

ducted against two senior OPP officers. In the course of the hearing, evidence was presented that OPP Commissioner Fantino stated, "Are you going to execute the disloyal one, or am I?" My question is this: Does the Attorney General find it troubling that the OPP commissioner appointed by the McGuinty Liberals would refer to another senior OPP officer in terms of, "Are you going to execute him, or am I?"

**Hon. Christopher Bentley:** What is a bit surprising is that a former Attorney General would ask about testimony that may have been given or may be given during the course of a hearing where findings have to be made by the adjudicator. We respect the fairness of all proceedings. Whether an individual likes or doesn't like what he or she hears, agrees or disagrees with the position being advanced, takes a particular position on the result of the hearing, the foundation of our system of justice is that we let hearings conclude, and conclude fairly, according to the principles of natural justice and the rule of law. That's what should happen—not only in that case, but in every case.

**Mr. Howard Hampton:** Perhaps the Attorney General and the McGuinty government don't find these remarks troubling, but I think most people would find them troubling. Most Ontarians might feel that that language might appear in a Third World country but certainly not in a legal system, in a justice system, such as our own.

But what is equally troubling is this: When the counsel acting for one of the senior OPP officers pointed out that Commissioner Fantino appeared to change his testimony from one part of the hearing to another, the judge hearing the matter was immediately told by counsel for the OPP—

*Interjections.*

**The Speaker (Hon. Steve Peters):** I don't need some armchair Speakers. Thank you very much. I have great confidence in the table.

I just do caution the honourable member on the direction that he is going. I encourage him to bear in mind the sub judice rule. Certainly, from what I have seen in the newspapers, this is a hearing that is ongoing.

**Mr. Howard Hampton:** When this is remarked upon by the justice hearing the case, he is immediately asked to recuse himself from the hearing. Not only that, but the hearing is then told that senior counsel in the Ministry of the Attorney General are going to support the motion for the justice to recuse himself. This sounds like even the Ministry of the Attorney General is interfering in this hearing—

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

**Hon. Christopher Bentley:** Again, it is, with respect, surprising that the former Attorney General would be purporting to quote from an ongoing hearing and asking for commentary. With respect to the specific allegation, I understand that the result of the motion is not yet made. Obviously, whatever the commentary, no decision has been made by the ministry because no result of the

motion has been made. So I would ask the member to remember when he was the Attorney General and to remember the principles which he had to uphold then and which still apply today: the principles of fairness of hearings, regardless of what you may want the result to be.

1050

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

**Mr. Howard Hampton:** I express no interest in this.

Again, I ask the Attorney General: Counsel for the OPP actually names the senior counsel in the Ministry of the Attorney General. He names Dennis Brown, general counsel, Ministry of the Attorney General, as supporting a motion for the justice to recuse himself from the hearing and says that if the justice doesn't recuse himself from the hearing, the Ministry of the Attorney General will support a judicial review application.

All the justice is trying to do is hear the evidence, but it sounds as if lawyers, counsel representing the Ministry of the Attorney General, don't want him to hear the evidence. What is going on here?

**Hon. Christopher Bentley:** You're wrong, period. What's trying to happen at the hearing is that they're trying to have a fair hearing, a fair hearing on the basis of what is going on in the proceeding and a fair hearing that is not being assisted by the extracted commentary of the member today. Let's let the hearing proceed and continue according to the principles of fairness which govern hearings in all courts in all forums everywhere in the province of Ontario.

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

#### OPP DISCIPLINARY HEARING

**Mr. Howard Hampton:** To the Attorney General: What is troubling about this is I think that the justice hearing the case would like to hear the facts. But when he hears that if he does not recuse himself—and by the way, counsel representing the OPP is not some freshman counsel; he is someone who worked many years in the Ministry of the Attorney General. When he stands and says, "I move that the justice recuse himself," and, "I have to tell the justice that I have spoken with a senior crown counsel in the Ministry of the Attorney General, and they are prepared to support the motion that you recuse yourself," how can a fair hearing happen under conditions like that?

**Hon. Christopher Bentley:** The member is not correct to be commenting on an ongoing proceeding. Fair hearings are not assisted by commentary on their evidence, testimony submissions outside of the fora. The member knows that; you're a former Attorney General. You should respect the proceedings, you should respect the fairness and allow those in charge of the proceedings to make the decisions they must, without the commentary that you're making here today.

