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of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 20 December 1999**

**Lundi 20 décembre 1999**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 20 December 1999

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 20 décembre 1999

*The House met at 1845.*

ORDERS OF THE DAY

TIME ALLOCATION

**Hon Frank Klees (Minister without Portfolio):** Speaker, order G25.

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: With respect to this government notice, as to the time allocation motion that was passed by this House, it's the view of the official opposition that that motion was out of order. I'll read to you the line that's offensive. It says, "That the order for third reading of the bill may then immediately be called." It's the position of the official opposition that by inserting that into this, they are in fact not amending but violating the standing orders. Second of all, again pursuant to what the Speaker ruled last week, we are again dealing with the same item twice in one day. I would ask the Speaker for a ruling on whether or not the time allocation motion is in order.

**The Deputy Speaker (Mr Bert Johnson):** Let me address that point of order. If it was a problem, it should have been addressed during the debate on that motion. That motion, as I understand it, has been made, debated and passed. The Chair recognizes the chief government whip.

FEWER MUNICIPAL  
POLITICIANS ACT, 1999

LOI DE 1999 RÉDUISANT LE NOMBRE  
DE CONSEILLERS MUNICIPAUX

Mr Klees, on behalf of Mr Clement, moved third reading of the following bill:

Bill 25, An Act to provide for the restructuring of four regional municipalities and to amend the Municipal Act and various other Acts in connection with municipal restructuring and with municipal electricity services / Projet de loi 25, Loi prévoyant la restructuration de quatre municipalités régionales et modifiant la Loi sur les municipalités et diverses autres lois en ce qui a trait aux restructurations municipales et aux services municipaux d'électricité.

**Hon Frank Klees (Minister without Portfolio):** Clearly this bill before us tonight is important because it

completes a commitment on the part of our government to do business differently, to do business in a way that values, recognizes and honours the taxpayers of our province. Before us, as you will hear debated, is a bill that follows through on that commitment to make government more efficient, to deliver services in a more effective way and to reduce the tax burden on the taxpayers of the province. Our speakers tonight will be the members for Carleton-Gloucester, Kitchener Centre, Bruce-Grey and Simcoe North.

**Mr Brian Coburn (Carleton-Gloucester):** I'm pleased to be able to address Bill 25 once again. The fact that we have introduced this bill is in concert with helping municipalities become better equipped to meet the challenges as we head into the new millennium. This debate went on long, long before it ever reached this place. It has gone on in municipalities for years and in fact decades.

Haldimand-Norfolk was established in 1973 and almost ever since then they have been looking for ways to make governance better; also in Hamilton-Wentworth which was established in 1974. There has been ongoing debate and discussion as well that looks at how you can provide services more cost-effectively, more cheaply and more accountably to the taxpayers. In Ottawa-Carleton, it has been going on for some 30 years, since Ottawa-Carleton was first established. Once again, to repeat what I said the other day, there have been some 27 or 28 studies done in Ottawa-Carleton since 1976 on this issue. In Sudbury, which was established in 1973, local governance has been an issue since the early 1980s.

Some of the municipalities within these regions have indeed operated in an effective and cost-efficient manner. However, because of the numbers of them, that presented tremendous difficulties within the area of a region in terms of businesses trying to invest in the community and get approvals, and for many community associations and residents of that area there was considerable confusion as to who should be providing what service and whom they should call when they had a problem.

There is abundant evidence that restructuring saves taxpayers money. In fact some of the initiatives that have been undertaken so far by municipalities indicate over \$220 million in savings that can be achieved for the taxpayers in those areas. In these areas, hard-working Ontarians want value for their tax dollars; they want value for money. They want lower taxes and they want to reduce waste. They'd love to have it eliminated. They'd

like duplication eliminated, and they want fewer politicians, who can clearly be held accountable for the services that are provided for them in their communities.

Restructuring of course draws all facets and feelings into the debates and arguments. We, as humans, do not accept change or face change in a very ready or acceptable manner. Quite often, it isn't until we're backed into a corner that we realize change has to be made and in many cases a lot of damage has been done. What our government has worked to do over the last four years and into this mandate is to work with municipalities so that they can revamp the way they offer services and provide more efficient delivery of those services.

The debate over the last number years in each of these regions has tugged at the heartstrings. Having been involved in it as one of the municipal politicians, I can tell you that when you're a local politician you don't think anybody can do it in your community as well as you can, and that's where the discussion starts.

In Ottawa-Carleton, we discussed this for the nine years I was mayor, particularly in the last four years when this government got elected. The order of the day was, either come up with a solution yourselves on where you can save money—reduce politicians, make things more efficient and more effective, and be more accountable—or we will do it for you.

That was an incentive for us to get together and try to resolve the debate and arrive at a homemade solution, a solution made in Ottawa-Carleton. I'm sure the same thing applied in Hamilton-Wentworth, Sudbury and even Haldimand-Norfolk. Countless meetings were held, countless discussions, not to mention the amount of dollars spent over the years on consultants' reports. Everybody and his dog had a better idea of how things should be done, especially consultants.

What always intrigued me was that the local solution would have been much better than somebody from afar doing it to you. But when you got into the discussion about what happened in your own community and how you delivered services, there was always some reluctance to give up or to recognize that we had to conform and align our services so that money was saved.

Many of us in municipal life would remember taxpayers talking to us on the street: "Why are you doing this, and why are you doing that? Why can't you have the same bylaws and the same rules and regulations as your neighbour?" There was constant confusion, especially in the development community when you were trying to create jobs and stimulate the economy, as we all were. Most of us had our own economic development officers, and we all had our own brochures and were marketing our little corner of the world as the best place to do business, when that could be more effective if we did it in a collective manner.

So that type of consultation that we had over the years could never bring us to a conclusion. One thing that happened in Ottawa-Carleton, recognizing that there were efficiencies—and we all recognized that efficiencies could be achieved, and reduce the complexity and

confusion that had prevailed over our residents—was that we needed one-tier government, and that we needed a decision and couldn't make it ourselves. Similarly in the other three regions.

When you get into that type of situation when someone has to come in and make the decision, you always hear the naysayers, "You should have done this, you should have done that, you should have done the other thing," keeping in mind that none of them could have a meeting of minds and do what had to be done.

Therefore, we had a process where we had special advisers come in. They were all very well-qualified individuals who came with their own credentials and embarked on a consultation process where anybody who wanted to speak to the adviser and get their point of view and their opinion across had ample opportunity to do that. That was done, and a number of different viewpoints were put across. The unenviable role the adviser had to play was to sort those out and help determine the model of governance that would help take these four areas into the foreseeable future, the next 25, 30 or 35 years, with a good model of governance for the people who would be elected, so they could perform their jobs.

I'm sure many in this House have no problem being held accountable if they have some control over the decisions. This very much speaks to how the governance recommendations that are in front of us allow those who are elected to have a little more control of what happens in their communities and what happens at the council table.

#### 1900

Certainly when you reduce the number of politicians—many of you have sat around the table with numerous politicians, whether it be at the county level or at the regional level. It's difficult to argue for your little corner of the world, and you say, "There are too many wards in this particular area," and the inner core and the suburbs get left out, and that kind of thing. But what this bill has done has certainly reduced the number of politicians. The recommendations are for councils that are a more workable size, so that in inputting you can have an influence on your councillors and you can bring credibility to the table, or you can create a sense of achievement with your fellow colleagues.

For example, the reduction in politicians is from 254 down to 64, and more workable sizes in each of these municipalities: in Haldimand-Norfolk, 16. That's a much more workable group when you're trying to move forward with an agenda that will work to the benefit of your taxpayers and your residents. In Hamilton-Wentworth, 14; in Sudbury, 13; and in Ottawa-Carleton, 21. With that come considerable savings. One of the things we have to do in our society today, whether it's at the provincial level or at the municipal level, is to be able to achieve those savings so that you can direct the money to things that people want to have happen in their community, some of the hard services. Some of the things that people notice when you hop out of bed in the morning—if somebody hasn't moved your stop sign and

your street hasn't been plowed, then you've got reason to complain, because those are things that are visible. That is now something where money can be directed to some of those services that taxpayers expect to have delivered to them in a cost-efficient manner.

Each of the councillors in their respective areas will certainly have considerable input and a lot more say in terms of some of the recreational activities and how the money is spent in their collective areas. Some of the savings to be achieved—and in the Ottawa-Carleton area it is an impressive number of \$75 million. Possibly, it could even be more than that. In Sudbury, \$8.5 million in savings; \$35 million in Hamilton, and of course that's well underway with \$25 million for some of the reorganization they had already done in some of the services between the lower tier and the regional level; in Haldimand-Norfolk, \$2.5 million. Those are not small numbers by any stretch of the imagination. That's on an annual basis.

One of the main things that has to happen in our communities—and those who run for office run for a reason, because they think they can make their community better, because they think they've got something to contribute. But they have to be in a setting where they achieve some of those goals. We feel that under Bill 25, with the restructuring and the transition teams that have been put in place in the four areas, it is to be able to have a smooth transition—not to usurp the authority of a new council but to have in place some of the structure so that the new council can get out of the starting gate quickly.

The reason for passage of this bill is to accommodate the municipalities and work with them so that those individuals who are running for office in the new cities can register as of the beginning of the year and get on with their fundraising, so that they can enunciate to their public some of the things they'd like to achieve in the new city's setting. Economic development—we can get it underway so that you can promote each of your cities in a meaningful way, and not just in the local area—on a global scale, the way a lot of other things have gone on in our communities.

The world certainly, as we all know, has shrunk. You have to be prepared. If you're not on the leading edge, you're going to be left standing on the curb. With the new technology that we have in many of these areas—in particular I refer to Ottawa-Carleton as the one I am most familiar with—with the aid of high-tech we can deliver service and do the tracking and keep the stats and do the calculations and those kinds of things in a more cost-effective manner.

Those are some of the things we've been doing—whether you do it at the provincial level, at the federal level or at the local municipal level—that have been ongoing. Now they can be done on a larger scale and in a more cost-effective manner so that you can take advantage of those things, whether its dispatching of police, firefighters or whatever.

The challenges that we face in our communities, given what is happening in other countries around the world, in

order to be in the marketplace and be cost-effective so that you can sell your products, so that you can create more jobs, so that you can create a vibrant economy, mean that you've got to have the structure at home that is able to accommodate and support that. This bill gives the new cities every opportunity to set up a structure that will be more supportive of economic development and jobs within their community, more supportive of residents and businesses that want to do things and achieve things.

Area rating: One of the other issues that comes up is what we've saved and put into the kitty in terms of reserves over the years. Some have and some haven't. Some municipalities have been spendthrifts and others have been very frugal and have run very tight, efficient operations, so there is certainly concern about what happens with those reserves that they have accumulated over the years. That is one of the reasons why area rating was brought in, so that those reserves will be there to those capital plans that were on the books and are ongoing and they will have an opportunity to have them completed with the money generated in those areas. Certainly with development charges, we're well aware that the Development Charges Act earmarks funds raised for specific projects in specific locations. That gives some assurance to those geographical areas within the new cities that some of these projects will not be left high and dry and in fact they will be completed so that they can continue on with the growth in their communities.

Bill 25 also lays out, I think in a very helpful manner, how the transition period will occur over the next year in terms of some of the boards that will be left in place so there is continuity. The transition board certainly has authority to hire certain employees so that the skeleton, the framework of the new city is in place so that we won't skip a beat when we hit January 1, 2001, and so that the new council, when they do take over, will be able to proceed in a very positive and constructive manner.

I was talking to some of my residents on the weekend and they said, "What if we have another ice storm right in the middle of this?" There are provisions. That provision is in here, that emergencies and that kind of thing can be dealt with so that there is no interruption in service and that there is no fear for our residents that they will be left out on the limb without anybody being able to look after them.

The one thing I would like to just touch on, especially in Ottawa-Carleton, is the issue of bilingualism. In our community bilingualism has evolved over the years. As a former mayor, I was very privileged to represent a community that had about a 40% francophone population, and being a unilingual mayor, I had the pleasure of working with them. We brought bilingual services into our community and the francophone needs were met. That has happened in Ottawa-Carleton in Cumberland, Gloucester, Vanier, the city of Ottawa, and in fact bilingual services in some areas within the region of Ottawa-Carleton, the regional government itself.

It's a very sensitive issue that is community oriented in terms of supplying the need and the demand, as

needed. That is one of the reasons why this government believes that bilingualism has to be addressed by the local council, by the new council, so they can determine how and to what degree bilingual policies are brought in, because we do have some areas in Ottawa-Carleton that presently have no requirement for French services.

#### 1910

Of course, when you get into this debate, it's another one that does tug at the heartstrings. It brings out the emotional elements to the discussion and sometimes brings out the best and sometimes brings out the worst in people as well. But I am pleased to tell you that the gains we have made in the francophone community in those municipalities are something that is not to be tampered with and will remain there. So that becomes the starting point for the new council on how they wish to expand their services.

That's been the practice of the province of Ontario for a good many years, so in my opinion if it's handled locally it will be handled with sensitivity. The services will be brought in in the manner in which they are needed and with the sensitivity that is needed to make those decisions.

I do support Bill 25. It's time for the taxpayers to take advantage of some of the savings and the efficiencies that they expect to have delivered to them. It needs to be passed now so that those individuals who want to be part of the new council can get off the mark early, file their names and get on with their electioneering and their fundraising campaigns.

**Mr Wayne Wettlaufer (Kitchener Centre):** I'm pleased to stand and speak in support of Bill 25, the Fewer Municipal Politicians Act. I wonder if we could just discuss the history of this act or the reasons behind this act. We've had, for instance, 26 years of talking. There was the creation of the region of Haldimand-Norfolk in 1973, and after that there were four subsequent reports or studies dealing with restructuring of municipal government, with no action.

I am familiar with Ottawa-Carleton because I lived in the Ottawa-Carleton area for 3½ years in the mid-1970s. I'm quite aware of the discussions that were going on at that time. The region was created 30 years ago, in 1969, and after that there were five subsequent reports, commissions or panels, all dealing with restructuring of the region.

The region of Hamilton-Wentworth was created in 1974. Before and since then there have been eight reports, proposals etc dealing with regional restructuring.

The regional municipality of Sudbury was created in 1973. Before and since, there have been 17 reports, requests, studies, recommendations, improvements or reviews, and again no activity.

The purpose of this act is to meet the needs of the people of Ontario: lower taxes, more accountability, greater efficiencies and fewer politicians.

The members of the opposition say: "Fewer politicians? Why don't you just deal with two politicians?" Or another one will say, "Why don't you just rule by

junta or dictatorship?" That's displaying a faulty kind of logic. I submit that they know that it's faulty logic but it's trying to appeal to the emotions of the people in those regions.

**Mr Dan Newman (Scarborough Southwest):** It's arrogance.

**Mr Wettlaufer:** It's arrogance, as my friend and colleague the member for Scarborough Southwest indicates.

Some people would ask why I, Wayne Wettlaufer from the riding of Kitchener Centre, am standing in support of this bill. I'm not affected. I submit that it's to impress on the Minister of Municipal Affairs the importance of moving on with municipal restructuring of Waterloo region. I would like to see Waterloo region have single-tier government much like we're advocating in three of the regions in this bill. I am an unabashed supporter, in fact I am an unabashed proponent, of single-tier, one-city government in the region of Waterloo. At some point over the course of the next couple of years we are going to be dealing with that. I know the members opposite are probably trying to figure out their strategy to try to hinder the development of single-tier, one-city, or maybe even two-city, government in our region, trying to hinder the economic development of our region because I submit to you that that is the reason behind this bill.

It is further to our total philosophy to encourage economic development through lowering costs in order that we may have increased numbers of jobs. In the region of Waterloo I have had hundreds of letters and phone calls from members of the Conservative business community, from the chamber of commerce, from the local politicians, I have had letters from individual constituents, and from the former consultant of the region of Waterloo, all supporting the idea of single-city, one-tier government. That is why they've been advocating it, because of improved efficiency, lower taxes, more reasons to attract economic development and increase jobs.

I have had more than one article, many articles in the Kitchener-Waterloo Record and the local media advocating regional restructuring in the municipal region. The articles all talk about what's most important, and it's jobs and business development.

We have had some movement towards regional restructuring in our region. It's not adequate but what I would like to say here is that we see so much opposition from the Liberals and the NDP on this issue; however, during the 1999 election campaign, the Liberals advocated regional restructuring. Do you remember?

**Mr Richard Patten (Ottawa Centre):** No kidding, we agree with you.

**Mr Wettlaufer:** Oh, you agree with us.

*Interjection.*

**Mr Wettlaufer:** You don't get it. Oh, you agree with us. Good, I'm glad you agree with it. Then why are you supporting your leader who is advocating that we don't go ahead on this now?

*Interjections.*

**Mr Wettlaufer:** Just because of bilingualism you say, right? I know it's an emotional issue. I understand that

it's an emotional issue, but for 130 years the provincial government of Ontario has advocated allowing local municipalities to determine whether or not an issue such as bilingualism should be handled locally. I suppose maybe the Liberals think that Kitchener, the region of Waterloo, should be bilingual. Well, that would be up to the local municipality.

Dalton McGuinty, the leader of the Liberals said, and he was quoted in the Ottawa Sun on August 25, 1999: "There has to be here in eastern Ontario a large urban centre if we're going to compete with the likes of Toronto. We'll never be able to do that if we break up into three cities. It's time for the region to come of age."

