leader of the Liberal Party would be the first to recognize there is a tremendous need for waste treatment facilities in this province. The fundamental part of the environment assessment process is that we must, first of all, establish need, and that has to be done. I think that is a given in this province. It was a given some time ago. It is a given all over North America. It is a crime that we have not worked more towards this end at a much earlier date, but that I think is a given, that in an environmental assessment one must go through all of that to have a full and complete assessment. That is, I am quite sure the member would agree, not pertinent.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Since the minister has said the decision about the suitability of the site will be made by the crown corporation so that the decision is made independent of the ministry, could the minister explain why it is he has suggested that the crown corporation's board of directors travel with the minister on a cosy trip to Europe to look at waste disposal facilities over there? Is this not an attempt by the minister to seduce the board of the crown corporation before it is even established and to compromise their independence, independence they should surely have if they are going to make an independent decision about whether or not the facility is to be located in South Cayuga?

**Hon. Mr. Parrott:** Mr. Speaker, I am a little concerned that the leader of the third party should talk about seducing a very independent board. I do not think many people would like to have that said about the Ontario Federation of Agriculture or the elected municipal representative, be it the

mayor, and those are the very people he is talking about. I have also suggested, and I think with some great logic, that there should be more than just that group go. Indeed, the media should go.

I welcome that opportunity because I think it is about time in this debate that we start focusing on the prime objective, which is that we have for this province the best facilities we can find. We have said that many times. I am going to continue to say that. I think it is important that not just the board, but the media, the local people, you name it; and the committee—and I have proposed to the committee that they go and see the best facilities in the world. I do not think he would suggest that I could seduce his representatives by taking them to see the best facilities in the world. That is what we are trying to build in this province. Nothing short of that will satisfy us and I think he is dead wrong if he thinks that board can be seduced, the mayor or her representative can be seduced, or his members can be seduced. I do not think that is the way it is at all and I think he should recognize that.

**Mr. S. Smith:** Final supplementary, Mr. Speaker—

**Mr. Speaker:** The member for Haldimand-Norfolk (Mr. G. I. Miller) was on his feet.

**Mr. S. Smith:** He was not at all. I am on my feet, Mr. Speaker.

**Mr. Speaker:** He was, and unless you have eyes in the back of your head—

**Mr. S. Smith:** I wish to ask the minister, to be absolutely clear about this, if the only difference between an environmental assessment hearing, or the major difference—

**Hon. Mr. Parrott:** I did not say that and the member knows it.

2:30 p.m.

**Mr. S. Smith:** I have asked the minister what is the difference twice. I assumed the answer about the major difference was in the two answers he gave me. If the major difference between an environmental assessment hearing and the hearings he is proposing is that there would have to be a discussion of need at the environmental assessment hearing, does the minister think it is worthwhile setting aside the existing legislation in the province for an environmental assessment hearing?

Is it really worth all the uproar just to avoid a discussion of need? I would be prepared to go as a witness and say there is a need. I do not know of anyone who would say there is not a need in the province of Ontario. Does the minister think it is sensi-

ble to set aside the legislation that exists in favour of this ad hoc arrangement of his simply because of that, or is there some other reason why he does not want to have an environmental assessment hearing?

**Hon. Mr. Parrott:** Mr. Speaker, I gave that as an illustration. I can stand here in my place for some time and tell the member other significant differences. Let me give him one.

**Mr. S. Smith:** Well I asked the minister three times.

**Hon. Mr. Parrott:** Sometimes, Mr. Speaker, it is hard not to respond to some of those interjections. There is one very major difference if an environmental assessment was heard and a decision was made by the board. I would remind the Leader of the Opposition that the very act, under which so much discussion has taken place, clearly gives the cabinet the right to amend the decision made by that board. What have we said to the contrary in this instance? We have put the right to make the final decision, the Premier (Mr. Davis) has said and I have said, that the government will not overrule—

**Mr. S. Smith:** The minister can make the same statement about the Environmental Assessment Act, but he will not amend it.

**Hon. Mr. Parrott:** All of a sudden the Leader of the Opposition wants to be very picky about which part of the act he wants to apply. It is a very interesting, subtle point, but I am saying to the Leader of the Opposition in this particular instance we have said it will be an independent board. That may be what the member opposite does not like about this. He wants it to have the connotations that somehow or other we will carry that responsibility. I do not mind doing that. We have tried to do that very consistently, but I think it is time we realize what the people of this province have been saying pretty consistently, and that is they agree completely with the concept of a corporation to run the liquid waste facilities of this province. That is what we are establishing here. We are establishing a very broad spectrum. I think there are major significant—

**Mr. S. Smith:** The minister is a failure. That is what he is establishing.

**Hon. Mr. Parrott:** Not half as much as the Leader of the Liberal Party in his role. He will find that out in about three months.

**Mr. Isaacs:** Supplementary, Mr. Speaker: If the board of the crown corporation comes back to the minister in 12 months and tells him it has discovered that the site is not suitable for this kind of facility, then we will

not be just 12 months behind but 24 months behind, because we will have wasted a full year and be a full year further away from finding a solution than we should be today. Why does he not put the hearings under the Environmental Assessment Act so that all the options can be reviewed and we will be assured that, at the end of those hearings, we have not just a yes or no decision but a decision on what will be the best facility of Ontario and in the world?

**Hon. Mr. Parrott:** We have spent two years, indeed most of that two years and have been taking the advice of the standing committee and we have made many advances in the last two years in dealing with liquid industrial wastes. We had a very brief time to put that on the record about two weeks ago.

We have also scrutinized very carefully what was said during that emergency debate. After scrutinizing it to the nth degree we find that in the two and a half or three-hour period the opposition parties of this province were not able to come forward with one single, positive suggestion of how or where. There was not a single thing. It is nice and easy to be a critic when they never have to face the reality of knowing what it is all about, or where and how. They will always want that nice, comfortable position. That is why they failed to come to grips with the problem.

#### USE OF ASBESTOS IN SCHOOLS

**Mr. Cassidy:** Mr. Speaker, I have a new question for the Minister of Education, who assumed responsibility for questions with relation to asbestos in schools. Can the minister assure the House that in response to the directives on asbestos in schools, which she issued in July 1979 and in January 1980, the ministry now is aware of all possible asbestos hazards in the schools of the province and that no school children or school board employees now are at risk as a consequence of exposure to asbestos in our schools?

**Hon. Miss Stephenson:** Mr. Speaker, I cannot give that full commitment at this point, because I am not convinced right now that every single board has completed all of the investigation it should have. I believe there may be one or two boards that have not completed the investigation. It is my understanding that all of the remaining boards have.

**Mr. Cassidy:** Can the minister explain to the House why the Ministry of Education

has not actively and vigorously pursued the Windsor Board of Education? In May of this year, it reported not a single inspection having gone forward to the ministry, according to the ministry's own records. Despite assurances to the board trustees by the board officials, it now has been discovered that there were 26 schools with asbestos out of 44 that have recently been inspected. Board officials have been maintaining that they were not required to follow directives about asbestos inspection issued by this ministry because those directives were not law. Why has the ministry not been going after the Windsor Board of Education and how has it tolerated a situation where that board has been thumbing its nose at the ministry's directives?

**Hon. Miss Stephenson:** We most certainly have been asking boards to complete the examination as rapidly as possible. It is my understanding that the Windsor board has completed its examination.

**Mr. B. Newman:** Supplementary, Mr. Speaker: Where the caretaking staff and the union request a second opinion because they do not have confidence in the first opinion concerning asbestos in the schools, will the minister look into the request of the union for a second opinion to clarify whether asbestos in the schools is a hazard?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding that in the circumstance described by the member the union itself has taken under its own responsibility the acquisition of that second opinion.

**Mr. Cassidy:** What action is the ministry now prepared to take in view of the fact that some schools in Windsor have shown asbestos as present and that in some schools in Windsor asbestos has been discovered, which was exposed in the gymnasium hanging from pipes and behind the backstop? When the asbestos problem in that community continues to be of that severity, what action is the minister now taking or prepared to take to protect both the school children and school board employees from what is a very clear present hazard?

**Hon. Miss Stephenson:** I would remind the honourable member that the responsibility for the provision of facilities for education at the local level is that of the board of education, duly elected by the local people. We have done a great deal to assist, encourage and persuade boards to carry out their responsibilities for the investigation of potential asbestos problems. Some of the boards have been a little slow to respond

and we have tried to encourage them to speed it up. We have done that. I believe we are now almost at the completion of that activity.

Most certainly we have been encouraging boards by telling them there was provision for funding to ensure that they completed the solution of their asbestos problems. In fact, most of the boards have done so. The local board of education, however, must take responsibility for that part of the activity which is theirs.

#### NIAGARA ESCARPMENT DEVELOPMENT

**Mr. Cassidy:** Mr. Speaker, I have a question for the Provincial Secretary for Resources Development, who is responsible for the Niagara Escarpment Commission. Can the minister tell the House whether the reports that emerged from the meetings of members of the Conservative caucus with people from the escarpment on Monday of this week are correct, and in specific terms can he say whether the statement by a former minister, the member for Burlington South (Mr. Kerr), "Let us get rid of the commission" is an expression of government policy, or is it still government policy to support the Niagara Escarpment Commission in its work of preserving the escarpment as a continuous natural environment?

2:40 p.m.

**Hon. Mr. Brunelle:** Mr. Speaker, the leader of the New Democratic Party knows very well that the Premier (Mr. Davis), myself and others have said we have a commitment to the Niagara Escarpment Commission. They are now ending their phase one hearings and the plan has been submitted to it and the plan is proceeding very satisfactorily. That is on record and there is no doubt about that. If the honourable member has a poor memory, I will be glad to send him copies of those commitments made in the Legislature and outside of the Legislature.

**Mr. Cassidy:** If that is the position of the minister, can he explain why it is that ministries of the crown have been acting directly contrary to that position with respect to the multimillion-dollar luxury condominium development at Epping Common in Euphrasia township?

In particular, can the minister explain why, after an initial rejection by the Niagara Escarpment Commission hearings, a representative of the Ministry of Industry and Tourism appeared at the appeal to support and express his ministry's support for the Epping Common development?



Can the minister also explain why it is that, despite the fact that the Niagara Escarpment Commission has phase one hearings under way, the Minister of Housing (Mr. Bennett) used a back-door route to take official plan consideration of the Epping Common development before the Ontario Municipal Board without even informing the minister responsible for the Niagara Escarpment Commission? When are the two of them going to get their act together?

**Hon. Mr. Brunelle:** I believe the honourable member was in the Legislature on October 21 when the member behind him asked that question of my colleague the Minister of Housing, who replied. If the member does not have a copy of that reply, or if he was not here, I will be glad to send it to him. That was fully answered by the Minister of Housing. Under the Planning Act he referred it to the Ontario Municipal Board.

**Hon. Mr. Bennett:** Mr. Speaker, on a point of privilege: I say to the leader of the third party, in my estimates I made it very clear to the member for Welland-Thorold (Mr. Swart), and to all the members in the estimates committee over the last couple of weeks, that in no way did my ministry do anything in the name of back-dooring amendment number 33 to the Beaver Valley official plan. We were asked for advice. We gave the advice of the ministry and we proceeded from there.

The third party in this House constantly believes everybody has to be working in some back-door attitude, when they are trying to secure for the taxpayers of this community at least a fair opportunity to present their point of view.

**Mr. Swart:** Supplementary, Mr. Speaker: How can the Provincial Secretary for Resources Development say he is still preserving the escarpment when is it not true that he admitted in committee that the Minister of Housing had never even discussed with him a referral to the Ontario Municipal Board when that minister referred it with special instructions that the Ontario Municipal Board was to proceed with the hearing even though the Niagara Escarpment Commission hearings were in process, and that the Epping Common scheme, this massive development by friends of the government, is the only case where he has given that special instruction?

**Hon. Mr. Brunelle:** Mr. Speaker, there was no special instruction. During the estimates, the honourable member asked me if I had received a copy of the letter that the Minister of Housing had sent and I said I had not. I

do not get copies of all letters that the Minister of Housing sends.

**Mr. S. Smith:** Supplementary, Mr. Speaker: Will the minister give assurance to the House that he will not do in the Epping Common matter what the Minister of Housing attempted to do in the Cantrakon matter, which was that once it was rejected by the Niagara Escarpment Commission and once it was rejected by the hearing officer, the minister then made a unilateral decision which he was forced to rescind by the opposition? Will the minister simply give his assurance that they will not attempt to do the same thing on the Epping Common matter that they did on the Cantrakon matter?

**Hon. Mr. Brunelle:** Mr. Speaker, in this particular case the Leader of the Opposition knows full well that the matter is being referred to the Ontario Municipal Board. The OMB is a very objective and competent body; I am sure it will give the matter full consideration and will make its decision according to the presentations made to them.

#### ONTARIO HYDRO LAND PURCHASES

**Mr. J. Reed:** Mr. Speaker, in the absence of the Premier and in the absence of the Minister of Energy (Mr. Welch), I wish to direct a question to the Provincial Secretary for Justice.

What action is the government prepared to take with Ontario Hydro to see that a Dufferin county farmer, Mr. Ken Peterson, gets justice from Hydro's property division, which set up a committee to assess Mr. Peterson's case and then vetoed the committee's decision when it was not satisfactory to them?

**Hon. Mr. Walker:** Mr. Speaker, that matter will have to be referred to the appropriate minister. I have no answer to that.

**Mr. J. Reed:** I am surprised the minister is not aware that this injustice to a citizen of Ontario has taken place. Will the minister recommend action to see that these kinds of dictatorial methods on the part of Ontario Hydro cease immediately, understanding that the second corridor out of Bruce has yet to be located and hopefully will undergo environmental assessment, and that settlements will be made with the land owners? If this is not settled now, the people who are going to face expropriation in the near future are going to face the same kind of thing.

**Hon. Mr. Walker:** The honourable member knows full well this is not an area of my responsibility. I will see that the question is raised with the appropriate minister.

### COMMUNITY SERVICES CONTRIBUTION PROGRAM

**Mr. R. F. Johnston:** Mr. Speaker, my question is for the Minister of Housing. It concerns the community services contribution program which the federal Liberal government terminated arbitrarily, thus ending a series of community projects around the province and the country. Has the minister received a telegram from the mayor of Toronto in which the mayor asks the province to continue its aid and to expand the provincial commitment to fill the gap left by the federal government? If so, what are his plans to make sure this program continues to have, as he said on December 13, a good effect on the economy of country?

**Hon. Mr. Bennett:** Mr. Speaker, I have received a copy of the telegram. The Premier, the Treasurer (Mr. F. S. Miller), the Minister of the Environment (Mr. Parrott), the Leader of the Opposition (Mr. S. Smith) and the leader of the New Democratic Party (Mr. Cassidy) received copies of the telegram from the mayor of the city of Toronto. It requests our support in the continuation of the program that was unilaterally cancelled by the federal Liberal Party. That program had contributed \$130 million to the economy of Ontario in neighbourhood improvements and in water and sewage treatment and purification operations.

We understood the program would have a longer period of life than two years. I have to say frankly that the Liberal government of the day hoodwinked all the provincial ministers in designing that particular agreement with the understanding it would go on for some period of time thereafter when all the problems were worked out.

In my statement to this House some weeks ago, when I announced the decision of the Minister of Public Works, Mr. Cosgrove, and his federal Liberal friends in cancelling this program, I said this province would review the situation closely with Mr. Cosgrove. The Minister of the Environment and I met with Mr. Cosgrove on Monday past and we reviewed it in some detail without any assurances from him that there would be any consideration about its extension, regardless of the Canada-United States agreement on water quality control being disregarded, regardless of all the indications to the municipalities in this province and in this country that they were going to be assisted in improving their water and sewage treatment plants, and regardless of the renovation and upgrading of the housing

stock in this country. All those things are passé.

I said at the same time that, while we would review that with the federal government, we were not going to accept the entire responsibility to supplement those cancelled federal programs out of the public treasury of Ontario. Obviously, if the federal government finds it easy to cancel this program for some \$100 million in the coming year, it can well move into other social fields and cancel them as well, in anticipation that Ontario will pick up the entire cost. That is not our intention.

**Mr. R. F. Johnston:** I agree the minister has been hoodwinked. I have little doubt about that. But, as he knew at the beginning of his participation in this, it has to be a continuing program. As he knows, there is at least \$10 million worth of plans already in process in Toronto for the next number of years. Is it not the minister's responsibility to step in and share on a new basis with Metro Toronto? It is my understanding Metro will look at increasing its share if the minister is willing to co-operate. Is it not the minister's responsibility to commit himself and his government to protect jobs in this province, to protect environmental projects that are under way and to ensure that local planning, which has been under way for a number of years now, is not undermined by both the provincial and federal levels of government?

2:50 p.m.

**Hon. Mr. Bennett:** I answered no very positively to the question that was originally asked as to whether we were going to fill the void that was created by the federal government. That is not to say we will not continue, as a provincial government, to contribute to the program what we did on a partnership basis before.

I realize the importance of this program to many municipalities and more specifically to communities with populations of 20,000 and less. Those are the communities that will be damaged very severely by the cancellation of this program—not Metropolitan Toronto, Ottawa, Hamilton, London or Windsor. The small municipalities are the ones that are going to feel the financial pinch in this program.

The Minister of the Environment can give the member a very clear and concise position on what the added costs will be to the smaller municipalities. In some cases they will be completely devastating, and in most cases the programs will not be able to take place

at all because the financial resources are not at their level.

I want to assure this House that the Treasurer and I, along with the Minister of the Environment and others, will continue to pursue the federal government to get them back into the program. But I emphasize it is not this government's intention to fill all the void left by the federal government.

Mr. Eakins: Mr. Speaker, I wish to redirect my supplementary to the Minister of the Environment.

It is my understanding the federal minister has stated he will honour all provincial approvals until December 31, 1980. Since the village of Bobcaygeon will be opening tenders on December 18 for a sewage disposal plant and pumping station, will the Ministry of the Environment make every effort to look over these applications with a view to assisting this village to make sure they are approved by the end of the year?

Hon. Mr. Parrott: Mr. Speaker, that was one of the significant points we raised with Mr. Cosgrove at the meeting referred to by my colleague the Minister of Housing. We think at the very least that date should be extended.

One wants to do these things properly, and all of a sudden there are only 13 days, most of which are holidays, to make all of those determinations. I think it was grossly unfair, to tell us those things without notice. But we will bend over backwards to assist them. The greater assistance would be to have that deadline extended a little bit to give a reasonable amount of notice. That is the best that could happen.

I urge the member, in the spirit of the season, to phone Mr. Cosgrove and ask him to give some reason and rationality to that deadline.

#### LIQUID INDUSTRIAL WASTE

Mr. G. I. Miller: Mr. Speaker, I have a question to the Minister of the Environment. For 16 days we have been sitting with the 42-page MacLaren report on the siting of liquid hazardous waste facilities. For the most part it is a brief overview of the material to be found in the three appendices to the report. Seventy-five per cent of the November 1980 report is identical to the August 1979 interim report.

Since we have heard that the consultants are still compiling some graphs and tables for the appendix and that they have not yet got to the presses, can the minister tell us when we will get the material? It is the meat of the \$425,000 study.

Hon. Mr. Parrott: Mr. Speaker, I think the meat of that study is already on record. But those appendices are important, and I understand they will be available before the end of this month.

#### MENTAL HEALTH SERVICES

Mr. Breough: Mr. Speaker, in the absence of the Minister of Health (Mr. Timbrell), I will ask the Provincial Secretary for Social Development a question.

As a response to the Ontario Council of Health's documentation on problems in our mental health care system and a further report by the Ontario Public Service Employees Union documenting problems with the mental health system, will the minister now seek to have the government call a royal commission into all the problems that are in our mental health system? I ask for this so there will be no more Aldo Alvianis die by therapeutic misadventure and no more Henry Kowalskis incarcerated for more than 10 years, even though they have never committed a crime.

Hon. Mrs. Birch: Mr. Speaker, those reports are under consideration by the ministry. At this time I see no need to call a royal commission.

Mr. Breough: Will the minister take as sufficient reason the fact that we have had 538 deaths in our psychiatric institutions since 1978? It seems to me that is reason to call a royal commission. In our Community and Social Services institutions we have guidelines for psychotropic drugs, and in our psychiatric institutions we have none. Patients are dumped out of psychiatric institutions into Parkdale, into Sutton, into one locked ward with 60 people in Windsor with no nursing care. Is that not reason enough to look at it?

Hon. Mrs. Birch: I have already indicated we are looking very carefully at those reports.

Mr. Conway: Supplementary, Mr. Speaker: About a year ago, the government's own illustrious Ontario Council of Health produced a damning indictment of mental health services in Ontario. At this point, what specific redress and policy statement is the provincial secretary prepared to make on behalf of her government to deal with the countless cases and instances pointed to, as I said earlier, in that perfectly damning report about the state of mental health services in Ontario?

Hon. Mrs. Birch: Mr. Speaker, I have already indicated to the members that the reports are all being given a great deal of attention.

### AID TO PENSIONERS

**Hon. Mr. Maecq:** Mr. Speaker, the member for Beaches-Woodbine (Ms. Bryden) asked a question the day before yesterday with respect to tax grants for senior citizens, whether the computer check on applications, which was designed to prevent payments to deceased persons or to ineligible persons or to possibly fraudulent applicants, had been suspended and whether anyone was auditing the applications before payments.

The computer check on applications has not been suspended. All applications received are computer-checked against the computer tape of Ontario recipients provided by the old age security office in July. Anyone on that tape is eligible to apply for and receive a property tax grant if he pays rent or property taxes and does not reside in an institution. If they subsequently pass away, if deceased, the estate is entitled to receive the grant.

It has happened that a grant was paid to a deceased person rather than to the eligible spouse. This is a result of the manner in which the federal OAS computer tape is constructed. Our systems are being refined to reduce this occurrence to a minimum. If the individual does not appear on the OAS tape, the grant is not paid until it is thoroughly investigated.

### PHYSICAL EDUCATION

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Education and Minister of Colleges and Universities, if I can get her attention.

In view of the fact that in 1975 the Canadian Medical Association declared its support for increased physical activity in the school curriculum, in view of the ever-increasing costs of health services, and in view of the fact that physical education is not a compulsory subject in our secondary school system, in the interests of a better physically fit youth will the minister once again make physical education a compulsory subject in our schools?

I am interested in physical education for the masses and not the classes, because the classes are being taken care of by the Ministry of Culture and Recreation.

**Hon. Miss Stephenson:** Mr. Speaker, the matter of physical education as a mandatory or choice subject within the secondary schools is one that has been discussed, as the honourable member notes, for the past several years. There is not any doubt that there are medical evidences that increased physical activity does provide some phy-

lactic support for the human condition and may serve as therapy for many of the ills of young people and those of elder years.

That matter has been referred very clearly as a specific problem and one to be resolved to the secondary school education review project. I am aware that four committees are taking this matter very seriously. I anticipate it will be included in the recommendations that will comprise the totality of that project's report when it is made in 1981.

**Mr. B. Newman:** Is the ministry developing or has it developed any testing procedures so that comparisons can be made and will be able to be made in the future as to the physical wellbeing of our youth?

**Hon. Miss Stephenson:** There are a number of agencies, groups and expert organizations that have developed testing procedures. Many of these have been looked at by those involved in physical and health education. I believe we have a series of those available to us at this point. I am not at all sure that the ministry should be re-inventing the wheel at this stage of the game but utilizing what has been developed by experts in other areas.

3 p.m.

One of the questions I would like to have answered by secondary school students and by teachers is whether we might increase their physical fitness if we allowed them to walk a little more rather than putting them on buses quite so frequently.

Interjections.

**Hon. Miss Stephenson:** Well, what is wrong with that?

### SUPERMARKET PRICING SYSTEMS

**Mr. Swart:** Mr. Speaker, my question is to the Minister of Consumer and Commercial Relations. First, I would like to send him a petition with 106 names on it, relative to computer checkouts, concerning errors and objections to the removal of price tags. Has the minister been doing any comprehensive monitoring of the computer checkout systems in supermarkets to determine the degree of price errors and overcharging to consumers? If he has, what are the results and will he explain his monitoring system?

**Hon. Mr. Drea:** Mr. Speaker, I do not know whether the member can hear me, but I cannot hear him.

**Mr. Swart:** Perhaps I should put the question again then. I am not usually accused of having too low a voice. My question to

the minister was, has he been doing any comprehensive monitoring of the computer checkout systems in supermarkets to determine the degree of price errors and overcharging to consumers? If so, what are the results and will he explain his monitoring program?

**Hon. Mr. Drea:** I want to make sure I understand what the member is talking about. I will answer the question tomorrow and give him all the papers in advance.

**Mr. Swart:** Supplementary—

**Mr. Speaker:** Does the member have anything he wishes to add to his initial question? It has been taken as notice.

**Mr. Swart:** Yes. Will the minister particularly check the experience of the Consumers in Action group, which has been doing this kind of a study? For example, a Mrs. Dorothy Hill of 24 Camberley Crescent in Brampton kept track for one month—

**Mr. Speaker:** Order. You are getting into a specific question, rather than something general you want the minister to take as notice. Can you associate it with the initial question?

**Mr. Swart:** Yes, I do, Mr. Speaker.

**Mr. Speaker:** Well, put it forthwith.

**Mr. Swart:** There was overcharging on the scanner. I am asking whether the minister will check out the case of Mrs. Dorothy Hill, 24 Camberley Crescent, Brampton, who kept track for one month of checkout slips and found she had 11 errors. She bought groceries worth \$214.69 and she had an \$8.70 overcharge. Other members of Consumers in Action out there have had similar experiences. It is serious. Will he start monitoring and checking it out?

**Hon. Mr. Drea:** Mr. Speaker, I took the question as notice. I said I would provide the member with information. Quite frankly, I had some difficulty following the first part of his question.

On the second point, I do not know whether I have that particular case but, if I do, I will say two things: One, she will get her money back—

**Mr. Swart:** You have the information there.

**Hon. Mr. Drea:** Why, if the member just handed it to me, would he ask what I was doing about it?

#### UNIVERSITY ADMISSION

**Mr. Sweeney:** Mr. Speaker, I have a question for the Minister of Colleges and Universities, with respect to the new admission

requirements of the University of Toronto which will affect students making their course choices in January 1981.

Is the minister aware of the University of Toronto's decision to restrict the use of some grade 13 credits, including family studies, accounting and marketing? Is the minister concerned that subjects approved by her Ministry of Education now are being rejected by the University of Toronto for admission?

**Hon. Miss Stephenson:** Mr. Speaker, the answers are yes and yes.

**Mr. Sweeney:** Given that the minister has launched a secondary school review program, does she not think the timing of the University of Toronto's decision is inappropriate? Will the minister not request the university to delay its decision, or its implementation of that decision, at least until the report of the secondary school review panel is in, since they may be making decisions in that very same area?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding that this is a recommendation of a committee which has not as yet been accepted by either the senate or the governing body of the university. The honourable member may be interested to know that some discussions are going on right now between representatives of the university staff and my ministry.

#### MINISTER'S COMMENTS

**Mr. MacDonald:** Mr. Speaker, I have a question of the Minister of Agriculture and Food; I hope I can rescue him from behind the benches there.

In a recent speech to a group of 150 farmers down near Kingston, the Minister of Agriculture and Food is reported to have told them that, within three decades, Kingston and Brockville will have small nuclear generating stations. Then the report adds, "The nuclear stations will make use of Ontario's ample uranium deposits, while waste cooling water will be used to heat cities and possibly create a new domestic industry, shrimp farming."

Since the minister, in all fairness, said this was not government policy but his own personal view, may I ask him whether he is aware of any—I underline "any"—planning with the Ministry of Energy or Ontario Hydro for fulfilment of his rather fanciful proposition? Second, is it possible the minister is trying to develop an industry to replace all the commercial fishing in the Great Lakes, which experts now tell us is likely going to be killed off by dioxin?

Hon. Mr. Henderson: No, Mr. Speaker.

Mr. MacDonald: No to what?

Hon. Mr. Henderson: Both The honourable member asked two questions, and the answer to both is no.

Mr. MacDonald: In other words, there are no ideas backing the minister's?

Hon. Mr. Henderson: The member qualified it off the bat. It was my statement, and not the government's; it was my own idea.

#### GOVERNMENT ADVERTISING

Mr. Bradley: Mr. Speaker, I have a question on government advertising for the Treasurer. I was thinking of asking it of the Minister of Industry and Tourism (Mr. Grossman), but I think I will direct it to the Treasurer since he controls the funds. Will the Treasurer indicate to the House whether the government of Ontario has any special program designed for the advertising of its various ministries and programs from now, when the House prorogues, let us say, until March or April, and will he assure the House that he does not intend to allow an undue amount of money to be spent on advertising when we in the House are not here to reprimand the government for this practice?

Hon. F. S. Miller: The effectiveness hurts, does it not? No, Mr. Speaker. We never permit undue advertising.

Mr. Bradley: Will the Treasurer assure members of the House that there will not be a reallocation of funds from one specific area in a ministry to another so that more emphasis is placed on advertising in the next few months than on programs which might be useful to the people of Ontario?

Interjections.

Mr. Speaker: Order.

Hon. F. S. Miller: I am totally lost at this point, Mr. Speaker. The changes of moneys between votes often occur, but they always have the stoney eye of the Management Board of Cabinet to make sure we are getting value. I would suggest to you, Mr. Speaker, that our so-called advertising programs in the main are factual information required by the people of this province.

3:10 p.m.

#### ALGOMA UNIVERSITY COLLEGE

Mr. Wildman: Mr. Speaker, I have a question for the Minister of Colleges and Universities. Is the minister aware of a report that has been prepared for the Algoma University College board of trustees and will be

discussed at a meeting of that board this Saturday? The report says: "There is no doubt that if the college is to survive an accommodation will have to be reached with the Ministry of Colleges and Universities. The only alternative is closure."

If the minister is aware of that, is she prepared to give favourable consideration to any request for funding to put Algoma University College finally on a footing that will allow it to operate at cost levels where it will be able to meet its program obligations to Sault Ste. Marie and Algoma without having continually to seek special funding on a short-term basis?

Hon. Miss Stephenson: Mr. Speaker, it is my belief that there are two reports to be discussed at that meeting on Saturday. I do not know the exact content of either of those reports. It is the responsibility of that board to make decisions and recommendations. I anticipate when they do that they will be considered very seriously by both the ministry and myself.

#### URANIUM CONTRACTS

Mr. Sargent: Mr. Speaker, I have a question of the Premier. In view of the most recent news that the bottom has fallen out of the uranium market and the price of uranium has dropped well below \$30 a pound, in view of the fact that the Premier personally rushed the select committee into signing a \$7.5-billion contract on behalf of Hydro, as I found out, at \$30 to \$60 a pound with Denison, and in view of the fact that he had been informed by the reports of the committee about massive new discoveries and deposits, will he, facing this shocking indictment of himself, his government and Hydro, which is paying 40 per cent more now for Denison's uranium—

Hon. Mr. Grossman: And in conclusion—

Mr. Sargent: You smart ass. Mr. Speaker, will the Premier tell the people of Ontario why he will not take immediate steps to call for an opinion or a full-scale inquiry to show cause why we cannot renegotiate this scandalous contract, which will cost us hundreds of millions or billions of dollars before its completion?

Hon. Mr. Davis: Mr. Speaker, my recollection is I did not rush the select committee into anything. I have learned around this House never to rush a select committee into anything. They take their own time and proper deliberation and assess those contracts very carefully and very thoroughly. That is my recollection.

**Mr. Sargent:** It is a matter of record. There is a letter from the Premier to the member for York South (Mr. MacDonald), the chairman of the committee, giving him a date to hurry it through, because he had a deadline.

I want to ask the Premier, in view of the fact that to save its life, Westinghouse of the United States, a multibillion-dollar corporation, had to renegotiate through the Supreme Court of Ontario billions of dollars' worth of contracts to get out of their uranium contracts, is there any reason why he cannot do the same thing here on behalf of the people of Ontario? Why can he not do that?

**Hon. Mr. Davis:** I think the answer to that is very simple: I cannot.

#### COMMENT BY MEMBER FOR OAKWOOD

**Mr. Speaker:** Yesterday afternoon the Leader of the Opposition (Mr. S. Smith) took exception to a comment made by the member for Oakwood (Mr. Grande). I have checked the record to confirm what was said by the member for Oakwood in question period yesterday afternoon. The member for Oxford said in part—

**Mr. Nixon:** He should withdraw too.

**Mr. Speaker:** Excuse me, Oakwood. This is my own writing.

The member for Oakwood said in part: "Has the Premier talked to the federal Minister of Immigration? If he has, what was the response? If he has not, does he realize he is allowing Stuarts-come-lately to exploit the issue for political purposes?"

As all members know, there is very little that goes on in this chamber that is not of some political significance. But to suggest that the words or the initiative of the member for Hamilton West (Mr. S. Smith) are less than honourable in the Italian earthquake tragedy is unbecoming of any member of this House. I would therefore ask the member for Oakwood to withdraw the remark without equivocation.

**Mr. Grande:** Mr. Speaker, if you deem it necessary, and you have deemed it necessary, for me to withdraw, I shall do so.

**Mr. Speaker:** I thank the honourable member very much.

#### LEGISLATIVE PAGES

**Mr. Speaker:** As is the custom in this House when we have a group of pages serving with us who are about to leave, as

it is hoped they will tomorrow—not because I want them to leave but because I want to leave—I am going to read their names into the record.

They are as follows: David Allan, Sarnia; Geoffrey Atkins, York Centre; Denyse Cousineau, Cochrane South; Russ Dobie, Muskoka; Kathleen Ffolliot, London North; Chrisandra Firth, Wellington-Dufferin-Peel; Jane Gelberg, Wellington South; Peter Hajmasy, Welland-Thorold; Janet Harding, Oshawa; Drew Hasselback, Huron-Middlesex; Klara Kuchar, York West; Scott Losee, Cambridge; Donna Le Madill, Simcoe Centre; Shivon Mason, Nipissing; Margot McKinnon, St. Andrew-St. Patrick; David Milne, Grey; John Pawluk, Huron-Bruce; Michael Ross, Eglinton; Susan Sheridan, Durham-York; Mark Smithyes, York North; Colin Umbach, Carleton East; and Theresa Vanhaverbeke, Durham East.

Will you please thank them for their service.

#### QUESTIONS ON NOTICE PAPER

**Mr. Gaunt:** On a point of privilege, Mr. Speaker, if I may: I have an inquiry of the Minister of the Environment listed on the Order Paper listed as question 317. It was indicated the approximate date of the information being available was November 30. Since we are presumably going to prorogue tomorrow, can I assume that information will be available tomorrow?

**Hon. Mr. Parrott:** Mr. Speaker, I have been sending back answers to questions pretty routinely for the last two weeks. I am not familiar with that one, but I will give the member every possible assurance we will make a 100 per cent effort to do so.

**Mr. T. P. Reid:** Mr. Speaker, there have been a number of questions on the Order Paper that were originally supposed to be answered on October 21, particularly relating to the advertising budgets of the various ministries. I wonder whether those will be answered and whether the government House leader can give us assurance that all the questions on the Order Paper will be answered before we prorogue tomorrow.

**Hon. Mr. Wells:** Mr. Speaker, it is a difficult assurance to give but as many as possible will certainly be answered.

**Mr. S. Smith:** Mr. Speaker, in particular, will there be an answer to question 433 from the Minister of Industry and Tourism (Mr. Grossman)? If it is not ready, will he send it to my home? I think everyone in Ontario

wants to know whether he is considered a shirt-and-tie person?

### PETITION

#### LIQUID INDUSTRIAL WASTE

**Mr. G. I. Miller:** Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor of the Legislative Assembly of Ontario.

Interjections.

**Mr. Speaker:** Order. I would like to hear this petition.

3:20 p.m.

**Mr. G. I. Miller:** I herewith present on behalf of my constituents in the Haldimand-Norfolk area the attached petition with at least 12,000 names, which have been solicited in the past few days. The petition reads:

"Whereas representatives of the government of Ontario have acknowledged that an area of the former township of South Cayuga, now part of the town of Haldimand, in the regional municipality of Haldimand-Norfolk is under study as a possible waste disposal site—that is an understatement; the decision was made—"and whereas it is clear that the area under consideration is agricultural land and for this and other reasons is not suitable for a waste disposal site, we, the undersigned, are absolutely opposed to any area in the former township of South Cayuga being used or considered for use as a waste disposal site, and we are tabling this today before the House and before the government of Ontario."

Mr. Speaker, it is a very serious petition. I hope the government responds to the democratic system so that the people in my area are treated fairly and responsibly.

### REPORTS

#### SELECT COMMITTEE ON PLANT SHUTDOWNS AND EMPLOYEE ADJUSTMENT

Mr. McCaffrey from the select committee on plant shutdowns and employee adjustment presented the committee's second interim report and moved its adoption.

**Mr. McCaffrey:** Mr. Speaker, I am under the impression, and I want my colleagues from the committee and in the assembly to be equally aware of it, that tonight at eight o'clock, we will have one hour to speak to this interim report. I would encourage any people who feel there are still some matters to be dealt with to do so at eight o'clock when we will have an opportunity.

On motion by Mr. McCaffrey, the debate was adjourned.

### STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. Leluk, on behalf of Mr. Cureatz, from the standing committee on general government, presented the following resolution:

That supply in the following amounts and to defray the expenses of the Management Board be granted to Her Majesty for the fiscal year ending March 31, 1981: ministry administration program, \$163,606,400; policy development and analysis program, \$5,903,-300; management audit program, \$440,000; employee relations program, \$861,100; and government personnel services program, \$448,000.

### STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Williams from the standing committee on regulations and other statutory instruments presented the committee's second report and, pursuant to standing order 30(b), requested that this report be placed on the Order Paper for consideration.

**Mr. Williams:** Mr. Speaker, if I might, I would simply like to take a few moments to highlight the current report before you by pointing out that there were five matters addressed in the report on this particular occasion.

The committee received the interim report on the first Commonwealth Conference on Delegated Legislation, which the chairman of the committee had the opportunity to attend and report on on an interim basis. This is setting the ground work for future consideration as to the comparative systems that exist throughout the Commonwealth which will be discussed in depth at the next sittings of the committee.

With regard to the major thrust of the responsibilities of the committee, that is, the vetting of the regulations, I would advise that through the good offices of our legal counsel to the committee, Lachlan McTavish, QC, we can now report to the House that the regulations are current up to September 30, 1980. The 750 regulations that were enacted during 1980 up to that point have been vetted and considered by legal counsel and/or the committee. Those regulations which the committee felt should be cited for particular consideration are set out in the report and will be addressed at the time



that this report is considered in greater depth in debate in this Legislature.

The other two matters I wish to bring to your attention are that the committee is requesting special consideration to meet at the call of the chair to hold hearings between sessions of the Legislature. We feel there are circumstances under which it could be justified, and chapter four of the report indicates the circumstances under which we would ask favourable consideration for this extended authority.

The report highlights the work in progress. There are three matters receiving specific attention from the committee. One is consideration of the use of the notice and comment procedure, which has also been the subject matter of the recent report of the Commission on Freedom of Information and Individual Privacy.

Second, the committee will be reviewing in further depth the comparative procedures and activities of the other Commonwealth regulatory committees which attended at the Commonwealth conference I referred to a few moments ago.

Last, but not least, the committee will continue the vetting of regulations to ensure that they are kept current and that this House is informed accordingly.

Having highlighted the report in this fashion, I conclude my remarks on behalf of the members of the committee, thanking, again, Lachlan McTavish, QC, for his careful attention to the regulations, and the clerk of the committee, Mr. Forsyth, for the manner in which he was able to produce this report so quickly for us so we could table it today.

## MOTIONS

### ORDER OF BUSINESS

Hon. Mr. Wells moved that private members' business will not be taken up today, the time to be used for government legislation.

Motion agreed to.

### PRIVATE MEMBERS' BALLOTS

Hon. Mr. Wells moved that, notwithstanding the prorogation of this House, private members' ballot business in the fifth session follow the order of precedence for the fourth session.

Motion agreed to.

### COMMITTEE MEETINGS

Hon. Mr. Wells moved that the standing committee on social development be author-

ized to sit this afternoon for consideration of the annual report of the Ministry of Health for 1978-79.

Motion agreed to.

Hon. Mr. Wells moved that the standing committee on general government sit tomorrow morning, December 12, 1980, for consideration of supplementary estimates referred to it.

Motion agreed to.

## APPOINTMENT OF MEMBER

Hon. Mr. Wells moved that Mr. Mitchell be appointed to the standing committee on general government.

Motion agreed to.

## INTRODUCTION OF BILLS

### ENVIRONMENTAL PROTECTION AMENDMENT ACT

Hon. Mr. Parrott moved first reading of Bill 224, An Act to amend the Environmental Protection Act, 1971.

Motion agreed to.

Hon. Mr. Parrott: Mr. Speaker, it is not likely to be possible to have second and third reading of this bill. I hope the committee, in its deliberations in the new year, will look at it and give it the benefit of their consideration.

## SUCCESSION LAW ACT

Mr. S. Smith moved first reading of Bill 225, An Act respecting the Succession to Estates of Deceased Persons in Ontario who have Beneficiaries residing in Designated Countries.

Motion agreed to.

Mr. S. Smith: Mr. Speaker, the purpose of this bill is to ensure that payments from the estates of persons domiciled in Ontario at the time of death are not made to foreign beneficiaries who are unlikely to receive, for their whole benefit or use, substantially the full value of any payments made under the estate, and who reside in certain countries designated by regulation.

The bill provides for an application to be made to a court for an order permitting payments to a foreign beneficiary. The court may also order that no payment be made to a foreign beneficiary, in which case the court shall make an order disposing of the estate in accordance with the rules of succession contained in the Succession Law Reform Act, 1977, with necessary modifications.

### NORTH COCHRANE DISTRICT LOCAL GOVERNMENT ACT

Hon. Mr. Wells moved first reading of Bill 226, An Act respecting Local Government in the District of Cochrane.

Motion agreed to.

### INSURED HEALTH SERVICES ACT

Mr. Philip moved first reading of Bill 227, An Act respecting Insured Services under the Ontario Health Insurance Plan.

Motion agreed to.

Mr. Philip: Mr. Speaker, the bill is self-explanatory.

### ENVIRONMENT STATUTES AMENDMENT ACT

Hon. Mr. Parrott moved first reading of Bill 228, An Act to amend certain acts respecting the Environment.

Motion agreed to.

### ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Wells: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 367, 401, 409, 420, 430 and 433 standing on the Notice Paper. (See appendix.)

### BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, before the orders of the day, I thought I might outline to the House the order of business for this afternoon, this evening and tomorrow, subject to changes.

This afternoon the House has dispensed with private members' business and we are proceeding with government legislation as on the Order Paper. There is to be a slight change in the order as printed on the Order Paper. The order is to be Bill 205, followed by Bill 192, Bill Pr36 and Bill Pr18. Then we will go into committee of the whole House for Bill 172, followed by Bill 193, Bill 201, Bill 204, Bill 214, Bill 215, Bill 221 and, if time is still permitting, Bill 216.

It has also been agreed that tonight, between the hours of eight and nine o'clock, there will be a short debate on the report that has just been tabled from the select committee on plant shutdowns and employee adjustment. Legislation will commence again after nine o'clock and go until adjournment.

Tomorrow morning, following routine proceedings, we can clean up any legislation

that is still on the list, followed by concurrences, budget windups, supply bill and prorogation.

### ORDERS OF THE DAY

#### DENTURE THERAPISTS AMENDMENT ACT

Mr. Turner, on behalf of Hon. Mr. Timbrell, moved second reading of Bill 205, An Act to amend the Denture Therapists Act.

Mr. Turner: Mr. Speaker, denture therapy is a relatively new practice that is governed by an appointed board. However, there are several members of a board who are coming to the end of their appointments. Under the Denture Therapists Act, 1974, they cannot be reappointed because of a six-year membership restriction.

Since the present members are so familiar with the issues that affect the practice of denture therapy, on behalf of the minister I am moving an amendment to the act to permit members to serve more than six consecutive years and to be reappointed for one-, two- and three-year terms.

We believe this amendment will enable the board of denture therapists to continue to discharge responsibilities in an effective and knowledgeable manner.

Mr. Conway: Mr. Speaker, in the parlance of Parliament, I recognize this as a house-keeping bill to which my colleagues and I take no exception. Notwithstanding my ongoing desire to have these kinds of boards investigated at some considerable length by our esteemed standing committee on social development, I am pleased to give my support and that of my caucus for its speedy passage here this afternoon.

Mr. Breaugh: Mr. Speaker, we agree.

Mr. Turner: Mr. Speaker, in the spirit of the season, I just want to say thank you on behalf of the minister and myself.

Motion agreed to.

Ordered for third reading.

#### TORONTO HOSPITAL STEAM CORPORATION AMENDMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 192, An Act to revise the Toronto Hospital Steam Corporation Act.

Mr. Rotenberg: Mr. Speaker, I am pleased to move second reading of this bill today, the Toronto district heating bill. This House is aware that this bill is a product of several

years of consultation resulting in consensus among numerous parties. This bill is permissive. It enables the parties involved to enter into agreements to effect integration of their steam heating systems.

**3:40 p.m.**

The Minister of Interprovincial Affairs (Mr. Wells) has written to some 35 interested parties in the past several weeks, including the city of Toronto, the municipality of Metropolitan Toronto, the labour unions involved, the participants to integration and several government ministries to solicit comments on Bill 192, which was introduced about a month ago.

The ministry has received comments on the bill from the city of Toronto, Toronto Hydro, the Canadian Union of Public Employees, the hospitals, the Ministry of Treasury and Economics, the Ministry of Energy, the Ministry of Government Services, and the University of Toronto. All of them have expressed general satisfaction with Bill 192, and we have had no criticism from other interested parties. The government is of the opinion that all those affected by this bill are in fundamental agreement with it.

This bill had its beginning in a Ministry of the Environment control order, which found the Toronto Hydro-Electric Commissioners plant at Pearl Street to be below air pollution standards. Two options were given to the commission: either to build a taller stack or to shut down the Pearl Street plant and to integrate the Toronto Hydro-Electric Commission system with the university system, the hospital system and the Queen's Park system. The latter route was chosen and an agreement was reached to integrate the four existing steam systems.

The Walton Street plant, which currently supplies steam to the hospitals, will be the flagship supplier of steam to the system. The Pearl Street plant will be used only as a peaking plant. The university will be a trading partner in the new steam corporation and will be physically linked to the system. The Whitney plant at Queen's Park will be shut down because it is antiquated.

The cost of interconnecting pipes to integrate the four systems will be covered by the higher steam rates to the present downtown customers. It is in their economic interests to pay the higher cost of integration rather than to pay the even higher costs for a taller stack or relocation of the steam plant.

The corporation's affairs will be managed by a board composed of representatives from the city of Toronto, the province of Ontario, the University of Toronto, and the Toronto

Hydro-Electric Commission steam division. The proposed legislation enables the participants to make contractual arrangements and will take full effect when the contracts are agreed to.

Physical integration of the four existing heating systems will create a higher level of security of supply and, eventually, lower rates for all participants. Furthermore, integration will reduce air pollutants in the downtown area, save energy and eventually help to solve the solid waste disposal problem of Metropolitan Toronto.

The long-range objective of this integration will be to create a large enough demand for steam in a single system to make a refuse-fired district heating plant economical. This bill is permissive, allowing the new corporation and/or the city of Toronto to construct such a plant.

This Toronto district heating bill is part of a government policy to encourage municipalities and private institutions to get involved with waste recovery and district heating systems. There are ongoing studies related to refuse-fired district heating plants in Ottawa-Carleton, North Bay, Sudbury, St. Catharines, Niagara, Thorold, and London.

I would like to bring to the attention of the House that the Metropolitan and Toronto waste management master plan for Metropolitan Toronto has shown that waste recovery systems are economical when elements of normal waste disposal costs are factored into the economic analysis. This reinforces the thinking of a number of people over the past decade, that waste recovery and district heating systems are the way of the future.

As I indicated, this bill is permissive and will allow the parties to enter into agreements and to get on with the job. I ask for support from the House for this legislation.

**Mr. Epp:** Mr. Speaker, our party has no difficulty in supporting the principle of this bill and, in fact, commends the ministry for bringing it forward.

What this bill does is to integrate a system of heating involving some sizeable players; namely, the University of Toronto, Queen's Park, the Toronto Hydro-Electric Commission and the Toronto Hospital Steam Corporation which, as we all know, includes several sizeable hospitals.

The city of Toronto, which provided the impetus and the incentive for this, should be commended for its leadership role. I am surprised that it was not the government, which has indicated from time to time that it is in favour of preserving and conserving Ontario,

but the city of Toronto that took the leadership role in this respect.

The system, through which important changes can dispose of up to 25 per cent of Metro's refuse by burning it, thereby generating both heat and electricity, must have a lot going for it. Not only that, but the proposed system will provide more flexibility in using cheaper or more available fuels such as coal, gas and oil.

We are told that the burning of garbage rather than other fuels, such as the ones I have mentioned, could save the equivalent of 418,000 barrels of oil per year, equal to heating about 1,400 homes. This obviously is a step in the right direction. Not only does it help to provide that additional heat, but also it is a form of decentralization.

We were also told a greater security of supply will result and that the air quality will improve. We know that businesses adjoining the various pipes that are going to be laid or are in the ground right now will be able to connect into this particular system and will be able to benefit from the system. This project has the support of various organizations, as the parliamentary assistant has indicated, particularly, we might note, of the unions which have been closely associated with the formation of the new system. We hope, once this legislation is passed, the details will be worked out quickly and the improved Toronto district heating system will become a reality.

I also wish to pay tribute to the members of the various organizations, the hospitals, the government, the city of Toronto and the Toronto Hydro-Electric Commission who have played an important part in bringing this to the attention of the government and in the reality of the new system which will benefit a lot of people in the years to come.

**Mr. R. F. Johnston:** Mr. Speaker, I am pleased to rise in support of the bill and to speak briefly, I promise, in that support.

We have been waiting a long time for the bill to come forward. We have waited a long time for it to be introduced after we knew all the agreements had been worked out. We have been waiting to get ourselves on the Order Paper for quite some time as well. I am pleased it is here today and I have no intention of delaying it even for a second.

What we have before us is the end result of some unique co-operation between a number of institutions in terms of rationalization of their services and their physical plant. The interaction by the unions involved has also been positive. The role played by the city and city staff can only be commended in this

whole matter. The experiment that is undertaken through this bill, of jointly working to have more heat efficiency at a cheaper price for these major institutions in a geographical area of the city of Toronto, is an excellent example of what can and should be done in a lot of jurisdictions.

I compliment the minister for having brought in the bill. I am glad we finally got to it before the House ended and it can now be made law.

**Mr. Rotenberg:** Mr. Speaker, I would like to thank the honourable members opposite for their support.

Motion agreed to.

Ordered for third reading.

#### TOWN OF MIDLAND ACT

**Mr. G. E. Smith** moved second reading of Bill Pr36, An Act respecting the Town of Midland.

Motion agreed to.

Ordered for committee of the whole House.

#### CITY OF OTTAWA ACT

**Mr. Roy** moved second reading of Bill Pr18, An Act respecting the City of Ottawa.

Motion agreed to.

Ordered for committee of the whole House.

3:50 p.m.

House in committee of the whole.

#### TOWN OF MIDLAND ACT

Consideration of Bill Pr36, An Act respecting the Town of Midland.

**Mr. G. E. Smith:** Mr. Chairman, perhaps I can make some brief comments on the sections I wish to amend. I might note, for the benefit of the member for Hamilton Mountain (Mr. Charlton), that I put the amendments on his desk.

The bill is very similar to a private act obtained by the city of Barrie in 1961, and it will permit the town and public utilities to recover a portion of the cost of various works from land owners who subsequently receive the benefit when those land owners apply to connect to the works. The moneys that are recovered will then be paid to the person who originally paid for the works. This proposed legislation will meet a real need in the town of Midland. I am pleased that the honourable members have supported it on second reading, and I hope they will support my amendments.

Since the bill was reported by the standing committee on general government, further discussions have taken place between the town and the Ministry of Intergovernmental Affairs and certain changes have been agreed to. As a result of these discussions, I will be introducing three motions in committee.

The first motion will amend section 1(1) by substituting the word "metre" for "foot" in the last line; this will make the bill consistent with all other legislation in the use of metric measurement.

The second motion will add a new subsection to section 1 which will allow the town council or the public utilities commission to reduce the charge to a land owner where the council or PUC considers the charge to be excessive. This will add flexibility to the legislation and will provide relief to a land owner in a situation where it would not be equitable to apply a per metre frontage charge, given the kind of development proposed for his lot.

The third motion will add a new section to the bill which will, in effect, require the town or PUC to register in the proper land registry office a copy of this act and of its bylaw containing a description of all the lands affected. This will ensure that future purchasers of those lands will be made aware before they complete the purchase that their lands are subject to a charge under the legislation.

On section 1:

**The Deputy Chairman:** Mr. G. E. Smith moves that section 1(1) of the bill be amended by striking out "foot" in the last line and inserting in lieu thereof "metre."

Motion agreed to.

**The Deputy Chairman:** Mr. G. E. Smith moves that section 1 of the bill be amended by adding thereto the following subsection:

"(2) Where upon the application of an owner of a lot to which subsection 1 applies, the council of the corporation or the public utilities commission of the town of Midland is satisfied that the charge as determined under subsection 1 is excessive, having regard to the proposed development of the lot, it may reduce the charge to that owner."

Mr. G. E. Smith further moves that subsection 2 of the said section 1 be renumbered as subsection 3.

Motion agreed to.

Section 1, as amended, agreed to.

Section 2 agreed to.

On section 3:

**The Deputy Chairman:** Mr. G. E. Smith moves that the bill be amended by adding thereto the following section:

"3(1) Where the corporation or the public utilities commission of the town of Midland intends to require the owner of a lot to pay the cost of a work according to the extent of the owner's frontage pursuant to subsection 1, the corporation or the public utilities commission of the town of Midland, as the case may be, may before passing the by-law that requires the person in the first instance to pay the entire cost of the work, register in the proper land registry office a copy of this act and a copy of the proposed bylaw containing a description of all the lands affected sufficient for registration.

"(2) Sections 1 and 2 do not apply to any lot or the owner thereof unless a copy of this act and a copy of the proposed bylaw containing a legal description of the lot sufficient for registration has been registered prior to the passing of the bylaw."

Mr. G. E. Smith further moves that sections 3 to 5 of the bill be renumbered as sections 4 to 6.

Motion agreed to.

Section 4, as amended, agreed to.

Sections 4 to 6, inclusive, as renumbered, agreed to.

Bill Pr36, as amended, reported.

**Mr. G. E. Smith:** Mr. Chairman, I would like to thank the honourable members for supporting the amendments.

## CITY OF OTTAWA ACT

Consideration of Bill Pr18, An Act respecting the City of Ottawa.

**The Deputy Chairman:** Where is the first section that anybody has any comment to make?

**Mr. Rotenberg:** Section 10.

**The Deputy Chairman:** Shall sections 1 to 9 carry?

**Ms. Gigantes:** No, Mr. Chairman. I would like to move an amendment. If I understand exactly the process we are following here, the bill we are dealing with now is one that came out of committee with simply two sections.

**The Deputy Chairman:** I am sorry; I did not hear your question.

**Ms. Gigantes:** I am sorry; I see what we are doing. It's section 10.

**The Deputy Chairman:** Section 10 is the point that you wish?

Sections 1 to 9, inclusive, agreed to.

On section 10:

**Ms. Gigantes:** Mr. Chairman, I have an amendment to section 10. I would like to move that section 10 of the bill have sections as printed in the original bill, which I will have to renumber as I go along.

**The Deputy Chairman:** Do you have a copy of your amendment there?

**Ms. Gigantes:** Yes, Mr. Charman. It is going to take me a couple of seconds to get it together, because I had not understood the procedure to be able to add those items.

**Mr. Rotenberg:** Mr. Chairman, on a point of order: I must confess it is probably my error, but what was section 10 in the original bill now is section 9 in the bill that came out of committee. I think you had indicated that sections 1 to 9 were to be carried. I think that should be changed to sections 1 to 8, because it is the new section 9 which the member wishes to address. Section 9 is the one she wishes to address, and I think she should be allowed to do it. Section 9 of the new printed bill was section 10 in the old bill.

**The Deputy Chairman:** Agreed?

**Mr. Roy:** No.

**The Deputy Chairman:** We do not have agreement and we have already carried section 9 of this bill. If we want to go back, I must have unanimous agreement.

**Mr. Rotenberg:** Mr. Chairman, if the member will speak on third reading, I think we should do it in committee of the whole and get it over with.

**Mr. Roy:** I only wish to say this, Mr. Chairman, for your consideration. First of all, the member for Carleton East (Ms. Gigantes) as far back as the month of October advised us that she had an amendment to bring forward to this legislation. Given those circumstances, I would have thought the member would have produced copies of her amendment as is stipulated in standing order 58 of this House which states:

"When time permits, amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is to be considered, and copies of such proposed amendments shall be distributed to all parties."

I would have thought, having in mind that the member went on television in Ottawa two months ago to say that she was going to bring forward amendments, she should at least have copies.

The second thing I would bring to your attention is that Bill Pr18, which you have before you, is a bill as reprinted and amended by the standing committee on general government. It is my understanding that all sections inclusive of 11 to 91 have been passed and that we are dealing now with section 10.

Given those circumstances, Mr. Chairman, I do not see why we should change. It is clear to the member; she has had the bill before her. Sections 1 to 9 have been passed, and I do not see any reason for changing that view.

4 p.m.

**The Deputy Chairman:** I agree with the member for Ottawa East. We have carried section 9. I do not have copies of any proposed amendments before me. I clearly asked the committee what the first question was and it was suggested it was section 10. If I do not have unanimous consent, we must go on to the next section.

**Ms. Gigantes:** I hope the member for Ottawa East is pleased with his technical victory on this point.

Sections 10 to 13, inclusive, agreed to.  
Bill Pr18 reported.

#### MUNICIPAL AFFAIRS AMENDMENT ACT

Consideration of Bill 172, An Act to amend the Municipal Affairs Act.

On section 1:

**The Deputy Chairman:** Mr. Rotenberg moves that the bill be amended by adding thereto the following section:

"1. Subsection 3 of section 49 of the Municipal Affairs Act, being chapter 118 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

"(3) If land is redeemed by any person entitled to redeem the land other than the owner, such person has a lien thereon for the amount paid to redeem the land and the lien has priority over the interest in the land of any other person to whom notice was sent under subsection 4 of section 47."

Mr. Rotenberg further moves that the present sections 1, 2 and 3 of the bill be renumbered as sections 2, 3 and 4 respectively.

**Mr. Rotenberg:** Mr. Chairman, when we dealt with Bill 172 previously in this Legislature some of the members opposite objected. They were objecting not to those matters in the act we were amending but to the

fact that section 49(3) at present is not too clear as to where the priority of that person who pays the tax in the lien system would go.

The suggestion was made to us that we have a look at that section. We have looked at it and we agree with the suggestion of the members opposite, that the person who pays the taxes, either before or after the end of the fourth year, should apply both before and after for the case we are discussing in the bill and the other cases which were not previously covered in the bill. We deem it to be fair that the person who pays the taxes should take the same position as the municipality had; that is, that he have first right on that amount only. Therefore, we have brought forward this section.

I would like to thank the members opposite, particularly the member for Nipissing (Mr. Bolan), for drawing this to our attention. I hope with this amendment they will find the bill now is acceptable.

**Mr. Bolan:** Mr. Chairman, I wish to thank the parliamentary assistant to the Minister of Intergovernmental Affairs for bringing forward this amendment. This matter first came up in the House by way of Bill 172 some four weeks ago and we had some discussion about the matter at that time. Our concern was for an individual lienholder, someone who had received notice under the act that there were arrears of taxes and that he was an interested party. After listening to my colleagues the member for Ottawa East (Mr. Roy) and the member for St. George (Mrs. Campbell), I urged on the parliamentary assistant that the person who redeemed the taxes should have a lien for that amount which he paid before anybody else. In other words, if someone is third in priority on title and redeems the taxes, then he has a lien for the amount of taxes paid over anyone who may appear before him in order of priority.

I wish to thank the parliamentary assistant for bringing forward this amendment. I think it makes it a better bill.

**Mr. Charlton:** Very briefly, Mr. Chairman, we have no objection to the amendment and we will support it.

**Mr. Roy:** Mr. Chairman, the parliamentary assistant has had a very good example of the role of a watchful opposition in what appeared to be a rather innocuous little bill that was going through. My colleagues, especially the member for Nipissing, and the member for St. George, and other members of the opposition here felt that if the bill were to work the priorities should be re-

viewed if we want somebody to be paying off the taxes on a piece. I want to emphasize the contribution made by my knowledgeable colleagues, and you will understand, Mr. Chairman, that they brought their great experience to bear on the mechanics of this legislation. The government is to be congratulated for having responded to very helpful and constructive suggestions on the part of the opposition.

**Mr. Rotenberg:** I would like to thank the members opposite for their support of the bill as amended. I would like to put it to the member for Ottawa East that the government is always willing to listen to and consider constructive criticism.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 4, inclusive, as renumbered, agreed to.

Bill 172, as amended, reported.

On motion by Mr. Rotenberg, the committee of the whole House reported two bills with amendments and one bill without amendment.

#### MUNICIPAL AMENDMENT ACT

**Mr. Rotenberg, on behalf of Hon. Mr. Wells,** moved second reading of Bill 193, An Act to amend the Municipal Act.

**Mr. Rotenberg:** Mr. Speaker, this bill contains a number of amendments to update the Municipal Act. It proposes to remove a number of archaic provisions, to replace certain specific provisions with more general ones, to remove many of the distinctions now being made between municipalities of different status, and to relocate a number of provisions within the act. These proposals have been discussed with the municipal liaison committee and with solicitors of regional and local municipalities, and to the best of our knowledge we have received no objections.

The bill also provides for the removal or modernization of a number of rather odd or outdated provisions of the act. For example, it will repeal the municipal powers "for regulating and controlling children engaged as express or dispatch messengers, vendors of small wares and bootblacks" and "for providing for keeping open the highways during the season of sleighing in each year." It will repeal municipal authority "for requiring the owners and occupants of buildings to have scuttles in the roof with approaches or stairs or ladders leading to the roof."

The bill contains a number of amendments that are intended to provide broad general powers to municipalities and replace a num-

ber of very specific provisions. An example is the proposed new granting provision that is being expanded to include grants in aid. This new general granting power will replace a number of specific provisions. Several other new powers also included in the bill are a general power to regulate markets, a general power to join associations, a general power to give prizes and awards, and a general power to provide scholarships.

At present, a number of bylaw powers are given only to certain types of municipalities. This bill proposes that all municipalities be enabled to pass all types of bylaws. For example, in future, all local municipalities will be able to pass bylaws regulating safety devices for window cleaners. At present, township councils do not have this authority.

The bill also proposes to renumber several of the sections in the Municipal Act. In some instances, this is being done so that the provisions will be in the part of the act that deals with all municipalities. In other instances, the purpose is to relocate provisions in sections that deal with similar matters.

4:10 p.m.

Finally, the bill contains provisions that deal with the filling of vacancies on municipal council, the destruction of documents of joint local boards, the making of agreements with the province, the regulation of sandblasters, and appeals for the cancellation of the reduction of taxes.

There are many separate provisions of this bill. I will be prepared to deal with individual sections about which honourable members may have questions in my summing up on second reading.

I commend the bill to the House.

**Mr. Epp:** Mr. Speaker, I am pleased to indicate that my party will be supporting this bill. I think it is an important piece of legislation in that it clears up a lot of the archaic language that has been in the act for many years. I think it is more appropriate for the 1880s than it is for the 1980s.

If we look at some of the archaic language that is used, one of the amendments has to do with section 351. This section says, "The council of a city having a population of not less than 50,000 may establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards." Subsection b provides, "The mayor, provincial judge, or any justice of the peace having jurisdiction in the municipality may send or commit to such institution an habitual drunkard, with or without hard labour."

Having been the mayor of a municipality of about 50,000 I was not aware of this piece

of legislation, but I still do not think anyone in that position should have the power to put away a habitual drunkard—I presume they are talking about alcoholic beverages—and give hard labour for whatever period they might deem.

Another section which is somewhat archaic is section 354. Paragraph 38 requires the owners and occupants of buildings to have scuttles in the roof. Most members may know what scuttles are, but I had to look it up in the dictionary. It means, "With approaches or stairs or ladders leading to the roof." That is somewhat outdated and must be taken out of the bill, as has been proposed.

Section 442 says, "The Canadian Wheelman's Association of the Dominion of Canada has the like power as it conferred on the Ontario Motor League by section 441, and all the provisions of that section apply to guideposts, distance posts and danger signals erected or maintained by the association, but where either the league or the association has exercised the powers conferred upon it upon any part of a highway, the other does not have the right to exercise its powers thereon."

Again that is very ridiculous. I sometimes wonder why it has taken this long to get some of these sections out.

Here is still another section, section 459: "The council of a township may pass bylaws for granting a prize not exceeding \$10"—\$10 is not very much; I do not know whether it is talking about Monopoly money or good Canadian money—"for the best-kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions, upon which such prizes may be"—it is so archaic, I can hardly read the language—"competed for and awarded."

Section 376 refers to a number of items. Subsection 12 says: "For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing: (a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate..."

One would almost think the Minister of Culture and Recreation (Mr. Baetz) was here giving out his certificates and his money. The section continues, "... a certificate of his having performed statute labour and of the number of days work done, for which he shall be allowed on his next season's statute labour." Section 386 of the said act reads:



"(1) For regulating and controlling children engaged as express or dispatch messengers, vendors of smallwares and boot-blacks.

"(2) For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire."

Still another section, 453, subsection 4, reads: "For setting apart so much of any highway as the council may consider necessary for the purposes of a bicycle path or of a footpath. (a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path is guilty of an offence and on summary conviction is liable to a fine of not less than \$1 and not more than \$20."

The last one I want to read is section 460, subsection 7: "To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no bylaw shall authorize the placing of such signs upon that portion of any highway that lies between the double tracks of a street railway constructed upon such highway known as the devil strip."