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

**Mr. Howard Hampton:** This is not my commentary. This is from the transcript of the hearings. A senior

and those jobs that have been created because of the programs that have been in place under this government for several years. And there's more to come.

1040

#### ONTARIO ECONOMY

**Mr. Tim Hudak:** A question back to the Minister of Economic Development. On October 22, the Legislature learned that Ontario, under Dalton McGuinty, has returned to deficit financing. Two weeks later, Ontario families were greeted with the news bombshell that for the first time in Confederation, Ontario would be on the receiving end of equalization payments. In other words, under Dalton McGuinty, the province of Ontario is now on the welfare rolls of Confederation. As Minister of Economic Development, what new initiatives are you bringing forward to cabinet to ensure that Ontario is not a have-not province for one, single more year?

**Hon. Michael Bryant:** The first thing that we're doing is standing up for the people of Ontario. As the member knows well—and I'm sure he commiserates over this as well; I'm sure he does—the fiscal federalist formula today sees bales and bales of hay being paid into the equalization formula and Ontario getting barely a litre of milk out of it. It is a formula that is broken. It is a formula that needs fixing.

Ontario continues to be the engine of the economy in this country. Ontario continues to seek out changes to the fiscal federalist formula that will see a reflection of the contribution that Ontario makes to the rest of the country and the number of dollars that ought to be going out, yes, but also the number of dollars that ought to be going in. I look forward to speaking about this further in my supplementary.

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

**Mr. Tim Hudak:** That was bales and bales of something, but it certainly wasn't the facts Ontario citizens want to hear. Minister, those same old tired lines won't work any more, this notion of blame the formula, as opposed to blaming the high-taxing and high-spending policies of Dalton McGuinty that have put Ontario dead last in job creation and in economic growth. The notion of Ontario being a have-not province and receiving equalization payments is shocking and weighs on the hearts of all Ontario residents. To make matters worse, the McGuinty government is sleepwalking through this tragic point in our history.

Where is the plan, Minister? Will you draw the line here and say, "This year and no more"? Will you stand in your place, will you come forward to cabinet with a new plan to get Ontario off the welfare rolls of Confederation?

**Hon. Michael Bryant:** I know the member wouldn't want to be running Ontario down and I know the member wouldn't want to be talking Ontario's economy down. I know he wouldn't want to deny that, in fact, the Ontario economy does continue to be the engine of the Canadian economy. It does. If the member disagrees, I would love

for him to take a look at the budgets and the books of this country, and I know he would want to stand up and applaud those businesses that have made this province the engine of Canada's economy.

We will continue to administer those programs that have brought success. We will continue to build on that success. We will continue to build on success that has led to investments in the member's own riding. I've seen the picture with the big smiling face of the member with a company that received investments in his own riding, that led to investments there and that led to jobs. We will continue to do that. Yes, we will continue to build on our success—

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

**Mr. Tim Hudak:** First the minister blames the formula for Ontario being on equalization; now he's saying we're leading the country in growth. The minister needs a reality check, just like Scotiabank's report from the other day: minus 0.9% Ontario growth rate for 2009, Minister—dead last in all of Canada. Two hundred thousand well-paying manufacturing jobs have left our province. Some 36,000 talented Ontarians have left our province to work in other provinces. No doubt, we have tremendous resources in our province, tremendously talented and innovative entrepreneurs and businesses, but your high taxes, your high hydro rates and your runaway spending have shackled our business class and chased entrepreneurs out of our province, so now we're dead last. Minister, one last time: Ontario on the welfare rolls no longer. What plan are you bringing forward to cabinet?

**Hon. Michael Bryant:** Well, there we go. The approach of the Ontario government is an activist approach that sees investments, by way of grants and loans, regional and strategic, directly into companies and directly into people through our Ministry of Training, Colleges and Universities. The member can't have it both ways. You cannot get rid of those programs, you cannot get rid of those investments and you cannot, in addition to that, cut taxes and expect to have a sustainable economy. The member is leading a race to the bottom.