This is so typical of the Liberals. They take a position one day and they turn around and take another position the next day. We look, for example, at the red book in 1995, their campaign platform, when they said they would increase the deficit by \$17.5 billion within five years, before they were able to balance the budget. They turn around and criticize our government for not balancing the budget in less than five years. They said they would restrict health care spending to \$17 billion. However, they criticize us for not spending enough when we've increased it to \$20.6 billion. We passed the Safe Streets Act. Some of their own members of their party supported it but no, the party as a whole voted against it. We passed the Taxpayer Protection and Balanced Budget Act. Although they voted for it, they spoke against it. I submit to you, you can't suck and blow at the same time.

They say it's because they can see both sides of an issue. I submit to you that when you can see both sides of an issue you become paralyzed by inactivity. It reminds me a little bit of a management psychology course I took about 10 or 15 years ago, in which they stated that 25% of the populace can be divided into controllers, promoters, supporters or analysts. The analysts of course were so filled with analyzing every aspect of a problem that they were paralyzed by analysis. I submit to you that's the problem with the opposition parties. That is why we were elected, because the people of this province wanted someone who could lead, someone who could manage the affairs of this province. That is what this bill is doing.

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*Interjections.*

**Mr Wettlaufer:** I am touching a nerve again. I can see that. It's just like the federal Liberals. They got so tied up on the issue of health care, they had become so criticized in the media about their lack of understanding or lack of dealing with health care, that they decided to introduce a clarity bill. That was just to take attention off the real issues.

I want to say that I am a strong supporter of this bill. I will be voting in favour of it.

**Mr Bill Murdoch (Bruce-Grey):** I have a few minutes and I'd like to speak on this bill. As you know, I'm not totally happy with the bill, but I have supported it on both first and second readings. I have concerns, along with both of my members from Hamilton, as to what's

happening there. I sometimes fail to see why the Hamilton portion couldn't be taken out of there and reworked. I do have some problems with that.

As you also know, I had problems with the portion of the bill that the member for St Catharines also had problems with, where 75 people could sign a petition and maybe we would have a review or a forced restructuring of an area. It could even happen in an area that had already been restructured. I'm very pleased to be able to stand in the House tonight and report that I've had assurances, I even have a letter, that the minister would prick his finger and put blood on it that this will not happen. I won't read it, because I don't have enough time, but I know some of the other members would like to see it and I certainly will share it with them before I'm done tonight. It would take too long. It essentially says that this part can be removed from the bill and will be removed from the bill at a later date, and that it will not be used to cause a restructuring in an area. I'd just like to report that this made me a lot easier about this bill.

I wasn't here last, I think it was Wednesday night, but I was watching on television when the member for St Catharines three times at least criticized this government for being undemocratic for having that portion in this bill where, he said, "Think of it; 75 people could cause a restructuring." You know, folks, I would like that member to remember back about 10 years ago. It was the Honourable Jim Bradley at that time and he was the Minister of the Environment. I can remember when that member was petitioned by people in Grey county to hold an environmental assessment review of the planning issues in Grey county. Fifty people petitioned him, and do you know what, folks? He granted that. There were actually 54 people on the petition, because I remember it clearly. I was the reeve of Sydenham township at the time.

He also allowed them to do a review on a subdivision that was properly planned and approved by agencies, but all of a sudden he got 50 people from an area and said: "I'm going to stop this. I'm going to be Jim Bradley, Minister of the Environment, and I will stop this." He did stop it. He stopped one of the best-planned subdivisions in our county, and I happened to be part of that; I remember, it's 10 years ago to the day that he did that. Now there happens to be—

**The Deputy Speaker (Mr Bert Johnson):** The Chair recognizes the member for St Catharines on a point of order.

**Mr James J. Bradley (St Catharines):** Sometimes when there's a crossfire, you can't hear. I was wondering whether the member had mentioned that the planner in Grey county quit over this issue because he was so disgusted with what the politicians were doing.

**The Deputy Speaker:** That is not a point of order.

**Mr Murdoch:** Mr Speaker, could we have some more time put on? I was getting to that point, but he took it away from me. One planner did, but the other planners didn't, so maybe the member doesn't know the whole thing.

But he sent in his troopers. They all came marching up to Grey county and said, "We're going to stop this." It probably cost the county \$1 million. It cost the province dear knows what, because he had three key people he felt were his advisers come up and have this environmental assessment review of Grey county. It took two or three days. He caused more trouble in Grey county than anybody did.

Let's look back at the date that this was done: 1989. When was there an election? Right after that, I believe, in 1990. This was to shore the Liberals up. You know what happened? The Liberals haven't won that riding since and probably never will because of that.

**Mr Bradley:** In principle.

**Mr Murdoch:** And he talks about principle. I'd like to be in his office and see if he has a print or a painting of—what's that guy's name? That infamous George McLean. Maybe he gave him a print or a painting. I have no idea. I'm sure he would have declared it if he did. But this fellow feels that he is very famous, and I think Jim might have agreed with him on that.

But the whole point here is that I heard this member last week say this government was so undemocratic for allowing these 75 people to cause something like this, and he did it on 54 signatures. Can you believe it? He caused millions of dollars, lots of grief and lots of problems within our county.

Fortunately, the election did come along in 1990 and we didn't have to put up with tactics like this, and future governments took that out of the bill to make sure that didn't happen again, and it won't happen now. So he should be quite happy. Maybe he wanted us to lower it down to 50, I'm not sure about that. Maybe that's what he was talking about. But I did hear him at least three times go on about it.

*Interjection.*

**Mr Murdoch:** I think I hear a little mouse nattering away out there somewhere. I have no idea what he's trying to tell us.

Also, he talks about democracy. I have a letter right here from the warden at the time, Mr Delton Becker, writing to him as the warden of the county saying: "Sir, would you not do this? This is not needed in our county." The county council didn't need this. He ignored them, never even bothered to write back, if you can believe that. Yet he can sit here and criticize this government for something now that isn't going to happen. So I'm sure he's quite happy now that this will be taken out of the bill at a future date and won't happen.

As I say, this has been quite a bill and a bit of a dilemma for me. I know the member for St Catharines went on at great length to talk about our member from Hamilton, Mr Skarica, how he's doing the right thing and he should quit. I want to tell our member he shouldn't quit. Don't listen to somebody on that side of the House. The credibility now is gone. In my riding, they call that hypocritical. I wouldn't say that, but I know a lot of people in my riding might say that. They would wonder what kind of man this was. So I'm saying to my

members, Mr Clark and Mr Skarica, you're doing a great job of looking after your ratepayers.

**The Deputy Speaker:** The Chair recognizes the member for Elgin-Middlesex-London on a point of order.

**Mr Dave Levac (Brant):** Brant, Mr Speaker. In my first sitting of the House, I've listened intently to an awful lot of the language that is being used and what is considered to be unparliamentary. Sneakily, what we're doing is starting to come in and impugn members by saying other people are saying it and still getting it repeated. I would suggest very respectfully that the terminology the member used was not appropriate.

**Hon Mr Klees:** On the same point of order.

**The Deputy Speaker:** No, I don't debate points of order.

I was listening very carefully to the member, and I don't think he was impugning anything on the part of any member. I therefore recognize the member for Bruce-Grey.

**1930**

**Mr Murdoch:** If there is a problem on the other side that I said something unparliamentary, I'll certainly withdraw it. It wasn't me who was saying it anyway, but if there was something said and it did upset them, I'll certainly withdraw that.

I want to go further with what this member did with the 54 signatures. As I mentioned, there was a subdivision that was well planned—it would have had a water system, a septic system, curbs and gutters—which also went down the tubes because of this review.

In the same area now, there are over 30 homes, all on septic tanks and all on their own water supply. So not only did the minister at that time cause a lot of heartaches and cost a lot of money to the province and the people of Grey county, but he also caused a lot of problems with their subdivision, which would have been properly planned.

I know that the NDP felt that septic systems shouldn't even work out in the country. I think there's somebody in the House tonight who might agree with that. I don't, but I know that person went to great lengths, especially in Bruce and Grey counties, to try to prove that septic tanks wouldn't work. Fortunately for us, they do work.

This subdivision would have been one of the finest in Grey county. But when the storm troopers came in from the Minister of the Environment on 50 names—that's the whole thing here, 50 names—or 54, I should say; there were four extra names—and recommendations from a so-called artist, this all happened. I'm happy tonight to stand here and say that this 75-name petition will not be around and will not cause us the same kind of trouble that it caused us when the Liberals were in government.

As I said before, I feel that Mr Skarica and Mr Clark are doing an excellent job of defending what their people want them to defend. Unfortunately, this system sometimes doesn't work for everybody. In this case it isn't, and I'll be the first to admit it. It does bother me a lot that they would be put in this position. But it nothing new for me to say that I don't think the system here is all



set up to work right, and unfortunately it doesn't all the time. For those two members, again, I must say how hard they are working here, that they have nothing to be ashamed of and that they're doing a great job and will be here for a long time to come. Both of them must stay here and fight for the issues their people want them to.

It doesn't look like there's a lot of problems with the other three areas: Ottawa, Northumberland and Sudbury.

**Interjection:** Haldimand-Norfolk.

**Mr Murdoch:** Haldimand-Norfolk is the other one, thank you very much.

There doesn't seem to be a lot of problems with those areas, but we do have some opposition members in those areas who don't seem to want to vote for it. It puzzles me that they would vote against this bill and not try to promote it when it's in their area and the people in their area are for it. It's strange that the ones from Ottawa come here and then vote against it. We have some problems with the ones from Hamilton, and in Sudbury there's a Liberal member and an NDP member, I think, and they both voted against this bill. It doesn't make a lot of sense. I don't know what's happening over there.

As I say, they criticize us for not having democracy. Well, holy cow, look at their record. There are still some Liberals sitting there who were around in 1989. But I have to thank the member from St Catharines for his actions, because he certainly helped me a lot to win my election in 1990. I really appreciate that and I know he continues to help me out, as I try to help him out.

**Mr Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to speak on Bill 25 today. There are a number of issues I'd like to bring forward. First I'll talk about the council size reduction, and I'd like to link this back to my own riding of Oshawa and what has taken place and what is expected, or the conversations that are taking place in Oshawa.

Oshawa came forward in the past knowing that we were restructuring, that we were talking about restructuring and were looking at that mostly for the future of the constituents, because people have to realize that there is only one taxpayer out there. In Oshawa we substantially reduced the number of Oshawa representatives, as it relates to the regional council, in the last election. I know that this bill that has come forward has caused a big stir in the community, in that a lot of people are talking. They're asking for restructuring to continue, in that Oshawa made the first commitment by reducing its own council members and representatives on the region of Durham. Now they're asking about—everywhere I go I hear different things, whether it's a three-city opportunity in the region of Durham, or one or possibly two cities. It's a regular conversation. What's taking place is that these individuals are now looking at options and bringing them forward, or trying to bring them forward to council, to have their own views brought forward in the municipality of Oshawa and the region of Durham. They know that eventually it's going to take place. That's not necessarily true. However, they anticipate some changes there and they want to have hold of that. I think Oshawa

and the region of Durham are substantially looking at that and are going to commit to that.

I know there's the single-city option for the various communities. When I was in Sudbury back in, I believe, October, I was doing a speech and after the speech a large number of individuals came forward to me before Bill 25 was even introduced, pushing for the single-city concept within that region. They felt it was more responsive to the actual members and more cost-effective. That's effectively what we're looking for, cost-effectiveness to ensure people are receiving good value for their dollar when they're electing individuals.

We have so much duplication throughout my own municipality. Whether it be crosses between regional plows and municipal plows etc, with the number of municipalities that exist in the Sudbury area, it only makes effective decision-making matters that much better because as opposed to seven or eight service providers providing the same services, which you effectively do, you now come down to one.

The service providers remain the same. Those opportunities are there. It's the administration aspect where the big savings are. I think all would agree that the savings in administration are necessary, because as I have said before, time and time again, it is necessary to reflect on the fact that we have one taxpayer out there, whatever way we look at it.

The member from St Catharines has said it's not true. However, certain things can make it not true. Eventually they'll come to the fact and during the transition stage I'm sure there will be opposition and the figures will come out, "There isn't a substantial cost-saving potential," but down the road you're going to see that cost savings in a number of ways, one of which will be a lack of increases that take place. There's a substantial saving potential there in the future.

**Mr Bradley:** You won't see it. You've been sold a bill of goods.

**Mr Ouellette:** I think there will be, and I think that eventually the taxpayers are going to come and demand that cost savings. The member for St Catharines doesn't believe that's going to happen, but I believe it will. I think the constituents out there will come to demand cost-effectiveness in that matter.

As well, the directly elected chair for Halton—I know it personally. I had submitted a bill that dealt with directly electing the regional chair for the region of Durham. There was substantial support and there still is in our area. This is one of the ways that brings responsibility directly to the chair itself, as opposed to the indirect election whereby the chair is responsible to the elected officials. They're now directly responsible to the constituents within the riding. That makes a great deal of sense. I know there are a lot of individuals who were in opposition to it, but the bulk of individuals within the riding or in the region of Durham appeared to be supportive of directly electing a chair in the region.

I know the community of Oshawa has substantially pushed forward and is currently reviewing various pro-

posals to come forward with reduced size, not only in the region of Durham but also on the local council, as they've done once already for the next municipal election, and I expect we'll see some shortly.

I know there are other members of my caucus who wish to speak and I will yield the floor to the member from Durham.

**Mr John O'Toole (Durham):** It's my pleasure, and I thank the member from Oshawa for sharing his time with me, as I did want to get on the record because we, along with the other MPPs in Durham, do listen and try and respond to the issues that are current in local government. This really does send a clear signal. If you're talking about municipal restructuring, all of the participants are paying very close attention.

But the member from Oshawa was right in his remarks that currently—just last week in fact, I know that Councillor Drumm from the town of Whitby and others had a very serious debate on resizing the government for the next municipal election in Durham. I think it's a direct response to what the people of Ontario want, which is more accountability in government. They want smaller, more effective decision-making mechanisms. I spoke with Councillor Mutton, who's a regional councillor from the municipality of Clarington in Durham. Councillor Mutton, along with many other councillors, had a very serious resolution which I believe is going to a regional retreat in the new year. The region of Durham is going to have a retreat and I think a very important part of that retreat is going to be the very issue of governance.

#### 1940

When I speak of governance, one of the options they put on the table which I thought was rather unique—I believe there are eight municipal areas in the region of Durham and they voted on a resolution in committee to eliminate the mayors as representatives on that committee. I know the regional chair, Roger Anderson, was unable to make up his mind. I wasn't sure exactly where he was coming from because he's elected by the council itself, not at large. The member for Oshawa, Mr Ouellette, has moved a private member's bill. Yet when we look around, the region of Sudbury and other regions have gone in that direction where the regional chair is directly elected.

The whole issue of this bill has a lot of currency and it's a very important signal to all of the local and regional councils, not just in the 905 area but indeed across the province. When I talk to constituents, whether it's in Blackstock or Hampton, Newtonville or Newcastle, for that matter, to name but four, I know they are always telling me that they first want effective—it's almost like a triple E. They want elected and effective and equitable representation.

**Mr Bradley:** Sounds like the Reform Party.

**Mr O'Toole:** No, I think it's very much an issue that's been before it. Federal governments have been unable to deal with it, but there's local government taking the signal of this government. We resized ourselves, reflecting the decisions made at the federal level, to 103

members in Ontario from 130; that's 27 fewer. I think it's an appropriate decision for local governments to make. That being said, and having served both at local and regional level in representing the municipality of Clarington on Durham regional council before I got here, when I walked in there the first time there was something in the order of 60 people sitting around a table trying to make a decision. It became a decision-making process by committee and by the time it got to the council as a whole it was almost a *fait accompli*.

I pay a lot of respect to Councillor Drumm and his motion. There will be disputes, I'm sure, between the mayors. The mayors have for some time effectively run it. The executive committee makes a lot of the important decisions. Their argument was, though, that if you had regional council with a clear division of authority between local governance and the regional level of government, such issues as public works and planning, which need to be coordinated intermunicipally—I think they should be working closely with their local council if that in fact is the organization they have.

Certainly the mayor has a difficult job to respond to the constituent concerns for all of the wards, whether it's the town of Whitby or Ajax or Pickering or Brock or Scugog or Clarington or Uxbridge. I would say that you have to go up to Brock. Each of those little municipal areas have unique decisions that need to be made for that council. Whether it's services to seniors or the condition of rural roads, I think the mayors can inform the upper-tier member whether it's at the regional level and the decisions could be made in a more inclusive way. Rather than just have one point like the mayor, I think the model they're proposing is two councillors from each of the lower-tier municipalities. So you'd end up with a more clear line of decision-making, a smaller and more effective representative model, and the voices there would be elected and accountable to the local level.

But I think the organization and division of authority is a more important issue in the governance considerations. In that respect, for instance, in our region, as in most regions, at the upper tier they have water and sewer and at the lower tier they would have local roads. I can recount an experience I had just recently where on a local road there was a water main that broke and had to be repaired. The road surface itself had to be repaired by the local level of government and yet the pipe underneath that surface had to be repaired by the upper-tier level of government. There's a case where the coordination took probably three days or longer to fix that problem. If there had been one level looking after it, perhaps we would have had faster and more effective delivery of service to the people who are actually paying.

For years, we've been talking about the importance of coordinating waste, for instance, which is a regional authority, and a levy charge for that to the residential base on the regional tax bill. But if I look across Ontario, I know it's complex and each area has its own particular needs. I thank Minister Clement for the decisions they made with respect to Bill 25, respecting that each area has slightly different needs.