These show that this act is long overdue to be overhauled by taking out some of the archaic sections as well as clarifying some of the other sections and rearranging it. I think one of the important things that this will hopefully bring about is the printing of a new Municipal Act which will incorporate all the changes that have been made to the Municipal Act and we all know that they are numerous. Every year we come in with two or three or four bills clarifying or changing the Municipal Act. As a result when we are looking at the act trying to find some section, it makes it very difficult. One of the things we will have as a result of this umbrella bill, which is taking a lot of the archaic sections out among other things, will be the printing of a new Municipal Act.

The other section that is very interesting has to do with the municipal election and what happens if a vacancy is created after March 31 of the year in which a municipal election is held. I would like the parliamentary assistant to the minister to indicate what examples there have been in the province where municipalities have not exercised their authority to appoint somebody to a particular council.

As we know, until now the council was obligated to have an election if a vacancy occurred prior to March 31 of election year, but it was optional whether they appointed someone after March 31. This will now be clarified and obligates municipalities to appoint someone to fill that vacancy. It would be interesting to note how many examples they have had until now and, secondly, what reasons the municipalities have given for not filling those vacancies.

Mr. Charlton: Mr. Speaker, I will be brief. We are going to support this bill as well. We are very happy to see the sections of the bill which take the time and the consideration that we have talked about on a number of occasions in the past, to extend certain powers which, in the past, have been restricted to large municipalities, to all of the municipalities in the province. We are happy to see the ministry taking this kind of direction.

4:20 p.m.

Unlike the member for Waterloo North, I will not go through all the antiquated sections of the Municipal Act that are dealt with here. But I would like to make a couple of comments about them to the parliamentary assistant and, through him, to the minister. It is a fairly lengthy bill and it took us some time to go through it and understand it. As the member for Waterloo North has clearly pointed out, some of the sections we were dealing with were rather confusing and almost unbelievable when we read them. I think the parliamentary assistant found himself in the same position.

I suggest he has found both the member for Waterloo North and myself particularly co-operative in dealing with this kind of amendment. These are not amendments that deal in philosophical or ideological questions and they are not amendments that deal with hard-line political positions. There is no essential need for us ever to allow this kind of stupidity to remain in legislation which, obviously, some of these sections have, long past the time when they were of use and not even publicly acceptable any more.

I want to suggest to the parliamentary assistant and, through him, to the minister that members of this Legislature can be quite co-operative in terms of dealing with amendments that are necessary as a result of changes through time. We do not need to find ourselves in this position every 25 or 50 years or, as some of the sections in this bill appear, every 100 years. We should be amending this kind of legislation yearly and bi-yearly as our situation in this province warrants

There is no need not to be co-operative. There is nothing the government has to fear from us in dealing with this kind of antiquated and out-of-date legislation. There is no need to avoid making the changes regularly so we do not get into the silly and embarrassing position of having to listen to the legislative sections that the member for Waterloo North took the time to read into the record. There is no need for it. Let's make it a regular process in this House. Let's do it in a consultative way regularly, instead of waiting for 50 or 100 years to clean up our act.

**Mr. Haggerty:** Mr. Speaker, I want to address myself to Bill 193, An Act to amend the Municipal Act. I would like to ask the parliamentary assistant some questions on certain sections.

On section 3 of the bill, "The purpose of the amendments to section 248a is to expand the existing powers of a municipality to make grants. The proposed amendments—"

**Mr. Rotenberg:** What section of the bill?

**Mr. Haggerty:** It is the explanatory notes to section 3.

Then we go on to section 3(4) of the bill, "The proposed section 248b confers a general power on municipalities to offer awards and gifts to persons whose actions or achievements are worthy of note and allows municipalities to establish competitions and award prizes."

I can recall—I think my colleague mentioned this—the old legislation, as it related to the Municipal Act, permitted municipalities to get into such a program if they wanted to. At one time, the local township municipalities used to have awards that were awarded to the different school sections for improvements to their grounds and so on. I do not think it was any \$10. I think it was up to a maximum of something, but it was distributed evenly across the municipalities.

I can remember on county council we used to have a cemetery committee. That was another area where the municipalities were permitted to allow grants to local cemetery boards for the upkeep, maintenance and improvement of local cemeteries, which was an exceptionally good program. Perhaps much of the money was raised through the local municipality. There was not too much in grants from the province, but then it goes on to section 248c and I suppose they are expanding their program. That is the question I want to ask.

Subsection 1 reads: "The council of every municipality may pass bylaws for providing

fellowships scholarships and other similar prizes and for paying all or part costs incurred or to be incurred by any person"—I suppose that is across the municipality—"including an officer or servant of the municipality as a result of his attendance at an educational institution or as a result of his enrolment elsewhere in any program or course of instruction, training or education." Subsection 2 goes on to say, "In this section, 'costs' include tuition fees, costs of books and other materials used in connection with a course or program, and costs of food, travel and accommodation."

I am sure the parliamentary assistant is well aware of the existing programs available now in municipalities where they send members of local fire departments to the Ontario Fire College and some other schools. It is quite a cost to the local municipalities when they have to send someone there for perhaps a six-week course. I do not have to tell members that the wages continue, plus room and board. It is quite a burden to the municipality, and sometimes it is to the benefit of all Ontario that these courses are available.

In this particular area I do not see anything that says there may be a grant from the ministry to assist with some of the cost. I imagine in matters relating to police attending the Ontario Police College there is a grant given to the local police departments in regions or municipalities to assist in the cost of sending them. I was wondering perhaps if grants should be provided for fire departments, as I am concerned about the cost. They may want to send some municipal clerk or somebody working in the municipality for maybe two years to an educational institution. That could be rather an expensive cost to be borne by the taxpayers, and then after the person receives his educational awards, he may be with the municipality for one or two years and then move on to a higher paying job in some other larger municipality. I wonder if we are not opening the door so that this could happen and could cause some further difficulties in the municipalities.

Subsection 3, according to the explanatory note on section 7, "exempts certain bylaws from the requirement for the assent of the electors where a debt will be incurred." I follow the principle established by our American counterparts that before any major project is entered into by a municipality, there should be consent by the electors in the municipality. Sometimes boards and commissions may be set up that have rather

broad powers that incur substantial debts to the municipalities. I draw this to the members' attention, that as long as there are high interest rates today, there should be something in here to control the present expenditure of local municipalities. I speak for the taxpayers more than anything.

Section 8 has some concerns. The explanatory note says: "Section 351 provides for the establishment of institutions for the reclamation of habitual drunkards and provides for the committal of habitual drunkards to such institutions with or without hard labour." It goes on to say apparently under this particular section we are going to permit the municipalities to provide some form of treatment centres. I think we can all agree this is a necessity in almost every community in Ontario. But again, as I interpret this particular section, the province is shirking its responsibility in saying to the municipalities, "You provide the facilities."

**Mr. Rotenberg:** We are repealing that.

**Mr. Haggerty:** It is being repealed, is it?

I am glad to see that, but then again if it is being repealed, I suggest there should be some provision for halfway houses to be available in communities, but the cost should be borne by the province and not shovled on to the municipalities to pick up.

Is the section on a site for an armoury being repealed? That follows the establishment of fire departments in almost every municipality in Ontario. I suggest in areas where the costs will be rather high to establish fire brigades in local municipalities, there should be some assistance from the Solicitor General.

Years ago, municipalities used to receive some provincial assistance to establish volunteer fire brigades in local municipalities. It should have been included that mutual aid should be a necessity, that where there is a fire, emergency equipment can be moved from one community to another. That is an important area where the words "mutual aid" are not mentioned in the changes to that section of the act.

The parliamentary assistant mentioned section 81a "requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used." This is a key amendment to the section. It is a must and should be required. Perhaps there may be some overlapping of jurisdiction as it relates to the Occupational Health and Safety Act. The

provision should be pretty well spelled out under that act. I know there is a need here. Many window cleaners hang from a rope and do not have the proper safety devices that are required to protect their lives. I notice that on some of the high-rise buildings while walking the downtown streets of Toronto. Hopefully, the parliamentary assistant can give me some answers to those questions, although we will be supporting the bill.

The other area which is important too, and I want to go back to, is the section where the government is proposing establishing fire departments or fire brigades across the province. This covers a broad area for fire departments. The explanatory note opposite page six says, "... the amendments . . . will give all local municipalities the same powers with respect to the establishment of fire departments and other fire matters." I think that is important. I would suggest that perhaps the most important thing that has been forgotten is the introduction and the amendment to the Fire Marshals Act where we are looking forward to a new fire code, particularly as it relates to proper fire inspections, fire alarms and smoke detectors in almost every building in the province. This relates to the sprinkler system.

I do not have to tell members of the high-rise fires in the United States and the loss of human lives there. If they had had the proper, up-to-date amendments to their fire codes this may not have happened. In Ontario, fire departments and fire officials are looking for the moving of that particular amendment to the Fire Marshals Act that would give them the powers to do the fire inspections that are required in high-rise apartments and small apartment dwellings. We should have a standard in fire alarms and smoke detection systems in Ontario.

**Mr. Rotenberg:** Mr. Speaker, I will try briefly to summarize the questions.

First, I would like to thank the members opposite, particularly the members for Waterloo North and Hamilton Mountain for the co-operation, not only today in the bill, but over the past few weeks in the discussions we have had together on this bill and on other municipal legislation that we have passed in this fall session. I do appreciate the co-operation from members opposite.

I would point out to the member for Waterloo North that we will be printing a new Municipal Act as a result of this bill. Because, as he knows, the Revised Statutes

of Ontario are published every 10 years, the new Municipal Act will go in the new RSOs and therefore will be in shape for the coming 10 years.

As far as the March 31 deadline for the filling of vacancies goes, this provision was passed in 1972. It indicated that before March 31 the council had the option of filling the vacancy either by election or by appointment. After March 31, it could not do it by election. The feeling by some councils was that they still had the option of making it an appointment or not making it an appointment, which was not the philosophy of the legislation that was passed in 1972.

Two municipalities, particularly Midland and Scarborough, had these kinds of interpretations. About a year ago when a member of the Scarborough council was elected to the Federal House and resigned his seat, the Scarborough council was somewhat reluctant to make the appointment. Finally, they were persuaded to do so. They felt the legislation was optional and they could have run for eight or nine months with a vacancy. We are, in effect, clarifying what was the intent of the legislation originally—that is, after March 31, it is mandatory to make an appointment or fill the post by election, unless it is right up against the election time.

The member for Erie has raised a number of questions. I will try to deal with them all briefly. Most of the matters he raised are permissive to council. In other words, these provisions in the bill are not making council do them. They are permissive to council—such things as paying for courses and the granting of prizes and so on. They do not impose a burden on the municipality unless the municipality wishes to take upon itself that burden.

As for the province participating in a number of things which the member indicated, we passed changes in the unconditional grants several weeks ago. Again they were giving the province permission in a wide range of areas to make grants to municipalities. These will be a matter of negotiation among the province, the various municipalities and the municipal associations where additional grants will be given. But the power is there to give grants if we desire it and we negotiate it with the various municipalities.

The member mentioned the repeal of the section on the institution for drunks. That is now being covered by a general section, section 62c on page eight. We repeal the old section, which was quite archaic, but now the municipalities have permission to estab-

lish, erect and maintain an institution for the treatment of alcoholics. But the mayor, as the member's colleague from Waterloo North says, will no longer have the power to send them to jail.

This bill does not deal with financial matters; it deals with powers that municipalities desire. As far as mutual fire departments are concerned, if the member will look on page seven, clauses b and c, it does give municipalities the power to share fire departments and fire services.

The member mentioned the new fire code. This is a matter that comes under the jurisdiction of the Solicitor General and cannot be dealt with in the Municipal Act.

I hope this covers the questions that have been asked by the members opposite. Again, I would thank the members for their cooperation and hope this bill will receive second reading.

Motion agreed to.

Ordered for third reading.

#### LEGISLATIVE ASSEMBLY ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 201, An Act to amend the Legislative Assembly Act.

Mr. Speaker: I see the minister has arrived.

Hon. Mr. Wells: Mr. Speaker, I gave a comment on the introduction of the bill and I think Bill 201 is self-explanatory. The amendments are indicated in the notes accompanying the bill. The reasons for the amendments are there. They provide an additional \$1,000 accommodation allowance for the leader of the official opposition and the leader of the third party. They also provide for a slightly different way of computing that allowance.

4:40 p.m.

Mr. Breithaupt: Mr. Speaker, just one comment with respect to the correction that I think has been long overdue as set out in section 2 of the act. For some years there has been the unfortunate result that upon the issuance of a writ for election, a member who might not be re-elected would have the burden of the accommodation of part of an apartment-lease, or could have for the 37 days of that campaign, whereby that would be his responsibility, whereas a member returning to the House upon re-election would not have had his or her lease interrupted in any way. I think it is clearly the Office of the Assembly's responsibility not to make that a personal expenditure where it has

been an accepted part of the accommodation allowance during the non-election years.

I am glad to see that problem is being resolved so that no one is put unfairly to that additional commitment by the present circumstances. The bill certainly has our support.

**Mr. Charlton:** Mr. Speaker, I will very briefly comment on Bill 201, section 2. As the previous member mentioned, this change is probably long overdue—there was discrimination between defeated members and those who returned. Between the day the writs are issued and polling day, the member's business on behalf of his constituents obviously continues in some fashion at least, by some members of this assembly, up until the time he ceases to be an official member on election day.

We are very happy to see this section changed so that assembly members are not penalized in terms of their own personal finances because they may be defeated in an election. Members, as well, can continue any very pressing business even during an election campaign.

**Mr. M. N. Davison:** As a footnote, Mr. Speaker, to the brief remarks made by my colleague the member for Hamilton Mountain in supporting this bill, I just hope that it is appreciated by the government, the generosity, in keeping with the Christmas spirit, that we are expressing by way of our support of this bill to the many members across the way who will lose their jobs in the next election.

**Hon. Mr. Wells:** Mr. Speaker, I just might reply to the rather gratuitous comments of the last speaker who I guess found that he had to add those comments. Incidentally, I think it is well to remember that this bill is being brought in by me, not as Minister of Intergovernmental Affairs but as government House leader on behalf of all this House and on behalf of the Board of Internal Economy, with representatives of all parties, which has jurisdiction over these matters. The members of the Board of Internal Economy agreed that the things in this bill and the next bill should be brought into this House. They are here because it is believed that they will enable all party members of this House to carry out their functions better on behalf of Ontario people.

Motion agreed to.

Ordered for third reading.

## EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 204, An Act to amend the Executive Council Act.

Motion agreed to.

Ordered for third reading.

## PENSION BENEFITS AMENDMENT ACT

Hon. Mr. Elgie, on behalf of Hon. Mr. Drea, moved second reading of Bill 214, An Act to amend the Pension Benefits Act.

**Hon. Mr. Drea:** Mr. Speaker, I think I will rely upon the remarks that were made by the Minister of Labour (Mr. Elgie) in his statement in October, which contained the intent of Bill 214. The only thing that was not touched upon in those remarks was the question of disclosure, which is contained in this bill.

As the House knows, it was my intention a year ago to bring in the mandatory disclosure; but at that time, because of the continuing work of the Haley commission, it was decided that, meritorious as it was, and noncontroversial as it is, no significant pension legislation would be introduced, pending completion of that very exhaustive, lengthy and comprehensive commission study. So that particular disclosure section was held in abeyance.

It is a very advantageous time to introduce that disclosure. There will be a calendar year before that particular section will be operative, in the sense that an individual in a pension plan will get the full disclosure as to rights, benefits, status of the fund, et cetera, when we are doing interim pension legislation.

I think the disclosure section will really, for the first time, provide individual members or pension plan beneficiaries with accurate, up-to-date data. Of course, they do not necessarily have to read it, but it will be available. One thing the pension commission and I, as a minister, have found out is that a great many pension plan members never anticipate any interruption in the normal process towards obtaining their pensions, either by age 65 or by years of service or whatever qualifications there are, and when there is a plant closing or termination, there is a great deal of confusion, bewilderment and, quite frankly, a sense of frustration. This, indeed, puts an additional and heavy burden upon a person who obviously in the case of a plant closing or

termination is already undergoing a rather substantial economic trauma.

There are two other minor housekeeping amendments, just to bring some work of the pension commission a little more up to date, and those obviously were not included in the statement with reference to the Minister of Labour's Pension Benefits Act.

4:50 p.m.

As I said, this would be interim legislation; I don't know how long the interim is going to last. Because of the comprehensive review, the recommendations, the ultimate national decisions that will be made in regard to bringing pension plans into the latter part of the 1980s, this particular legislation may be short-lived. Hopefully, it may be incorporated, within as brief a period of time as possible, into extremely comprehensive and long-range legislation.

On the other hand the legislation that will emerge, both nationally and provincially and in regard to government pension plans as well as private pension plans, may mean that this particular type of legislation will not be needed. The omnibus legislation that obviously must come will take care of that. But in the short term, I believe this legislation meets many of the urgent needs of those who have suddenly lost not only their employment but their pension plan. Hopefully, this legislation will never have to be used. I think I would be naive to suggest that there will not be terminations of pension plans, or plan closings, or partial closing in the near future.

In regard to the guarantee fund—and I think it is a tremendous compliment to my professional staff that they studied the United States' legislation extensively in regard to guarantee funds, and have avoided many of the pitfalls that have emerged in certain US legislation. Those pitfalls are being remedied. But we were able to take advantage of their experience in this regard.

**Mr. Peterson:** Could you explain that for us?

**Hon. Mr. Drea:** In the draftsmanship and in the regulations that will emerge.

**Mr. Kerrio:** We're not talking about the bill, we're talking about what is coming.

**Hon. Mr. Drea:** In the principle of the bill?

**Mr. Peterson:** Yes.

**Hon. Mr. Drea:** I will do that as a summation. Is that fair enough?

They did extensive work with the pension industry—although it cannot be measured in time as extensive because they had certain

targets to meet—both on a state and on a national level in the US, giving full credit to the US. This is where the guarantees originated. Within the broad scope of interim legislation, it is not the type of legislation that has been hastily constructed because it is not expected to be here. It is interim in the scope that it is meeting a particular problem.

If it was not for the fact that the Haley commission report, I am informed, will soon be available—I say that in all candour to my colleague from London Centre. Sometimes there is a misunderstanding in this House that the royal commission is under the auspices of my ministry. It is not; it is under the auspices of the Treasurer—it would be highly improper for me to be intervening at this particular time. But I am informed by the office that it will soon be available.

**Mr. Peterson:** Ms. Haley is alive and well?

**Hon. Mr. Drea:** Yes, and I had a third party in the discussions to make sure that I was not being improper.

**Mr. Speaker:** Order. This is not a two-member debate, if you are dealing with opening comments on the principle of Bill 214.

**Hon. Mr. Drea:** Mr. Speaker, it really is reflective of this bill. What I am pointing out is that this bill is not hastily constructed, or meant to last for only a short period of time. It is well constructed, but it is based upon the knowledge that there will soon be a most comprehensive document which I am very confident will serve as the basis and the foundation for very much needed improvements in all aspects of pensions in this country.

I will be pleased, because obviously, Mr. Speaker, there are some technical considerations in a bill like this, to particularly deal in a summation with technical concerns raised by individual members.

**Mr. Breithaupt:** Mr. Speaker, I am pleased to speak in support of the Pension Benefits Amendment Act that has been brought in by the Minister of Consumer and Commercial Relations.

I recall in the statement which he made to the House introducing this bill on December 4 that he resolved and referred to two particular problems which this bill hopes to accommodate. The first is the hardship which can occur to employees who fail to meet a certain time deadline because of a few weeks or a few months and the second, of course, occurs when a pension plan has not been fully funded and liabilities are outstanding

in an actuarial sense as the result of the termination of a plan, usually by the closing of an industry.

The minister has referred, of course, to the Royal Commission on the Status of Pensions in Ontario, commonly known as the Haley commission after its chairman, Mrs. Donna Haley, Q.C. The select committee on company law, over these last several years, has dealt with a variety of insurance matters and as we began the studies last year on life insurance it became apparent that we should certainly not duplicate the work which was being done in the pension field by the Haley commission.

As we will proceed to write our report on accident and sickness insurance in the new year and deal finally with that last portion of the operations of insurance companies in Ontario, we, of course, await as well with great interest the publication and the recommendations which may occur from the Haley commission.

For several months we have been hearing that this report will soon be with us and we are as anxious as I am sure the minister is to see the results of this tremendously complicated study which has been going on. The whole matter of the funding of pensions, the sufficiency of pensions, the fact that individuals are living longer, the fact that interest rates and the traditional approach to actuarial development of pensions are uncertain and are problems which every one of us has to concern ourselves with.

Our senior citizens are concerned about the likelihood of funds being available for their continuing needs and as we look at the funding of municipal employees or provincial civil servants or the various teachers' groups, I am sure that they, in their middle years, wonder whether there will be funds thoroughly and clearly available for the commitments that they have been given by their employers, in this case employers more in the public sector.

The commitments which individuals receive in the private sector are, of course, every bit as important to us because, unless they are clear and sufficient, the taxpayers generally will have to come up with some of the funds to make up the difference.

I was interested in the reports which appeared in the press immediately following the introduction of this bill. At that point Mr. Bentley of the minister's staff was reported as saying that there were no particular immediate problems that resulted from underfunding, but there certainly were some plans that had not been fully amortized.

5 p.m.

He cited Houdaille Industries and Bendix Automotive in Windsor particularly as two plants that were going to have pension problems as well as the severance and other matters that have been referred to a committee of this House, the interim report of which is going to be debated for at least an hour this evening.

It should be clear that, as we look at the amendments to this act, we are not concerned in this more narrow focus with the whole matter of plant closings and the other obligations which might occur and to which this select committee of the Legislature has put its mind.

We are also living, obviously, in hope that the Haley commission will make some suggestions on integration of various pension opportunities within the province that may well cause legislation such as this bill to be rolled into a plan and a program that will give the future benefits we all want to see.

One of the problems we are clearly facing, in what unfortunately will be a difficult winter in many of the smaller manufacturing industries and in various parts of our province, is the likelihood of certain plant closures that are going to come upon individuals. Because of problems such as the one this bill will address, they would very much upset those individuals and their whole financial planning.

This bill, as I have said, has these two particular principles, the one dealing with the shortfall of time of some weeks, indeed some months, that might occur for qualification and, secondly, the matter of funding. Our opportunity is now to resolve those particular points recognizing that, from the Haley commission and the select committee's report and how the government may respond to it, there are going to be more general overview circumstances which will no doubt develop in the next session of the Legislature, presuming time exists to deal with that problem.

However, the problem we are faced with in this bill is set out quite clearly. I hope the two particular points will be attended to for the benefit of the people of the province who, unfortunately, will be affected adversely if these amendments are not in place before the House rises.

There was one circumstance I was interested in, particularly as we looked at the vesting situation. Here we have 45 years of age and 10 years continuous service as the factors on which the opportunity for pension occurs. I was interested in one of the options

raised in the minister's statement. That was the option to transfer a pension benefit credit to the plan of a new employer, provided the terms of the new plan allow the transfer. This to my mind is one of the most important prospects and that is, as would be generally understood, the portability of pensions. Certainly, there are the opportunities to receive a pension at an earlier age at a reduced amount which is well known. There is also the opportunity, among others, to acquire a registered retirement savings plan which, in many ways, may be the best individual opportunity for a person moving between jobs. It may well be the RRSP situation may be the way for many people, not only self-employed but as employees, to protect themselves in an opportunity of developments as no doubt this program will develop in years to come.

I hope the Haley commission in its report will deal with the whole theme—and I am sure it will—of the portability of pensions. This is an area that concerns us all as members because of the people we represent. They have concerns and this whole theme of portability is one we must come to grips with in the near future. I hope the Haley commission will deal with that. This bill at least gives the opportunity where transfer is now possible as one of the options that can occur for the new program we are seeing before us.

The other details with respect to the guarantee fund and the other housekeeping amendments are acceptable.

I welcome the bill, recognizing that it will deal with some particular concerns at least in the immediate next few weeks or few months. There are going to be questions asked as various companies find themselves in difficulty, unfortunately, over the next few months with respect to the pension opportunities and benefits which their employees will or should receive. I hope this legislation will have the opportunity of resolving many of those immediate problems so that the guarantee fund will take care of those who particularly have that need and the various options on vesting will benefit persons who, unfortunately, may not otherwise be given the full opportunity to obtain a pension at the usual 60 or 65 years of age, which they perhaps had presumed would occur if the company for which they were working would continue in years to come and that they would be employed there.

The bill, as I have said, does not deal with some of these other concerns, but there will be the opportunity in the Legislature and,

no doubt, in the press over these next several months to have these various issues raised. I certainly support the bill and I hope it will resolve some particular concerns for people in the next few months.

Mr. M. N. Davison: Mr. Speaker, Bill 214 before us is an exercise in something that is frankly less than social responsibility, in my opinion. In the five years since I have been here, one can tell when December finally rolls around, whether one has a calendar in front of him or not, by the kinds of legislation the government brings in. This sort of half-baked Band-Aid approach to what is a very serious problem in the province is a good indication, if the Christmas party last night was not, that it is indeed December and the House is winding down and the government is seeking to bring forward some inadequate stopgap measures to deal with what are very serious problems in our society.

I would have liked to have had the opportunity to have seen this bill go to a committee outside of the House so that workers who have been so badly affected by corporate callousness and by governmental indifference would have had the opportunity to come in and put their concerns across the table to the Minister of Consumer and Commercial Relations and his colleagues in the government. I think that would have been a useful exercise, not only for the minister but for perhaps a number of other people in the province, because this bill does not address the real critical and serious problems workers are facing because of the current economic climate in this province.

It is as if Bill 214 was supposed to ameliorate problems of unexpected and unknown origin that somehow in the last few weeks came to the attention of the government. Frankly, the fact is this government has in the past two or three years consistently underestimated the seriousness of deindustrialization in the province. At least I hope it is the case that the government just seriously misunderstood what was happening in the economy. I am confident the government was not an active and willing participant in the kinds of shutdowns and layoffs we have seen, but rather some sort of unexcitable cheerleader.

The workers of this province are at this moment up against the wall. They have been put up against the wall by a number of rather irresponsible companies in this province and by the indifference of their provincial and federal governments. We have seen over the past month or so the government



of Ontario trying to deal in some way with the problems it at least has partially caused for workers in the province. We have seen those efforts through things like the plant shutdowns committee. We thought we had seen them in terms of severance pay legislation although, as I understand it, it looks like we are not going to see severance pay legislation before we leave this place.

5:10 p.m.

There is, in terms of pensions, a clear need in this province for major and extensive reform. We have had a royal commission studying this matter since 1977. I realize it is a complex issue, but it seems to me that three years is a considerable period of time. While workers are losing their jobs, losing their incomes, with all the inherent social damage involved in that kind of economic disaster, we have waited three years for this report to come.

Every time we ask the government when we are going to see some major reform in pension legislation we always get the same response, "Wait for the report." I had expected to see that report in the House early this fall. I had expected to see major legislation in the House this fall. I expected to see a major attack on those problems by the government and by the assembly this fall. I am disappointed that we have not seen that and are not going to see it until at least some time in the spring session or, quite probably, after the next provincial election.

You wonder, Mr. Speaker, about who has power in this society when you look at an issue like this. We look at the lives that have been shattered because of the lack of decent pension legislation in the province. It is clear to me that workers do not have a great deal of power or influence in this province, because they have been trying to get decent legislation and have failed. What are the forces arrayed on the other side in the battle? One of them obviously is our pension industry itself.

In this country we have a \$50 billion pension industry. Talk about power. Certainly, in our society, a great deal of power and influence resides in such a powerful lobby group as that. I suppose for that reason, if for no other, it is possible to understand, if not appreciate, the tortoise-like speed with which the government has been dragging along in terms of providing workers with adequate protections. As I said earlier, I would have preferred to see that major report introduced early in this session, and to have had legislation debated, adopted and

in place by the end of this year so we could have protected our workers much better than we have been able to.

The government, though, not only continues to come forward with those major reforms, but continues essentially to ignore the root causes of the problems. Not only have they been inadequate in the kinds of Band-Aid approaches they have put forward to try to help working people, but they have totally ignored the fundamental causes of the current economic malaise and refused to act upon those. It seems to me that if the government will not attack the root causes behind our economic problems, then there is a moral imperative that they at least do everything they possibly can to protect the people who are going to be harmed. I am saddened by legislation like this, which shows that the government will once again not do that. This clearly is a Band-Aid approach, Mr. Speaker, and I will have more to say about that during committee debate. It is also, as I said earlier, a half-baked approach.

The legislation is in many ways nonsensical. For example, section 5 of the bill, which sets forward the great new options that are going to be available to workers in Ontario in terms of picking up pension benefits, talks about one option and refers to the normal retirement age. Some pension plans do have something called a normal retirement age. However, other pension plans do not even reference such things as a retirement age. They speak about plans like "30 years and out" plans that some of our unions have been able to win for their workers. What happens to those workers in those situations with "30 years and out" provisions? Are they excluded from even the limited protection that is provided by this legislation? That is a question the minister should address himself to.

There have been a number of other problems raised. For example, section 7 of this bill talks about the vested pension interest as a lien. There is no clear understanding of how high these pension interests stand as part of a lien against the corporation. Even more serious perhaps is the immense jurisdictional dispute between the federal and provincial government that will arise because bankruptcy legislation is clearly something that has been within the federal jurisdiction. If the feds say, "We give first rights of this corporation to the banks and other such companies," what is the provincial government going to be able to do to make sure these workers who can

have a lien in place of their pension against the company are going to have a very high standing? The bill is remarkably silent about that.

One of the most serious aspects, and the one that has drawn the most ire from workers, deals with the 45-and-10 provisions that remain in this legislation. The government can sit there until it falls asleep or dies of its own inactivity but I do not think the government, under the serious circumstances we are in, can say things like: "Oh well, we are going to continue to wait for the commission to report. Then we will think about it over the winter. Maybe if there is not an election, we will bring in some legislation in the spring and maybe that could go out to committee in the summer. Maybe next year we could do something about 45 and 10."

It is past time we did something about 45 and 10. If the government is unwilling to do it, I am quite willing and will move amendments during committee today to get rid of the 45-and-10 provision. The 45-and-10 provision, Mr. Speaker, is simply that for the pension of the worker to be vested under this legislation, the worker has to be 45 years of age or over, and has to have worked and have been contributing money to that plan for 10 years.

When I was working in the factory, I did not work in a factory that had a proper pension plan. I worked in one that had a profit sharing plan, so I cannot talk from personal experience about the kind of pension I had in my factory days, but I now do have certain rights to a pension. It is a nice pension. It is one that my father is currently collecting. It is one that all of the members of the assembly here will probably one day be able to collect.

Is there a 45-and-10 rule in regard to the vesting of that pension? There clearly is not a 45 rule and there is not even a 10 rule. If a member spends five years around this loony bin, he gets his pension vested. But if a person slogs his guts out in the industrial heartland of this province for nine years and is 44 years old, he is not eligible under the 45 and 10 rule. What happens to the worker who is 44 years old and has worked 20 years, hard years, day in day out? He is not eligible under this legislation. Yet somebody can get elected to this fine place and has a vested pension after five years.

If it is good enough for the Minister of Consumer and Commercial Relations (Mr. Drea), the member for Kitchener (Mr.

Breithaupt) and the member for Hamilton Centre, then it is good enough for the workers of Hamilton Centre. I am quite prepared to move, and I hope the minister will support, an amendment that gets rid of the 45-and-10 rule and substitutes for it a five-year vesting period just as we, members of the Legislative Assembly, have. It sounds only fair to me.

The government has talked about portability and how much it has done to increase portability. In fact, very little has been done in this bill to increase portability.

Mr. Speaker, I am not going to speak longer on second reading because I do want to put seven or eight amendments during committee stage of the bill today. There are essentially two groups of problems in this bill. One, the bill does not go far enough. It just does not go anywhere near far enough. Two, it does not cover or affect enough people. We have a very serious problem out there for our workers and the government has come forward with what is a Band-Aid and half-baked approach, which unfortunately we cannot send out to committee because we do not have the time to send it out to committee, or for workers to come in and tell the government what they think about their legislation and what they think they should be able to do with their legislation.

5:20 p.m.

I will support it on second reading so we can get it into committee of the whole House where I hope we will have some opportunity to offer some amendments to this inadequate bill that will go at least one short step further in protecting workers in the province.

Mr. Peterson: Mr. Speaker, I have just a few more things to add to the remarks of my colleague from Kitchener. I come with somewhat mixed feelings. I think if we were prepared to sit down for the next couple of months we could probably collectively draft some better legislation. It is my view, however, that this bill should probably go through unamended at this time as an interim step, as one small step for mankind along the road to massive pension reform in this province.

We have waited for years now for the Haley commission. I certainly understand the strictures that are on the Minister of Consumer and Commercial Relations. But in the number of fights I have had in this Legislature to bring about pension reform, I say in a complimentary way to the minister that he has evinced not only more under-

standing but more sensitivity for this issue than any other minister, including the Treasurer (Mr. F. S. Miller).

It is a complicated issue. I say in a complementary way, being Christmas time and all that, this minister has a better understanding of the subject. I would just give him a small admonition. When the Haley commission report does come, I hope he will take some personal responsibility in the massive reforms that are going to have to come. Some of them will be under his jurisdiction. Some of the funding aspects of the Canada pension plan and other things he will have to deal with presumably, Ontario's role therein and the disposition of those massive billions of dollars of funds are certainly under the Treasurer's bailiwick to some extent.

**Hon. Mr. Drea:** I trust I have your support to become the lead ministry.

**Mr. Peterson:** Absolutely. If we get into pension reform, if we get into a committee to study the Haley report, it could occupy the best minds of the whole civil service to come up with the kind of reforms we need. It is going to require a great deal of attention.

I am reluctant to mess around with this bill now in the absence of wholesale reform. In one sense it is almost too bad we even have to do this. We should be looking at the whole question de novo. Because of the political pressures and because of the situation at the present time and the imminent financial problems of this province and plant closures, it is deemed prudent by a number of people to introduce this legislation now.

It has to be understood for what it is. This applies only to plant closedown situations, which in terms of relevant numbers are relatively insignificant compared to the number of pension beneficiaries in this province. We are really only covering a very limited number of people or potentially a very limited number of people with this reform. It is all worth while. Some of it is difficult to justify. I am not very happy about the 45-and-10 rule.

As has been pointed out by other members, inevitably with this kind of legislation there are going to be cutoff points or people taken out by the notch provisions or whatever, that will reap real hardships, for example, the person who is not 45 or who has worked only nine years. There are cases like that. Granted, in all of this legislation one must be arbitrary at some point, but I am one who is going to fight, and I want to put you on notice of this, Mr. Speaker, for far earlier vesting than this and for portability.

There are a number of experts, and these are not the weirdos in the community, who are saying that there are a number of benefits, not only financial benefits to the individual but benefits to the work place, to have higher portability and earlier vesting to create more mobility of labour. Pensions can no longer be used as a device to keep workers in subservience. They must be able to flow freely, as goods and capital do in a country, in order to get the maximum efficiency for that labour.

These are big questions, and they are questions for another day. I would have liked to have seen earlier vesting and, as I said, we will be fighting very hard for that at the time we address our minds collectively to the Haley commission. We have waited three or four years or whatever it is, and I think we should review the thing in total. In a sense, almost every small move we make may have to be recovered, undone or amended in another six months or a year. Recognizing the urgency of the situation, we will support this in the short term.

The minister evinced some sensitivity to the problems of guarantee funds. There are a lot of potential abuses in those funds. They can be administered poorly. They can end up as a situation where the efficient subsidize the inefficient, where the well run company subsidizes the sleazier company which may want to make a last minute deal before it bails out. The attempt to provide against those kinds of abuses by having a three-year cutoff period seems a reasonable one. It could have been four or five years.

Ideally, the guarantee fund, as attractive as it sounds, is not always the best approach. Perhaps another approach to these problems is tougher funding requirements. In a sense, the minister compensates for that because the people who are fully funded will not have to contribute to the guarantee fund. Personally, I would rather have seen it approached from the other end, not using the guarantee fund because it probably will not benefit many responsible people. We should be tougher with those who are irresponsible.

For example, if a massive automotive company in this country went belly up, which some people think is possible, we could end up in a situation where we had a number of basically responsibly run plans subsidizing a massive shutdown or layoff of that type. My approach would be towards tighter funding obligations, more disclosure, earlier vesting and probably a loosening up of the pension investment

rules so the pension fund managers can seek the highest rate of return possible in the marketplace today.

We are almost on the verge of a new economic era. Who would have predicted five years ago, two years ago, one year ago or six months ago that we would have a 20 per cent prime interest rate today? With double-digit inflation, to achieve a real rate of return after inflation we need incredibly high rates of return on that invested capital. If we cannot guarantee that and if we do not allow that kind of flexibility between competing fund managers, we are going to erode the integrity of some of those funds.

Historically, that has been one of the problems with pension funds that are conservatively invested and are not growing, in real terms, as fast as they should be and are not keeping up with inflation. These are profound problems, not only in this jurisdiction but with the federal rules as well.

Frankly, I am ambivalent about the guarantee funds. I tend to think the minister is setting up an unnecessary apparatus that will solve few social evils, at least the ones he wants to correct. He should probably have gone at it a different way. I do not feel strongly enough to vote against it, and the minister may have some arguments to convince me my perceptions are incorrect.

It has always been my view that when we talk about pension reform the first place we start is with disclosure. I can think of no subject that is more complicated or where fewer people have any knowledge of their own rights, entitlements or assets than in the pension area. It is a known fact that, generally, young people do not care about pensions. They are interested in a higher disposable income. They are not interested in contributing to someone else's retirement. As people get older and start contemplating their own retirements, as they start investigating their own assets and entitlements, they tend to be a little more sensitive.

They wonder: "My goodness, what has been happening to my money? Why have I only a four or five per cent rate of return on those moneys? Why am I not entitled to the employer's contribution? I thought he was putting away money for me and now I have found out he was not. All I get is my money and four or five per cent. I could have had it in the bank. I could have bought gold or real estate."

5:30 p.m.

If we force disclosure, that is the first place to bring up the general level of knowledge. Every employee must have an absolute right to go to the manager of his pension fund and know the instant status of that fund and the integrity of the portfolio. He should have the right to make his own judgments thereupon, and compare it with other portfolio managers, should he so desire. But he also should be able to know his own personal entitlement. I welcome anything that starts with that move. But this is only the first step along a difficult, long and complicated road.

There are going to be a number of very broad issues that are going to have to be addressed. This legislation will affect an almost insignificant number of people in this province. It is a decent step; it is a step on the right road. Some of the protections inherent herein are going to have to meet standards on a broader base across this province. They are going to have broad macroeconomic effects—the disposition of those funds, who uses them, how they are used, who can borrow from them and who can not.

Any time we talk about pension legislation, by definition we exclude those people who are not included under pensions today. That is a disturbingly high percentage of the population. When we discuss the whole private sector and pension plans, we are going to have to discuss their relationship with public plans, and what really are the highest obligations of the government leaders to look after people in their retirement, and looking at the relative cost and relative benefits one can purchase and who should best administer those. Those are very difficult public policy questions.

It is a known fact, for example, that probably the best single pension buy in Canada today is the Canada pension plan. It is a terrific buy. The fact it is going to be bankrupt by the end of the century and taxpayers are going to carry the can for that brings into account some other questions that have to be discussed. But in the short term, at least, it is the most significant and best pension buy in Ontario, and indeed in Canada.

I look forward to a full and wholesale discussion of those major issues some time in the future. It is my hope it is sooner rather than later. It is my hope the government will not just shelve the whole Haley commission findings and have an internal review committee for another four years. We in the opposition are waiting for the very basic kind of reform. They are not that hard to do.

Saskatchewan has done it; Quebec has done it. They have taught us that we can move quickly in some of those areas.

I look forward to that important and major discussion, which will occupy the minds of the majority of the members of this House some time in the immediate future. In the meantime, I would urge my colleagues on all sides of the House to get this through as quickly as possible.

I have given my reservations. That being said, I think we should support it now to solve a potential evil over this winter. We will look forward to the real work which is to come, I hope, in the near future.

**Mr. Laughren:** Mr. Speaker, as my colleague from Hamilton Centre indicated, we are supporting this bill, but it will be a much better bill after he has put his amendments. I expect they will be supported by all sides of the House because of their eminent good sense.

Every time I think of pensions I think of what is happening not just when a plant closes but out there in society as a whole. I can see what is going to happen as the years go by. As the population ages, as the demographic bump moves through Ontario and elsewhere in Canada, it is going to become a bigger and bigger issue.

It is like the situation we used to have in medical services, and to a certain extent we still do—a hotchpotch of programs and plans that will eventually self-destruct. I predict the day will come when the whole pension field will be so complicated, and it will get itself in such a mess, that the inevitable will then occur.

With Canada pension plan already in place, that will be expanded so that the people of this country have an appropriate level of pension; have a pension that is completely portable; have a pension that applies to everybody, not just people who have paid into a contributory plan. That is the model. It is already there in something called the Canada pension plan.

We now have the old age pension, we have Canada pension plan, and we have a plethora of pension schemes out there. Some day, I say to the minister, somebody is going to come out with a report. It will not be Donna Haley with her report, because she understands that the kind of recommendation where we put in one comprehensive, completely portable scheme would not be brought by this government at this point. She knows that very well, and the minister knows he would not be prepared to take that kind of courageous step at this point

either, even though he knows it is the way to solve the pension problem out there. Whether that pension has to do with the plant closing or whether it has to do with someone reaching the age of retirement, that is the direction we simply have to move in.

The minister is unable, or unwilling, or afraid to take big steps; that is why he takes mincing steps.

**Hon. Mr. Drea:** Small.

**Mr. Laughren:** Mincing. The minister heard me correctly. When it comes to any kind of reform, this minister takes only mincing steps. He is not willing to take the kind of courageous large step that would really get to the root of the problems and solve them once and for all. I just want to serve notice to the minister that there is a path down which he should be going, in the direction of a comprehensive public pension scheme based on the model of the Canada pension plan which is completely portable. No matter where a person lives in this country or where he or she works, he or she has an adequate pension.

I would predict that as the demographics change in this country that is where we will end up, but there will be a lot of agony, a lot of thrashing about, and a lot of debate before we get there. That day will come and I am precisely the age of a person who will get the main benefit when that day actually does come. So I am saying to the minister—I will not ask him to do it for me, but I ask him to think seriously about the mess there is out there in pensions and whether he can solve the problem by putting a patch on here and a patch on there.

We have in Ontario now a one-man commission studying workmen's compensation, and one of the things he is going to look at in his next report is the extent to which we can continue to have the hotchpotch of accident and sickness schemes we have in Ontario. We also have right now a select committee on company law, the chairman of which is the member for Kitchener (Mr. Breithaupt), the hardworking, conscientious chairman from Kitchener. As a matter of fact, that whole committee is hardworking and conscientious.

**Mr. Roy:** Are you on that committee?

**Mr. Laughren:** Yes, I am on that committee.

**Mr. Roy:** Well, you should be congratulated.

**Mr. Laughren:** Just as that committee is grappling with the whole problem of a

patchwork of accident and sickness schemes, so are the people investigating pensions going to be grappling with the problem there for many years to come until finally they come to their senses and say, "This whole thing is nonsense, all this patchwork."

Mr. Nixon: You mean this whole thing?

Mr. Laughren: I meant the pension field.

Mr. Nixon: Your gestures were all-inclusive.

Mr. Laughren: I was pointing at the member, I know. I take back the point, Mr. Speaker, and I say to the minister that we support the bill and in return for our support, we expect him to support our amendments.

5:40 p.m.

Mr. McClellan: Mr. Speaker, I am just going to be able to make a few remarks on this bill. I know that will be a profound disappointment. What we have here in the act to amend the Pension Benefits Act is the first of what I expect to be many attempts at artificial respiration for the private pension sector. We are going to have more and more of these frantic efforts on the part of Conservatives here and Liberals in Ottawa to try somehow to put Humpty Dumpty back together again.

Let me tell anybody who is still deluded that one can build a pension scheme in a modern industrial society on the basis of private sector insurance that he is whistling in the dark. The private pension system is a dead skunk. It has the two characteristics of a dead skunk: it is dead and it stinks. There is nothing one can do by way of artificial respiration to change that reality.

Over half of the workers in this country are not covered by private insurance programs. It is more than half, but I cannot remember the exact figure. I believe 60 per cent are not covered. On the basis of the performance of the private insurance industry over the last 50 or 60 years they never will be. Nothing that government does is going to change that.

Our pension policies in this country are the most backward in the western industrial world, with the exception of the United States. That is an indisputable, empirical observation. There is nothing anybody can say because those are simply the facts. We have a pension system that is based on a hotchpotch of private insurance, public insurance at the federal level broken down into three separate programs, private savings,

provincial pension programs, tax credit systems, provincial social assistance and municipal social assistance or municipal welfare.

Anybody who spends more than five minutes a week in his constituency office knows what agony elderly pensioners have to go through to try to put together a package of income on the basis of this nonsensical hotchpotch, a package of income consisting of old age security, guaranteed income supplement, Canada pension plan, provincial Gains and municipal special assistance or municipal supplementary aid to help cover the rent; tax credits et cetera. It all adds up, when one puts the package together, to an income below the poverty line.

Yet policy makers in Ottawa and policy makers here in Ontario continue under the delusion that it is somehow possible by waving a magic wand and bringing in little pieces of legislation like Bill 214, which will be the first of a stream of these kinds of bills, somehow to deal with the fact that we have never come to an adequate policy resolution on the pension issue. The only possible resolution is to say that we can only build an adequate income security program for retiring Canadians in the public sector.

That means we have to redesign the Canada pension plan. What kind of a joke are we dealing with? A public pension plan that pays as a maximum 25 per cent of earnings is a bad joke. The member for London Centre has made a dozen speeches at least in this session alone with respect to the funding position of the Canada pension plan. I do not happen to agree with his conclusions, but everybody will accept his analysis that the Canada pension plan is going broke. It is going broke because it was never designed as a pension plan. It was designed as a source of cheap public borrowing for the provincial governments. That is what was put together in Quebec City in the 1960s. That is what the 10 provincial governments and the federal government agreed to set up in the mid-1960s. That is all it has been treated as.

Every attempt to improve even marginally the Canada pension plan has met with the ultimate resistance from the government of Ontario. The government of Ontario has insisted on protecting the pool of cheap money. Ontario has opposed additional coverage under the Canada pension plan since its inception. Ontario is now hoping frantically, through the agency of the royal commission, to come up with some way of reviving the

money pot. It is having to deal with the fact it is a useless pension program.

Who is going to live on 25 per cent of his earnings maximum? How can we talk about a modern pension plan when it is as regressive in its funding structure as the Canada pension plan? That is absolutely ludicrous. How can we continue to shirk the reality or pretend that the contributions, 1.8 and 1.8 per cent of payroll, are somehow adequate to a modern public pension system? All one has to do is look at the rates of employer-employee contributions in European countries compared with benefit levels to understand what a completely miserable operation the Canada pension plan is.

Where does the government take its initiative? Not by speaking out loudly and clearly on the injustices with respect to the Canada pension plan. Not by speaking out loudly and clearly on the inadequacies of the overall hotchpotch, the six-level layer cake that guarantees a subpoverty level of existence. Not by dealing with the Gains component which is under Ontario's jurisdiction by raising the rates to a level above the poverty line. Singles are still below the poverty line and couples are just a few centimetres above it.

That is not in the cards. That is not on the agenda. What we have is a royal commission whose work has been delayed, I believe, five times. Some of us are even told that not only has it been printed, but the ink has been dry for some time. Is that true?

Hon. Mr. Drea: That is not true.

Mr. McClellan: I am glad to hear that. I had been told that. I believe the minister when he says it is not ready yet. It was supposed to be ready three times in 1979. It was supposed to be ready two and a half times in 1980.

Mr. Laughren: December 15 was the deadline.

Mr. McClellan: There was a previous deadline in 1980 and another deadline some time this fall.

Mr. Laughren: December 15.

Mr. McClellan: We will see if it comes out December 15. I know what is going to be in it without knowing what is in it. It will be the last clarion call to revive the private pensions sector and there will be a whole series of proposals around vesting and portability, a series of efforts to end what can only be described as the most blatant, nonsensical injustice imaginable. These are situations that would not have been tolerated 30 or 40 years ago in any of the

European industrial democracies, yet we are still fooling around and having to stoop to the level of debating something like Bill 214 which has such minimal vesting and portability provisions as to be, quite frankly, beneath contempt.

In this bill, the minister is perpetuating 45 years of age and 10 years of service as a condition for getting some kind of protection if one is suddenly laid off. Thanks a lot. What happens to people who are not vested under our Neanderthal vesting provisions? They are just out of luck; too bad; sorry.

5:50 p.m.

That we are even dealing with something as crazy as trying to protect somebody's pension credits in the case of a layoff in 1980 is absolutely disgraceful. It is demeaning. Are we supposed to be grateful that the government has finally said, "If you are over 45 years of age and have 10 years service or more and somebody takes your job away from you, we are going to protect your pension credits." Thank you very much. What a bunch of sweethearts! I wonder how long it took them to come to the overwhelming realization that that was something that was appropriate to do? Did the minister have to study it for a long time? Is this something he agonized over?

It really is a very sad commentary on our society's attitude towards workers who have reached retirement age that we have never had the decency as a society to bring in a decent public pension program that covers everybody and provides a level of retirement income based on some objective measurement of decency and adequacy. The best we are able to do is put together a hotchpotch that guarantees either a subpoverty level of existence or something, as I said, just a few centimetres above the poverty line. I suppose one is used to crumbs from a crummy government, whether it is at the provincial level or in Ottawa. Crumbs are what we get and crumbs are what we got.

As I said, I hope the report of the royal commission on pensions will come this month. I do not believe it will. I do not believe it will come until after the election. The statistical data in any royal commission on pensions is going to have to deal with the financial position of elderly people in this society. It is going to be too damned embarrassing for the government to bring out another study. An up-to-date study of the economic position of retired citizens in Ontario prior to an election is something. I am sure, the government does not want to see and does not want the citizens of this

province to see. I do not expect it until after the election campaign. But once it comes out, I hope we can then start to have a serious debate in this Legislature about what Ontario's retirement policies are going to be. So far, all we have had are things like the contribution from the member for York West (Mr. Leluk). He wants the retirement age raised to 70. I do not have any objection to that. My party has no objection to a flexible retirement age.

**Mr. Leluk:** Why did you vote against it then?

**Mr. McClellan:** We voted against it, my friend, because we are not willing to bring in a measure that would force retired Canadians or elderly people to continue to work in the absence of an adequate pension program. When some government, either in Ottawa or at Queen's Park, brings in a coherent public pension program that guarantees a decent retirement income for all Canadians then this party is prepared to say all right.

In addition to that, we will go along with flexible retirement both up to age 70 and down to age 60 so that people have real choices. But to say we can raise the pensionable age to 70, when we have things like Bill 214 in front of us that indicates just how shoddy our pension system is and when we have an abysmal public sector pension that guarantees nothing for the majority of Canadians, that is something we are not going to touch with a 10-foot pole.

The member can keep bringing it in as long as he wants. He does not fool anybody. He does not fool the construction workers in the west end of Toronto, about which I thought he would have a little more sense. He wants to talk to construction workers about working until the age of 70. I invite him to come into the riding of Bellwoods and do that. He should bring his hard hat because he will need it.

I think I have made the point. I hope I have. Subtlety is not my strong point. I also do not expect this minister to come through with the kind of pension policies that are appropriate to a modern industrial economy. At the very least, he could have come through with vesting and portability when he is bringing forward amendments to the Pension Benefits Act. Surely even the Minister of Consumer and Commercial Relations understands—

**The Deputy Speaker:** Perhaps the honourable member would just refer to what is in the bill.

**Mr. McClellan:** Vesting is in the bill, Mr. Speaker. You have caught me at the one point in my speech when I am actually talking about the bill because the bill deals with the existing vesting provision—10 years of service and 45 years of age. Surely, at the very least the minister could have come in with amendments that have been asked for consistently over the last five or six years, which are to reduce the age and time requirements for vesting. When is that going to come, after the royal commission? When is the royal commission going to come, after the election, et cetera, et cetera, et cetera?

**Hon. Mr. Drea:** Mr. Speaker, I am not going to comment on the state of pensions in this province. I pointed out very specifically in my opening remarks that I was not addressing the issue of pensions in this bill.

I want to put a couple of things to rest. The ink is not dry, to the best of my knowledge, nor has it been dry on the Haley commission report. The member and the Globe and Mail keep saying there are stacks and stacks and stacks of copies. That is a lie. There are all kinds of working papers around and there are various appendix volumes but the ink is not dry on the actual report.

**Mr. McClellan:** I am sure the minister wasn't saying that I was lying.

**Hon. Mr. Drea:** No, I say it is a lie.

**Mr. McClellan:** Thank you.

**Mr. Laughren:** Knowing you, we have to get it cleared up.

**Hon. Mr. Drea:** I said that the first time. Knowing his sensitivity and how kindly he addresses me, he certainly should have known.

**The Deputy Speaker:** I was listening and the member referred to the Globe and Mail. I would appreciate it if you would address the chair.

**Hon. Mr. Drea:** Yes, Mr. Speaker, I will, but I would ask you to make the member for Nickel Belt withdraw that last remark. Either you are going to remain in control in here or not.

**Mr. Speaker:** I will have to ask the honourable member what the remark was. I did not hear it, I was speaking.

**Hon. Mr. Drea:** Mr. Speaker, I am not going to give it the dignity of repeating it.

On a far more substantial matter—having heard all of the Marxist version of the pension industry or the lack of it—I want to address myself to some of the concerns raised by the member for London Centre.

**Mr. McClellan:** The minister is getting ready for the old red smear, is he?



Hon. Mr. Drea: I do not have to worry about any red smear, my friend. I do not.

The matter raised by the member for London Centre concerned the pitfalls that have developed in the American experience, both state and federal, with guaranteed funds. The US approach is for intervention by the Pension Benefits Guarantee Corporation on the termination of a pension plan.

Quite often the PBGC itself is involved in administering the assets of the plan and making distributions to pensioners. This has resulted in extremely high administrative costs. As a matter of fact, on a rough or ball-park estimate, because remember we are dealing with different jurisdictions there, sometimes up to 50 per cent of the premiums collected go directly into administration costs. We want to avoid that. Another one of the difficulties is there is a large backlog.

Once again, as I am sure the member for London Centre knows, the unfunded liability provisions in the United States are not up to the standards of Ontario and obviously this produces, at the particular time of termination of an unfunded plan, substantially more difficulties. Those are the main pitfalls.

I do wish to comment upon the fact that people will abuse it. I really think we have built into the legislation that people are not going to abuse it, that they are not going

to do a sweetheart deal with their labour organization because they are going out of business. There is something going on out there right now that is perilously close to a sweetheart deal with them all hailing it. If the members of the House were privy to the information I have through the commission as to unfunded liabilities and certain things that are going on and being hailed as great social reforms, they would have very significant concerns—as indeed should be, as these are the very people those things are supposed to protect.

I agree with the member for London Centre. As a matter of fact, I give credit where credit is due. The advocate of disclosure in this Legislature, or the person who should get the credit for it, is the member for London Centre, not the minister. The member for London Centre broached that across the floor some time ago and I tell the members it is more necessary now than when he first broached it.

Mr. Speaker, I conclude my remarks in the hope we can get second reading of the bill.

Motion agreed to.

Ordered for committee of the whole House.

The House recessed at 6 p.m.

## APPENDIX

(See page 5242)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## GOVERNMENT ADVERTISING

367. **Mr. Cunningham:** What are the total advertising expenditures for the province of Ontario for 1976, 1977, 1978, 1979 and 1980? (Tabled October 24, 1980.)

**Hon. Mr. Grossman:** Total government advertising expenditures (media space and time) for the province of Ontario for the past five fiscal years were as follows: 1975-76, \$6,808,107; 1976-77, \$6,194,632; 1977-78, \$7,314,868; 1978-79, \$9,795,151; 1979-80, \$12,171,080.

Provincial lotteries also purchased advertising space and time with expenditures from lottery revenues during the same five-year period, as follows: 1975-76, \$1,840,852; 1976-77, \$3,784,019; 1977-78, \$4,836,900; 1978-79, \$6,205,315; 1979-80, \$6,108,498.

EMERGENCY PREPAREDNESS  
CONFERENCE

402. **Mr. Isaacs:** What was the cost to the Ontario government of the advertising program addressed to mayors, fire chiefs, police chiefs, medical officers of health, and municipal emergency planners which appeared in newspapers across Ontario for at least two insertions in mid-October? What is the total financial contribution of the Ontario government to this Emergency Preparedness for the 80s conference? How many mayors, fire chiefs, police chiefs, medical officers of health and emergency planners are there in Ontario? (Tabled November 18, 1980.)

**Hon. Mr. McMurtry:** The advertisements, which were commissioned at the time of the postal difficulties, cost \$45,075.

Costs to the government for the Emergency Preparedness for the 80s conference, which drew more than 800 registrants, are incomplete but are expected to be about \$18,000.

There are 218 mayors, 640 fire chiefs, 128 police chiefs, 43 medical officers of health and 300 municipal officials primarily concerned with emergency planning in Ontario.

## PAYMENTS TO CONSULTANTS

409. **Mr. T. P. Reid:** Would the Minister of Community and Social Services please provide the terms of reference and the original agreed upon price for the consultant, Barry Dalby? Please provide the expanded or changed contract and the amount of addi-

tional funds that was paid to Barry Dalby? (Tabled November 21, 1980.)

See sessional paper 328.

## EDUCATION MILL RATES

420. **Mr. Grande:** Will the minister responsible provide the education mill rate both commercial and residential for each municipality in the province for the past seven years? (Tabled November 28, 1980.)

**Hon. Miss Stephenson:** There is insufficient time to provide a response to this question prior to the prorogation of this sessions of the Legislature.

DEATHS IN PSYCHIATRIC  
HOSPITALS

430. **Mr. Breagh:** Will the Minister of Health ascertain how many of the 538 deaths of patients in psychiatric hospitals for 1978, 1979 and the first eight months of 1980 are attributable to similar "therapeutic misadventures" as Aldo Alviani? (Tabled December 2, 1980.)

**Hon. Mr. McMurtry:** Question 430, which was directed to the Minister of Health, has been referred to the Solicitor General for reply.

Of the 538 deaths of patients in psychiatric hospitals for 1978, 1979 and the first eight months of 1980, one has been listed as a possible "therapeutic misadventure." In this case, a 36-year-old mentally retarded man died of aspiration which may have been induced by drugs. The drugs were found, however, in what is considered to be therapeutic levels.

## TELEPHONE SURVEY

433. **Mr. S. Smith:** 1. Is anyone in the Ministry of Industry and Tourism connected with a firm that identifies itself as Summerhill Surveys and which has done a recent telephone survey of people resident in the city of Toronto? 2. Since the questions in the survey included not only the usual voter intention and preference data regarding party leader and candidate but also about approximately six questions concerning the Minister of Industry and Tourism and only one question each concerning the Attorney General, the provincial Treasurer, and the Minister of Intergovernmental Affairs, did anyone in the Ministry of Industry and Tourism take part

in the authorship of the questions? 3. Since, among the questions asked about the Minister of Industry and Tourism were the following: (a) Is Larry Grossman a "people person"; (b) Is Larry Grossman intelligent (sincere, et cetera); (c) Is Larry Grossman a "shirt and tie person," would this survey relate to a

potential leadership campaign or does it reflect a planned ministry initiative in the stimulation of the haberdashery industry? (Tabled December 5, 1980.)

**Hon. Mr. Grossman:** 1. No. 2. No. 3. In view of 1 and 2 above, the ministry obviously does not know.

## CONTENTS

---

Thursday, December 11, 1980

|  |      |
|--|------|
| Urban Transportation Development Corporation Ltd. Act, Bill 190, Mr. Snow, second reading .....            | 5189 |
| Bill 190, reported .....   | 5208 |
| Highway Traffic Amendment Act, Bill 188, Mr. Snow, second reading .....                                    | 5211 |
| Healing Arts Radiation Protection Act, Bill 177, Mr. Timbrell, second reading .....                        | 5218 |
| Speaker's comments re correspondence from prison inmate .....  | 5225 |
| Tabling auditor's report .....   | 5225 |
| Cochrane District legislation, statement by Mr. Wells .....  | 5225 |
| Environmental legislation, statement by Mr. Parrott .....  | 5225 |
| Durham regional environmental hearing, statement by Mr. Parrott .....                                      | 5226 |
| Plant closures and termination entitlements, statement by Mr. Elgie .....                                  | 5226 |
| Interest rates, questions of Mr. F. S. Miller: Mr. S. Smith, Mr. Cassidy, Mr. Peterson, Mr. Laughren ..... | 5227 |
| Liquid industrial waste, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy, Mr. Isaacs .....             | 5229 |
| Use of asbestos in schools, questions of Miss Stephenson: Mr. Cassidy, Mr. B. Newman .....                 | 5231 |
| Niagara Escarpment development, questions of Mr. Brunelle: Mr. Cassidy, Mr. Swart, Mr. S. Smith .....      | 5232 |
| Ontario Hydro land purchases, questions of Mr. Walker: Mr. J. Reed .....                                   | 5233 |
| Community services contribution program, questions of Mr. Bennett: Mr. R. F. Johnston, Mr. Eakins .....    | 5234 |
| Liquid industrial waste, question of Mr. Parrott: Mr. G. I. Miller .....                                   | 5235 |
| Mental health services, questions of Mrs. Birch: Mr. Breaugh, Mr. Conway .....                             | 5235 |
| Aid to pensioners, question of Mr. Maeck: Ms. Bryden .....   | 5236 |
| Physical education, questions of Miss Stephenson: Mr. B. Newman .....                                      | 5236 |
| Supermarket pricing systems, questions of Mr. Drea: Mr. Swart .....  | 5236 |
| University admission, questions of Miss Stephenson: Mr. Sweeney .....                                      | 5237 |
| Minister's comments, questions of Mr. Henderson: Mr. MacDonald .....                                       | 5237 |
| Government advertising, question of Mr. F. S. Miller: Mr. Bradley .....                                    | 5238 |
| Algoma University College, question of Miss Stephenson: Mr. Wildman .....                                  | 5238 |
| Uranium contracts, question of Mr. Davis: Mr. Sargent .....  | 5238 |
| Speaker's ruling re comment by member for Oakwood .....  | 5239 |
| Legislative pages .....  | 5239 |
| Point of privilege re questions on Notice Paper: Mr. Gaunt, Mr. T. P. Reid, Mr. S. Smith .....             | 5239 |

|  |      |
|--|------|
| Petition re liquid industrial waste: Mr. G. I. Miller .....                                      | 5240 |
| Report, select committee on plant shutdowns and employee adjustment: Mr. McCaffrey .....         | 5240 |
| Report, standing committee on general government: Mr. Cureatz .....                              | 5240 |
| Report, standing committee on regulations and other statutory instruments: Mr. Williams .....    | 5240 |
| Motion re order of business, Mr. Wells, agreed to .....  | 5241 |
| Motion re private members' ballots, Mr. Wells, agreed to .....                                   | 5241 |
| Motions re committee meetings, Mr. Wells, agreed to .....  | 5241 |
| Motion re appointment of member, Mr. Wells, agreed to .....                                      | 5241 |
| Environmental Protection Amendment Act, Bill 224, Mr. Parrott, first reading .....               | 5241 |
| Succession Law Act, Bill 225, Mr. S. Smith, first reading .....                                  | 5241 |
| North Cochrane District Local Government Act, Bill 226, Mr. Wells, first reading .....           | 5242 |
| Insured Health Services Act, Bill 227, Mr. Philip, first reading .....                           | 5242 |
| Environment Statutes Amendment Act, Bill 228, Mr. Parrott, first reading .....                   | 5242 |
| Tabling answers to questions 367, 402, 409, 420, 430 and 433 on Notice Paper:<br>Mr. Wells ..... | 5242 |
| Business of the House: Mr. Wells .....   | 5242 |
| Denture Therapists Amendment Act, Bill 205, Mr. Timbrell, second reading .....                   | 5242 |
| Toronto Hospital Steam Corporation Amendment Act, Bill 192, Mr. Wells, second<br>reading .....   | 5242 |
| Town of Midland Act, Bill Pr36, Mr. G. E. Smith, second reading .....                            | 5244 |
| City of Ottawa Act, Bill Pr18, Mr. Roy, second reading .....                                     | 5244 |
| Bill Pr36, reported .....  | 5244 |
| Bill Pr18, reported .....  | 5245 |
| Municipal Affairs Amendment Act, Bill 172, reported .....  | 5246 |
| Municipal Amendment Act, Bill 193, Mr. Wells, second reading .....                               | 5247 |
| Legislative Assembly Act, Bill 201, Mr. Wells, second reading .....                              | 5252 |
| Executive Council Amendment Act, Bill 204, Mr. Wells, second reading .....                       | 5253 |
| Pension Benefits Amendment Act, Bill 214, Mr. Drea, second reading .....                         | 5253 |
| Recess .....   | 5265 |
| Appendix: answers to questions on Notice Paper:  |      |
| Government advertising, question of Mr. Grossman: Mr. Cunningham .....                           | 5266 |
| Emergency Preparedness Conference, questions of Mr. McMurtry: Mr. Isaacs .....                   | 5266 |
| Payments to consultants, questions of Mr. Norton: Mr. T. P. Reid .....                           | 5266 |
| Education mill rates, question of Miss Stephenson: Mr. Grande .....                              | 5266 |
| Deaths in psychiatric hospitals, question of Mr. McMurtry: Mr. Breaugh .....                     | 5266 |
| Telephone survey, questions of Mr. Grossman: Mr. S. Smith .....                                  | 5266 |

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**SPEAKERS IN THIS ISSUE**

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Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)  
Bolan, M. (Nipissing L)  
Bradley, J. (St. Catharines L)  
Breaugh, M. (Oshawa NDP)  
Breithaupt, J. R. (Kitchener L)  
Brunelle, Hon. R.; Provincial Secretary for Resources Development (Cochrane North PC)  
Cassidy, M. (Ottawa Centre NDP)  
Charlton, B. (Hamilton Mountain NDP)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Davidson, M. (Cambridge NDP)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Eakins, J. (Victoria-Haliburton L)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Epp, H. (Waterloo North L)  
Gaunt, M. (Huron-Bruce L)  
Gigantes, E. (Carleton East NDP)  
Grande, A. (Oakwood NDP)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Hennessy, M. (Fort William PC)  
Isaacs, C. (Wentworth NDP)  
Johnston, R. F. (Scarborough West NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Leluk, N. G. (York West PC)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Mancini, R. (Essex South L)  
McCaffrey, B. (Armourdale PC)  
McClellan, R. (Bellwoods NDP)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Newman, B. (Windsor-Walkerville L)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Philip, E. (Etobicoke NDP)  
Reed, J. (Halton-Burlington L)  
Reid, T. P. (Rainy River L)  
Renwick, J. A. (Riverdale NDP)  
Rotenberg, D. (Wilson Heights PC)  
Roy, A. J. (Ottawa East L)  
Ruston, R. F. (Essex North L)  
Sargent, E. (Grey-Bruce L)  
Smith, G. E. (Simcoe East PC)  
Smith, S.; Leader of the Opposition (Hamilton West L)

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Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities  
(York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Turner, J. (Peterborough PC)  
Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
Wildman, B. (Algoma NDP)  
Williams, J. (Orillia PC)











No. 139

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Thursday, December 11, 1980

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## CONTENTS

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.