The province of Ontario under Dalton McGuinty is in fact leading the charge, building on our success. That's why in July of this year the government announced a \$2.85-million advanced manufacturing loan to Stanpac Inc. to support a \$10-million investment in the member's riding. He stood there at the press conference with a big smile and congratulated the government—

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

#### OPP DISCIPLINARY HEARING

**Mr. Howard Hampton:** My question is for the Attorney General. Over the past weeks a number of questions have been raised about the administration of justice in Ontario under the McGuinty government. My question today concerns a police discipline hearing being con-

lawyer who worked many years in the Ministry of the Attorney General, now representing the OPP commissioner, says: "Well, I can indicate, sir, that the discussions have been had with the director of legal services branch at the Ministry of Community Safety and Correctional Services, Ms. Anne McChesney, and with general counsel to the Ministry of the Attorney General, Dennis Brown," and then goes on to point out that if the justice doesn't recuse himself, doesn't withdraw from the hearing, the Ministry of the Attorney General will support a judicial review ordering the justice to withdraw from the hearing.

I ask again: How can there be a fair hearing when these kinds of tactics are being conducted, apparently by counsel for the Ministry of the Attorney General?

**Hon. Christopher Bentley:** The former Attorney General is wrong. There will be fair hearings, as long as we allow them to proceed according to the rules of natural justice and the legal principles that apply. This one should be allowed to proceed without commentary by the honourable member.

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

**Mr. Howard Hampton:** Well, I could accept what the Attorney General is saying if the justice hearing the case were allowed to make a decision one way or another. But in this case, the justice hasn't even been allowed to take into consideration the motion, whether he should recuse himself, before he is met with the information that if he doesn't recuse himself, the Ministry of the Attorney General will support a judicial review application ordering him to recuse himself.

Again, as the administrator of justice in Ontario, who is supposed to ensure that hearings and trials are conducted fairly, how can this be a fair hearing when these kinds of tactics are being employed—actually mentioning senior counsel in the Ministry of the Attorney General supporting judicial review before a decision has even been arrived at?

**Hon. Christopher Bentley:** That's right. The hearings should be allowed to proceed according to the principles of natural justice and the rules of law which apply. This one should be allowed to proceed without the commentary.

#### SMALL BUSINESS

**Mr. Norm Miller:** I have a question for the Minister of Labour. By now, you must realize just how flawed your Bill 119 really is. No one is buying your argument that it will improve worker safety or uncover the underground economy.

Let me tell you what I'm hearing from small businesses around the province. I'd like to quote: "It is concerning to hear that the Liberal government would like to push this legislation through without first allowing committee hearings throughout the province to take place and to consider other options to mandatory coverage by

WSIB. This will not be any benefit to small business, but will only benefit large unions."

Minister, will you do what my constituent is asking for and extend public hearings on the bill to communities across the province?

**Hon. Peter Fonseca:** I want to let all the members here know that a lot of comments and letters have been read into the record by members opposite and I'd like to read one about the member's party leader.

This is by Ron Johnson, deputy director of the Interior Systems Contractors Association of Ontario. Here is what he had to say about Mr. Tory: "You visited us last year, Mr. Tory. You assured the construction industry in the spring of 2007 that you understood the WSIB reform was essential to the health of the construction industry." I'd like to know if this member agrees with his party leader. I'd like to know who's running the show over there. You talk about flip-flops. Mr. Tory is the biggest flip-flopper we've ever seen.

I want to ask the member, do you agree with your party leader when he said he understood that the—

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

**Mr. Norm Miller:** Minister, small businesses in all sectors are afraid. You have raised the spectre of mandatory WSIB coverage across all types of businesses. Let me read what another constituent wrote to me: "Let me add my voice to those who are concerned about the current plan to add mandatory WSIB coverage to construction company owners. This seems to be the thin edge of the wedge to me. As you well know, the tourism business can ill afford to be hit with another 'tax.' I realize that we (tourism operators) are not under the gun right now, but the chief of the WSIB has said that he would like to see more industries covered."

Minister, now that Ontario has been reduced to a have-not province, I would like to think that you're going to help small business instead of hitting them with another hidden tax.

Will you listen to this constituent's concerns and give your solemn promise not to extend mandatory WSIB coverage to other sectors?

**Hon. Peter Fonseca:** I say to this member, you've got to track down your party leader and find out where he stands on this. Here are a few more comments from Ron about John Tory's position on this. Here's what he had to say: "At the same time, I understand that he insisted that a level playing field should be created throughout the bidding process and that any unfair advantage to the underground economy should be eliminated." We agree with that. We want a level playing field. We want to make sure that those construction workers are safe.

I don't know where that member or that party stands, but all I see is a big flip-flop here. I would hope that they would retreat back to the comments that Mr. Tory made to the association about understanding the need for this legislation, understanding the need to protect construction workers and to level the playing field, understanding the health and safety of the construction industry—