Anne Golden said in their report on the GTA that certain areas within the GTA are not as well developed and perhaps not as mature. When I look back to my riding, my riding has a pretty intensively fast-growing part in the north part of Oshawa and the Courtice and Bowmanville areas, and yet if I move up to Blackstock and further north, I would say in the Scugog area and Brock, perhaps that area, it isn't as well developed with infrastructure like water and sewer and transit issues.

But there are a myriad of issues that I believe the upper-tier level of government would be more in a position to make the best decision for the greatest number of people within the region of Durham, whether it's in economic development or public transit. Public transit is another case where a local level has commissions and those commissions are making decisions about where the bus routes stop and where the other municipal bus commission picks up. But I think they should have a coordinated transit system, as they've done in Toronto and as the GO system is attempting to do across all of the GTA.

This governance decision and this particular legislation has been a commitment. It's sort of like the old mantra here: A promise made is a promise kept. But we did in fact—I think starting with ourselves, if you really want to get right to the root of it—we committed to reducing the size of provincial government. We also committed to follow up with those municipalities, like Ottawa-Carleton, which have been struggling with this issue of amalgamation for many years.

I'm certainly anxious to hear the debates. I've heard the members from the Hamilton area and how concerned they are, because that has been an anguished issue. In Ottawa-Carleton, I can recall when I was a councillor, the single-tier study that was done at that time, and it was very difficult to make a decision. Of course the government of the day, in 1990, was unable and would not make a decision.

So it's my understanding that these four regional governments, whether it's Haldimand-Norfolk, Sudbury, Hamilton or the Ottawa-Carleton area, had really requested the minister to intervene. It's on the record that the member of the opposition party clearly stated that he would bring some authority to the decision-making process, and now it appears that he would vote against this bill. I don't think leadership waffles on very difficult decisions.

Of course in a democratic process you'll never satisfy everyone. That's virtually impossible. But I think exploring new opportunities to make sure that we reduce the costs and hold local and regional governments accountable is really what this is about, and respecting differences within regions. I think all of that is within Bill 25, and I'm confident that other members may wish to have some words on this, but I know for our side that it has received extensive discussion in caucus. There is appropriate language in the bill now to address some of the areas, whether it's in Hamilton or the Carleton area, to allow the people of the areas to have a look at it in the future.

I know that from my area there are five members in this caucus who are looking very consciously, and I want to state for the record that we're willing to work with the mayors and councillors of the day. Of course, as we look to a municipal election in 2000, I know that this will be front and centre in the electorate's mind, and they'll expect the government of that day to deal with it and at that point bring their concerns to the attention of the minister. I'm sure this government will deliver on its promises.

1950

**The Deputy Speaker:** Comments and questions?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** I was just following all the speeches from the government side. I could tell you that it's very easy to try and tell the people why they are voting for one city. We agree with the one-city concept. The only thing is that we hired a competent commissioner, but at the present time I don't know if they would hire this man again because they're not following his recommendations. They disregard a lot of sections.

When I look at sections 4 and 5, when they say, "Ottawa will be legislatively designated a bilingual city, with services to be provided in both official languages where warranted," I don't know why we're not including this section in the bill. But we also have to remember when this government passed Bill 108. I remember that was the downloading of summonses to the municipalities.

The former minister responsible for francophone affairs said, "Yes, it is included within the bill that municipalities within the 23 regions that have to give services in both French and English will have to continue." They contacted ACFO, they contacted AFMO, they contacted the Association des juristes d'expression française de l'Ontario and they convinced them all, but finally nothing was in the bill.

After that, here in the House we questioned the former minister, and he said: "Yes, we will make sure that the services are given in both languages. We'll get them to sign an agreement with us." Nothing has been done, and today they're saying, "No, it is left to the municipality." Whom should we believe in this?

There are a lot of recommendations in there that we just don't follow.

**M. Gilles Bisson (Timmins-James Bay):** Voici encore une autre instance où ce gouvernement provincial a l'occasion, et est en train d'essayer de jeter sur le tas les droits des francophones, les droits linguistiques de la province. On a vu à travers la législation dans le dernier parlement où le gouvernement provincial de Mike Harris, le Conservateur, essaie toujours avec sa politique de s'organiser pour retirer de la communauté francophone les services qui sont importants pour nous.

On voit dans ce projet de loi 25 qu'on a un gouvernement provincial—ce n'est pas entendu mais c'est vraiment quelque chose d'épouvantable à voir—qui ferait une réforme telle qu'ils sont en train de faire quand ça vient aux municipalités d'Ottawa et Sudbury, deux

communautés où les francophones sont majoritaires ou bien proche de l'être, et ce gouvernement n'a pas le coeur, n'a pas la bonne volonté, n'a pas la politique ou la pensée pour s'organiser à dire : « Oui, on va protéger les droits linguistiques des citoyens de la communauté d'Ottawa et de la communauté de Sudbury ou de n'importe quelle municipalité qui serait impliquée par ce projet de loi. » Quand on a un gouvernement provincial qui est prêt à aller à ce point-là, franchement il faut se demander où ça va s'arrêter.

Je vous implore une autre fois : vous avez l'opportunité comme gouvernement de garantir clairement les droits des francophones non seulement à Ottawa, non seulement à Sudbury, mais à travers la province où les municipalités vont être affectées par le projet de loi 25. On vous demande de donner une garantie dans la loi 25 qui dit que, s'il y a des services qui sont présentement offerts aux citoyens d'une communauté municipale, leurs droits linguistiques vont être protégés dans la loi. Si vous n'êtes pas préparé à donner cet amendement, si vous n'êtes pas préparé à faire les changements nécessaires à la loi, ça me dit une affaire très simple : vous êtes un gouvernement antidémocratique et antifrancophone.

**Mr Bradley:** In response to the speakers, first of all if you're wondering why we find this bill repulsive, I find the Henry VIII clause very repulsive—the clause that gives the government, that is the cabinet alone, the power to change any and every law necessary to accommodate the restructuring in any area. That is draconian to the greatest extent. That is the most undemocratic of provisions. If you want to come into the House in January and February and justify those changes, that's your business, but that is totally undemocratic. The 75 petitioners who can overcome the restructuring plans of locally elected people simply by saying, "We're not satisfied with that; we want to go to the province," I know who they'll be. They will be members of the Progressive Conservatives or, more important, very likely the Reform Party.

I want to say in response to my friend from Bruce-Grey, who characterizes himself as a rebel when he's up in Grey county but when he comes down here is strictly a government man—he votes the government, talks with the government—

**Mr George Smitherman (Toronto Centre-Rosedale):** He's all show and no go.

**Mr Bradley:** He's all show and no go. I can remember when we had to save Grey county from somebody giving out severances willy-nilly to friends. That was happening up in Grey county. I can remember when a man of integrity of that time, the planner, resigned as a result. I can remember that the Ontario Ministry of Agriculture and Food was opposed to a subdivision, but somehow it has been manoeuvring through.

I'll tell you, the people of Sarnia wish that in 1997 they had had somebody from Toronto intervene. There was no hearing held and now we have a leaking toxic dump in Sarnia.

**Mr Peter Kormos (Niagara Centre):** I should indicate that our critic, Gilles Bisson, will be speaking to

this, as well as members from Hamilton and Toronto and Sudbury, very shortly, in the limited amount of time that's available to us because of time allocation. But I also want to tell you that this is of great concern to me because I'm convinced that Niagara region is next on the list. You folks better know now that people in Niagara region want no part of a dictatorial imposition of new governance on their communities.

You should be aware of a survey that was done that was released last week that indicates that 65% of Niagara residents oppose amalgamation into a single city of Niagara and that 85% of residents want a referendum on any proposed changes.

I know where Jim Bradley stands. He stands in support of local determination of governance. I stand in support of democratic and grassroots determination of how people develop their communities and govern their communities.

We have two colleagues from the Conservative caucus. I'd like to know how the one is going to explain to Niagara-on-the-Lake what business it has being part of a huge Niagara megacity. I'd like to know how the other Conservative member is going to explain to the folks from Fort Erie, who have managed their community very well, thank you—a 1% drop in property taxes this year, a proposed 2% drop in the coming year. How's that member going to explain to them how they're going to fare better in a megacity where there's going to be higher taxes, less access to and less accountability by elected politicians, where only the very wealthiest and most powerful will ever run for city council. You guys are in for the fight of your lives when you try shoving this down the throat of Niagara.

**The Deputy Speaker:** The member for Durham has two minutes to respond.

**Mr O'Toole:** I think the member from Niagara Centre makes a very good point. It's very difficult sometimes to identify where members on the other side of the House sit, but it is clear on this side of the House that the members from Wentworth-Burlington and the member from Stoney Creek clearly stood up for their constituents.

On the other hand and for the record, I want to point out the member from Hamilton West, the member from Hamilton Mountain and the member from Ottawa South clearly have not stood up for their constituents or have not stood up to defend the actions they said prior to and during the provincial election.

For our area, I can only speak on behalf of the elected people there. Joe Drumm, a regional councillor from the town of Whitby, moved a notice of motion on December 6, it was seconded by Councillor Perkins, and they were asking clearly to resize government. With their actions and the tough decisions that they are prepared to make, I know that the members here, whether it's Jim Flaherty, Janet Ecker, Chris Hodgson, Jerry Ouellette or myself, will work with those members. They know they can count on this government to make the tough decisions, unlike the members on the other side who are speaking, by, really, that collective action of standing up and being

counted. Toni Skarica spoke with such passion and I can respect that. I know our leader gave him that opportunity. The member from Stoney Creek as well. They were very courageous to stand up for their constituents in this House, unlike the people on the other side of the House.

As I just take a couple of minutes, I'm only picking up on the comments made by the member from Niagara Centre, but clearly it is difficult to make difficult decisions, but stand in your place, vote to represent your constituents and they'll respect you in the end.

**2000**

**Mr Dalton McGuinty (Leader of the Opposition):**

Mr Speaker, just by way of preliminary comments I want to inform you that I will be sharing my time this evening, the one hour that our party has, with the members for Hamilton East, Sudbury, Ottawa Centre and Parkdale-High Park.

Let me say at the outset that it is a distinct pleasure for me to stand today in opposition to this undemocratic omnibus bill, a bill that is absolutely breathtaking not only in terms of the number of communities it is going to restructure in one fell swoop, but also in terms of the breadth of the new powers that the government is creating for itself.

Let me say right off the bat how deeply disappointed I am in the Premier, because despite all the rhetoric about how tough he is, when it came to this particular issue during the time leading up to the election and during the course of the election, he chickened out; he refused to tell Ontarians exactly what his plans were, the plans he had hidden up his sleeve. Just like his secret plan to close hospitals in the 1995 election, Mike Harris kept quiet his secret plan to restructure Ontario municipalities in the recent 1999 provincial election.

Not only did he keep his secret plan from voters, he kept it from his own candidates. That is why we have the spectacle now of witnessing Toni Skarica, Brad Clark, John Baird, Norm Sterling and Brian Coburn, who find themselves having to choose between voting either for a bill, the very provisions for which they stood dead set against during the election, or honouring the commitment made to their own constituents and voters that said they would never, ever stand up in favour of a megacity in Hamilton or in Ottawa. I think we have to conclude that at the end of the day Mike Harris was very successful in tricking his own candidates, and they went out and campaigned very hard on this issue. They knocked on doors, they printed literature and they said they would swear on a stack of Bibles that if they were elected this would never, ever happen.

When people asked, "How can we trust you on this very important issue, an issue of the utmost importance to us here at home?" they said, "Listen, Mike Harris gave me his personal assurance, and you can trust Mike Harris, because whatever Mike Harris says, Mike Harris does."

Very shortly, when we vote on this bill for the last time, on third reading, these five Tory members—John Baird, Norm Sterling, Brian Coburn, Toni Skarica and Brad Clark—are going to define themselves very clearly

and permanently in the eyes of their constituents. They are going to bring their character as representatives into sharp relief for all their voters to see. If they vote in favour of this bill, a bill whose provisions they were dead set against at election time, they will be making it very clear to their constituents that not only does Mike Harris not keep his word, but neither do they. If they vote in favour of this bill, they will be telling their voters that when the going gets tough and they have to choose between Mike Harris and the voters who sent them to Queen's Park, they choose Mike Harris.

So my unsolicited advice to these five is to choose wisely and to choose carefully, and to understand that when you vote tonight you'll be marking yourselves forever in terms of the kind of representative you are.

Let me tell you something about the anti-democratic nature of this bill. This bill isn't just about municipal restructuring. It's about weakening our democratic institutions and further centralizing power in Mike Harris's office. So I want government members, the backbenchers in particular, to carefully consider exactly what this bill would do. This bill will actually give the cabinet the power to change and even override any law previously passed by this Legislature. The cabinet will be able to do so without any debate in this House, without ever having to move first, second or third reading in this Legislature. These powers are, quite simply put, dictatorial powers, powers that even the Minister of Municipal Affairs himself admits are dangerous.

He says that he only needs these unprecedented powers for a limited period of time; these unprecedented powers will be a temporary measure. Well, I can tell you that the legislative landscape in our country is littered with measures that were designed to be temporary but proved ultimately to be permanent, the single most infamous temporary measure being of course the income tax.

But even if this measure was temporary, an anti-democratic law is no less anti-democratic simply because it happens to be temporary. We stand against this bill, we oppose this bill, not on the basis of how long it gives the government dictatorial powers, but quite simply because it gives this government dictatorial powers in the first place.

Let me say to the backbenchers, if you think you have no say on government policy today, think of what it will be like—

*Interjection.*

**Mr McGuinty:** The member asks how I know. Because I can see it in your face. If you think you have no say on government policy today, think of what it will be like when the Premier's office doesn't even need your vote to amend legislation. There will no longer be any room left in the Tory caucus for thinkers. There will be no need for thinkers in the back bench.

A Premier who fools his own candidates at election time, a Premier who takes power away from this Legislature, including his own back bench, is a Premier who is supremely arrogant. So it comes as no surprise that

Mike Harris didn't listen to his own special advisers who had urged him to make sure that he provided adequate, sufficient transition funding, who said that if Mike Harris was going to impose restructuring on local communities found in every corner of this province, then it was absolutely essential that the province should help cover those transition costs. But Mike Harris refused to listen—again. His arrogance got the better of him—again.

Not only has he failed to guarantee adequate transitional funding, but he has gone out of his way to punish local taxpayers in the existing city of Ottawa, and he's doing that by insisting that all of Ottawa's assets are to be shared in the new city but Ottawa alone is going to remain responsible for its debt. I can tell you that not only will this prove to be an accounting nightmare, this is patently unfair to the residents of the existing city of Ottawa. What the government is in effect saying to Ottawans is: "From now on everybody gets to use your home, everybody gets to enjoy the benefits of your important assets, but you alone, the people of the existing city of Ottawa, will be responsible for paying off your mortgage." No objective person, including the government's own special adviser, supports this unfair provision.

#### 2010

We've got to ask ourselves: Why is it that Mike Harris is doing this? Why is Mike Harris about to drive up Ottawa property taxes? I'll tell you why. He's doing this as a sop to John Baird, who is now in deep political trouble. Not only is John Baird the minister for francophone affairs who has abandoned francophones in Ontario, but he's also the minister from Nepean, of Nepean, who represents Nepean and who tonight, when he votes in favour of passage of this bill, will be signing the death warrant for the city of Nepean.

That's why we have this unfair provision in this bill. This discriminatory tax regime is being imposed on the new city of Ottawa and it may be of some immediate benefit to the people of the city of Nepean, John Baird's city, but it is a terrible basis, I can tell you, on which to found a new city.

It seems to me that if we are going to build a new city, we should ensure that the founding partners are drawn together in a spirit of cooperation, drawn together because the new relationship will be one of shared benefits and shared burdens, drawn together with a strong sense that in the new city, there will be a sense of all for one and one for all. I can tell you that the John Baird tax regime will make this co-operative, informing spirit all but impossible to achieve in the new city of Ottawa.

Then there is the matter of Ottawa's bilingual nature. I want to quote from Glen Shortliffe's report, the man chosen by Mike Harris to carefully consider the city of Ottawa, the surrounding communities and to come up with intelligent recommendations that accurately reflect the character of my community. This is what Mr Shortliffe said: "One of the most important issues raised during the public consultation process was the question of bilingualism. As noted earlier, more than 15% of the

population of the new city will be francophone." By the way, that translates into 120,000 francophones living in Ottawa-Carleton.

I continue: "Ottawa is also unique among cities in this province and country in that it is the capital of Canada.

"Our nation has two official languages. Our national government, centred in Ottawa, operates by law in two official languages. The national capital must be reflective of the character of a country as a whole and must recognize the presence in its population of a significant minority of francophones. In consequence:

"I recommend that the enabling legislation establish and designate the city of Ottawa as officially bilingual in French and English."

What has been this government's response to this? What has been Mike Harris' response to this? Sadly and tragically, it has been the same response offered by the minister for francophone affairs, John Baird. These two maintain that this is strictly a local issue. Mike Harris and John Baird are saying that the decision as to whether or not Canada, an officially bilingual country, should have as its new capital an officially bilingual city is strictly a local issue to be lumped in with other kinds of local decision-making like dog leash laws, beach closings, bus routes, garbage pickup.

I want to tell you that we in my party see this issue decidedly differently. We see this as an issue that cries out for leadership. We see this as an issue that demands that Mike Harris step up to the front and say loudly and proudly, "In my country, Canada, an officially bilingual nation, I will be proud to proclaim the new capital as an officially bilingual city." Instead of championing a bilingual Ottawa, Mike Harris, like John Baird, has run for cover. Both have now made it clear that as far as they're concerned the new city of Ottawa, Canada's new capital city, need not be bilingual. That's what they have said, the government of Ontario, one of the founding partners in Confederation, one of the original partners to the original pact that said, "We agree that in our new nation there will be two languages, two religions and two cultures." Now we have the government of the day ignoring that history, ignoring their responsibility to ensure that in our province we protect the minority rights of francophones and to ensure that in our country we have as our capital an officially bilingual city.