# LEGISLATURE OF ONTARIO

THURSDAY, DECEMBER 11, 1980

The House resumed at 8 p.m.

## SELECT COMMITTEE ON PLANT SHUTDOWNS AND EMPLOYEE ADJUSTMENT

(continued)

Resuming the adjourned debate on the motion for adoption of the second interim report of the select committee on plant shutdowns and employee adjustment.

**Mr. McCaffrey:** Mr. Speaker, as chairman of the select committee on plant shutdowns and employee adjustment, it was my pleasure this afternoon to table the interim report of the results of some six weeks of meetings and public hearings, both with and without witnesses before us in committee.

While dealing with the interim report, it was the objective of the committee to accomplish two things. One was to bring members of the assembly who did not have the opportunity to serve on that committee up to date on some of the things we learned and the forum that we used—the case study forum—to approach our task. I do sincerely hope that everybody has a chance to peruse the report, because it is an extensive outline of the approach we took and some of the things we learned.

It was our task to explain to the best of our ability how we will approach the remainder of our assignment in the first five weeks of 1981 when we will complete our work as a select committee of this assembly and make a final report, that to be done some time by early February.

Like any chairman who makes a report of a committee, I was a little relieved at about 3:30 today to do that. Yet at the same time I felt a little bit cheated. I want to come back to that. It was my personal goal, when this committee was appointed and I was named chairman of it, to do my best in my capacity as chairman to see that the deliberations were done in a fair and open way. My hope as chairman was that we would provide the essential balance to this difficult area before us, the essential balance between the rights of the employees and of employers in this province.

As a private member, I was attempting during the six weeks the committee met to be mindful of the people outside this building in the real world, and the impact any recommendations we might make would have on them. It is my hope to complete my assignment as chairman of this select committee on plant shutdowns and employee adjustment. It seems to me there are at least two conditions that will have to be met for me to complete my role as chairman in the five weeks that we meet in 1981.

At the very least, my role and responsibility as chairman has to be kept intact in order that I can provide some objectivity and that I will not undermine my ability to serve the members of the committee and witnesses before the committee by any prejudging. Another condition that would have to be met is that I not renege on my role, my rights and my responsibility as a private member. It was my intention to treat any comments I would make as chairman of this select committee with all the fairness and balance I could muster. I believe I did that.

**Mr. Kerrio:** You got carried away once in a while.

**Mr. McCaffrey:** I said at the outset I felt a little cheated at the time we made our report this afternoon. That was because of the announcement that had been made by the Minister of Labour (Mr. Elgie) shortly after two o'clock today that committed the government to severance pay. It seems to me that severance pay legislation is beyond debate in the early weeks of 1981 and, more important from my point of view, the effectiveness of severance pay legislation is beyond debate. There is no question we have a raft of details to grapple with, but the effectiveness of severance pay legislation as a tool to speak to some of the problems being experienced by workers and owners outside this building has been denied the committee.

I would like to make it clear that no reasonable person in this room, no reasonable person on the committee, was not committed and anxious to do what he could, using the tools available to us, to improve the status quo for workers in this province.

The questions really underlying the work of this committee, corporate responsibility to the community, how we measure that in legislation, how we measure and better define the role of the government in these communities faced with shutdowns, were the underlying and important themes and remain so. I am disappointed that the alternatives that some reasonable people do see to severance pay legislation will not get the detailed analysis they might otherwise have received. I mean areas of concern, such as retraining, relocation, job sharing, early retirement and employee participation, that is to say, ownership in firms.

Sadly, most of the people who did come before our committee in the first phase of our work did, on balance, see severance pay as a Band-Aid approach, as one tool to ease the burden of the unemployed, but only as a Band-Aid. I do not think anyone who came before that committee saw the achievement of severance pay legislation as an end in itself. Increasingly, as we learned more, we became aware of the host of other obligations that we, as legislators, had in this area. The primary message to me, brought by various witnesses, was that we need jobs in this jurisdiction and we need money, we need investment capital, be that out of country or Canadian capital.

When I talk about the need for investment capital, I am not resorting to the rhetoric that comes sometimes to all of us relatively easily. I am not talking about the free enterprise, private sector bag of clichés that people can resort to on occasion. It is my sincere belief that nobody on that side of the room and nobody on this side who can resort to these clichés will serve the people of Ontario in the 1980s and 1990s.

When I talk about the need for investment—and I said that it was not restricted to Canadian money—it raises the question about multinationals. It has been of more than passing concern to me that over the weeks that we sat as a committee the multinationals have become singled out as the easy villains. They seem to be a popular target these days. There is nobody I know and respect in the business of politics who does not understand the general attitude toward multinationals. The mere word evokes strong feelings in some quarters.

**8:10 p.m.**

I urge the colleagues of mine on the committee and other people in the assembly who might be listening to think very carefully about how to approach the topic of multinationals and foreign capital. Let us

not pretend we can establish guidelines applying to the foreign-owned multinational that would not equally apply to the Canadian-owned multinational. Further, I think it is terribly important we bear in mind that it is not possible by using the tools, the legislation available to us here, to set a list of guidelines applying to the large corporations that would not apply to the smaller corporations.

Big corporations are the target for some people. There are people, for whom I have a tremendous amount of respect, who said to me that they approached this committee assignment with 10 or more years of justified built-up anger. Yet it is impossible to speak to those easy political targets without setting guidelines that make it equally onerous for the wholly owned Canadian firm, indeed the small Canadian firm, to compete.

It may be worth a minute or two to ask a general question about the state of business today and what it is like to do business outside this building in Ontario today.

**Mr. Kerrio:** It is pretty tough.

**Mr. McCaffrey:** I looked for the member for Niagara Falls yesterday with a longing heart.

The cost of money is at historic levels. I caught the late news last night and noted the United States prime rate is 20 per cent. People who are apparently learned in this area indicate we could see a US prime rate of 24 or 25 per cent over the next few months. The cost of money is such that it is increasingly difficult for businesses, large or small, foreign-owned or Canadian-owned, to do business in this province, this country, this continent. One does not have to be an expert to be aware of the increasing number of small business bankruptcies being filed regularly. That is another measure of the difficulty of doing business these days. The North American economy is in a mature phase and, unfortunately, that is part of the measure of it.

No amount of rhetoric from this side or that side of the assembly is going to get us back to the high growth period of the 1950s and 1960s. The world has changed rapidly and we are trying desperately to come up with legislative devices that will speak to those changes. It is imperative that we remember the two sides of this equation, the employees and the employers.

The expression "jurisdiction shopping" was new to me until about four or five weeks ago when it was used by one of the witnesses before the committee. Jurisdiction shopping, as

the name implies, is a measure of what is actually happening with small and large corporations today when they look to various US states or Canadian provinces to find out what incentives and other inducements are available to them to encourage them to locate in a particular jurisdiction.

This phenomenon of jurisdiction shopping is real, it is measurable and it is not going to go away. It is another indication of the importance of paying attention to the needs and the rights of the employers and the corporations in this jurisdiction.

When we have attempted—and it came up a number of times in committee—to measure corporations' social obligations, we had difficulty. It is a relatively new area for people, sometimes for those in business and often those in politics. I do not pretend to have an easy yardstick to determine whether a corporation is a good corporate citizen or not, but I would at least offer one basic measure and that is the taxes paid by all corporations doing business in Ontario. Canadian-owned or foreign-owned, big ones or small ones, pay taxes to three levels of government. They probably do not pay taxes any more willingly than any man or woman does. But corporations do pay taxes and the taxes paid are measured in hundreds of millions of dollars a year. Those moneys find themselves utilized as the general revenues of this province, utilized in countless social ways that we, as legislators, define to meet the social goals we have established. I say again that both parties, employees and employers, have some rights.

Among the witnesses we saw, there was a genuine attempt by both parties, the employer and the union sides, to speak openly and candidly to the difficulties being coped with out there. I would like to get a few of the comments on the record, if I may. First, I would like to quote from an Ontario Federation of Labour bulletin that refers to rationalization, where we have too many companies producing the same kind of product and not in sufficient numbers to be profitable. This OFL bulletin says:

"Although rationalization has much to be said for it and should be pursued as a policy, it is the small Canadian producer who has been the innovator and developer of new products, who has been imaginative and should be assisted. The Ontario economy must be diversified in order to increase employment and reduce instability."

Rationalization is painful as it develops. We saw it at the outset with our first corporate witnesses, the people from Armstrong Cork Industries Ltd. The general manager, Mr.

Jack Jordin, was before our committee trying to answer the question that was underlying his appearance and that of a few others, namely, that there was something sinister in their closing their Canadian operation and retreating to the States. The implication was that these were political and not economic decisions.

Mr. Jordin said: "It is not the Armstrong Cork company's intent to close this plant and satisfy this market from the United States. Let I sound too noble, we could not do it if we wanted to because with the Canadian dollar at 84 cents and with the 20 per cent duty it is just not economically feasible to do so." That was a point well made and concurred in by the committee.

It has been my observation that every time the name of the member for Riverdale (Mr. Renwick) is mentioned, the word reasonable is usually attached at some point to describe him. He is, at the very least, a reasonable individual. He said, in the dialogue with the general manager of Armstrong Cork, Lindsay division: "Let me say at the outset, your track record"—he was looking at the 10-year profit-and-loss statement for the Lindsay division we had requested through a Speaker's warrant—"since your arrival in Canada would appear to me to be downhill all the way." The numbers confirm that.

The member for Riverdale, reasonable individual that he is, said, "First of all, you are leaving the carpet business in Canada for good practical purposes." That was self-evident. The sinister implication that it was a political decision somehow persists, in spite of this evidence.

I was very impressed with Mr. Bud Clarke, who spoke to the committee at the time of the Armstrong Cork appearance. He is the co-director of the Amalgamated Clothing and Textile Workers Union. Mr. Clarke said, "In all fairness, it should be noted that Armstrong Cork gave both notice and severance benefits in excess of their legal obligations." Mr. Clarke is more than a union organizer. I was informed he had been in that business since he was 17.

Mr. Clarke gave a very real assessment of what is happening outside this building when he said, "The carpet industry is in one of the biggest slumps we have had for some time. The closing of the Peterborough operation was a valid, honest decision—no question."

With regard to the whole of that industry, an industry where his membership works, he said: "They glutted the market."

He was referring to the growth period in the late 1950s. "You can find two- or three-tufted machines in garages. People are advertising three rooms for \$295. It is pretty hard to compete with that stuff." He made reference to the kind of thing we see regularly in the newspapers where two or three rooms can be fully broadloomed for prices as low as \$295.

As a reflection of the change in that industry, Mr. Clarke earlier made reference to the number of members his union has. He said, "I happen to be the Canadian director of a union that has gone down from 500,000 members in this country to 250,000 members." As to what is really before us as legislators and what was very much before us as a committee and will be when we meet in the new year, Mr. Clarke said: "We have to have jobs. You can assist all you want; we have to have employment in this province. There is no substitute. You cannot hand out money willy-nilly, whether it be provincial or federal money."

8:20 p.m.

In looking at the financial records of that company, which was the first Speaker's warrant we had requested, the member for Hamilton East (Mr. Mackenzie), an active and important contributor to the work of this committee, said, "I wonder why a large corporation would continue to pour these kinds of funds into it year after year, if this is the case. I just have difficulty in accepting that this kind of money would have been put into it for as many years."

As the member for Hamilton East said himself, I think it was not easy for any of us in the committee to understand it. That corporation had lost money for nine of the 10 years for which we had records.

**Mr. Kerrio:** Mr. Speaker, on a point of order: I have great confidence in the ability of the member for Armourdale and he has been a wonderful chairman of that particular committee. I would ask if there has been any arrangement made for sharing of the time on this very important issue? I would suggest that the government has now used 20 minutes. I wonder if we are going to share the time with the other parties. I know there is a great deal to be offered on this side of the House.

**Mr. Speaker:** The chair is not aware of any time-sharing agreement.

**Mr. McCaffrey:** I will try to help the member for Niagara Falls out here, Mr. Speaker. I tried to help him out in the committee the other day but it did not work. There has been an understanding that the 60 minutes will be

split. As I read it, I have three or four minutes left and I intend to conclude in that time.

The concluding quotation I would like to read to make a further point is directed at my good friend the member for Sudbury East (Mr. Martel). It is a quotation taken out of the Peterborough Examiner, which speaks really not to severance, but to the whole question about justification for plant closure and in more general terms about more and more onerous legislation at a time, I hope, as we have established, when it is difficult to do business.

I quote from a former employee of this firm, a union member. "Forcing the company to reopen could have a major impact on this province's industrial future. Confining government controls would deter other industries looking for a new plant location. The short-term gains may cost the province jobs in the long run."

I was reminded of a comment that got a lot of press during the tenure of office of the former Progressive Conservative Minister of Finance, John Crosbie, when he talked about short-term pain for a long-term gain. I thought my friend from Sudbury East had just given a new wrinkle to this earlier message and was inclined, on occasion, to think that short-term gain for long-term pain might be more appropriate.

There are countless other quotations that members of the committee and witnesses before the committee did share with us, and at the appropriate time I will be able to refer to those.

In conclusion, I say almost by way of an appeal to the members of the committee who are here and to the members of the assembly who, hopefully, will be aware of our work in the new year and assist us in that work that there are two sides to this question about plant shutdowns and employee adjustment. For the first phase of our work, we have adequately reflected the urgency of dealing with the hurt employee aspect of it. I think we would be seriously remiss if we failed to recognize the rights that employers have as well. The need for investment capital, Canadian or foreign capital in this environment today, is critical.

**Mr. Van Horne:** Mr. Speaker, in deference to the comments made by the chairman, I would like to point out to the chair, although it may very well be out of order, that there was an understanding between the chairman and myself, and I understand with the third party, that each party would have 20 minutes. He has taken the 20 minutes for his party. We, as a party, chose to split the time, with



myself taking a portion of it and the other members of the committee, the member for Essex South (Mr. Mancini), the member for Quinte (Mr. O'Neil) and also the member for Niagara Falls (Mr. Kerrio), who has served as a substitute, sharing a few minutes.

**Mr. Speaker:** The chair is going to have some difficulty rationalizing that. There are already 25 minutes gone.

**Mr. Van Horne:** Mr. Speaker, I would point out that although the clock says 8:25, the bell did ring past the hour of eight and we did not, in fact, begin until some few minutes after eight, so the member for Armourdale (Mr. McCaffrey) did use his 20 minutes. If there was a problem, it was that the members were perhaps tardy in arriving to the call of the bell. Having said that, it is in your hands, Mr. Speaker.

Let me carry on with some words from our party. I would like, at the outset, to make a very positive contribution, I hope, to our work as a committee by commending the chairman who has had a difficult task in accommodating not only the wishes of the members but also the needs of those witnesses who have appeared before us. He has been extremely fair and kind in the way the meetings have been run. I would like to commend him and the staff members, Mr. White, Mr. Jennings and Mr. Eichmanis, for their contribution because the job this committee has had to do in a very brief period of time has been very difficult.

We have had put in front of us seven different case studies and, in fairness, we have attempted to listen to both sides of the picture in those seven cases. We have had a time pressure that many other committees of this House have not had to face. I think we have come up with a relatively good report and that has been through the efforts not only of the chairman but the staff and, beyond that, the members who have really had a struggle to put away their partisan views. We have had our moments but, by and large, they have done that.

I will use a few minutes of our party allocation to say that each of us on the committee came in with a little bit of a pre-set idea as to what we thought we might be addressing because of problems that came out of our own communities. Beyond that, of course, we also had the broader prospect of what was happening in the province. From my own view, looking at my own community of London, I can say we are not without the problem. We faced the problem in 1969 with the announcement from the Kelvinator company it was going to close

its doors. We faced the problem a little later with the announcement that Eaton Automotive was going to close its doors. We have General Motors Diesel, a very viable and active member of our industrial community, which, on occasion, has had to slow down. So we are not without our problems.

I came in as a member of this committee with some kind of a view as to what some of our problems would be, but after having sat as a member of the committee and having listened to the problems of other manufacturers, of other industries, of other unions, and of other employees, I feel fairly safe in saying that my views are now broadened to the objective view that a legislator should have. I hope very sincerely that we address ourselves to this broader issue of how we, as legislators, can review existing law, on the one hand, in the time left for us as a committee and, on the other, address ourselves to the task of not only reviewing the law but trying to find some solutions to the problems in the key area of severance pay.

In his remarks, the chairman addressed himself to the effectiveness of whatever we might do. I would sincerely hope that all of us could put partisanship aside and take a very objective view of severance pay and the way we are going to try to make it effective here in Ontario. I would also suggest we have considerations to make in so far as pensions, funding and portability are concerned. We have real concerns as a committee to address in the area of manpower adjustment committees, and we have a further major concern as a committee in so far as closure justification is concerned.

8:30 p.m.

We in the committee have not really taken heed of that. We are quite aware of it, but we really have not addressed ourselves completely to it. I would submit to you that the community I listen to—and that includes workers, employers and the media—views this whole process of justification as the major concern. We must address ourselves to that in the four or five weeks we will be working early in the new year. I hope we can address those themes, come up with something meaningful and do it without a lot of political posturing because the lot of the men and women who work in this province is far more important than any political posturing.

**Mr. Mancini:** Mr. Speaker, I would like to take some time this evening to make some comments on the interim report submitted by the select committee on plant shutdowns and employee adjustment. There

are two or three specific areas I would like to touch on, the first being the matter of severance pay for workers who have been terminated because of a plant shutdown or because of a mass layoff which, in due course, becomes permanent.

I was pleased to hear the Minister of Labour comment today that he is prepared to accept a recommendation from the committee, once our final report is in, to set in law the principle of severance pay so that every employee, every worker who loses his or her job because of a plant shutdown may receive some small amount of monetary contribution to the big change that will occur in his or her life. We must keep that in mind. When a person loses his job he is in for a big change. The particular individual may be getting on in years. His skills may be limited or he may have no skills at all. Educational opportunities at that time are none whatsoever.

We asked something of employers, especially employers who have made profits and done what they wanted with them, such as having them remitted to the headquarters in some other country, such as using these profits to expand or pay dividends, any number of things. All the committee asked was that these corporations give workers who have given their service to these companies a small monetary payment. We have recommended one week's severance pay for every year of service rendered.

I do not believe the Minister of Labour would have made his statement today if our report had not been agreed upon unanimously. There was mention early in our hearings of the importance of our committee submitting a unanimous report. For that, I congratulate all the members of the committee for participating in the give and take of this political framework in which we have to work and enabling the committee to submit to the Minister of Labour a unanimous report, causing the reaction we had all been hoping for.

There is also the area of justification. I want to take a moment to speak on justification of plant closures. We have sat in the committee for several weeks. We had company after company come before us. They had their reasons for closure. Of course, we heard from the union side. The thing that came to me clearly was that in each and every situation there is an immense cloud over what has taken place, with tremendous confusion and some cynicism. That is something that we are going to have to address. If I were in the company's boots I would

not want that cloud to remain after I had left, if I had left for proper reasons or if the plant had been closed for proper reasons.

We have an obligation to the workers who have spent many years in the employ of a company, people who do not know whether their jobs were eliminated for any justifiable reason at all. We have these two extremes, which I believe we must balance.

The committee has to look at this in its next set of hearings. We must remove this cloud of confusion, this cloud of cynicism that develops over a plant closure. Specific reasons and justifiable reasons must be given and must be proved before communities and workers are disrupted by having their jobs eliminated.

I would like to close by saying that my colleagues the member for Essex North (Mr. Ruston) and the member for Windsor-Walkerville (Mr. B. Newman), both from the Windsor-Essex county area, and I know of this problem of plant closures all too well. Both of my colleagues have been in the committee and have participated, and both are here this evening to listen to this debate.

**Mr. Kerrio:** Mr. Speaker, I have participated in many debates and discussions in various committees, but I cannot think of one that has been more important and significant to the workers of this province. It seems a shame that we should even be participating in such a debate because it has long been known that workers who are out of a job, whether singly or in numbers, are affected, whether it is a plant shutdown, a closure, or a layoff, or whatever. It has been my contention that while we now have to do something because of the inability of governments to react or do something long before now about this particular problem, we are debating an issue that should have had some substance as it relates to what I consider to be the route to go.

That is, we should have had long before now, adequate pay through the unemployment insurance area to look after people who are out of a job. It does not really matter how many people are laid off at a given time to justify looking after a worker who has lost his job. I am certain there are many small industries that may be harmed by this bill. There is no reason to suggest that because we pass legislation in these chambers and pass on the liability to a third party, they have the ability to meet the obligation.

It happens on too many occasions in this Legislature that because we think we have the knowledge and the ability to deal with

an issue we just pass on the real obligations to another party. I do not know how long that can go on.

I think in the future we will have to address ourselves to meaningful participation and by that I mean government, the employer and, yes, the employee. Unless we decide that each and every one of us is going to share a part of the burden, we shall never, by moving it to one particular jurisdiction, resolve the problem. There are many instances where there are not the kind of profits involved.

There are those corporations that can pass the costs through. I suggest this is the problem in the automotive industry. They have pushed all the added costs through and now we are looking at \$8,000 for the smallest car.

I suggest that it might be very easy for us in the Legislature to decide to pass all these costs through, but ultimately the buyer will not be able to buy, and the whole economy is going to suffer for it.

There are not many other areas I wanted to address. Having come from the business field I know that with the high interest rates and many other areas that are difficult to meet, we are not going to help the small companies by putting further obligations on them.

**8:40 p.m.**

I suggest it is time that we decide that whenever we have a serious problem in this country, we are all in it together. We are not going to point at the unions, we are not going to point at the government and we are not going to point at the employer. It is just about time we all shared the responsibility that is going to get this country back where it belongs and make it what it used to be.

**Mr. O'Neil:** Mr. Speaker, I think some of the views that have been expressed by our member pretty well covered our side of it. I would like to say that I am very proud to have served with the members of the Liberal Party who are on this committee because I think we have a real cross-section. There is always the danger when we are approaching a subject such as this that we may see only one of the views expressed. I feel that we in the Liberal Party, along with some of the other members in the Legislature, try to take a balanced view.

I came from a labour-oriented family with a father who was very involved. The New Democratic Party people think they are the only people who can express the views of labour. But to get a balanced view, one has

to have somebody who has a little bit of labour background and has been in business. I feel I have covered both of those and that I can look at the way they should be looked at. I think my view is very balanced. I think we have to be very careful when some of the members of the New Democratic Party—not all the members who are on that committee—say the only people who are at fault are the business people. Businessmen are not the only ones. I think labour has to be very careful. If they push business to the point of destroying jobs, they do not give jobs to their own members.

I realize the seriousness of these people being put out of work. I know how they feel and my heart feels for them. I think we definitely have to do many things for them to see that their lives are improved. I think we have to be very careful that we do not destroy jobs. If we look at this in a balanced way, making sure that we give benefits to workers who are laid off, if we make sure we give benefits to certain companies to make sure they can stay in business and we do not cause certain hardships for them, we will make this a better province. There is no doubt we need much legislation to improve the life of the workers in this province.

There are many businesses that can afford to pay further, through profit sharing or whatever it may be. The Premier (Mr. Davis) said the other night, when I was walking out of the Legislature, "Wait until the people of this province hear what you are going to do to small business." I said to him, "Please check the Hansard for what was said by our members and your members, because let me tell you, Mr. Premier, we are all interested in seeing that the workers are given a fair deal and that we do not destroy the small businessmen in this area."

I think that is the Premier's concern also that this is covered. I would hate to see in the upcoming election certain quotes taken out of context. Not that the Premier would ever do that.

I had a father who worked on the railroad for 38 years. When he died, my mother was left with three kids at home. He had a pension of \$62 a month after 38 years on the railroad. I have also had members of my family who have put time in. My mother-in-law worked in a hospital as a dietitian and had about 10 or 11 years' service. The hospital was taken over by another company and she lost all her seniority; she was given back what she had paid in plus five or six per cent interest.

As a businessman, I also see certain pressures that are put on business, the extra expense that they incur. I think we also have to consider that.

Mr. Speaker, I thank you for being able to speak on this. I would also like to congratulate the chairman for the excellent job he has done and the members of the staff who have assisted us in drawing up this report. I thank them very much.

Mr. Mackenzie: Mr. Speaker, I am pleased to participate and am particularly pleased to end in the windup position. I have found it interesting to listen to my colleagues in the other two parties and I want to congratulate them for the work they put into this report. I am very pleased, in listening to the quotes that I heard from the chairman of the committee, that he recognizes just exactly how reasonable this party was in that debate.

We may have moved the three or four substantive sections that went into the report and we may have had some disagreement with our colleagues from the other two parties. But we did not try to take over the world or try to take over everything in Ontario in the interim report or even suggest any such course of action. I am pleased there is some recognition, at least from the chairman of the committee on the Conservative side of the House, that we played a role of total reason in the debate that went on.

I also want to say I have a little difficulty with my colleagues next door.

Mr. Kerrio: You are always going to have difficulties with us.

Mr. Mackenzie: I cannot understand how we get a call from some of them to have a totally impartial point of view and to make sure there is the same input into the situation from labour as there is from business. We are not showing bias on one side or the other on the issue. One of the things that was agreed to, as I understand it, without dissent, was a very clear paragraph in the preliminary observation. It is something that was clear to all of us. The paragraph simply says, "It is equally clear in these cases"—and we are referring to all the cases that were before us—"that the unions representing the workers had no influence in terms of the closure decision." I do not think I will get an argument from anybody on that. "The union's role was reduced to that of trying to negotiate the best possible settlement after the fact."

It certainly indicates that they did not have the influence there to begin with. I do not mind showing a bit of bias in this House.

I happen to think a lot of things we are talking about are common sense. We have had a heck of a time convincing the other two parties of this fact. If I am going to show a bias, I want it clearly on the record that that bias is going to be a bias towards the workers and their organizations in this province.

Mr. O'Neil: You do not represent all the workers.

Mr. Mackenzie: I have never tried to say I do represent all the workers. I will take my chances in a comparison with either of the other two parties. I simply want to make it clear there are a few significant things in the report.

Interjections.

Mr. Deputy Speaker: Order.

Mr. Mackenzie: The first significant thing in the report is the severance pay recommendation. I am pleased that finally it was a unanimous recommendation of the committee. I will point out that it was moved and supported the first time around. It was reinforced in placing it in the interim report by a larger vote, a unanimous vote. I hope that it did have some influence on the minister's statement earlier today, which I have only had a chance to read within the last few minutes. I do not share the chairman's concern that making the statement somehow or other pre-empts some of our work or undermines some of our work, because I think the motion was put and supported on the basis of the need for some immediate interim protection.

I would rather have seen it passed and included in Bill 191 and that bill proceeded with. But certainly I take—I have to take—the minister and the government on good faith when they say that as soon as this House comes back again—and I recognize in the interim they will use it for the best political mileage they can—but I hope we will see the legislation back in and severance pay retroactive as the committee has recommended, that is, one week's pay based on every year of service.

However, important as severance pay may be, I am one of those who will say very frankly it is a Band-Aid measure. This does not mean it is not an important measure, but it is not the answer to our problems. It does, however, serve some purpose: it gives the workers some chance in a community to have a few of the bucks they are going to need if they are going to have to try to move or pay rent or wait while they are trying to sell their homes in the community they are

living in—and they may have been devalued considerably, particularly in a one-industry town in northern Ontario. It will give them a little bit of extra cash they are going to need in one of the most troublesome periods of their lives, when there is a major plant closedown.

8:50 p.m.

A lot of the workers spent a lot of years in those plants. This is probably a forlorn hope, but it may have some influence on some companies as to whether they decide to take that final, irrevocable step of a plant closure. It is certainly one of the tools that can be used to give some immediate cash relief to workers and, hopefully, have some influence on a decision to close.

The real question is clear. The real area of concern is clear. I was pleased my colleague the member for Niagara Falls indicated in his statement that we had to accept the fact of the inability of the government to react to plant closures. That was the first time I ever heard him make an admission that the government might have a role in the economy because plant closures are certainly a major part of our economic decisions in this country.

Before I deal with the important sections in the report, I want to say I do not share the concern of the chairman that clichés have become a way of life, that we have to guard against that kind of approach and that we cannot let the frustration some members showed after 10 years make us set in our ways and views. We have to bring some of that frustration and anger to a committee like this and to the final report that comes into this House.

I say that for good reasons. One is that I recall well—and I do not know whether it was considered a joke in after years by some members of this House—that two of my colleagues, the member for Sudbury East (Mr. Martel) and Ian Deans, who is now in the federal House of Commons, spent a lot of time on the select committee on economic and cultural nationalism. I have taken the trouble to look at some of the reports. Over a period of four years it brought in 21 reports. They were reports that said many of the things we have indicated may be part of the final result of our committee. They indicated there were some real problems in terms of the ownership and control of our resources and industry in this country. They dealt with it in considerable detail. They made recommendations and somehow or other, even in that report, they

got the endorsement and support of both Liberal and Tory members.

The frustration is that that report was filed in 1975, after four years of work and 21 reports with recommendations. Almost nothing in that report has been brought forward in legislation or enacted in this Legislature. That is a condemnation of this government and this Legislature. It is because we have not taken action on these problems that we have been led to the sorry state of our economy in Ontario today.

Mr. Kerrio: Let's bring the rascals down. Come on, get with it.

Mr. Mackenzie: Either side, because you are tarred with the same brush.

I am giving my own view, as well as what actually happened, but the funny thing in that committee is we usually know exactly where the Tories stand on most of these issues. We are surprised and happy when they show a little progressive streak and come along with us on some issues. We rarely know where our Liberal colleagues stand. We can get all-out support on the issue of severance pay. I suggest the members read the Hansard of yesterday and see the member for Niagara Falls trying to backtrack on the severance pay issue. It was rather amazing. The fact is, there is a new right wing in Ontario and it is right over here.

The significant paragraphs in this report, apart from the severance pay issue and the outline—and I think it is a good outline—of some of the issues we have to face, are the three paragraphs that come under preliminary observations. I want to go through them carefully because, as far as I am concerned, they set the stage, along with the areas of concern, for the committee's work over the next five weeks. What do those three paragraphs say? Let me read the first one into the record:

"It is clear from the cases studied by the committee that the decision to close has been a company monopoly. The decision is not only a head office decision but in branch plants one that is made with little input from Canadian management."

Certainly in six of the seven cases before us, that was obvious.

The second paragraph I dealt with, equally clear in these cases, is that unions representing the workers have no influence in terms of the closure decision. The union's role was reduced to that of trying to negotiate the best possible settlement after the fact. I cannot get away from one of the

things that struck home even to me. It shows some of the problems we have within the union movement. SKF sat down in March with the workers in Sweden and West Germany, and two months later they raised the issue of the closure in Canada, although there had been rumours for a long time. But they discussed with the workers in Europe two months before they said anything to anybody in Canada the fact that they were going to move the bearing operations out of the Canadian plant into either Philadelphia or France.

It is a pretty sad state of affairs in terms of the kind of influence the only other large organization in this country has, other than the political parties and your business community, which is the union movement. It was clear that even in the business community, in the branch plant area, there was no influence on the decisions in this country, the decisions to close. The union had even less influence and was not even asked for its advice or comments and was called in after the fact. In some cases, it was notified by the media that companies were having press conferences to announce closures before they had ever talked to the union. That also came out clearly.

These conclusions clearly indicate questions which must now be addressed by the committee. Should government take a role in the decision-making process prior to plant closures, and should the protection be offered to workers and the communities affected, if the closure must proceed? I think our work is clearly set out in those areas. There is no question we have lost decision-making control in Canada's major plant closures in the corporate world. We either deal with it or, at our own peril, really become the hewers of wood and drawers of water in North America.

We have also clearly outlined areas of concern. Many of them directly lead in to those three interim conclusions and directions made in that report. We have not broken new ground, and this is sad. What we are doing is saying what was said some five years ago by the select committee on economic and cultural nationalism, maybe in a little more pointed or narrow context.

What I am really challenging the members of this committee, all of the members who sat on this committee and then the House with is this: when we bring the final report in, are we going to follow the obvious directions in the information that we have to date, and are we then going to bring forward recommendations that return a little bit of

economic control? I do not like the words "economic nationalism," but some of it has to reappear in this country. Are we going to bring back a little bit of it to this country, or are we going to say, "We are prepared for ever and a day to be the serfs of the international or multinational corporations"? It is that decision we have to make.

We had better understand that time may not be on our side in this particular issue, because as is clearly indicated in almost every study that has been done of major industrial groupings, whether it is electrical or you name it in this country, the control is going outside the country and we do not have any say. When we do not even have good corporate citizenship in terms of the ability to close plants at will in this country, then we really have the problem and we have to come to grips with it.

I challenge the members of the committee, as I challenge the House, to make sure that when we bring in the final report we are not going to let it sit for five years and then reappoint another committee, but we are going to start to take control of our own house once again in Canada.

On motion by Hon. Mr. Wells, the debate was adjourned.

9 p.m.

House in committee of the whole.

#### PENSION BENEFITS AMENDMENT ACT

Consideration of Bill 214, An Act to amend the Pension Benefits Act.

On section 1:

**The Deputy Chairman:** Mr. M. N. Davison moves that section 1 of the bill be amended by adding thereto the following section 1a:

"Section 16 of the said act is repealed and the following substituted therefor: 'The Lieutenant Governor in Council may establish or designate an agency to be known as the Central Pension Agency for the purposes, among others, of receiving, holding, investing and disbursing pension benefit credits under this act.'"

**Mr. M. N. Davison:** Mr. Chairman, this amendment regarding the central pension agency is merely a redefinition of the role of this agency. The central purpose for it is that it will provide for a much greater flexibility and portability for the pensions that are referenced in this particular bill. If I could go back for a moment to the comments made by my colleague the member

for Bellwoods (Mr. McClellan) before the adjournment for the supper hour, it is striving to achieve the beginnings of a strong public role in what is a badly suffering, if not dying, private sector area.

I would if I could go much further by way of amendment to this bill in providing a stronger role for the public and its government in the pension field, but this is the limit to which I believe the—

**Mr. Kerrio:** Every time you stand up you give us a laugh.

**Mr. M. N. Davison:** If the members of the Liberal Party can cease their giggling, perhaps I can conclude my comment on this important amendment. The diminutive member for Essex South (Mr. Mancini) can perhaps go outside and giggle there.

I think it is the ultimate that can be done in terms of providing some flexibility and portability, and fits in nicely with three other amendments that I plan to place later on in the debate regarding the central pension agency and a real public voice in this field.

**The Deputy Chairman:** All those in favour of Mr. Davison's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 1 agreed to.

On section 2:

**The Deputy Chairman:** Mr. M. N. Davison moves that section 2 of the bill be amended by adding thereto the following subsection:

"1. Clause a of subsection 1 of section 21 of the said act is repealed and the following substituted therefor:

"(a) A member of the plan who has been in the service of the employer for a continuous period of five years or has been a member of the plan for such period is entitled upon termination of his employment prior to his attaining retirement age or upon termination of his membership in the plan prior to his attaining retirement age to a deferred life annuity commencing at his normal retirement age equal to the pension benefits except benefits provided by voluntary additional contributions provided in respect of service as an employee in Ontario or in a designated province:

"(i) under the terms of the plan in respect of service on or after the qualification date;

"(ii) by an amendment to the terms of the plan made on or after the qualification date; or;

"(iii) by the creation of a new pension plan on or after the qualification date."

**Mr. M. N. Davison:** Well read, Mr. Chairman, well read.

**The Deputy Chairman:** I thought I did very well, but I don't think I could do it again.

**Mr. M. N. Davison:** If you have convinced the Liberals and Tories with that rendition, I thank you.

The purpose of this amendment goes back to the point I was trying to make during the debate before the supper hour, about the incredible inadequacies of the 45 and 10 rule that the minister wants to continue. I thought it was unfortunate, though typical and not totally unexpected, that the member for London Centre (Mr. Peterson) stood to speak to the bill before the supper hour, and said of amendments to the bill, sight unseen, that he and his party would oppose them so that we could get through this little crumb for the workers of Ontario this evening.

I guess when a person is born with a silver spoon in his mouth, he really does not have to care too much about the average working person in this province; but at least one would think that, even if he does have a silver spoon in his mouth, he would have the decency to hear what the amendment is before deciding to vote against it. I think it is unfortunate that the honourable member and his party have taken such a position, which is only slightly less reprehensible than the government's own position.

I think it is remarkably unfair that we sit with so many fat cats in this place tonight and debate the question of vesting periods. We are willing to accept that the fat cats of the province, from the Liberal and Conservative parties, are willing to give the workers of this province a 45 and 10 rule, when these same fat cats have a five-year rule; there is a five-year rule for members of this Legislature.

9:10 p.m.

It does not matter what one's age is when one is a member here; five years in this place, and one's pension rights are vested. But under the system the Liberals and the Tories want to continue for the ordinary working people of Ontario, a worker can be 44 years old, have slugged his guts out in the basic steel industry or in any other plant in this province for 20 years, and not have a vested pension.

I think it is reprehensible that members of this assembly would sit here with their smugness and condemn workers to the 45 and 10 rule, when they accept gladly for themselves a five-year rule. I would ask that members in both the Conservative and Liberal parties,

before they vote against this long-overdue change to the 45 and 10 rule, consider their own situation.

I think it is quite improper for members of this House to have for themselves—What is that, Remo?

**Mr. Mancini:** Your taste is pretty expensive yourself, when things are free.

**Mr. M. N. Davison:** What on earth does that have to do with the pension rights of the people of Ontario? I hope the fat-trap from Essex South will take an opportunity to involve himself in this particular debate, and explain to the workers of Ontario why he thinks his personal pension should be vested after five years but their pensions should not be vested until they are 45 years old and have worked for a minimum of 10 years. I am sure the workers of Essex South would like to know why he supports this double standard in the province.

Finally, this is in fact a Band-Aid bill. This is in fact half measure. This is, on my part, just a small attempt to add one more Band-Aid before the haemorrhage becomes so severe that it causes a fatality. I think it is the minimum we can do as members to help out people who are having their pensions eroded through layoffs and shutdowns and the severe economic conditions in our province. It would be a nice little Christmas present that we, in our magnanimity, could give to the workers of Ontario before we go back to our families for the Christmas holiday.

**Mr. McClellan:** Mr. Chairman, I was surprised that nobody from the Liberal Party got up to speak on this eminently sensible amendment.

**Mr. Roy:** If you keep it up I think I could be provoked.

**Mr. McClellan:** Oh, I hope so. I hope so, Albert. What we are dealing with here is one of the major measures for artificial resuscitation of the private insurance sector.

I would have thought that my friends in the Liberal Party would have wanted to join with their friends in the Conservative Party to take advantage of this proposal we have put before them, like dogs before raw meat. I would have thought they would have wanted to take advantage of this proposal, which is so obviously designed to assist the private insurance sector in surviving what will probably be, at any rate, an inevitable demise.

Nevertheless, if they are not at the very least prepared to deal with the stupidities of the current vesting provision—those members who are apostles of the private

insurance sector, those who believe that the private insurance industry is the salvation of retired Canadians—if they are not even willing to change the imbecility of the current vesting provisions, how on earth can we take them seriously when they come forward with the measures of artificial respiration?

Interjections.

**The Deputy Chairman:** I think I discovered it in time.

**Mr. McClellan:** I am sorry. Mr. Chairman?

**The Deputy Chairman:** I am sorry. There was some question about the mace being on top of the table when it should have been on the underside of the table. But I don't think anybody noticed it, so it will not interfere with the validity of anything anybody was saying.

**Mr. McClellan:** I hope not. I hope everybody will stay upright for the rest of the evening. I certainly intend to.

That is really all I wanted to say. I would like to hear the minister, though. I would really like to hear him. I want to know what the position of the Liberal Party is on vesting provisions. They talk a good line. There is my friend the member for Niagara Falls, who is certainly the most notorious friend of the workers anywhere in this province. I use the word advisedly. I am sure he would want to get up and say the private insurance sector has to be protected from itself through legislative provisions that will bring it somewhere close to the second half of the twentieth century.

I am particularly interested in knowing what the minister intends to do on the vesting issue. How long has he had his portfolio? Is it two and a half, going on three years? What has he done on one of the major responsibilities he is charged with—the supervision of, administration of and responsibility for pension legislation in this province? Nothing; absolutely nothing. Not a damned thing.

He comes here on the eve of Christmas with Bill 214. What a sweetheart he is. What a bona fide Santa Claus he is. When he brings in his act to amend the Pension Benefits Act he does not even deal with one of the most longstanding problems in the pension field, the problem of vesting and portability. He does not even touch it. He does not come close to it.

We have an amendment that will perhaps help him. If he does not like five years, he



should tell us what he likes. He should tell us what makes sense. There are any number—and I mean this quite seriously—of proposals that can be put forward to provide an equitable vesting system. It does not necessarily have to be five years. That is not a figure pulled out of the hat. That happens to be our figure and the figure this Legislature, in its infinite wisdom, and benevolence, has bestowed upon itself. If the members do not think five years is the best figure, perhaps they can come up with something better or different. At least they can come up with something. Surely the government and my colleagues in the Liberal Party are not going to remain silent on such a pressing issue.

**Mr. Martel:** Oh yes, they are.

**Mr. McClellan:** Oh, am I led to believe that the members of the Liberal Party are going to keep their little mouths shut during this debate and swallow and gag on their silver spoons and say absolutely nothing on such an important issue? I simply cannot believe that could be true.

I am particularly interested in the views of the minister who has remained sphinx-like in silence.

**Mr. Martel:** That is something new for that fellow.

**Mr. McClellan:** Yes. This is a minister who prefers conflagration rather than to keep his light under a bushel. I am going to insist we have a statement from the minister on the issue of vesting. If nothing else is accomplished in this debate, we can at least learn from the minister what his views are on this most important issue.

**The Deputy Chairman:** Do any other members wish to speak on this proposed question?

**Mr. McClellan:** I asked the minister a question and I would like an answer from him with respect to his views on this important issue. I find it impossible to contemplate that the minister would sit there and refuse to answer the question.

**The Deputy Chairman:** I would remind you this is second reading of the bill. The minister may or may not reply. I gather he chooses not to reply, so I will put the motion.

9:20 p.m.

**Mr. Martel:** This is a night to behold. This is an opportunity such as you could not ask for to help the people, given the position that we find ourselves in at this time in history in Ontario. And my friends sit there like the sphinx, silent, saying nary a word

except for the odd interjection, like the guru of grunts, but nothing substantial.

They are not going to get up and say where they stand. No. We found out about a week ago where they stood on severance pay. My friend the member for Niagara Falls was trying to have it both ways yesterday—for and against it. Here we are now where we have an opportunity, in fact, to improve the vesting, to reduce the time factor, and what do they do? They do not do even so much as to get up and indicate their positions. Silence is golden, is it not?

**Mr. Eakins:** Make him address the chair.

**Mr. Martel:** I was addressing the chair, but my friend back there could not hear me.

**Mr. Chairman,** can you imagine? Nary a word. We talked about it. There were ministerial statements. There were demands by the Liberals, all kinds; the Liberal leader demanded pension reform. And here we have an opportunity tonight to improve that section with respect to vesting, and there is not so much as a word, not a word, just a few grunts.

**Mr. Nixon:** A point of order, Mr. Chairman: I do not intend to mislead the House or the Chairman because our position on these matters was well and amply put by my colleague the member for Kitchener (Mr. Breithaupt) and others. He made abundantly clear the situation that we are facing tonight, in which the recently converted NDP is coming forward with a spate of amendments which have already been fully discussed and which are going to be enacted in the spring.

Interjections.

**Mr. Nixon:** On a point of order: The Leader of the New Democratic Party has made it clear that he wants to sunset his provisions.

**Mr. Martel:** The irony of the situation is that they had made up their minds without even having seen the amendments. They made up their minds that they would say to Frank, "Move over, I want in." That is what they did. Frank has moved over and they have crawled in.

**Mr. Roy:** On a point of order: I have just been insulted.

**The Deputy Chairman:** I have not made up my mind on the other point of order yet.

**Mr. Roy:** About that last statement, "Move over, we are coming in": two is enough in that bed, we do not want in there.

**The Deputy Chairman:** You are just objecting to the order of entry. Order, the member for Sudbury East has the floor.

**Mr. Martel:** Could you tell me, Mr. Chairman, since you are an honourable man, who they had as a soothsayer this afternoon, and who, in fact, indicated to them what was in the list of amendments? They did not even know what was in them.

**Hon. Mr. Drea:** Mr. Chairman, the House leader of the NDP was not in here this afternoon. His own member was terribly tardy about getting over his amendments. The member for Kitchener was given a set of amendments by me prior to the conclusion of the debate on second reading. He was handed the documents long before the member for London Centre made his remarks on second reading.

**Mr. Martel:** The irony of it. My friend sits over there and makes a statement. The only utterance out of the minister is to defend his friends.

**Mr. Breithaupt:** If that is the way you want to have it, I suppose I should rise and say—

**Mr. Deputy Chairman:** No, I don't really want it this way, but—

**Mr. Breithaupt:** On a point of order—

**Mr. Martel:** There is nothing out of order.

**Mr. Breithaupt:** Well, there is something out of order, because—

**The Deputy Chairman:** Before I rule I want to hear the honourable member.

**Mr. Breithaupt:** The House leader for the New Democratic Party said we did not see the amendments before any decision was made with respect to supporting them or otherwise. I was favoured with a copy of the amendments by the minister and, having reviewed them, saw that as far as I was concerned the principle of this bill was to deal with two particular items. Therefore, we may as well get it right, clear, plump and plain right now: we will not be supporting any of the amendments and there seems no reason for us to speak to it other than to say just that.

**Mr. Nixon:** Mr. Chairman, I want to bring to your attention rule 58: "Amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is to be considered, and copies of such proposed amendments shall be distributed to all parties."

We had to get ours from the minister. We did not even get them from the NDP. It is just preposterous. These obviously came off the top of your head or off the seat of your pants.

**The Deputy Chairman:** The member for Brant-Oxford-Norfolk is quite right. In fact, part of the reason for ruling out an amendment from the NDP was that the chair did not have it in advance. But that was only part of the reason.

**Mr. Martel:** Mr. Chairman, our amendments were delivered at the appropriate time. The minister shakes his head.

**The Deputy Chairman:** I might point out that the chair has only one amendment.

**Mr. Martel:** There is usually a manoeuvre. We give them to a gentleman—I will not name him, but it is Jim MacKenzie. He usually gets these and delivers them. My executive assistant is sitting under the gallery and she, in fact, delivered those amendments. Be that as it may, I do not want this to be a red herring.

**The Deputy Chairman:** Mr. MacKenzie is not an agent of the chair.

**Mr. Martel:** Let us get back to where we were before we had 12 points of order and seven points of privilege.

**The Deputy Chairman:** I'd appreciate that.

**Mr. Mancini:** How are you going to vote tomorrow? That is the important question.

**Mr. Martel:** You might be surprised. You will be over the back railing tomorrow.

Let us get back to the bill and the amendment before us, which is to improve the vesting system for people in Ontario.

The Liberals are exactly the same as the Tories. It is interesting that as we sat in committee talking about this, the impression the Liberals left with the workers about how sincere they are about their concerns and the crocodile tears that flowed from some of those beggars as they talked to people who have \$81 pension after 12.5 years. Here we have an opportunity to improve it, to give a guarantee, and where are the Liberals? As usual, when it comes to supporting workers, they are found wanting. Here is an excellent opportunity.

We will go back to committee in several weeks, people will come forward again, and the crocodile tears will flow again, but when it comes time to vote, when the chips are down—

Interjections.

**The Deputy Chairman:** The member for Sudbury East will please ignore the many interjections and proceed with the substance of the proposed amendment.

**Mr. Martel:** I am trying to deal with that particular amendment and the opportunity my friends have said they wanted all along

to help the workers of Ontario, and here they are.

Was it not the Leader of the Opposition who some time ago screamed that we had to protect the workers and improve their pensions? When the chips are down and we have the opportunity, because we have the numbers, to improve the pension scheme, those beggars decide to bow out again. They bow out every last time. How does the Minister of Consumer and Commercial Relations get these fellows on his side?

9:30 p.m.

**Mr. Roy:** Tomorrow we throw them out, okay, Elie?

**Mr. Martel:** But before we do though, let's improve the pension. We will improve the pension tonight and turf them out tomorrow. When the chips are down.

**Mr. Roy:** Move over, we are coming in.

**Mr. Martel:** I have taken enough time, but I did succeed in doing a couple of things. I got my friend from Kitchener to get up and say that they are not supporting the workers. The minister got up and said, "I help my friends further to the right than us and between the two of us we will change virtually nothing." Well, we will argue the next seven or eight amendments.

**Mr. Kerrio:** Hey, Elie.

The Deputy Chairman: Will the member for Sudbury East pay attention to the chair? Ignore those people on your right.

**Mr. Kerrio:** I didn't say a thing.

**Mr. Martel:** Did you see that, Mr. Chairman?

The Deputy Chairman: I know you are greatly harassed.

**Mr. Martel:** I think there was something almost perverse about what he did.

**Mr. Kerrio:** You are right.

**Mr. Martel:** I think you should make him withdraw whatever it was. Mr. Chairman, with those few words, I want to say, they sold the workers out again.

**Mr. Di Santo:** Mr. Chairman, I am amazed—because I think we are discussing a very serious issue for the workers of Ontario and I think the amendment is a very serious one for many workers—that some in this House are treating the issue with such levity. I think it is scandalous.

**Mr. Kerrio:** Tell Elie that.

**Mr. Di Santo:** I would like to tell the member for Niagara Falls that we have been faced with this situation time and time again. I remember in June we were discuss-

ing the situation at Firestone, where we had workers who had been there for 35 years and the plant shut down and they lost all their rights. I remember at that time that the members of the Liberal Party at the resources development committee voted against the motion introduced by the member for Oshawa (Mr. Breaugh).

I also remember how much the Leader of the Opposition spoke early in the session about portability of pensions and how he was going to fight against the government. Tonight we have an occasion for them to prove that what they were saying was serious. They are not only going to move against the amendment, but they are not even speaking because they do not even have the moral fortitude to express their opinions.

I am quite sure that when we reconvene in the spring, the Leader of the Opposition will again stand against the government because he would be the champion of the workers, but tonight, when they have the opportunity to prove they can stand for the workers, they are voting with the Tories.

I think if the workers of Ontario were listening to this debate they would be really shocked, because they would not understand why the Legislature of Ontario cannot move such a small step towards what most of the civilized countries in the world have. I think that vesting the pension rights after five years is not a great step. In fact, there are nations in the western world, in industrial democracies, where their pension interests are vested immediately and are portable immediately. I think those countries are much more advanced than Canada and their social legislation is a model that we should imitate. I think it is shameful—

**Mr. Kerrio:** Don't give me that routine.

**Mr. Chairman:** Order. Order.

**Mr. Di Santo:** Mr. Chairman, I still remember with great delight the speech made two years ago by the member for Niagara Falls against the injured workers. I remember that time and again when we were discussing the amendment last summer, his only preoccupation—

**Mr. Kerrio:** Mr. Chairman, on a matter of personal privilege: I have never spoken against the injured workers of Ontario. That member has taken that out of context more than once. I stood in my place here and suggested I would support the injured workers right across this province and that I thought the sharing of the payments should have been more equitable. I made it very plain. He has not done this once, he has done it two or three times and it takes

away from any credibility he might ever have. I wonder about that.

**Mr. Di Santo:** Mr. Chairman, I remember vividly the speech the member for Niagara Falls made.

**Mr. Kerrio:** Bring out Hansard then and speak to the issue.

**Mr. Chairman:** Will the honourable member speak to the amendment?

**Mr. Di Santo:** Yes, because there is a parallel, Mr. Chairman—

**Mr. M. N. Davison:** He is just explaining how the member for Niagara Falls attacked all kinds of workers—

**Mr. Chairman:** Order. the member for Downsview has the floor.

**Mr. Di Santo:** Mr. Chairman, I am referring to the speech he made against increasing the benefits of the injured workers, because there is a parallel with the amendment we are discussing tonight.

**Mr. Kerrio:** Mr. Chairman, let the honourable member bring out Hansard. I have never said they should not increase the pension; I said costs should be distributed. I am for giving the pension, so the member should get his facts straight and not stand up in the House and tell untruths.

**Mr. Chairman:** Order.

**Mr. Kerrio:** Let him bring out Hansard; he said it.

**Mr. Chairman:** Order. The honourable member has accused another member of speaking untruthfully.

**Mr. Kerrio:** Yes, I did. I suggest to him that he made a statement and he should bring Hansard to prove it.

**Mr. Chairman:** Order. The honourable member has accused another member. Would you withdraw that?

**Mr. Kerrio:** Yes, I will, if he will bring Hansard to prove the point. He said an untruth about what I said.

**Mr. Chairman:** Order. Will the honourable member unequivocally withdraw that comment?

**Mr. Kerrio:** Yes. And would you ask that member to bring Hansard to prove what he said about me? That is a good deal.

**Mr. Chairman:** Order.

**Mr. Kerrio:** The honourable member should get on with the bill and mind his business and not pick on other members.

**Mr. Chairman:** Order. The honourable member has withdrawn?

**Mr. Kerrio:** Yes, Mr. Chairman.

**Mr. Chairman:** Order. All right, the member for Downsview, on the amendment.

**Mr. Di Santo:** Mr. Chairman, I think this is only a reasonable amendment. I think it is only one step towards a public system of public pensions. I would like to invite our friends in the Liberal caucus to speak on this amendment, and also the member for Niagara Falls who, I understand, deep in his heart is a nice guy. He should try to understand this is nothing revolutionary. The workers he had working for him for so many years would love this amendment.

**Mr. Chairman:** All those in favour of Mr. Davison's amendment will please say "aye." All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 2 agreed to.

Sections 3 and 4 agreed to.

9:40 p.m.

On section 5:

**Mr. Chairman:** Mr. M. N. Davison moves that subsection 1 of section 23d of the act, as set out in section 5 of the bill, be amended by deleting, "10 years or has been a member of the plan for a period of 10 years and who has attained the age of 45 years" in the fourth, fifth and sixth lines and inserting in lieu thereof, "five years or has been a member of the plan for a period of five years."

He further moves that subsection 1 of section 23d of the act be amended by adding thereto the following clause, "(f) to transfer the amount of his pension benefit credit to the central pension agency."

**Mr. M. N. Davison:** I will be brief, Mr. Chairman. I do not mean to provoke the Liberals further on this issue.

**Mr. Mancini:** You can go to Florida right after Christmas instead of the campaign trail.

**Mr. M. N. Davison:** Mr. Mancini, I have been persuaded. I have been persuaded to provoke my colleagues in the Liberal Party.

The first part of this amendment gives one more opportunity to the Tory and Liberal fat cats and the silver spoon brigade to stand—

**Mr. Mancini:** You ordered a \$40 bottle of wine. We know what you are like—\$40 a bottle.

**Mr. M. N. Davison:** Does the little fellow have a point of order? Do you have a point of order, little man?

**Mr. Chairman:** Order. The member for Hamilton Centre has the floor.

**Mr. M. N. Davison:** Charles Dickens, if he were alive and in some gathering other than a parliament, might have called these folks gutless Pecksniffians. It gives them a chance to vote once again against the interest of the workers and once again to deny to the workers the vesting benefits they themselves have as members of the Legislative Assembly. I would like once more to see them go through this little act.

The second part of the amendment I have offered refers back to the greater role I and my party would like to see for the central pension agency, thereby allowing greater flexibility and portability. The section of the bill that it amends sets out a number of options for the employee upon termination or winding up of the particular firm. This adds what I think is the best possible amendment to deal with the obvious inadequacies of the bill, by providing the central pension agency as another alternative for workers when their jobs are terminated by way of shutdown or when the business of the company is wound up.

I recommend both amendments, if only other members of the assembly can find it in their hearts to vote for the workers.

**Mr. McClellan:** In face of the miraculous silence that again descends upon us—and I won't even bother with my Liberal colleagues—let me ask the minister again: Does the minister have any position at all on the question of vesting? If the government is not prepared, as it obviously is not, to accept the proposal put forward here tonight, will the government at least do us the courtesy of responding to the issue which, despite some of the levity of the debate, is an important issue that has to do with the very guts of the private pension system in this country and in this province? I am amazed the minister continues to sit there and say nothing at all on the issue of vesting.

Is the minister going to continue for the rest of the evening to sit there chewing on his glasses, or will he do us the courtesy of stating what his views are on the issue of vesting, and when we can expect to see legislation brought forward by the government to deal with this?

**Hon. Mr. Drea:** I made a number of remarks this afternoon on second reading. If the member was here, I hope he heard them. If he was not here, he can read them in Hansard.

I would say one thing to the member of the New Democratic Party, and it is the last thing I am going to say tonight: I have not seen a private bill from that collection over

there on this matter, and they had every opportunity to do it. Their sudden conversion to all of this is really remarkable.

**Mr. McClellan:** If the minister has not seen our bills on the Order Paper, that is his problem. Perhaps it would be more helpful if he left his glasses on than if he took them off and chewed on them. He has only to look at the bills that have been submitted by my colleague the member for Hamilton East (Mr. Mackenzie). They are on the Order Paper. He has only to look at the resolutions that have been submitted by this party dealing with precisely this issue. We have told him through the positions we have put forward. And I am telling the minister that they are there. If he wants to look at them and read them. I cannot help it if his eminently qualified staff has not brought them to his attention.

I do not think the minister has any views on the issue at all. I do not think he has addressed himself to pension issues at all over the course of the last two and a half years, or however long it is that he has occupied his portfolio. I do not think he has the slightest capacity to deal with the very pressing pension issues that are facing this province and this country. I think that is why he sits there chewing on his glasses, hoping we will simply pass through this inadequate piece of legislation without his having to address himself to any of the questions that are being raised in the course of this debate.

While I am on my feet, I think it is absolutely pathetic that the members of the Liberal Party continue to howl and yell, but say nothing at all on this very important issue.

**Mr. Chairman:** Those in favour of Mr. Davison's amendment to section 5 will please say "aye."

Those opposed will please say "nay."  
In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. M. N. Davison moves that the bill be amended by striking out subsection 3 of section 23d of the act, as set out in section 5 of the bill, and substituting in lieu thereof the following:

"(3) Where the employee is entitled to a pension benefit under clause (a), (b) or (c) of subsection 1 and the pension plan does not provide an automatic survivor benefit, the plan shall be deemed to contain a provision for the employee's pension benefits to be actuarially adjusted to the guarantee for the life of the spouse of the employee, 50

per cent of the deceased employee's adjusted pension benefit.

"(4) Notwithstanding subsection 3, subject to any conditions prescribed in the regulations, a pension plan may provide for a retiring employee to receive a pension benefit that does not continue to be paid for the lifetime of the surviving spouse where the employer receives a written waiver that is (a) signed by the spouse of the retiring employee in the presence of a witness and apart from that employee, and (b) contains a statement to the effect that the spouse of the retiring employee is aware of the right to a pension benefit upon the death of the retiring employee and intends to waive the right.

"Also, that subsections 4, 5 and 6 be renumbered 5, 6 and 7."

**Mr. M. N. Davison:** The effect of this amendment will be to provide for an automatic survivor benefit, something that we do not have, and a benefit that only the spouse can reject by way of waiver. I think this is immensely more progressive. In fact, I would say it is light years ahead of the current provisions. I think it is about time that we started, in our other legislation, to live up to what we passed in this province some time ago as the family law reforms.

9:50 p.m.

It is time we realized that spouses, and most specifically women in these cases, are not chattels. I watched with amazement as the Liberals and Tories entertained themselves with a bit of pre-Christmas worker bashing just a few minutes ago. Perhaps this will give them the chance to attack another group in our society, namely women. It may be that by the end of the night the votes of the Liberals and Conservatives will have placed them on the attack against almost every single group in the province. I would not be surprised.

**Mr. Chairman:** Those in favour of Mr. Davison's amendment to section 5 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. M. N. Davison moves that section 23d of the act as set out in section 5 of the bill, be amended by deleting all words after "and" in the fourth line and substituting in lieu thereof, "if no election is made, the employee shall be deemed to have made an election under clause (f) of subsection 1."

**Mr. M. N. Davison:** I think this is an important element that we have to recognize in our pension legislation and that it is not the employer who should make the election in the number of cases where one does not occur. I understand that is a reasonably small number of cases, but it seems to me there is something fundamentally wrong about that relationship and it is the employee who should have, in these cases, the right over his or her pension plan, not the employer. I think that is an important principle that I would like to see the government adopt.

They seem quite concerned unfortunately and they have some hesitation about the element of a central pension agency. If that disturbs them greatly they could, even for the purposes of this election process, consider the pension commission as the option. It does not matter to me a great deal, but I think it is important that we recognize the principle that in these cases it is not the employer who should have the final say when there is no employee election and, in fact, there should be something such as a central agency to which the pension is sent.

**Mr. Chairman:** All those in favour of Mr. Davison's amendment to section 5 will please say "aye."

Those opposed will please say "nay".

In my opinion the nays have it.

Motion negatived.

Sections 5 and 6 agreed to.

On section 7:

**Mr. M. N. Davison:** So that it can be once again on the record, Mr. Chairman, I would like to make a motion.

**Mr. Chairman:** Mr. M. N. Davison moves that clause (a) of section 25c(1) of the act, as set out in section 7 of the bill, be deleted and the following substituted therefor: "(a) All pension benefits that must be contractually provided under clause (a) of subsection 1 of section 21 provided in respect of service in Ontario of an employee who, at the date of wind up of the plan, has been in the service of his employer for a continuous period of five years or has been a member of the plan for a period of five years."

**Mr. M. N. Davison** further moves that clause (c) of section 25c(1) of the act as set out in section 7 of the bill be deleted and the following substituted therefor: "(c) All pension benefits that must be contractually provided under clause (a) of subsection 1 of section 21 provided in respect of service in Ontario of a former member of the plan who, at the date of termination of his employment, has been in the service of his employer for a continuous

period of five years or who has been a member of the plan for a period of five years.”

**Mr. M. N. Davison:** I would hope that in the five minutes since I last moved this kind of amendment, the Liberals and Tories have finally come to their senses and will side with the workers at least once this evening.

**Mr. McClellan:** I have been sitting here trying to figure out why my Liberal colleagues are refusing to speak on the issue of vesting. The only thing I can conclude by looking at the Order Paper is that the next bill is An Act to amend the Wine Content Act and they are so eager to discuss that very important bill they are unwilling to—

**Mr. Haggerty:** There are 5,000 jobs on the line.

**Mr. Kerrio:** I have seen what socialism has done in Italy and England and I would not support you rascals across the street.

**Mr. Chairman:** Order.

**Mr. McClellan:** The pronouncements of the anti-worker member for Niagara Falls on workmen's compensation issues are notorious all across the province. My colleague the member for Downsview and I will be at a meeting on Sunday in which we will be reminding the workers in this great city of Metropolitan Toronto just exactly what the member for Niagara Falls is so fond of saying with respect to workmen's compensation issues—

**Mr. Bradley:** We will see who the coalition is tomorrow.

**Mr. Wildman:** Why should we support you when you will not support us?

**Mr. Chairman:** On the amendment, order.

**Mr. McClellan:** Let me ask the minister one more time: Very specifically, when does the government intend to address itself to the issue of vesting in private sector pensions?

**Hon. Mr. Drea:** I do not know where the member was this afternoon but on at least three occasions I said after the receipt and the study of the Haley commission report, which has gone into this at quite extensive length.

**Mr. McClellan:** We are all aware of the number of postponements and delays with respect to the royal commission on pensions. We talked about that earlier in the second reading debate. I am sorry the minister is so upset that I was unable to be here when he made his statement. Please accept my humble and profuse apologies. But I would like to know from the minister when he expects the report of the royal commission on pensions to be received by the govern-

ment and when he expects it to be tabled in the Legislature?

**Hon. Mr. Drea:** Mr. Chairman, again, I went through that this afternoon. Surely everybody in here knows the answer I volunteered. I am informed that the report will be public soon. It is not under my auspices. It is under the auspices of my colleague the Treasurer (Mr. F. S. Miller). I cannot get that through your head.

**Mr. McClellan:** The reason the minister has been unable to get things through my head is that we have been dealing with—

**Hon. Mr. Grossman:** It is a rock.

**Mr. McClellan:** It may be a rock, but we have been dealing with this for more than an hour and a half and the minister has not answered a single question. That makes it very difficult to penetrate even my rock-like head.

**Mr. Kerrio:** You are trying to get us to support your amendment. We do not have to talk about it.

**Mr. McClellan:** I am not trying to convince you to support anything—if it has to do with the protection of workers.

**Mr. Kerrio:** You are wasting your time.

**Mr. Wildman:** No question about that, Vince.

**Mr. McClellan:** I am trying to engage in a discussion with the minister who has responsibility for pensions and who is stonewalling on every question that is put to him in the course of this debate. Let me ask once again: Does the government intend that there will be any structure set up to permit the members of the Legislature to participate in a formal way in the discussion on the recommendations of the royal commission on pensions?

**Mr. M. N. Davison:** The silence is deafening.

**Mr. McClellan:** What does that mean? It is hard to put this into words. When the minister took his left hand and extended it at an angle of about 45 degrees in response to the question, I assume that is the only answer he intends to give. I am not surprised. This is the minister who made promises about the Housing and Urban Development Association of Canada home warranty program which he failed to keep. The minister is completely incapable of fulfilling promises that he made to me and to a number of people who had been ripped off. His performance in this ministry is consistent. It is one of incompetence and ar-

rogance and he has completed that performance par excellence here tonight.

10 p.m.

**Mr. Chairman:** Those in favour of Mr. Davison's amendment to section 7 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. McClellan:** On the subject of the pension benefits guarantee fund, perhaps the minister could make a short statement on how the fund will be financed.

**Hon. Mr. Drea:** I thought that was abundantly well known. We discussed that in committee.

**Mr. McClellan:** We are in committee now for the first time.

**Hon. Mr. Drea:** That is nonsense. I was before the select committee on plant shut-downs many weeks ago on this matter. Where was the honourable member?

**Mr. McClellan:** On a point of order, I am not on that committee. I am a member of this Legislature and committee of the whole House and I expect—

**Mr. Chairman:** Order.

**Hon. Mr. Drea:** Mr. Chairman, it is abundantly well known that it will be financed by employers on a fee-per-employee basis when their pension fund has unfunded liability. Pension plans that have no funded liability will not be assessed for the guarantee fund.

**Mr. McClellan:** I am intrigued by the model pension insurance scheme the government is proposing. Those private sector insurers who have a good reputation and who are financially solvent will be required to pay for those who are not.

**Hon. Mr. Drea:** No. It has nothing to do with reputation or anything else. If the pension plan has no funded liability, then you do not have to contribute to this fund. If you have funded liability, you pay and it will probably be \$3 per year per employee until you get funded.

**Mr. McClellan:** Will the minister advise us what proportion of private insurance plans have unfunded liability? I assume you meant unfunded, though you said funded.

**Hon. Mr. Drea:** There are 1.75 million people in this province who are covered by pension plans. The industrial ones which cover 350,000 of those people are the ones that—

Interjection.

**Hon. Mr. Drea:** A third of them. It is very difficult. If you look at the number of employees, you would be talking of about 120,000 of the 1.75 million. I am talking about numbers of employees, not plans.

It is very ironic—and perhaps those members on the other side of the House can shed some light on it—that the industries which are not in difficulties have pension plans that could pay out full benefits if they terminated tomorrow. There may be an historical reason for that. But the bulk of the manufacturing industry, where there has been collective bargaining and negotiated pension increases, has very substantial funding liability. They are the ones that tend to close.

**Mr. McClellan:** Do the ministry officials have any estimate of the amount that would be required at the level at which the pension benefit guarantee fund will be established in dollar terms?

**Hon. Mr. Drea:** Not really; we will develop that over the winter time. There are some standards we have to look at. We are providing guarantees on pensions where there is an unfunded liability of up to \$1,000 a month.

**Mr. Di Santo:** And? Go ahead.

**Hon. Mr. Drea:** Pardon? You are looking at me.

**Mr. M. N. Davison:** What do you want him to do, look at the gallery?

**Hon. Mr. Drea:** I said we have not got an estimate on the dollar cap, but in the bill there is the provision that the fund will guarantee up to \$1,000 a month in terms of the individual. That is an earned pension, obviously. Until the fund is fully established there is a Treasurer's guarantee, not from the date of passage, but from the date of introduction. Mind you, in hindsight—

Interjection.

**Hon. Mr. Drea:** No, yesterday was not the date of introduction. We made that from the date of introduction last Thursday, so if anything happened even before this bill was passed the guarantee fund would cover it. We will work out the actual amounts of the guarantee fund. They are not terribly significant because the consolidated revenue fund for at least two or three years is virtually on the hook for 100 per cent of what is paid out and which will have to be paid back to the Treasurer by that guarantee fund, if it ever has to be used.

There might well be a plant closing or a termination where there is a fully funded fund and, therefore, this would not be used.



**Mr. McClellan:** Have the minister's actuarial officials estimated how long it will take? If he said that, I did not quite understand and I am trying to get a clarification. How long will it take for the pension benefits guarantee fund to be at the level that is felt to be required? Is it estimated that there will be moneys provided to the fund out of the consolidated revenue fund in the form of loans? Have the minister's officials estimated how large these amounts of money might be?

**Hon. Mr. Drea:** We have said there is a Treasurer's guarantee until the fund is in a position to pay. The Treasurer will not do that as a loan. It will be a direct payout. I suppose it would be an interest-free loan, if one wants to call it that. The fund has to pay the Treasurer back.

There might be a case where only \$100,000 or \$125,000 would have to be paid out to bring everybody covered up to the formula. There might be another case where several times that amount might be required. Part of the difficulty in the initial part is that we do not exactly have a drawing board that says plant A with so many employees which is underfunded by this amount is about to close. The goal is to be entirely self-supporting within five years.

Bear in mind it is somewhat academic to the people covered as to when that becomes self-sustaining. They will get their benefits and, if the fund has had to make major payouts in five years and takes another three years of contributions to repay the Treasurer, so be it. By the same token, when one looks at the bill, one notices that an employer who terminates does not get off the hook. Before an employer disposes of assets or whatever, there is a permanent lien on those assets until that fund and his other pension liabilities are fully met.

I think the members would agree with me that it would be most beneficial if, rather than paying money into this, every employer had his pension fund funded properly with no unfunded liability. If anything happened, it would be out of the regular, normal payout of a pension plan that has enough funds to cover its liabilities at the time of termination.

10:10 p.m.

**The Deputy Chairman:** Mr. M. N. Davison moves that subsection 3 of section 25c of the act, as set out in section 7 of the bill, be deleted and the following substituted therefor:

"(3) The payment of any increase to a pension benefit, which increase became effective within one year before the date of

termination or windup, is not guaranteed by the fund."

**Mr. M. N. Davison:** Mr. Chairman, this is another one of the legion of inadequacies in the minister's Band-Aid bill. What he has effectively done is to say to someone who got his pension, no matter how hard it was to do that in that plant, if the victory for the workers in the plant occurred within three years of a shutdown or a termination, "You are out of luck, baby; you are not going to be covered."

The amendment I have presented says to that, there is no three-year exemption on a plan. In regard to benefits that are by way of increase, it sets a limit of one year rather than three years. I do not see why the Legislative Assembly should punish workers who have gone through tough and difficult strikes, and quite frequently contract strikes, to get a pension benefit.

I noticed that, in the minister's speech earlier this afternoon, he made some kind of reference, which I did not catch properly, about the implication that there was some possibility of sweetheart conspiracies. Did he mean conspiracies between working people and their trade unions on the one hand and companies on the other hand, so that if we don't put in this three-year requirement, the minister has the gall to suggest that honest, hard-working people are going to enter into some sort of conspiracy with the company through their unions to shut the company down? That is absolutely absurd, and I think the minister would do well to clarify his remarks, because I am sure he did not mean to put such a position as that when he spoke earlier today.

**Hon. Mr. Drea:** Mr. Chairman, certainly the workers would not be part of it, because they would be the ones being ripped off. It is not unknown for people who are negotiating to get into a little situation with management, knowing full well management is going to close, to put in some additional benefits, to keep the cash flow intact that might ordinarily have gone to wages and then, a few months down the line, to say, "Sorry, terminated and gone." It has been known to occur.

The three-year term is put in there. There was some suggestion that it should be five, and we moved down to three. With the disclosure section, when an employee is told, "Here is your new pension benefit; think how well advised you are to work for this company and get this magnificent pension benefit," the employee knows full well that it is not guaranteed for another three years. Therefore, the employee will start to ask,

"And how are you funding?" The faster the employees or the pension beneficiaries of this province start asking the big question, "What is my pension, where is the money and what happens if this company does not continue in business?" then the better off we will be.

It is very disillusioning to see the utter bewilderment in plant closings when nobody knows what the state of the pension plan is. The only time they find out is when Mr. Bentley and the pension commission go in and try to unravel it. That is not a role the government should be playing. There is no question, if we can be of assistance to the people, that is a function of the commission. But it is not its function to begin explaining why they do not have all the things that it was conveyed to them they would have. That is a standard pattern in virtually every closing or termination in this province.

**Mr. M. N. Davison:** As I understand it, the honourable minister has become a convert to the Sidney Handleman school of consumer protection, which in this case means leaving it up to the employees to protect themselves. I think that is incredibly inadequate.

**Hon. Mr. Drea:** I took that suggestion from the member for London Centre (Mr. Peterson), and before my friend hotdogs it, maybe he should read the remarks the member for London Centre made a couple of years ago about the need for disclosure. I know that disclosure may embarrass my friend; I know that.

**Mr. M. N. Davison:** I do not need lessons from the minister or from the member for London Centre on how to hold a silver spoon. I know whereabouts in this House they are properly placed. I think it is frankly incredible that the minister's idea of protection for workers is to let them look after themselves for the first three years.

I hope the minister will further clarify his remarks about alleged sweetheart deals, because it takes two to enter into a conspiracy; it takes two to make a sweetheart deal. He has clearly said that on the one side it is the company and that on the other side it was not the workers. Who is on the other side? To whom is the minister referring in these sweetheart deals? Who is it?

**Hon. Mr. Drea:** My friend heard me when I replied. He should cut out trying to be cute.

**Mr. M. N. Davison:** I do not know who it is. Please answer my question.

**The Deputy Chairman:** The minister has referred you to Hansard. He has no necessity to answer the question any further.

**Mr. M. N. Davison:** If the minister is alleging that workers and their trade unions would conspire to see plants closed in the province, and that is what our problem is and that is how our plants are shutting down, that is a crock. I ask him to be specific about who it is entering into these sweetheart deals with the employers.

**Hon. Mr. Drea:** There are a great number of people who negotiate for employees. They are not necessarily at all times unions. There are a number of consultants et cetera. Not every place of employment has a labour organization. My friend knows that.

What concerns me very profoundly is the continuing negotiation when it is known that a company is in serious financial trouble, where first of all the pension plan is raised and the unfunded liability just goes soaring, and the people are told that while hourly pay or something else cannot be increased. "Look at the great pension benefits you are getting," and those people take that on faith.

With the disclosure and the fact that if a pension plant is actuarially not funded or is a funded liability, the individual whose pension it is—and this seems to be lost on the honourable member—now can start asking questions and can start to figure out exactly what benefits he or she has coming, particularly in a plant, office or store known to have financial difficulty.

**Mr. M. N. Davison:** I am not going to continue this dialogue endlessly, but it is patently clear the minister learned absolutely not one whit about working people and their organizations when he spent some long time involved with them. It is unfortunate.

**The Deputy Chairman:** All those in favour of Mr. Davison's proposed amendment to section 7 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Sections 7 and 8 agreed to.

10:20 p.m.

On section 9:

**The Deputy Chairman:** Mr. M. N. Davison moves that clause ab of subsection 1 of section 28 of the act, as set out in section 9 of the bill, be amended by adding thereto the following clause: "(xvi) respecting the composition, administration and financing of the central pension agency."

**Mr. M. N. Davison:** Mr. Chairman, this is the final, necessary permission by way of regulations for the establishment of a new public role for the central pension agency.

No doubt it will go down in flames in about two minutes, like the rest of my amendments.

I would just say in conclusion that it is incredibly unfortunate that the Liberals and Conservatives have combined this evening to block significant legislative change that would have assisted the workers of this province—

**The Deputy Chairman:** Order. I would ask the member first to explain the relevancy of this, because I do not believe there is any central pension agency already established.

**Mr. M. N. Davison:** I'm sorry?

**Mr. Deputy Chairman:** Have we established—

**Mr. M. N. Davison:** There already is in the province a central pension agency, Mr. Chairman. All this does is vary its role and responsibility.

It is unfortunate that the Tories and Liberals have taken this opportunity once again to stand against the workers of the province, the women of the province, and workers who have won pension benefits in their contracts, and to display for all of the world to see, as the session closes, the supreme arrogance of the Liberal and Conservative parties.

**The Deputy Chairman:** All those in favour of Mr. Davison's amendment to section 9 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Sections 9 to 12, inclusive, agreed to.

Bill 2214 reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill without amendments.

#### WINE CONTENT AMENDMENT ACT

Hon. Mr. Drea moved second reading of Bill 215, An Act to amend the Wine Content Act, 1976.

Motion agreed to.

Ordered for third reading.

**Mr. Speaker:** The minister's privileges have been defiled. What is it?

**Hon. Mr. Drea:** Mr. Speaker, on a point of privilege: On the passage of second reading, I believe in giving credit where credit is due. I would like to thank the member for Niagara Falls (Mr. Kerrio), the member for Erie (Mr. Haggerty), the member for Lincoln (Mr. Hall) and the House leader of the Liberal Party, the member for Brant-Oxford-Norfolk (Mr. Nixon), who is always interested in improvements to grapes and

the agricultural economy, as well as my colleague the member for Brock (Mr. Welch).

#### MINING AMENDMENT ACT

Hon. Mr. Auld moved second reading of Bill 221, An Act to amend the Mining Act.

Motion agreed to.

**Mr. J. Reed:** Mr. Speaker, in the spirit of Christmas, I will take only a couple of minutes to point out that this amendment is very necessary in view of the recognition that it is now beginning to dawn on the government that indeed there is a tremendous inventory of peat in Ontario. Peat will be one of the energy sources in the province in the future as we look toward alternative liquid fuels. It is going to be very necessary to be able to exploit the peat resources in Ontario in an economic way.

The way the bill is constructed at present, without this amendment, does not allow for any logical development of peat resources in Ontario. I commend the government for introducing this bill. It is very necessary.

**Mr. Wildman:** I, too, rise in support of the bill, Mr. Speaker. The reason we are in support of it is of course that we do wish to see the opportunity for the peat industry as an alternative energy source to be developed in this province. At the same time, we do not want to tie up so much area of the province that other types of mineral exploration are held up. This bill makes that possible.

I will only say in support of the bill that, while I am in favour of it, I am disappointed that the government is only now moving in this area and has not taken the initiative that the Quebec government, for instance, has taken in that it is now preparing to build a prototype or pilot project, a three-megawatt energy station, to burn peat.

Apparently all we have in this province is the Minister of Northern Affairs (Mr. Bernier) taking trips to Ireland and handing out little packages of peat. I wish this government were taking the same initiative that the Quebec government is taking, and I hope the amendment will make it possible for us to use the tremendous peat resources we have, especially in northern Ontario, for local energy development that will be economic and competitive with other types of energy production.

**Hon. Mr. Auld:** Mr. Speaker, I am delighted with the support, and I hope we might even get to third reading in three minutes.

Motion agreed to.

Ordered for third reading.

FARM PRODUCTS PAYMENTS  
AMENDMENT ACT

Hon. Mr. Henderson moved second reading of Bill 216, An Act to amend the Farm Products Payments Act.

Mr. Riddell: First, Mr. Speaker, I want to thank the House leaders for allowing this bill to come in for second reading, even though it was not on the order of business. In the interests of the egg producers who have been waiting for a payment on eggs shipped to the Whyte plant which went into

receivership and for which the Ontario Egg Producers' Marketing Board had to get legislative authority from the minister to make that payment, we heartily support the bill.

Mr. MacDonald: Mr. Speaker, in view of the time, I shall not be repetitive. Everything that needs to be said on this bill has been said by the minister and by the Liberal critic.

Motion agreed to.

Ordered for third reading.

The House adjourned at 10:29 p.m.

## CONTENTS

---

Thursday, December 11, 1980

|  |      |
|--|------|
| Report, select committee on plant shutdowns and employee adjustment: Mr. McCaffrey | 5275 |
| Pension Benefits Amendment Act, Bill 214, reported .....                           | 5284 |
| Wine Content Amendment Act, Bill 215, Mr. Drea, second reading .....               | 5297 |
| Mining Amendment Act, Bill 221, Mr. Auld, second reading .....                     | 5297 |
| Farm Products Payments Amendment Act, Bill 216, Mr. Henderson, second reading      | 5298 |
| Adjournment .....  | 5298 |

## SPEAKERS IN THIS ISSUE

---

Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
 Breithaupt, J. R. (Kitchener L)  
 Davison, M. N. (Hamilton Centre NDP)  
 Di Santo, O. (Downsview NDP)  
 Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
 Eakins, J. (Victoria-Haliburton L)  
 Edighoffer, H.; Deputy Speaker and Chairman (Perth L)  
 Haggerty, R. (Erie L)  
 Kerrio, V. (Niagara Falls L)  
 MacBeth, J. P.; Deputy Chairman (Humber PC)  
 MacDonald, D. C. (York South NDP)  
 Mackenzie, R. (Hamilton East NDP)  
 Mancini, R. (Essex South L)  
 Martel, E. W. (Sudbury East NDP)  
 McCaffrey, B. (Armourdale PC)  
 McClellan, R. (Bellwoods NDP)  
 Nixon, R. F. (Brant-Oxford-Norfolk L)  
 O'Neil, H. (Quinte L)  
 Reed, J. (Halton-Burlington L)  
 Riddell, J. K. (Huron-Middlesex L)  
 Roy, A. J. (Ottawa East L)  
 Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
 Van Horne, R. (London North L)  
 Wildman, B. (Algoma NDP)





No. 140

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Fourth Session, 31st Parliament**

Friday, December 12, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## **CONTENTS**

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

An alphabetical list of members of the Legislature of Ontario, together with lists of members of the executive council, the parliamentary assistants and the members of all standing and select committees, also appears at the back as an appendix.

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Hansard subscription price is \$15.00 per session, from: Sessional Subscription Service, Central Purchasing Service, Print Procurement Section, Ministry of Government Services, 8th Floor, Ferguson Block, Parliament Buildings, Toronto M7A 1N3. Phone (416) 965-2238.

Published by the Legislature of the Province of Ontario.  
Editor of Debates: Peter Brannan.



# LEGISLATURE OF ONTARIO

FRIDAY, DECEMBER 12, 1980

The House met at 10 a.m.  
Prayers.

## STATEMENTS BY THE MINISTRY

### FOREST FIRE REPORT

Hon. Mr. Auld: Mr. Speaker, I am tabling a report entitled Forest Fire Management Policies and Operations in the Province of Ontario, an overview that was presented to me at the end of November and now is available in sufficient copies for this tabling and distribution to members, the press and others who no doubt will be interested in it.

This report, which makes 55 recommendations on the assignments I gave them last August, was produced by an independent three-man team made up of forest fire experts from outside our province.

The chairman, Mr. Stan Hughes, was head of forest protection for the province of Alberta for 10 years. The other members were Mr. John MacTavish, who was deputy minister of the Nova Scotia Departments of the Environment and Lands and Forests up to 1979, and Mr. Carl Wilson from the United States, a member of the North American fire study group which has consulted with the US Forest Service, the United Nations and several South American and Mediterranean countries.

I asked these three established experts to review my ministry's forest fire control program, including our efforts during this past summer's unprecedentedly severe fire season. This report is the result of their study.

The terms of reference for the consultants were (1) to provide a concise assessment of Ontario's forest fire control policies, strategies and overall operations relating to the 1980 fire season from a North American perspective, and (2) that the assessment should briefly cover the adequacy of the provincial fire organization, planning and preparedness, allocation of resources relative to risk and values, training standards, mobility of resources, multi-fire occurrence strategy, use of aircraft and water bombing.

In other words, I sought this advice on the entire array of how we go about protecting our province from forest fires.

The review team decided to fulfil its task by providing an overview of the forest fire management policies and operations in Ontario and by offering recommendations to assist our ministry in planning for future years. This report is a painstaking and thoughtful look at the way we should deal with forest fires, particularly in those years when an unusual combination of conditions brings about serious drought and multiple fire occurrences such as happened this past spring and summer.

In response to this report and other initiatives already undertaken within the ministry, my ministry is taking action in two major thrusts.

The recommendations and other points raised in the Hughes report are being intensively and urgently reviewed by a committee headed by Mr. Len Sleeman, director of the aviation and fire management branch, to determine short-run steps that can be taken in time for the 1981 forest fire season.

The same recommendations will also be taken into account by a long-range and comprehensive forest fire management improvement project, which begins on January 1, 1981. A project group consisting of three senior ministry staff members, each highly experienced in forest fire management, will develop plans for an improved fire management system for the province to become effective as early as possible. I hope some of these steps will also be in effect during the fire season of 1981.

Those assigned to this important task are Mr. Bob Elliott, currently district manager of the Chapleau district; Mr. Dick Brady, regional fire management officer for north-western region and Mr. John Walker, district manager, Geraldton district. These men have been relieved of all their current duties and will be based in Sault Ste. Marie for a three-year period to develop and implement an improved comprehensive fire management system.

As an aftermath of this year's serious fires, other reviews and studies have been carried out within the ministry. One of these deals with the preparedness of the provincial and regional systems for the early summer outbreaks in the northwestern and north central

regions. Another is a more specific report—an internal board of review to examine and recommend upon what we term Kenora fire 23.

These reports will provide additional useful data to both the short-run and long-run projects to enhance and improve our fire management capabilities.

I wrote to the Honourable John Roberts on two occasions this year—on July 7 and on September 2—in his dual role as federal Minister of the Environment and as chairman of the Canadian Council of Resource and Environment Ministers, suggesting a pooling and enhancement of technical resources in the forest firefighting field between the provincial and federal governments. I also recommended increased activity in research and development related especially to detection and suppression efforts.

Mr. Roberts has indicated that he agrees forest fire research and development requirements are national in scope and says he would support discussion of that topic by the council. Most of my colleagues in other provinces have written strongly supporting this initiative.

As I have said in the House and during the recent estimates of my ministry, the efforts made this past summer to deal with forest fires by the members of my staff, the emergency staff hired during the most serious periods, and those from other agencies and ministries who worked with us, are worthy of the highest commendation.

10:10 a.m.

At the same time, our ministry has taken these additional initiatives of reviews by outside experts as well as by ministry staff with the objective of doing everything we can to further enhance our forest fire prevention and suppression activities. Within the limitations of staff and money allocated, we mean to ensure that our entire approach towards protecting lives, property and natural resources from the ravages of forest fires will be as appropriate and of as high quality in the future as planning, expertise, technology and organization can make it.

As an addendum to this statement, Mr. Speaker, I would like to inform you and the members of the House that on Wednesday afternoon of this week my senior staff and I received a brief on this topic from the president and executive of the Ontario Forest Industries Association. It is my understanding that the association—whose members are, of course, intimately dependent upon the forest resources of this province—is planning its own public release of the brief later

today. I will not reveal any of the details of that brief at this time.

In closing, I would simply comment that the submissions constitute a clear, positive and constructive addition to this important review and, in my ministry, we have already instituted measures aimed at giving effect to the association's recommendations.

#### ONTARIO EDUCATIONAL SERVICES CORPORATION

**Hon. Miss Stephenson:** Mr. Speaker, I am pleased to announce this morning the establishment of the Ontario Educational Services Corporation. This fulfils the commitment made in the speech from the throne last March.

The new corporation should be seen as an element in the government's program to stimulate Ontario's position in international business. Its primary purpose will be to support Ontario's private sector companies which are conducting business abroad by making available, with government support, the resources of the province's educational system.

Emerging nations on a wide front are seeking help and assistance with the development of their education systems and training programs. The World Bank alone, for example, is planning to budget \$US900 million per year for education and training. It is becoming more and more common that countries in the developing areas of the world want not only equipment, but the training and educational expertise to operate and maintain it. A highway project, a communications system or a petrochemical plant might need operator and maintenance training to support the capital project—training capability that can be found within Ontario's educational system.

Educational projects such as new schools and colleges can also be supported by teacher training, curriculum development, space and institutional master planning, and by the provision of experienced Canadian staff at all levels of an institution's operation. The new corporation will enhance Ontario's position and indeed Canada's position in the international marketplace by providing ready access to these resources. There may well be an opportunity also for the corporation to assist overseas countries that are critically short of teachers through the provision of experienced and capable Canadian teachers.

The affairs of the corporation will be guided by a board of directors under the chairmanship of Mr. D. C. McGeachy of London, Ontario, who has had extensive

business experience and who has served on the council of regents for the colleges of applied arts and technology for seven years. Other directors will be drawn from education, from government and from people with broad business and international experience. From education there will be Dr. G. A. B. Moore, director of the Office of Educational Practice of the University of Guelph; Mr. K. E. Hunter, president of Conestoga College of Applied Arts and Technology, and Mr. R. G. Dixon of the Ontario Teachers' Federation.

From government there will be Mr. G. McIntyre, executive director, Treasury division, Ministry of Treasury and Economics; Mr. E. D. Greathed, executive director, Ministry of Intergovernmental Affairs; Mr. J. A. Young, president, Ontario International Corporation; Mrs. E. M. McLellan, assistant deputy minister, Ministry of Education, and Mr. T. P. Adams, assistant deputy minister, Ministry of Colleges and Universities. Also on the board will be Mr. D. J. Griffiths, vice-president international, Canadian Imperial Bank of Commerce; Mrs. J. E. Pigott, chairman of the board of Morrison Lamothe Incorporated; Colonel J. G. R. Morin, director of dependants' education, Department of National Defence, and a chief executive officer to be selected by the board.

The corporation will operate with a small core staff, engaging others on short-term contracts as work on various projects dictates. Seed money from government will, in the first year, amount to approximately \$400,000.

Because the corporation will be conducting its business with the private sector and is to operate on a cost-recovery basis, it has been established as a business under the Business Corporations Act. The corporation expects to reach self-sufficiency in approximately three years. The operation will be reviewed after one year and again after three years to determine whether the sunset clause, which governs its operations, will apply. At that time, a decision about its continuation will be made.

It is our hope and expectation that this new venture will make a worthwhile contribution to Canada's position abroad.

#### INTERNATIONAL YEAR OF DISABLED PERSONS

Hon. Mrs. Birch: Mr. Speaker, as members know, 1981 was declared the International Year of Disabled Persons by the United Nations. The goal of the year is to promote the enjoyment by disabled persons of the

same rights and opportunities as are available to other persons in society. We all have an obligation to make the general physical environment, as well as a full range of social, economic and cultural activities, accessible to disabled persons.

We embrace those guiding principles and, to demonstrate our commitment, we are announcing today the allocation of \$12 million for the International Year of Disabled Persons. I would like to point out that this \$12 million is in addition to the moneys already allocated by ministries for special projects for IYDP and will be used to initiate programs during 1981 identified as a high priority by disabled people in the community. Our plans for 1981 are a continuation of the commitments we have made in the past.

In 1974, we introduced Gains-D, the guaranteed annual income supplement for disabled persons, to put income directly into the hands of disabled persons so that they could make their own choices. Two years later we introduced a program of funding to municipalities, to make it possible for them to provide transportation services for disabled persons. Two years ago, four demonstration projects of housing with support services got under way.

In the days and weeks ahead, my colleagues will be making announcements about the specific programs to be funded by the \$12-million allocation. Besides those that will be formally announced, there are many projects already under way which are very meaningful to disabled people; for example, the purchase of a Braille typewriter so that government can respond directly to people without sight, modifying curb access in various municipalities, revisions to an accommodations guide showing wheelchair accessibility in hotels and motels throughout the province, and an employer education program both within and without government. We will also undertake a program of public awareness since we believe that one of the main barriers for disabled people is the attitude of society.

As members know, Bill 82, dealing with special education and now awaiting royal assent, will ensure that every exceptional pupil in the province receives an education suited to his or her needs and abilities. Although most school boards provide some programs, Bill 82 removes the optional status of special education and makes it the definite responsibility of all school boards to provide special education programs for students.

As well, amendments to the Ontario Human Rights Code now before this House prohibit discrimination on the ground of handicap in all areas of the code. But it is only by individual acceptance of the abilities of disabled people that we will truly be a part of their achievement of equality.

10:20 a.m.

What we have, then, are the projects and programs already in place, a wide range of programs, for 1981 to be undertaken within ministry allocations, and the programs that will proceed during IYDP because of the additional funding of \$12 million which has been especially designated by this government for the International Year of Disabled Persons.

Along with the amendments to the Human Rights Code and the new provisions for special education for exceptional children, the decade ahead should take us further in our desire to make it possible for disabled persons to be fully integrated into the community life that the rest of us take for granted.

There are many things that will be done during IYDP, but government itself neither should, nor can it, take on all the responsibilities. Municipal governments, churches, fraternal organizations and individuals will, I know, respond enthusiastically in the year ahead to develop initiatives of their own.

I would like to challenge employers, and unions too, to examine their hiring policies. A job is the key to independence for many of the disabled persons here in Ontario. I would like to challenge churches as well. All too often we are willing to take religion to the people. Why do we not make it possible for disabled persons to come to a place of worship?

In 1981, and the decade ahead, this government will continue its commitment to disabled people. At the same time, we hope that all citizens of Ontario will come to better appreciate that the needs of disabled people are the same as those of all of us and we hope it will be recognized that disabled citizens are equally capable of making important contributions to our society.

**Mr. T. P. Reid:** Mr. Speaker, I had asked the Minister of Health a few weeks ago about the provision of prosthetic and assistive devices for the handicapped. I trust that this pap we have just heard about the International Year of Disabled Persons does not refer to that, and that the minister is going to have a further statement to tell us he is going to provide these devices.

**Hon. Mr. Timbrell:** Mr. Speaker, I indicated at that time in answer to the honourable member's question that it was my intention and hope to make a statement by the end of the year. Today is December 12, and I still have 19 days within which to try to meet that pledge.

#### MANAGEMENT OF NUCLEAR FUEL WASTE

**Hon. Mr. Welch:** Mr. Speaker, I know it has been the intention of all three parties in the House to debate, before the end of this particular session, the select committee's report on the management of nuclear fuel waste. Since there will not be an opportunity to hold this debate before the end of the current session, I should like to make a few comments on that report.

Members of the select committee will remember that when I appeared before them on March 13 of this year, I welcomed the fact that the committee was looking at waste disposal in some considerable detail and stated that I would look forward to its report and the recommendations therein. May I say at the outset that I have been greatly impressed by the review carried out by the select committee. The committee is to be commended on the thorough and constructive approach it has taken on this very important subject. Since the report was tabled, preliminary discussions have been held with the government of Canada on the recommendations and on the next phases of the program. In addition, discussions have been held on the public review and approval process.

The importance of continuing research into the safe and permanent disposal of nuclear fuel waste cannot be overestimated. It is vital to Ontario's nuclear program and, as members know, electricity is an integral part of Ontario's overall energy strategy. Furthermore, it is clear that if electricity is to take a larger share of Ontario's energy market, nuclear power will be of vital importance.

The Canadian program is an important and respected part of the international research effort in nuclear waste disposal. I have every confidence that the concept currently being researched by Atomic Energy of Canada Limited will be developed over the next number of years into a safe and secure method of waste disposal.

I am aware as well that the select committee members are quite familiar with the background to the program, but a very short

review may be desirable for the benefit of other members.

May I review quickly the questions of jurisdiction and responsibility? As members are aware, the federal government has jurisdiction over nuclear matters. It assumed this jurisdiction in 1946 when it passed the Atomic Energy Control Act. In exercising its jurisdiction, the federal government established two agencies, Atomic Energy of Canada Limited, which is responsible for research and development, and the Atomic Energy Control Board, which regulates nuclear power. As a result, the federal government has the primary responsibility for and has taken the lead role in the Canadian nuclear fuel waste management program.

The province, in acknowledging federal jurisdiction and the lead federal responsibility for nuclear fuel waste management, also takes quite seriously its own potential responsibilities with respect to Ontario Hydro and the broader interests of the people of Ontario. For this reason, the province is directly involved in the Canadian nuclear fuel waste management program.

The Canada-Ontario agreement on nuclear fuel waste management was announced on June 5, 1978. That agreement outlines a phased program for the development, demonstration and implementation of a safe and permanent method of disposing of nuclear fuel waste in deep, stable, underground rock formations. The agreement confirms the federal government's prime responsibility for the long-term management of nuclear fuel waste. It requires that there be full consultation between the federal and Ontario governments and their respective agencies and that the prior approval of the government of Ontario be obtained at each step in the program. It ensures that there will be close co-operation and consultation with the affected communities in Ontario during all phases of that program.

At this point, I should mention that, as Ontario Hydro has assured the select committee, the present method of storing spent fuel under water will be secure for several decades, certainly long enough to permit the thorough development and demonstration of an ultimate disposal method.

Having set out this brief background, I would now like to turn to the select committee's report itself. Let me say, at the outset, subject to some observations which I shall make, I can accept the thrust of the select committee's recommendations. These recommendations, I might note, relate in many cases to matters which are actively

being implemented by the Atomic Energy Control Board, by AECL and by Ontario Hydro or are under consideration within the two governments.

With respect to my few observations, let me turn first to recommendation No. 2 which relates to whether field research efforts should be devoted at this time to an investigation of the so-called soft rocks, such as shale and salt beds. The issue here is a technical one.

The technical judgement of AECL and of such bodies as the Independent Technical Advisory Committee and the federal task force, more commonly known as the Hare committee, is that Canada should concentrate its efforts on hard rock.

**Mr. Laughren:** That is because it is north-east Ontario.

**Hon. Mr. Welch:** No. I think it is important to emphasize this particular point. The technical judgement, in my understanding, has been reached in the full knowledge that there are major programs already well advanced in other countries in a wide variety of other concepts, including shale and salt, the results of which are readily available to Canada through international exchange of information. The current program is focusing where the best technical advice says it should focus, on hard rock.

Let me turn now to recommendation four, which recommends the establishment of a joint federal-Ontario nuclear fuel waste management agency and to recommendations five and six which build on this recommendation. I agree that the merits of setting up such an agency should be evaluated. I will be giving these ideas serious consideration and will be raising it with the federal government.

Finally, I would like to comment on that part of recommendation 10 which suggests that funding be made available to ensure full public involvement in public hearings. It is my expectation that the responsibility for those public hearings, which will arise during this program, will lie with the government of Canada and that the cost of such hearings will be a federal responsibility. This being so, I will bring this recommendation to the attention of the government of Canada.

We are a federal system. We have jurisdictions and responsibilities.

10:30 a.m.

**Mr. S. Smith:** That is right. All the prosperity is thanks to the minister's government and everything is bad thanks to them.

**Hon. Mr. Welch:** We will have an opportunity later today to discuss those points in

some detail. I look forward to the exchange. The people of Ontario know the record of this administration and will continue to support it in due time.

We have to remember that this is a comprehensive, long-term program stretching many years into the future. As I noted earlier in my remarks, I think the select committee has approached its work in a thorough and generally constructive fashion and I can accept the tenor of the committee's report.

For this government's part, I believe its contribution to the Canadian nuclear fuel waste management program has been both positive and productive. It has resulted in a sound research program. It has ensured that while the federal government and its agencies have the prime responsibility and lead role, there will be close co-operation and consultation between the federal and Ontario governments and their respective agencies. As well, it has ensured a free flow of information to the public and close co-operation and consultation with the communities involved.

#### NEW COMMITTEE SYSTEM

**Hon. Mr. Wells:** Mr. Speaker, I wish to indicate to the House an undertaking that has been agreed to by the House leaders for all parties. It is that there be established an ad hoc committee of House leaders, whips and caucus representatives to consider a plan for implementation of the report from the procedural affairs committee entitled A New Committee System.

This procedure is intended to be similar to that followed in early 1977 when our new standing orders were drafted for submission to the House on a government motion. The ad hoc group hopes to be able to draw on the observations that a delegation of the procedural affairs committee will make after its visit to Westminster in February to examine the new committee system there.

For this reason, the order for consideration of the motion to adopt the report of the procedural affairs committee on a new committee system will be carried forward by motion into the next session.

#### USE OF AMERICAN DICTIONARIES

**Mr. Sweeney:** On a point of order, Mr. Speaker: On Tuesday, November 18, I asked a question of the Minister of Education with respect to the use of American dictionaries in correspondence courses. At that time, I believe I got a commitment from the minister that she would investigate and report back. I have not yet had that answer, and

given this is probably the last day, I wonder if the minister could indicate what her investigations revealed.

**Hon. Miss Stephenson:** Mr. Speaker, the matter was investigated and I determined that at the time the original decision was made, the choice for the ministry was between a Canadian hard-cover dictionary that cost approximately \$5 a copy and an American paper-cover dictionary that cost 99 cents a copy. There was really very little choice at that time and, unfortunately, the American dictionary won.

However, on January 1, 1981, the dictionaries supplied through the correspondence branch will be Canadian dictionaries, based upon the shorter Oxford and other established Canadian dictionaries and they will be available to all students through the correspondence courses.

#### ORAL QUESTIONS

##### INTEREST RATES

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question to the provincial Treasurer on the matter of high interest rates and their impact on Ontario. Could the Treasurer today provide the answer he did not have yesterday for the Treasury critic? Could he explain why it is that he feels it impossible to find the money, some \$100 million, to assist small business and prevent them from becoming bankrupt during this winter of high interest rates and to assist those who hold mortgages to prevent them from the possibility of actually losing their homes during this same period of time?

The Treasurer was able to find \$260 million which he is dissipating for the purposes of getting people who are going to buy vans and such to buy them a little earlier. Surely it makes more sense to use the money, would the Treasurer not agree, to assist the people who are caught in this crush of high interest rates? Surely he recognizes that the government of Ontario, with its \$17-billion budget, has a responsibility to rescue the small businesses of this province before they go bankrupt?

**Hon. F. S. Miller:** Mr. Speaker, the problems are not an either/or situation. The \$260 million over the two fiscal years, \$77 million of which is in this fiscal year and the balance in the next fiscal year, is aimed at stimulating employment—one of the major problems facing Ontario and Canada, but particularly eastern Canada, right now. If that does not touch many people, I have

misread the problems of this economy. Of course, we have to take action to ensure jobs.

**Mr. Peterson:** You will not even tell us how many jobs you are going to create.

**Hon. F. S. Miller:** The member likes to think that is a donation or a giving up of revenue by this government. I like to think of it as an investment in opportunity for work. We just estimated today that the federal government itself will earn about \$8 million more because of the stimulation of the Ontario economy through those measures. Those measures were aimed at the most pressing problems.

I heard many comments from across the House during the fall session as to what we would do to help workers have jobs. We are taking positive actions with those sales tax cuts. We have proved before that they work.

**Mr. Peterson:** How many jobs are you going to create? Tell us.

**Hon. F. S. Miller:** That is a very trite kind of question. I can only tell the member that company after company around this province is hiring people, or not having to lay off because—

**Mr. Peterson:** Nonsense. You do not even know.

**Hon. F. S. Miller:** The member wants me to document everything. The fact is unemployment dropped in this province last month. It dropped over the month before. It dropped over the year before because of these actions; only two cities in this province had more unemployment in November. Those were London and Windsor. That indicates at least we are tackling one of the major problems in this province, and it is not an either/or situation.

I have suggested and I will be suggesting to the federal minister on Wednesday that this is a national problem. He was asked those questions. At least the press recognizes it is a national question and that the question should be directed to the federal minister. We will be working with 10 other ministers this Wednesday to see whether or not the federal government has room.

I was pleased last night, watching very carefully the responses of Mr. MacEachen to the critic, Mr. Crosbie, on this matter, to see that he had left some room for some action if he saw fit. I hope he is serious in that, and not simply misleading anyone in his response.

**Mr. S. Smith:** Ontario is in a much more vulnerable position than certain other parts

of this nation in terms of the number of jobs that could be lost by the closure of small businesses. We have already reached a record high number of bankruptcies and we lead the country by far in this regard.

Since this government has a responsibility to protect the citizens of this province, and not merely to take credit for what is good and lay blame federally for whatever they do not happen to be pleased about, would the Treasurer admit that the crisis is going to affect Ontario businesses? Would he admit it is his responsibility, therefore, to take at least the \$100-million program we proposed and to aid not only farmers, as he has already done, but the small businesses and the home owners of Ontario, irrespective of what other governments happen to be doing or not doing?

**Hon. F. S. Miller:** Mr. Speaker, if one goes back to the April budget and looks at the measures taken to help small businesses, they were not all in the form of assistance to pay interest. They were more in the form of reducing taxes paid by small businesses, some of which are not income-related. The capital tax is a good example.

We can go back and look at the number of dollars forgiven by Ontario in that budget where it applied to small business. I think the sum total was around \$50 million to \$60 million, off the top of my head. That is summing up the effect of the capital gains reductions, the capital tax reductions, plus the credits available to small business where they make capital investments during this year.

Every small incorporated business in this province is entitled to up to \$3,000 reduction of corporate tax payable in Ontario because of the actions we took in that budget. That leaves home owners as the major group still to be dealt with.

10:40 a.m.

**Mr. Laughren:** Mr. Speaker, supplementary to the Treasurer, based on the impact of high interest rates on the Ontario economy, as put in the question by the Leader of the Opposition. Has the Treasurer seen the latest forecast by the Conference Board in Canada which indicates that at present, for 1980, seven of our 12 industrial sectors, which account for more than 50 per cent of Ontario's output, are expected to experience output declines in 1980? Further—and this is really significant in terms of the interest rate question—is he aware that the unemployment rate will rise from its current third-quarter level of 6.9 per cent to an all-time high of 7.7 per cent by the end of 1981?

Given the fact that the increasing interest rates can only make the matter worse, can the Treasurer tell us this morning what he intends to do, (a) to alleviate the impact of those high interest rates and (b) to stimulate particular sectors of the Ontario economy?

**Hon. F. S. Miller:** I have been more aware recently, not so much of the conference board's comments—although I see them in capsule form—but of the response of the Economic Council of Canada in dealing with the same problems. It is very interesting to see that the economic council supported Ontario's official position in commenting upon the negative effects the federal budget has had on these very factors. Having written its report, it had to revise it and simply say that Mr. MacEachen's actions were going to hurt the industrial sectors of Canada's economy; they were going to increase inflation; they were going to increase unemployment. And these people over here have the gall to criticize us.

**Mr. Peterson:** Supplementary, Mr. Speaker: I have very serious difficulty understanding the logic of the Treasurer in saying, as he does in a response to a question yesterday in Hansard: "I am implying first it is a Canadian problem; it is not an Ontario problem." Yet with the sales tax matter the Treasurer took unilateral action in the absence of assistance from the federal government. Why can the Treasurer not take the same approach with some interest relief for people renewing mortgages?

As the Treasurer has just admitted, those people have not been assisted. There is going to be a crisis in this province in the next month or two or three. As long as these rates hold up, and they are expected to go even a little higher, why can the Treasurer not bring in a short-term targeted program to assist those people most in need? It will not be terribly expensive but it will meet a very serious crisis in this province now.

**Hon. F. S. Miller:** Again, Mr. Speaker, I argue with the member that when it is a national problem, and it does affect Ontario and it does affect individuals, we do have a need to work that kind of thing out with the feds. It is great for the member to ask me to take 100 per cent of the load when I only get one third of the revenue.

**Mr. Peterson:** You did it with the sales tax.

**Hon. F. S. Miller:** I am not a hypocrite. With my sales tax measures I used Ontario

dollars to support Ontario industry and Ontario employees.

#### ENVIRONMENTAL ASSESSMENT

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question to the Minister of the Environment. I would ask the minister to consider that given there would appear to be, from his answers yesterday, very little difference between the type of hearing he is proposing in the South Cayuga matter and an environmental assessment hearing—the differences appear not to be major from his answers to the question which was asked yesterday three times—and given that, from the events which transpired, it is obvious the minister has misread the intensity of feeling of people about this particular issue, will the minister now accept the suggestion which has been made to have a proper environmental assessment hearing under the act but with a strict time limit of less than one year so that the people will feel they have, in fact, had due process?

**Hon. Mr. Parrott:** No, I will not, Mr. Speaker, in answer to the leader of the Liberal Party's first question. Yes, I do understand the intensity of the feelings of the people of that community. I also think that the intensity was heightened by less than the best of motives. I will say that only once. We will make every effort to have the people understand the facts as they are. That will happen in the due process we have established for the community.

**Mr. S. Smith:** Instead of standing in the House and imputing motives to people, and instead of suggesting the people in the area are somehow wrong to expect the same protection under the act that every other community has expected over the years, would the minister do one of two things? Will he either admit he has seriously misread the situation or will he explain to the House clearly what the important differences are between his hearings and the hearings which people would recognize as being their right under the act, so that all of us could understand what these vital differences are that are so important he is willing to persist in this policy? Surely, if the differences are not major, it would make more sense to act under the existing legislation with a time limit than to have an ad hoc hearing.

**Hon. Mr. Parrott:** This is a prime illustration of the leader of the Liberal Party's total lack of understanding of the environmental assessment process. In the name of justice, one plainly does not put a time limit on



that kind of information process. We are not going to put on a time limit or any limit. Do I have an understanding of this process? What I learned yesterday, particularly in my conversation with the member for Haldimand-Norfolk (Mr. G. I. Miller), is that there is a great need for understanding. I will address that issue today as we sum up in our estimates. There is no doubt about the great need for understanding. It was the hand of understanding that I put forward on Wednesday of this week that I will extend over and over again. There is nothing that demands the attention of our society more than treating our wastes in a safe, environmentally sound and proper way. That is the dedication of myself and this government.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Since the minister has also extended the hand of understanding to the standing committee on resources development and has suggested the committee take a trip with the minister, which will cost several tens of thousands of dollars, to look at sites in Europe, can the minister explain what relevance that has to the committee's terms of reference which are to look at the adequacy of the alternative hearings?

**Hon. Mr. Davis:** It has more relevance than a lot of select committees.

**Mr. Cassidy:** The Premier is very excited. Can the minister explain what relevance that has to the terms of reference of the committee? Is the minister not trying to distract the committee from looking at the question of whether the hearing process will be adequate to protect the people in South Cayuga and the people of the province?

**Hon. Mr. Parrott:** Mr. Speaker, what that question does is hit at the very heart of this problem. What the committee must do in its deliberations is not to decide what was wrong with the past, wrong as it is and has been, but what can be done for the future and what is the appropriate way of dealing with that problem. The best illustration of building a new world, of building a new concept in our society for chemicals that must be treated to safeguard our health and safety will be by looking at the best facilities in the world.

As I see it, we will improve where possible and copy where it is impossible to improve. There is no more relevant thing for that committee to do than to make a trip to where we think the facilities are the best. If they have a better suggestion we will adopt it. That puts challenges before this House, before the committee. I am hopeful that as the member starts to understand in its true

impact what this committee could do for the future generations of our province, for every man, woman and child, he will see that is the way to go and will be glad to be a part of it.

10:50 a.m.

**Mr. Riddell:** Supplementary, Mr. Speaker: Is the minister aware that when the NDP referred this matter to the committee and when it drew up the terms of reference, it included a review of the technology? I am wondering how the committee is to review the technology when its members have no idea what we are talking about.

**Hon. Mr. Pope:** That has never stopped them before.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Parrott:** I am not sure that this will be my last question before Christmas, but I think it would be a great thing if it were this morning. I thought that was a terrific question. I totally agree with the member. We have a spirit of Christmas here already.

**Mr. Isaacs:** Supplementary, Mr. Speaker: Forgetting questions from members who cannot read, I would like to return to the original issue of the hearings.

Going over the minister's original statement of November 25 and everything he has said since that day, it is clear he has not excluded the possibility of a hearing before the Environmental Assessment Board under the Environmental Protection Act. Will the minister consider the possibility of that route and is that, indeed, his final back-up position if the pressure is maintained on him?

**Hon. Mr. Parrott:** I am prepared to accept the pressures. I am prepared to make whatever necessary time is required and available to deal with the problem in its entirety. The one thing I am not prepared to do is allow the focus to centre on the ills of yesterday. Should there be any doubt about that? It has been a long and interesting session and that is frequently what has transpired in this Legislature.

Interjections.

**Hon. Mr. Parrott:** I can understand that, but what is required now is not to focus on the ills of yesterday.

**Mr. S. Smith:** They are your ills.

**Hon. Mr. Parrott:** They are society's ills and the member knows it. The truth of the matter is, if the leader of the Liberal Party would only take the blinders off just for a

few minutes, he would quickly realize that they are problems across North America and, thank God, Ontario does not even come close to the problems of other jurisdictions.

**Mr. Cassidy:** I cannot help thinking, Mr. Speaker, that the Minister of the Environment is part of the legacy of the past, and that is one of the problems we have with this government.

#### USE OF ASBESTOS IN SCHOOLS

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Education. With respect to her statement yesterday that she is prepared to rely on local school boards for the curbing of the asbestos problems in the schools, does the minister recall the directive that was sent to local directors of education in October, which said specifically that it is essential that all safety precautions be enforced when asbestos work is carried out and which referred specifically to work procedures, protective clothing, protective coverings for walls, the method of disposing of asbestos and the use of warning and danger signs and the final building cleaning procedures?

Given that the Windsor Board of Education has now admitted that it did not follow those recommended procedures and has said that it sees the directives only as guidelines and not as being things it has to follow, will the minister now admit that her reliance on local school boards, like Windsor's, may be endangering the health and safety of school children and of school board employees in areas where asbestos is present?

**Hon. Miss Stephenson:** Mr. Speaker, after two and a half years of dealing with the elected representatives in the school boards of this province, I cannot agree with the kind of innuendo the leader of the third party is making. The vast majority of school trustees in this province are extremely responsible human beings. They do not seek that job for personal glory. They seek it because they are interested in children. I do not believe I could ever support the kind of statement the leader of the third party has made.

I believe that in Windsor, that board will be making, if it has not made already, concerted efforts to deal appropriately with the problem of asbestos following the guidelines produced by the Ministry of Education.

**Mr. Cassidy:** The Windsor Board of Education has admitted it did not respect the guidelines that were laid down by the minis-

try. The union tells us there is a series of violations; quite specifically almost every one of the directives has been violated. The Ministry of Labour's occupational health division states that even a very brief exposure to asbestos may cause mesothelioma 30 or 50 years later.

Given those facts and given the danger that school children and school board employees are put into, does this not indicate that the asbestos program should be supervised by the provincial government rather than being delegated to local school boards? Then the minister says, "Well, it is not my responsibility, it is the responsibility of the school boards."

**Hon. Miss Stephenson:** Mr. Speaker, I think I said very early that it was a shared responsibility and one I assume because I feel it is important. However, I do hope the leader of the third party is very much aware that he has been living with natural asbestos as a result of the structure of the earth on which he lives for all of his life.

**Mr. Mancini:** Mr. Speaker, I would like to ask the minister if there is some confusion over this very important matter of asbestos in the schools and how it is affecting the children in the schools, why does she not contact the Windsor Board of Education and get a very clear overview of what it has done or not done and report back to the House? Or, since the House is going to adjourn, the minister could possibly write to the members for the Windsor-Essex county area and inform them of exactly what has or has not been done, and whether she is satisfied with all the precautions, investigations and circumstances that have surrounded this matter and have taken place since she issued this particular order to all the boards.

**Hon. Miss Stephenson:** Mr. Speaker, approximately three weeks ago I did have an opportunity to discuss this matter with representatives of both boards in Windsor. I was assured the procedures had been followed with some care. I can most certainly double check that report which I received.

**Mr. Bounsall:** Mr. Speaker, supplementary: Could we have a firm assurance from this minister that she will thoroughly investigate what happened in Windsor—that they did not follow her guidelines—and what training they gave to the one employee whom they sent out to do some checking, so that the people of Windsor can be assured that the proper checking will now occur and that the students and the workers are not being exposed to asbestos, particularly in as much as, incredibly, the Windsor Board of Education

has now disciplined the employee who did the initial checks for it? They gave the employee virtually no training in testing or in what to look for, and did not provide that employee with the required safety equipment.

Hon. Miss Stephenson: Mr. Speaker, it is the same question. I think I have already answered it.

### EMPLOYMENT AGENCIES

Mr. Cassidy: Mr. Speaker, I have a question for the Minister of Labour about the enforcement of the Human Rights Code for people who are looking for jobs.

Can the minister explain why, despite the provisions of the Human Rights Code, seven of the 10 employment agencies that were contacted a few weeks ago by the Canadian Civil Liberties Association here in Metropolitan Toronto were prepared to discriminate against nonwhites, and only one of the 10 agencies refused to do so? Will the minister tell us what action the government is now prepared to take in order to eliminate that outrageous abuse of civil liberties in Ontario?

Hon. Mr. Elgie: Mr. Speaker, first of all, I think the member and the House should know that this is a matter that has concerned me and has concerned the Ontario Human Rights Commission for some time.  
11 a.m.

I think it was three or four years ago that the Canadian Civil Liberties Association first conducted a survey in which it found the kind of information to which the member is referring. The problem then, as is the problem with the most recent information, was that they themselves admit it was obtained by what is called an entrapment technique and is not therefore deemed by them, as well as by us, to be the kind of way one can go about proving this. That has been the problem all along. How do you find accurate ways of auditing the practices of certain employment agencies when the records that are kept are very sparse? There is just not enough there to check and confirm the charges.

We had an independent review carried out last year and about four or five months ago the director of the employment standards branch spoke to the employment agencies association indicating to them that these practices were unacceptable and that we would be proceeding with a method to try to give us the means of countering it. That is what we are now in the midst of doing. It is necessary for us to have infor-

mation on employment agencies so that we can audit and determine whether or not there have been offences under the Ontario Human Rights Code and more significantly, under the Employment Agencies Act, because that is where the licence is issued and that is where it has to be revoked.

Mr. Cassidy: Could the minister explain why it took five years of complaints and repeated surveys by the Canadian Civil Liberties Association determining that there is a problem of major proportions, that it continues and that there is habitual readiness on the part of employment agencies to screen out nonwhites when they deal with people who are job applicants, and when the problem has been there for so long, why has the ministry come to grips with it only in the last few months?

Why is the minister not prepared to require a monitoring procedure by the Human Rights Code and to amend the Employment Agencies Act in order to ensure that employment agencies have to produce the information on which monitoring can be based?

Hon. Mr. Elgie: Let me reiterate that it is easy to say it is going on. I happen to think there is good substantiation of that, but even the Canadian Civil Liberties Association agrees that the method by which it obtained that information is not acceptable for human rights decisions nor for some decisions under the Employment Agencies Act. It is information obtained by entrapment. Let there be no doubt that it is this government's intention, it is the Ontario Human Rights Commission's intention and it is my intention as the minister in charge of the Employment Agencies Act to correct that situation.

Mr. Cassidy: Would the minister not agree that if the best technique of determining whether or not employment agencies are prepared to accept discriminatory job listings is in fact to phone them up and to ask them, and if that practice has repeatedly indicated that willingness exists, then should the employment agencies not be told that technique will be used in the future and be warned that that technique will be used?

And should not the human rights commission start a program of going out, rather than waiting for complaints, which by their nature, can never be filed because job applicants never know whether or not employment agencies are actively discriminating? Why can we not tell the employment agencies that we are going to do this and then go ahead and curb this practice now?

**Hon. Mr. Elgie:** I can only reiterate that we told them very clearly that we have reason to believe there are some practices going on that are unacceptable. The member for Bellwoods (Mr. McClellan) should not shake his head, because this is a problem that I am addressing very seriously. The member for Nickel Belt (Mr. Laughren) shakes his head because I understand he has fundamental health problems. That fellow from Bellwoods does not, unless he gets nasty and then he loses control totally. The fellow from Nickel Belt just has a tremor of the head. He says no to everything.

I know that everything is simple and straightforward to the member, but the problem is how to get evidence that one can use in a court or before a board of inquiry. I understand some of that but I do not always accept the suggestions and I suspect the member does not either, because on occasion the member shows some common sense and therefore he could not accept them all of the time. We will have that matter solved, because if those practices are going on we will stop them.

#### RAPE EXAMINATIONS

**Mr. Stong:** Mr. Speaker, on November 3, in the absence of the Solicitor General and Attorney General (Mr. McMurry), I asked a question of the Premier with respect to rape investigations. I asked the Premier to name the hospitals which refused to cooperate with the investigative authorities. I also asked him to instruct his Attorney General to lay charges of obstructing justice against doctors who refused to cooperate with investigating authorities, and to instruct his Attorney General to eliminate the use of lie detectors when investigating the victims of rape.

In answer to my question at that time—and I read from Hansard, page 3992—the Premier said: “If I happen to be talking to either the Solicitor General or the Attorney General in the next day or so before he returns from Victoria or Vancouver, I will get that information for the member. If I am not able to do so, I can assure the member I will get a copy of the question to the minister and he will have a full answer for the member on his return.”

The minister has come and gone, and that question has not been answered. In so far as the Premier has not been able to convince his minister to fulfil his assurance, will the Premier now answer those questions and give those assurances on this last day of the session?

**Hon. Mr. Davis:** Mr. Speaker, I did communicate this concern to the ministry. I must confess I do have a problem in that the Attorney General and the Solicitor General are both suffering from the same problem. They have the flu.

The Provincial Secretary for Justice (Mr. Walker) is here and might have some—

Interjection.

**Hon. Mr. Davis:** I have some material here—

Interjection.

**Mr. Speaker:** Order. Does the honourable member want an answer?

**Mr. Stong:** I do.

**Mr. Speaker:** Do have the courtesy of listening then.

**Hon. Mr. Davis:** I have certain material here I would like to assess myself, and I will undertake to communicate if the Attorney General is not well by Christmas. I will get some information to the member before December 25. The provincial secretary may want to reply. If he does not, I will get it to the member before Christmas. I think the Attorney General will be well shortly.

#### AUTO PRODUCTION

**Mr. Bounsell:** A question of the Minister of Industry and Tourism, Mr. Speaker: Since the new year will start off looking very bleak for Windsor auto workers, with the announcement by Chrysler that following the Christmas break there will be a plant shut-down in the car area for two weeks and in the van plant for one, and with all indications that this is just the tip of the iceberg for North American and Canadian auto production, with the Canadian production being well down this year over last, will the minister now stop telling us that everything is going to be okay for the future and develop specific programs to revitalize Canadian auto production and specific employment and assistance programs for laid-off Chrysler workers in Windsor and all other auto workers in Ontario?

**Hon. Mr. Grossman:** Mr. Speaker, the latter part of the question is not my responsibility. I will deal with the former part. The fact is that when one looks at the automotive sector in North America, Ontario still continues to outperform every other jurisdiction with automotive production.

**Mr. Laughren:** No. You are wrong.

**Hon. Mr. Grossman:** The member knows it is true. Just look at the figures. The figures

are absolutely true. What are we looking at now? About 9,000 or 8,000 people on layoff in Ontario as opposed to about 180,000 in the United States. In an industry that is about a 1:10 ratio.

Second, I challenge the member to find another jurisdiction or another government that has as many important initiatives in the auto sector as we have going for us. I refer, of course, to the auto parts technical centre; to the very many recommendations we have put forward to the federal government in terms of getting further undertakings under the auto pact; to our initiative in taking a great number of auto parts people to SITEV in Geneva last year; to the fact that we have attracted SITEV North America, the first one ever, to Toronto next year, to make sure that the major automotive parts manufacturers' decision makers are here in this municipality, in this province; and to the very many efforts currently under way to bring those people to Ontario to look at places to invest. Windsor is chief among them.

As the member knows, the industrial development commissioner has just returned to this province after a very successful mission overseas to try to attract some—I hate to say it to the member, but I know he now wants it—foreign investment in the auto parts sector into his area of the province.

11:10 a.m.

I think too of the extensive promotion campaign we have had to promote the duty remission program all over the world, which is beginning to show some return. There are so many initiatives going on in that particular sector. I simply say to the member that we do have a comprehensive set of initiatives. I would invite him, if he thinks there are any lacking in that sector, to rise and indicate where he thinks they are lacking and we will be pleased to consider them. I suspect he cannot think of an initiative in that sector we have not already adopted.

Mr. Bounsall: Concerning the initiatives asked for and the seriousness of the Chrysler situation, is the minister aware of the feasibility study in progress concerning the sale by Chrysler of its Windsor spring plant to National Auto Radiator? What will the minister do to assist that plant to stay under Chrysler's jurisdiction, to assist that sale if that is the only way to keep that plant in production and, if that sale has to take place, to ensure that the displaced Chrysler workers will have jobs under the new owners?

Hon. Mr. Grossman: I can assure the member that we will use the money we did not spend in an ill-fated attempt to give

more money to Chrysler and apply that to whatever constructive proposals can be brought forward, be it the continuation of that plant under Chrysler auspices or under new auspices, to make sure the plant is economically feasible, well-funded and can provide secure employment for all the workers in that area in the future.

Mr. Ruston: Supplementary, Mr. Speaker: Can the minister tell me when he expects to be going ahead with plans for a research and development centre in the Windsor area that he had made in agreement with Chrysler?

Hon. Mr. Grossman: Mr. Speaker, our agreement with Chrysler requires that we do not put up any money until Chrysler begins to put up some money and then we pay our money dollar for dollar. We are in contact with Chrysler to see what their current intentions are. I am informed their current intentions are to go ahead with that facility some time in the next year and a half. Obviously, pending certain other decisions with regard to restructuring the company, which I do not know to be accurate, but I hear about, that facility could be brought into question.

In any case, if that facility is not built we will not be putting in any money. I should add, in the event the facility is not built that will increase the need for the auto parts technical centre. I would expect some of the money that might otherwise have been applied to the Chrysler facility to be applied to an expanded auto parts technical centre.

#### SERVICES TO MENTALLY RETARDED

Mr. Blundy: Mr. Speaker, I have a question for the Minister of Community and Social Services. In view of the minister's commitment made in the House on May 20 that 400 mentally retarded residents under the age of 21 in homes for special care and in nursing homes would be assessed and programs would be started, will the minister now tell us how many of these assessments have been made and how many of these residents are now having the benefit of some programming in these homes?

Hon. Mr. Norton: Mr. Speaker, unfortunately, I am not in a position to give the honourable member a current figure in terms of the specific number of assessments as of today, but I can assure him that the assessments are well under way. There is a series of at least three assessments being done on each individual child involved, and all three

phases of those assessments are well under way.

**Mr. Blundy:** The minister did say that these assessments of their needs would be done by September 30. Therefore, I would like to ask as a supplementary what are the number of children in that group and whether these children at least have had their assessments completed and their programming started?

**Hon. Mr. Norton:** Mr. Speaker, I think that is a repeat of the first question actually.

**Mr. Speaker:** Yes. Thank you.

**Mr. McClellan:** Supplementary, Mr. Speaker: The minister will recall this was a matter raised at length by myself during the estimates debate. May I ask the minister to communicate with both opposition critics as soon as the assessments have been completed and to provide detailed information on the programs which are going to be made available for each and every one of these children?

**Hon. Mr. Norton:** Yes, Mr. Speaker. I certainly will communicate to the honourable members at the time of the completion of the assessments. I expect that will be at some time during the recess of the Legislature.

#### DIOXIN TESTING

**Mr. Isaacs:** Mr. Speaker, I have a question for the Minister of the Environment on the matter of dioxin testing in Lake Ontario fish. Is it true that the minister is withholding the results of the tests until it is decided what the minister is going to say about the health effects? If it is, does the minister not think that the public has a right to know and to consult with experts outside the ministry? Will the minister release the data on dioxin levels in Lake Ontario fish that he has today, and will the minister release future findings from the laboratory as they become available?

**Hon. Mr. Parrott:** Mr. Speaker, I think I know the reason for that question and I understand the question, but I think it was answered in detail the other day. Of course we will release those findings. That was said here. I think you would agree with me that this is a new facility and it is extremely important that we have the tests done well. It would be just as wrong to have a figure put out that was not accurate, and I am sure the member opposite would be just as appalled as I. If, on the basis of two or three samples, we said it was very low and subsequently had to amend it, that would offend

the member. If on the other hand, it was too high and we had to amend it when the proper sample was completed, then that would be a bad event. Of course we will release those results when the sample size is sufficient to be accurate.

Secondly, on December 19, as I said the other day, this ministry, along with the federal ministry and other agencies of other provinces, will meet so that we can release not only the figures but also the data relative to the significance of those figures to health. It is important not only to know the figures but also to know the relevance of those figures to human health. That is what will be done following December 19. Those figures will always be released to the public, as all of our water sampling figures have been. There has never been any doubt about that at all.

**Mr. Isaacs:** I am confused by the minister's reference to sample size. If he is talking about more than one sample from one fish, then it is certainly relevant to test on the basis of multiple samples from a single fish. But if he is talking about sampling the fish in Lake Ontario, then it is going to be a very long time before the ministry will be able to test a truly representative sample. Indeed, the dioxin may not be distributed uniformly among all fish.

If we already have a test which shows fish from Lake Ontario has, let me say just for example, a level of 20 parts per trillion of dioxin, then does the minister not think the public has the right to know that fish was caught in Lake Ontario? If there is one with 20 parts per trillion, there might be another one with 40 parts per trillion, and it might be the one I am going to have for supper tonight.

**Hon. Mr. Parrott:** I am embarrassed. I do not want that to happen. This is far too close to Christmas for any such nonsense. No, let us be serious about this.

What I was saying, and I hope it makes scientific sense, is that when one has such sophisticated new equipment it is extremely important to be sure that the equipment is working appropriately and very accurately. We have done that with water. I think I have tried to update the House all the way along the piece that, first of all, we were doing it with simulated components, then with actual samples of water and now we are into the fish testing programs. But we want to be sure that our measurement methods are absolutely failsafe, 100 per cent reliable. When we have done that to our satisfaction, regardless of what measurements

are there, we will certainly put them out for public consumption. In the meantime, I think I can predict safely that the member can have as many fish as he wants from Lake Ontario. Go ahead.

11:20 a.m.

**Mr. Gaunt:** Supplementary, Mr. Speaker: Does the minister intend to get in touch with the occupational health and safety branch of the Ministry of Labour to get its opinion as to the possible health effects of dioxin found in the amounts in which it has been discovered?

**Hon. Mr. Parrott:** Mr. Speaker, that is the whole point of the December 19 meeting. As I said in my previous answer, I think it is important not only to know the measurements but the significance of those in a health sense. That is what the December 19 meeting is to do.