It is with a great deal of sadness that I have to report that my community, Ottawa, because of this government's refusal to play a role of leadership in connection with this issue, has been plunged into a divisive, disruptive, ugly and consuming debate. This government has run like a frightened rabbit from an issue that demands our collective best and instead has brought to it their personal worst.

J'ai un éditorial qui a paru dans *Le Droit* du 7 décembre dernier qui décrit très bien ce que Mike Harris fait aux francophones de l'Ontario. Je cite :

« Ou bien les conservateurs de Mike Harris n'ont rien compris, ou bien ils ont décidé de provoquer la communauté francophone de la région de la capitale nation-

ale. Entre l'ignorance crasse et la mauvaise volonté, il y a un fossé que le gouvernement Harris prend un malin plaisir à franchir...

« La goutte qui fait déborder le vase est la décision du gouvernement de ne pas désigner officiellement bilingue la nouvelle ville d'Ottawa qui émergera de la fusion des 11 municipalités d'Ottawa-Carleton. Pour bien comprendre la signification profonde de cette gifle, il faut réaliser que la capitale nationale d'un pays officiellement bilingue, membre du groupe des sept pays industrialisés les plus puissants de la planète, leader mondial pour la qualité de vie, dirigé par un Québécois francophone, ne jouira même pas du même statut que ce pays dont elle se veut le reflet.

« Au fin fond de cette désolante attitude se projette le spectre de l'intolérance et du rejet.

« Provoquer pour faire réagir; provoquer pour affaiblir; provoquer pour diviser; provoquer pour appauvrir; provoquer pour rapetisser. La stratégie se montre au grand jour et le risque est calculé. »

Mr Speaker, you will know that we have asked Mike Harris to grant us public hearings. We've asked him to allow those people who are going to be affected by the provisions of this legislation an opportunity to comment. There was a time in this Legislature where that was common practice. You introduced a bill, it received first reading, it then went on to second reading, and then members of this Legislature physically removed themselves from this precinct and went on the road and took the legislation to the people of Ontario and were eager to hear from those people.

Apparently that practice is anachronistic. Apparently it is now a thing of the past. Apparently it gets in the way of the expeditious passage of Tory legislation. Not only was Mike Harris too arrogant to allow public hearings, but he has also denied us the opportunity to even introduce amendments, to at least go some way towards making repairs to this highly defective bill.

**2020**

I can tell you that even before the bill was introduced we asked the government not to introduce a bill in an omnibus form. We said that if there were four separate special advisers who came up with four separate sets of recommendations affecting four separate and distinct communities, then surely, logically and in fairness there ought to be four separate pieces of legislation.

Not only do we not have four separate bills before us today, but what we have is the spectacle we're called upon to address in this legislation, as legislators, of dealing with a bill that talks about Hamilton, Ottawa, Sudbury and Haldimand-Norfolk all at once and would have us consider their restructuring fates all together, but at the same time this bill lumps in legislation on the number of Toronto councillors, legislation addressing Waterloo transit, legislation affecting how the Halton regional chair is to be elected, legislation governing new referenda rules and much, much more. All of this and just four short days of debate in this Legislature. If that isn't

arrogance, if that isn't a government that is drunk with power, then I don't know what is.

We understand now, of course, that there was a method to this government's mad rush to get this bill through. The government didn't want the public to catch on to what was to be found inside the bill. But I can tell you that we in our caucus have worked hard and have achieved success. We have exposed this government's dictatorial power grab. We have exposed your plan to allow 75 petitioners to wreak havoc in every county in this province. We have exposed a Premier who is too small-minded to understand how important a bilingual nation's capital is, not only to our province but to our country. We have exposed a minister for francophone affairs who has both betrayed and forsaken francophones. We have exposed an arrogant government hell-bent on ramming through an anti-democratic bill.

In conclusion, I want to tell you that I am proud to lead our caucus in opposition not only to this anti-democratic piece of legislation, but also to lead this caucus in our continuing opposition to this arrogant and anti-democratic government.

**Mr Dominic Agostino (Hamilton East):** I'm proud to follow on the comments of my leader, Dalton McGuinty, and his very eloquent speech which outlined the flaws in what is clearly one of the biggest power grabs in the history of this province, by this government.

I rise tonight with mixed emotions on a very difficult decision that we're faced with. As someone who for the past 12 years has fought in favour of one-tier government for Hamilton-Wentworth, I face the task tonight of having to vote against this piece of legislation by virtue of what this government has done with this bill and how they have distorted and taken away the democratic rights of Ontarians to deal with municipal restructuring.

It's the same difficult decision that I know my colleague from Hamilton Mountain faces and that my colleague from Hamilton West faces. All of us who have stood together and fought for what was in the best interests of Hamilton-Wentworth feel tonight that this government has betrayed the trust of the people of Hamilton-Wentworth and the other regions involved by this piece of legislation.

This bill lumps at least five municipalities in restructuring and downsizing and elected regional chairmen and so on into one massive bill. This bill gives new dictatorial powers to the Minister of Municipal Affairs to change any part of this legislation at his whim, in cabinet, in secrecy, without the public seeing the light of day.

This bill does not provide for transitional funding for my municipality of Hamilton-Wentworth, funding that is estimated to be at \$50 million, our cost of transition. This bill does not provide for public hearings where the people of Hamilton-Wentworth and Sudbury and Ottawa and other regions would have an opportunity to give some input and suggest amendments and changes to this bill.

In my own region this bill does not give adequate representation, in my view, to the people of Stoney Creek and Glanbrook and Ancaster and Dundas and Flam-

borough. Again, public hearings would have given us an opportunity to address those.

It is difficult tonight because this government, through their arrogant, stubborn approach to restructuring, has taken what should have been a good piece of legislation for Hamilton-Wentworth and Ottawa and other regions and turned it into an absolutely disgraceful mess.

Tonight is really for Hamilton-Wentworth. I want to focus my comments on my region, the second chapter in municipal restructuring. Twenty-five years ago in this same chamber a Conservative government led by Bill Davis imposed regional government on Hamilton-Wentworth against the people, against the will of Hamilton-Wentworth. Twenty-five years ago in this same chamber the late Mayor Victor Kennedy Copps was dragged out of here kicking and screaming by the OPP from that gallery in opposition to this, because he believed very clearly that what that government was imposing at that time was wrong. Mayor Copps stood in principle, and so did the people of Hamilton, in fighting a Tory government at that time.

Tonight we have really what is a second chapter in the process and evolution of the region of Hamilton-Wentworth, and I'm pleased we have with us tonight the regional chairman, Terry Cooke, in the west gallery. I know tonight for different reasons, and certainly in looking at Hamilton-Wentworth, it is a proud evening for Mr Cooke. He has run two successful elections as regional chairman on the basis of one tier for Hamilton-Wentworth, and he received the majority of the votes in every single municipality in Hamilton-Wentworth in the past two years in his fight for a one-tier government. He has invested more political clout and more political capital in this issue than, I would suggest, any politician in this House or outside this House.

I want to congratulate Terry Cooke for his efforts, his dedication, his persistence in bringing about one-tier restructuring for Hamilton-Wentworth. Unfortunately, for me as a legislator, who not only has to have the interests of my own community but the interests of the province as a whole when I make a decision, I cannot support this piece of legislation in front of us tonight. I can't support it for the reasons I stated earlier. However, I believe that clearly, for Terry Cooke and many of the folks at Hamilton-Wentworth, tonight is a night of vindication and a night they should be proud of, because they have got to this stage through their hard work and dedication.

As we go through this debate, we hear government members say, "The problems of the bill can be fixed." We hear the government members say: "Trust us. We'll fix it." May we remind this Legislature that it was this same Premier who a week, two weeks, three weeks, four weeks before the election stood up and said very clearly to the people of Hamilton-Wentworth, "We will not impose a solution on you." Brad Clark, the member for Stoney Creek, believed him and told his constituents so. Toni Skarica, the member from Wentworth-Halton, believed him and told his constituents so.

Although I disagree with the position taken on restructuring by Mr Clark and Mr Skarica, I understand very clearly how they feel betrayed by this Premier and by this government, how they feel let down by the government they ran for. They were promised during the campaign, and the people of Stoney Creek and Flam-borough and Dundas and Ancaster and Glanbrook were promised, by the Premier of Ontario, whose word you should be able to trust and believe, that he would not do this.

I know Mr Clark and Mr Skarica believed the Premier of Ontario. Unfortunately he let them down and he let the people of those municipalities down as well during the campaign.

### 2030

During the campaign we made clear what our position would be. We were upfront and honest with the people of Ontario, and the people of Ottawa and Hamilton. We said we would give a period of time for a local solution. Failing that, we said we'd bring in an adviser and bring about a solution if one could not be found locally.

There are substantial differences in how we would have handled this bill. A Dalton McGuinty government would not have lumped the municipalities into one bill. We would have had a separate bill for Hamilton-Wentworth and one for Ottawa. We would have addressed the issue of transitional funding, to make sure municipalities were given adequate funding for this change. Our government would have had public hearings. We would have gone to the people in those communities and said, "How can we fix this bill, how can we fix the problems you see in it, how do we make it a better piece of legislation?" This government has not done that. We would have substantially increased representation for the outside areas, the areas that feel they are under-represented. We would have made this bill a piece of legislation of which both the people of Hamilton-Wentworth and the people of Ottawa-Carleton would have been proud.

This government lost that opportunity. This government blew the chance to do the right thing. It became an exercise in power-grabbing. It became an exercise in giving themselves dictatorial powers. It became an exercise in simply trying, at the last moment before this House breaks, to give themselves more power than any government in the history of this province, and to impose their will on the people of Ontario without public consultation. That is a disgrace. It is a disgraceful performance by a government that has become arrogant in many ways and, I suggest to you, has become corrupt with power. This bill is a fine example of that.

It bothers me no end and it makes me angry that this government, in their unprincipled and, I suggest, immoral approach to this issue, is forcing me to vote against this piece of legislation. I believe that one-tier municipal restructuring is in the best interests of Hamilton-Wentworth. I've had the privilege and good fortune to live in Hamilton most of my life. My parents immigrated to that great city over 30 years ago. They worked hard,



raised a family and taught us the value of trust and community involvement. They made sure we understood that being a member of our community had many rewards but also many responsibilities.

Each community is distinct. Hamilton East, my own riding, a strong manufacturing and industrial setting, is home to many hard-working families. Our wonderful mix of residents is different from many other parts of Ontario. Everything we do in this Legislature has an impact on every community across Ontario.

However, as it relates to our region, our sense of community, our sense of pulling together, our sense of working as a unit has been lacking over the years as a result of the structure and the type of government we've had. The concept of working together in this age of economic change and evolution that we're facing is more important than it ever was. I understand the concern for community identity by the people in Stoney Creek and the people in Flamborough and Dundas and Glanbrook. But I believe a sense of community is not simply in the structure of government that you have. It's a history which will continue; it's the character of the community which will continue; it's the tradition, the festivals and the coming together of people. All of those things will continue in those areas outside the city of Hamilton. I know the people in those regions and those areas will continue the fine traditions and history that they've had.

However, for us to make our community even greater, we need to come together. We need to be one economic unit. We need to share one tax base. We need to work a new structure that has the capability to manage the changes that are occurring across Ontario. We need a unified system of local government in Hamilton-Wentworth to reflect this reality. We need a system that can offer transparency and openness to the taxpayers so we can hold our local government accountable. We need a single local government in Hamilton that will enable Hamilton-Wentworth, with one voice on the provincial stage, the national stage and the global stage, to act together and collectively.

The six municipalities in our region share a single labour market. We have an economic region that I believe is second to none across this country. We must form a government to enable our community to speak with one voice and better coordinate all our resources to compete for investment and jobs across Ontario.

We need a form of local government that will work and knit together the city and the suburbs because their fortunes are intertwined. If the city does well, the suburbs do well; if the suburbs do well, the city of Hamilton does well.

It is for those reasons that I rise with a great deal of sadness tonight to have to announce to the people of my community that I have to vote against this piece of legislation. I say to the Tory government and I say to the Premier, you should be ashamed of yourself for what you have done. You should be ashamed for the betrayal of the people in these communities. You should be ashamed for how you've handled this piece of legislation, and for

missing a golden opportunity, just for once, to do the right thing. You didn't have the political will to do it. You were more interested in playing cheap, political, sleazy games with the people of those regions rather than bring in good legislation that was beneficial.

Although it's difficult, I feel very strong and very principled in standing here this evening and speaking against this dictatorial, bully, thug bill that Mike Harris and his henchmen are bringing about. I think time will surely show the flaws in this piece of legislation, and time will clearly show once again that the Mike Harris approach to simply grabbing power and being a dictator in everything they do—and let me you, what you've done with this legislation would make most Third World dictators blush. You've outdone them all.

I stand united with my colleagues tonight in voting against this and I stand united with my leader. May it send a clear message to this government and to the people of Ontario that our principles, what we believe in, and our values are more important than the political games they're trying to play across the floor.

**Mr Rick Bartolucci (Sudbury):** I'm very happy to be able to join the debate this evening. As a former city councillor and as a former regional councillor, we all saw the need to find efficiencies within our city and within our region. In 1979-80, we as a council set a goal of becoming debt-free within 10 years. Because we had very good municipal politicians, who not only cared about the people they represented but were fiscally responsible, we were able, in the city of Sudbury, to become a debt-free city by 1989.

We have maintained our debt-free status from 1989 to today. We've been able to do that without raising taxes. We have been able to do that without decreasing services and without raising user fees, up until four years ago, and then we had to decrease services, we had to raise user fees. The reason for that was because of the offloading of this government and because of its downloading on to municipalities. But we in the area of Sudbury, both in the city and in the region, did not lose sight of the importance of finding efficiencies. Certainly I give full marks to the present city council and to the present regional council for the work they've done over the years in ensuring that the people in the regional municipality of Sudbury and the city of Sudbury were always treated fairly and were given the services they required at reasonable rates.

So when the government decided that they would implement a restructuring initiative, I wasn't totally opposed to it. In fact, I think, up until the minister got his hands on the process, it was a rather good initiative. Certainly Hugh Thomas, who was the special adviser to Sudbury, who is in the audience tonight, came to Sudbury and he met with the people. He fulfilled his mandate. He reported back to the minister and to the community what his recommendations were going to be. The reality is this bill does not reflect Hugh Thomas's recommendations to and for the restructuring of the regional municipality of Sudbury.

I guess that's where we have to talk a little bit about this government and its inability to treat areas with fairness. I would love to be able to debate the pros and cons of Hugh Thomas's restructuring report for Sudbury. But the reality is, that's impossible, because Bill 25 does not allow us to separate Sudbury from Ottawa from Hamilton from Haldimand-Norfolk. This government has chosen to put everything in one omnibus bill. What happens, then, is that you have to look for the inequity within the legislation that doesn't treat people fairly.

Let me give you just two examples. In Hamilton, after all this is finished, Flamborough will have the option of opting in or out of this new restructuring plan. In Ottawa, West Carleton will have the opportunity of opting in or out of Ottawa's restructuring bill. But do you know what? With the city of Sudbury, the towns of Nickel Centre, Walden, Onaping Falls, Capreol and Valley East do not have the same opportunity to do that. To me that's blatant discrimination. It may not be on purpose, but it provides for unfairness in the legislation. I believe the residents of the city of Sudbury, the regional municipality of Sudbury, the greater area of the region of Sudbury, deserve the fair and same opportunity as other people who may be located in Ottawa or in Hamilton. That's one place that this legislation isn't fair.

**2040**

Another area with regard to fairness that I think we have to comment on is with regard to transitional money for the restructuring plan. Everyone remembers the \$50 million that this government gave to the city of Toronto and the famous words by Mayor Mel: "Show me the money." Mel got \$50 million free. He got another \$100 million one year and another \$100 million the second year in an interest-free loan. The city of Toronto got \$250 million. Chatham-Kent went through the same exercise. Chatham-Kent received \$22 million. The minister has decided that the residents of the city of Sudbury will receive no transitional money, not one penny. Whether or not they realize it, that's called discrimination. You're not treating the people in the region of Sudbury the same way you treated the people in Toronto or the people in Chatham-Kent. The people of Sudbury are concerned about that. Certainly the chamber of commerce has sent a letter to the minister, our council has passed a resolution, and every player in the city of Sudbury and the region of Sudbury believes this government should be picking up the total cost of transitional dollars. Until you do that and until you commit to that, I believe your process is flawed completely.

I'm only going to spend a few moments on French-language services. I would only hope, as Hugh Thomas did, that this government would spell out clearly what its plans are for French-language services. We know that the regional municipality of Sudbury, at its last council meeting, passed a resolution asking—no, demanding—that the minister ensure that French-language services are enhanced and enriched in the new city of greater Sudbury. I only wish this was spelled out somewhere in the report. The reality is, for you not to spell that out

again shows discrimination. I don't know if it's on purpose or not, but it's there. I believe that only you can rectify that problem.