**Mr. Gaunt:** Are they going to be there?

**Hon. Mr. Parrott:** They will be there and the federal government is going to be there. We think it is very important to have that very well co-ordinated and understood. Just the measurement itself would not be of great significance. The effects on human health must also be thoroughly reviewed to make sure we are dealing with the right standards. That will happen on December 19.

### SCA PIPELINE

**Mr. Kerrio:** Mr. Speaker, I have a question for the Minister of the Environment. Is the minister aware of the statement made last Friday by Mr. Tom Cleary, an officer in the state of New York, regarding dumping of supposedly treated waste into the Niagara River by SCA Chemical Waste Services? The statement was that he will not reopen the hearings just because Mr. Roberts, the federal minister, sent him a telegram or the Ontario minister may have sent a telegram somewhere. He must have information in writing to show cause for the reopening of the hearings and new evidence that has not been put before that hearing board previously. Is the minister aware of that statement and what is he going to do about it?

**Hon. Mr. Parrott:** Mr. Speaker, we are certainly aware of it and we are very disappointed. I am surprised we have not had a better response. I would have thought, since it was their information that there was TNT supposedly on that site, they would have reopened the hearings. I am very disappointed about that. Of course they

should have reopened the hearings. That was said there, and it is a very serious thing.

If there was the best of systems, if TNT was on site and an accident occurred, it would not matter. I think that is obvious. We want those hearings reopened. I do not have the evidence that there is TNT there. That was supplied by other sources. We are saying we want to know whether there was or there was not. It is absolutely imperative that we know.

The member for Brock (Mr. Welch) has been pressing on this point and we have made as much effort as we think is humanly possible. I bet the minister of the federal government cannot say he has been in Albany. I do not know; I am just willing to bet on that. I know I have been there, I have pressed it, and I will continue to press it.

**Mr. Kerrio:** Will the minister take all the evidence he has and will he insist that the evidence the federal government has is put before the hearing officer before closure, given the willingness of that officer to open the hearings if proper evidence is put before him? Will the minister do everything in his power to convince his people and the federal people to get every bit of evidence they have before Mr. Cleary prior to December 20?

**Hon. Mr. Parrott:** I said that previously. Of course we will. That is what it has all been about.

**Mr. Kerrio:** You haven't done it yet.

**Hon. Mr. Parrott:** We cannot do more. We have telegraphed the commission, we have been there and we are saying we want an answer on whether there is TNT on that site or not, yes or no. Only a hearing or direct evidence would tell us that. They have that evidence, yes or no. I do not have it. I hope that is also obvious. They have that evidence and they must tell us whether they have it or not.

I think the member should also be raising a little more hell with his federal member from that area so that he gets in touch with Mr. Roberts as well. We agree it must be answered.

**Mr. Kerrio:** I have asked for his resignation too.

**Hon. Mr. Parrott:** Now the member is starting to make sense.

**Mr. S. Smith:** By way of supplementary, Mr. Speaker, does the minister not feel he is on slightly weak ground in demanding they reopen hearings in the United States into the toxic waste facility on their side of the

Great Lakes when the minister will not even hold hearings on a similar facility on our side of the Great Lakes?

**Hon. Mr. Parrott:** Mr. Speaker, we are having hearings on this side. The truth of the matter is they are more significant hearings than were held on that site there. That happens to be the fact.

It is easy to disguise that a little. Maybe the member would like to be part of those hearings and to put some of the evidence on the record as to where he would locate this facility. He has been very silent on that point.

#### AID TO PENSIONERS

**Ms. Bryden:** Mr. Speaker, I have a question to the Minister of Revenue. Will the minister confirm that recipients of family benefits who are eligible for seniors' tax grants will not receive their cheques until some time in January, even though he has assured the House many times that he is endeavouring to mail out all cheques before the end of this year?

Does he think family benefits recipients should be treated as second-class citizens and put at the end of the line?

**Hon. Mr. Maeck:** Of course I do not think that, Mr. Speaker, but I cannot give the member the guarantee that everyone will get the property tax grant before the end of the year. There are mistakes in some applications, and those things have to be processed. In some cases we are not able to locate the people who have applied. We have tried telephoning; we have written to them; in some cases we are sending people to the door to try to resolve these issues.

I cannot guarantee that everyone will be serviced by the end of the year. There are still 200 to 300 applications a day coming into the ministry—people who are just now applying. There is no way I can guarantee all of them will be completed by the end of the year.

**Ms. Bryden:** With regard to the minister's reply yesterday, when I was not present, to my earlier question about the lack of checks on payments, I would like to ask the minister if he thinks he will avoid the embarrassment of making payments to deceased and ineligible persons if the only check he is making is on a July tape of old age security recipients?

**Hon. Mr. Maeck:** In my reply yesterday I did not say that was the only check at all. That is the most current file we have—the one from the old age security, the fed-

eral people. We cannot check with a file we do not have. But we are using other means as well.

**Mr. Peterson:** A supplementary, Mr. Speaker: Could the minister tell me what response I should give to those people who are phoning me and who have not received their cheques yet? We promised them, on the minister's advice, they would have them by the end of November, and it is now the middle of December, and it looks as if it will be some time in January before they get their cheques.

How do I respond to those people who say, "My friends received their cheques in September, and I am losing all that interest"?

**Hon. Mr. Maeck:** Mr. Speaker, I suggest the member get in touch with my ministry and we will resolve the matter. However, his other response should be that there was a mistake in their application, and that is the reason they have not received their cheques. With applications we received in which there was no mistake, the cheques have all gone out. The ones that are being processed now are the ones where there were mistakes.

#### ONTARIO PRODUCE

**Mr. Riddell:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. It pertains to the import replacement policy the minister has alluded to from time to time.

At this time of year the student councils of the various schools across the province, in order to raise money, sell oranges and grapefruit to those people living in the school area. Ontario has had the largest apple crop in history and we have millions of bushels in storage. Does the minister not think it would be a good idea if he, in a joint effort with the Minister of Education, were to write to the schools, strongly advocating that they raise money by selling Ontario-grown produce, rather than something grown in the United States?

**Hon. Mr. Henderson:** Mr. Speaker, I can see the honourable member does not have the Christmas feeling within his question this morning. Let me assure the member that, as Minister of Agriculture and Food, I have spoken to quite a number of the student councils and reminded them they should put their emphasis on an Ontario product. But I also agreed with them that, in view of the Christmas spirit, we can overlook situations like this.



11:30 a.m.

**Mr. Riddell:** Dealing further with the import replacement policy, is the minister aware that in eastern Ontario they cannot grow a sufficient acreage of soybeans because there are not adequate storage facilities—

**Mr. Speaker:** That is not a supplementary. You have gone from citrus fruit to apples to soybeans.

**Mr. Riddell:** It is to do with import replacement. It is all good food. I just want money for storage facilities.

**Mr. Speaker:** It was not a question so the minister does not need to answer.

### FOOD PROCESSING MACHINERY

**Mr. Laughren:** Mr. Speaker, I have a question for the Minister of Industry and Tourism.

**Mr. Wildman:** Now there's a shrimp. Interjections.

**Mr. Speaker:** If the honourable member hurries he just might get his question in.

**Mr. Laughren:** It is quite a burden I have to carry here.

I wonder if the Minister of Industry and Tourism could tell me if he is aware of the dramatic increase in the imports of food processing machinery in the last 10 years? Is he aware it has increased by 368 per cent and that, in some sectors, it has increased four and five times within the food processing machinery sector? Last year we had a deficit of \$50 million in Ontario alone. Could the minister tell us what he is doing to reverse these increasing imports, to reduce the deficit and to increase employment in this important sector of the Ontario economy?

**Hon. Mr. Grossman:** I want to give a short answer Mr. Speaker. We are aware of those statistics and some policies are being worked on in Treasury and my ministry. The bold new initiatives being undertaken by the Board of Industrial Leadership and Development under the chairmanship of the Treasurer (Mr. F. S. Miller) will have some announcements that will knock the member right back on his seat come the new year.

**Mr. Laughren:** Given that answer by the minister, how can he justify his refusal even to answer letters going back to October 23, 1979, June 13, 1980, July 16, 1980, October 23, 1980, from Showkraft Canada which is attempting to put together a trade show for food processing machinery and asked the minister for a simple endorsement, a sign of support for this trade show? Why does the

minister not even have the decency to reply to these letters?

How in the world can he stand up and say he is aware of the problems and is really attempting to do something about them? Could the minister explain why he has not bothered to answer these letters and, finally, when is he going to carry out the promises of the member without a food terminal from Timmins to put a food terminal in Timmins?

**Mr. Speaker:** The time for question period has elapsed. Do you have a response?

**Hon. Mr. Grossman:** Mr. Speaker, may I state two things categorically? First, if those letters were addressed to me or my ministry they have not gone unanswered. Secondly, in view of the fact question period has expired, may I say the performance this session of the Minister of the Environment in showing leadership in North America has been absolutely outstanding. I hope members will join in applauding that performance.

### OPINION POLLS

**Mr. T. P. Reid:** Mr. Speaker, I have a point of order. On November 21, 1980, I asked the Premier a question concerning public opinion polls. The Premier indicated—he never promises—that he would give me a response to my question in setting a policy in which his government, using taxpayers' money to take public opinion polls, would make those public opinion polls public and table them in the Legislature.

**Mr. Speaker:** What is the member's point of order?

**Mr. T. P. Reid:** The Premier promised me a response by today, Mr. Speaker, and I have not had it.

**Hon. Mr. Davis:** Mr. Speaker, I would say to the honourable member that my position is the same. We are still assessing it.

### SUPERMARKET PRICING SYSTEMS

**Mr. Swart:** Mr. Speaker, on a point of privilege: Instant Hansard yesterday showed that the Minister of Consumer and Commercial Relations gave an unqualified commitment that he would today answer my question relative to the errors in computer check-out systems. I would put it on record that not only does he not do anything about consumer prices, he does not even answer the questions any more.

**Hon. Mr. Drea:** Mr. Speaker, first of all, the question was so cockeyed that I did not finish reading it until 11:30 last night. I could have given an answer today but I thought the

member, for the purposes of his press releases, might like a longer, written explanation on Monday. If the member would get his figures and his facts right in the first place he would get the answers faster.

#### REMBRANDT HOMES

**Mrs. Campbell:** Mr. Speaker, during the discussion of the estimates of the Ministry of Consumer and Commercial Relations we had a somewhat lengthy debate on the problems of Rembrandt Homes. On that occasion, the minister undertook to report to this House his solutions of those problems within a week or two or, at the latest, before this House rose. We have not had that statement, and those people have been waiting eight years for solutions.

**Hon. Mr. Drea:** First of all, Mr. Speaker, I was going to do it in my concurrences. I could not do it this morning for the member because she was not here. I have not been at it for eight years.

**Mrs. Campbell:** I was here.

**Hon. Mr. Drea:** The member was not here.

#### MINISTRY ADVERTISING

**Mr. Nixon:** Mr. Speaker, the Minister of Industry and Tourism is responsible for either the answer or, in this case, the non-answer to the question that has been on the Order Paper for a number of weeks pertaining to the cost of government advertising. He has asked for more time, officially, under the rules, and that time has expired. Why are we not provided with the information before adjournment? Or perhaps it is available today.

**Hon. Mr. Grossman:** Mr. Speaker, in order to assemble all of that information it would perhaps cost as much as it would cost to save the entire food processing sector in this province. In any case, my staff has been working on it for several weeks. As soon as it is available the member can have it. But it is taking a great deal of time because we do like to provide very complete and accurate answers.

I should also say that in these kinds of circumstances, as situations change, sometimes the advertising budgets are adjusted. Indeed, sometimes they are reduced. That may not be the case this time, but sometimes they are reduced. In any event, in an effort to get the member full, complete and accurate information, we have been working very hard. It is just not ready today. If the

House sits past today perhaps it will be ready by the time we do adjourn.

#### REPORTS

##### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Villeneuve from the standing committee on resources development presented the following resolution:

That supply in the following amount and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1981:

Land management program, \$6,422,500.

##### SELECT COMMITTEE ON ONTARIO HYDRO AFFAIRS

Mr. MacDonald from the select committee on Ontario Hydro affairs presented the final report on mine milling and refining of uranium ore in Ontario and moved its adoption.  
11:40 a.m.

**Mr. Speaker:** Does the honourable member want to adjourn the debate?

**Mr. MacDonald:** Mr. Speaker, may I make just two brief comments and then I will be glad to adjourn the debate?

One, I would like to explain that unfortunately we do not have printed copies of this report. It is now at the printer. As soon as copies are available they will be sent to each of the members, but we wanted to table it before the end of the session.

Second, may I remind the members that this is the third report dealing with the whole issue of safety in the nuclear industry. The first one, which has been submitted and debated in this House, was with regard to the safety of the nuclear generation of electric power. The second one was on waste management which the Minister of Energy spoke to this morning and which, hopefully, other things not intervening, we will have an opportunity to debate next year because we have had the assurance it will carry over until the next session.

This is the third one dealing with the front end of the fuel cycle, namely on mining, milling and refining.

Mr. MacDonald moved the adjournment of the debate.

Motion agreed to.

#### MOTIONS

##### COMMITTEE SITTING

Hon. Mr. Wells moved that the standing committee on resources development be

authorized to sit today following routine proceedings.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, normally I would have quite a number of other motions but they are not ready yet, so I thought perhaps later in the day we can revert to "Motions." These are the motions that will allow the committees to sit and state what business they will do and the substitutions and so forth.

**Mr. Speaker:** Do I take it that, in keeping with the spirit of Christmas, concurrence will be forthcoming? Agreed.

## INTRODUCTION OF BILLS

### BUSINESS CORPORATIONS ACT

**Hon. Mr. Drea** moved first reading of Bill 229, An Act to revise the Business Corporations Act.

Motion agreed to.

**Hon. Mr. Drea:** Mr. Speaker, this bill is obviously being introduced for first reading. I will say that it does include the so-called Renwick amendment.

You will recall that I informed the House last December that I was making available for comment the proposed revision of that act. The comments were requested by March 14 and the bill was revised to reflect comments received and again made available last July for comment by September 30.

In these public reviews of the proposed bill, comments and submissions were received from individual lawyers, law firms, accountants, businessmen, the corporation legislation committees of the Board of Trade, the Institute of Chartered Accountants of Ontario, the Certified General Accountants' Association of Ontario, the Trust Companies Association of Canada and a committee of the commercial consumer and corporate law section of the Ontario branch of the Canadian Bar Association.

This committee, which was appointed in March 1979 to review and comment on the initial staff draft of the proposed legislation, worked with the staff on the preparation of the proposed bill.

There is some resistance to change. This is highlighted in the brief of the Board of Trade which has publicly stated, "Enactment of this proposed bill will result in a tremendous burden to all those companies affected in the transition." To avoid this, the provision regarding transition has been rewritten.

An overwhelming majority of practitioners favour complete revision of the Business

Corporations Act with a view to uniformity with the legislation of Canada and the other provinces.

To assist officials of my ministry in reviewing these comments and in revising the proposed bill, a subcommittee of the committee appointed by the commercial, consumer and corporate law section of the Canadian Bar Association, Ontario branch, was appointed.

These seven lawyers gave unstintingly of their time. Their advice and suggestions based on their knowledge and practical experience in this field has enabled me to introduce this bill knowing that though it may not be endorsed by every lawyer it is endorsed by a representative group of practitioners specializing in company law. I am also confident that it is workable and reflects the latest concepts in corporate law.

We owe these public-spirited lawyers who have volunteered their services and contributed so much to the drafting of the bill our grateful thanks.

**Mr. Speaker:** Order. This is a general statement. All you are entitled to on the introduction for first reading is to give a brief outline of the principle of the bill. If you can terminate your remarks in a reasonable length of time, I will allow it.

**Hon. Mr. Drea:** Mr. Speaker, I did it this way, and I beg your indulgence for it—

**Mr. Speaker:** It is out of order.

**Hon. Mr. Drea:**—because of the long duration of this bill going out for comment and other matters under auspices of this Legislature. I wanted to bring the members of the profession, particularly those who have been so helpful, the ones in this House, up to date on the matter. I will conclude.

To the outside lawyers who contributed so much to the drafting of our bill, I extend our grateful thanks. The chairman was Larry D. Hebb and the other members were Professor Frank Iacobucci, dean of law at the University of Toronto; Mr. Jon Levin; Mr. Brian A. Levitt, who was also secretary; Mr. Richard A. Shaw; Mr. Martin R. Wasserman; and Mr. Brian C. Westlake.

**Mr. Martel:** I want to speak to the matter you raised, Mr. Speaker, because a precedent has now been set that all of us on the introduction of a bill, rather than just giving the explanatory note, can make a statement. I hope that side of the House is prepared to accept that.

**Mr. Speaker:** That is why I intervened on this occasion. It is an abuse and I do not want it to be taken as a precedent.

## HIGHWAY TRAFFIC AMENDMENT ACT

Mr. Cunningham moved first reading of Bill 230, An Act to amend the Highway Traffic Act.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, the purpose of this bill is to provide for mandatory mechanical fitness inspections for motor vehicles in Ontario. Mindful of your admonition, I have nothing further to add.

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

Hon. Mr. Wells: Mr. Speaker, I wish to table the answers to questions 398, 421, 427 and 432, standing on the Notice Paper. (See appendix). I might inform the honourable members I do have some other answers I will table as they are available before the House prorogues.

## ORDERS OF THE DAY

## THIRD READINGS

The following bills were given third reading on motion:

Bill 172, An Act to amend the Municipal Affairs Act;

Bill 177, An Act to provide for the Safe Use of X-ray Machines in the Healing Arts;

Bill 188, An Act to amend the Highway Traffic Act;

Bill 190, An Act respecting Urban Transportation Development Corporation Limited;

Bill 192, An Act to revise the Toronto Hospitals Steam Corporation Act, 1968-69;

Bill 193, An Act to amend the Municipal Act;

Bill 201, An Act to amend the Legislative Assembly Act;

Bill 204, An Act to amend the Executive Council Act;

Bill 205, An Act to amend the Denture Therapists Act, 1974;

Bill 214, An Act to amend the Pension Benefits Act;

Bill 215, An Act to amend the Wine Content Act, 1976;

Bill 216, An Act to amend the Farm Products Payments Act;

Bill 221, An Act to amend the Mining Act.

11:50 a.m.

## CITY OF OTTAWA ACT

Mr. Roy moved third reading of Bill Pr18, An Act respecting the City of Ottawa.

Mr. Roy: Mr. Speaker, I might just say one or two words before the motion is carried because of the tortuous finality achieved by this legislation. My colleagues from Ottawa West (Mr. Baetz) and Ottawa South (Mr. Bennett) will be pleased to hear that by the passage of third reading today the city of Ottawa will be in a position to require one of the major elements of the bill, an energy statement from developers of commercial establishments or of residential buildings of 25 units or more. With the concessions made by the government and the officials of the city of Ottawa, the city of Ottawa is able to achieve this.

I want to pay special respect and underline the effort put in by the city solicitor, Mr. Hambling, who came down here on at least four or five different occasions to achieve a compromise so that the city of Ottawa could have this legislation. I am very proud this has been achieved, in spite of the best efforts of the member for Carleton East (Ms. Gigantes) to undermine the legislation.

Motion agreed to.

## THIRD READINGS

(continued)

Bill Pr18, An Act respecting the City of Ottawa;

Bill Pr36, An Act respecting the Town of Midland.

## CONCURRENCE IN SUPPLY

MINISTRY OF CULTURE  
AND RECREATION

Mr. Wildman: Mr. Speaker, in the interests of time—and I understand the minister is not feeling very well—I will not take very long. I just wonder if the minister could give us some indication of when he expects the revision of the guidelines for capital expenditure under Wintario to be complete? Can he say what effect that will have on some of the ongoing projects that are at different stages, that are looking for further grants from Wintario on the basis not of continuous, but I understand additional work?

These are new projects but they relate to previous projects. There is a situation in my riding where the small municipality of Iron Bridge, with the assistance of this ministry through the Wintario and the Community Recreation Centres Act, built an arena. Those people are now looking to complete a new project to put in artificial ice and a new floor for the arena. It would cost somewhere in the range of \$53,000. They are wondering when they can get some idea of when the

guidelines will be complete so they will know whether they will qualify.

**Mr. Ruston:** Mr. Speaker, I would hope the minister in making any announcement with regard to the general policy of capital grants would use some discretion in using it. I hope he would bear in mind the recommendation of the procedural affairs committee with regard to the general overall application of those grants.

**Mr. Nixon:** Mr. Speaker, now that the matter has been opened, I feel that the minister, who commands one of the largest ministerial advertising budgets in the government, should have provided an accounting of it. Through the Minister of Industry and Tourism, which is responsible for these matters, he should have provided a full accounting of the millions of dollars that must be under the direction of his ministry, if only for the various and sundry lotteries and games he runs in support of our cultural endeavours.

**Hon. Mr. Baetz:** Mr. Speaker, in response to the first question raised as to the possible timetable for the continuation of the capital grants program, it is my plan to lay the new program before my cabinet colleagues in mid-January. I would hope when I receive concurrence from them we will be able to make the announcement.

**Mr. Roy:** I have a bet on, Reuben, that you would bring it forward before the next election.

**Mr. Nixon:** It will be your last chance.

**Hon. Mr. Baetz:** I hope long before the next election, of course.

I am not able to be very specific at this time as to what the new program will look like. However, I think I can say with some reasonable degree of assurance that many of the features of the new capital program will be quite similar to the present program. The kind of illustration the member gave for continued funding would look to me to be very much the kind of thing we will be able to finance under the new capital program.

In response to the question about advertising, it is true, as has been noted, that the advertising accounts for the lottery programs are very substantial, probably among the highest in the province. But I must stress that this is advertising placed and directed by the Ontario Lottery Corporation. That is a crown corporation and does its own advertising along its own guidelines. If at some time the member wants to have a detailed account as to those figures, I am sure this will be forthcoming.

As far as the criteria and the new methods of administration are concerned, we have taken steps to streamline the program still further. We think that will enable us to make grants very speedily. So I am looking forward to the continuation and to the opening of a new capital program in the new year.

Resolution concurred in.

12 noon

#### MINISTRY OF ENERGY

Resolution concurred in.

#### MINISTRY OF THE ATTORNEY GENERAL

**Mr. Sweeney:** Mr. Speaker, I do not see the Attorney General. With respect to concurrence for the Ministry of the Attorney General, may I ask a question of the Provincial Secretary for Justice in the Attorney General's absence?

Last June, the Ministry of the Attorney General delivered to this House the study of mind development groups and cults. A question was asked of the Premier (Mr. Davis) as to what action the government was going to take on this report and, on June 17, the Premier said the report would be assessed by the minister and would then be coming forward to cabinet for whatever recommendations.

I got the clear impression from the Attorney General when I posed the same question to him a few days later that, at some time in this session, we would be advised as to what he or his ministry was planning to do with that report. We have heard nothing. I wonder if the Provincial Secretary for Justice, as a member of cabinet where, according to the Premier, this issue was discussed, might be able to give me some intimation as to what the plans are for it.

**Mr. Speaker:** Is there any other member who wishes to make any comments?

**Mr. Warner:** Mr. Speaker, it is unfortunate that the Attorney General is not here. I understand he is not well and I certainly wish him a speedy recovery. There is a rumour that he is convalescing at the Albany Club but, of course, that is just a rumour.

It is slightly more than a year since we debated in this House and defeated a bill which would have established a procedure for citizens' complaints against police action. There was a very good, solid reason why that bill was defeated. If you recall, Mr. Speaker, it not only set up numerous road-

blocks for citizens who had legitimate complaints, but it ensured that the police would continue to investigate themselves.

However, there has remained on the Order Paper a bill which does set out a procedure which, first, involves the citizens directly and allows them to take their complaints directly to a place other than a police station, and which allows for the independent investigation of such complaints. That bill was put forward by my party and stands in my name on the Order Paper, and it has been there for a year. Of course, the result of the inaction by the government is that, for the citizens of Metropolitan Toronto and other urban centres throughout the province who have complaints against police actions, there is still no complaint procedure.

I think the situation is intolerable. Frankly, I do not understand why the government sits so complacently while we continue to have unfortunate incidents occurring within our city and in other cities as well. I would like to know whether the government intends simply to allow the issue not to be answered and why, when it has been pretty clearly indicated by the House that the government plan was unacceptable, and when there is a very clear alternative sitting on the Order Paper, the government simply cannot adopt that alternative so that the citizens of Metropolitan Toronto can have a citizens' complaint bureau, which they have long asked for and which numerous government investigations and reports have also said is necessary and important to have in our city?

I am very discouraged by the kind of complacent attitude being shown by the Attorney General. I fully understand and appreciate that the secretariat cannot be held responsible for the actions of the Attorney General. None the less, perhaps he could try to enlighten us as to what the government policy is and whether a proper citizens' complaint procedure will ever see the light of day.

**Mr. Roy:** Mr. Speaker, may I just briefly join my colleague from Scarborough-Ellesmere in echoing my disappointment about a problem which has been underlined now for at least six or seven years by a number of reports: the Maloney report; the present Ombudsman, Mr. Morand, discussed citizens' complaints as did the Marin investigation of the RCMP, and so on. It is truly disappointing and I think somewhat shameful of this government to find itself in December 1980 without a bill dealing with this very important problem, at least for the metropolitan area. It is shameful and somewhat

reflective of this government which did not want to compromise just a bit. Had they compromised and taken some of the suggestions by the members of the opposition, they would have a bill here today. I repeat, I am deeply disappointed and think it is shameful on the part of the government that they did not see fit to deal with that problem.

I wish you would convey a further matter to the Attorney General, to whom we wish a speedy recovery. I wish you would convey to him as well that we have had a commitment in this House about new legislation dealing with prescription periods in Ontario. This is not even contentious legislation. This is legislation which would receive wholesale and wholehearted approval on the part of all members in this House and all citizens of Ontario. Again, it is deeply disappointing that in December 1980 we do not see legislation to correct the problem of limitation periods. I do not have to remind you that in 1980 it is somewhat ironic that we still have archaic situations in Ontario society whereby there is a limitation period of so long in dealing with doctors, with undertakers, or with government. Hence, the public and the citizens of Ontario find themselves in a situation where this inconsistency still exists.

We have had commitments from the Attorney General. We have had law reform reports on the books for many years. It is disappointing that, as we close and we pass these concurrences, we still do not have this legislation. There is no excuse. One cannot say that the opposition has in any way impeded progress. We have not done any of this. One cannot even compare this to the citizens' complaint legislation that we do not have for Toronto. We are all in favour of it and I cannot see any reason or excuse why we did not see this legislation.

**Mr. B. Newman:** Mr. Speaker, I want to make a few comments on the Hill report on cults, sects and other groups. I am extremely disappointed that here we have had a report tabled in the Legislature. The ministry was supposed to have studied it. The Premier has given us a firm commitment that it would be assessed by the ministry and they would come down with some action.

The whole purpose of the report was to assist the many parents as well as individuals who have been affected by mind development groups throughout the length and breadth of the province. A Norma O'Donnell has been in my office practically daily ever since her daughter had her mind affected by exposure

to one or more of the cults common in bigger metropolitan areas.

12:10 p.m.

I would have thought the government, at this time, after having spent half a million dollars, would have some kind of answer for the parents who are seeking assistance for their children, be they young children or older children. They are looking for help and we thought the government would be concerned and try to assist them. I am extremely disappointed that we have spent this money and absolutely nothing has happened as a result of the report. The report is now going to die and the many people who have been adversely affected are going to continue to be punished.

**Hon. Mr. Walker:** I would just like to comment on the fact that the Attorney General is not here. He has been quite ill since last Friday and it is anticipated the flu he has will cause him to be incarcerated in his own home for probably the next five to 10 days. We do hope he has a speedy recovery, but it is very unfortunate that he is not here at the moment to respond more fully to the questions that have been posed by the honourable members.

The member for Kitchener-Wilmot and the member for Windsor-Walkerville have raised questions relating to cults and mind development organizations. I think it is fair to say that probably no one in this Legislature despises these groups more than those members who have spoken and we on this side as well.

It is a situation that was addressed by Dr. Hill. I believe the recommendation in the report was that no legislation should be contemplated. However, there were a number of very far reaching recommendations and those have been under active study by the Attorney General, and particularly by his ministry, since the report was received.

Please keep in mind that in the interim the Attorney General has been constantly plagued with the question of the constitution. Practically every waking moment he had between the time the report was received and until just a few weeks ago was occupied by constitutional matters and he spent the entire summer in Victoria, Montreal and Winnipeg working on these matters. I think it is fair to say that some matters have tended to go to the back burner while some of the more important concerns have been addressed. While I do not wish to take away from the importance of this particular report, I think it is fair to say his time has been preoccupied by

other matters of great significance over the past spring, summer and fall.

The member for Scarborough-Ellesmere and the member for Ottawa East raised questions relating to the police bill. All I can say is that it was those two members and their parties who chose to defeat what was a very good compromise bill. A bill was presented to this House by the Attorney General earlier in the year and that particular bill represented a distillation of feeling and had the support of virtually all the organizations in the city that were involved: the Metropolitan Toronto police commissioners, the Metropolitan Toronto Police Association and the Metropolitan Toronto police chief. Virtually everybody agreed on the way it should go. It was those two members who tried to change that.

**Mr. Warner:** It was supported by everyone except the citizens.

**Hon. Mr. Walker:** I think the vast number of citizens supported it. To the extent the members opposed that bill, I suspect the public of this province detected that they are the ones who are not supporting the police while we are the ones who are trying to put forward something that supports the police.

**Mr. Roy:** Mr. Speaker, on a point of order.

**The Deputy Speaker:** What is your point of order? What could be out of order?

**Mr. Roy:** On occasion the chair has made the Attorney General retract comments that somehow implied that by opposing this legislation we are undermining the police. I think there was a retraction involved in some of the comments made by the member for Scarborough-Ellesmere. I want to put it very clearly on the record that any minister, including the Provincial Secretary for Justice, who tries to put on the record that somehow the opposition does not have faith and confidence in the police and is trying to undermine them by opposing this legislation is distorting the facts. I want to make that very clear and if that was the minister's inference, he should withdraw it.

**Mr. Warner:** Mr. Speaker, on the point of order: As my colleague the member for Ottawa East mentioned on an earlier occasion the Attorney General tried that silly nonsense of suggesting that because the opposition party disagreed with what the government wanted we were not supporting the police. I raised it as a point of order and the Speaker at that time asked the Attorney General to withdraw that allegation. The Attorney General did so. I would ask that on

this occasion the Provincial Secretary for Justice also withdraw that silly accusation.

**Hon. Mr. Walker:** I have never heard sillier nonsense in my life than what is coming from the other side. What I said was the public of this province, in my opinion, has come to the conclusion these are the people—the Liberals and the NDP—who are undermining the police.

**The Deputy Speaker:** I have listened carefully and I am sure all members who have spoken have made their points of view heard.

The resolution for concurrence in supply has already been placed before the House at the beginning of the debate. Is it the pleasure of the House that the resolution be concurred in?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Resolution concurred in.

#### MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

**Mr. Sweeney:** Mr. Speaker, my question to the minister is with reference to the new Highway 8, between Highway 401 and the existing Freeport Bridge in the city of Kitchener. The minister will perhaps recall this project has been ongoing for considerable time. I believe it is called the Highway 8 diversion.

The residents of that area, along that strip of the road, have met with officials of the ministry on a number of occasions, most recently in September 1979. They have indicated their concern, not about the diversion itself but about an access road to that diversion and the amount of noise and other types of pollution that would result if it were placed where ministry engineers want it placed.

They proposed some alternatives to ministry officials but these were rejected. During the winter and summer of 1980 they contacted a number of experts in the environmental field and in the engineering design field. They had planned to come back to the minister and ask for an environmental assessment hearing because their concerns are of an environmental nature. However, recently they discovered quite by accident that on January 23, 1980, an exemption from an environmental assessment hearing was obtained by the ministry from the Minister of the Environment (Mr. Parrott).

These people feel in something of a quandary because they feel they have legit-

imate reasons to have an environmental hearing. The first two reasons given for the exemption deal with the possibility of resulting delays in construction. The project has been under way for a number of years. It has been one full year since the exemption was requested. I guess the exemption was probably requested before that. There is still nothing happening there.

My point to the minister is that new information has come to light. The residents were not aware the exemption had been requested and obtained. I would ask the minister if he would now ask that this exemption be withdrawn and give those residents the right to have an environmental assessment hearing on their concerns.

12:20 p.m.

I would also ask the minister if he could indicate to the best of his knowledge when this project will now proceed and whether there is sufficient time to hold an assessment hearing. I understand the residents would be quite prepared to have that confined to a short period of time because the factors involved have now been sharply focused and it should not take very long.

**Hon. Mr. Snow:** Mr. Speaker, I am somewhat shocked to hear this from the honourable member, but I will have to look into the situation on that particular job. Like many other jobs that were well along in the planning stages when the Environmental Assessment Act became effective on the ministry, exemptions were obtained for these jobs. This was a high priority job. There has been great pressure from the city of Kitchener and the area municipalities to get the job proceeded with. An exemption was requested and obtained. If the member wants us to go back and start from square one on the project, then we will have to look at a probable delay of at least three years.

**Mr. Sweeney:** Mr. Speaker, may I respond to that?

**The Deputy Speaker:** No. This is concurrence. We are not in committee.

**Mr. Sweeney:** We are not asking to review the whole thing.

Resolution concurred in.

#### JUSTICE POLICY

**Mr. Roy:** Mr. Speaker, I want to make a comment. We were going to let this thing slip through innocuously, but we won't after listening to the minister's invective of just a few seconds ago in defending the Attorney



General in his blatant and political attempt to try to undermine the opposition in the responsible roles we play in this place and in attempting to say that we, who wanted a bill to protect the citizens and at the same time give some flexibility to the police, by demanding such a bill and by refusing to support the bill brought forward by the Attorney General somehow are showing a lack of confidence or undermining the work of the police. The Attorney General has tried that stunt before, but I am surprised that the provincial secretary would repeat it again, although I have known him in other instances when he was potentially capable of saying such nonsense.

I want to say to the Provincial Secretary for Justice that this is not the role of the opposition. We have as much faith in the police as he has. At the same time, there are three reports on the book existing for seven or eight years saying that there is a problem and that a new mechanism must be found for citizens' complaints. One of these people is now the Ombudsman of Ontario and one is the former Ombudsman, Mr. Maloney, and a good Tory at that. The minister should be listening to people like that.

To suggest that we in the opposition who are supporting the recommendations in these reports are somehow showing a lack of confidence in and undermining the police is pure rubbish and the provincial secretary should know better. I think the record should be clear on that point.

Interjections.

**The Deputy Speaker:** Order.

**Mr. Warner:** Mr. Speaker, it is rather sad that the government, instead of taking the opportunity to bring in a bill which is desperately wanted and needed by the people of Metropolitan Toronto and other urban centres, would choose instead to try to suggest that the opposition parties are against law and order. What patent nonsense!

**Hon. Mr. Walker:** On a point of order, Mr. Speaker: I think the member fully knows I did not say the opposition parties were opposed to law and order. They may well be, but I did not say it. I am inclined to think maybe they are, but I did not say it.

**Mr. Warner:** Mr. Speaker, had the member taken the time to read the bill which stands in my name, he would have found there was greater protection for police officers under that bill than under the government bill which was defeated. The government had it in its head that ordinary citizens would be given the power to fire police officers

immediately, without recourse. What we said in our bill was that the chief of police was still in charge of the force and, upon the basis of a complaint being substantiated, the chief of police could choose to issue whatever disciplinary measures he chose. The police officer would still have the right of the grievance procedure through his union.

We built in some protection in the case of complaints which could not be substantiated, or in the situation wherein an arbitrary decision under the government's bill could simply be made by citizens. What we addressed instead was the process under which a citizen could easily and quickly lodge a complaint, have it heard immediately, have it investigated independently and resolved. It would not be the gobbledegook that the government had for a citizen.

I would submit that if any citizen wanted to lodge a complaint under the government bill which was defeated, he should first hire a lawyer so he could work his way through the maze that was set up. It was incredible. There is not a citizen in this city who would go through the hoops that the government had set up. A reasonable person could look at that bill and construe from it that perhaps it was deliberately set up that way so that it would not have any hope of working. My major point, which still remains, is that, regardless of the difference of opinion in this place, we still do not have a procedure.

I would have thought that the government, having had its bill defeated, would have come back with a new proposal or another suggestion. Is the government so lacking in imagination, determination or political will that it cannot come back to the House with another proposal? It is very disturbing to think that the government is so complacent about citizens who have complaints against police action, and that, despite the many years of investigations, reports and submissions, they choose to sit idly by. On this occasion, on this concurrence, part of the blame rests with the Provincial Secretariat for Justice, because I suspect that there is no such secretariat, and that they never meet. We asked earlier for the dates on which the justice policy group met, and who was included. We never got an answer.

**Hon. Mr. Walker:** The member never asked me that.

**Mr. Warner:** Let us try it again this morning. How often have you met in the last year? Who attends those meetings?

**Hon. Mr. Pope:** Once a week.

**Mr. Warner:** It is a sad commentary, but the Provincial Secretariat for Justice is useless.

**Mr. Wildman:** Mr. Speaker, I had no intention of participating in the debate on this concurrence but, frankly, I find the minister's comments during the previous concurrence an affront. The reason is that I, as a member of this Legislature, have campaigned for a long time in support of the provincial police in northern Ontario. It is through the efforts of people like municipal politicians and members on this side of the House that we have been trying to persuade this government to make a commitment to provide adequate funds to the provincial police so that they can hire the staff they need. They cannot fulfil their responsibilities with the lack of staff they have now. This government has done absolutely nothing about it.

We had the Attorney General, in his guise as the Solicitor General, get up a couple of years ago and say he wanted to hire 100 to 150 constables to bring the OPP up to staff requirements. Then he cannot push it through the Management Board. He gets great headlines about how he wants more money for the police, and then he cannot put his money where his mouth is.

12:30 p.m.

If this government really supports the police, as this provincial secretary would have us believe, it is about time it put its money where its mouth is and hired the number of police officers we need in order to allow policemen in the remote areas of the north and in rural areas of southern Ontario to do the job they want to do. This government has not come up with the money and it is about time it did. Instead, what are they doing? They are regionalizing police operations in northern Ontario so that someone from Kapuskasing or Hornepayne has to go to Hearst to get a policeman late at night if they have a problem. It is going to take at least an hour for a response to that kind of call.

If this government calls that adequate policing and service to the public, I think it is crazy. As far as I am concerned, between Sault Ste. Marie and Thunder Bay on Highway 17, the only police force that gives 24-hour service is the township police department of Michipicoten. Every OPP detachment closes at midnight or 1 o'clock in the morning and there is not any service after that time except Zenith numbers. For that matter, this government does not even give that township police force adequate funds because the small municipalities do not get the same subsidies

as regions. They have done nothing about that issue either, so they are underfunded as well.

If this government really does believe in the support of the police, it is about time it put its money where its mouth is and gave us adequate policing in northern Ontario.

**Hon. Mr. Walker:** Mr. Speaker, I certainly wish the rest of the members of the opposition would support the police as vehemently as does the member for Algoma. It is just unfortunate that the rest of his colleagues do not agree in the same way. There was a perfectly good bill that was presented before this House and that bill was decimated by these characters. I think I will leave it at that.

A moment ago I said that the citizenry was quite opposed to what was being done here by the two opposition parties. There is not a policeman in this province that I know of who does not believe that the opposition parties, the Liberals and the NDP, pulled the rug out from under them just a few months ago. There is no question but that their name is mud with any policemen in this province.

I would just like to say to the member for Scarborough-Ellesmere, who seemed to have thought he asked me when we met, and did not ask me when we met, but I am glad to tell him now—he seems to have forgotten that he did not ask the question but having now remembered that he did not ask the question—that the cabinet committee on justice meets every Thursday morning as a general rule. In fact, in the last three months we met on September 18, 1980, which was a Thursday; we met on September 25, 1980, which was a Thursday; we met on October 2, 1980, October 9, October 16, October 23 and October 30. The member is not taking these dates down, and I refuse to continue on with these until he is prepared to write them down.

Mr. Speaker, allow me to leave it at that point. May I suggest that while we are into this area of discussing police matters, if you might be prepared to call the item standing in the name of the Solicitor General, which is quite a bit further down the way, I would be prepared as a courtesy to the opposition to stay around and answer a question or two about the Solicitor General's estimates if you call that matter at this point.

**The Deputy Speaker:** The resolution for concurrence in supply was placed before the House at the beginning of the debate.

Is it the pleasure of the House that the resolution be concurred in?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

Resolution concurred in.

**Hon. Mr. Gregory:** Mr. Speaker, I wonder if the House would agree to revert to presenting reports so we could receive a report.

**The Deputy Speaker:** Is there unanimous agreement?

Agreed.

## REPORT

### STANDING GENERAL GOVERNMENT COMMITTEE

Mr. Ashe, on behalf of Mr. Cureatz from the standing committee on general government, reported the following resolution:

That supply in the following supplementary amounts be granted Her Majesty for the fiscal year ending March 31, 1981:

Office of the Assembly program, \$2,376,700; administration of the Audit Act and statutory audits program, \$110,000; Office of the Ombudsman, \$83,000.

## CONCURRENCE IN SUPPLY

### MINISTRY OF THE SOLICITOR GENERAL

**Mr. Makarchuk:** Mr. Speaker, I would like to make a few comments on the concurrence in supply for this ministry, in view of the fact I was dealing with the Solicitor General in the estimates.

The police bill was raised in the estimates. The same day we were raising the matter of citizen involvement, there was an article in the Toronto Star by Marilyn Dunlop outlining how a procedure like that is in effect in Chicago, and it produces results. The opposition parties have advocated a procedure of that nature. When we brought this to the attention of the Solicitor General he adamantly, absolutely and bullheadedly refused to consider the idea that there should be some kind of citizen involvement in the review process.

I think that indicates the stultified nature of the government. It is sitting on what I consider to be a ticking time bomb. There is a lot of resentment; there are a lot of people who feel they have no recourse, that they are powerless, that they are abused by those kind of situations. The minister absolutely refuses to deal with the problem in a way that has been shown and demonstrated to have worked in other jurisdictions.

If such legislation had been in effect in Toronto for the last three or four years, where the citizens had recourse to a citizen review board and felt they would get fair treatment, perhaps we would not have had the Albert Johnson situation developing. The citizens would feel they could deal with those situations in a similar manner.

It was pointed out in that article that when citizens complain they are able to get some recourse. Somebody would move in and try to rectify the problem in a matter of hours, not days or weeks. The matter would not be dragged on through various groups, reports, commissions, et cetera.

Another matter was raised in the Solicitor General's estimates that I think should come to the members' attention, considering how much the government supports the police and how much it is fighting crime. The fact is that the motorcycle gangs in this province are taking over. Booking agencies are becoming legitimate, but at the same time are using violence to intimidate people. They pressure the strippers et cetera in the various bars in Ontario to go with these booking agencies that are being operated by motorcycle gangs.

This is a growing problem; it is developing. The Solicitor General is allowing to develop in this province what originally was considered to be a totally illegal group of people. People who had no commercial standing in society now are able to operate in a legal manner. On the one hand the booking agency is legal, it operates. On the other hand it ensures that its clientele is coerced through force to become part and parcel of this operation.

We had evidence produced to us in the estimates of at least three people who were beaten up by the motorcycle gangs, and other people have been threatened. The police have done absolutely nothing. When the performers went to the police to lay complaints, they were scoffed at. Evidence was given where one of the crown attorneys refused to go ahead with the prosecutions on various cases.

Also, in the matter of indecent performances and so on, the Liquor Control Board of Ontario seems to sit back and allow these hotels to continue to operate.

**Hon. Mr. Drea:** On a point of order, Mr. Speaker: The member knows very well when it comes to entertainment that the Criminal Code of Canada provides for this. He should start on me.

**Mr. Makarchuk:** The Minister of Consumer and Commercial Relations is sensitive. We are talking to the matter that was raised with the Solicitor General. But there is a very

grey area as to what is legal and what is illegal.

12:40 p.m.

The point is, the liquor control board can walk in there quite often and close down a hotel when drinks are served beyond closing time or to minors, but I have yet to see the LCBO do something about some of these institutions that insist the girls carry out what they consider indecent and perhaps illegal performances that go on in the hotels.

**Hon. Mr. Drea:** Once again, Mr. Speaker, the member knows full well that is under the Criminal Code; it is under the Attorney General; it is under the local crown attorney. By virtue of a court decision made by the Supreme Court of Ontario, the LLBO, not the LCBO—get that right; the member ought to know after his adventures with them—the Liquor Licence Board of Ontario has no jurisdiction in entertainment. The obscenity provisions of the Criminal Code of Canada prevail. If the member is so misguided that he thinks the Criminal Code of Canada is administered by the Liquor Licence Board of Ontario, I humbly suggest he do a bit of research.

**The Acting Speaker (Mr. MacBeth):** Your point has been made.

**Mr. Makarchuk:** Mr. Speaker, I just want to say they do not hesitate to move into everything else. When service clubs decide to hold a game of chance, they move in there very quickly and find out there is a regulation. When girls are threatened, beaten up and everything else, they cannot seem to find the opportunity, the wherewithal or the backbone to move in there. That is the point.

I agree that it is under the Criminal Code and everything else. Unfortunately, the administration of justice in this province is such that they cannot seem to get a conviction under the Criminal Code. There does not seem to be an opportunity for convictions to be registered and prosecuted to the full meaning of the law.

**Hon. Mr. Drea:** You give me the backing and I will run it.

**Mr. Makarchuk:** The other point I want to raise is a fact that was also brought out in the estimates, the understrength of the Ontario Provincial Police, who have lost something like 300 members at a time when crime in Ontario is actually expanding; it is becoming more sophisticated and has large resources to operate with. The OPP does not have the men to deal with the

problem. Instead of crime in Ontario going down or at least being controlled at a certain level, it is on the increase.

The matter of the so-called friends of the police was raised. The minister is not a friend of the police. The way he is acting he must be friends with somebody else, not the police. The OPP does not have adequate resources to deal with the crime. If they did, we would not have this problem of gangs becoming legitimate or moving up into legitimate fronts. I suggest to the Minister of Consumer and Commercial Relations that perhaps he should consider licensing those booking agencies. It might be a way to control some of those operations.

I wish to conclude by saying that the Solicitor General in Ontario had better pull up his socks and start looking seriously at the OPP in terms of providing them with the resources they need, because organized crime in Ontario has an ability to move from one city to another city. It moves around; it does not operate within one metropolitan area or one regional area where the police can do something about it. The OPP is the only group of police available in Ontario which should have the resources to be able to follow crime right across the province, not just the efforts made in municipalities or regions or cities where they cannot really control it as they should.

**Mr. Warner:** Mr. Speaker, on a different topic, there is an item that should be a source of deep embarrassment and shame to this government.

I understand that in November 1976 an Ontario fire code advisory committee was established. It did some very important and useful work, the end of which culminated in a speech given by the member for London South (Mr. Walker). He made a speech in Hamilton, and part of it says he has been instructed to inform the gathering of fire chiefs that the fire code, with the exception of the retrofit, shortly will be law in Ontario.

He made that speech on May 7. In June Bill 141 was introduced. It still remains on the Order Paper and is about to die. What on earth happened? It was obviously a hollow promise. He ended up misleading quite a few fire chiefs who spent a great deal of time and effort and committees that worked very hard to come up with a new fire code.

The elements that had been suggested were published in the Ontario Gazette and went a long way in addressing some of the very serious problems that exist. Everyone was led to believe that this bill, which was intro-

duced in June following the big announcement by the provincial secretary, was going to be debated and passed. Instead, when we rise today the bill will die. All of that work, those four years of effort, we must assume have gone down the drain. For what reason? It is very difficult to understand.

Normally, in these situations it is because pressure has been applied that is commonly known as lobbying, and I would like to know by whom. I wonder if it is HUDAC. They say in their letter of June 4 that they are not terribly pleased with the way in which the fire code is developing in view of the stated policies of the government to reduce its involvement in the affairs of business. I wonder if HUDAC was part of the pressure group.

I would like to know several things. I would like the minister to tell us why the government has broken its promise; secondly, what it intends to do with respect to the fire code, since the bill obviously dies today; and, thirdly, who is pressuring him. Where is the lobbying coming from? Why can the people of Ontario not have a modern, up-to-date fire code that would be of assistance?

Part of the new fire code addresses itself to an interest that I have had for some time. Just the other day I introduced a bill to amend the Nursing Homes Act. That bill, if passed, would direct that sprinkler systems and smoke detectors be installed and that there be training for staff on fire procedures and evacuation procedures. The bill was developed out of the jury's recommendations from the tragic fire at the Mississauga nursing home.

Quite frankly, the bill I introduced should not be necessary if the new fire code were introduced, because the new fire code, as printed in the Ontario Gazette, contains sections that would address the problems I raised in the bill I introduced the other day. I would withdraw my bill if I knew that a new fire code were going to be introduced that contained those measures. I would be more than pleased to withdraw my bill, because the new Ontario fire code would be more comprehensive. It would mean that the people trained in fire safety would be the ones who would be doing the inspecting, and not the nursing home inspection branch. To me, that is very sensible and reasonable. Instead, four years of work have gone down the drain. The fire chiefs of this province are very unhappy with this government for abandoning a promise that had been given to them and because four years of work apparently have been scuttled.

12:50 p.m.

Mr. Lawlor: Mr. Speaker, I will be very brief. Mr. John Holtby, my friend of some years past, has just reminded me that this may be the last opportunity in which I will be able to speak in this House. I trust not, because it has been at the back of my mind to prepare a major oration for the delectation of everyone present on some subsequent occasion, mostly, of course, on the budget. I can sum up my brief career here by quoting from a recent cartoon in the New Yorker magazine, "I only made one mistake: I did it my way."

I have a word or two for the Solicitor General. We all know, regretfully, how bitter and partisan issues can be, particularly when elections are in the offing but, artificially to engender and construct some appeal to the police community in a totally invidious fashion, such as the minister is currently doing, does him little credit and, in my opinion, simply will not work. He needs issues.

Is the government so bereft of substance that this is the kind of measure it has to resort to? They have produced a ramshackle and convoluted piece of legislation which confuses even themselves and, working under that smokescreen, they are seeking to bring both opposition parties into disrepute in this particular guise. Nothing anyone will say will prevent them doing it largely because of the dearth or paucity of thought on issues on their side. They have so much to apologize for, in terms of economics and in terms of their tenure in the past few years, that any straw will be grasped at.

I want to raise my voice against that at this stage and say that, in our conversations with senior police officers et cetera, which we have had outside of caucus and as a result of caucus, we seemed to have a very good reception. As a matter of fact, we have found greater areas of concordance between what we proposed, particularly in the relations of the chief of police vis-à-vis the policeman on the beat et cetera, than what his legislation is proposing. One could go into it at length and thrash about. Irrationality in these matters rules the day, and there is little more one can say.

Mr. Roy: Mr. Speaker, I want to say one word to the acting Solicitor General, the Provincial Secretary for Justice. He has attempted all morning to try to associate the opposition with somehow undermining the police, as my colleague the member for Lakeshore (Mr. Lawlor) said.

Hon. Mr. Walker: I haven't tried to do that. That was done by you months ago. I

just reminded you that you did it to yourselves months ago.

**Mr. Roy:** Some of the people across the way even had the nerve to applaud that shallow rubbish coming from people who find themselves in deep trouble. It is somewhat ironic they should say the police somehow feel the opposition is not supportive of the role they have to play. I do not think any of us has to apologize for being continually supportive of the police.

If he thinks he can win the campaign by saying that the opposition parties, by playing their role as a true opposition and not rubberstamping the bills put before them, are somehow undermining the police by that approach, that we are not supportive of the police, and that somehow—and this is the worst statement of all—the police in this province feel they do not even have the time of day for the opposition, I want the minister to try that sort of that campaign and approach in my riding. Let him come in and try to get that sort of support from the police in my riding.

It is becoming in one who is supposed to be the Provincial Secretary for Justice to say, when the opposition is doing its job, fulfilling its role and questioning government legislation, that somehow it is undermining the whole administration of justice and does not have the confidence of the police. Ministers of the crown, or, at least provincial secretaries who are involved in the administration of justice, should not stoop to such depths.

**Hon. Mr. Walker:** Mr. Speaker, let me begin by paying tribute to the member for Lakeshore (Mr. Lawlor) and say that I hope this is not his last moment to be speaking before the House. Fortunately, we have had many years of great input, and I am certainly pleased that the honourable member was not nearly as provocative as the member for Brantford (Mr. Makarchuk), who attempted here to incite us all to make comments that we might not want to make. It is difficult and almost impossible to try to be calm and to respond when faced with that kind of provocation.

In any case, let me say, with respect to the police forces of this province that they are second to none; while the member opposite made some invidious comparisons with respect to the Metropolitan Toronto Police Force, I think it is one of the great police forces in this country, indeed, in North America. I would hope the member would not continue on the bent he was attempting to display here earlier.

Organized crime is probably a number one priority with the Attorney General and with the Solicitor General. They have both attempted to provide us with very good police activity in the entire area of organized crime. The Ontario Provincial Police and the police forces of Ontario have an enviable record with respect to this area.

The member for Scarborough-Ellesmere (Mr. Warner) brought up matters relating to the fire code. Yes, I made that speech in Hamilton on May 7, and I said that legislation was soon to be the law of Ontario. A bill was introduced within a month and a half of that speech and would have been dealt with, I am sure, this week. The Solicitor General, when he spoke to his deputy just yesterday, said he wanted to be down here to put forward the fire code. Had he been here this week and had he not been incapacitated with illness, I am sure this week would have seen the dealing of that particular bill.

I can also tell the honourable member that this bill will be the very first one introduced in the new year and if we come back in March—

**The Acting Speaker:** The member for Scarborough-Ellesmere has a point of order.

**Mr. Warner:** On a point of order, Mr. Speaker: You realize as well as the rest of us that certain ministers of the crown have parliamentary assistants, and it is normal procedure in this chamber, when a minister is absent, that his parliamentary assistant carries forward with the legislation. That means in this case that, had the Solicitor General the desire to bring forward the bill, his parliamentary assistant, the member for Carleton-Grenville (Mr. Sterling), would have done so. The parliamentary assistant was here this week.

**The Acting Speaker:** That is not a point of order.

On motion by Hon. Mr. Gregory, the House agreed to continue sitting beyond the hour of 1 p.m.

**Hon. Mr. Walker:** Mr. Speaker, the bill will be introduced as soon as we return in the spring. I am led to believe it will be the first one introduced. I suspect it will be not changed at all from what we see on the Order Paper today. If there are any changes in the interim, I suspect they will be very modest.

1 p.m.

I would say, with reference to the parliamentary assistant to the Attorney General, there is no parliamentary assistant to the

minister whose estimates and whose concurrence is before the House today. The member is the parliamentary assistant to the Attorney General, and not to the Solicitor General. I do not think the member can properly raise that, and I know the Solicitor General, had he had the opportunity, would have dealt with this matter this week and it would have been resolved to the satisfaction of the chiefs of this province consistent entirely with the speech I made on May 7. Having been made an honorary chief, I think I can speak for them in that way.

The member for Ottawa East (Mr. Roy) talked about the role being played by the opposition and them doing their job. Yes, everybody here expects the opposition to do the job; no one doubts that at all. But when the opposition goes to the point of confronting legislation that is reasonably decent legislation, legislation that has the agreement of all those individuals—the Metropolitan Toronto Police, the Metropolitan Toronto police commissioners, the police association, the Metropolitan council—I think one has to say at that point that what they stooped to was nothing more than decimating the legislation before the House at that time, and I think that is taking opposition far too far.

Resolution concurred in.

#### MINISTRY OF HEALTH

**Mr. Wildman:** I have two short questions, Mr. Speaker.

I wonder whether the Minister of Health is aware of a recent story that appeared on the front page of the Sault Ste. Marie Star, which was headlined, "If You Are Sickly, Don't Live in Dubreuilville." It went on to say that if you did get sick in Dubreuilville it should be on a Wednesday, because that is the only day there is a doctor present in that community.

The Ministry of Health officials have told Dubreuilville residents the government can help provide financial incentives to an area declared medically underserved, but the search for a full-time doctor requires citizen participation. That apparently is ignoring the fact that the citizens of the municipality of Dubreuilville have been working very hard to try to attract a doctor to their community. The officials then went on to say the community could still be five years away from having a full-time doctor.

I wonder if that is the position of the ministry and what is being done. There is a physician who has expressed some interest in going to Dubreuilville, according to the

municipal officials, and there seems to be some objection by the ministry to that. There may be good reason for that, I do not know, but I would like to know what is going on there.

Also, in relation to the attempts by the residents of Dubreuilville to obtain a dentist, apparently the ministry says the community is of such a size that they can have half a dentist! If this is the case, what is being done to try to co-ordinate the attempts to attract a dentist to that community and to Wawa? What is being done to try to give assistance to the setting up of a dental clinic, which would make it easier to attract a professional to that area? Also, what is being done to try to ensure that, if there is to be a dentist shared with Wawa, that dentist has an understanding and a capability in the French language?

**Mr. Makarchuk:** Mr. Speaker, I have a brief point and this again arises out of the discussions in the Solicitor General's estimates regarding the administration of the fire code and so on.

It is evident that there is no proper burn treatment unit available for Toronto. It is a matter of concern right now in view of the fact that the Mississauga incident could have created quite a few burns and, with the complexity of industrial technology and the use of various chemicals et cetera, the danger exists that one could run into some kind of situation where a lot of people would or could be burned. We discover, on examining the available facilities, that in Toronto there is not an adequate burn unit where there are the beds or the equipment to treat these people properly in any one of the hospitals here.

The minister should look at that very carefully and discuss it with the physicians of the various hospitals, because they have also stated that there is this problem and we have no facilities to cope with it. That is a dangerous way to live, if one cannot take care of people who get burned.

**Hon. Mr. Timbrell:** Mr. Speaker, if I may take the questions in reverse order, there does exist in a number of the hospitals in and around Metropolitan Toronto a capacity to deal with burns, particularly at the Hospital for Sick Children.

There has been a proposal on the books for several years to establish a new burn unit at the Wellesley Hospital, which is on our list of projects for discussion of new initiatives in the next couple of years. It is a matter of availability of—if I remember correctly—something in the order of \$1 million for

capital costs and I cannot recall the figure for operating costs, but it is under consideration.

As regards Dubreuilville, the member for Algoma (Mr. Wildman) and I have corresponded on a number of occasions. To the best of my recollection, Dr. Copeman, who heads our underserviced areas program, does have Dubreuilville on our list. The member says there is a physician who is interested in establishing in Dubreuilville; I would appreciate it if he could get me his name, and I will make sure Dr. Copeman is aware of his name.

**Mr. Wildman:** I think he is aware of it.

**Hon. Mr. Timbrell:** Then I know of no reason, if the physician is interested and Dr. Copeman has been made aware of it, why he can't be brought in. I would still like to have the name, if the member would not mind, so that I can take it up with him.

As regards a dentist, the volume of work for a dentist is quite a different matter from that for a physician, and we have to be looking at sharing a dentist. As the member knows, we would expect the community, perhaps with the assistance of the Minister of Northern Affairs (Mr. Bernier), to look after at least the professional accommodation, if not the personal accommodation. The Minister of Northern Affairs has been extremely helpful in a number of communities in the north in assisting in the provision of both professional and personal accommodation. I will take that up with Dr. Copeman as well.

If the member could get me the name of that physician who is interested, I know of no reason, if he is interested, why he could not be brought in under the program.

Resolution concurred in.

#### SOCIAL DEVELOPMENT POLICY

**Mr. McClellan:** Mr. Speaker, I had not intended to speak on the concurrences and I do not intend to take more than a few minutes but, in view of the fact the minister did make a statement today with respect to the government's plans for the International Year of Disabled Persons, I want to make a few comments.

I do not have my file with me, but I think I can remember from the minister's statement a sentence on the second page—she can correct me if I am wrong—which read, "The government plans to continue with its previous commitments during 1981." The rest of the statement is completely empty of any specifics.

We want to suggest to the provincial secretary that if the government is serious about a meaningful program in recognition of

International Year of Disabled Persons, there are a number of very specific things that can and should be done based on previous commitments that this government has made but not honoured. Let me try to be specific.

Part V of the Ontario Building Code should be brought forward to cover residential accommodations. The transportation service for the physically handicapped should be extended beyond the limited hours it is now available so that the physically handicapped can have a public transit service that is available for social, cultural and recreational use, as well as the current limited service, which is available only to and from employment or school or on a very complicated booking system for other kinds of activities.

1:10 p.m.

The government should move forward on the group homes issue, on which I gather the government is moving backwards; certainly there is no progress there. If the government were serious about ending the violation of human rights by virtue of exclusionary building bylaws, it would take action to make sure municipalities are not empowered to violate human rights. I understand there is an appeal from the Ontario Municipal Board before the cabinet now, and it has been sitting on the cabinet's plate for a long time, with respect to a group home in the borough of Etobicoke. Again, the provincial secretary can correct me if I am wrong. The cabinet has not dealt with that, and I believe the provincial secretary may have something to say in a few days about Metro plans.

If the government is serious in its rhetorical commitment to employment opportunities for the physically handicapped, the government is obliged to do something about sheltered workshops. I do not think the provincial secretary has actually seen the survey of sheltered workshops that was done for the Ministry of Community and Social Services. If the provincial secretary had read it, she would have realized that it was not limited to sheltered workshops for the mentally retarded; it also dealt with sheltered workshops for the physically handicapped. The figures I was quoting, the so-called wages I was pointing out in that study—wages in the order of 30 cents an hour, on average—applied not exclusively to the mentally retarded, but also were being paid to physically handicapped people working in sheltered workshops. These so-called wages are a result of the government's inadequate funding program.

I would suggest, if nothing else, that if the provincial secretary has difficulty finding proj-



ects for the \$12 million she has announced today, a priority should be to upgrade the salaries of disabled people who are working in sheltered workshops. But, leaving that aside, I understand the Minister of Labour (Mr. Elgie) is engaged in a study of sheltered workshops, because he is on the hook too since he issues exemptions from the minimum wage, and the new Human Rights Code will provide a means of having hearings against these kinds of situations.

If the provincial secretary is serious during the International Year of Disabled Persons, I would suggest the time has come to establish a provincial manpower program that has a specific mandate to create jobs in a serious way for physically handicapped people. I would suggest to her that she look seriously at the British Remploy model, which is a crown corporation engaged in productive and successful manufacturing enterprises that employ thousands and thousands of physically handicapped people in Britain and, miracle of miracles, unlike our sheltered workshops, manages to pay them a decent, adequate living wage.

I think there is a role for public sector involvement, not just in terms of preaching, as is the wont of the provincial secretary, but also actually in developing meaningful programs, including crown corporations that can provide employment opportunities. We have successful models in other countries. It is not as though we do not know what to do. It is not as though there is no interest. The Workmen's Compensation Board seems to be more interested in the Remploy system than either the Minister of Labour or the Provincial Secretary for Social Development.

Finally, we want to deal with the income security needs of handicapped people. The International Year of Disabled Persons is a good opportunity to get serious about universal accident and illness insurance. Unless we move away from our current philosophy that the physically handicapped, unless they are on workmen's compensation, are consigned to welfare, and move towards a notion of providing income support to the physically handicapped on the social insurance principle, we are never going to be able to help them to get out of the poverty trap.

The combination of employment opportunities and social insurance, I would respectfully submit to the provincial secretary, is urgently required. I realize she cannot implement programs of this magnitude during the course of a 12-month period. But there is a great opportunity for the government to begin the process of seriously studying uni-

versal accident and illness insurance to determine what kind of scheme in precise terms would make sense in Ontario; to develop a serious provincial manpower program that will pull together all the existing manpower programs currently spread over three or four ministries, put them into the house of the Minister of Labour and permit that ministry the opportunity to create real employment opportunities in a meaningful and serious way, and to move away from the paternalistic and inadequate past measures that currently consign physically handicapped people, even though they are working 30 or 40 hours a week, to a position of subpoverty.

Mr. B. Newman: Mr. Speaker, I want to make a few comments to the Provincial Secretary for Social Development. They refer to a field in which municipalities always say it is not their responsibility. When we talk to the Minister of Health (Mr. Timbrell) and the Minister of Community and Social Services (Mr. Norton), they insist it is the municipalities' responsibility.

I am referring to the physical standards for rest homes, boarding homes and lodging homes. My own municipality insists it is the responsibility of the provincial government to set these standards, yet I understand municipalities have the authority to set the standards. It would be better if the standards for the three types of accommodation—rest homes, boarding homes and lodging homes—were uniform right across the province, whether they be in the city of Windsor or in some smaller municipality outside any one of our metropolitan areas.

I would suggest to the minister that she should convince the municipalities they have an obligation to see that rest homes, boarding homes and lodging homes meet certain physical standards as well as, in some instances, have a minimum type of program for the inhabitants of these rest homes, boarding homes or lodging homes, depending on the type of facility in which individuals could benefit by some type of program.

The fact is that municipalities have the authority but it is not uniform. I would suggest to the minister that she either contact or, in some fashion, see that the municipalities know that it is their responsibility to provide a certain type of standard, which I would prefer to have set by the provincial authority, by her ministry or the Ministry of Community and Social Services or the Ministry of Health.

I am referring first to physical standards. When one gets calls from constituents and goes into one of these homes and then into a

second, there is so much variation in the size of rooms, the type of beds the individuals use and just the general physical accommodations in a building.

There are two things I am suggesting to the minister: First, the physical standards and, second, the programming—so that the people who have to be in these accommodations are not simply warehoused but can have a program so their days can be just as fruitful to them as our days are to us.

1:20 p.m.

**Hon. Mrs. Birch:** Mr. Speaker, I am pleased to have the opportunity to reinforce the comments of this morning with regard to the International Year for Disabled Persons.

This government's interest and participation in the lives of disabled persons does not begin with an international year. Our commitment has taken place over a number of years. We have continued to develop programs that make it possible for the disabled people within Ontario to enjoy, in many instances for the first time, accessibility to transportation, to living accommodation with support service and to many other programs that are very innovative and, certainly, to my knowledge, far ahead of those of many of the other provinces here in Canada.

The honourable member is shaking his head. I have just come back from a federal-provincial meeting of social welfare ministers, who were very pleased to hear what we were doing in this province and who have asked me for all the up-to-date information so that many of them will be able to follow the lead that Ontario has taken in providing many of these services.

Twelve million dollars may not seem like a great deal to have dedicated to programs for this year, but I would like to remind the honourable members that that is in addition to the many millions of dollars we already spend on programs for the disabled in this province. These are going to supply some of the programs that the disabled people themselves have indicated are their priorities; that is what I am really interested in, the priorities of the disabled people themselves. I am sure that, out there today, many of them are very happy to have heard the announcement.

The specifics that the member has asked for will follow in the ensuing months as the ministers responsible for the new programs will make those announcements. I think the member will be very pleased with what he hears.

He also made reference to amendments to the Ontario Building Code. Those are all ready to go. He will be hearing announcements in the very near future. The agreement has been reached, and those building code regulation amendments will go forward.

**Mr. McClellan:** Someone promised it at the end of November.

**Hon. Mrs. Birch:** It is going through.

As I say, I think that, although perhaps we have not been able to provide everything for the disabled people in Ontario, we certainly are attempting to make their lives much more meaningful by providing them with opportunities so that they can make a contribution.

The member made some comments about the transportation program, which is held up as an example to every other province across Canada. We have been trying to persuade more municipalities to take advantage of it. The money is there, the incentives are there, but the municipalities have to indicate their interest. We are hoping, although we have some 30 municipalities involved now, that by the end of 1981 many more will become a part of this program.

The member for Windsor-Walkerville (Mr. B. Newman) mentioned the possibility of the government's becoming involved in the licensing of lodging, boarding and rest homes. More than a year ago, I sent a letter to every municipality in this province indicating to them their responsibility for carrying out such licensing. It is well within their purview to do so. Many have written back and asked for samples of bylaws they might use. We still feel very strongly that should be done at the local level. We are perhaps going to take a look at some of the standards but, as far as the responsibility for licensing and inspection goes, that is a local responsibility and we would not like to take that over.

**Mr. B. Newman:** I was essentially interested in standards.

**Hon. Mrs. Birch:** Perhaps that is something we are having a look at.

As the Provincial Secretary for Social Development, I know we have not been able to do all the things that everyone would like us to do. I can only say, as an individual who has been interested in social welfare programs for many years before becoming a politician, that I am very proud to be a part of this government which

really does show that it cares for the citizens who are disadvantaged in this province.

Resolution concurred in.

#### RESOURCES DEVELOPMENT POLICY

Resolution concurred in.

#### MINISTRY OF INDUSTRY AND TOURISM

**Mr. Laughren:** When I tried to raise an issue this morning, the Minister of Industry and Tourism attempted to respond in a very flippant and irrelevant manner to my direct and piercing question which was put to him concerning the food processing machinery industry in Ontario. The minister's loud words are much louder than the actions he carries through with. He talks about putting on trade shows and about encouraging the various sectors out there but, when somebody approaches him to get assistance in doing it, he does not even give them the decency of a reply. After exactly one year and four letters—the first letter was on October 23, 1979, and the last one was October 23, 1980—

**Hon. Mr. Grossman:** Send them over. I want to see them.

**Mr. Laughren:** I will send them over if the minister will send them back again. We have not heard the last of this matter.

**Hon. Mr. Grossman:** Or this minister.

**Mr. Laughren:** We may have heard the last of this minister in his present portfolio. The Treasurer (Mr. F. S. Miller) is not particularly happy with the performance of the Minister of Industry and Tourism, and that means his position is precarious. We all know who really calls the shots in this government. One more wrong move and he will be Minister of Government Services.

I am sorry there is no concurrence in supply for the estimates of the Minister without Portfolio (Mr. Pope). Why is there not a concurrence in supply for the Minister without Portfolio or a food terminal? Surely he spends money. Why is there no concurrence for what he does here? I guess it is a rhetorical question, because he has not done anything. When the minister was elected, he was elected on a promise that there would be a food terminal in Timmins for the people of northeastern Ontario.

**Mr. Kerrio:** Mr. Speaker, we are talking about the concurrence in supply for another ministry.

**Mr. Laughren:** This has to do with the Minister of Industry and Tourism, who knows

full well there should be a food terminal in Timmins to look after the people there.

**Mr. Speaker:** Order. When the member for Nickel Belt starts talking about food terminals, I think he is becoming a little bit repetitive. It has nothing directly to do with the question before the House.

**Mr. Laughren:** Really?

**Mr. Speaker:** Really.

**Mr. Laughren:** I think the point is made, Mr. Speaker.

**Mr. Speaker:** On many occasions.

**Mr. Laughren:** I will send the letters across to the Minister of Industry and Tourism. He should feel free to duplicate them as long as he gets them back to me. Our indication is that his ministry simply has not responded to this very reasonable and modest request, and the minister should do it.

A good processing machinery industry would facilitate the operation of a food terminal in northeastern Ontario. I hope the minister without a food terminal will not try to get re-elected yet again on a food terminal. He promised it and he was working for it. Then they called him into the cabinet and he forgot all about it.

1:30 p.m.

**Mr. Nixon:** Mr. Speaker, we cannot possibly concur in these estimates as long as the minister is not going to give us the information pertaining to the advertising budget of the various ministries. He must know that up to \$20 million is being spent, mostly by himself but also by his colleagues, and used practically for the sole purpose to aggrandize the Progressive Conservative Party. It obviously needs all the help it can get, but even the \$20 million from the public purse is not going to save it from extermination.

I for one, cannot concur in these estimates unless that information is forthcoming.

**Mr. B. Newman:** Mr. Speaker, I do not intend to be lengthy but I would like to ask the minister if he sets any priorities in his search for industry in the province in those municipalities that have above-normal unemployment indices? The minister knows the municipality to which I am referring. The industrial promotions commissioner and the mayor of the city have been attempting to lure new industry to the community. De Havilland was one; an electric auto manufacturer was another.

Has the minister assisted them in any way in their search? Is he giving priority to the city of Windsor as opposed to some other

municipality so that all things being equal—other than the unemployment index—Windsor can have a little higher employment index? Our city has from 17,000 to 22,000 unemployed, depending on who you talk to. Regardless of the number, any number above the national average or provincial average is much too high.

I do not intend to comment further. The minister knows all about it and I would appreciate some answers from him.

**Hon. Mr. Grossman:** Mr. Speaker, unfortunately I am going to have to talk long enough for my assistant to get back with the reply to the four letters the member for Nickel Belt sent over, because he did make such an issue out of it. I will filibuster on many issues, save the food terminal, because that would be out of order.

**Mr. McClellan:** Is it not your estimates?

**Mr. Laughren:** It is not out of order. What you are talking about?

**Hon. Mr. Grossman:** The food terminals are out of order during this discussion.

**Mr. Laughren:** No, that is in your ministry. They are out of existence.

**Hon. Mr. Grossman:** They will be in existence when the member is out of existence.

I regret I am unable to get the support of the member for Brant-Oxford-Norfolk in these concurrences. I would do almost anything I could to get his support for any item I have before the House. Lord knows I would give him the shirt off my back, but I cannot give him what I do not have. To date I have not been able to assemble for him the vast amount of information I know he wants. I had hoped I would be able to by the time we finish this session, because I know he would be obliged to stand in his place and take back a lot of the allegations he has been making. No doubt he would be impressed by the incredible return the government and taxpayers of the province are getting on our advertising dollars. We will have a chance to test that more adequately some time next year.

**Mr. Kerrio:** It will be tested in the campaign.

**Hon. Mr. Grossman:** We will run on our record and against the member's leader.

The member for Windsor-Walkerville as always has raised some very important concerns with regard to his area. He will know we have been working hand-in-hand with the fine industrial development commission in the Windsor-Essex area. I think they are making substantial gains. They have a good reputation in Europe among those very many

people who are now looking at opening up auto related industries and plants in Ontario. I am fairly optimistic we are going to see some of those over the next year.

Having SITEV America in Toronto next June will be of tremendous advantage to the people in the Windsor-Essex area, because they will be able to take some of the foreign decision-makers who would never be in Ontario otherwise out to that fine area. They can show them the work force, the various plants that are available and some of the other attributes the area has. The Windsor-Essex industrial development commission has always been very aggressive in doing those kinds of things, and that will also show very well.

The member for Windsor-Walkerville raised the question of the possibility of getting de Havilland into Windsor and, of course, the problem I have is that I get all sorts of advice as to where the Dash-8 project should go. The member for Windsor-Walkerville thinks it should go to Windsor. The member for Downsview, understandably, thinks it should go to Downsview. I want the record to note that some members of the New Democratic Party caucus have applauded.

The leader of the NDP, on the other hand, I say to the member for Windsor-Walkerville, thinks it should go to Windsor. We do have his support, though we do not appear to have the support of the member for Bellwoods or the member for Algoma, and so we have the NDP with two different opinions.

Of course, the good member for Peterborough has made a very fine presentation on behalf of his municipality. I report to the member for Windsor-Walkerville, the member for Downsview, his leader and the member for Peterborough, all of whom have spoken on behalf of different communities, that our role as the provincial government is to put forward Ontario as the place, and it appears we have succeeded in convincing the federal government that de Havilland's inclination, which is to stay in Ontario, should be followed. Having done that, I say to the member that we have argued that case on the basis of allowing de Havilland to make the proper business decisions and that it should not be diverted by way of a political decision. Having done that, we must now be consistent and say to the federal government, "Allow de Havilland to locate where it makes the best business sense."

I cannot indicate to the member, because I do not know, where de Havilland will ultimately select to go. I will say that the efforts made by Windsor, Hamilton, London, Peter-

borough, Downsview, Metro Toronto and the other municipalities have all been first class, and I am fairly satisfied that all of the necessary efforts have been made, all the information is at hand and all those who have had an opportunity to get the Dash-8 project have done a very fine job. All of the municipalities may rest assured, at least in my opinion, that the decision made by de Havilland will be made on the basis of full and complete information, and those that do not get it may rest assured that it was not a political decision or a decision made because of a lack of information. Having said that, I cannot give any more guidance as to where it is likely to go.

I would just conclude by saying that the auto industry will continue to be a first priority with us as we work with the federal government and the auto industry to see what we can continue to do, as I indicated during question period this morning, to happily still outperform our neighbours to the south while we try to get through this difficult time.

Resolution concurred in.

Resolution for supplementary supply also concurred in.

#### MINISTRY OF COMMUNITY AND SOCIAL SERVICES

**Mr. Isaacs:** Mr. Speaker, I intend to be very brief in my remarks, but this is the festive season and I want to make sure the minister remembers the two situations which have dragged on from well before this House resumed in the fall and which are going on today and look as though they will be going on over the Christmas break. In particular, I refer to the situation at Participation House in Hamilton, where handicapped people have been temporarily evicted from their homes because of a labour dispute that only the minister can have any true understanding of.

The management of Participation House has made it very clear for weeks that it believes it has no more money and that its original offer of eight per cent will have to stand. The staff, quite reasonably, and certainly with my support, is requesting an increase to a decent living wage. The minister indicated in committee he believes there is room for further negotiation. This has been communicated to both sides, and yet nothing has happened. While the minister is at home with his family before the fire over Christmas—and while I wish him no ill will—I hope he is thinking of those handicapped people who have been moved out of their homes and cannot enjoy Christmas in Participation House

with their friends because of his miserly approach to the funding of those kinds of organizations.

1:40 p.m.

I am particularly concerned that I am receiving reports that the people are not even able to get their stereos, televisions and other things, which are still in Participation House. They have been moved out with whatever they were able to take with them and everything else is still locked up in that place.

It is about time the minister came to grips with the funding of those kinds of organizations and with solving that problem. He is the only person, to this day, who can be seen to be impartial in any sense of the word. He has seen the books of that organization; therefore, he knows whether they can afford to settle.

The other situation is the one concerning the St. Catharines Association for the Mentally Retarded. The spokesperson for that association has clearly taken the position that the wage increase the employees have requested is justified, but they cannot be paid unless the ministry gives the association some assurance that it will increase the association's budget to allow for the increase. I am sure this minister could do something towards providing that assurance, ending this 17- or 18-week-old dispute and getting that association back in business as well.

**Mr. McClellan:** Mr. Speaker, I will not take more than 30 seconds. I wish to ask the minister whether he intends to release his day care policy statement before Christmas, after Christmas, after the Easter break or after the election?

**Mr. Wildman:** Mr. Speaker, I have two short questions for the Minister of Bah Humbug. I am a little concerned about the fact that it seems to take an awfully long time for this ministry to be able to deal with the question of funding and budget approval for agencies such as the Children's Aid Society for Sault Ste. Marie and Algoma District.

I understand that agency is still awaiting approval of its 1980 budget when it is almost spent; it is reaching the end of the year. I understand it took until just recently, with a review, to get their 1979 budget approved. I note they originally asked for \$2,281,000. In February, the ministry indicated they could have \$2,271,000 for their 1979 budget. For their 1980 budget, they were cut back to \$2,150,000 in July. As far

as the agency is concerned, it has not been able to cut its projected costs. They are spending what they projected and, because of the ministry's decision in July, they have automatically been put into a budget deficit position. Therefore, they requested a review of their 1980 budget as they had to do for their 1979 budget, and they have not yet received that review.

I am wondering why that takes so long, and when can we anticipate they will have their 1980 budget reviewed and approved?

The other issue I would like to raise is my serious concern over the fact that the district of Algoma was excluded when the minister made his announcement of a \$400,000 fund for the provision of French-language services to children in northeastern Ontario. I do not understand why that should be so when approximately 20 to 25 per cent of our population are francophones and, as the minister knows, we have some communities that are almost wholly French-speaking.

As a result of the questions I have raised with the minister and the communications I have had with ministry officials, I understand they are prepared to communicate by correspondence in the French language with people in Algoma who are francophone, but no funds are provided to enable the ministry itself or agencies that receive funding from the ministry to provide services directly with French-speaking staff.

I also understand, as a result of the questions I raised with the minister and the questions raised by certain agencies such as the CAS, that the ministry is looking at this problem. I wonder when we can expect a decision on that review of how this ministry might be able to work out a shared-cost basis with various agencies that might need professionals who can work in the French language and other ministries who might need that kind of service. Because it is the Christmas season, I hope the minister will be able to give us some indication he is moving quickly to provide the funding necessary for services to be provided in the Algoma district.

**Hon. Mr. Norton:** Mr. Speaker, I realize it is the Christmas season, as a number of members opposite have reminded me although, I must say, Santa Claus has not yet paid his visit to ComSoc.

**Mr. Wildman:** That is why I called you the Minister of Bah Humbug.

**Hon. Mr. Norton:** I did not catch what you said. I missed that. I was going to check Hansard to see what you said and whether I ought to protest.

In response to the concern expressed by the member for Bellwoods, it had been my hope I would be able to present to the House the day care policy in its entirety before we rose today. Unfortunately, out of the necessity to tie some ends together, it has been necessary to delay that announcement until some time next week. I can assure him it is fully my intention to do that as soon as possible. I assure him he will be advised when it will be done and I will provide him with the information that will be released at that point. It will certainly be before Christmas and, I believe, before the end of next week.

The situation raised by the member for Algoma is a complex one with respect to that particular children's aid society budget. I know he is familiar with the difficult circumstances the society faced last year which delayed presentation of its budget in the first instance. Then a protracted labour dispute complicated its spending patterns and budgetary requirements during that fiscal year. As a consequence of that, he is quite correct in saying it was only fairly recently that its appeal, or the review of its budget from last year, was completed through the review process. It was impossible for us to proceed with the review of its 1980 budgetary requirements, which has also been requested, until the 1979 base was finalized.

I have appointed the review committee for the 1980 review. To the best of my knowledge the date has not yet been set for the hearing but I can assure the member that the ministry and, I am sure, the society are very anxious to get on with that without delay.

With regard to French language services, I want to make it clear that Algoma was in no way excluded in terms of its eligibility for funding under the francophone initiatives. However, the way in which the funding was allotted was dependent upon proposals invited from the various communities and agencies in those communities through northern Ontario. The available funding was allocated on the basis of the evaluation of those proposals and the assessment of the needs in those communities.

1:50 p.m.

There was certainly never any decision that Algoma in some way would be outside an area of eligibility. I am sure the honourable member knows that with our northern regional office located in Sault Ste. Marie, the staff of my ministry in that area is very keenly aware of the specific needs he has identified.

I would also like to emphasize that the provision of services in the French language need not always require specific additional funding. In addition to the specific initiatives, we are also trying to encourage agencies that serve communities in which both French and English are widely spoken to recognize as part of their mandate that they have a responsibility to serve both cultural and linguistic groups in their own languages. It seems to me that it need not necessarily cost more money to hire someone as a child care worker, for example, who has the capacity to speak in both French and English. That is something I think the local agencies have a responsibility to address in their hiring practices.

**Mr. McClellan:** So do you.

**Hon. Mr. Norton:** Of course we do. We are doing that as well. The member for Bellwoods should go around and visit some of our area offices and he will find we do have a very significant number of bilingual staff—in fact, multilingual in some instances. That is part of our ministry's recently identified or recently announced policy on French-language services. It was clearly stated at the time that in terms of our hiring practices for those communities where there are significant numbers of French-speaking people, we would seek to hire staff who have the capacity to speak in both English and French.

Certainly I would hope the honourable member, in speaking to the agencies in his community, would remind them—as I will, and I intend to continue to pursue that with the agencies—that they need not see their responsibility to provide services in French as being discharged only if there is specifically earmarked money for that purpose, although some initiatives will be necessary on an ongoing basis to enrich services to French-speaking Ontarians.

I want to assure the member for Wentworth that I will take his advice to heart. I can assure him the concern he has raised is something that is constantly on my mind these days. I wish I knew of a simple solution. The one he has proposed continues to look difficult from my point of view. However, I am continuing with staff to try to find ways in which we might encourage the parties to both of those disputes to find a way of finding resolutions.

Resolution concurred in.

## MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

**Mr. Haggerty:** Mr. Speaker, I was interested in some of the comments put forward by other members concerning the proposed new fire code, and I suppose it will be six months before we have any legislation.

**Hon. Mr. Drea:** No, no.

**Mr. Haggerty:** No, it is not in the minister's area. What I want to direct to the minister is that where the Ontario Building Code relates to smoke detectors—

Interjection.

**Mr. Haggerty:** We are on the same track now, are we, Frank? Great.

Where the regulations apply to smoke detectors in certain high-rise buildings, would he not make the amendments to the regulations include all residential units, regardless of height and size? There is an exemption, I believe, under the act.

I am thinking in particular of a fire in the city of Port Colborne this past summer. If they had had a smoke detector in that rented property I do not think we would have had the loss of two young children. I suggest the regulations should be changed to apply to the older homes, as mandatory in every residential unit and housing accommodation. I know the minister thinks it is going to cost money, but in the long run it is going to save lives.

The other area I want to discuss with the minister—I have raised the matter with him on a previous occasion and I know that on December 1 of this year he met with elected representatives of the city of the town of Fort Erie—concerns the matter of the future of the Fort Erie racetrack. Has the ministry or the cabinet come to any decision as yet on what kind of financial assistance will be provided to the horse-racing industry in Ontario?

**Hon. Mr. Drea:** Mr. Speaker, on the question of smoke detectors, I am never concerned about the cost. We have gone further than any other jurisdiction in North America on new buildings, because we said, "We do not care what the advice is." The advice was that we do not need all of them, but I went the whole route, both the halls and the inside. I would be very glad to look at the honourable member's suggestion, but the problem there is this is coming into the retrofit area, the residences there, et cetera.

It seems to me that 1981 is a good time to study that, because I hope for a retrofit code as well as a rehabilitation or renovation code. There is a difference because with the retrofit

one is not doing anything but with the renovation one is. Those two particular areas are under very active review and actually being written at this time.

Certainly with the renovation code which is being done by ourselves and the Ministry of Housing, the smoke detector issue—no question about it—will be addressed. But I really think the key, as the member is suggesting, is in the retrofit area. Again, the Ministry of Housing and ourselves are very actively involved in that. I hope the fire chiefs will get involved in that. I sense a reluctance by them in that area. That concerns me.

**Mr. Haggerty:** They are involved in it, but they need some teeth in it.

**Hon. Mr. Drea:** I have had some minor involvement in the evolution of the fire code—very minor and on the periphery. Obviously it is the responsibility of the Solicitor General. One of the things that suddenly disappeared from the fire code, and indeed from the statement read by the member for Scarborough-Ellesmere (Mr. Warner) today, was retrofit, which suddenly was left out. I have some very significant concerns in the retrofit area because more and more it is not the structure of the building or the way it was constructed or the number of exits or all the things we have looked at in both new and old buildings in terms of renovation codes. The very significant thing today is the contents, that is, retrofit.

To a lot of people retrofit involves another fire extinguisher, another smoke detector. Granted they are important, but it is those contents. That is a particular area this ministry and my colleague the Minister of Housing (Mr. Bennett) will be addressing. I would hope perhaps the fire chiefs have taken retrofit out of the fire code for a technical reason, because it is a difficult thing within the scope of a fire code. But I would certainly hope they would provide us with input because they are inside those buildings seeing what contents did what to whom.

2 p.m.

I am sure my colleague has made notes of the member's comments on the renovation code and particularly on the retrofit code for smoke detectors. I appreciate his concern, but with me it is never the cost.

On the question of racing in Ontario, I was in the town of Fort Erie on December 1 and they issued a very nice little press release about my being there. I met with the elected council, plus the chamber of commerce and the town administrator. Unfortunately I did not meet the mayor, who could not be there

because of a death in the family. We went over the matter very fully and frankly. I told them I was reasonably optimistic that I would be back before Christmas and would give them the Christmas present they want.

**Mr. Haggerty:** Are you coming in a red suit or a blue suit?

**Hon. Mr. Drea:** That is one member who has never had, does not now have and never will have any Christmas spirit.

The question of Fort Erie is a very significant one to me. I am cautiously or reasonably optimistic that I will be there before Christmas.

I also welcome the member's support on new incentives and tax rebates in the racing industry, both for harness and thoroughbred racing. In return for doing that, surely I can expect the member to do something where I have run into a total blank wall. I am a nice guy. I am not being vindictive. Certainly, whatever I accomplish for the Fort Erie area, no matter how good the foundation, there has to be an approach to the federal government for offtrack betting. Nice as I am, the present impeding of offtrack betting is immense.

**Mr. Kerrio:** Fort Erie needs your help.

**Hon. Mr. Drea:** He does not speak to me any more. I speak to him and he abuses me on TV, but that is life. I am sure the member understands what I am conveying in a very nonpartisan way.

Since the racing question has been brought up, I would like just another brief second. There are two matters that I think are of great significance to the racing industry this year. Unfortunately, in my estimates there was an urgent desire to discuss a movie. No takers? There was an urgent desire to debate a movie day after day. No takers? No guts any more. What happened to principle? Thirteen days before Christmas and principle goes.

I was not able to discuss the racing industry. This year saw the death of Mr. Conn Smythe who made enormous contributions to that industry. As the minister responsible, I would like on the summation of my estimates, which is this concurrence, that his passing be marked. Unfortunately, time does not allow for an adequate description of his contributions, not only to the racing field, but to all of Canada.

Also, this was a very significant year because it was the first Queen's Plate which has been run in modern times where Mr. E. P. Taylor was no longer on the executive committee of the Ontario Jockey Club. The firm foundation for the things I am 99.9 per cent sure I am going to be able to do in



Fort Erie and for the other tracks was laid by Mr. Taylor over the years. Mr. Taylor has been very helpful to me as a minister. He has helped me with advice. He has provided me with a tremendous amount of input into the economics and the employment economics of the industry, and I would like to recognize, in this summation of my estimates in regard to racing, the fact that Mr. Taylor has retired from very active participation in the decision-making process.

Resolution concurred in.

### MINISTRY OF NATURAL RESOURCES

Mr. Wildman: Mr. Speaker, I have a few short comments. I will not take very long.

On one particular issue in northern Ontario, some comments by ministry officials have raised a great deal of concern among sportsmen. That is the recent announcement, made since the minister's estimates were completed in committee, that the lottery system for moose licences is going to be extended from the very limited areas where it is now in operation throughout the moose hunting areas of the province, and that this will be done over some period of time, which has been left rather vague.

I wonder if the minister could give some indication of what schedule, if any, there is at this time within the ministry for the implementation of this across the whole area.

For one thing, there have been suggestions that this might take place over a 20-year period. If that is the case what areas are going to be affected, and when? Does the minister have any idea of how this is going to operate?

There is a lottery system for moose licences in one particular area of my riding, south of Hearst and Kapuskasing. The ministry has indicated that in that particular area in the last few years they have had to go that route because of severe pressure on the moose population. They have moved to a system in which residents of the province seem to have a better opportunity than they initially did when they first brought in the lottery system, when it appeared that, in a way, nonresidents had an easier chance of obtaining a licence because there were fewer of them applying. That has been changed, and I am glad of that.

I am wondering if that lottery system is going to be spread into Algoma district first, or if it is going towards other parts of Cochrane, or whatever. Will the minister give us some indication of that?

The concerns that have been raised by the sportsmen have some validity in the sense that, although many of them are in favour of conservation and certainly want the moose population to survive and to increase, they are concerned about a lottery system in terms of the working man being able to schedule holidays. They may normally schedule their holidays for the moose season but, if they are on a lottery, they will not know whether they have obtained a licence. They also will not know how this lottery system is going to be operated in conjunction with the new pair licence approach. They will not be able to schedule their holidays with their comrades to ensure that, if the two who wish to hunt together do obtain a licence they will indeed have holidays together. I wonder if there is any way that can be resolved.

I would also like to know if the minister can give us some indication of how long it is going to take his officials to evaluate the effectiveness of the pair licence system which has been instituted this year, to decide whether they want it to continue, or whether they might look at a group licence, as has been suggested by many people, including hunters and anglers.

That is the major issue I wanted to raise. There are a couple of other very small ones.

I wonder if the minister could react to the suggestion made by a candidate for the Conservative nomination in Algoma that the Ministry of Natural Resources should be doing something, either by itself or in conjunction with the Ministry of Northern Affairs, to ensure that the Ministry of Natural Resources road between Mead and Oba is kept open all year so that Oba will have a road access throughout the year, instead of being shut off, except for railroad access, for all of the winter. Is that being considered by the ministry?

2:10 p.m.

The last point is a concern that has been raised by some people in Blind River because of rumours they have heard that, as a result of the establishment of Eldorado in Blind River by the federal government, the long-standing plans by the Ministry of Natural Resources for the establishment of a provincial park in the vicinity of Bland River—when and if they ever resolve the treaty Indian land claim—have been shelved by the ministry because they do not want to have a provincial park in close proximity to the Eldorado plant. If that is the case, I want to know whether the ministry does have some sincere concerns about the possibilities —

**Mr. Van Horne:** Wind it up, boy. We want to get home before Christmas.

**Mr. Wildman:** My friend has never said anything in this House; so he has never prolonged anything.

Does the ministry have some concerns about emissions from that plant, and is that why it is moving away from the plan to establish a park for overnight camping and only have a picnic area for day camping in the Blind River area?

**Mr. Nixon:** Mr. Speaker, I want to say one thing before we concur in these estimates, and that is to express my continuing concern about the Nakina fire disaster.

The minister knows it was 16 months ago that seven young people were burned in a situation in which the ministry had responsibility. The matter has been discussed in estimates, but I say to the minister that I was less than satisfied with the responses because the inquest continues, although it has been going for more than a year. The reference to the Supreme Court interrupted it for many months, and the judge in the Supreme Court indicated there were indications of bias which under his direction had been corrected in the inquest. But as far as I know the inquest continues.

I well recall the community was certainly in a shock when it heard the news and was very glad when the Premier (Mr. Davis) made the statement the following day that he would spare no effort to see that the information and responsibility for this matter was examined and made clear. Sixteen months later this has not been done.

It may well be that the standing committee on resources development will find itself seized of the issue again in 1981. My own view is that it could be dealt with more effectively and in a more appropriate way than that. I have already made my suggestion to the House and the minister is aware of it. But I tell the House that the minister cannot help but be under some kind of cloud of responsibility.

We know that the minister has administered the ministry as well as it has been, as far as that goes, and he is highly regarded. But it seems to me that a part of his personal responsibility is to see to it that this matter does not continue in abeyance in a more unreasonable period of time and that we have some thought for bringing out all of the information clearly as to the responsibility in this matter and to do all we can to set the very troubled minds of the parents at rest.

**Hon. Mr. Auld:** Mr. Speaker, I will try to be brief. Regarding the comments and questions from the member for Algoma, as far as the lottery system for moose licences is concerned, its extension will relate to those areas where the moose population appears to be in trouble. As I am sure the member is aware, we applied it this past year to those areas where the moose population had declined severely, where the hunting pressures were the greatest. That is really the yardstick.

I think it is fair to say that those more remote places will be the ones that will be the last to be affected, if ever, because the pressures are less and the population is doing well. The only thing that might change that is if the number of hunters increases and they start going to the less easily accessible areas then we might have to do something about it until such time as we get the herd on good footing throughout the province.

I am well aware of the concerns of hunters who normally hunt in groups. Part of the joy of hunting is being with one's friends. We are looking at some change in the present system, but I expect it will be another couple of months until we really have been able to assess the information from the hunt that has just finished. I have indicated that the seasons are going to be less changeable. This year we have announced the 1981 seasons already. Last year we were delayed because of changes in regulations at the end of February or early March which made it very difficult for many people to plan their fall activities.

I think we will be able to operate the lottery earlier because we know when the season is. With the new system, we should have our information on the hunters' success earlier. I suppose there is a problem in getting it too early because then things may happen to the individual. If the lottery takes place in February, for instance, the individual's own plans or those of his group might change.

As far as the Progressive Conservative candidate's comments about the road to Oba are concerned, I would find it hard to disagree with him, particularly since I have not heard them firsthand.

**Mr. Wildman:** I was not asking you if you disagreed with him. I was asking you if you agreed with him.

**Hon. Mr. Auld:** I would find it, not quite, but almost as difficult to agree with him until I heard them firsthand.

Regarding Blind River, I am not aware of any concerns that we have for changing our plans for the eventual establishment of

a park there. I am sure the federal project will be operated properly and there will be no more danger there than there was in Port Hope. In fact, there will be less effect because a lot has been learned since Eldorado was established in Port Hope. I think our biggest single problem there—and I have no idea when that will be resolved—is the question of the discussions with the natives about native planning.

Finally, in response to the comments of the member for Brant-Oxford-Norfolk, all I can say is I am aware of his suggestions about a royal commission. He is aware there are three judicial or quasi-judicial proceedings going on at the moment. The inquest, I understand, should be completed fairly soon. Civil actions are still, as I understand it, in what one might call the waiting stage. None of the actions has yet appeared for trial on the court calendar although I understand one or two of them may be heard in the early spring. That is the information I got from the Ministry of the Attorney General. There are criminal charges, which I gather have been laid and may well be heard.

I do not think the government as a whole would be anxious to have a royal commission or any kind of a public hearing going on when the charges are being dealt with in the courts, where the details, obviously, will be fully brought out. All I can say is, as far as I am concerned I am anxious to see the matter dealt with. I am sure the parents of those who died are equally anxious that there be finality to this tragedy and I certainly will not stand in the way of that happening. In fact, as far as my ministry is concerned, we are doing everything we can to see that things proceed to a conclusion.

Resolution concurred in.

Resolutions for supplementary and additional supplementary supply also concurred in.

2:20 p.m.

#### OFFICE OF THE OMBUDSMAN

Resolution concurred in.

Resolution for supplementary supply also concurred in.

#### MINISTRY OF LABOUR

Mr. Mackenzie: We were trying to move it a little too fast, Mr. Speaker.

Mr. Kerrio: No, we didn't, you are a little too slow.

Mr. Mackenzie: I have no intention of taking more than two or three minutes, but I feel there are a couple of things that have to be said in the Ministry of Labour's estimates and concurrence in those estimates, and that is to at least touch on four or five of the areas I think are of considerable concern in Ontario and, hopefully, ones we are going to deal with when the budget is being prepared for the coming year.

The issue that we dealt with briefly in the plant shutdowns report, which is justification in terms of plant closures where workers are affected and what kind of planning the government should be involved in in terms of seeing to it that it is not the workers in the communities who are paying the highest price, is an area that involves, to a great extent, the Minister of Labour (Mr. Elgie) and his ministry.

The second area I think should be touched on before we finish the concurrence is the women's issues that are involved, specifically the equal pay for work of equal value issue in Ontario. It is an area where we have been going backwards in spite of all of the good intentions and supposed affirmative action programs and it is an area that I do not think we can continue to either stay equal or move backwards in. It is an area where we have to rectify what is a very basic position.

There are improvements needed in the Employment Standards Act. I do not know how long this government can continue to keep certain groups out of coverage, and I am referring most specifically to domestics. I think that is a major injustice in Ontario and one that there is just no rationalization of or no defence for and it is an area that is going to involve some effort on the part of the Minister of Labour.

In the vacation area, it is not fair for somebody who is not fortunate enough to have a union and spends 20 or 30 or 40 years of faithful service with some plant to see their neighbours who have had the availability of a union or the guts to organize a union where they can negotiate after 10, 15 or 20 years' service for four, five and six weeks vacation and it is not extended to somebody who does not have the same bargaining power. There are many nations on this earth that take care of additional vacations for those who have given good, loyal and faithful service and I think it is an area that should be in our legislation.

The other area in terms of employment standards is the minimum wage area. I think it is a disgrace that we are tied for last place in Ontario. I do not accept some of the fear tactics that are used in so many areas.

We should do a decent job on the minimum wage in this province. It is an area I would hope the Minister of Labour and his ministry are taking a serious look at in the coming year.

The fourth of the handful of points that I think are important to point out is that we have spent a lot of time on this and we saw some fair increase in the budget in terms of health and safety improvements, but we have not yet done an adequate job in terms of the toxic substances and the number we have dealt with. We are still talking about regulations for the first six or seven substances. We should have been dealing with 20 or 30 as a minimum by this stage of the game.

We also have the first signs of some problems with Bill 70 and we had better be aware of it very early. I recognize the minister is looking at a shakedown period and for the joint committees to work. Those joint committees will work if they are working from a position of equality. As I have tried to tell the minister in the estimates, and as there have been questions in this House raising this particular issue, they are not operating from a position of equality, and the compliance factor is becoming an increasing concern to organized labour and to those involved in the health and safety field right across Ontario.

They are finding they cannot reach agreement with the companies even where there is a joint safety and health committee. They decide they have to go to the Ministry of Labour to see that the provisions and the protection in the act are there. The inspectors seem to be holding off or saying, "Hey, call another meeting," or, "Work it out," or, "This is why we have set up the committee." Even though there may be a clear violation, I think there is enough indication we are not getting the ministry enforcing where there are clear-cut cases. That is beginning to be talked about, not just in one or two cases or one or two conferences, but generally throughout the labour movement. I am telling the minister there is an area of concern that is going to be a problem down the road if we do not take a look at it now.

There are two final points I want to make with the minister. One is directly involved with labour and one is probably a little more peripheral. I dealt briefly and privately with the Minister of Consumer and Commercial Relations (Mr. Drea) on it just in the last few minutes. I want to deal with another issue that covers the Ministry of Labour but also the Ministry of the Attorney General, namely, the use or misuse

of police in labour disputes specifically. I think we have to look at that.

There is an excellent suggestion I might put to the Minister of Labour and he might try passing it on to the Solicitor General or the Attorney General. It might be time that we involved key people, educational people or the leadership of the trade union movement at the Ontario Police College at Alymer and any other training sessions for the provincial, regional or municipal police in Ontario. They could be scheduled to spend a few minutes at the courses in police training to give their side of it, a labour side of a labour dispute or to supply understanding that may not always be there.

I find in my own talks there is a lot of resentment by a number of the police at being asked to participate in rather nasty picket line situations. Conversely, there are a few who are literally bully boys, but not too many. They are not happy with the situation. I think some work could be done in advance to see that in labour disputes we do not get the kind of misuse of the police forces who almost invariably are seen as an adversary by the strikers. In many cases the strikers are fighting for their jobs and their livelihood. That is not healthy for the justice system in Ontario. It is a direct area of concern of the Ministry of Labour to try to do something to diffuse that and to put the police in a position where they are more neutral and not seen as taking sides.

**Mr. Rotenberg:** Just tell the strikers to obey the law and then we won't have any problems.

**Mr. Mackenzie:** Tell the strikers to obey the law, Boy, it shows his perception of workers' struggles. To leave aside Attila the Hun over there, I say to the minister that this is the kind of back-bencher he is propping up.

The final issue I want to refer to is the question of the increasing number of workers in Ontario who are getting hurt in bankruptcy situations where a firm goes into receivership and where anywhere from hundreds to thousands of dollars in wages or benefits are lost by the workers. In Ontario, they cannot collect. I recognize it is basically federal jurisdiction, but just about the last claim on the assets of a company going into bankruptcy are workers' wages. This government's approach, if we cannot handle it specifically with provincial legislation, has to be really to put pressure on the federal authorities. I am told they are not unsympathetic to making some changes to see that

workers' wages are a first and not a last consideration in a bankruptcy situation.

These are the points. There are probably a number of others I wanted to raise, but I think these are some of the danger signals ahead and some of the areas we have not adequately dealt with yet in terms of labour relations in Ontario. I hope in the concurrence we are now dealing with of the minister's estimates of this year, these points are flagged and we take a serious look at them when we are preparing the estimates for the coming year.

2:30 p.m.

**Mr. Mancini:** Mr. Speaker, since this is the last opportunity afforded us to make a small contribution to the debate on concurrence in supply for the Ministry of Labour I want to speak specifically to the problems within the Workmen's Compensation Board.

I want to mention some of the deep concerns I have about the process that injured workers have to use to collect some type of monetary payment in lieu of their lack of ability to work because of on-the-job injuries. First, I want to touch on the fact that workers who are injured on the job, having had the injury caused by a third party in the province, are unable to have recourse against the third party. I want to explain a specific situation to the minister. He will understand the matter very thoroughly when I am done.

Let us say a truck driver or a bus driver is involved in an accident in the course of carrying out his responsibilities. By law, the fault may be placed totally on a third party. That particular worker has two options. He can try to obtain benefits from the board and, when doing so, he has to sign a waiver, which means he cannot take action against the third party but must accept payment only from the board. Alternatively, he can choose not to accept payment from the board and take a substantial risk by trying to receive some type of monetary payment from the third party. Basically that means, if a person's job lasts only six, eight or nine months of the year, he may lose substantial benefits in the unemployment insurance area, he may not be able to be compensated for pain and suffering or he may lose his job altogether.

I want the minister to answer specifically why it is not a matter of course here in Ontario, in circumstances such as this, to allow injured workers to have recourse against the third party and let the courts decide. There is supposed to be no fairer system in our society than the system of

justice. So I say let that system decide. Let the courts and the judges decide whether that injured worker deserves payment in lieu of pain and suffering or in lieu of other benefits that may be lost. That has been one of my concerns with the Workmen's Compensation Board.

Secondly, I want to make a comment or two concerning the Weiler study, which has called for broad and comprehensive changes in the operation of the board. We have had reports similar to the Weiler report in the past, and what has been accomplished by those is a positive headline or two in the local press, saying broad changes are proposed for the Workmen's Compensation Board and outlining many of the suggestions of Mr. Weiler or some other commissioner who may have studied this before. That pacifies injured workers and almost lulls them into a sleep, waiting months on end for a final report given by the minister.

I say to the Minister of Labour I hope this does not happen in this particular case. I hope he has not used the Weiler report to obtain a few headlines in the local media in Toronto and elsewhere. The second study is basically a study of the original Weiler study. It was done so that he can feel absolutely sure Mr. Weiler has recommended the most positive things—things I assume he believes to be reasonable and affordable. I hope it was not done at this time just so they can lull the injured workers to sleep until after this coming provincial election. I hope the minister is a better man than that and is not taking that tack. In order for the Minister of Labour to show good faith—Pardon?

**Hon. Mr. Elgie:** I was just talking to the member.

**Mr. Mancini:** The minister should be listening to me. I am just teasing.

**Hon. Mr. Elgie:** I could have listened to you in estimates if only you had come. We could have talked then in detail.

**Mr. Mancini:** Yes, I want to talk about them in detail.

Mr. Speaker, I will address my comments to you because I know you are vitally concerned and listen to every word. The Minister of Labour should show good faith and over this coming recess step up review procedures. He should make sure he hears promptly from all the groups he wants to hear from and that a final report is ready when the Legislature is called back this spring. He could propose legislation to implement the things he agrees with and thinks are reasonable and affordable.

If that is not done, we are going to be highly suspicious of the motives behind the report, the fact that it is taking so long, and the need the minister feels to have a study done of the original Weiler study. If the minister really has that much faith in Mr. Weiler and thinks as highly of him as he told the Legislature he does, surely something should be there right now to be put into law to assist injured workers.

Another thing has happened over at the board that has caused me deep concern. I know we have a new chairman of the board. I want to make sure he uses the policy introduced by the government and passed by the Legislature equally and fairly for all injured workers. As much discretion as possible should be removed from senior board officials and they should be made to follow strictly the line of the law.

I want to take this opportunity to add a few words about the vital matters before the plant shutdowns and employee adjustment committee. Unlike the member for Sudbury East (Mr. Martel), members of the committee were not prepared to compromise with the government. Unlike the member for Sudbury East, we were not prepared to accept severance pay with some type of sunset regulation tacked on to the end of it. We wanted severance pay without sunset legislation, without trying to make some tricky deal with the Minister of Labour.

I am told the member for Sudbury East has tea and crumpets on a regular basis with the Minister of Labour while they banter back and forth as to what the government will allow and how the NDP is going to squirm into such a position they can support it. I want to say that Hansard recording of the proceedings of the plant shutdowns committee will show the members of the Liberal Party on that committee were unwilling to go along with the recommendation of the New Democratic Party member for Sudbury East; we were unwilling to accept severance pay with a sunset regulation tacked on to the end of it. Thank goodness we were, because less than 48 hours later the Minister of Labour acceded to our request and respected the decision made by the select committee on plant shutdowns and employee adjustment. In less than 48 hours we got some positive benefits for laidoff workers.

2:40 p.m.

In order to allow the proceedings to end at a reasonable time today, I would like to finish my comments, but we will be waiting in the spring for the minister's recommendations on the Weiler report. We will be here and we

will not allow him to use Weiler and his report for political purposes; I can guarantee that.

**Mr. Martel:** Mr. Speaker, I am delighted to be back here this afternoon to say a few words to the Minister of Labour and to the minister without food terminal. I want to ask the Minister of Labour whether the inspectors are up there making sure that building is being constructed properly.

**Hon. Mr. Elgie:** It is.

**Mr. Martel:** It is? That is fine. I hope the member for Essex South (Mr. Mancini) does not leave; I have a few choice things to say to him just to set the record straight, as my friends to the right are wont to do. They want to be on all sides of all issues.

Interjections.

**Mr. Roy:** What about the government?

**Mr. Martel:** I will come to them. Just sit quietly.

**Mr. Roy:** Let's throw them out this afternoon.

**Mr. Martel:** We will come to them later on. Let's deal with you fellows first.

I want to talk about the labour bill that was before us and the position taken by my friends to the right—to the right of everybody, even to the right of Genghis Khan. If they can get any further right than that, I don't know how.

Just to put the record straight before the member for Essex South leaves—I would not want him to leave without hearing these pearls of wisdom. For absolute hogwash, the last five minutes have been totally and completely misleading. What the member for Sudbury East said and has done is to try to find a way, and I think through negotiations he has found a way, to get severance pay as a reality in Ontario whenever we come back some time in March.

Following up on the Premier's words when he said the pension scheme was just an interim measure, I suggested to him then that as they were looking for an interim measure, one possible way of having severance pay included was as an interim measure similar to pensions. The committee clarified its position in the second report, which it tabled yesterday, that as an interim measure we should have severance pay. I suggested that if the government were prepared to bring back legislation when we return, we would be willing to see the bill enacted as it is, while putting in the severance pay and sunseting it when the committee reported back to the Legislature and new legislation was introduced.

My friend forgot to tell the House that. I do not think he did it deliberately; he would never do that deliberately. It is just a typical Liberal position.

It reminds me of Bill 70. The members recall Bill 70, do they not? My friends to my right were in favour of having all the workers in Ontario under labour legislation that would provide for health and safety. Then, interestingly enough, there was a by-election in Sault Ste. Marie the day we were holding the vote here and, despite the Liberal literature that said that every worker in the province would be under this bill except agricultural workers, lo and behold, we excluded teachers, hospital workers, policemen—go on and read the list. My friends to the right in their literature were saying that all workers should come under Bill 70.

Now my friend across the way gets up with his claptrap and very deliberately tries to leave the impression—

Hon. Mr. Elgie: Remember we are on Ministry of Labour concurrences.

Mr. Martel: We are talking about Labour concurrences. I believe there was money in the minister's estimates to draft the particular piece of legislation that died. I happen to be speaking to that.

Hon. Mr. Elgie: I would say you are not.

Mr. Martel: I will address my friend over here first, just so that he does not try to mislead the House, because that is the name of the game. We asked for that as one possibility, but we ultimately saw an agreement reached that severance pay would come back when the Legislature reconvened and would be retroactive. Tell me the difference between that and introducing another piece of legislation and sunseting the old bill. But, it is nice to have it both ways.

I well recall the discussion of yesterday morning and I am sure the Speaker does too. On Wednesday morning, the member for Niagara Falls (Mr. Kerrio) wanted to redraft the Unemployment Insurance Act to dovetail everything, and he was going to rewrite labour history. Then we saw last night's performance by the Liberals when they voted down every effort of this party to improve pensions.

Mr. Kerrio: I will vote against you forever.

Mr. Martel: I am glad to hear that. I hope the member is in the committee when we write the final report because we are going to separate the men from the boys.

Mr. Kerrio: You Socialists have ruined every country you have ever touched.

The Acting Speaker (Mr. MacBeth): A little order, please. Can we get on with concurrence for the Ministry of Labour?

Mr. Martel: I do not want to name countries that are in a state of disarray—

Mr. Kerrio: England and Sweden. I can name them all.

Mr. Martel: There are countries I do not want to name, but I want to tell the member for Niagara Falls that it is a disgrace where his type of government has been in power.

Mr. Kerrio: Right here.

Mr. Martel: The member is right in saying right here. He is talking about Pierre Elliot Trudeau. When I mentioned country, he said, "Right here." I am glad he agrees that the federal Liberals have slowly decimated this country.

Interjections.

Mr. Martel: Let me talk to the minister. I have five minor issues I want to talk to the minister about.

Mr. Roy: Don't be too critical because you will be voting with the government this afternoon. You did that last week.

Mr. Martel: You will be critical this afternoon but you voted with them eight times last night.

Mr. Roy: You and I, let us throw them out this afternoon.

The Acting Speaker: May I remind the members that they should address the chair.

Mr. Martel: Mr. Speaker, who has the floor?

The Acting Speaker: May we have some order?

Hon. Mr. Elgie: Friday's child is loving and giving.

Mr. Martel: That's right. It is the first Friday in five years that I have seen the member for Ottawa East here.

Mr. Roy: Let's throw them out, you and I, this Friday.

Mr. Martel: I guess things were not very lucrative in the courts today because the member for Ottawa East is here.

Mr. Roy: I am here to throw them out.

Mr. Speaker: Order. Given your legal background, you should know.

Mr. Roy: I guess I got carried away.

Mr. Speaker: That is right. You did get carried away. We are talking about concurrence in the estimates of the Ministry of Labour.

**Mr. Martel:** We are talking about the Ministry of Labour right across the field. I have so far spoken about severance pay and the pensions bill which was introduced as a result, with some prompting from the Minister of Labour, and which my friends to the right were not wont to improve to make it good legislation. They were prepared to accept half a crumb or less.

2:50 p.m.

I want to talk to the minister about a couple of points. My colleague the member for Hamilton East (Mr. Mackenzie) talked about wages and how in the case of a bankruptcy the workers come last almost. There is an interesting case going on in one, the Ministry of Natural Resources, which gave a contract out to a firm in the Chapleau-Foley area to plant trees. One hundred and forty-six students worked for this outfit. The individual who got the contract did not do the work appropriately. The Minister of Natural Resources held the money back. The students who worked for part of the summer are without pay. In fact, I have one who gave up his unemployment insurance and went to work. He was going to use that money to go back to school this fall. The company went bankrupt. The kid gave up his unemployment insurance and he has no money to go back to school this fall. The Minister of Natural Resources gave out the contract.

Interjection:

**Mr. Martel:** It is just north of Foleyet. I do not know whose riding that is.

**Mr. Roy:** They were not building a food terminal there?

**Mr. Martel:** No, they were not building a food terminal. I cannot say that. I heard the Speaker this morning get my colleague to refrain from talking about a nonexistent food terminal. It is just pie in the sky; that is all.

That situation is desperate—146 students without the money they tried to earn to go back to school this fall. Surely there has to be some protection for people who do the work. That is their only means of survival. Everybody else gets paid off first while the people who actually do the work, in this case the kids, do not. Some of the kids have not got a cent, some have a little and others have nothing. As I illustrated in the case of the student who went off unemployment to earn money to go back to school, he loses both ways.

**Mr. Roy:** They are supposed to have a mechanic's lien.

**Mr. Martel:** Sure, supposed to, but there is nothing to lien against.

Somehow there has to be some input from this government. Surely, if it is a government agency, some of those students should have been paid from the money that is withheld. If the contractor was not doing the approximate work, then the kids who did the work are entitled to the pay for the work they did. Someone has got to come good. I am not sure that will occur, because as long as I have been here that has been the problem and it has not changed much despite some minor modifications.

The other day in the House I drew this to the minister's attention. I raised the matter of Elliot Lake with respect to the fact that the federal government is now in the process of revising some of the regulations for uranium mining. While, as I understand it, Ontario is moving towards establishing standards of one milligram per cubic metre for silica dust, the Liberals federally have dropped it totally and are going to come back with two milligrams per cubic metre, which will put them at odds with the province in protecting the workers in the Elliot Lake area, and the federal legislation and the federal regulations supersede the Ontario regulations.

Tests in the last two years in Elliot Lake and the crushing areas have shown that 67 per cent of the samples have exceeded what we thought would be the case. If the federal people are going that route, I tell the minister, if he has had trouble already, he is going to have more. My understanding is that they are doing the same now with the decibel levels. Yes, back on September 10 to be precise, the federal authorities under Labour Canada removed the 90 decibel level for work-exposed areas. I understand Ontario will ultimately move to 85 decibels, hopefully. That was what was recommended in the report by Doctors Pearsall and Alberti and the group that headed it.

**Hon. Mr. Elgie:** Ninety.

**Mr. Martel:** I think they recommended 85; I think you should read the report.

**Hon. Mr. Elgie:** No, 90 moving to 85.

**Mr. Martel:** Is that not what I said? The important thing is that the federal government, through Labour Canada, is moving into another area of conflict.

**Mr. Roy:** What have we got here, a one-man filibuster?

**Mr. Martel:** The member is going to have some time later on today. I am not depriving him of it. If he wants to drop his 57 minutes



in the Ministry of the Environment concurrence, he can.

**Mr. Stong:** We already have.

**Mr. Roy:** I have all the time. If the member wants to sit here until midnight, I will be here. That is no problem.

**Mr. Martel:** If the federal authorities have dropped the standards for exposure to work levels and the province is moving in the opposite direction, the minister is into an area of conflict that has not been resolved yet, in that they determine whether a prosecution will occur. I said to the minister about a year ago that the day will come when he will have no choice but to say to the federal authorities, "If you are not going to allow us with our inspectors to apply the standards and regulations that are here, then we will get out of the ball game."

There is no way Ontario can protect the workers in the Elliot Lake area. In fact, my colleague just handed me a note telling me there has been another death in the mines at Elliot Lake. That is six or seven this year. When there is a fatality in which police are involved, how quickly everyone says we have to bring back capital punishment. Yet I think there have been something like 20 miners killed in Ontario and Quebec alone this year, and that does not seem to bother too many people. It bothers me because I know some of those people. The game just goes on.

If an underground miner loses some of his hearing, it impairs him from being able to do his work underground. The tapping necessary to determine where the loose is plays a role in whether he detects if it is faulty. When the federal government is moving out of the field from 90 decibels and we are talking about 85, we are into a trap because we do not know what applies. If the federal authorities determine that 85 decibels do not count and the companies under federal jurisdiction appeal, they will win. So workers will be impaired.

I would like to tell the minister a couple of other things, such as my colleague alluded to, like paying for committees under Bill 70. The large mining companies, such as Inco, have now determined they are not going to pay workers beyond the regular shift time. In other words, if a man stays after the shift for six or seven hours—and this just happened recently to one of the workers I know in the Sudbury area—he is supposed to donate that time.

**Mr. Haggerty:** It's a waste of time listening to you.

**Mr. Martel:** I am glad the member for Erie is here. I would not have known.

If they are not going to pay, how in the world can we expect workers to stay for hours and hours to do the type of inspection necessary? I saw a directive sent out by the legal counsel for the Ministry of Labour that says this is the case. Under their interpretation of the bill, there is entitlement to pay. If that does not occur, then we are going to have problems.

Finally, I want to speak briefly about Stobie mine. A new type of blasting is going on at Stobie. I am told Inco is blasting in two directions for the first time. The filler in the centre is what has caused the problems we recently had with the loose falling in the mine in Sudbury. That matter has to be looked into carefully because I am told the stress that is left there now is so great it can only lead to more problems. I am told the blasts are now so big that they are using six-inch blast holes rather than the normal one-inch blast holes. They are stuffing them, and the blast is just tremendous.

3 p.m.

What is happening is that the cracks in the ore are much greater than previously. In conjunction with blasting going in two directions, that is creating a serious problem which, as we know, in Stobie has led to loose falling at least on three occasions. For people who do not understand loose, it is material that falls from the roof. In this case, it was eight tons. I don't know if eight tons falling on someone's head around here would hurt, but that will certainly kill a worker. We know loose to be the most serious problem in mining. I say to the minister that particular area of Stobie has to be looked into very carefully.

With those few remarks, I will resume my seat.

**Mr. Spcaker:** The member for Simcoe Centre.

**Mr. Laughren:** We know his views on unions. The member for Simcoe-Mississippi strikes again.

**Mr. G. Taylor:** There are those in the New Democratic Party who have remembered the earlier label that was applied to me by the then Leader of the New Democratic Party. I am pleased this afternoon to speak in the concurrence in supply debate.

I would like to talk to a few of the items. The present Minister of Labour (Mr. Elgie) has a particular habit, though I don't know

whether he actually knows it takes place. Since I have the label of sometimes being the Tory in the caucus on the back bench, the Minister of Labour feels that if I accept some of his proposals he must at least be moving in the right direction. However, when I do have my discussions with the Minister of Labour, I must confess to my colleagues in the Legislature that they are primarily concerned with the problems of all the workers.

I guess we get into positions in this Legislature where we view things from different vantage points. I know I probably perceive the members of the New Democratic Party as always viewing things from the organized union perspective, while they have the perception of me as being able only to view things from the side of management, which is not altogether accurate.

I want to say there are some things I hope the Minister of Labour will arrive at, although they are not entirely within his ministry. They include such things as the Attorney General has just put forward in his paper on mechanic's lien revisions. I hope these mechanic's lien revisions will address themselves primarily to giving the highest priority to wages of workers and tradespeople. I have not yet had the opportunity to look at that document, but I hope it is in there. If it is not, I hope the Minister of Labour will bring that to the attention of the Attorney General when he brings forward the legislation.

Another thing is the matter of pensions. That has been discussed in the committee on plant shutdowns. That is not this minister's entire responsibility. I know we are waiting for the Haley commission report to appear. I would hope there would be some package put together in the same way as we have a common package in insurance, for life insurance, for annuities and other things. I would hope there would be a common package that one could negotiate on behalf of all workers, be they unionized or non-unionized. Then if one were going to his employer regarding pensions, one could say: "This is what it must be. Could I buy that package or could we contribute to it, you as the employer and I as the employee?" One could then buy the extra pension schemes that one so desired over and above those that are instituted in the federal Canada pension plan, old age security and Gains. There would be some other feature that could be legislated for, rather than trying to put legislation in place to assist those plans that are in place for some but not all

employees in this province. I would suggest a better route would be examining the possibility of putting together a plan that would be available to all. Indeed, I would hope the insurance companies and those people dealing in pensions would be in the forefront of putting together this package so that it is not legislated.

Another item, after pensions, is that of severance pay which we have just discussed and which has been put forward as an earlier recommendation and was noted again in the recent interim report of the plant shutdowns committee. I will mention a document I requested that I just received in the mail today. It was written by Robert B. McKersie, and is titled, Plant Closed—No Jobs. It says, "What to do about the unemployment now being caused by shutdowns. An expert suggests, among other things, that the businessmen should take the initiative in softening the blow, lest they find tough legislation thrust upon them."

I think that is a very precise and concise description of what takes place and has a possibility of taking place with this particular legislation. I would think the business community would be well advised to take that short pithy statement and look upon it and themselves because there could be pieces of legislation that come out of this that may be more than they want to accept; and may be far more than the community should accept. They should be before our committee when it returns during the January-February break, so they can put their positions, and tell us what they are going to do and what they should be doing. They should start thinking about it instead of thinking about it after the fact. That is my position on severance pay.

The member for Hamilton East (Mr. MacKenzie) mentioned bankruptcy. I have spoken on more than one occasion with the Minister of Labour on that and I have the same position. When I acted as a lawyer in many of these situations, away down the list behind those professional people looking after themselves within the law now in place, namely, the secured creditors, the mortgagees and those others, the last in the line and probably the ones carrying the greatest burden and who could least afford the loss were the workers. Their wages were not there. That is an obvious suggestion from the member for Hamilton East that the minister should pick up. I know that it is not within our jurisdiction, but is one suggestion we should be putting heavily to those at the federal level.

Let us look at a couple of positive steps. Some of these provisions, such as mechanic's liens, pension plans, severance pay and bankruptcy situations, are those that are covering up problems that are there. They are a Band-Aid, as has been suggested by some others. It is a makeshift program that tries to correct the problems.

Let us look at some other positive steps that should be taken. The route we should be following is professional training and apprenticeship training. All of those positions should be made more positive—more positive for industry to take up, more positive for businesses to take up and more positive for universities, colleges and schools to take up. We do have a very versatile working force which is one of our great resources in this community of Ontario. Without it, some of these other programs would not be necessary, and indeed, would be superfluous.

We must have a very positive program going forward first, and I hope the Minister of Labour will, with the other ministries involved, put together some very positive programs. There are many good ones out there that need improving and more emphasis to carry on the good work being done by this minister and other ministers for the workers and people of this province.

**Mr. Laughren:** Mr. Speaker, I wanted to speak to the minister briefly about the whole question of skills training in Ontario because I am very worried that there is a regional component to the lack of skills training. I know of a manufacturer in North Bay who expanded elsewhere because there were no skilled tradespeople available in North Bay. I am worried that there will not be skilled tradespeople available in Timmins when the food terminal eventually opens there.

3:10 p.m.

**Hon. Mr. Elgie:** Mr. Speaker, on the advice of the member for Nickel Belt (Mr. Laughren), I am going to respond to all members except the member for Sudbury East (Mr. Martel), the member for Hamilton East (Mr. Mackenzie) and the member for Nickel Belt. It that right?

**Mr. Laughren:** Sure; that's fine.

**Hon. Mr. Elgie:** Seriously, I realize, as they do and as I know you do, Mr. Speaker, we have discussed these topics at great length publicly in estimates, although some members may not have been there for that special occasion, and before the select committee on plant shutdowns and employee adjustment.

On the issue of justification of plant closures, I think I have made the government's position very clear. We have serious doubts

about the value of it. We have serious doubts about it as a disincentive for business setting up in this community. But we have made it clear all along that we think there is a very important need to look at the very human aspects of plant closure and the hardships that occur from it. We have made it very clear from the beginning that those are the issues we have particular interest in.

I have made my own position very clear on the issue of equal pay for work of equal value. I think the member for Hamilton East (Mr. Mackenzie) is on a funny wicket, because this province has a record with regard to women's issues that cannot be compared with that of any other province. We are far ahead of all of them in all areas. We have an equal pay act that is effective and working, and we have equal opportunity programs that other provinces are now starting to model theirs after.

**Mr. M. N. Davison:** If they are such wonderful programs, why is there only one woman at National Steel Car?

**Hon. Mr. Elgie:** Oh, take two Aspirins today. The one the other day did not work.

The federal government also is starting to introduce an affirmative action program based on ours. There are some changes in the regulations being considered by the government. I am not prepared at this time to comment on the state of those considerations, but they relate to the matters raised by the member for Hamilton East.

We have discussed at great length the issue of occupational health and safety and the effectiveness of Bill 70. I happen not to be as pessimistic as some of the members from the third party. I think there is evidence of great co-operation starting to develop. The degree of compliance with regard to health and safety committees now is approximately 95 per cent in all areas. The honourable member knows that. He knows it is a good act.

**Mr. Mackenzie:** I want to keep it a good act.

**Hon. Mr. Elgie:** Keep quiet for a minute. It gives workers the right to refuse to work and the right to participate in the process; that is starting. At the end of year one, I have to say we have seen a lot of changes take place and we have a lot to be proud of. I will not make any apology for Bill 70 or the way it is going now.

The bankruptcy situation has been discussed by several members. I know the member for Simcoe Centre (Mr. G. Taylor) has indicated on many occasions his concern about the federal bankruptcy laws with

regard to unpaid wages. I have told the House on many occasions that I have indicated my own support for improving the position of wages in the bankruptcy legislation.

**Mr. M. N. Davison:** Would you like to tell us Joe Clark's position on that?

**Hon. Mr. Elgie:** The member is a lovely young man. Why does he not go and see his mother? He may need some help.

I was delighted that the member for Essex South (Mr. Mancini) had finally come to the realization that there was a Weiler report and that it did contemplate some changes in workmen's compensation legislation. I think it is kind of anomalous, though, that during all those months when Professor Weiler was reviewing it, his party was one of the groups that were criticizing the way we had proceeded. Members of his party said we were trying to move too quickly and they suggested a royal commission, which would have taken several years. I happen to think we did the right thing in acting quickly and I make no apology for that.

I am not involved in a second study of the Weiler report. I have asked for comments from those who had indicated an interest in the Weiler study. To not do that is to negate the concept of responsible government, and the member knows it. If the member wants to say something fundamental, he should say it on real issues.

On the issue of silica standards, the member for Sudbury East (Mr. Martel) talked to me about that before. I am aware there have been some suggestions of silica standards being considered by the federal government, and we will review their documents. As he knows, the issue of jurisdiction in health and safety in uranium mines seems to be quite clear. We have a pretty good working arrangement at present, but we will continue to try to improve it.

Miners' deaths in this province have been a particular concern of the ministry. We have appointed a tripartite commission to look into that, including the events at Stobie mines that the member was talking to us about. My own inspectors have reviewed the matter and made certain recommendations. The industrial inquiry into mining deaths has also reviewed that issue. I think we are approaching it from several directions and that we will see a satisfactory resolution of it.

**Mr. Martel:** You are playing games with us and you know it.

**Hon. Mr. Elgie:** I don't know that. Instead of playing games, what have we seen in the past year and a half? We have seen them agree to start paying for the inspector service; we have seen them incorporate the act by reference; we have had conversations with them as a result of the committee's report from Hydro; and they are willing to consider any further references that may be required to make certain that the process is a legal one. I have not seen anything but co-operation. The member may not think everything is perfect, but people are not putting up roadblocks to improving it.

I think that basically summarizes most of the issues that have not been covered in especially great detail in other committees at other times. I thank the members for their comments.

**Mr. Speaker:** Shall those estimates be concurred in?

**Mr. Martel:** No, Mr. Speaker, not for a moment.

**Mr. Speaker:** Order. You can only speak once. That has been the precedent in this House even before you came.

**Mr. Martel:** Mr. Speaker, the precedent was all mangled the night before last when people would go out and come back into estimates. This afternoon the minister mangled it.

**Mr. Speaker:** The resolution for concurrence in supply has already been placed before the House at the beginning of the debate. Is it the pleasure of the House that the resolution be concurred in?

Resolution concurred in.

#### MINISTRY OF TREASURY AND ECONOMICS

Resolution concurred in.

#### OFFICE OF THE ASSEMBLY (Supplementary)

Resolution concurred in.

#### OFFICE OF THE PROVINCIAL AUDITOR

Resolution concurred in.

#### MINISTRY OF AGRICULTURE AND FOOD

**Mr. Riddell:** I will speak only very briefly, Mr. Speaker. Before you cut me off on my supplementary this afternoon, I was trying to impress upon the minister that funding has to be provided to eastern Ontario farmers who find they cannot grow

soybeans because of the lack of handling and storage facilities. I have asked for more detailed information on this. If the minister were to read the last edition of *Farm and Country* he would find an article where this is outlined.

The Minister of Agriculture and Food (Mr. Henderson) invited the opposition critics to attend the press conference he was having in the last two or three days announcing a conference which his ministry was establishing, to be known as *Growing with Agriculture in the 1980s*. I failed to comment, as I was asked to do, at the end of that press conference. When I become somewhat annoyed, I think it is always best to give myself a few minutes to see if my annoyance is justified. I did give it a few minutes and, in my opinion, this latest announcement is just another in a series of conferences this ministry has hosted, designed to make the public believe his ministry is actively promoting agriculture in this province.

I know there was a lot of criticism levelled at the minister during the estimates that for some reason or other this government places a very low profile on agriculture. Just as sure as I am standing here, we are going to be having a conference in February for no other reason than to try to improve the minister's and ministry's image across Ontario.

3:20 p.m.

The reason I say this government places very little emphasis on agriculture is that the Agriculture and Food budget is only half of one per cent of the total Ontario budget when one discounts the land tax rebates which should not have been collected in the first place, the crop insurance which is repaid by the federal government and the tile drainage loans which are repaid by the farmers, although the interest rate is subsidized.