I would suggest to you that it is extremely important for the citizens of Sudbury that your repeal of section 62 of the Public Utilities Act puts our city at a great disadvantage in bargaining with Union Gas to decide the ownership of what's beneath the ground. As you know in this House, and certainly the residents of the city of Sudbury and regional municipality of Sudbury are aware, that is an ongoing battle between the city of Sudbury and Union Gas. The battle is over. The government has stepped in and decided, "If we repeal 62, the big company wins and the citizens of the city of Sudbury lose." I believe that's a form of discrimination. Whether or not you mean it, it's there. So far almost every point that I've spoken about comes back to the fact that there is the feeling that once the minister has touched this, the citizens of the greater region of Sudbury are being discriminated against, and I believe that's wrong.

I believe there are severe flaws with regard to the collective bargaining issues that are spelled out in this legislation. Hugh Thomas did a very good job at solving those problems, or at least recommending what he thought was a solution to those problems. It's not found in this omnibus bill. For whatever reason, it's not found. I wonder, was that on purpose or was it by accident? I would suggest to you that it is critical that you understand the very sensitive nature that this type of legislation has when you talk about collective bargaining and the right of those who are bargaining in a collective manner and in a fair manner.

I believe that an easy way around all the problems I've mentioned would be to have public hearings. My leader, Dalton McGuinty, from the very beginning said that, at minimum, you have to have public hearings. You have to split the bill, you have to go to each of the cities and towns affected and have public hearings. All I really wanted and all the people of Sudbury really wanted was one day of public hearings, one day when you could hear from the people of Sudbury what they felt about this particular piece of legislation. The government will say, "We had 10 years of consultation." You have not had one second of consultation with regard to this bill, this restructuring initiative, with the people of the regional municipality of Sudbury; or with Ottawa or Hamilton or any other affected area. You have not had one single moment of public hearings. If in fact you wanted this to work in the most democratic of ways, you would at least have had one day of public hearings in the city of Sudbury.

**Mr Kormos:** On a point of order, Speaker: This member has carried on with—*Failure of sound system*—NDP caucus.

**The Acting Speaker (Mr Michael A. Brown):** Do we have unanimous consent? No. The member for Sudbury.

**Mr Bartolucci:** It may not be new to Mr Kormos, but he should know that the people of Sudbury are very

concerned about what I'm trying to explain to the government. I suggest to the member that he would do well to listen to what the concerns of Nickel Belt and Sudbury are.

I would suggest finally that, when we're talking about savings, we listen to what the mayor of Chatham-Kent said on December 17. I'm concerned that the members on the government side think there's huge savings in restructuring. The reality is there haven't been huge savings in the city of Toronto. Let's see what the mayor of Chatham-Kent says in his December 17 report in the Daily News.

"Chatham-Kent property owners are facing a tax increase next year of 1% or 2%, says Mayor Bill Erickson. That increase would be into double digits if council does not authorize borrowing millions of dollars to purchase big-ticket items.... 'I don't want to borrow money. But it's just not possible to get us out of our boondoggle,' he said.... He criticizes the provincial government for encouraging and forcing the reduction in municipalities and not providing enough start-up money.... "The dissolution of 23 municipal governments into one 'was not the savings extravaganza we were led to believe it was,' Erickson said."

I believe those are words worth heeding when you decide to vote either for or against this legislation.

In conclusion, I will be voting against this piece of legislation for the reasons I described earlier but also because I was brought up with the old cliché that the end doesn't justify the means, and the means are flawed here.

2050

**Mr Patten:** It's a pleasure for me to speak on this bill—actually, a displeasure, because I find quite disheartening this bill's coming forward. But at least tonight one thing was clear, and that is that our leader, Dalton McGuinty, unequivocally identified, point by point by point, why we from Ottawa did support the idea of having one city and why we can't with what you have introduced and the undemocratic nature of all the things you've introduced in this particular bill.

**Hon Janet Ecker (Minister of Education):** On a point of order, Mr Speaker: I'd like to point out in the gallery Milt Farrow and Hugh Thomas and thank them for their work.

**Mr Patten:** Thank you very much. Welcome. Do it on your time.

In probably an hour and 10 minutes we will see this bill passed by the majority of the members in the House on the government side, with no hearings, being put through in a few days, contradicting the recommendations of the commissioners, not allowing any other kind of input at all. And they call this a democratic institution.

Ian Urquhart said, "As the fall session at Queen's Park winds down, it is becoming increasingly clear just how far the pendulum of power has swung from the Legislature to the executive in this province." There's a clause in this particular piece of legislation that, if for no other reason, I would vote against it, because it gives the power, totally behind closed doors, to the cabinet, the

executive council, to make any decisions they want, any modifications they want, without having to come back to this place, which has the representatives of all the Ontario communities that are affected and representatives from all of Ontario.

So why are we not supporting it? It's an omnibus bill; we advised not to put it all in one bill. Historically, each region had its own piece of legislation; we had a piece of legislation. If we'd looked at Ottawa-Carleton separately, or Ottawa, a new Ottawa bill, believe me, it might be a very different thing. Would it take more time? Yes, it would take more time. Would we be prepared to come back in January for another week or so? Yes, we'd be delighted to do so. But no, the government does not want to do that.

The commissioner, Mr Shortliffe, recommended, as was pointed out by our leader, that the city of Ottawa "be legislatively designated a bilingual city with services to be provided in both official languages where warranted." All the government had to do was accept the recommendation—as simple as that. Now, as our leader has said, we're going to have one hell of a hornets' nest in our community, because this will appeal to APEC, those people who want to see only English and don't want to see any French, or any French services even, for some of our francophone colleagues.

He also went on to recommend—and I want to spend most of my time on this because, frankly, my community will be most affected by this; if this legislation is not amended, the taxpayers of Ottawa will be paying more in property tax by virtue of this legislation. Mr Shortliffe recommended that "reserves, reserve funds and net long-term debt be pooled and be carried forward to the new municipality." Of course, what happened? The government wants to change that and say: "Uh uh, no pooling. Just pool the assets. Never mind pooling liabilities."

I want to refer to the member from Ottawa West-Nepean, Garry Guzzo. I thought he made an important point in speaking on this bill on second reading, where he said: "It's true that some municipalities have been frugal, some have been prudent, and others have not; some have major reserves." However, some have major assets.

It also shows that when the new region was in place, Ottawa taxpayers contributed 89 cents of every dollar to the region for its expenditures in the early 1970s. It dropped to 70 cents, but it's probably still fairly high and the largest amount. That all went to put roads and sewers in south Nepean, water and sewers through the rock in the west to form the new city of Kanata, water and sewer lines to Orleans etc, etc. Did it squander its money? No, but it did carry debt because it paid the most amount of money to that.

I only have one minute and I would like to finish on this note: Because this legislation will go through with no amendments, I would like to see the minister stand in his place and recognize the prejudice, tax-wise, that the Ottawa taxpayers will be facing and that he will be able to do something about it by virtue of having some authorities within, by regulation or otherwise, for the people of Ottawa.

**Mr Gerard Kennedy (Parkdale-High Park):** It is a very muffled pleasure to be able to speak tonight. It is our only chance to speak to this bill, our only chance to talk to the Tories, who are like some junkyard dog grabbing again the cuff of the city of Toronto and doing whatever the heck they like, with no more thought, preparation or consideration than some unthinking animal. This is the government that would not listen when the megacity was being brought up and this city voted to have this government respond in a certain kind of way; they couldn't bring themselves to listen to the people who live in this city.

Again tonight we have brought forward to us, in the bluntest, least imaginative and least careful way, some kind of proposition to reduce the number of councillors. Has this government taken the care, or does it even have the care to know whether the megacity is working, to see whether the actual burden they're putting on it, the extra debt, for example, that the city of Toronto has got, the lack of prospects it has for housing, for transit—if those things are working? Does it care whether the largest metropolitan area in the province really is functioning after the experiment foisted on it three years ago? It doesn't, and we have clear proof of that tonight.

A mad rush, an unthinking rush—the pure characteristic of this government to run after what it doesn't understand. And what it doesn't understand is the diversity and the success of this city. It doesn't know why we've got world-class companies here. It doesn't really appreciate why we're able to tolerate and, more than that, respect and understand so many different people, because we haven't had this kind of reckless, backhanded approach to our method of governing.

We haven't tried to do what this strange, strange comic book revolution version of Tories has brought itself to, which is Soviet-style central control. There's only one idea in this unthinking brute, and that is that bigger is better. That idea gets applied over and over and over again, with never any relief, because there simply isn't the care, the attention or the respect for government and the civility of people living together, particularly in a complicated place like the city of Toronto.

Simply put, what we're concerned about is the function of the megacity overall. The number of councillors should relate back to its function in terms of how it allows people of diversity to live together. What kind of communities will they still feel they have three, four, seven and 10 years from now if somebody isn't there to answer their calls, if somebody isn't there to understand a new community coming to this city, being able to appreciate how it needs to be working, getting the care and attention?

Frankly, there are some members opposite who don't live in those kinds of communities, and I don't begrudge them one bit. What I do begrudge is them foisting this without hearings, without listening, a second time. Just to add that extra bit of insult, the salt in the wound is what we have coming from this government. It's very sad. It really reflects, however, what the people of Toronto have

come to expect, and they administered some of the correction they expect at the last election.

While the members across sit floating above their chairs, powered by the arrogance we see from them these days, we understand that there is reckoning for each of these members, who feel so omnipotent that they don't even have to talk to the people who live here, don't even need to try and understand the people who make the real strength of this province. It's not about the dollars, it's not about the taxes; it's about the people who live here and the quality of life they have. You, the government, have made these people feel like they don't belong because you don't give them the time of day. Instead, in some kind of twisted version of big government, you know better, you know what they need and you're going to do it for them. That kind of Tory paternalism went out 50 years ago, and so will you eventually.

We have a job to do here today. Our job is to make sure that the people of Toronto and the people of the other municipalities being crammed together in this incredibly arrogant bill appreciate that this government had choices. It could have gone to hearings. It could have listened to people. It could have come up with, for example, some way to avoid its mistakes. Every single omnibus bill that has passed in this House has cost us millions of dollars, billions of dollars: \$2 billion more for hospitals, huge mistakes in terms of the megacity itself. We see, however, that this unthinking brute, this government that can't learn, can't listen, is going to shove this thing through tonight.

**2100**

**The Acting Speaker (Mr Michael A. Brown):** Questions and comments?

**Mr David Christopherson (Hamilton West):** In the two-minute response I have, I'd like to pick up on the issue of a number of changes that ought to be made that won't be made because there aren't going to be any amendments; a number of things that clearly ought to be looked at that create real problems for us in the community of Hamilton-Wentworth.

Number one, there's still lots of room in the numbers being put forward on the new city council to provide for more representation for the suburban members. There's lots of room to do that and you would have support from members on both sides of this House, yet because we can't place any amendments, we can't have that debate and that can't be done.

Second, we're told verbally through the Minister of Municipal Affairs that Flamborough, one of the component municipalities in the new city, may or may not be in the new city. We don't know. How the transition board and the regional council and the city councils—and by the way, I would point out that the regional chair, Terry Cooke, is here this evening—make decisions, not knowing what the parameters of the new municipality are, is beyond me. You leave this unanswered.

The Henry VIII clause, the infamous subsection 37(2), where you give yourself the power under regulation to change the very act where the power to regulate comes

from in the first place: obscene, absurd, probably unconstitutional, yet it remains because we can't have any amendments.

The power of the transition board: Again, how the local municipal councils and the regional council decide where they have any authority left is beyond me. This transitional board has all the power, and under this law the cabinet can give them even more power if they decide to.

Lastly, in terms of the transition costs, where's the assistance for what you're imposing? Where's the recognition that the senior level of government, yes, has the power to make this change, but you also have a responsibility to ensure that the local municipality doesn't lose money in responding to your imposed change.

These are just a few of the very things that we could deal with if we had time, but you're shutting down debate and we don't get that time.

**Hon Tony Clement (Minister of the Environment, Minister of Municipal Affairs and Housing):** I rise to comment on the honourable member's remarks—a lot of sound and fury certainly detectable in the tone of his voice. But I want to assure members of this House and the public at large that this bill is about giving the taxpayers a break. It is about delivering services better for less, about the citizenry having services delivered without waste and duplication. That is about how to deliver services in the modern age in a way where there's accountability, where there is certainty that the people of a particular jurisdiction have services available to them in a way and in a manner that is consistent with the demands the citizenry put on their elected representatives. That's what this bill is about.

Is it particular to the areas affected in Bill 25? Certainly not. This has been a challenge that this government has faced since 1995, and it is not particular to these particular jurisdictions. This is a challenge for all of Ontario. This is a challenge relating to how best to deliver the services in a way that is accountable, in a way where the citizenry can be assured that waste and duplication does not occur on a regular basis. This is a challenge that goes beyond Bill 25.

Is Bill 25 part of the solution? Yes, it is. It is a milestone along the journey. But the journey does not begin or end with Bill 25. This is a constant challenge that this government is willing to take on, to make the tough but necessary decisions to ensure that the people of Ontario have better services, have more accountability, have a way to ensure that the services they demand are delivered in the best possible way, both at the local level and at the provincial level. Our job is not done, but we will not rest until we have better services for Ontario.

**Mrs Marie Bountrogianni (Hamilton Mountain):** Thank you for allowing me to enter into this debate. Once again I'd like to say that it's not the efficiency of one-tier government that we're against; we are for this. I was part of the constituent assembly as a citizen and I heard from all sides of this argument that we needed to be more efficient, needed to be more organized and co-

ordinated, and that we couldn't come to a local decision without outside help. We're in agreement with all that. What is disturbing is the omnibus nature of this bill. Non-partisan experts have said that it may be unconstitutional. Why can't we take a little more time? We are willing, on this side of the House, to come back in January for a couple more weeks to hold public hearings. Everyone knows that for a final report to be totally vetted, it has to be given a public hearing, one last time, for the details to be discussed.

**Interjection:** One more delay.

**Mrs Bountrogianni:** One more delay that would be well worth it, because the citizens would get one last chance to look at the details. The devil is in the details in this bill. It's not in its goal; it's in the details.

I reiterate what the member for Hamilton West said about Flamborough. How can the transition board make good decisions when they don't know how one part of the region will fit into this new puzzle? The fact that the cabinet will have all these major powers that, before, were based on democratic vote in the Legislative Assembly is scary.

Of course, one other major problem with this bill—and this is totally confusing to me. What would it take to agree to make Ottawa a bilingual city with this bill, to confirm our capital city as a bilingual city? It has stirred up an already emotional issue in our country and in our city.

As Dalton Camp has said, Harris has brought out the worst in people of this province, and continues to do so with this bill.

**Ms Shelley Martel (Nickel Belt):** In a democratic society people have a fundamental right to determine how they're going to be organized, structured and governed. People in my community under this bill don't have that right. People in the unorganized communities, people in the outlying areas, like the one I live in, will have annexation and amalgamation shoved down their throats. That is one of the most unacceptable aspects of this bill.

But what's worse is that in two Conservative ridings and two communities in those ridings, people will have a chance to have a vote. They cut a special deal for two of their own. Under the bill, section 36, "For the purposes of section 8 ... the minister may require a question to be submitted to the electors of all or any part of the municipal area." So in Flamborough they can decide whether or not they want to be part of Hamilton, and in West Carleton they can decide whether or not they want to be part of the city of Ottawa. I think it's disgusting that a special deal was cut for two Conservative members.

The government tries to sell this on the basis that there will be annual savings, and in my community it's supposed to be \$8.5 million. Well, if only this were so. We know that the region of Sudbury is already going to pick up the costs for the transition team, as per this legislation. By the time this is finished, we'll end up picking up the \$12 million of transition costs as well, under this legislation, because already in the legislation

there is the regulation-making power that the city may undertake long-term borrowing to pay for operational expenditures on transitional costs. So I think it's already in the bill, and when this House is finished sitting, then the government is going to lower the boom on my community and many of the others.

We know that the downloading by this government is going to continue. A month ago, \$56 million was downloaded on to municipalities. In the next two years, when this government tries to save another \$600 million, you bet more costs will be downloaded on to taxpayers in my community.

This bill is arbitrary; it's undemocratic. The powers of the transition team are unbelievable. You may ram this bill through, but there's nothing democratic about it.

2110

**The Acting Speaker:** Response?

**Mr McGuinty:** I listened with interest to the Minister of Municipal Affairs tell us—and this is a common refrain we hear from this government and its representatives—that they made the tough decisions. I can tell you that we have quickly learned that “tough” is code for moving in an undemocratic way and imposing legislation on the people of this province which they've had no opportunity, through us, the duly elected representatives, to properly scrutinize, to intelligently debate; no opportunity to put forward amendments, no opportunity to travel around the province by means of committee and allow people some input into legislation that is about to affect them in the way they lead their daily lives. That's what this government means when they tell us that they make the tough decisions.

It seems to me that if the government wanted to make a tough decision—I gather it's tough from their perspective; it's not so tough from our perspective—then it would proudly proclaim the new city of Ottawa, Canada's new capital, as being officially bilingual. This is hardly a stretch. This is not coming from out of the blue. This is only in keeping with the recommendation of Glen Shortliffe, the man chosen by this government, who carefully considered the unique characteristics of our community and who put forward an eminently sensible and reasonable recommendation. He said it's absolutely essential that in Canada, a bilingual country, we have as the nation's capital a bilingual city. That is a tough decision, and this government doesn't have the guts to make it.

**The Acting Speaker:** Further debate?

**M. Bisson :** C'est épouvantable qu'un gouvernement provincial de la province de l'Ontario s'oppose de la manière qu'il fait pour s'assurer que les droits linguistiques des francophones à Ottawa et à Sudbury et dans d'autres communautés ne soient pas respectés.

C'est épouvantable qu'un gouvernement irait au point où il est allé dans les dernières quatre années pour s'attaquer aux droits des francophones.