**Mr. W. Newman:** What are you repeating the same speech for? You already read it in estimates.

**Mr. Riddell:** No. I am dealing with this conference and the money being spent on it. It is abundantly clear there is no solid commitment by this government to an expanding agricultural industry in this province.

At last month's annual convention of the Ontario Federation of Agriculture, an agriculture and food strategy for Ontario was recommended to the government. This strategy pointed out the great opportunities presented to Ontario by its agriculture and listed a number of proposals for its development.

At a press conference, the minister forecast a doubling of corn production in the next 20 years. This would require the drainage and/or clearing of two million acres of land. Much of this land would be difficult to drain and it could cost \$1,000 an acre to clear and/or drain. That acreage would require \$2 billion of capital financing and, over a 20-year period with the present tile loan formula, the government would have to triple its present \$25 million a year ceiling to \$75 million a year. That money would require constant increases to match inflation.

Rather than a conference, what we need is more research to cope with the problems created by one-crop farming systems. We need grants and loans to farm groups anxious to operate cold storage plants. We need more processing plants and grain-handling facilities. We need a lifting of the present three-year limit on research projects funded by the government. We need to restore morale and confidence among our agricultural scientists in the future of their work. We need to plan now so our rivers and dams can handle the increased drainage waters. We need planning and legislation to prevent the erosion of land and the silting of our rivers and streams which will be caused by increased cash-cropping on Ontario soils. We need a recognition on the part of the Ontario government of the importance of agriculture in this province and a commitment to food self-sufficiency.

We do not need a series of government-financed conferences just before a provincial election. We need action and commitment from this government in the future of Ontario agriculture. I say to the minister that those are my views on the money he is prepared to spend on a conference in February.

**Mr. T. P. Reid:** Mr. Speaker, I will be brief. I want to make one last plea to the Minister of Agriculture and Food concerning the Rainy River land clearing and drainage project. I know the minister is going to reply that it is up to the federal government through the Department of Regional Economic Expansion agreement to do something about this matter. We have had this conversation numerous times, but I would submit to the minister that if there are problems with the federal government because funding or the amount of money that was going to go to this program is not available, or whatever, then the provincial government should the lead in this matter and start a pilot project funded with at least a million dollars or so to start so that we can get on with the job.

It was interesting that the local people, through the Ontario Federation of Agriculture, Rainy River branch, came up with this program and did a great deal of work in preparing what I consider an excellent brief on this whole project. The minister and his predecessor have been dragging their feet for three years on this matter, studying it from all possible angles. If there is a problem with the federal government, let us get on with the matter. Let us start something under the initiative of the Ontario Ministry of Agriculture and Food and let us get that program in place for this coming spring so we can get on with the job of improving the productivity of the farming community in the west end of the Rainy River district. It is going to be of benefit not only to the people in the area, but to the Ontario economy as well.

I would hope the minister would make a commitment here this afternoon, at Christmastime, that if there is no action from the federal government in the next couple of months, he will go ahead on his own initiative and provide the necessary funds or whatever to get this program going this coming spring of 1981.

**Hon. Mr. Henderson:** Mr. Speaker, if I might respond to the member for Rainy River (Mr. T. P. Reid), he is well aware of the commitment I made a few days ago during my estimates. That commitment still stands as I made it then. Prior to that, I had spoken to the member and suggested he should try to encourage the government of Canada to get on with the job, a job they promised us almost a year ago, yet we still do not have the necessary agreement. Respecting a pilot project, he is also aware that we, as a province, already have carried out pilot projects within his riding. The proof is there that the ground will produce with the appropriate drainage and cultivation.

The member for Huron-Middlesex (Mr. Riddell) referred to the soybean crop in eastern Ontario. I am sure he is aware that this is the first year we have actually produced soybeans in such supply that they really needed storage in eastern Ontario. He is aware that we have come out with new varieties that the farmers will be producing next year. There are, at this moment, no plans respecting storage, but I will be speaking to my staff with respect to this and will see what arrangements can be made.

The honourable member referred to a conference we are going to hold on Febru-

ary 4 and 5 of this year in the Skyline Hotel. I am really disappointed in him for thinking that the farmers should not have the right to come out and have input. It is pretty shocking for that member to make that type of a statement that the farmers should not be at a conference. It is really shocking and disappointing because he represents a rural riding.

**Mr. Riddell:** You don't know whom you are inviting. It was a thought on the spur of the moment

**Hon. Mr. Henderson:** There is no spur of the moment about it. The member can check when the reservations were made. I re-emphasize that I am really disappointed at his not wanting the farmers to have input. It is shocking to say the least. The part that is really shocking is his negative outlook on the future; his attitude towards our farmers is very disappointing. I just cannot believe he believes our farmers are that type of people.

During the past decade, our farmers have almost doubled production within this province and, as I said in my estimates, they will do that again in the very near future. I have confidence in the farmers of this province. I have confidence in the people of this province and believe that we will continue to be the leading province and the leading state in North America.

**The Deputy Speaker:** Shall this resolution be concurred in?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

Resolution concurred in.

Resolution for supplementary supply also concurred in.

#### MINISTRY OF HOUSING

**Mr. Roy:** Mr. Speaker, I cannot let my good friend from Ottawa South (Mr. Bennett) get off that easily. I have a very few brief comments to make to the minister.

3:30 p.m.

This morning, in looking over the mail, I saw that something is happening in eastern Ontario to which the minister does not seem to be invited. There are invitations to the Minister of Community and Social Services (Mr. Norton) and the Minister of Government Services (Mr. Wiseman) to attend the official opening of new kitchen facilities at the Rideau regional centre. The member for Ottawa South (Mr. Bennett) is not even invited to that. Since we are embarking on an electoral period, I want to say to my

good friend from Ottawa South that there is going to be an official ribbon cutting of an outhouse in my riding. I want to ask the member how many ministers he can bring over for that.

**Mr. Ashe:** As long as you are underneath it, we will bring the whole government.

**Hon. Mr. Bennett:** Mr. Speaker, I understood the particular facility was to accommodate all the friends of the member for Ottawa East. Those are my comments.

Resolution concurred in.

#### MANAGEMENT BOARD OF CABINET

Resolution concurred in.

#### MINISTRY OF THE ENVIRONMENT

(concluded)

**Hon. Mr. Parrott:** Mr. Speaker, I believe we agreed the Liberal speaker will take 10 minutes, then the New Democratic Party speaker will take up to 10 minutes and I will conclude with 10. Was that agreed to by the House? I am more than prepared to stand down.

**The Deputy Speaker:** I don't know what the agreement is. I understand it was agreed outside the House, so I will have to ask the House if it is agreeable to that agreement.

Agreed.

**Mr. G. I. Miller:** Mr. Speaker, it is a real pleasure for me to have this opportunity to stand up today to speak at this particular time in the history of Ontario. I think we are coming to the crossroads in dealing with our liquid industrial waste. We certainly need to get a handle on it. What happened on November 25 was a true indication that this government, which has been around for 37 years, has not taken into consideration the simple principle of the rights of individual citizens.

I would like to bring to the attention of the House that the government made a decision to locate an industrial waste plant on 640 acres in South Cayuga of class one and two agricultural land. As the member for that area, I am certainly concerned. We have had the support of the town of Haldimand, in which the site is located, and of the region of Haldimand-Norfolk and the town of Dunnville. A lot of very interesting things have taken place in the past two weeks as far as that area is concerned.

The Haldimand-Norfolk Organization for a Pure Environment was organized and

came to the rescue of the residents there. They have made presentations to this House through myself as a member, and I noticed this morning the minister indicated some concern about my responsibility as the member for Haldimand-Norfolk. I would indicate to the House and to the people of Ontario that I take my responsibilities seriously. I am concerned. We have to stand up for the rights of individuals, and I have tried to do that.

Last week 300 letters were addressed to the Premier (Mr. Davis) and to the Minister of the Environment (Mr. Parrott). I would like to put on record a copy of one letter that gives an indication of the feeling of the citizens in my riding. It is from J. L. Mitchener Public School, PO Box 99, Cayuga, Ontario. It reads:

"Dear Premier Davis:

"Although I am not yet of voting age, I am, nevertheless, deeply concerned that any provincial government in a free democratic country, such as Canada, should arbitrarily suspend citizens' right to full independent hearings on such an important project as the South Cayuga dump site that is now before the Legislature. I am appalled that our government would blatantly ignore the laws of the Environment Assessment Act, the laws that our government created. This not only affects citizens of South Cayuga, but is a denial of citizens' rights to everyone in Ontario."

It is signed Chris Clinton. I am speaking on behalf of the future generation because that is my responsibility and that is my concern. We are not only dealing here with waste that is of real concern, but we are going to locate it in a virgin area of Ontario, between the Grand River and Lake Erie, a distance of three short miles. It is class one and two land.

The government's own study, the MacLaren report, brought out in 1979, indicated clearly that class one, two, three and four agricultural land should not be used for waste disposal. They pointed out that 17 sites were available in Ontario, which they indicated on maps, but South Cayuga was not mentioned. Just this past summer they approved another study, which cost \$425,000, to justify using the site for liquid industrial waste storage. I think this clearly indicates they are using our money to try to utilize this site for waste disposal. They did not come to the region of Haldimand-Norfolk.

I believe at the end of November or beginning of December, after the new council

was inaugurated, it passed a resolution asking for an environmental assessment hearing and asking the Premier to rescind the Ministry of the Environment request that the environmental studies not be heard. The town of Dunnville also brought in a resolution supporting the region of Haldimand-Norfolk. All they are asking for is simple justice, that the legislation of Ontario be adhered to. I will ask again today that the minister reconsider his proposal and support the democratic system so that we can have a fair hearing for the future of that part of Ontario.

On Thursday of this week, we had another group come in. They were represented by the mayor of the town of Dunnville and his council. They did have a meeting with the minister in the hallway. I will not say that was the best place to meet, but in order to make a point I think they had to use some method to get the attention of the minister, and I think they were making that point very clearly.

Those people are responsible people and will sit down and be rational if approached the right way. I would offer my support to do that because I think we are making a decision that is going to affect the future generations and that is going to affect that part of Ontario where the Grand River runs into Lake Erie. The fishing industry is dependent on good clean water, and the fishing industry there provides something like 70 per cent of all the freshwater fish in Ontario or 50 per cent of the freshwater fish in Canada. It is an issue we have to be concerned about.

3:40 p.m.

I think agriculture can play a role in the economy of Ontario and Canada since, as our agriculture critic pointed out to the minister today, we are importing \$2 billion worth of agricultural products. Half of that can be produced here. We are importing \$1.8 billion worth of farm machinery and exporting \$800 million, leaving a deficit of \$1 billion. Agriculture can play a crucial role; and that particular area of Ontario is class one and two land, the second highest heat area in Canada. We can have access to irrigation.

When the government purchased the land, although a lot of figures have been used, it paid \$25,640,524 for it, which works out to about \$2,000 an acre. That may well be cheap land as we go down the road into the future. During a conversation I had with our junior farmers only a week ago in Delhi, I learned from one of them who went to

Germany on an exchange tour that the only way one gets access to land is through its being handed down from generation to generation. They are paying a price of up to \$10,000 an acre. Given the fact we do have a peak in agriculture, I think we have to protect that land, and we can barter, when we have agricultural products to exchange, for energy. I think that is the future not only for the agricultural area, but for industry. That is very important.

We have to make sure that the democratic system is utilized properly. That is all we are asking, that simple first principle. I would hope the minister will see it justified and will try not to put the cart before the horse and will go through the proper procedures.

Mr. Isaacs: Mr. Speaker, I am pleased to be able to join in this debate.

Hon. Mr. Elgie: Where are your friends?

Mr. Isaacs: I don't know where they are.

I am pleased to join in this debate on concurrence in supply for the Ministry of the Environment. I was not the environment critic for this party at the time the minister's estimates were being considered by committee, nor when this debate was started back on June 18, but I have found it a fascinating experience to take over the responsibility for this party.

I want to take just a few moments to comment on some of the things which we have seen happen in the last three or four months. It seems to me that the Minister of the Environment must have received a shot of liquid industrial adrenalin some time back in the summer, because since mid-summer or thereabouts he has been moving faster than I have ever seen any minister move—not always in the right direction, but he has been moving.

Back in the summer, he bypassed yet again what my colleagues in the Liberal Party call the democratic process, except that time it was affecting Inco. Instead of going through the normal hearing process and the normal control order process, he bypassed everything and went straight to a cabinet order to deal with the Inco emissions problem. Maybe at that time we should have seen what was coming; we should have seen the way that haste is overtaking reason and the democratic process, and maybe we should have said, "Come on, we need hearings; we need the full process." But, of course, we did not because we knew there was a real crisis at that time and we were prepared to allow the minister to deal with his ineptitude in the past by taking crisis decisions and going directly to cabinet.



Since this summer as well, he has moved on the problem of the Keating Channel dredging, although he has not moved as far as we would like. He has moved dramatically on some of the crazy schemes that were before us back in the spring, particularly the proposal for his co-proponentship in liquid industrial waste facilities in Thorold and Harwich. He has also taken actions which have resulted in the abandonment of projects in Ajax and Middleport. Sewer and water projects, as the minister often indicates in his speeches, have also been moving, hindered only by the present abandonment of the funding under the community services contribution program by the federal Liberal party.

It is the minister's statement of November 25 that is the focus of attention today. It is that statement on which I want to focus for a few moments. There is no doubt in my mind that the minister's statement of November 25 is his best shot yet at dealing with the problem of industrial waste disposal. The minister has come forward with a proposal for proper facilities on a clean site run by the right people, a crown corporation. We have no quarrel with any of those aspects.

Unfortunately, there are two big flaws in the proposal, as we understand it, that exists today. One is the minister's interference in the impartial MacLaren study, which has raised in many people's minds doubts about the validity of that study as a site selection document. The second is his abandonment of and his getting around the total hearing process that has been established by this Legislature and written into the laws of Ontario.

Despite those criticisms, the minister has still been moving since November 25. For example, on November 25 there was no comment about any kind of hearing. Today, we know that there will be some kind of hearing on the South Cayuga proposal. On November 25, South Cayuga was the final selection; it would go there come hell or high water. One of the concerns of the people in that area is that it may be high water that comes and puts an end to the project. Since November 25, perhaps with some nudging from the Premier (Mr. Davis), the minister has agreed that the project will not proceed in that location if the site is found to be unsuitable for a facility such as he is proposing. Since November 25, as well, my colleagues and I in the New Democratic Party have taken the steps necessary to ensure that there will be com-

mittee hearings on the South Cayuga proposal.

I want to tell the minister I see one of three possibilities being the major component of that committee's report. The committee will come forward recommending that there should be a full environmental assessment hearing, or it will come forward suggesting that there should be some kind of modified environmental assessment hearing, or it will come forward saying that the minister has done the right thing.

The minister is well aware I think the last of those three possibilities is the most unlikely. The minister is well aware I believe strongly there should be a full environmental assessment hearing. But I do not think I am so close-minded as to say I am not prepared to use those hearings to hear the minister's point of view and to give him the time to try to convince my colleagues and me that what he has done is the only way to go.

If, as I suspect, the committee comes forward at the end of March, or whenever this House resumes, with a recommendation that there should be a full environmental assessment hearing, if the Liberal Party supports that, and if perhaps even the Conservative members of the committee support that, as I hope they will when they have heard all the evidence, then this House will have an opportunity to vote on the report. If the vote is positive, I believe the minister will be under an obligation to listen to this House and to the people of Ontario and to provide the environmental assessment hearing that is being asked for. It seems to me that is without a doubt the biggest flaw in the minister's position on any issue at the present time.

3:50 p.m.

I do not see how an election in Ontario right now will get the people of Ontario and of South Cayuga an environmental assessment hearing. If the people in the Liberal Party want to get that hearing, and if they really believe that the goal of the South Cayuga exercise is to get an environmental assessment hearing, then they will forget about jaunts to Germany, they will forget about spending time on things that when time is less pressing might be important, and they will focus their attention on the need for the environmental assessment hearing. They will come to the committee and learn why that hearing was not held and how it could be held, and they will join with us in the committee to bring forward a recommendation that the Environmental

Assessment Board be directed to meet and hear the South Cayuga issue, site selection, technology and everything.

There is no other way to ensure that the people of South Cayuga will get that hearing. There is no way we can guarantee the people of South Cayuga that an election will get them that hearing. In fact, Mr. Speaker, as you know and as I know, an election is likely to do nothing more than give the minister time to get it in before a new government can take over and ensure that the facilities are subjected to the hearing they should have before the site selection is made final. We will not be opposing the minister's estimates on this item, but we will be coming forward with a recommendation in the spring, which we hope will get the support of all parties in this House, to require an environmental assessment hearing and to guarantee the people of South Cayuga the democratic rights they deserve to have accorded to them.

To sum up, if the minister keeps moving under the charge of liquid industrial adrenalin he seems to be operating on, I predict we will have that hearing scheduled before the end of February.

Mr. Nixon: On a point of order, Mr. Speaker: Before the minister completes the debate, I wonder if he would consider the position that he has expressed with reference to this House, when he undertook to have advertised in the Daily Commercial News of November 28, under the heading "South Cayuga Industrial Waste Centre, Owner Ontario Waste Management Corporation," a project, including a storage building for highly toxic waste and solidification plant, and a bridge to join Highway 56 to the access road of the Grand River, as well as other facilities, when the matter has not really been approved here and his money has not been voted.

Second, could the minister possibly respond to my colleague the member for Essex North (Mr. Ruston) who has asked for information concerning the contract and salary of Dr. Donald Chant in his recent appointment regarding the South Cayuga toxic waste dump? That question was asked on December 1, and the answer was, "It will not be possible to provide a response prior to the end of the session." Surely that is an indication of a lack of concern for the requirements for information to the Legislature and the taxpayers.

Mr. Gaunt: On a point of order, Mr. Speaker: I am wondering, when the min-

ister responds, if he could answer my question to which I made reference yesterday.

**The Acting Speaker (Mr. MacBeth):** That is neither a point of order nor a point of privilege. It is an inquiry of the minister, but this is not the time for an inquiry. I will ask the minister to proceed.

[Applause.]

**Hon. Mr. Parrott:** Mr. Speaker, it is very nice to have that kind of support.

We are in the concurrence debate for my estimates, and I want to make one or two points in addition to the ones that seem to fascinate and dominate, as though they were the only things that have happened in our environment. Indeed, there are many great activities of my ministry, and I am going to take half of my time to remind this House that really is what this is all about.

In our estimates time we did not spend any significant amount of time on the role of our laboratory. Here is a facility which is without doubt doing yeoman's service. Let me give two or three illustrations. In any given year, we take 1.5 million tests of air or water samples. That is a tremendous number. That includes a great range of activities. It ensures that the people of this province have safe drinking water. It ensures that they have pure air. It ensures that if people have private wells they can come to a source to get that kind of certainty that it is safe for them to consume the water. Those 1.5 million tests are a routine activity that goes on almost unnoticed but, without it, this province would be much worse off.

I compare that to the very rich province of Alberta, which is only now thinking about building a facility of a similar type. I think it is a testimony to my predecessors in this government that they saw in the early 1950s and 1960s the great need for that facility and built the best laboratory facility of any place in Canada to deal with the environment. I could go on and on and on. I use that only as an illustration. We have 1,400 monitors for air throughout this province. That is another service that goes on day in and day out very silently, but very effectively.

In the two or three minutes I have on this portion of the estimates, I want to deal with what I think was a crippling blow to that great service. That was the cancellation of the community services contribution program funds. I don't remember a worse day any government had in its failure to give a commitment to the environment than the

day the federal government cancelled that program. It was just unbelievably bad. Let me give a couple of quick illustrations. I had the sad task the other day of rethinking what that would mean for one particular small community in southwestern Ontario. Even though our funds will be increased considerably, it means that community will have a user charge not of \$160 a year, as it was with the program, or not even \$300, but \$700. That is the kind of change it will mean. It means that kind of change to at least 100 communities in this coming year.

I would ask the members opposite, as well as those in my own caucus, to write to their respective federal members and to the minister himself, asking for that program to be reinstated. I had the member for the city of North Bay in the other day. They had put it very squarely. They thought they had a commitment from a federal minister who represents that area. They were sure they had.

**Hon. Mr. Pope:** Jean-Jacques Blais.

**Mr. Kerrio:** On a point of order, Mr. Speaker: The gentleman sitting next to the minister should not be interjecting when he is not in his seat.

**The Acting Speaker:** I do not think there is any such rule.

4 p.m.

**Hon. Mr. Parrott:** The staff of the federal minister looked us in the eye and pretended it was not important to the Great Lakes water agreement of this province, not important to the small communities. I have never in my life seen such harsh treatment as the cancellation without notice of the community services contribution program funds.

I tell the member that this province will suffer because of it. Even more important, our image in the international community will suffer because it appears as though our federal government no longer has the commitment to the environment that we in this provincial government have, always had and will have forever.

We want to dwell for a few minutes on liquid waste; of course, we do. But perhaps before we do, we could take a minute to talk about some of the success stories of the last two years. Let me refer the members to the tremendous improvement in the environment relative to the Treasurer's (Mr. F. S. Miller) pulp and paper grants for the environmental control and modernization of those plants. I would ask the members of

the House to go to the town of Dryden where they will see a whole new community. It is the success story of this decade. There is a river now without foam; there is air without particulate matter; the odour is gone. That is the kind of success story we do not hear much about, but such stories are there, are real and are happening day in and day out in this province.

For the last three or four minutes, I should turn to the item of liquid industrial waste. It has dominated this particular session of the Legislature for a variety of reasons. We have seen the things of the past and we have all become concerned. There is no doubt in my mind that the members opposite have a genuine concern, but as I read my mail and I understand the commitment on both sides of the House, I get far more mail, requests and help from this side of the House in doing something positive to solve the problems of liquid industrial waste in this province. It is that simple.

Last night I had what I considered one of the most revealing discussions I have ever had. I thought it was incumbent upon me to go down and see the member for Haldimand-Norfolk (Mr. G. I. Miller) in his office. I would like to have a moment to put this on the record.

Interjections.

**Hon. Mr. Parrott:** I saw a member who was genuinely concerned—I do not challenge that—but I also saw a member who did not really understand the bright and possible future of tomorrow. He is misguided in what he thinks will occur. He wants quiet discussion, and I believe in that. But I think it is now time that it happens. It is not time for the rowdiness of yesterday afternoon.

I was encouraged tremendously by the fact that he would orchestrate such quiet discussion because it was to his people and to the people of Ontario I said I offer the hand of understanding. What we need at this time is understanding, knowledge and then action. I say to you, Mr. Speaker, that we will provide that.

I find it rather interesting when a member, and particularly the Leader of the Opposition (Mr. S. Smith), says to us, "Why have you done this thing in such a political way?" Yet this very morning, when asked where he would put it, he said he would put it in Woodstock. That is kind of an interesting comment which I will remind the Liberal candidates of some time. That is exactly how the Leader of the Opposition went about the business of finding where to locate a site. The member will have a little trouble with

that in the great county of Oxford, He ought to have a little better understanding of the problem.

In conclusion, I want to say one sentence. Interjections.

The Acting Speaker: Order, please.

Hon. Mr. Parrott: Not only do we in this government, and myself, offer to the people of this province the hand of understanding—

Mr. S. Smith: With a knife in it.

Hon. Mr. Parrott: —we will offer to them the hand of co-operation. In this vital area we can build a better tomorrow; we will build a better tomorrow. The environment is our heritage; we will protect it. Nothing short of that would be what this government would have for the great province of Ontario. That is our promise for the future. It is a great, bright tomorrow.

4:10 p.m.

The House divided on the resolution for concurrence in supply for the Ministry of the Environment, which was concurred in on the following vote:

#### AYES

Ashe, Baetz, Belanger, Bennett, Bernier, Birch, Bounsall, Breaugh, Brunelle, Bryden, Cassidy, Charlton, Cureatz, Davis, Davidson, M., Davison, M. N., Di Santo, Drea, Eaton, Elgie.

Germa, Grande, Gregory, Crossman, Havrot, Henderson, Hennessy, Hodgson, Isaacs, Johnson, J., Johnston, R. F., Jones, Kerr, Lane, Laughren, Lawlor, Leluk, Lupusella, MacDonald.

Mackenzie, Maeck, Makarchuk, Martel, McCaffrey, McCague, McClellan, McNeil, Miller, F. S. Mitchell, Newman, W., Norton, Parrott, Philip, Pope, Ramsay, Renwick, Rowe, Scrivener, Smith, G. E.

Snow, Stephenson, Sterling, Swart, Taylor, J. A., Taylor, G., Timbrell, Turner, Ville-neuve, Walker, Warner, Watson, Welch, Wells, Wildman, Williams, Wiseman, Yaka-buski, Young.

#### NAYS

Blundy, Bolan, Bradley, Breithaupt, Campbell, Conway, Cunningham, Eakins, Epp, Gaunt, Haggerty, Hall, Kerrio, Mancini, McEwen, McGuigan, McKessock, Miller, G. I., Newman, B.

Nixon, O'Neil, Peterson, Reed, J., Reid, T. P., Riddell, Roy, Ruston, Sargent, Smith, S., Stong, Sweeney, Van Horne, Worton.

Pair: Edighoffer and MacBeth.

Ayes 78; nays 33.

## SUPPLY ACT

Hon. F. S. Miller moved first reading of Bill 231, An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending May 31, 1981.

Motion agreed to.

Mr. Nixon: Mr. Speaker, on a point of order: I have great confidence in the advice the House leader of the Conservative Party has. However, it seems to me in the past this bill for providing to His Honour the money required for the government is passed after the budget is approved or, in this case, defeated.

4:30 p.m.

Hon. Mr. Wells: I asked that same question earlier when this procedure was suggested. It has been pointed out to me that since we changed the rules, the debate we have had and which we will be concluding in a few minutes is an amendment to the motion that this House approve in general the budgetary policies of the government. It is not the motion we used to have a few years ago, before the new rules, with the House going into committee of ways and means, which meant that the motion had to be passed before this bill could be presented. Once the estimates have all been concurred in and passed by this House, it is perfectly in order to put this bill.

Mr. Nixon: If I may speak again to the point of order, Mr. Speaker, might we have some advice from you? While my memory perhaps is faulty in this connection, I do not recall ever having to pass the supply bill which, of course, is acceded to when the budget is approved. It does not seem reasonable for the House leader to present a supply bill to us in this House and then go on with the debate on the budget, which may or may not be successful.

Mr. Speaker: I am at the pleasure of the House. It was my understanding too that the supply bill would come after the motion for the support of the budget would come along.

Mr. Breithaupt: It has to be approved in general first.

Mr. Speaker: It has received first reading.

Second and third readings also agreed to on motion.

## MOTIONS

### STANDING COMMITTEES

Hon. Mr. Wells moved that the following standing committees be constituted and au-

thorized to sit during the interval between the fourth and fifth sessions of the 31st Parliament with authority to consider business, as follows:

The standing committee on administration of justice to consider the annual report of the Minister of Housing for the year ending March 31, 1979, and to consider the annual report of the Minister of Consumer and Commercial Relations for the year ending March 31, 1980; and that the committee be authorized to release its reports during the interval by depositing a copy with the Clerk of the assembly; and that, upon commencement of the fifth session of the 31st Parliament, the chairman of the committee shall bring the reports before the House in accordance with the standing orders; and that Bill 140, An Act to amend the Children's Law Reform Act, 1977, remain committed during the interval and, upon commencement of the fifth session, be deemed to have been introduced and read the first time and deemed to have been read the second time and referred to the standing committee on administration of justice.

The standing committee on resources development to consider the annual report of the Ministry of the Environment for the year ending March 31, 1979, and to consider the annual report of the Minister of Natural Resources for the year ending March 31, 1979, and to consider, as time permits, Bill 127, An Act to revise the Pits and Quarries Control Act, 1971; and that, notwithstanding the prorogation of the House, Bill 127 remain referred to this committee for clause-by-clause examination and, upon commencement of the fifth session of the 31st Parliament, the bill shall be deemed to have been introduced and read the first time, be deemed to have been read a second time and referred to the standing committee on resources development; and that in its consideration of the Environment report the committee be authorized to employ counsel and such staff as it deems necessary and to hold meetings and hearings in such places as the committee may deem advisable, subject to budget approval by the Board of Internal Economy;

The standing committee on social development to consider Bill 209, An Act to revise and extend Protection of Human Rights in Ontario; and that, notwithstanding the prorogation of the House, Bill 209 remain referred to this committee for clause-by-clause examination and, upon commencement of the fifth session of the 31st Parliament, the bill shall be deemed to have been introduced and read for the first time, be

deemed to have been read a second time and referred to the standing committee on social development;

The standing committee on public accounts to consider the annual report of the provincial auditor for 1979-80 and the public accounts for 1979-80;

And that these standing committees be authorized to meet during the interval between sessions in accordance with the schedule of meetings agreed to by the three party whips as tabled earlier today; and that on the request of a standing committee the committee, while sitting during the interval, may, if necessary, ask Mr. Speaker through the Office of the Clerk to issue his warrant or warrants for the attendance of a witness or for the production of papers and things deemed necessary by the committee.

Motion agreed to.

#### SELECT COMMITTEES

Hon. Mr. Wells moved that select committees, meeting during the interval between the fourth and fifth sessions of the 31st Parliament, do so in accordance with the schedule of meetings agreed to by the committee chairmen and the three party whips as tabled earlier today.

Motion agreed to.

#### SUBSTITUTIONS

Hon. Mr. Wells moved that, notwithstanding the standing orders of the House, substitutions be permitted on the standing committee on procedural affairs during the interval between the fourth and fifth sessions of the 31st Parliament with notice of substitution to be given to the clerk of the committee by the whip of the party concerned; and that the standing committees authorized to meet during the interval have power to substitute, provided that written notice of substitution is given to the chairman of the committee before or early in the meeting.

Motion agreed to.

#### COMMITTEE TRAVEL

Hon. Mr. Wells moved that, as previously authorized by the House on June 19, 1980, members of the standing committee on procedural affairs be authorized to travel to the United Kingdom to examine the committee system at Westminster.

Motion agreed to.

### SELECT COMMITTEE ON THE OMBUDSMAN

Hon. Mr. Wells moved that the select committee on the Ombudsman be authorized to release its report during the interval between the fourth and fifth sessions of the 31st Parliament by depositing a copy with the clerk of the assembly.

Motion agreed to.

### SELECT COMMITTEE ON CONSTITUTIONAL REFORM

Hon. Mr. Wells moved that the select committee on constitutional reform, as appointed June 3, 1980, continue with its terms of reference, including power of substitution and release of report, as set out in the motion of the House of June 3, 1980.

Motion agreed to.

### COMMITTEE REPORTS

Hon. Mr. Wells moved that, notwithstanding the prorogation of the House, all government orders on the Order Paper for resuming adjourned debates on motions to adopt reports from committees, except for the December 2 report from the select committee on plant shutdowns and employee adjustment, be placed on the Order Paper on the second sessional day of the fifth session of the 31st Parliament.

Motion agreed to.

### SUBSTITUTIONS

Hon. Mr. Wells moved that the following substitutions be made on the select committee on company law, Mr. Rollins for Mr. G. Taylor; on the select committee on constitutional reform, Mr. Stong for Mr. Roy, Mr. Epp for Mr. Conway and Mr. Mitchell for Mr. G. Taylor; on the select committee on Ontario Hydro Affairs, Mr. McKesock for Mr. Bradley, Mr. Jones for Mr. Cureatz and Mr. Lupusella for Mr. Mackenzie; on the select committee on plant shutdowns and employee adjustment, Mr. Cooke for Mr. Renwick; on the standing committee on administration of justice, Mr. Kennedy for Mr. G. Taylor, Mr. Mitchell for Mr. McCaffrey, Mr. Rowe for Mr. Williams, Mr. M. N. Davison for Mr. Ziemba, Mr. Hall for Mr. Roy and Mr. Eakins for Mr. Stong; on the standing committee on resources development, Mr. Watson for Mr. Yakabuski, Mr. Young for Mr. Di Santo, Mr. Isaacs for Ms. Gigantes and Ms. Bryden for Mr. Mackenzie; on the standing committee on public ac-

counts, Mr. Cureatz for Mr. MacBeth; on the standing committee on social development, Mr. M. Davidson for Mr. Grande, Mr. Young for Mr. R. F. Johnston, Mr. Warner for Mr. McClellan and Mr. Mackenzie for Mr. Bounsall.

Motion agreed to.

### BUDGET DEBATE

(concluded)

Resuming the adjournment debate on the amendment to the motion that this House approve in general the budgetary policy of the government.

Mr. Cassidy: Mr. Speaker, it is a pleasure to be able to wish you and members of the House a Merry Christmas, the compliments of the season and a very happy new year. I am not sure where Santa Claus is right now, but I did suggest to Santa that as far as we New Democrats were concerned 81 in '81 would be an appropriate new year's present to bring, and I know that Santa will be happy to oblige.

4:40 p.m.

We look forward to the fact that come spring there will be an election in Ontario. We are all going to be on the hustings. That election campaign effectively is going to begin with the turn of the new year. I do want to say to my friend, colleague and neighbour from Ottawa East (Mr. Roy), that seldom have I seen such a sense of relief on the faces of so many Liberals as when the New Democrats decided not to oppose concurrence in supply for the Ministry of the Environment.

Mr. Roy: Mr. Speaker—

Mr. Speaker: Order. You don't have the floor.

Mr. Cassidy: The member for Ottawa East has not been here. Some people observe a meatless Friday. The member for Ottawa East observes a legislativeless Friday because he is up in Ottawa all the time.

Mr. Roy: We'll throw them out now. Let's throw them out.

Mr. Cassidy: When he says, "Throw them out," it is to be noted that usually he himself is out and it is very seldom he is here.

When the Liberal Party is at the number of no-confidence motions that New Democrats have put in the Legislature since 1977, and we are up to 11 right now, compared to only four from the Liberal Party—then we will start to take their motions seriously.

I remember last year at this time it was the Liberal Party that was propping up the government. Do members remember that? We are coming through. The snows are flying. Nobody wants a winter election except the member for Ottawa East. We will have an election in the spring.

It will happen very shortly after this place resumes in the middle of March, if we ever resume in the middle of March. I know that Hugh Segal is busily preparing the press releases and the announcement that the government intends to make, either to be put into the election manifesto which will be read from the Speaker's chair by the Lieutenant Governor, or released to the press in a grand flurry of activity some time around the end of February. I want the government to know that when the election comes, we in the New Democratic Party, here in this House and across the province, will be ready to take our record and the government's record as well across the province.

We have been around this place for three and a half years. We have done a great deal to make minority government work, but there is no question that the Legislature is starting to get stale. There is no question that the government's mandate is running out. There is no question that there is no fresh blood on the back benches of that party to refresh the Conservatives. It is time for the entire Legislature to go back and get a mandate from the people of Ontario. When we do, I am confident that mandate is going to give Ontario more New Democrats in the Legislature than we have ever had in this Legislature before.

**Mr. S. Smith:** It is a funny way of showing your confidence.

**Mr. Cassidy:** I told the member for Hamilton West that we might have been prepared to go along with them today, but the fact is that the snow started to fly and it will become deeper and deeper over the course of the next few weeks.

**Mr. Wildman:** There is more snow from over there than there is from anywhere else.

**Mr. Cassidy:** That was what they said last year. I am just taking my leaf from the Liberal leader's book. The people of the province can judge. They can judge the Liberal Party for the way they cozied up to the Conservatives last night on the question of pension benefits. When we said it was time to protect workers and give portable pensions, where were the Liberals? They were in bed with the corporations and with the Progressive Conservatives. On eight

amendments, when it was a choice between the workers and the Tories, the Liberal Party chose the Tories. The problems the government is creating for the people of the province continue. It is clear they will not have a new approach to take to the people when we come to the election in the spring.

Today, the Minister of Education (Miss Stephenson) is still lacklustre when it comes to ensuring that school children and school board workers are protected against asbestos in schools. This week the Minister of Health (Mr. Timbrell) expressed surprise when we pointed out to him that close to 40 per cent of full-time specialists in the medical profession in Ontario have opted out. That is why one cannot get a gynaecologist in Sudbury who is opted in. That is why one can hardly get an anaesthetist in any hospital of the province who is opted in. That is why the problems of medicare continue and that is why it is time we had a government committed to restoring one-price medicare in Ontario. We will never get it from this particular government.

Over the course of this fall, we have repeatedly raised the issue of day care. In Ottawa there are a thousand parents looking for day care for their children. They are on waiting lists and unable to get it. In Metropolitan Toronto there are 4,000 parents looking for day care for their children. As the member for Bellwoods (Mr. McClellan) has pointed out, today and recently, there has actually been a decline in the number of subsidized day care places available in Metropolitan Toronto. The same thing is happening across the province.

The \$1 million that came forward from the government as a part of the mini-budget is simply a drop in the bucket and is not nearly adequate to meet the needs of tens of thousands of families who are forced to make inadequate provisions for the care of their children, who are compelled to have two incomes and who cannot find decent care for their children because of the lack of commitment from this government over the question of day care.

We have a government that hears no evil and sees no evil until its attention is brought to the problems that exist in the province by New Democrats. My friend the member for Welland-Thorold (Mr. Swart) has repeatedly come into this Legislature to point out what is happening to food consumers in the province as a result of the treatment they get at the hands of supermarkets. The Minister of Consumer

and Commercial Relations (Mr. Drea) seems to think his job is the protection of corporations and not the protection of consumers. The Attorney General (Mr. McMurtry), whose diplomatic 'flu has lasted for a week and a half, is still sick from eating crow the other week. He was trying to tell us why this Legislature, as the supreme court of the province, should not have access to documents to find out what happened to the investors who lost their life savings in Re-Mor.

The member for Welland-Thorold has repeatedly asked the Minister of Consumer and Commercial Relations, "Why won't this government protect the consumer? Why won't the minister create a food prices review commission that will come to the defence of the consumer? Why does he sit back and insist that the policing be done by New Democrats in the Legislature? Why can't we count on the government to start doing some protection for consumers in Ontario?"

The Minister of the Environment (Mr. Parrott), the minister for the anti-environment, the minister of dumps, is still in his place in the Legislature. I want to point out to that minister that the problems we have been talking about over the course of the last three or four weeks did not begin just two weeks ago. They began two and a half years or more ago. I went into a dump in Oshawa, which the minister said was under control, and the leachate was there to be seen. Anybody with a truckful of industrial waste could have driven in and dumped it in it.

We brought it to the minister's attention two years ago; yet at Walker Brothers Quarries near Thorold just a few weeks ago the people from W5 were able to bring in their truck. We told the minister about the barrels of waste that were there, and one-barrel Harry said, "We will take one barrel out and have a look at it, and if that is okay, we are going to say the problem is contained."

**Hon. Mr. Drea:** Come June, you are going to be in that dump.

**Mr. Cassidy:** I think the Minister of Consumer and Commercial Relations knows a bit more about dumps than I do. All I have to say is that we are going to continue in that committee, when it meets in January, to press until we get an adequate environmental hearing. I think the minister should simply admit now he was wrong to try to avoid the legislation.

I really wonder about those people in the ministry who conceived that campaign last summer, paid for by the taxpayers, along the theme of "preserve it, conserve it." Would they have been able to look at themselves in the mirror every morning if they had known that within a matter of weeks the Minister of the Environment was going to jettison completely that piece of legislation that was hailed as being the saviour of the environment when the Environmental Assessment Act was brought in in 1975? I do not think so. The government's treatment of the environment is going to be an issue in the election campaign as well as its lack of respect for local communities and its sloganeering that is not backed by facts. If South Cayuga is not safe, then what area of the province is going to be safe?

**Hon. Mr. Parrott:** By that time, the member may understand what we are doing.  
4:50 p.m.

**Mr. Cassidy:** The minister keeps on saying I do not understand. I do not understand the minister, but I understand what the legislation says. I don't understand the minister and how he chickens out from using the law when the law is there to be used.

We have a government that mouths slogans about economic equality for women, but blocked the New Democratic Party's bill when we brought it in and torpedoed our bill for equal pay for work of equal value when it was brought back to the Legislature. I say shame on them.

**Mr. Wildman:** They found they are sinking in liquid industrial waste.

**The Deputy Speaker:** Order.

**Mr. Cassidy:** We have a government that for two years has said it believes in the principle of severance pay but not in the practice. It was not until we got to the final week of the session that the government finally understood, with their own back-benchers deserting their ship almost every day, that they had to move and they had to make the commitment, not just in principle but also in practice.

That decision by the government was a clear victory for the New Democratic Party and for the working people of this province. The workers understand that if they lose their jobs because of a layoff or shutdown, they should not just be kicked out on the streets with nothing to fall back on. If a worker invests his or her life in a corporation, that worker is due something in return if the company is forced to shut down



or decides, because of some absentee owner's decision, it is going to pull out of the province. That principle should have been accepted a long time ago, and it is time the Minister of Labour accepted that it is not good enough to let those corporations pack up their tents without justifying what they are doing.

I sat in on the plant shutdowns committee on a number of occasions. I heard corporations like Essex International Canada Limited, which is the most sorry, disgraceful excuse for a multinational corporation I have seen around this province for a long time, say they paid only \$4.09 an hour. There was no severance pay in the contract and there was no pension provision in the contract. The personnel manager told us he could not agree to a manpower adjustment committee because he was not in Canada often enough to take part in such a committee.

That is the kind of sorry excuse the Minister of Labour was trying to defend in the course of the debate in concurrence of his estimates today. That one company took \$21 million out of the province in dividends in the three years before it shut down. But it was not prepared to come up with a few hundred thousand dollars to give some recompense to the workers who were hit by the severance, nor was it prepared to justify it in any way.

We are going to keep fighting that issue because it is important to working people across the province. They want an assurance that their job security is not jettisoned. They want an assurance that there is a government here that will protect workers' rights and not just protect the rights of corporations. There is a very strong suspicion in the minds of the working people of this province that this government puts far more credence in the rights of corporations than in the rights of workers.

I could say more about the government, but the point I want to make is simply this. Minority government has gone on now for three and a half years. Its time is coming to an end. We have worked in this House to make it work responsibly and sometimes constructively. It has been proved that in certain areas this minority government is not effective. That is why we have to go back to the people and that is why we will be doing so in the near future in the spring. If I look back over the last two years, the primary issue in the province has been the issue of jobs and job security. On that issue, there has still not been an adequate response

from the government. That is going to be the issue when the election comes.

Every economic forecast says that things are going to get worse in the new year for Ontario's working people, for the citizens of Ontario. We face an all-time high in the level of unemployment, according to the forecast we are getting right now. We face a dismal economic performance, which is the combined result of Tory economic policies here in Ontario and Liberal economic policies in the government of Canada, with a bit of help from John Crosbie and his friends. We face a situation where there has been absolutely no planning for the future of the province coming from the Davis government.

The precarious position we are in has been worsened by the continued flirtation of our central bank and by Liberal and Conservative politicians with the monetary policies that are wreaking such havoc in the United States and in Great Britain.

In Great Britain in 18 months, Mrs. Thatcher's government has driven unemployment from 1.3 million workers to 2.1 million workers. They are heading for three million next year. Inflation has risen from 10 per cent to 15 per cent. The interest rates are rising almost daily since the Iron Lady came into office. The decline in manufacturing output in the last two years in that country rivals the opening years of the great Depression.

I had a letter today from a friend who was a manufacturer in the Manchester area of Great Britain. It was a very sad letter. They are on short time. They do not know how they can protect the jobs of their workers. The whole area is suffering enormous unemployment. Contracts are drying up. Businesses are being driven to the wall. That is the monetarism which Tories and Liberals alike in Ottawa have endorsed. If this government has not endorsed it, its protests have been—to put it mildly—very feeble.

Together the interest rate policies of the Liberals and Conservatives are threatening every home owner, they are threatening every small business person, they are threatening the jobs of hundreds of thousands of workers and they are threatening the prospects for recovery of firms that are on the brink, like Massey-Ferguson and Chrysler Canada. I say it is time we called a halt to slavish following of economic doctrines, whether they come from Chicago, Great Britain, Washington or anywhere else. It is about time we had a made-in-Canada interest rate policy, about time we had a

made-in-Canada economic policy and about time we stopped making the economy of our country, the economy of our province and jobs of our workers captives to economic doctrines that are being imported from other parts of the world.

Time and time again over the last two or three years we have been looking for leadership for the economy of Ontario, and it has not been coming from the government. There have been rare exceptions. I mention the Urban Transit Development Corporation because that crown corporation is in the high technology area, has been doing research and development and now is starting to sell a high-tech product that is on the leading edge of technology in that one area.

We have been saying for a long time there has to be leadership and, where necessary, governments have to be prepared to move in and provide leadership to the economy which the private sector will not provide. I ask myself why it is we are not doing the same kind of thing in the area of mining machinery and the machinery sector in general where we have a \$5 billion trade deficit with the rest of the world. Why are we not doing it in the automobile parts industry, which is so important to this province, where we now have a \$4 billion trade deficit and no indication that things are going to get better?

The electrical industry and the micro-electronics industry are areas of enormous importance to the future economy of the province, but they are areas where we are losing tens of thousands of jobs. They are areas where, like UTDC, we could use some government leadership, but it is not coming from this government and not coming from the government of Canada either. These are just examples of why we need a fresh turn in terms of economic policies from the government.

The fact is that in the four years since the 1977 election nothing has changed. The Conservatives are prepared to offer grants to industry with no conditions attached. They are prepared to wring their hands a bit. They are prepared to exhort industry about what it should be doing about the training of skilled workers. They are prepared to issue fancy brochures to try to attract industry to come in from the rest of the world. That is the sum total of their economic policy.

Ontario simply cannot afford to let key industries that we need to rebuild our economy be killed off by corporate irresponsibility and by monetarist dogmas of high-interest rates, while the government stands and

shakes its head. New Democrats say that Ontario has to move forward and change with the 1980s and we have to guarantee security in change for the people of Ontario.

There is an old ideology in this province that says, "The profits create the wealth that drives our economy." I have heard a fair amount of that from the member for Brock (Mr. Welch) and from his colleagues in the Conservative Party. But the reality of the 1980s is that jobs are the bottom line for healthy economies. That is why New Democrats say it is working people who create the wealth of this province. We have a very straightforward economic strategy. We say very simply that everyone has the right to earn his or her own way in life. We say that economic leadership, with job creation as its main goal, can stop the flood of manufacturing imports that is costing us hundreds of thousands of jobs in this so-called industrial heartland of the nation.

5 p.m.

We say that Ontario can throw off its dependence on secondhand technology. We can develop new products for our industries, new processes for our factories and new jobs for our people. Ontario can make the same commitment to progress that other nations, like Japan, West Germany and France, made when they faced the choice of continuing as economic colonies of the United States or building their own future and standing on their own feet.

Like those countries, we can pick the winners and we can throw our support behind them, not reluctantly fiddling with the sacred free market, but aggressively showing the way we want our industry to develop and creating jobs and security in the process. That is the kind of approach we want to see. When we come to the election campaign in a few months, we New Democrats are going to make a commitment to security for workers and for families in Ontario. We know there is a sense of insecurity abroad among working people in this province such as we have not seen for a very long time. It is not an insecurity that is going to be met by the mishmash of answers that the Leader of the Opposition (Mr. S. Smith) and the Prime Minister of Canada (Mr. Trudeau) are prepared to provide. We know the record of the Conservative government; they are prepared to give big handouts to friends in industry but they are not prepared to sit down and do the detailed planning and provide the

leadership the economy of this province needs.

We are looking for security for women in Ontario, and the number one priority there is going to be to bring in legislation for equal pay for work of equal value so that women no longer have to be second-class citizens in the work places of Ontario. We are looking for security for women in Ontario so that they have a chance at jobs as presidents, Premiers and vice-presidents, as directors in marketing, as machinists, in the jobs where there are high wages and high status to be gained, rather than having to work constantly as secretaries, serving persons in shops, waitresses in restaurants and those kinds of thing.

We are looking for security for women through the form of affirmative action programs to ensure they get access to those jobs that will pay well and give them status and responsibility. We are looking for affirmative action programs to ensure that women can train for the skills from which too often they now are excluded. We are looking for affirmative action in a recognition that the number of places in the employer-sponsored training program, which had six women in it last year, should be increased to almost half the number of places available rather than being reduced to only five spaces for women, as it was this year.

We are looking for a commitment to security for women and for families through universal access to day care for the families of this province. That is a commitment we will make when we come to the election. That is what we mean when we talk about security for women. We are looking for security for families in Ontario. We will take that commitment to the people of this province as well.

I mentioned day care. We do not like cutbacks in day care. We think families who need it should have access to day care. We do not think that a spouse should be forced to stay home because of an antiquated government that still thinks women should be barefoot and pregnant in the kitchen and does not understand what has happened in our society.

We think families should have the security of good health, which they no longer are getting from this Conservative government. I mentioned the degree of opting out. Many of us in this House have had the experience of having to deal with opted-out doctors. We need to assure the families of this province that the cutbacks in health care that have

continued under the Conservative government will no longer take away from the quality of health care in the province.

We need to assure people that they will be able to have access to a doctor without having to pay a 42 per cent premium, courtesy of the Premier (Mr. Davis) and the Minister of Health (Mr. Timbrell). We need to ensure that the security of people's health is protected by means of a program of preventive and community health care such as has never been put forward by the Conservative government in this province.

We want security for consumers in Ontario; and, with interest rates spiralling out of sight, never was there more need than there is right now. I have spoken about the failings of the Minister of Consumer and Commercial Relations (Mr. Drea). We want consumers to know that when they walk into Loblaws or any store in the province they have a friend at Queen's Park; that there is a prices review commission prepared to protect consumers, rather than leaving them to the mercy of the marketplace.

We want people who have homes and are facing very substantial increases in their mortgage rates to know that, if their incomes are very modest, they will have protection from the government of this province. We want a fair tax system so that people on modest incomes are not victimized and driven to the wall because of property taxes they can no longer afford.

We want security for the working people of Ontario. We want job security, and we have put our program down on the Legislature; it is a pity the government saw fit to block it. We want adequate notice for workers threatened by layoffs. We want severance pay. We want pension protection, which the Liberal Party yesterday opposed in this Legislature. We want an assurance that corporations thinking of shutting down will be required to justify any shutdowns before they can proceed with them. That is mandatory and it is a means of ensuring security for workers. Of course, that is easy to say but harder to do; however, we will do it when we form a government.

We want a policy of full employment in Ontario to ensure that working people have the security of knowing they will have a job, they will have an income, and they will not have to be a charge on the state because of the unemployment furthered by the policies of this particular government.

There will be a choice in the election. Either we hide from the 1980s: to preserve and conserve the past the way the Con-

servatives will propose; to stay in the attitudes and the preoccupations of the past; to let Ontario drift and be at the mercy of events and decisions made outside our borders; and to keep on trying to blame someone else the way this government has been trying to do. Or we can get Ontario moving forward again: we can secure the future for ourselves and our children; and we can make a commitment to progress that will put us out front again in technology and in humanity.

We can face the realities of this decade with 20/20 vision or with the hindsight of 37 years. I believe the people of this province have the guts and the hope to face the challenges of the 1980s and to win. The political challenge for us is to do the same. We New Democrats are prepared to go to the people of this province in the spring. We are prepared to take our program to them. We are prepared to offer them a fresh start; we are prepared to offer them security. I believe the people of this province are prepared to respond and bring an end to 37 years of Tory rule.

**Mr. S. Smith:** Mr. Speaker, I find it odd indeed to be rising to speak right after that rousing address by the leader of the third party in which he roasted, and justifiably so, the government on virtually every aspect of its budgetary policy, when I know full well that, in half an hour or an hour from now, he will rise in his place to vote in favour of that very budgetary policy.

I understand these things, believe me. We have had only four years of this minority government, and the leader of the New Democratic Party does not wish to seem to be premature in bringing it to a close. It is perfectly all right, of course, that the Premier may well decide himself to bring this government to a close. Some of us may find it is only after we are again returned in our constituencies that we come back into this chamber, but I suppose it is okay if the Premier calls the election in the meantime. All the leader of the New Democratic Party is prepared to do is to complain, and rightly so, about the useless nature of the budgetary policy of the government, but he is not prepared to put whatever remains of NDP principles where his speeches are.

Unfortunately, therefore, we will find that the initiative will pass over to the government, and they will be able to go to the people and say they have been able to rule through a full term of minority government and the opposition has not laid a

hand on them. Let the people know we have been ready to have an election, if need be, for some time now because we mean what we say.

5:10 p.m.

On rising to speak on the last day of the House just before Christmas, as it gets to the hour and everybody wants to be out of this place, it is a faintly ridiculous position to have to stand and start to say things that are entirely predictable anyway. Nobody expects the Leader of the Opposition to stand and say anything other than what he is about to say, namely, that he disagrees almost totally with the general approach towards budgetary policy of the present government of Ontario and feels, most sincerely, that he and his party could do better. That will come as no surprise to anybody, and it has fallen to my lot to have to stand in this House and make a speech at this time, followed by a vote, when we all know what the result will be.

That is not to say I should necessarily give up this opportunity without at least putting on the record some of the feelings we had when my excellent colleague from London Centre (Mr. Peterson), a man with all the abilities to be a much better Treasurer of this province than the one who currently occupies that area, proposed the motion that was seconded by the former leader of this party, a man without peer in this chamber. It is an excellent motion which I have the pleasure and the honour of reading to this House again, and I shall read it part by part with a view and appropriate commentary on each portion and placing emphasis, of course.

The amendment said the House finds this government's failure to implement an economic strategy has contributed significantly to the economic decline of Ontario. Let me speak to that portion for a moment.

We are all realistic persons. None of us would be so naive as to believe that the government of Ontario, on its own, could somehow have remedied all the economic calamities and catastrophes that have beset and befallen the people of Ontario, Canada, the United States and indeed the whole world. We are well aware that there is a limit to what a government in a province, even a province as important as Ontario, can accomplish.

But we say things could be better than they are now for our people, and we can prove that. We point out that our country, although enjoying at the moment a surplus in merchandise trade, will suffer from

a deficit in international trade in manufactured end products of \$18.6 billion. It is hard for me to believe that the manufacturing sector of our economy, which after all, is our main job here in Ontario, needed to fall that badly behind our competitors in other parts of the world. I believe the people of Ontario are every bit as smart as the people of Japan. I believe the educational investment we have made in Ontario is every bit as large as any other people has made on any part of this globe. I believe the people in Ontario could be competitive with any people, anywhere in this world. I agree this is not so in the low-wage type of manufacturing but, particularly in the high-technology areas, why have we, an advanced industrial centre that used to export all kinds of machinery, fallen behind technologically? Why have we not risen to the challenge of the high-technology industries which the rest of the world somehow have been managing to get ahead with?

We have not had an industrial strategy. We have fallen behind and we have failed a generation of young people who are now having to consider where their future lies and who are not able to be used wisely and well in Ontario.

We have fallen to a position I am not happy about. In the late 1970s, we fell to tenth and last in Canada in terms of economic growth and, in 1980, the Conference Board in Canada predicted, and I quote: "Ontario will bear the brunt of the 1980 national slowdown. Real output in the province is forecast to decline by 1.6 per cent this year and to remain below 1979 production levels throughout most of 1981."

It gives me no joy, even as Leader of the Opposition, to read that forecast. I am not saying it could have been perfect had Liberals been in power. I am not saying one could have done a whole lot to change the entire pace of the Canadian and Ontario economic picture, but I say this sincerely: I believe our young people have been let down by the government over the past six, seven or eight years when there were clear trends showing high technology would be the order of the day by the time we got to the late 1970s.

The Japanese, the Swedes, the Germans and to some extent the Americans moved well ahead while all we did was sit back and let our foreign-controlled manufacturing industries continue as they have been doing. We let many Canadian small- and medium-sized businesses go under for lack of financing availability, and we were confident that

somehow, by doing just what we used to do, everything would turn out all right. It has not done so.

We went on in this motion and said the House criticizes the government for a decade of irresponsible spending practices and high levels of public debt. I do not have to tell you about that, Mr. Speaker. That is true. That is absolutely true today as it was when we said it. After former Premier Robarts left, the notion that one piles up a surplus in good times and has deficits in poor times went out the window and we piled up deficit after deficit even in good times.

I realize the government of Canada has done the same thing. Frankly, it is unfortunate it did but, if one looks at the deficit of the government of Canada and subtracts from that the transfer payments made to the provinces, including Ontario, where the spending decisions are local decisions and the federal government supplies the funds, one sees that the deficit spending in Ontario is every bit as bad as that in the federal sphere. I ask the House to consider that.

We also said in the motion that we condemn the government for giving public moneys to companies that have no need of such grants, especially without guarantees of important benefit to Ontario in terms of job or wealth creation. The prime example has to be the tens of millions of dollars given away that could have provided much more stimulus in research and development—money given away to paper companies which have made hundreds of millions of dollars in the last couple of years in profits and had no need of that money.

Nobody believes those paper companies would have suddenly closed up or failed to build the appropriate new plants unless they had the government contribution. Not a soul would be foolish enough to believe that. If one is going to spend \$116 million or whatever one of those companies was spending, surely one is not suddenly going to change just because the government will not kick in its \$10 million. If it is worth doing for \$106 million, it is worth doing for \$116 million. One either does it or one does not, and the important matter for the paper companies, as we well know, has been the lower Canadian dollar which enables us to sell in the United States. They have done very well and have prospered. They had no need of that money. That is one of the great errors this government has made.

In addition to that, the paper companies have not properly looked after the forests, and we actually face an almost unbelievable

situation where this province may well run out of marketable timber at the turn of this century, an absolutely inconceivable result but one that stares us in the face as a consequence of government policy.

5:20 p.m.

We went on to say we indict the government for its failure to introduce programs to ameliorate record high levels of unemployment, especially among our young people. Surely I need say no more about that. It is obvious this has been our worst unemployment year, taking the year month after month. We have the worst unemployment since the Depression, particularly among our young people. We went on to say we deplore the fact that in the provision of additional assistance to senior citizens the government has chosen to do so in an inequitable manner, giving less to those most in need.

I think this is the important part. The government lacks the ability and leadership to respond to the challenges facing Ontario. It has failed to provide policies to support research and development activities, to assist and encourage Canadian-owned enterprises, to train our young people to meet the skilled manpower needs of industry, to promote conservation programs and alternative sources of energy.

In the five years I have been associated with politics in Ontario one thing stands out very clearly: The government opposite see crises that occur from time to time and it attempts to respond in some ad hoc manner. The people in the Liberal Party see challenges and hope for the future.

The government sees the energy crisis as a terrible problem. It complains and worries about the price of oil and so on. We see the energy situation as a tremendous challenge and opportunity for Ontario. I see ahead an Ontario in which hundreds of thousands of our people will be working in some of the advanced alternative forms of energy. I see them working in the fuel alcohol industry. I see them employed in ways that would alter our automobiles so they can burn alternative fuel. I see Ontario chemists and scientists developing the most modern equipment in the world that will use energy efficiently, that will conserve energy.

I do not see the energy crisis as a time of gloom for Ontario or a time for a shoot-out with Peter Lougheed, as the present Premier of Ontario seems to see it. I see the energy crisis as a great opportunity for Ontario to create unheard-of possibilities,

new technologies and new industries for the young people of Ontario.

Things are bad in the auto industry today. We understand that. But instead of seeing just a crisis in the automobile industry and disaster for Windsor and the people there, I see people who now are available for retraining. Instead of seeing unemployed people who have nothing to do but stay at home feeling more and more depressed with themselves, our people see workers who desperately need retraining, who could be upgraded so that when the automobile industry picks up again they will be ready for the new technologies and the new kind of auto industry that will be facing us in a few years. We see people who should be retrained. All the government sees are people who somehow or other have to be counted as statistics that are somewhat embarrassing to the government. That is the difference in our attitudes.

Interest rates are high. We understand that is because of what has happened in the United States. That is a federal, rather than a provincial, policy and responsibility. We understand that, but we see thousands of small Ontario businesses that are going to go under and add to the already record number of bankruptcies in the province—people who went into business on their own, facing the challenges, risks and problems of going into business nowadays. They have taken on those risks, and suddenly the interest rates have shot out of all proportion and all predictability.

Why should these people go bankrupt? Why should they be taught that the entrepreneurial spirit in Ontario is simply foolishness and should be forgotten? Why should those people get that kind of negative lesson when, with a decent policy to help them out with the interest rates they are facing, these businesses and others can prosper and we can give the message that Ontario can once more be a good place to do business?

The Treasurer stands up day after day to say he cannot help the small businesses of Ontario with these interest rate problems; only the federal government can do it. He has \$260 million in his mini-budget which he is able to fritter away on reducing sales taxes so that people who were going to buy vans anyway can buy them a little bit earlier.

In some ways I think one can argue the government has been responsible for some good things; Ontario, after all, is a pretty good place to live, a place we all love and enjoy, and obviously the government has to

take some of the credit for the fact that things have been good in Ontario over the years. But the fact of the matter is that, although we are growing more slowly and have negative growth this year, we are not to the point of being a poverty-stricken province by any means. So I am willing to recognize it is not just black and white.

But, with great sincerity, we see that in the budgetary policy being followed, although it looks good in the sense that there are no tax increases and all that kind of thing—which, of course, everybody likes to hear—there is no vision. There is nothing there that will enable us to take advantage of the challenges we face. There is nothing there to retrain our young people; we are going to be short of 35,000 skilled workers by 1985. There is nothing there to show how Ontario will prosper in the future. The ship is adrift. There is no leadership. There is no one at the helm. What we say to you, Mr. Speaker, is that we, with great sincerity, put forward this motion, and the motion finishes, as you know, by saying that this House declares it has no confidence in this government.

I will finish with just one point. A lot of people visit the United States and a lot of them work there, and many of them come back and say Canada is really a great place to live. It is indeed. It is the finest country in the world, and Ontario is indeed a very great province in which to live; no question about that. But one of the reasons it is a such a great province is that people can walk safely on the streets of Toronto and of other cities in Ontario, which is something they cannot do in many parts of the United States.

Let us ask ourselves for a moment why that is. A lot of people, including the folks opposite, will say that to be able to walk safely and so on in the streets of Toronto means we must have more police; that the reason we can walk safely in the streets of Toronto is that we have a police force; that we have, somehow or other, law, authority and that sort of thing. There is some truth in that, of course.

The real reason we can walk safely in Ontario and Canada is that we do not have the desperate poverty and the total alienation that occurs when there are pockets of such hopelessness and despair as there are in many American cities. The people here do not have to lose their life savings to get health care. The people here have health insurance. The people here have a decent welfare program which, although it does not

pay quite what it should, is still a decent welfare program. That is the reason; make no mistake about it. Those yahoos—I do not say they are opposite, but they exist in Ontario—who occasionally say there is too much money going for such social programs and more of it should go for more police and so on, so that we would have safety in the streets, fail to realize that the safety here is based on the traditions of Ontario and the programs of Ontario, which give people a stake in the community.

5:30 p.m.

The most important stake people have ever had in Ontario is home ownership, the ability to own a home and the hope that some day they will own a home. That is what has given the young people, the middle-aged people, all people in Ontario a sense that they have a stake in society. Yet because of the prices, home ownership is becoming a distant dream for most of the people and certainly for the young people in Ontario.

Think of those people who have managed to get into a home, who have managed somehow or other to scrape up from their income—and sometimes two incomes are necessary to do this—enough to pay the mortgage payments and who are facing increases in mortgage payments of 45 per cent, 50 per cent, 55 per cent because the mortgage may be going up from 11 to 16 or 17 per cent. Think of what it means to them if they are now going to have to lose the opportunity to own their home.

He is obviously not going to do it today, but I plead with the Treasurer during the next month or two to bring in the program we have proposed to help people having to pay the new mortgage interest rates when they are rolling over old mortgages. I plead with him, do not wait until thousands and tens of thousands of our people are forced to leave their homes. Act now, with a decent program. The government has the money. If it costs \$50 million or \$100 million, it is much less than the money the government is giving away on the vans and the refrigerators. Do something to help people maintain that stake in our society that is represented by home ownership.

Let me summarize. We will be going to the polls. It is obvious that the New Democratic Party will be supporting the government and and so we will not be going now, but it is evident that we will be going to the polls some time this spring. The Premier said four months. The Minister of the Environment said three months. At some point or another, we

will be going to the polls. At that time, we in the opposition recognize our responsibility. We will have to portray to the people of Ontario a genuine alternative to the government that exists. We will, of course, have to criticize government policy but we will have to propose alternatives. We shall do so. The people of Ontario will then find that they are faced with a real choice, and for the first time, a choice between only two parties, the government party and the official opposition. We are very glad to be judged by the people of Ontario.

We say simply we have put forward our motion amending this budget motion, this no-confidence motion of ours, with deep sincerity and with the belief that although the Conservative government is not all bad, we believe basically that Ontario could be, should be, deserves to be, and will be a lot better off than it is now.

**Mr. Speaker:** The member for Brock.

**Mr. Peterson:** Why do you send a boy to do a man's job?

**Hon. Mr. Welch:** Mr. Speaker, after that last contribution, I would think the member would be pretty quiet. Not one positive statement with respect to alternatives for Ontario came from that speech all the time I sat here and listened to it.

It will come as no surprise to you that I am very pleased to have been asked to wind up this particular debate on behalf of the government and to seek the support of this Legislature for a program of political and economic action which has moved effectively to serve the very broad social, economic and political interests of the people of this province.

There is a great temptation even at this late hour on this snowy December evening in 1980 to dwell in some partisan way on those very serious miscalculations and misjudgements, one could even say misfortunes of our friends opposite.

Was that a siren outside? Here come the guys with the butterfly nets.

As the member for Haldimand-Norfolk (Mr. G. I. Miller) would know—as we are friends over breakfast—to do that would be seen by some to be somewhat provocative. I have learned from my leader the Premier (Mr. Davis) that being provocative during the Christmas season is probably not the best approach. I will follow his advice and share these remarks in the true spirit of this particular season.

Perhaps it would be inappropriate for me to be excessively partisan at this time and dwell too much on the mistakes and misfor-

tunes of our friends opposite. I might say to the member for London Centre (Mr. Peterson), who surely has learned some courtesy at someone's knee during his lifetime, that the people of Ontario, at least the people who live within the boundaries of the provincial constituency of Carleton, did have a chance to pass some judgement of their own.

They did not do so through any circuitous motions at committees; they did not do it in the Legislature; they did not do it through the presentation of petitions or the writing of speeches, and they did not do it through hyperbole, which we so often associate with the Leader of the Opposition (Mr. S. Smith), who has now rushed out to the cameras to make sure he catches the six o'clock news.

The people of that constituency did not do it in that way at all. They did it simply and directly through the force of their franchise, the best poll we know in our democracy. On November 20, a substantial percentage of the people of Carleton came forward to give this government and our candidate, the member for Carleton (Mr. Mitchell) and the program we put before this Legislature, a resounding vote of approval.

I want the record to show that my colleague the member for Lincoln (Mr. Hall) was giving me some type of signal. I do not know what that means. Even the member for Lincoln knows that one expects the party in power to lose some strength during a by-election, even to have its overall percentages reduced because of the lack of any serious consequence on the day-to-day operation of government. As the member for Lincoln has studied the figures as the chairman of his caucus, when one looks at the low turnout, this might have been a plausible expectation for this particular constituency. But I remind this House that the result was just the opposite. Bob Mitchell and the Conservative Party won a resounding victory on November 20.

**Mr. Riddell:** We will let the people know how he won it.

**Hon. Mr. Welch:** Is the member trying to suggest that the electorate did not know what they were doing when they went to the polls? Is he suggesting that to the people of Carleton? They had the greatest power in their hands, the ballot, and they put it in the box for this side. The members opposite can worry about all the polls they like, but we happen to win the right polls and we know that.

5:40 p.m.

**Mr. Riddell:** It was the most erroneous and nonfactual information you could put out.



**Hon. Mr. Welch:** Is the member against the results of democracy? Oh, my word.

**Mr. Riddell:** I am all for honesty. That is what I am for.

**Hon. Mr. Welch:** Volume was never a very effective rebuttal.

**Mr. Riddell:** And I will say honesty is still the best policy, and we will win on that.

**Hon. Mr. Davis:** That's what you did down in Essex.

**Mr. Riddell:** We will win on that. There is still something to be said for honesty.

**Hon. Mr. Welch:** When the member for Huron-Middlesex hollers, it has to indicate a very weak argument. Argument weak, shout like hell; that is his philosophy.

The results of November 20 spoke eloquently to the opposition, and I would say this to the member.

**Mr. Peterson:** You wouldn't know an honest political thought if it came around and bit you on the leg.

**Mr. Speaker:** Order. I think the comment I heard quite distinctly from the member for London Centre he would want to take back.

**Mr. Peterson:** You are right. No self-respecting dog would want to bite him for fear of such a disease.

**Mr. Speaker:** I am sorry. I did not hear that.

**Mr. Peterson:** I was mumbling so you would not.

**Mr. Speaker:** I would ask you to withdraw it.

**Mr. Peterson:** What I did say, to clear the record, is that no self-respecting dog would actually bite him for fear of catching a disease. But I will withdraw both those remarks.

**Hon. Mr. Davis:** You shouldn't bite the hand that feeds you.

**Hon. Mr. Welch:** May I remind the House, in a quiet way, that obviously the results of November 20 spoke eloquently to an opposition, led by the member for Hamilton West, which has been negative and cantankerous, shallow-minded and without fundamental alternatives in almost every major area of public policy. That has to be understood.

During the kind of tough economic times in which this country finds itself, in fact, in which all of North America finds itself, one might well expect that the kind of partisan opportunism exhibited by the opposition might be seductive from time to time. However, the facts speak eloquently in the opposite direction. May I share some comments

before the member for Ottawa East (Mr. Roy) leaves?

While this government has been moving consistently to assist high-technology industry in this province, to promote Canadian ownership, to advance sustained employment opportunities for our people, to relieve the tax burden upon the senior citizens of this province, to assist consumers in almost every conceivable fashion, to ensure continuing secure and stable energy supplies and prices, the opposition has offered the kind of negative gloom and doom approach which has commended it to no one, least of all its own supporters, including the member for Lincoln, who must be embarrassed with that attitude over there.

For our good candidate Bob Mitchell to have done as well as he did in the by-election in Ottawa-Carleton indicates not only strong, continued support from those who have traditionally supported this party, and indeed this government, but also significant erosion in the core support of the Liberal Party of this province. That is not due to the great tradition of that party, but to the inept and destructive opposition it has been offering this province on issues on which the people of this province have the right to expect more and better.

Interjections.

**Hon. Mr. Welch:** Mr. Speaker, it seems to me that the Premier made a comment once that is worth being repeated. He was referring to the opposition in one of his many speeches. This is my Premier talking about the opposition. He said, "They seem to have lost their capacity to differentiate between a political party and a government, which they have every right to oppose, and a province whose successes and opportunities are critical to the welfare of all our people. They are too much preoccupied with their own narrow partisan interests and, therefore, they deny themselves the opportunity of that broader look throughout the whole province, and that is regrettable for a political party of that particular status."

Let me give some examples to those who, like the member for Niagara Falls (Mr. Kerrio) are prepared to listen. I ask you, Mr. Speaker, did that group over there rejoice in this Christmas season in the tremendous successes of the Urban Transportation Development Corporation and the development of a massive export job opportunity and high technology for the people of Ontario? Did they rejoice?

Some hon. members: No.

Hon. Mr. Welch: I agree with my colleagues. I find no rejoicing on the record at all. I ask you, Mr. Speaker, did they rejoice in this also joyful season in the decision taken, in Vancouver in one respect and in another fashion in the city of Los Angeles, to endorse the technical superiority of a transit system developed by the people of Ontario, by technicians in this province, by industry in this province, in a fashion that is helpful to public transit deeds worldwide? Did they rejoice?

Some hon. members: No.

Hon. Mr. Welch: I am inclined to agree with them. I fail to see any evidence of that rejoicing.

Interjection.

Hon. Mr. Welch: Now that the member presses the point, did they rejoice or even—

Interjection.

Hon. Mr. Welch: I will be over to the third party in a minute. Just wait a minute. They are next.

Did they rejoice in or even take note of the major investment decisions made by large corporations with respect to the automotive industry in this province with respect to the computer and microelectronic industry, with respect to alternative fuel development in northern Ontario? Did they rejoice for that?

Some hon. members: No.

Hon. Mr. Welch: I am inclined to agree with them once again. That is not their style. You see what happens, Mr. Speaker. Thank goodness you are impartial. Over there they prefer to be merchants of gloom and purveyors of doom. If I were prompted I might even go on to say they are a negative bunch with a negative hunch headed nowhere fast and at great speed; there is no question about that. One has to admit though that their opposition is different from the opposition being offered by our friends in the third party.

However misguided I think that opposition is, however wedded to the ideology and doctrinaire statism of another time it is nevertheless—and I want this to be on the record quite clearly without interjection—opposition that is offered in good faith. They are sincere people.

5:50 p.m.

Mr. Martel: God help us. Save it.

Hon. Mr. Welch: I am not going to ask my colleagues if they rejoice in that statement. That might be pushing my luck just a little. But I believe that our friends in the third party are optimistic about the future.

Let me hasten to say before the member for York South (Mr. MacDonald) lights his

pipe, the way in which that group would do something about that optimism would make the rest of us a little more pessimistic about the future. But they really are entitled to that view. They are entitled to that misconception about the role of the individual, the role of the state and the role of freedom in a competitive and effective free enterprise economy.

But in their misguided and somewhat old-fashioned ideology they continue to express some confidence in the people of this province. One has to give them marks for that. That, of course, is a confidence that we on this side of the House share most profoundly with them. It is a confidence that assures us that the wrongheadedness of our friends in the third party will never be endorsed by the public in Ontario. The public is too well-informed, too pragmatic and too optimistic about opportunities available to the individual in our society to ever be taken in by that kind of simplistic doggerel.

We on this side have endeavoured to proceed with care and with compassion to address the salient issues and challenges which face all the people of this province.

I cannot help but be quite pleased with the \$165 million energy program announced by my ministry and supported by this government. It is obvious in his remarks that the Leader of the Opposition was not even familiar with the details of the program. I hope the energy critic of the official opposition will bring him up to date. It happens to be the kind of program that will provide choices and options for the people of Ontario in the future. It is the kind of program which will reduce our dependency on foreign crude as a nation and contribute significantly to greater independence and self-sufficiency within the context of our provincial and national self interest.

It is a very responsible program. It is one premised upon support for the highest levels of Ontario ingenuity, technology and foresight. It is a program premised upon incentive and opportunity. It is also a program that will serve the long-term energy interests of the people of this province most effectively. If we had a little more time to go into that, the member would understand.

My colleague the Treasurer (Mr. F. S. Miller) and member for Muskoka—

Hon. Mr. Davis: Hear, hear.

Hon. F. S. Miller: Thank you, Mr. Premier. Interjections.

Hon. Mr. Welch: My colleague, the Treasurer and member for Muskoka—

Interjections.

**Hon. Mr. Welch:** If the opposition notices certain members of the cabinet pounding their desks there is a reason for that. There are certain meetings coming up soon.

The Treasurer put two budgetary proposals before this House this year. Unlike the Leader of the Opposition's friends, those kissing cousins in Ottawa, he did not raise any taxes. Unlike the Leader of the Opposition's friends in Ottawa, he did not increase the burden upon consumers and taxpayers in this province. Unlike the Leader of the Opposition's friends in Ottawa, he did not increase the burden upon the small business sector or the farming sector or the corporate and industrial sector. A wise man.

I know what is almost ready to fall from the lips of the member for Kitchener-Wilmot (Mr. Sweeney) who is now speaking: "What did he do, Mr. Speaker?" That is what he was going to ask by way of interjection. Let me anticipate that question and give him an answer: the Treasurer of Ontario did not increase one single tax. He absolutely kept the commitment of this government to put the interests of the average Ontarian first. For our senior citizens, he made good on a commitment.

**Mr. Laughren:** What about people in Timmins? When are you going to put a food terminal there?

**Hon. Mr. Welch:** Wait a minute; the member should not get provocative at this late hour. Just think of what we did for the senior citizens.

The Treasurer of Ontario made good on a commitment made during the 1977 election campaign by the party I have the privilege to speak for on this occasion, to reduce the burden of municipal and educational taxes upon the senior citizens of this province. They have paid those taxes all their lives and have now earned the genuine right to have some relief from that burden, and we are proud of that program.

**Hon. Mr. Davis:** And some of the members opposite take credit for it in their own weekly columns.

**Hon. Mr. Welch:** There has been some criticism from across the floor and this was to be expected, but—

Interjections.

**Mr. Riddell:** There is not one of you who has the courage to make that kind of speech outside this House.

**Hon. Mr. Davis:** Some of us made it in Carleton and look what happened.

**Hon. Mr. Welch:** Would they deny the senior citizens that program? Did they vote

against that program? Across this province today there are senior citizens with a greater measure of independence and financial security, dignity and self-respect in large measure because of the extra care this government, led by the Premier, has taken to serve their interests and advance their cause during difficult, national economic times and we are proud of that program.

My colleague the member for Lambton (Mr. Henderson) would urge me to include in these remarks that the government moved to protect the farmer from excessive interest rates. These are the result of tired monetary policies being pursued by the federal Liberal government that has lost touch with the needs of the average Canadian in matters of economic importance.

This is not pleasant news for our friends in the official opposition to have to face up to; we understand that. But the truth is clear and the substance is known in every home in this country. The federal Liberal government is letting the people of Canada down in this very important matter.

Interjections.

6 p.m.

**Hon. Mr. Welch:** Do you mean that is their excuse for being insensitive to public needs?

**Mr. Kerrio:** They have a majority.

**Hon. Mr. Welch:** Despite the partisan divisions that divide this country, divide the politics of this government from the government in Ottawa and divide us across this floor, the government of Premier Bill Davis has stood firm for the kind of constitutional renewal which enshrines the monarchy, protects minority language rights where numbers warrant, protects the rights of Canadians to move from coast to coast and province to province to pursue their own wellbeing, and does so within the context of patriation of our constitution, something which has been called for consistently since the days of Premier John P. Robarts, something which is long overdue for all Canadians.

**Mr. Nixon:** What about the Queen?

**Hon. Mr. Welch:** The Queen is in there. It is the enshrining of the monarchy, absolutely. Is the member opposed to that?

**Mr. Peterson:** I'm very much in favour of the Queen and so is Mr. Roy.

**Hon. Mr. Welch:** I want the record to show that is the wisest decision both of you have made since you were elected.

We have shown leadership on that issue and on matters economic and fiscal; leadership on matters of industrial development and on

matters of agricultural protection for our farming community; leadership in environmental protection and controls without parallel in the free world; leadership in support for social order and the role of the police within the context of a free, democratic and safe society; leadership with respect to important matters of northern development and expansion and in important social areas such as special education, reducing the welfare rolls through increased work incentives, extra assistance for day care and continued first-class funding for the best health care system in the world.

I think there is not a member in the House who would not agree that these have been the hallmarks of the session which now draws quickly to an end. It is that kind of leadership which the people of this province have every right to expect from Bill Davis and the Progressive Conservative government of Ontario.

It is the kind of leadership we all need if Ontario is to seize those opportunities and capitalize upon those circumstances which can promote and deepen the industrial strength and the economic opportunity which benefits every single person in this province in the months and years ahead.

Interjections.

**Hon. Mr. Welch:** Is the TV interview over now? I thought I would send over a mirror before he went out. The man who pretends to be the great statesman who avoids discussing issues and would rather attack people and their motivation. He never goes anywhere in the province without having some type of smear campaign against either the incumbent or the Conservative candidate. I just cannot understand that approach to politics.

**Mr. S. Smith:** What are you talking about? Every one of your people—Larry Grossman, Keith Norton—has been making a personal attempt to get me.

**Hon. Mr. Welch:** I have never heard him address issues. He is always attacking people. He is doomed to have the same political fate as John Wintermeyer because of the type of campaign he is going to run.

**Mr. S. Smith:** I hope you will keep them up.

Interjections.

**Hon. Mr. Welch:** No. We will discuss the issues in my constituency. I have noticed at least his candidate had the courtesy to leave the dirty work to him.

There are many who have spoken in rather depressing terms about the 1980s. We on this side of the House have no reason to be de-

pressed and every reason to be optimistic and positive. That is why we are here.

Our approach will be to seize on those fundamental areas of economic opportunity which can be strengthened in a way that demonstrates the will of the people of this province to assert their own economic interests and to do so in a fashion that advances the broad economic interests of the whole country. That opportunity is not only ours in this most fortunate province, it is an opportunity which we, as Canadians, enjoy and with the leadership of this government, with the continued support of this Legislature on the budget motion at present before us, the government and the people of Ontario can continue to exert the kind of leadership that will serve the future of this country of ours well indeed.

As is customary in circumstances such as these, notwithstanding that the Leader of the Opposition felt the outcome of this vote was already predetermined, I feel quite satisfied now, having listened to the entire debate, that there is an opportunity for us all to join forces and to have a vote of unanimous support with respect to this particular resolution. I appeal to all members of this House to associate themselves with the budgetary proposals put forward by my colleague the Treasurer, the member for Muskoka, and to dissociate themselves from the negative, self-serving and nonproductive no-confidence motion put forward by the official opposition.

Interjections.

**Hon. Mr. Welch:** Don't you think so, Eddie? Today is the day. This is his shining hour to show us the kind of independent spirit he really is. Today is the day. We will even call it Sargent Day in downtown Queen's Park if he will join with us and confirm our commitment collectively to the future of Ontario and to turn aside those who have put that future in second place. Does he not agree he should support this?

The House divided on Mr. Peterson's amendment, which was negated on the following vote:

**AYES**

Blundy, Bolan, Breithaupt, Campbell, Conway, Cunningham, Eakins, Epp, Gaunt, Hall, Kerrio, Mancini, McGuigan, McKessock, Miller, G. I., Newman, B., Nixon, O'Neil, Peterson, Reed, J., Reid, T. P., Riddell, Roy, Ruston, Sargent, Smith, S., Stong, Sweeney, Van Horne, Worton.

**NAYS**

Ashe, Auld, Baetz, Belanger, Bennett, Bernier, Birch, Bounsall, Breagh, Brunelle,

Bryden, Cassidy, Charlton, Cureatz, Davis, Davidson, M., Davison, M. N., Di Santo, Drea, Eaton, Elgie.

Germa, Grande, Gregory, Grossman, Havrot, Henderson, Hennessy, Hodgson, Isaacs, Johnson, J., Johnston, R. F., Jones, Kerr, Lane, Laughren, Lawlor, Leluk, Lupusella, MacDonald.

Mackenzie, Maeck, Makarchuk, Martel, McCaffrey, McCague, McClellan, McNeil, Miller, F. S., Mitchell, Newman, W., Norton, Parrott, Philip, Pope, Ramsay, Rowe, Scrivener, Smith.

Snow, Stephenson, Sterling, Swart, Taylor, G., Taylor, J. A., Timbrell, Turner, Villeneuve, Walker, Warner, Watson, Welch, Wells, Wildman, Williams, Wiseman, Yakabuski, Young.

Pair: Edighoffer and MacBeth.

Ayes 30; nays 78.

The House divided on Hon. F. S. Miller's main motion, which was agreed to on the same vote reversed.

**Mr. Speaker:** I declare the motion carried. It is resolved that this House approves in general the budgetary policy of the government.

6:20 p.m.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat on the throne.

### ROYAL ASSENT

**Hon. Mr. Aird:** Pray be seated.

**Mr. Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sitting thereof, passed several bills to which in the name and on behalf of the said Legislative Assembly I respectfully request Your Honour's assent.

**First Clerk Assistant:** The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 82, An Act to amend the Education Act, 1974;

Bill 118, An Act respecting the Registered Insurance Brokers of Ontario;

Bill 167, An Act to amend the Chiropody Act;

Bill 168, An Act to amend the Juries Act, 1974;

Bill 169, An Act to provide for Liability for Injuries caused by Dogs;

Bill 172, An Act to amend the Municipal Affairs Act;

Bill 177, An Act to provide for the Safe Use of X-ray Machines in the Healing Arts;

Bill 182, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 185, An Act to amend the Assessment Act;

Bill 187, An Act to amend the Retail Sales Tax Act;

Bill 188, An Act to amend the Highway Traffic Act;

Bill 190, An Act respecting Urban Transportation Development Corporation Ltd.;

Bill 192, An Act to amend the Toronto Hospitals Steam Corporation Act, 1968-69;

Bill 193, An Act to amend the Municipal Act;

Bill 199, An Act to amend the Ontario Unconditional Grants Act, 1975;

Bill 200, An Act to amend the Regional Municipality of Peel Act, 1973;

Bill 201, An Act to amend the Legislative Assembly Act;

Bill 204, An Act to amend the Executive Council Act;

Bill 205, An Act to amend the Denture Therapists Act, 1974;

Bill 214, An Act to amend the Pension Benefits Act;

Bill 215, An Act to amend the Wine Content Act, 1976;

Bill 216, An Act to amend the Farm Products Payments Act;

Bill 221, An Act to amend the Mining Act;

Bill Pr18, An Act respecting the City of Ottawa;

Bill Pr36, An Act respecting the Town of Midland;

Bill Pr41, An Act respecting the Institute of Chartered Secretaries and Administrators in Ontario;

Bill Pr42, An Act respecting the Italian Canadian Benevolent Corporation (Toronto District);

Bill Pr45, An Act respecting the Powers of the Jewish Family and Child Service of Metropolitan Toronto;

Bill Pr46, An Act respecting the Borough of York;

Bill Pr48, An Act to incorporate Redeemer Reformed Christian College;

Bill Pr49, An Act to revive Gradore Mines Limited;

Bill Pr50, An Act respecting the City of Kingston;

Bill Pr51, An Act respecting the Hamilton Club;

Bill Pr53, An Act to revive McColl Farms Limited.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

**Mr. Speaker:** May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled an Act granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1981.

**Clerk of the House:** The Honourable the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

The Honourable the Lieutenant Governor was pleased to deliver the following gracious speech:

#### PROROGATION SPEECH

**Hon. Mr. Aird:** Mr. Speaker and members of the Legislative Assembly: It is a pleasure to address you at the official closing of the fourth session of Ontario's 31st Parliament and, in so doing, to give due recognition to the work and achievements of the past nine months.

It has been a period in which government activity throughout our nation and, in varying degrees, the daily lives of all Canadians have been centred on problems of constitutional reform. For our part, as a province, we have been able to demonstrate a fair measure of accord on all sides of this House, on the basic convictions and principles underlying the current national debate. These convictions, we venture to suggest, reflect the opinion and sentiment of the vast majority of the people of Ontario. The government of Ontario is dedicated to pursuing all the means possible which it feels will make a positive contribution to a harmonious resolution of the prevailing difficult situation.

Pendant toute cette session, les problèmes de réforme constitutionnelle ont été au centre de l'activité gouvernementale dans tout le pays et, à des degrés divers, de la vie quotidienne de tous les Canadiens.

Dans la province, nous avons montré pour notre part que nous étions en grande partie d'accord, quelle que soit notre place à l'assemblée, sur les convictions et les principes qui sont à la base du débat national actuel. Nous pensons pouvoir affirmer que ces convictions reflètent les opinions et les sentiments de la vaste majorité des résidents de l'Ontario. Le gouvernement de l'Ontario est fermement décidé à continuer d'utiliser tous les moyens qui lui semblent susceptibles de contribuer de façon positive à la solution harmonieuse de la difficile situation actuelle.

This Legislature, in an unprecedented week-long debate on Confederation before the Quebec referendum last May, passed a unanimous resolution on a number of basic principles. These included support of full negotiation of a new constitution, opposition to the negotiation of sovereignty-association, and an appeal to all Quebecers to join in building a national constitution for Canada.

In subsequent weeks and months, with increasing manifestations of discontent among western Canadians, the scene may have shifted somewhat from Quebec, but in our view, the same principles apply. They remain imperative to building the future of our nation—a task to which Ontario is fully committed.

The economic difficulties facing our province, among others, are in great measure linked to the larger national issues, in particular as they affect determination about Canada's energy future. Ontario continues to emphasize the need for economic initiatives that derive from responsible leadership at the national level and which seek to secure the co-operation of all regions of Canada. Much remained lacking in this regard in the recent federal budget.

As a result, Ontario last month introduced its selective tax relief initiatives to give immediate stimulus to the province's economy, and embarked on a realignment of programs for industrial and economic development over the next five years. These measures support and enhance the provisions of the provincial budget outline, in April, of the current year's economic and fiscal program in which protection against tax increases was the key factor.

Government assistance to industry has become an increasing necessity as a means of creating new private sector jobs and protecting existing ones in a slow economy. This is one of the objectives of the employment development fund which formed part of the government's overall economic plan last year.

Since then, the fund, which is now giving way to a more dynamic industrial leadership and development initiative, will have generated more than \$3.5 billion in private sector investments in Ontario industry, on the basis of some \$300 million in direct provincial government aid. A potential 19,000 new jobs will result from these investments.

The employment development fund has been the source of vital assistance, particularly to the pulp and paper industry, providing incentives for investments in mill modernization, pollution abatement and energy conservation and generation. This assistance has helped to assure the long-term security of 20,000 mill working and logging jobs, mainly in northern Ontario.

The most serious industrial situation the province has faced this year has arisen from the crisis in the North American automobile industry, which is having to come to grips with the need to adapt to meet energy efficiency and conservation demands. A key role has fallen to governments on both sides of the border to help turn the industry around and secure its future. Automobile and auto parts manufacturers alike project substantial capital investments in Ontario over the next few years as these major adjustments are made.

6:30 p.m.

At the same time, it is recognized that research and development must play a stronger role than ever in terms of automobile production, as well as for new market opportunities. The Ontario government has ensured that initiatives to assist both segments of the industry have included this factor. In May, the province reached an agreement offering Chrysler Canada Limited a \$10 million grant towards a research and development facility in Windsor, and also announced plans for an auto parts technical centre at the Ontario Research Foundation.

Significant employee protection measures have been considered during this session, through a five-point program to deal with employment adjustment problems arising from manufacturing plant closures. These additional provisions, covering such matters as pensions, termination entitlement and fringe benefits, are being thoroughly examined by members of this Legislature, and the process will continue in the coming months.

Taking into account provisions for manpower adjustment committees, and the work of the new select committee on plant shutdowns and employee adjustment, an overall assurance of fair treatment and assistance

can be developed for employees who may be faced with this particular hardship.

The Ontario youth employment program, begun in 1977, was continued this year. Through government subsidies of hourly wage rates for employment in businesses and on farms, some 50,000 jobs were created for young people between May and October.

In the spring, the government established a \$25 million farm interest assistance program to help the farming industry, which was especially hard pressed during a period of high interest rates, and in the face of a need for short-term working capital to maintain production.

As well, legislation has since been enacted under a new Nonresident Agricultural Land Interests Registration Act, as a means of monitoring agricultural land ownership in Ontario and to help protect this vital industry.

Among the most important plans of action presented during the session is a comprehensive energy program, announced in the House on October 10, which forecasts expenditure needs of \$165 million for a number of specific projects over the next 10 years, in the drive to reduce our dependence on crude oil.

In recent years the effects of steeper increases in energy costs have been felt even more in rural areas, where the cost of electric power is shared by fewer people and is, therefore, much higher on average than in urban areas. The government has made a commitment to alleviate the burden on customers who pay excessive rates by establishing a system of direct discounts in the next fiscal year, pending moves by Ontario Hydro to eliminate the undue differential.

It remains a fundamental policy of the government, and one to which it gives particularly high priority in the existing economic climate, to maintain the quality and variety of the many social programs dedicated to the needs of all Ontarians.

Substantial increases in provincial assistance to senior citizens were introduced in the Ontario budget in April. In implementing the higher benefits, a new program was put into effect which removes the delayed payment of the former tax credit system and replaces it with payment of direct grants to offset property taxes and help pensioners cope better with rising costs.

Amendments to the Education Act place a legal responsibility on the publicly supported school system for the education of all Ontario students, thus entrenching in law the duty of school boards to include appro-

ropriate special education provisions and services for exceptional children in their programs. The right to operate schools for trainable retarded children has been extended to Roman Catholic separate school boards.

A joint initiative relating to developmental programs for mentally retarded people in nursing homes and homes for special care has been launched by the Ministries of Health, Education and Community and Social Services. The four-year project will use interdisciplinary assessment teams and supporting consultative resources to determine the needs of some 3,000 clients on an individual basis, to be followed up by individual training and treatment plans.

General health expenditures were increased by approximately 12 per cent in this fiscal year. Shorter-term priorities, such as an expansion of services in certain categories of care, have been provided for within a framework of continued careful planning for the long-term health care needs of the population.

The health and safety workers in hazardous occupations and attendant risks to the safety of the public at large have been among the matters of foremost concern to the government throughout the session. A royal commission was appointed in April to examine health and safety matters relating to the use of asbestos in Ontario.

A disturbing increase in the number of accidents and fatalities in the mining industry in the first half of the year led to the establishment of a joint federal-provincial industrial inquiry commission in July. The joint undertaking makes possible the investigation of the entire Ontario mining industry by enabling the inclusion of uranium mines which are within the federal government's jurisdiction.

In the administration of government, ongoing steps to improve services to the public, such as the customer service and regulatory reform programs are being reinforced by a third initiative of considerable im-

portance. Following a three-year study, the final report of the Commission on Freedom of Information and Individual Privacy was published this fall. An undertaking has since been given to this House for the introduction of legislation in response to the report. A number of complementary, nonlegislative measures are already being implemented and policy guidelines have been issued to civil servants in the spirit of the recommendations.

Major reforms comprising, in effect, a new Human Rights Code for Ontario have been introduced. The revisions are the most extensive since the code, the first in Canada, was enacted 18 years ago. The bill proposes to extend coverage against discrimination to new groups or classes or persons. Protection is also offered against certain types of conduct which were not previously prohibited. Finally, among various administrative revisions proposed, the Human Rights Code would be binding on the crown and would ultimately have primacy over all legislation in Ontario.

Honourable members, the program laid before you at the opening of the session has been put into effect. Your unstinting efforts in dealing with these and other matters that are the responsibility of government speak well of your devotion to Ontario and her people.

In declaring this session prorogued, I wish you all a safe return to your families and friends, and the peace and goodwill of the season.

In our Sovereign's name, I thank you.

Hon. Mr. Wells: Mr. Speaker and members of the Legislative Assembly, it is the will and pleasure of the Honourable the Lieutenant Governor that the Legislative Assembly be prorogued and this Legislative Assembly is accordingly prorogued.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

The House prorogued at 6:39 p.m.



APPENDIX A  
(See page 5322)

HOSPITAL BEDS

377. Mr. Breaugh: Will the Minister of Health indicate the total number of active treatment beds, by individual county as of December 1979? Will the minister table the number of active treatment bed additions for 1980, both opened and those planned, and will the minister table these statistics specifying the individual hospitals who have acquired these additional beds? Will the minister table total number of active treatment beds by individual county as of August 1980? (Tabled October 27, 1980.)

378. Mr. Breaugh: Will the Minister of Health table statistics on the following chronic care facilities? (a) Will the minister indicate the number of chronic care beds which have been opened in 1980, both the total and by individual county? (b) Will the minister indicate the number of chronic care beds proposed to be opened for the remainder of 1980, and in the future, and specifically the hospitals and chronic facilities which will receive each of the proposed additions? (Tabled October 27, 1980.)

379. Mr. Breaugh: Will the Minister of Health indicate the total number of chronic care beds in Ontario by county as of December 1979? Will the minister indicate what percentage of these beds are located in each of active treatment hospitals, nursing homes, or other chronic care facilities? (Tabled October 227, 1980.)

Hon. Mr. Timbrell:

HOSPITAL AND EXTENDED  
CARE BEDS

|                   | 1979              | 1980                             |
|-------------------|-------------------|----------------------------------|
|                   | March 31          | To date<br>Opened and<br>planned |
|                   | Number<br>of beds | number<br>of beds                |
| Acute             | 38,050            | 37,634                           |
| Chronic           | 10,820            | 14,138                           |
| Extended care     |                   |                                  |
| Nursing home      | 27,847            | 29,186                           |
| Home for the aged | 13,026            | 13,107                           |
| Total             | 89,743            | 94,065                           |

The ministry does not maintain hospital statistics by individual county, therefore the county breakdown information requested can not be provided.

REGIONAL LIBRARY BOARDS

398. Mr. Van Horne: Will the Minister of Culture and Recreation give to the House the terms of reference of regional library boards of directors, pointing out their responsibilities in personnel and budgetary matters? Will the minister report on the personnel turnover in the Lake Erie regional library system since January 1977, pointing out how many employees left on their own resignation and how many were fired? Also, does the minister do a regular audit of the financial affairs of the Lake Erie regional library system? (Tabled November 14, 1980.)

Hon. Mr. Baetz: The terms of reference of regional library boards are contained in the Public Libraries Act. Regional library boards are comprised of one member appointed by each public library board in each municipality having a population of 15,000 or more in the region and one member appointed by each county library board having jurisdiction in the region.

In the Lake Erie regional library system there are nine appointments, three of whom are from Oxford, Middlesex and Elgin county boards and three of whom are from Woodstock, St. Thomas and London boards, the other three appointments being ministerial. The regional library system is under the management, regulation and control of a board which is a corporation under the Public Libraries Act. The regional board is responsible for the policy of the regional system. The board determines the services that are to be provided to member libraries. It also appoints a regional library director.

The regional library director administers the policy as determined by the board. The library board provides a plan for coordinating and developing library service within the region and submits a summary of this plan to the Ontario Provincial Library Council, the minister's advisory body. The director of the regional system hires staff and prepares a budget in line with the plan determined and approved by the board.

In answer to your question of staff turnover since January 1977 there have been four staff members resign and one staff member terminated by the Lake Erie regional library board.

The board has on October 29, 1980, signed a collective agreement with the Canadian Union of Public Employees, Local 217.

The board of the Lake Erie regional library system sends an annual audited report (auditor Thorne, Riddell) to the libraries and community information branch, Ministry of Culture and Recreation.

#### RADIUM LEVELS IN DRINKING WATER

417. Mr. Isaacs: Will the minister indicate all the scientific literature which was reviewed as the basis for the Ontario government's initiative in raising the acceptable level of radium in drinking water from three picocuries/litre to 27 picocuries/litre, and will the minister table as well all correspondence with federal regulatory authorities related to this matter? (Tabled November 26, 1980.)

See sessional paper 337.

#### NUCLEAR FUEL WASTE MANAGEMENT

421. Ms. Gigantes: Will the Minister of Energy provide copies of the minutes, and appendices to the minutes, of all meetings of the Canada/Ontario Nuclear Fuel Waste Management Co-ordinating Committee, held to date in 1980? (Tabled November 28, 1980.)

Hon. Mr. Welch: In accordance with the practice on earlier requests for release of minutes of the co-ordinating committee to the select committee on Ontario Hydro Affairs, the ministry has forwarded this request to the chairman of the committee, suggesting that he consider making available the minutes of the co-ordinating committee to the Legislature through the Minister of Energy.

As the next meeting of the co-ordinating committee will not be held until January, the ministry is unable to provide the member with the committee's response to the question prior to the end of the current session.

#### MUNICIPAL ASSESSMENT REVIEW

427. Mr. Epp: Would the Ministry of the Attorney General provide figures as to the amount of assessment lost due to review court of appeals for 1976, 1977, 1978, 1979, for all the municipalities in Ontario? Would the ministry present the information including the following figures: assessment before appeals; assessment after appeals; assessment lost (gained); percentage of total assessment lost (gained); tax dollars lost (gained) (included in this figure would be the amounts

from cities + schools + county or region)? Would the ministry give a further breakdown of the immediately preceding categories under the following headings: residential; commercial and industrial; subtotal; business, total? (Tabled December 1, 1980.)

Hon. Mr. McMurtry: The Ministry of the Attorney General does not maintain records which indicate assessment before appeals or assessment after appeals, increase or decrease in assessment following appeals, nor tax dollars gained or lost through assessment appeals. I have been advised by officials of the Ministry of Revenue that neither are such records kept by them.

#### ITALIAN CANADIAN BENEVOLENT CORPORATION

432. Mr. Di Santo: Will the Minister of Culture and Recreation give the following information? 1. What was the amount of capital grant given to ICBC (Italian Canadian Benevolent Corporation) for the construction of the Columbus Centre at Dufferin and Lawrence? 2. When was the application presented and when was the grant given? 3. Was there any delay in the conversion of the grant and if yes for what reason? (Tabled December 3, 1980.)

Hon. Mr. Baetz: The total amount of capital grants approved for the Italian Canadian Benevolent Corporation is \$4,240,363. The total amount of grants paid to date is \$4,073,845.23.

The application was presented November 25, 1977, and approval was issued for the cultural support capital program grant of \$500,000 on August 16, 1978, and for the Wintario capital grant of \$3,740,363 on July 12, 1979.

There was no delay in the first payment of the grants.

#### INTERIM ANSWERS

On question 422 by Mr. Duksza, Hon. Mr. Baetz provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

On question 425 by Mr. Ruston, Hon. Mr. Parrott provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

On question 426 by Mr. Philip, Hon. Mr. Bennett provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

On questions 428 and 429 by Mr. Breaugh, and 435, 436, 437, 438, 439 and 440 by Mr. Cassidy, Hon. Mr. Timbrell provided the following interim answer: It will not be possible to provide responses prior to the end of the current legislative session.

On question 431 by Mr. Warner, Hon. Mr. McMurtry provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

On question 434 by Mr. MacDonald, Hon. Mr. Henderson provided the following interim answer: It will not be possible to pro-

vide a response prior to the end of the current legislative session.

On question 441 by Mr. Philip, Hon. Miss Stephenson provided the following interim answer: It will not be possible to provide a response prior to the end of the current legislative session.

#### INTERIM RESPONSE TO PETITION

Re: petition presented to the House, sessional paper 331, Hon. Mr. Parrott provided the following interim response: It will not be possible to provide a response prior to the end of the current legislative session.

## APPENDIX B\*

ALPHABETICAL LIST OF MEMBERS OF THE  
LEGISLATURE OF ONTARIO

(125 members)

Fourth Session of the 31st Parliament

Lieutenant Governor: Hon. John B. Aird, OC, QC

Speaker: Hon. John E. Stokes

Clerk of the House: Roderick Lewis, QC

| Member  | Constituency                 | Party |
|---|------------------------------|-------|
| Ashe, G. ....   | Durham West .....            | PC    |
| Auld, Hon. J. A. C. ....                              | Leeds .....                  | PC    |
| Baetz, Hon. R. C. ....                                | Ottawa West .....            | PC    |
| Belanger, J. A. ....                                  | Prescott and Russell .....   | PC    |
| Bennett, Hon. C. ....                                 | Ottawa South .....           | PC    |
| Bernier, Hon. L. ....                                 | Kenora .....                 | PC    |
| Birch, Hon. M. ....                                   | Scarborough East .....       | PC    |
| Blundy, P. ....                                       | Sarnia .....                 | L     |
| Bolan, M. ....  | Nipissing .....              | L     |
| Bounsall, E. J. ....                                  | Windsor-Sandwich .....       | NDP   |
| Bradley, J. ....                                      | St. Catharines .....         | L     |
| Breaugh, M. ....                                      | Oshawa .....                 | NDP   |
| Breithaupt, J. R. ....                                | Kitchener .....              | L     |
| Brunelle, Hon. R. ....                                | Cochrane North .....         | PC    |
| Bryden, M. ....                                       | Beaches-Woodbine .....       | NDP   |
| Campbell, M. ....                                     | St. George .....             | L     |
| Cassidy, M. ....                                      | Ottawa Centre .....          | NDP   |
| Charlton, B. ....                                     | Hamilton Mountain .....      | NDP   |
| Conway, S. ....                                       | Renfrew North .....          | L     |
| Cooke, D. ....  | Windsor-Riverside .....      | NDP   |
| Cunningham, E. ....                                   | Wentworth North .....        | L     |
| Cureatz, S. ....                                      | Durham East .....            | PC    |
| Davidson, M. ....                                     | Cambridge .....              | NDP   |
| Davis, Hon. W. G. ....                                | Brampton .....               | PC    |
| Davison, M. N. ....                                   | Hamilton Centre .....        | NDP   |
| Di Santo, O. ....                                     | Downsview .....              | NDP   |
| Drea, Hon. F. ....                                    | Scarborough Centre .....     | PC    |
| Duksza, J. ....                                       | Parkdale .....               | NDP   |
| Eakins, J. ....                                       | Victoria-Haliburton .....    | L     |
| Eaton, R. G. ....                                     | Middlesex .....              | PC    |
| Edighoffer, H. (Deputy Speaker<br>and Chairman) ..... | Perth .....                  | L     |
| Elgie, Hon. R. ....                                   | York East .....              | PC    |
| Epp, H. ....  | Waterloo North .....         | L     |
| Foulds, J. F. ....                                    | Port Arthur .....            | NDP   |
| Gaunt, M. ....  | Huron-Bruce .....            | L     |
| Germa, M. C. ....                                     | Sudbury .....                | NDP   |
| Gigantes, E. ....                                     | Carleton East .....          | NDP   |
| Grande, A. ....                                       | Oakwood .....                | NDP   |
| Gregory, Hon. M. E. C. ....                           | Mississauga East .....       | PC    |
| Grossman, Hon. L. ....                                | St. Andrew-St. Patrick ..... | PC    |
| Haggerty, R. ....                                     | Erie .....                   | L     |
| Hall, R. ....   | Lincoln .....                | L     |

\*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

| Member   | Constituency             | Party   |
|--|--------------------------|---------|
| Havrot, E.   | Timiskaming              | PC      |
| Henderson, Hon. L. C.                                  | Lambton                  | PC      |
| Hennessy, M.   | Fort William             | PC      |
| Hodgson, W.  | York North               | PC      |
| Isaacs, C.   | Wentworth                | NDP     |
| Johnson, J.  | Wellington-Dufferin-Peel | PC      |
| Johnston, R. F.  | Scarborough West         | NDP     |
| Jones, T.  | Mississauga North        | PC      |
| Kennedy, R. D.   | Mississauga South        | PC      |
| Kerr, G. A.  | Burlington South         | PC      |
| Kerrio, V.   | Niagara Falls            | L       |
| Lane, J.   | Algoma-Manitoulin        | PC      |
| Laughren, F.   | Nickel Belt              | NDP     |
| Lawlor, P. D.  | Lakeshore                | NDP     |
| Leluk, N. G.   | York West                | PC      |
| Lupusella, A.  | Dovercourt               | NDP     |
| MacBeth, J. P. (Deputy Chairman<br>and Acting Speaker) | Humber                   | PC      |
| MacDonald, D. C.                                       | York South               | NDP     |
| Mackenzie, R.  | Hamilton East            | NDP     |
| Maack, Hon. L.   | Parry Sound              | PC      |
| Makarchuk, M.  | Brantford                | NDP     |
| Mancini, R.  | Essex South              | L       |
| Martel, E. W.  | Sudbury East             | NDP     |
| McCaffrey, B.  | Armourdale               | PC      |
| McCague, Hon. G.                                       | Dufferin-Simcoe          | PC      |
| McClellan, R.  | Bellwoods                | NDP     |
| McEwen, J. E.  | Frontenac-Addington      | L       |
| McGuigan, J.   | Kent-Elgin               | L       |
| McKessock, R.  | Grey                     | L       |
| McMurtry, Hon. R.                                      | Eglinton                 | PC      |
| McNeil, R. K.  | Elgin                    | PC      |
| Miller, Hon. F. S.                                     | Muskoka                  | PC      |
| Miller, G. I.  | Haldimand-Norfolk        | L       |
| Mitchell, R. C.  | Carleton                 | PC      |
| Newman, B.   | Windsor-Walkerville      | L       |
| Newman W.  | Durham-York              | PC      |
| Nixon, R. F.   | Brant-Oxford-Norfolk     | L       |
| Norton, Hon. K.  | Kingston and the Islands | PC      |
| O'Neil, H.   | Quinte                   | L       |
| Parrott, Hon. H. C.                                    | Oxford                   | PC      |
| Peterson, D.   | London Centre            | L       |
| Philip, E.   | Etobicoke                | NDP     |
| Pope, Hon. A.  | Cochrane South           | PC      |
| Ramsay, R. H.  | Sault Ste. Marie         | PC      |
| Reed, J.   | Halton-Burlington        | L       |
| Reid, T. P.  | Rainy River              | L. LAB. |
| Renwick, J. A.   | Riverdale                | NDP     |
| Riddell, J.  | Huron-Middlesex          | L       |
| Rollins, C. T.   | Hastings-Peterborough    | PC      |
| Rotenberg, D.  | Wilson Heights           | PC      |
| Rowe, R. D.  | Northumberland           | PC      |
| Roy, A. J.   | Ottawa East              | L       |
| Ruston, R. F.  | Essex North              | L       |

| Member                 | Constituency              | Party |
|------------------------|---------------------------|-------|
| Samis, G.              | Cornwall                  | NDP   |
| Sargent, E.            | Grey-Bruce                | L     |
| Scrivener, M.          | St. David                 | PC    |
| Smith, G. E.           | Simcoe East               | PC    |
| Smith, S.              | Hamilton West             | L     |
| Snow, Hon. J. W.       | Oakville                  | PC    |
| Stephenson, Hon. B. M. | York Mills                | PC    |
| Sterling, N. W.        | Carleton-Grenville        | PC    |
| Stokes, Hon. J. E.     | Lake Nipigon              | NDP   |
| Stong, A.              | York Centre               | L     |
| Swart, M.              | Welland-Thorold           | NDP   |
| Sweeney, J.            | Kitchener-Wilmot          | L     |
| Taylor, G.             | Simcoe Centre             | PC    |
| Taylor, J. A.          | Prince Edward-Lennox      | PC    |
| Timbrell, Hon. D. R.   | Don Mills                 | PC    |
| Turner, J.             | Peterborough              | PC    |
| Van Horne, R.          | London North              | L     |
| Villeneuve, O. F.      | Stormont-Dundas-Glengarry | PC    |
| Walker, Hon. G.        | London South              | PC    |
| Warner, D.             | Scarborough-Ellesmere     | NDP   |
| Watson, A. N.          | Chatham-Kent              | PC    |
| Welch, Hon. R.         | Brock                     | PC    |
| Wells, Hon. T. L.      | Scarborough North         | PC    |
| Wildman, B.            | Algoma                    | NDP   |
| Williams, J.           | Oriole                    | PC    |
| Wiseman, Hon. D. J.    | Lanark                    | PC    |
| Worton, H.             | Wellington South          | L     |
| Yakabuski, P. J.       | Renfrew South             | PC    |
| Young, F.              | Yorkview                  | NDP   |
| Ziamba, E.             | High Park-Swansea         | NDP   |

## MEMBERS OF THE EXECUTIVE COUNCIL

|                             |   |
|-----------------------------|---|
| Hon. W. G. Davis .....      | Premier and President of the Council                                      |
| Hon. R. Welch .....         | Minister of Energy and Deputy Premier                                     |
| Hon. J. A. C. Auld .....    | Minister of Natural Resources   |
| Hon. R. Brunelle .....      | Provincial Secretary for Resources<br>Development                         |
| Hon. T. L. Wells .....      | Minister of Intergovernmental Affairs                                     |
| Hon. L. Bernier .....       | Minister of Northern Affairs  |
| Hon. J. W. Snow .....       | Minister of Transportation and<br>Communications                          |
| Hon. M. Birch .....         | Provincial Secretary for Social Development                               |
| Hon. C. Bennett .....       | Minister of Housing   |
| Hon. F. S. Miller .....     | Treasurer of Ontario and Minister of<br>Economics                         |
| Hon. D. R. Timbrell .....   | Minister of Health  |
| Hon. H. C. Parrott .....    | Minister of the Environment   |
| Hon. B. M. Stephenson ..... | Minister of Education and Minister of<br>Colleges and Universities        |
| Hon. R. McMurtry .....      | Attorney General and Solicitor General                                    |
| Hon. L. C. Henderson .....  | Minister of Agriculture and Food  |
| Hon. K. C. Norton .....     | Minister of Community and Social Services                                 |
| Hon. F. Drea .....          | Minister of Consumer and Commercial<br>Relations                          |
| Hon. L. Grossman .....      | Minister of Industry and Tourism  |
| Hon. G. McCague .....       | Chairman of Management Board of Cabinet<br>and Chairman of Cabinet        |
| Hon. L. Maeck .....         | Minister of Revenue   |
| Hon. R. C. Baetz .....      | Minister of Culture and Recreation  |
| Hon. D. J. Wiseman .....    | Minister of Government Services   |
| Hon. R. Elgie .....         | Minister of Labour  |
| Hon. G. Walker .....        | Provincial Secretary for Justice and Minister<br>of Correctional Services |
| Hon. M. E. C. Gregory ..... | Minister without Portfolio  |
| Hon. A. Pope .....          | Minister without Portfolio  |

## PARLIAMENTARY ASSISTANTS

|  |   |
|--|---|
| Ashe, G. (Durham West) .....               | Assistant to the Minister of Energy                               |
| Eaton, R. G. (Middlesex) .....             | Assistant to the Minister of Transportation<br>and Communications |
| Hodgson, W. (York North) .....             | Assistant to the Minister of Housing                              |
| Jones, T. (Mississauga North) .....        | Assistant to the Provincial Secretary for<br>Social Development   |
| Kennedy, R. D. (Mississauga South) .....   | Assistant to the Minister of Education                            |
| Lane, J. (Algoma-Manitoulin) .....         | Assistant to the Minister of Northern Affairs                     |
| McCaffrey, B. (Armourdale) .....           | Assistant to the Minister of Culture and<br>Recreation            |
| McNeil, R. K. (Elgin) .....                | Assistant to the Minister of Agriculture<br>and Food              |
| Ramsay, R. H. (Sault Ste. Marie) .....     | Assistant to the Minister of Labour                               |
| Rotenberg, D. (Wilson Heights) .....       | Assistant to the Minister of Intergovernmental<br>Affairs         |
| Smith, G. E. (Simcoe East) .....           | Assistant to the Minister of Industry<br>and Tourism              |
| Sterling, N. W. (Carleton-Grenville) ..... | Assistant to the Attorney General                                 |
| Turner, J. (Peterborough) .....            | Assistant to the Minister of Health                               |
| Watson, A. N. (Chatham-Kent) .....         | Assistant to the Minister of Community<br>and Social Services     |
| Yakabuski, P. J. (Renfrew South) .....     | Assistant to the Minister of Natural Resources                    |

## STANDING COMMITTEES

**Administration of justice:** Chairman: Philip, E. (Etobicoke NDP); Bradley, J. (St. Catharines L), Campbell, M. (St. George L), Davison, M. N. (Hamilton Centre NDP), Eakins, J. (Victoria-Haliburton L), Hall, R. (Lincoln L), Havrot, E. (Timiskaming, PC), Kennedy, R. D. (Mississauga South PC), Kerr, G. A. (Burlington South PC), Makarchuk, M. (Brantford NDP), Mitchell, R. C. (Carleton PC), Sterling, N. (Carleton-Grenville PC), Renwick, J. A. (Riverdale NDP), Rowe, R. D. (Northumberland PC), Scrivener, M. (St. David PC), Swart, M. (Welland-Thorold NDP); Clerk: Forsyth, S.

**General government:** Chairman: Cureatz, S. (Durham East PC); Vice-Chairman: Hodgson, W. (York North PC); Ashe, G. (Durham West PC), Charlton, B. (Hamilton Mountain NDP), Duksza, J. (Parkdale NDP), Epp, H. (Waterloo North L), Hennessy, M. (Fort William PC), Leluk, N. (York West PC), Mancini, R. (Essex South L), McEwen, J. E. (Frontenac-Addington L), McGuigan, J. (Kent-Elgin L), Mitchell, R. C. (Carleton PC), Rotenberg, D. (Wilson Heights PC), Samis, G. (Cornwall NDP), Smith, G. E. (Simcoe East PC); Clerk: Nokes, F.

**Members' services:** Chairman: Campbell, M. (St. George L); Vice-Chairman: Newman, B. (Windsor-Walkerville L); Bryden, M. (Beaches-Woodbine NDP), Jones, T. (Mississauga North PC), Smith, G. E. (Simcoe East PC), Watson, A. N. (Chatham-Kent PC), Worton, H. (Wellington South L), Young, F. (Yorkview NDP); Clerk: Arnott, D.

**Procedural affairs:** Chairman: Breaugh, M. (Oshawa NDP); Vice-Chairman: Davidson, M. (Cambridge NDP); Charlton, B. (Hamilton Mountain NDP), Mancini, R. (Essex South L), Rotenberg, D. (Wilson Heights PC), Rowe, R. D. (Northumberland PC), Ruston, R. F. (Essex North L), Sterling, N. W. (Carleton-Grenville PC); Clerk: White, G.

**Public accounts:** Chairman: Reid, T. P. (Rainy River L); Vice-Chairman: Hall, R. (Lincoln L); Cureatz, S. (Durham East

PC), Germa, M. C. (Sudbury NDP), Isaacs, C. (Wentworth NDP), Leluk, N. (York West PC), Makarchuk, M. (Brantford NDP), Peterson, D. (London Centre L), Ramsay, R. H. (Sault Ste. Marie PC), Sargent, E. (Grey-Bruce L), Taylor, G. (Simcoe Centre PC), Turner, J. (Peterborough PC); Clerk: White, G.

**Regulations and other statutory instruments:** Chairman: Williams, J. (Oriole PC); Vice-Chairman: Cureatz, S. (Durham East PC); Davison, M. N. (Hamilton Centre NDP), Eakins, J. (Victoria-Haliburton L), MacDonald, D. C. (York South NDP), McCaffrey, B. (Armourdale PC), McKessock, R. (Grey L), Rollins, C. T. (Hastings-Peterborough PC); Clerk: Forsyth, S.

**Resources development:** Chairman: Ville-neuve, O. F. (Stormont-Dundas-Glengarry PC); Vice-Chairman: Lane, J. (Algoma-Manitoulin PC); Bryden, M. (Beaches-Woodbine, NDP), Eaton, R. G. (Middlesex PC), Isaacs, C. (Wentworth NDP), Johnson, J. (Wellington-Dufferin-Peel PC), McNeil, R. K. (Elgin PC), Miller, G. I. (Haldimand-Norfolk L), Newman, W. (Durham-York PC), Reed, J. (Halton-Burlington L), Riddell, J. K. (Huron-Middlesex L), Taylor, J. A. (Prince Edward-Lennox PC), Van Horne, R. (London North L), Watson, A. (Chatham-Kent PC), Wildman, B. (Algoma NDP), Young, F. (Yorkview NDP); Clerk: Richardson, A.

**Social development:** Chairman: Gaunt, M. (Huron-Bruce L); Vice-Chairman: Kerrio, V. (Niagara Falls L); Belanger, J. A. (Prescott and Russell PC), Blundy, P. (Sarnia L), Davidson, M. (Cambridge NDP), Jones, T. (Mississauga South PC), Kerrio, V. (Niagara Falls L), Mackenzie, R. (Hamilton East NDP), O'Neil, H. (Quinte L), Ramsay, R. H. (Sault Ste. Marie PC), Rowe, R. D. (Northumberland PC), Sweeney, J. (Kitchen-er-Wilmot L), Turner, J. (Peterborough PC), Warner, D. (Scarborough-Ellesmere NDP), Watson, A. (Chatham-Kent PC), Young, F. (Yorkview NDP); Clerk: Arnott, D.



## SELECT COMMITTEES

**Company law:** Chairman: Breithaupt, J. R. (Kitchener L); Blundy, P. (Sarnia L), Cunningham, E. (Wentworth North L), Germa, M. C. (Sudbury NDP), Hodgson, W. (York North PC), Laughren, F. (Nickel Belt NDP), Lawlor, P. D. (Lakeshore NDP), MacBeth, J. P. (Humber PC), Reid, T. P. (Rainy River L), Rollins, C. T. (Hastings-Peterborough PC), Rotenberg, D. (Wilson Heights PC), Smith, G. E. (Simcoe East PC), Van Horne, R. (London North L), Yakabuski, P. J. (Renfrew South PC); Clerk: Nokes, F.

**Constitutional reform:** Chairman: MacBeth, J. P. (Humber PC); Campbell, M. (St. George L), Di Santo, O. (Downsview NDP), Epp, H. A. (Waterloo North L), Johnston, R. F. (Scarborough West NDP), Leluk, N. G. (York West PC), McCaffrey, B. (Armourdale PC), Mitchell, R. C. (Carleton PC), Ramsay, R. H. (Sault Ste. Marie PC), Renwick, J. A. (Riverdale NDP), Samis, G. (Cornwall NDP), Stong, A. (York Centre L), Sweeney, J. (Kitchener-Wilmot L), Taylor, J. A. (Prince Edward-Lennox PC), Villeneuve, O. F. (Stormont-Dundas-Glen-garry PC); Clerk: Forsyth, S.

**Ombudsman:** Chairman: Lawlor, P. D. (Lakeshore NDP); Campbell, M. (St. George L), Eakins, J. (Victoria-Haliburton L), Havrot, E. (Timiskaming PC), Isaacs, C.

(Wentworth NDP), Lane, J. (Algoma-Manitowlin PC), McClelland, R. (Bellwoods NDP), Miller, G. I. (Haldimand-Norfolk L), Taylor, J. A. (Prince Edward-Lennox PC), Villeneuve, O. (Stormont-Dundas-Glen-garry PC); Clerk: White, G.

**Ontario Hydro affairs:** Chairman: MacDonald, D. C. (York South NDP); Vice-Chairman: Foulds, J. F. (Port Arthur NDP); Ashe, G. (Durham West PC), Belanger, J. A. (Prescott and Russell PC), Bounsall, E. J. (Windsor-Sandwich NDP), Haggerty, R. (Erie L), Hennessy, M. (Fort William PC), Jones, T. (Mississauga North PC), Kerrio, V. (Niagara Falls L), Leluk, N. (York West PC), Lupusella, A. (Dovercourt NDP), McGuigan, J. (Kent-Elgin L), McKessock, R. (Grey L), Williams, J. (Oriole PC); Clerk: Richardson, A.

**Plant shutdowns and employee adjustment:** Chairman: McCaffrey, B. (Armourdale PC); Vice-Chairman: O'Neil, H. (Quinte L); Cooke, D. (Windsor-Riverside NDP), Cureatz, S. (Durham East PC), Mackenzie, R. (Hamilton East NDP), Mancini, R. (Essex South L), Martel, E. W. (Sudbury East NDP), Ramsay, R. H. (Sault Ste. Marie PC), Taylor, G. (Simcoe Centre PC), Turner, J. (Peterborough PC), Van Horne, R. (London North L), Williams, J. (Oriole PC); Clerk: White, G.

## CONTENTS

---

**Friday, December 12, 1980**

|   |      |
|---|------|
| Forest fire report, statement by Mr. Auld .....   | 5303 |
| Ontario educational services corporation, statement by Miss Stephenson .....                                    | 5304 |
| International year of disabled persons, statement by Mrs. Birch .....   | 5305 |
| Management of nuclear fuel waste, statement by Mr. Welch .....  | 5306 |
| New committee system, statement by Mr. Wells .....  | 5308 |
| Point of order re use of American dictionaries: Mr. Sweeney, Miss Stephenson .....                              | 5308 |
| Interest rates, questions of Mr. F. S. Miller: Mr. S. Smith, Mr. Laughren, Mr. Peterson .....                   | 5308 |
| Environmental assessment, questions of Mr. Parrott: Mr. S. Smith, Mr. Cassidy,<br>Mr. Riddell, Mr. Isaacs ..... | 5310 |
| Use of asbestos in schools, questions of Miss Stephenson: Mr. Cassidy, Mr. Mancini,<br>Mr. Bounsall .....       | 5312 |
| Employment agencies, questions of Mr. Elgie: Mr. Cassidy .....  | 5313 |
| Rape examinations, question of Mr. Davis: Mr. Stong .....   | 5314 |
| Auto production, questions of Mr. Grossman: Mr. Bounsall, Mr. Ruston .....                                      | 5314 |
| Services to mentally retarded, questions of Mr. Norton: Mr. Blundy, Mr. McClellan .....                         | 5315 |
| Dioxin testing, questions of Mr. Parrott: Mr. Isaacs, Mr. Gaunt .....   | 5316 |
| SCA pipeline, questions of Mr. Parrott: Mr. Kerrio, Mr. S. Smith .....  | 5317 |
| Aid to pensioners, questions of Mr. Maeck: Ms. Bryden, Mr. Peterson .....                                       | 5318 |
| Ontario produce, questions of Mr. Henderson: Mr. Riddell .....  | 5318 |
| Food processing machinery, questions of Mr. Grossman: Mr. Laughren .....  | 5319 |
| Point of order re opinion polls: Mr. T. P. Reid .....   | 5319 |
| Point of privilege re supermarket pricing systems: Mr. Swart, Mr. Drea .....                                    | 5319 |
| Point of privilege re Rembrandt homes: Mrs. Campbell, Mr. Drea .....  | 5320 |
| Point of privilege re ministry advertising: Mr. Nixon, Mr. Grossman .....                                       | 5320 |
| Report, standing committee on resources development: Mr. Villeneuve .....                                       | 5320 |
| Report, select committee on Ontario Hydro affairs: Mr. MacDonald .....  | 5320 |
| Motion re committee sitting, Mr. Wells, agreed to .....   | 5320 |
| Business Corporations Act, Bill 229, Mr. Drea, first reading .....  | 5321 |
| Highway Traffic Amendment Act, Bill 230, Mr. Cunningham, first reading .....                                    | 5322 |
| Tabling answers to questions 398, 421, 427 and 432 on Notice Paper: Mr. Wells .....                             | 5322 |
| Third readings, Bills 172, 177, 188, 190, 192, 193, 201, 204, 205, 214, 215, 216 and<br>221 .....               | 5322 |

|   |      |
|---|------|
| <b>City of Ottawa Act, Bill Pr18, third reading</b> .....                               | 5322 |
| <b>Third reading, Bill Pr36</b> .....   | 5322 |
| <b>Concurrence in supply,</b>   |      |
| Ministry of Culture and Recreation .....  | 5322 |
| Ministry of Energy .....  | 5323 |
| Ministry of the Attorney General .....  | 5323 |
| Ministry of Transportation and Communications .....                                     | 5326 |
| Provincial Secretariat for Justice .....  | 5326 |
| <b>Report, standing general government committee: Mr. Cureatz</b> .....                 | 5329 |
| <b>Concurrence in supply,</b>   |      |
| Ministry of the Solicitor General .....   | 5329 |
| Ministry of Health .....  | 5333 |
| Provincial Secretariat for Social Development .....                                     | 5334 |
| Provincial Secretariat for Resources Development .....                                  | 5337 |
| Ministry of Industry and Tourism .....  | 5337 |
| Ministry of Community and Social Services .....   | 5339 |
| Ministry of Consumer and Commercial Relations .....                                     | 5341 |
| Ministry of Natural Resources and supplementaries .....                                 | 5343 |
| Office of the Ombudsman and supplementary .....   | 5345 |
| Ministry of Labour .....  | 5345 |
| Ministry of Treasury and Economics .....  | 5354 |
| Office of the Assembly (supplementary) .....  | 5354 |
| Office of the Provincial Auditor .....  | 5354 |
| Ministry of Agriculture and Food and supplementary .....                                | 5354 |
| Ministry of Housing .....   | 5356 |
| Management Board of Cabinet .....   | 5357 |
| Ministry of the Environment .....   | 5357 |
| <b>Supply Act, Bill 231, Mr. F. S. Miller, first, second and third readings</b> .....   | 5362 |
| <b>Motions re standing committees and select committees, Mr. Wells, agreed to</b> ..... | 5362 |
| <b>Motion re committee reports, Mr. Wells, agreed to</b> .....                          | 5364 |
| <b>Motion re committee substitutions, Mr. Wells, agreed to</b> .....                    | 5364 |
| <b>Budget debate, concluded:</b>  |      |
| Mr. Cassidy .....   | 5364 |
| Mr. S. Smith .....  | 5370 |
| Mr. Welch .....   | 5374 |
| <b>Royal assent to certain bills, the Honourable the Lieutenant Governor</b> .....      | 5379 |

|   |             |
|---|-------------|
| <b>Prorogation speech, the Honourable the Lieutenant Governor .....</b>   | <b>5380</b> |
| <b>Prorogation .....</b>  | <b>5382</b> |
| <b>Appendix A: answers to questions on Notice Paper:</b>  |             |
| <b>Hospital beds, questions of Mr. Timbrell: Mr. Breaugh .....</b>  | <b>5383</b> |
| <b>Regional library boards, questions of Mr. Baetz: Mr. Van Horne .....</b>   | <b>5383</b> |
| <b>Radium levels in drinking water, question of Mr. Welch: Mr. Isaacs .....</b>   | <b>5384</b> |
| <b>Nuclear fuel waste management, question of Mr. Welch: Ms. Gigantes .....</b>   | <b>5384</b> |
| <b>Municipal assessment review, questions of Mr. McMurtry: Mr. Epp .....</b>  | <b>5384</b> |
| <b>Italian Canadian Benevolent Corporation, questions of Mr. Baetz: Mr. Di Santo ..</b>   | <b>5384</b> |
| <b>Interim answers: Mr. Baetz, Mr. Parrott, Mr. Bennett, Mr. Timbrell, Mr. McMurtry,<br/>        Mr. Henderson, Miss Stephenson .....</b>   | <b>5384</b> |
| <b>Interim response to petition: Mr. Parrott .....</b>  | <b>5385</b> |
| <b>Appendix B: Alphabetical list of members of the Legislature of Ontario, members of<br/>the executive council, parliamentary assistants, and members of standing com-<br/>mittees and select committees .....</b> | <b>5386</b> |

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**SPEAKERS IN THIS ISSUE**

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Aird, Hon. J. B.; Lieutenant Governor  
Ashe, G. (Durham West PC)  
Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)  
Blundy, P. (Sarnia L)  
Bounsall, E. J. (Windsor-Sandwich NDP)  
Bryden, M. (Beaches-Woodbine NDP)  
Campbell, M. (St. George L)  
Cassidy, M. (Ottawa Centre NDP)  
Cunningham, E. (Wentworth North L)  
Davis, Hon. W. G.; Premier (Brampton PC)  
Davison, M. N. (Hamilton Centre NDP)  
Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
Edighoffer, H.; Deputy Speaker (Perth L)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Gaunt, M. (Huron-Bruce L)  
Gregory, Hon. M. E. C.; Minister without Portfolio (Mississauga East PC)  
Grossman, Hon. L.; Minister of Industry and Tourism (St. Andrew-St. Patrick PC)  
Haggerty, R. (Erie L)  
Henderson, Hon. L. C.; Minister of Agriculture and Food (Lambton PC)  
Isaacs, C. (Wentworth NDP)  
Kerrio, V. (Niagara Falls L)  
Laughren, F. (Nickel Belt NDP)  
Lawlor, P. D. (Lakeshore NDP)  
MacBeth, J. P.; Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Mackenzie, R. (Hamilton East NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. (Bellwoods NDP)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Miller, C. I. (Haldimand-Norfolk L)  
Newman, B. (Windsor-Walkerville L)  
Newman, W. (Durham-York PC)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Norton, Hon. K.; Minister of Community and Social Services (Kingston and the Islands PC)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Pope, Hon. A.; Minister without Portfolio (Cochrane South PC)  
Reid, T. P. (Rainy River L)  
Riddell, J. K. (Huron-Middlesex L)  
Rotenberg, D. (Wilson Heights PC)  
Roy, A. J. (Ottawa East L)  
Ruston, R. F. (Essex North L)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
Stephenson, Hon. B.; Minister of Education and Minister of Colleges and Universities (York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)

Stong, A. (York Centre L)

Swart, M. (Welland-Thorold NDP)

Sweeney, J. (Kitchener-Wilmot L)

Taylor, G. (Simcoe Centre PC)

Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)

Walker, Hon. G.; Provincial Secretary for Justice, Minister of Correctional Services  
(London South PC)

Warner, D. (Scarborough-Ellesmere NDP)

Welch, Hon. R.; Minister of Energy, Deputy Premier (Brock PC)

Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)

Wildman, B. (Algoma NDP)







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