Savez-vous, c'est même plus épouvantable que je suis le seul parlementaire francophone qui s'exprime en français contre cette attaque à la communauté francophone de Sudbury et d'Ottawa.

**Ms Frances Lankin (Beaches-East York):** It's incredible to see the haste with which this government continues to act on issues of fundamental importance to citizenry, to citizens, to the democratic process. Here we are again tonight in a situation where the government, because of their time allocation motion, won't even allow us equal participation in debate on fundamental issues affecting our constituents.

I am opposed to this bill for a lot of reasons. I don't have time to list all of them, but let me tell you some of them. This is a forced amalgamation, something that the Premier of this province said he would never do. There is a refusal here to allow democratic input by citizens, democratic control over their own futures of how they are governed, having communities make those decisions for themselves.

It is forcing changes in four different regions of the province—five, including the restructuring of the number of councillors in the city of Toronto—without looking at them individually; all forced through in one bill, when each of the different regions has different issues to be considered.

They cherry-picked from among the commissioners' recommendations. They can't even hide behind the fact that this is what was recommended. We have recommendations that should have been dealt with, in terms of official bilingualism for Ottawa, that you're refusing to deal with. We have extraordinary powers to the transition boards that are being set up, and even more extraordinary powers to the cabinet: the Henry VIII clause that will allow you, with this law, to change any law in the province of Ontario without coming through a legislative process—by the stroke of the pen, done in a cabinet room behind closed doors.

You've now gone about making private deals with Tory backbenchers about what parts of the law will be implemented and what won't. I'm referring to a letter to Bill Murdoch, the MPP from Bruce-Grey, from the minister himself who says very clearly that he will not implement the section of the law that would allow, upon petitioning of 75 members of a community, for restructuring to be initiated. This is not something that's been sent to me. I've not been assured of that for my community. Backroom deals with Tory backbenchers—at least Mr Murdoch got it in writing. I'm sure Mr Skarica wishes he'd got his backroom deal in writing before the election.

Let me talk about what this does to my community, to the community of Toronto, where you are forcing a change in the number of councillors. I've spent time and energy working with people from East York—Team East York, the councillors in East York, the city council—and with members across the floor to bring about a private member's bill to ensure fair representation for the constituents of East York. With the stroke of a pen in this bill you're wiping that out.

How did this come about? It came about because some councillor, rumoured to be Tom Jakobek, met with some cabinet minister, rumoured to be Chris Stockwell, and in

a back room they hatched up a deal and within one week floated the balloon and put it in a piece of legislation and it's here, at the same time as we were out in the community dealing with petitions, moving people forward and their views coming forward to the Ontario Municipal Board about how wards should be structured, about how people should be represented. We were out democratically participating in what we thought was a fair process, while in the back room you were cooking up a deal to strip us of those rights, to strip citizens of their rights, to make their participation absolutely moot, that process absolutely worthless in the whole scheme of things.

It is incredible that we continue to see a government that gives no heed whatsoever to the participation of citizens. A member across the floor earlier said that hearings are just a further delay. They used to be part of the democratic process in the province of Ontario and now listening to the people is just a further delay. You said in your backroom deals with your Tory backbenchers that you can't move an amendment on the section that the minister promises not to implement because there isn't time to move amendments. Why? Because the government House leader will only say: "We'll only give you enough time in committee of the whole to move amendments to deal with our amendments. We don't want amendments from the opposition. We don't want to hear from the people in the community and the issues they would bring forward. We're going to shut down the democratic process, and if you don't agree to it being time-limited, then we won't do anything at all."

That's the democratic process we're left with. People in Toronto have had no say in this bill. We had no inkling before two weeks ago that this was coming forward, and you're going to ram it through and go on your merry way. That's democracy in Ontario. I am ashamed of what this government has become.

**Ms Marilyn Churley (Broadview-Greenwood):** This is no night to be polite in this House, and I'm not going to take the time to thank people for the few minutes I have, the privilege I have tonight, to speak to this bill, a few minutes to talk about a bill that is of such monumental importance to my constituents and indeed the whole city of Toronto.

What a sad and disgusting display of contempt for Toronto by these Tory hordes once again in this House. I am really sick of it and the people of Toronto are really sick of it. There are no public hearings, no amendments—debate cut off. The members of this government know that the people of Toronto voted against the megacity overwhelmingly, but then, after it passed against their wishes, they operated in good faith to at least try to make it work. They went before the OMB committee hearings. Margaret Simpson, a resident of East York, yes, fought hard against the megacity and yes, ended up losing at the OMB, but at least she took part in a process that was put in place for a year and a half after a previous minister, in fact two, said that after they passed the megacity bill they would not interfere, that they would

leave it up to the city of Toronto and the council to decide on the number of councillors and boundaries.

Then all of a sudden, out of the blue, because of a deal cooked up in a back room, suddenly the council has a gun held to their head and they're told: "You cut to 44 or you'll get 22. That's the deal." And suddenly we have city councillors saying, "Yes sir, yes sir, we'll go to 44, because we don't want to be reduced to 22." You've taken away the democratic rights of the people of the city of Toronto and the council of this city.

I used to be a member of the city council. There are other members in this House on the Tory side who used to be—shamefully, I'd say now—members of Toronto city council who sit here and denounce what we're saying tonight and say this is the right thing to do. I don't understand what has happened to these people since they came to government when they think that public hearings and hearing from the people are actually holding things up, a waste of time. But that's what we've come to in this city of Toronto now.

It has absolutely gotten out of hand. There is no justification for what you're doing to the city of Toronto. You made a promise that they could continue working out, structurally, themselves after you forced the megacity on us. This is not a democracy. You laugh over there when we say it's turned into a dictatorship. What in the world would you call what's going on in this place if not a dictatorship, when you will not allow the opposition enough time to speak in the House on it? What do we get tonight? Ten minutes on such an important bill. You will not allow amendments. You will not allow the public to speak to the bill. That is pure dictatorship and it's getting worse daily.

I want to say to people who are watching out there and to people who perhaps are giving up, thinking as they themselves say, "The debate is over, they won again," it isn't over. The debate is not over. I would say to people to keep up the fight, because we can throw those rascals out one of these days, once people see what's really going on, and you sure are helping the people.

This really is about democracy, it really is. I'm disappointed to see that the members don't even see that and won't even listen to it. This government has taken on tremendous powers. They even now are removing entirely the city of Toronto's power to make changes to the number of wards and the number of councillors, and they're not merely suspending it for this election; they are doing that just to the city of Toronto. What is going on here?

This debate will be over in a minute or so, and we're going to take a vote. All these people are going to stand up—they're chuckling and laughing—and are going to vote for this tonight, but what they are doing is unforgivable and they will pay. Mark my words: They will pay.

**The Acting Speaker:** Pursuant to the order of the House dated December 16, 1999, I am now required to put the question.

Mr Klees has moved third reading of Bill 25, An Act to provide for the restructuring of four regional muni-

cipalities and to amend the Municipal Act and various other Acts in connection with municipal restructuring and with municipal electricity services.

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

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

*The division bells rang from 2122 to 2132.*

**The Acting Speaker:** All those in favour will stand one at a time to be recognized by the Clerk.

#### Ayes

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

**The Acting Speaker:** All those opposed will please rise to be recognized by the Clerk.

#### Nays

Agostino, Dominic	Crozier, Bruce	Martin, Tony
Bartolucci, Rick	Di Cocco, Caroline	McGuinty, Dalton
Bisson, Gilles	Duncan, Dwight	McLeod, Lyn
Bountrogianni, Marie	Gerretsen, John	Parsons, Ernie
Boyer, Claudette	Hoy, Pat	Patten, Richard
Bradley, James J.	Kennedy, Gerard	Peters, Steve
Christopherson, David	Kormos, Peter	Pupatello, Sandra
Churley, Marilyn	Lalonde, Jean-Marc	Ruprecht, Tony
Clark, Brad	Lankin, Frances	Skarica, Toni
Colle, Mike	Levac, David	Smitherman, George
Conway, Sean G.	Martel, Shelley	

**Clerk Assistant (Ms Deborah Deller):** The ayes are 53; the nays are 32.

**The Acting Speaker:** I declare the motion carried.

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

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: Given that the Premier is here for the first time in a week, I seek unanimous consent to revert to question period.

**The Acting Speaker:** Do we have unanimous consent? No.

**Mr John Gerretsen (Kingston and the Islands):** On a point of order, Mr Speaker: I would like to request unanimous consent to pass Bill 22, An Act in memory of Sergeant Rick McDonald to amend the Highway Traffic

Act in respect of suspect apprehension pursuits, so that it can be given third reading today.

**The Acting Speaker:** Is there unanimous consent? No, there is not.

**Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader):** Mr Speaker, I request unanimous consent to be given permission to call again Bill 22, An Act in memory of Sergeant Rick McDonald to amend the Highway Traffic Act in respect of suspect apprehension pursuits.

**The Acting Speaker:** Is there unanimous consent? Agreed.

#### SERGEANT RICK McDONALD MEMORIAL ACT (SUSPECT APPREHENSION PURSUITS), 1999

#### LOI DE 1999 COMMÉMORANT LE SERGENT RICK McDONALD (POURSUITES EN VUE D'APPRÉHENDER DES SUSPECTS)

Resuming the adjourned debate on the motion for third reading of Bill 22, An Act in memory of Sergeant Rick McDonald to amend the Highway Traffic Act in respect of suspect apprehension pursuits / Projet de loi 22, Loi commémorant le sergent Rick McDonald et modifiant le Code de la route en ce qui concerne les poursuites en vue d'appréhender des suspects.

**Mr Peter Kormos (Niagara Centre):** I am pleased that the government House leader, in his own way, brought this back to the floor, because the Speaker will recall that I was speaking to this for about 20 minutes when I was interrupted by the adjournment. The Speaker will also recall that prior to that adjournment, there had been several interruptions suggesting—

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: Can we have a little bit of order in the House so that we can hear the debate?

**The Deputy Speaker (Mr Bert Johnson):** Order. Would you make yourselves comfortable in your own seat or else depart.

2140

**Mr Kormos:** Thank you kindly, Speaker.

Once again, I was interrupted at 6 o'clock because of the adjournment of the House that occurs necessarily then. I had indicated at the beginning of my comments that we support this legislation, that we are going to do everything we can to facilitate its passing promptly. I have told that to the Solicitor General several times since the point of introduction by way of first reading.

But the Speaker will also know that just prior to the House breaking for 6 o'clock I was interrupted a couple of times. I was surprised by some Liberal backbenchers, who would appear to want to suggest that somehow the Liberals have a right to debate this and speak to it but that the New Democrats don't. Well, I think this bill is important enough that I am going to spend the hour



allotted to me speaking to it and to matters related to it. I want you to understand this, Speaker—

**The Deputy Speaker:** Order. To the opposition House leader and whip, I can't have you standing between me and a speaker.

The Chair recognizes the member for Niagara Centre.

**Mr Kormos:** I think the Solicitor General would agree, because over the course of first reading, second reading, committee, and the parliamentary assistant speaking to this as well, it was acknowledged that this really wasn't, at the end of the day, the sort of thing that the province should have to be doing but that the province is compelled to do. The reason the province is compelled to bring in this legislation amending section 216, the fail-to-stop provisions of the HTA, is because the federal Liberals have been totally bankrupt when it comes to addressing those issues that concern our police forces and the safety of our communities. So when Mr Levac from Brant would stand up, as he did, just prior to 6, suggesting that I should stop speaking to this bill because somehow the Liberals wanted to be holier-than-thou and move it promptly, maybe Mr Levac, a Liberal—

**Mr Dave Levac (Brant):** On a point of order, Mr Speaker: I believe it is the custom of the House to be referred to by your riding.

**The Deputy Speaker:** It is. The member for Niagara Centre, the riding is Brant.

**Mr Kormos:** Dave Levac is the member for Brant. Thank you kindly, Speaker. I wanted to make sure his constituents knew who I was talking about.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs):** He doesn't want that.

**Mr Kormos:** I'm sure he doesn't want that, but I'm going to say it because I've got 35 more minutes. I wasn't going to address this facet of the bill, but quite frankly, the behaviour of the Liberal caucus during the debate before 6 o'clock with respect to this bill has prompted me to speak to this matter. Maybe the Liberal member for Brant, rather than opportunistically rising on points of order somehow suggesting that I shouldn't have a right to speak to this bill, should have explained why his Liberal federal government has abandoned the cops of this province and those citizens, cops who have been injured and killed in the course of high-speed chases and citizenry who have been maimed and slaughtered during the course of high-speed chases. Maybe the Liberal member would have wanted to speak to that. As I say, that wasn't an aspect of this legislation that particularly interested me until the member from Brant rose on his points of order to suggest that the New Democrats, by wanting to participate in this important discussion, were somehow at the same time delaying or obstructing the passage of the legislation. What horsefeathers.

Maybe the member from Elgin-Middlesex-London, Mr Peters—I refer to him by the name of his riding, Elgin-Middlesex-London, one Steve Peters, who similarly rose on points of order—you'll recall that; it wasn't that long ago—while I was speaking to this bill. They

will also know that I moved amendments to this bill. Where were the Liberal amendments? Where were the Liberal efforts to make this a better piece of legislation? Where was the Liberal debate to the essence of this bill and to the concerns that it addresses? They weren't there.

Maybe rather than those points of order, gentlemen, ill-advised as they were, you might have wanted to understand how this bill really should not have to be the subject matter of provincial legislation or of provincial debate. Quite frankly, it's sad that any meaningful legislation that deals with real penalties for people who take cops off on high-speed chases has to be under the Provincial Offences Act. It's regrettable. But the reality is that the province doesn't have the power to amend the Criminal Code. The province and we provincial legislatures, when we're imposing sanctions, as we are with this legislation, as imperfect as they might be—and I think everybody agrees with that—are restricted to the Highway Traffic Act and the provincial offences legislation.

The real responsibility here lies with the federal Liberal government and the federal Liberal counterparts of those two provincial members to stand up and show some political will and some commitment to the cops in the communities of this province.

You see, it's really only a matter of political will. The federal government recently passed, as I understand it, some tough new amendments regarding ill treatment of animals, and I support that. I think every member of this Legislature does.

*Interjection.*

**Mr Kormos:** And Dr Galt would support that. Dr Galt is an enthusiast. He's an advocate of humane treatment of animals. The federal government passed that legislation in seemingly short order. It was a matter of political will. Yet, as I understand it, and I've spoken to members of the McDonald family, that family has not only been lobbying the province here at Queen's Park and this Solicitor General, it's also been lobbying the federal government, the Liberals in Ottawa. At the end of the day, however imperfect this legislation is and however inappropriate—and I'll say it once again, Parliamentary Assistant, it really is and I think you'll agree—inappropriate that it should be mere provincial offences penalties that can be applied to people who lead police off on these dangerous, deadly high-speed chases. It should be Criminal Code legislation. The fact is, the Criminal Code amendments aren't part of the Criminal Code. It's a matter of political will.

So when the Liberals who preceded me wanted to somehow not only monopolize the debate but exclude the New Democrats from the debate, one would have thought that they would have been far more conscious of the failure of the federal Liberals and their own Liberal federal counterparts in their own ridings. I'm confident they have intimate relationships with their federal Liberal counterparts to stand up and be counted.

*Interjection.*

**Mr Kormos:** The same member for Brant is now heckling something about hearings. He's the one who

said there should be no more debate. He's arguing that the federal government has to have hearings before it can implement amendments to toughen up the penalties for drivers taking cops off on high-speed chases, yet he's the one, along with some of his colleagues, you'll recall a few moments ago, who wanted to shut down the debate in this Legislature, who didn't want to hear from the New Democrats.

I should also point this out. Liberal members spoke for some 40 minutes plus, and I invite people to read the Hansard of this afternoon and this evening and to see exactly how much of the Liberal debate was devoted to this legislation.

**2150**

I understand that there are times when one simply uses the floor to run off the clock. I understand that. I've done it. I do it reasonably well. But I tell you, when it's legislation like this that stands very much on its own, that speaks to a very pressing issue, I find it pathetic that the Liberals speaking to this prior to me and then making huge noises, trying to suggest that New Democrats were delaying this, spent 40 minutes speaking about everything but this. If there was anything that amounted to a delay in this Legislature this afternoon or this evening, it was the tactics of the member for Brant, that's one Mr Dave Levac, and the member for Elgin-Middlesex-London, that's one Mr Steve Peters. It's unfortunate that they felt compelled for whatever reason to engage in those types of tactics or strategies. It's unfortunate they felt compelled to engage in those sorts of tactics, to exploit the incredible tragedy of Sergeant McDonald's death at the hands of a criminal driver. Sergeant McDonald wasn't even engaged in a high-speed chase. Sergeant McDonald was laying down the spike belt. Sergeant McDonald was doing all the right things. Nonetheless, notwithstanding all of that, he was a victim of yet another driver who wouldn't stop, who not only wouldn't stop when the police summoned him to, but then sped off at a rate of speed that put any number of people in danger, and certainly in that instance Sergeant McDonald.

I think I've spoken enough about the unfortunate—

**Mr Steve Peters (Elgin-Middlesex-London):** We agree on that.

**Mr Kormos:**—the unfortunate tactics of some of my Liberal—

*Interjections.*

**Mr Kormos:** Whoa, please, my friends. I heard one of the Liberals say something yet again. It's so unfortunate, because perhaps the Liberals could have used more of the time allotted to them to speak about the failure of the federal Liberal government to address the matter of Christopher Stephenson's law, which will undergo second reading debate in relatively short order. Perhaps the Liberal members who wanted to interrupt me with points of order that they knew were there but to occupy the limited amount of time I have to address this issue, perhaps those same Liberal members—the member for Elgin-Middlesex-London, that is Steve Peters, isn't it?

**Mr Bisson:** I think so, yes.

**Mr Kormos:** I just want to make sure—and the member for Brant, Mr Dave Levac. One would have hoped that they would have used their time to explain why this provincial Legislature has to accept the responsibility to deal with a sexual predator registry in the very limited way that the province can, with its limited jurisdiction, when in fact the real solution, the real answer is for the federal Liberal government to move and ensure that there's a nationwide registry.

So you see, I suppose where I distinguish myself from those Liberal counterparts, or perhaps they may want to say they distinguish themselves from me, is that I've never been afraid to acknowledge when I thought my party had not performed to the standard I thought it should. I've never been afraid to acknowledge that. Unfortunately, when we have such serious problems of public safety and the ability of cops and courts to do the jobs the public expects of them, these same Liberals who wanted to interrupt my comments earlier were but apologists for the pathetic inadequacy and the pathetic incapability and, I'm committed to believing, the lack of political will on the part of the federal Liberal government and its members. You can't just blame the Prime Minister, because every one of those federal Liberal backbenchers has to accept responsibility.

Ontario, with 103 in the last government, now 101 in the most recently elected government, has been not just deafeningly silent but frighteningly incapable of speaking to these very important public issues. In fact, I've just—I suppose the word is “fortuitously”—come into possession of a copy of Hansard.

This is fortuitous. I believe in God and I believe from time to time God blesses us and I've just been blessed. In response to the announcement of the sex offender registry, when the Solicitor General made a ministerial announcement, my goodness, it says Mr Dave Levac, the member for Brant, said, “Finally, I would also suggest and respectfully ask of the government to stop the fed-bashing, to stop blaming the federal government for inaction.” If the shoe fits, wear it, and if you're going to be a Liberal today, if you're going to be a Liberal in Toronto, if you're going to be a Liberal back in Brant or back in Elgin-Middlesex-London, you've got to take the bad with the good, my Liberal friends.

Don't try to paint the lily. I understand now why these Liberal backbenchers would have wanted to interrupt my comments to the high-speed chase bill.

**Mr Ernie Parsons (Prince Edward-Hastings):** We'd like to again.

**Mr Kormos:** They indicate they'd like to again. How strange. How strange to have heard these Liberal backbenchers condemning this government in the last debate this evening, the one about Bill 25, the megacity legislation, talking about: “Oh, we need debate. We need committee. I agree.” They only agree when it's convenient to them. They only agree—

*Interjections.*

**Mr Kormos:** Well, the Liberals up here would only agree when it serves their very opportunistic and political

purposes. I can be as partisan as anybody here, I'm convinced of that. But please, when we're speaking to matters like Bill 22, when we're addressing, as I hope we will, Solicitor General, in short order the Christopher Stephenson bill—and I do want that to get second reading because I want committee hearings over the Christmas and spring break.

I think it's important and I'll speak to that further when I have a chance to speak on second reading debate when it's called. I think it's important for there to be hearings on the Christopher Stephenson bill, and I'll address that, I'll flesh that out. I spoke to it privately to you and to the parliamentary assistant.

When I was able to speak before 6 this afternoon, I talked about my disappointment that the government's members would not accept in committee the amendments I had proposed. I recalled—

*Interjection.*

**Mr Kormos:** Oh, my Liberal counterpart. You see, I have enough time, my Liberal friends, to deal with both the government and you over the course of the next 18 minutes.

*Interjection.*

**Mr Kormos:** Stop nurturing my anathema for the federal Liberal government. Here we are in the provincial Legislature, and I very much would prefer to keep things within the context of the provincial Legislature, but there are times, my Liberal friends, when you become so partisan about issues that don't warrant partisan debate that I feel compelled to remind you that you have some apologies to make to the public of Ontario.

**2200**

You recall, Solicitor General, that I talked about the amendments. Once again I'm trying to get back on to that track. I find it unfortunate that those amendments weren't acceptable. You know that one amendment was one which provided for the immediate impoundment of a vehicle that was involved in a high-speed chase, subject to a claimant's right to seek the vehicle's relief from that, so that it could then be confiscated as part of the penalty for a driver leading the police off on a high-speed chase. I appreciated that that got involved, a little more complicated, so I said OK—and, when that amendment didn't pass I presented you the second amendment. It was as straightforward and as simple as this: It said, look, you've given the judge or justice of the peace, because it can be both—and I don't share the same mistrust of justices of the peace that was expressed by some members of the committee. Some members of the committee said, "Oh, we've got to be careful because it's only justices of the peace who are going to be hearing this."

*Interjection.*

**Mr Kormos:** Well, some did. It's in the Hansard. I've got the Hansard right here. Yes, you. Do I want to remind the member which riding he's from? Do I have to? Tell me yes or no.

*Interjection.*

**Mr Kormos:** OK, I won't remind you which riding you're from, but you suggested that justices of the peace

somehow didn't have the capacity to deal with a penalty as onerous—well, you did; I've got the Hansard right here—as confiscation. The fact is that judges are going to be hearing these too, and the quality of justices of the peace in this province, I'm convinced, is higher than it ever has been historically. That's not to say we haven't had bad JPs in the past, but there's a consistent high quality to justices of the peace.

I ask the government to consider that second amendment saying, please, just give the sentencing judge, be it a justice of the peace or a provincial judge, the power to say, "OK, not only are you going to get fined, not only are you going to, if the case warrants it because it involves bodily harm or death, go to jail, but that vehicle you were driving, the vehicle you own, whether it's a 1952 Chevy or a 1999 BMW, she gone."

**Mr Bisson:** She gone?

**Mr Kormos:** That's right, forfeited to the Queen. Not the Queen really, but the province of Ontario, OK? I mean, she's got enough BMWs. She's got enough BMWs, Rolls Royces. But I'm talking about forfeiting it to the crown.

You talked about accountability, Solicitor General. You said you wanted increased accountability. That would also cover those cases where you lend a vehicle to somebody. As far as I'm concerned, we've got to up the ante for those sorts of scenarios. Quite frankly, when you lend a vehicle to a drunk driver who's under suspension, I believe the impoundment rules should apply to you as the lender of the vehicle as readily as they would to the driver of the vehicle had he been the owner, because people have got to start accepting responsibility. When you lend a vehicle to someone who takes police off on high-speed chases, I believe there's got to be some accountability. There are already provisions for that in the Highway Traffic Act; the concept of vicarious liability is not foreign to the Highway Traffic Act.

Nonetheless, for whatever reasons, those amendments weren't acceptable to the government. I was disappointed, but as I committed myself to, I supported the bill in any event, because the bill at the end of the day still tries to do the right thing. I'm sceptical about the increased fines, because at the end of the day there's going to be a whole lot of people who simply aren't going to pay them. Once you get down to jail sentences, OK, now you're starting to exact some penalties.

But it still begs a question, because what we need is tough Criminal Code legislation, tough Criminal Code amendments that put the boots to drivers, be they drivers of stolen cars, be they drivers of borrowed cars, be they drivers of their own cars, who take police off on high-speed chases. Quite frankly, I'm hard-pressed to distinguish between a high-speed chase that, for the grace of God, doesn't involve any injury as compared to one that does. It seems to me that we can't give an offender credit because the mere grace of God protected the public. Do you know what I'm saying? To the parliamentary assistant, I think you do, don't you? It's always struck me as peculiar. The fact is that at the end of the day the

crime is still the same, and it's only by good fortune or, as I say, the grace of God that somebody didn't get hurt or killed.

That then takes me to the broader issue—and you know I'm going to speak to you about this, because I think it's a very important part of this whole legislative endeavour around controlling or reducing the number of high-speed chases, making the streets safer for the public and for the police. We've raised this before and I'm going to raise it with you again. We've got to ensure that every police officer and some civilian personnel, those occupied in positions that would be relevant, have real, hands-on, high-speed-pursuit training. That's a given. That's an absolute. That's a must. We need those new guidelines. Not only do the guidelines have to be developed fairly, with full consultation of uniformed, rank-and-file, front-line police officers, but we've got to ensure that once those guidelines are established police officers have reasonable and adequate training about those guidelines: how to apply them, how to utilize them, what they mean.

Please, the government has to invest in new technologies that are available or will be available. Spike belts are available now to most police forces, as I understand it. But I've told you, Solicitor General, about my conversation with a police officer in Niagara, a long-time and experienced one, who showed me the spike belt located up in the lid of the trunk of his car but then indicated to me that he hadn't received any training about it whatsoever, not even video training. He confessed to me that it would take him a considerable amount of time to figure out how to unpack the spike belt from its package in the trunk of the car to get it out on the road in the event of a high-speed pursuit. That's unacceptable. What it does, quite frankly, is let the government get off the hook by saying, "Oh, we gave out spike belts," but you've got to give the training.

The training can't be one-time-only training. The training has to be training that recurs over the course of a police officer's career. Training can't just happen once when the police officer's a new recruit or a probationary police officer and then never again. It's got to be done on a regular basis. Does that cost money? Of course it costs money. Yes, it costs money. I understand that. But what price are you going to put on a cop's life? What price do you put on the life of a bystander, a pedestrian, who's injured in a high-speed chase?

The other issue that I think is incredibly important is for this government to start getting a little more proactive in the whole business of theft deterrent devices. Whether stolen cars are the number one high-speed chase, as it appears they are, or merely number two, the fact is, I'm convinced, that stolen cars are undoubtedly a big chunk of high-speed chases. I'm also told that manufacturer-installed anti-theft devices are a reasonably effective deterrent to theft, especially by an amateur. I acknowledge that professional car thieves, the ones who package up Mercedes Benzes and Lexuses, the sort of cars that government backbenchers have parked in the parking lot up here behind Queen's Park—the sort of professional

car thieves who load up the luxury cars to ship them off in containers to who knows where in the world, no theft device is going to stop those. But those aren't the sort of car thieves who tend to get involved in high-speed chases, you see. It's the young punks, be they drugged up or drunked up or just plain stupid. It's the amateurs, but thieves nonetheless, who take cops off on the high-speed chases.

#### 2210

One would have thought the insurance industry, which I'm no fan of and which has always been an industry with short arms and deep pockets, would have paid more attention to this. I don't understand why the insurance industry isn't getting more involved in developing the technology that should be discussed within this government, within this chamber, why they're not more involved in it. I could attribute it merely to their perpetual passion for simply gouging premium payers and making their profits that way.

I understand this government doesn't have the power to tell auto manufacturers what they include in a car by way of mandatory equipment. I just recalled: The federal government can. Perhaps when my Liberal counterparts were speaking to this legislation, rather than trying to short-circuit my right to speak to this, they might have addressed the role of the federal Liberal government in ensuring that every car sold in Canada has a factory-installed anti-theft device. I'm told that would go a long way to stopping those careless, reckless, stupid, joyriding types of car thefts which are a large number of those driven vehicles that take the cops off on the high-speed chases. Why aren't we stopping it? Why aren't we nipping this in the bud?

I put to the Solicitor General that the New Democrats, this caucus, will support any effort on his part or on the part of any of his cabinet colleagues to lean on the federal government, through the appropriate ministry, to ensure that every vehicle sold in Canada has a factory-installed anti-theft device.

Parliamentary Assistant, once again I asked you for some data. You told me that Ford cars have these anti-theft devices installed in them.

**Mr Parsons:** Why would you steal them?

**Mr Kormos:** I heard something that provokes me again. Somebody who condemns North American-made cars? Was it a Liberal backbencher who somehow condemned North American-made cars? I don't understand it. These guys are gluttons for punishment. They just don't get it. They're members of the provincial Legislature of the province of Ontario. You'd think they might be a little more supportive of our Canadian automobile manufacturing industry, the number one element of our economy here in the province. But I'll let their constituents judge for themselves, as I'm sure they will.

Solicitor General, please, we'll participate in any effort that acts as a preventative effort talking about anti-theft devices in cars. But at the same time, when we do it, let's also talk about ways it can be done so that the car manufacturers, whose workers I admire and respect but whose owners from time to time I have differences with,

understand it's not something that can be used to dramatically jump up the price of a car. It's something that, done on a large scale, can be a relatively low-cost preventative measure to high-speed chases.

I've talked to you many times, Solicitor General, about a helicopter for the city of Toronto. Why I say the city of Toronto is because Toronto is right here at the apex, I guess, if you turn it on its side, of the Golden Horseshoe and it would be a helicopter that would be accessible to Niagara region, all down through Halton, Oakville, all the way east into Durham. Is it an expensive proposition? I understand that getting a police helicopter purchased and up in the air—of course it's expensive, but if it can, as one commentator put it, find one lost child it will be money well spent. If it can be used effectively to control high-speed pursuits, it will be money well spent. If it can be used effectively in the detection of crime and in the apprehension of criminals and in the protection of community, it will be money well spent.

I say to you, as I end the brief period of time which I am allowed to speak to this, that I understand the goal of the legislation and I support it. I find it regrettable that it's but provincial legislation, because it really needs Criminal Code amendments. In the absence of those, I accept the fact that we have to act provincially: higher fines, the prospect of jail in cases of bodily harm and death, of course. Am I disappointed that you didn't include impoundment or confiscation as part of your penalty provisions? Yes, I am. I urge you not to abandon those entirely.

Please, use the Christmas and spring break as an opportunity. If you didn't like my amendments prepared by legislative counsel, use them as an opportunity to have legislative counsel prepare amendments that would provide for impoundment and confiscation that would make you happy. Introduce those and I'll support them as readily as I support this legislation and as readily as I moved those amendments before your committee.

Technology: Let's make sure we give the cops the resources they need to do their job. Let's make sure we engage in preventative measures, things like anti-theft devices. But at the end of the day, let's also make sure that those guidelines you talked about are developed fairly, openly and equitably, and that cops in this province are educated about those guidelines, after having had a chance to help develop them, that they have access to training in high-speed pursuits and that they have access to training in the utilization of the various technologies that have been developed and are in the course of development that will help them deal with high-speed pursuits.

I look forward to seeing you, Solicitor General, after the Christmas break and I look forward to the amendments that you will be bringing forward then, I hope, with great anticipation in response to these proposals.

**The Deputy Speaker:** Comments or questions?

**Mr Frank Mazzilli (London-Fanshawe):** I just want to start by advising the House that likely the McDonald family has been watching through this whole process.

They were here. Just so there is no confusion, the McDonald family does know that this bill is supported by all three parties in the House.

At the same time, there has been some very good discussion as to where it can go from here because, in memory of Sergeant Rick McDonald, this is something that really should never happen again. As the member for Niagara Centre said, these offences should be of a criminal nature. Dangerous driving is a criminal offence; fleeing from police should be a criminal offence. The federal Liberals have not dealt with that problem. Aside from being a criminal offence, there should be long-term criminal prohibitions and mandatory jail sentences, like in this legislation of 14 days, and that's only on a first offence. Those are the types of meaningful penalties that would be appropriate in these situations. The Solicitor General and our government have had to deal with setting these penalties for this type of offence because the federal Liberals have refused to act in any meaningful manner.

Our government is also investing \$102,000 in tire deflation devices to nine police services across the province, and there are presently three helicopter pilot projects in Ontario that hopefully will reduce police pursuits.

**2220**

**Mr John Gerretsen (Kingston and the Islands):** In this House over the last two to three weeks we've heard more attacks on the federal government than just about anything else. If the members want to attack the federal government, I would suggest that they run for the Reform Party in the next federal election. It's only about a year or two away. Each one of you, I'm sure, will do quite well in running for the Reform Party because you are all a bunch of Reformers anyway to start off with.

I've always said—I've been very consistent in this—that we do not have a Conservative government in this province. The Conservative government that was in power for 42 years had a sense of decency, a sense of honesty, a sense of compassion. That's what is totally lacking about this government.

When was the last time, Speaker, that you've heard any member on the government side talk about the plight of our fellow man, about the homeless, about people in need? Never. It's never mentioned. There's always talk about tax cuts, economics, global economy, and while all that is important, what's even more important is that we treat each and every one of us with a sense of decency and respect. You never, ever hear anything from the government about that.

Let me quickly go to the speech of the member from Niagara Centre. The member from Niagara Centre, with whom I usually agree, speaks about issues in a very passionate way. But for him to attack the member from Brant and the member from Middlesex, who are here to do the work for their constituents to the best of their knowledge, is totally and absolutely unfair. He too, even him, started to attack the federal government.

Why don't we deal with the provincial issues that we're elected to deal with in the House? We all know

that there are many problems in this province and they need to be dealt with.

**Ms Marilyn Churley (Broadview-Greenwood):** It's a pleasure for me to be able to respond to my colleague Mr Peter Kormos, who spoke of substance to the bill before us tonight, which is something we all needed to hear: that this should be an entirely non-partisan discussion.

The reason the member spoke deliberately about the Liberal participation in the debate this afternoon, and I was here to witness it, is that our time was curtailed, and then two of the Liberal members stood up after—what was it?—40 minutes on the clock and tried to shut down the debate when the member was talking of substance about this very important bill before us today—not once, but twice stood up and interrupted him just before 6 o'clock and called for unanimous consent for a vote. This was clearly designed to shut down the bit of time we had to discuss this issue today. If the member for Welland-Thorold stood up tonight and made comments about Liberals, they asked for it. Furthermore, I couldn't believe it, but they had the gall throughout his speech to keep going and going and provoking the member which, I put to you, Mr Speaker, is not a good idea to do.

I would suggest, if the Liberal members want to speak to this bill, that they talk about what they're going to do; instead of defending the federal Liberal government in Ottawa and telling the Tories to stop bashing them, that they suggest they'll use their friendship with their cousins in Ottawa to get them to do their duty and pass a law that would be much more effective than a provincial law would be.

**Mr Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to speak to this very important bill. I listened to the comments of the member from Niagara, and I've worked with the member on a number of committees and very much appreciate his input on the justice matters. He has very extensive knowledge.

I'd like to bring up a couple of points. I'll try to limit them to three.

First of all there were some comments in the bill, because of his past history, on the ability to bring in—

**Ms Shelley Martel (Nickel Belt):** What past history?

**Mr Ouellette:** Well, as a lawyer.

**Mr Kormos:** Sounded like a smear.

**Mr Ouellette:** No. It's more a matter of, what if legislation was in place dealing with the fact that for every minute there were two years less a day? I did a bit of research on the fact that the province only allocates two years less a day, and my finding is that the only reason we have two years less a day for provincial matters is because it's kind of an understanding. There's nothing in writing that says that it can't be more or less than that. I'm asking for the member to find that out, because I've done quite a bit of research and that's the best I can find out prior to coming forward.

In another area, for example, there are a number of states that currently provide chase training, and I know the province is currently reviewing what's going to be the

best opportunity for our province in this chase training. I know that we're looking at sending down individuals from various forces to provide training for the trainer in the chase opportunities, to make sure that the individuals are upgraded and that on their own forces they have individuals to deal with that.

Third is the use of choppers. I think the technology is great. Our officers need—I'm in agreement with the member there—the best materials they have available. However, with the chopper in the region of Durham, if the chopper is wrongly located, considering the length of time that a chase takes place, most of the time it's not readily available. Sometimes I wonder if the dollars spent on a chopper could be spent wisely elsewhere.

**The Deputy Speaker:** The member for Niagara Centre has two minutes to respond.

**Mr Kormos:** The discussion during the course of these two-minute responses illustrates part of the problem. You're raising issues, and I can see it here; I am too.

Look, let's be talking to the cops about these things; let's not try to second-guess the cops when it comes to how they should be out there doing their job. They're in the best position to tell us. So let's not sit here, isolated from the real world, especially from the real world of policing, and tell cops, "This is the way it should be done." Let's talk to those cops first. Let's talk to them in a casual way, in an informal way but also in an organized way through the course of a process like committees, like broad-based committees.

Let's also understand that the police did have things to say about high-speed-chase legislation. The police did call out for impoundment or confiscation to be a part of it, to be a part of the penalty provisions. The government saw its way clear to do that when it came to driving under suspension, when the suspension flows from a Criminal Code conviction like drunk driving, but it couldn't see its way clear to respond—I mean, I want to tell you, I didn't dream up the idea of impoundment or confiscation. I took my direction from our cops, from the Police Association of Ontario. I thought it was a good idea that impoundment and confiscation be part of the penalty provisions. I thought the cops had it dead-on.

Let's stop, in our isolated Pink Palace here, doing things without consultation. Police officers gave you their views about the appropriate penalties. They included confiscation and impoundment with respect to high-speed chases. For whatever reason, the government didn't follow it. Please, government, let's not make that mistake again.

**The Deputy Speaker:** Further debate?

**Mr Parsons:** It's a pleasure to rise and speak to this bill. Every time I'm back in my riding during the week, people say to me, "Is it hard to rise in the House and speak?" It's actually quite the opposite. It's hard at times to sit and not speak, because it's been an interesting experience to this stage and a very good experience, and I have a great deal of admiration for people who have come to the House for this. But there are some things that I find very frustrating.

Perhaps the most frustrating thing is the statement over and over that no matter what the problem, no matter what the issue, it's the federal government's fault. I struggle, hearing time after time that anything this government has done wrong is the federal government's fault. There is not a government in this province in the sense that I get at times.

Every government, no matter what background or what calling, does some things very well and does some things not well. I think it speaks volumes to the character of a government that is able to say: "We haven't done this well. We're going to change it. We're going to fix it. We're going to make it better."

**2230**

We've heard statements from the other side that they're not the government, that they've come here to fix the government. You need to get at it quickly. It needs fixing. I am perplexed that when the government in Ottawa makes some very tough decisions to balance the budget, that's very bad, but when the government here makes some tough decisions alleging they're going to balance the budget, that's very good. I think it's time we grew up and focused on this Legislature in this province and on what we can do with what we've been given.

This bill is an example of what I think is an extremely well-intentioned bill. We seem to see more and more in the media and be made aware of police chases. I know I'm absolutely safe in saying that there's no one in this House who doesn't want to see police chases stopped. The argument may be over how far to go and what to do about it. I have a question myself and I've not been able to find the answer. We have fines and penalties in place now. How often are they invoked? What is the average fine? I can't recall seeing in the paper the maximum fine levied against anyone for speeding away from a police officer at this stage. If we're not enforcing the current law—I hope we are but I haven't been able to find it—then a new law that increases those penalties doesn't have a lot of meaning unless it is also going to be enforced.

I not only hope that this Legislature passes the increased fines and the loss of the licence and so forth, but I also hope that the court system follows by invoking the appropriate penalties.

I have a concern that there seem to be more and more police chases. An analogy I think about is that I was very pleased to see on the weekend that a school board out west has caused one of the cable television networks to stop putting wrestling shows on immediately after school hours. They concluded that these TV shows had an influence on young people. They were showing up at school making some of the gestures and saying some of the things they had seen on TV. Clearly the television show was influencing young people.

By the same token, certainly in my community, every Saturday night for an hour is a cop show that consists predominantly of police chases. I have a concern that in a sense that perhaps glorifies it, in that other young people, and unfortunately many of the police chases seem to be started and committed by young people, see it on

television and view that as a very exciting thing. There are far too many cases of copycat actions in this world. I would even suggest that there may be an advantage in not publicizing these supposedly exciting but in fact potentially very tragic police chases on the TV. I think we could help to cut into the difficulty and into the number of occurrences by not giving the publicity to such reckless acts that we currently do.

I can understand the statement from the NDP about stolen cars because I concur. It seems that the vast majority of these police chases are being undertaken by stolen cars. There is the suggestion that there be anti-theft devices in the cars. I'm from the Stirling community where there are still people who leave keys in their cars at night, but I understand more and more as I live in Toronto that if you want to keep it, you lock it.

When we purchased our last vehicle, the insurance company's question to me was, "Do you have an anti-theft device in it?" and I was pleased to say, "Yes, I do." Then I followed it up by that mercenary question, "Does that get me a discount on my car insurance?" and the response was, "No, but it is very wise of you to have the anti-theft device in it."

I would suggest that the installation of anti-theft devices should be rewarded by insurance companies. Surely it has to save them money on payouts and surely it must make it more difficult for cars to be stolen, which by definition has to reduce the possibility of these police chases.

I think there are other technology answers available. I watch with interest things on TV that help the police locate stolen cars through interconnection with satellites. That's something to be investigated.

I think about the tragic death of Sergeant McDonald and about the act he was doing, which was to put a spike belt across the highway to attempt to stop a car. In a world and in a society where we can place people on the moon, surely we can come up with better technology to stop a car than someone having to manually stand in front of it. I have great admiration, it was a selfless act on the part of Sergeant McDonald to do it, but surely we have an obligation to make sure that no other police officer has to stand in front of a speeding car and spread a spike belt. There simply has to be a better way to stop automobiles than that. We have the technology to do so many wonderful things. That can't be out of reach for automobile manufacturers. Again, that sort of invention, while adding to the cost of a car, should be reflected in lower car insurance premiums.

I watched with interest as they were debating the use of police helicopters in the Metro area, and yet the police officers I have talked to say that these police chases often tend to be of such short duration that a helicopter is not a suitable device to help with the police chases unless it happens to be up there in the air at the time that it happens. It's worth investigating, but there have got to be simpler and cheaper ways to stop stolen cars.

We need education for our young people. They're getting educated from watching TV. They need to be

aware in schools—I'm thinking of secondary schools—of the terrible effects these police chases have: if they could see not just the glamorous side of the speeding car, with the police cars and their lights behind them, but to read or to have on videotape some of the victim impact statements of the terrible price paid by their family and by the community when these reckless actions take place.

I think the bill is correct in that I could not personally support the forfeiture of an automobile. It sounds like an easy answer, but if we discount the number of cases that involve stolen cars, which are the majority, and then we look at the cases where a parent has simply allowed a son or daughter to have the car for the evening, what a terrible price they would pay to have the car forfeited. For the person who committed the offence to lose their licence or to have a fine, that's fair, but my community is predominantly rural, and the car is not a luxury in my community.

It's perhaps a little bit off topic—that never seems to be a problem in this House—but I receive no end of letters from my constituents over the cost of gasoline, the impact on people who are on minimum wage or on fixed incomes—

**Mr James J. Bradley (St Catharines):** Bill 16.

**Mr Parsons:** Perhaps we can have unanimous consent later this evening to proceed with Bill 16—letters from senior citizens in my community who have to drive perhaps to Kingston for their medical service because of the specialty or the particular type of illness or the operation they require, and they now find the cost of gasoline a major issue for them to address.

A car is simply a way of life, and as we bring in rules and increase the cost of gasoline or of services for automobiles—I've even had mention of the impact of the Drive Clean program on senior citizens on limited incomes. But we in the rural community require a car, and if a parent allows a child to drive and the child does an irresponsible act, I'm a firm believer that there shouldn't be other victims added: the parents. The child or whoever borrowed the car should pay the price, but not the person who innocently loaned the automobile.

This bill is a great start. I'm pleased to vote for it and I'm pleased to recognize that the government is moving forward to address a situation that the rest of the province has clearly identified, knowing that there is more to it. I hope there is strict enforcement. I hope that somewhere in all of this wonderful money we're getting out of the increased revenues they keep telling us about there is encouragement from the government, and maybe we can provide some incentives to automobile manufacturers, maybe we can provide some incentives to universities to invent devices that will enable the police to have better technology to stop the car.

I think it's time we move on, pass this bill and make our streets safer.

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**The Deputy Speaker:** Comments or questions? Further debate?

**Ms Martel:** It's a pleasure for me to participate in the debate this evening. In the time I have I want to focus on an amendment that was placed to this bill in committee last week, both to let the public know what it entails and the reasons, which I think were very silly, for the government turning it down.

Let me begin by saying that of course we have supported this bill from the outset, from the day the minister, the Solicitor General, introduced it in this House and we continue to support it even now. The reason we wanted it into committee and the reason amendments were placed was because we thought we could make this bill better. I still believe that and I regret that the parliamentary assistant in committee would not support the amendments that were placed by my colleague from Niagara Centre.

For the public who were not able to watch the committee process or who haven't been able to read what happened in committee last week, it's worth while putting forward some of the brief details of the amendment so people will understand how simply it could have been put into effect and how very much it complements the penalty provisions already included in the bill.

The amendment to section 216 of the Highway Traffic Act would have permitted impoundment of a vehicle. It says very clearly, "Where a police officer or officer appointed for carrying out the provisions of this act is satisfied that the driver of a motor vehicle has contravened subsection (1), the officer shall impound the vehicle." Of course, that is in the case where someone has been fleeing police.

Why do we want the vehicle impounded? Why did we move the amendment? Because we believe that impoundment complements this act. It promotes public safety and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. Indeed, it acts as a further deterrent over the financial penalties, over the potential imprisonment, to really seriously deter people who would otherwise engage in high-speed police chases.

Under the amendment it was very clear that there would be no impoundment of a vehicle, under this section, if the vehicle was stolen from its lawful owner at the time of the offence. It was not our intention then nor is it our intention now, as we talk about this amendment, to ever cause undue hardship to anyone whose vehicle was stolen and whose vehicle was then involved in a high-speed police chase. The provisions in the bill to allow for that owner of that vehicle to get the car back were very straightforward, very simple.

As a matter of fact, there was a section with respect to the impoundment that allowed 30 days for that individual, if the car was stolen, to go before the superior court of justice, within the 30-day period, to request the release of the impoundment.

There were a number of grounds for release that were articulated in the amendment very specifically: "(a) that the motor vehicle was stolen at the time in respect of which it was impounded;"—clearly that is a ground for release—"(b) that the driver of the motor vehicle at the



time in respect of which the vehicle was impounded did not contravene subsection (1); (c) that the owner of the motor vehicle exercised due diligence in attempting to prevent any contravention of subsection (1) by the driver of the motor vehicle at the time in respect of which the vehicle was impounded; or (d) that the forfeiture of that motor vehicle will result in exceptional hardship.”

The only exception we had was in the case where someone, a same owner had already had their vehicle forfeited to the crown under this same section. Again, no case for hardship under that circumstance. Clearly it was demonstrated in the amendment that if any of these tests were met then the vehicle would be released.

The process was very straightforward. The process was very simple. It's a process that is not uncommon in terms of vehicles that are already impounded in the case of drunk drivers, because those vehicles are impounded now. We were not talking about something that doesn't happen already in the province.

I was disturbed by the decision of the Conservative caucus not to support the amendment. It seems to me it makes eminent good sense that we provide protections for people who have their vehicles stolen, or who try very hard to stop someone they might be in the car with from fleeing from police, and their ability to go and get their car back was also straightforward and set out very clearly in the legislation. Unfortunately, the parliamentary assistant really voted against this bill on two grounds. The first was this, and I'm quoting from page 14 of Hansard from the justice committee:

“It also causes enormous difficulties for police departments because at some point you seize a vehicle and, like everything else you seize, you have to keep track of it in a bureaucratic process. I can tell you that at some point vehicles do get lost in the shuffle, and tow charges build up, enormous tow charges, because someone has forgotten about making a release order on a vehicle at some point.”

What a silly reason, stupid reason, to vote against the amendments, as if all police officers are somehow incompetent and are going to lose vehicles that have been impounded. It's a simple process: The police officer stops a vehicle, makes the arrest, calls the tow truck company, and they take it away. It's not going to get lost. That just doesn't happen. I don't know of any circumstance where the car went missing. I thought that was just a ridiculous reason to vote against this amendment.

The second reason the government gave was that in a vast majority of police pursuits it's not the registered owner of that vehicle who is fleeing from the police: Either the vehicle is borrowed or it was stolen. We understand that, and that is why we said very clearly in the amendment under the grounds for release that if the vehicle had been stolen, the owner of that vehicle under whose name it was registered would come before the Court of Appeal and would make that case clear, and of course it would be released. Of course the crown would not request that the vehicle be forfeited under those circumstances.

Those were the two reasons that the parliamentary assistant gave in terms of voting against this, and I just can't clearly understand this. First he makes an insinuation frankly that police are incompetent and they're going to lose cars, and I just don't believe that's the case. Second, we already know that stolen cars are impounded now. This is not a process that's new; this is a process that happens now when police stop people who are driving stolen cars. They are impounded, the car is taken away to the pound, and the owner has to go and collect that. We're not talking about anything new.

The other point that I want to make is we made it clear what the grounds for release were to protect those people who ran up against the situation where their vehicle had been stolen. They are not the people we're after, and I think the parliamentary assistant knows that, and so does the government.

We saw the impoundment provision as a deterrent, just like the fine that the government puts in its penalty provisions, just like the imprisonment that the government puts in the penalty provisions of the bill. Clearly, the impoundment provision can only be seen in association with those other penalty provisions. It doesn't take away from what you are trying to do; it adds to it. It sends a clear message to those people who would be stupid enough to try and flee police, that in addition to a financial penalty, in addition to possible imprisonment, they're going to lose their asset, whether that car be worth \$3,500 or \$35,000. That's the risk they run if they want to be dumb enough to flee the police and put the police at risk and put other citizens or other members of the public at risk as well. So it can only be seen as an addition to, complementary of, the penalty provisions that already appear.

What is regrettable is that I really feel strongly that the only reason the parliamentary assistant was instructed to, or on his own decided to, vote against this amendment in committee was that it was put forward by an opposition member. That's really regrettable, but I think that's what happened. It's even more regrettable because my colleague from Niagara South, who shared the amendment with the government, who made it clear in the debate on second reading that he was going to move it, would have been perfectly happy if the government itself, through the committee process, moved this amendment, brought it forward, made it an addition to the bill.

The government, for some reason that I cannot explain, did not want to do that, and I can only assume that it had to do with the fact that the idea came from the NDP, and because of that they weren't interested in following it up. The unfortunate reality is that the idea originally did come from the police, and if we were truly listening to the police with respect to how we could have made this bill stronger, we would have moved that amendment forward, because that's exactly what the amendment would have done. It would have toughened up those penalty provisions. It would have served as a very real and a very serious deterrent to any member of the public who wanted to engage the police in a high-speed chase.

In conclusion, I say to the government, particularly to the parliamentary assistant who is here, I regret that you couldn't find your way to supporting an amendment that the police would have supported, that would have made this bill stronger. Of course we are going to support the bill in the end, but I hope you will take the time to go back and look at this again seriously and move it forward the next time that we sit.

**The Deputy Speaker:** Further debate?

Mr Tsubouchi has moved third reading of Bill 22, An Act in memory of Sergeant Rick McDonald to amend the Highway Traffic Act in respect of suspect apprehension pursuits.

Is it the pleasure of the House that the motion carry? It is carried.

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

**The Deputy Speaker:** The Chair recognizes the chief government whip and deputy House leader.

**Hon Frank Klees (Minister without Portfolio):** Mr Speaker, I move adjournment of the House.

**The Deputy Speaker:** All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. I declare the motion carried.

It being nearly 11 o'clock, this House stands adjourned until 1:30 tomorrow.

*The House adjourned at 2252.*

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